

Public Document Pack



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

Town House,
ABERDEEN 10 December 2019

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)** are requested to meet on **WEDNESDAY, 18 DECEMBER 2019. MEMBERS WILL MEET IN THE TOWN HOUSE RECEPTION AT 09.30AM AND WILL GO ON THE SITE VISITS BEFORE RETURNING TO THE TOWN HOUSE. THE MEETING WILL THEN TAKE PLACE IN COMMITTEE ROOM 2.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

MOTION AGAINST OFFICER RECOMMENDATION

- 1 Procedural Note (Pages 3 - 4)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2 Planning Permission in Principle - Residential led development comprising approximately 258 residential flats set over between 4 and 7 stories, 616 sq.m of class 1 (retail) riverside park/open space and associated infrastructure - South Esplanade West Aberdeen (Pages 5 - 38)

Planning Reference – 181702

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: Matthew Easton

- 3 Detailed Planning Permission for erection of 65-bed care home over 2, 3 and 4 storeys with associated landscaping, car parking and infrastructure - Marcliffe at Pitfodels Aberdeen (Pages 39 - 58)

Planning Reference – 191074

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: Gavin Clark

- 4 Detailed Planning Permission - sub-division of existing ground floor flat into 2 flats including conversion and alterations of existing garage to form living space, car parking and associated works - Northcote House, Northcote Road Aberdeen (Pages 59 - 76)

Planning Reference – 191574

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: Alex Ferguson

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

Website Address: www.aberdeencity.gov.uk

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

MOTIONS AGAINST RECOMMENDATION

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

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

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

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

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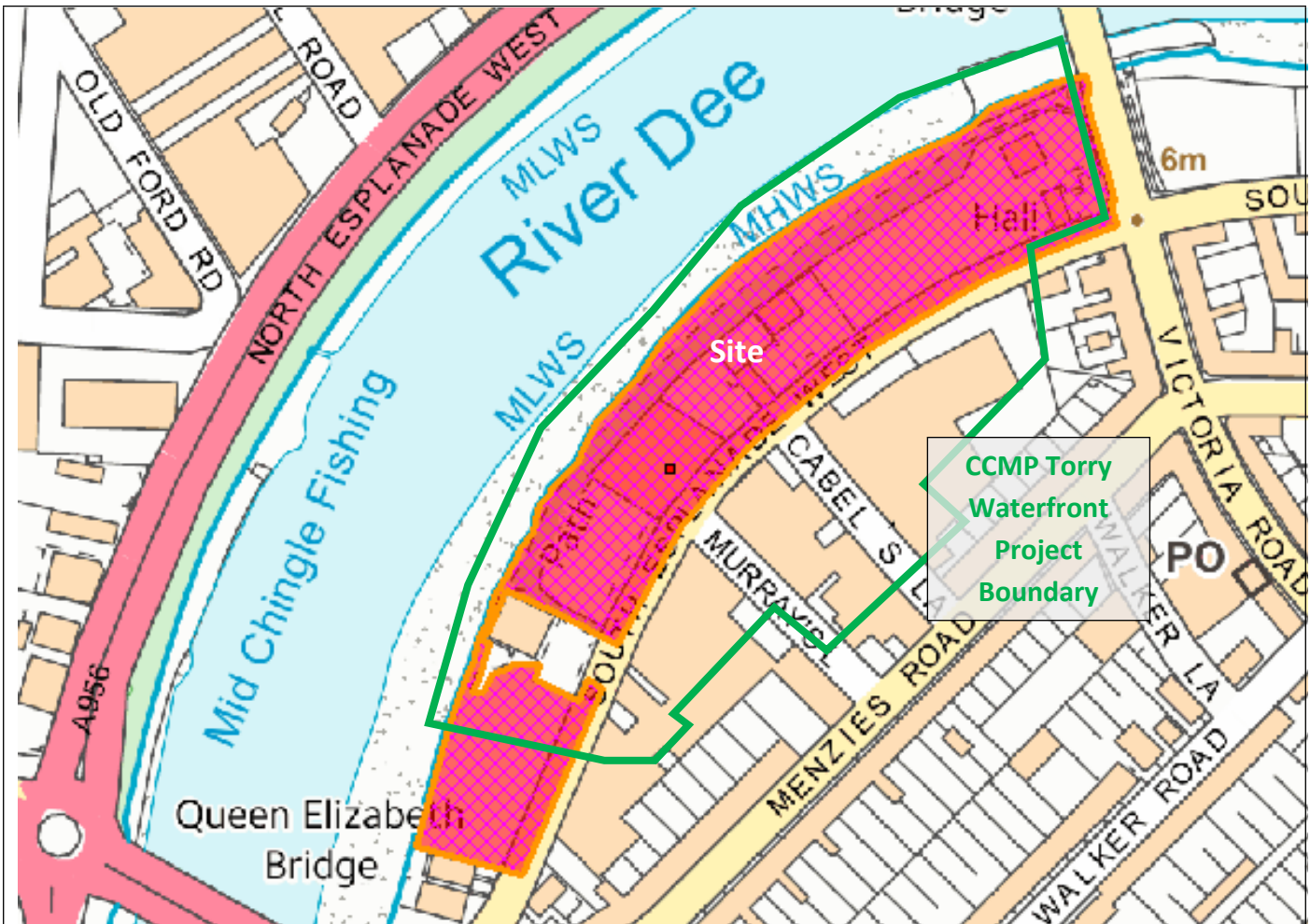


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 5th December 2019

| | |
|---------------------------------|---|
| Site Address: | South Esplanade West, Aberdeen, AB11 9FJ |
| Application Description: | Residential led development comprising approximately 258 residential flats set over between 4 and 7 stories, 616 sq.m of class 1 (Retail) riverside park/open space and associated infrastructure |
| Application Ref: | 181702/PPP |
| Application Type | Planning Permission in Principle |
| Application Date: | 28 September 2018 |
| Applicant: | Aberdeen Harbour Board |
| Ward: | Torry/Ferryhill |
| Community Council: | Torry |
| Case Officer: | Daniel Lewis |



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RECOMMENDATION

Willingness to approve subject to conditions and securing a legal agreement to deliver affordable housing and developer obligations towards community facilities, sports and recreation, open space and healthcare.

APPLICATION BACKGROUND

Site Description

The application site incorporates land on the north side of South Esplanade West in Torry, situated immediately adjacent to the River Dee, between the Victoria Bridge at its north end and the play park and rowing club premises near the Queen Elizabeth Bridge (A956) at its south end.

It is owned by Aberdeen Harbour Board and features several industrial and commercial premises including a crane depot, petrol filling station, warehouse, mission hall, vacant and hot food takeaway facing onto Victoria Road. Between this developed area and the high tide mark of the river is a public footpath set within riverside vegetation, with a belt of trees separating it from the developed area.

- The River Dee is designated as a Special Area of Conservation and as a Local Nature Conservation Area.
- The Victoria Bridge is a B-listed structure and located at the east end of the site, although out with it.
- The proposed site lies between two Air Quality Management Areas (AQMA).

Relevant Planning History

- A proposal of application notice (180297/PAN) for the proposed development was submitted in March 2018.
- In May 2018 an environmental impact assessment ('EIA') screening opinion request (180589/ESC) was submitted. The planning authority confirmed that an environmental impact assessment would not be required.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for a residential led development comprising approximately 258 flats and 618 sq.m of class 1 (retail) space.

Although an application for planning permission in principle, indicative details have been submitted to demonstrate that the level of development proposed could be accommodated on the site. The indicative plans have been amended since submission and show the following.

- Eight generally rectangular blocks, sitting at right angles to the river and South Esplanade West. They would contain 258 flats, which can be broken down into 90 one-bedroom, 129 two-bedroom, 32 three-bedroom and 7 four-bedroom flats.

- The blocks would be between four and five storeys tall on the South Esplanade West side of the development and between five and eight storeys on the riverside.
- The block facing Victoria Road would contain around 503 sq.m of commercial floor space at ground level whereas one of the middle blocks, adjoining the central public square would contain 113 sq.m, also at ground floor.
- A central area of public space (public square) between the middle blocks, with “jumping off” space set aside for a pedestrian bridge over the river should this ever come to fruition.
- 110 parking spaces would be provided in parking courts between the blocks. This figure would include seven accessible spaces and two car club spaces. 258 cycle parking spaces would be provided in internal cycle stores and seven motorcycle spaces within the car parks.
- Retention and enhancement of the green space and trees between the existing developed area and edge of the high tidemark. Connections into the existing path would be provided with the existing path improved to enhance access.
- Retention of the play park and Aberdeen Boat Club boathouse.

Details such as the appearance of buildings and detailed landscaping would be agreed through applications for matters specified in conditions.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFPLBNBZH0E00>

- Design and Access Statement
- Drainage Assessment
- Environmental Survey
- Flood Risk Assessment and Addendum
- Noise Impact Assessment
- Pre-application Consultation Report
- Phase 1 Geo-Environmental Site Assessment
- Transport Assessment
- Tree Survey

Reason for referral to Committee

The application has been referred to the Planning Development Management Committee because the application constitutes a Major Development and because six letters of representation have been submitted objecting to the application.

CONSULTATIONS

ACC - Developer Obligations – Developer obligations are sought for community facilities, sports and recreation, open space and healthcare. (see the evaluation section of this report for a details breakdown)

ACC - Environmental Health – The outcome of the noise impact assessment in relation to the likelihood of achieving acceptable internal noise levels for the flats through application of appropriate mitigation measures is accepted. The Team considers the noise impacts for the development would be acceptable subject to the imposition of a condition that ensures the submission and approval of a scheme for an enhanced glazing specification and ventilation system for the windows of the affected flats and the subsequent implementation of such a scheme prior to first occupation.

In relation to air quality, it is understood that the number of parking spaces has been reduced to around 110 and the conclusions of the transport appraisal appear reasonable. On that basis it is accepted that a further air quality impact assessment would not be necessary

ACC - Structures, Flooding and Coastal Engineering – The flood risk assessment and addendum have been reviewed. No flooding records during Storm Frank (during 2015) of the east side of River Dee or the proposed site are held. Although the proposed finished floor level is acceptable, it is suggested consideration is given to a 1,000mm freeboard.

ACC - Roads Development Management Team – The Roads memorandum can be summarised as follows:

Walking and cycling

- Parking court accesses should be footway crossings so there is a consistent footway along the site frontage that gives pedestrians priority.
- Details of road geometry, parking, dimensions etc should be conditioned for the detailed application stage.
- Appropriate pedestrian crossing facilities at the eastern end of South Esplanade West, provide safe routes towards the City Centre and the centre of Torry. South Esplanade West forms part of the National Cycle Network Route 1 connecting to designated cycle routes to other parts of the City.

As such the site is well served for pedestrians and cyclists.

Public Transport

- There are numerous/frequent public transport links along the neighbouring streets (Victoria Road, Menzies Road) which provide links into the City Centre and the wider City
- Financial contributions should be secured to bring bus stops on Menzies Road up to standard and possible improvements to the most direct routes to these facilities up Cabel's and Murray's Lane that are currently not particularly desirable for pedestrians

Parking

- The ACC parking standard for this area of the City is 1.5 spaces per flat or 0.8 for affordable/rented accommodation.
- 110 parking spaces are proposed achieving a ratio of 0.43 per flat ie. well below the standard. However, the site sits marginally outside the city centre within which parking standards can be reduced for new developments
- Limiting car parking can have positive and negative effects. It may encourage modal shift away from car ownership towards sustainable transport which is highly desirable and aid in reducing carbon emissions. Conversely the site is not in a controlled parking zone and, if this reduction in car ownership does not occur, the potential for indiscriminate parking is high. The Traffic Management Team confirm that the area is highly congested with limited scope for additional parking demand to be catered for on street. Alternative parking provision such as under-croft parking/standalone parking structure could be explored.

- The car club spaces are welcomed although this typically compensates for secondary car ownership (at a ratio of 1:17) rather than primary car ownership
- The large overprovision of cycle parking spaces will aid in the shortfall of parking spaces but a significant overprovision in one mode does not directly mitigate a shortfall in another mode
- Adequate motorcycle parking is proposed
- Electric vehicle charging points should be provided
- Given the PPIp nature of this application, no definite conclusion on parking provision is required. It is sufficient to say that a solution is achievable. The detailed matters specified application stage should be conditioned to include a comprehensive parking survey, robust justification of shortfall in parking etc.

Development Vehicle Access/Construction Consent

- Six vehicular access points are proposed into parking courts. As this road is currently industrial in nature, the junction spacing requirements are more onerous than a residential street and currently do not adhere to ACC standards presenting a safety concern. This will require to be addressed as part of a detailed application, but access and internal roads / parking arrangements can be conditioned at this stage.
- There is a long-term vision for this area of the city to transition to residential use but until this happens, there will be a degree of conflict between residential use and the movements, loading and operation of HGV's / commercial vehicles associated with the existing industrial uses. As such, the applicant will be required to provide robust design mitigations at the detailed application stage to warrant siting a residential use so close to an industrial area. It should be conditioned that all accesses and internal roads, safe routes to school assessments, upgrades / infrastructure required are to be agreed at the detailed matters specified by condition stage.

Local Road Network

- Junctions within the vicinity will still operate to acceptable levels and no mitigation measures are required but a condition should ensure that this is still the case at the detailed application stage

Travel Plan Framework (Residential Travel Pack)

- This should be conditioned to be provided at the detailed application stage

Safe routes to school

- The industrial nature of South Esplanade incurs safety concerns for pupils navigating industrial operations when following the most direct routes to and from school.
- A condition should require a matters specified in conditions application to provide a robust solution to ensuring a safe, convenient route to school for primary and secondary aged children.

Drainage

- A Drainage Impact assessment should be conditioned

Conclusion

As this area is in a process of transition, there requires to be a degree of flexibility from a Roads perspective - balancing the benefits of an accessible location against potential issues.

Anomalously, the site is included within the City Centre Masterplan but located in the outer city boundary as per ACC supplementary guidance. The zoning is arbitrary, this site is closer to the city centre than many other sites within the inner city. Zoning and parking standards are under review with the aim to reduce car ownership. That said, when this site is measured strictly against the current standards, there is a significant shortfall of parking.

It is acknowledged, and supported by the Roads Teams, that there is a push to move the city towards being greener, and towards having less reliance on personal car use, to which this site has several beneficial facets – such as the significant cycle parking provision, proximity to frequent public transport links, walkable distance to city centre and both bus/train station interchanges.

However, providing parking at such a level below the parking standard in an area that is not subject to controlled parking and heavily congested could result in increased parking pressures on surrounding streets, impacting on existing residents.

As this would be the first phase in implementing the City Centre Masterplan, initially the proposed large residential site with 6 accesses conflicts with the existing industrial nature of South Esplanade Road. This road is currently used by HGV's and various loading/unloading of commercial vehicles which will have both safety and traffic management implications in a semi-residential setting.

This application is quite unusual in that the applicant has provided a greater level of detail than would be expected for a Planning Permission in Principle (PPiP) which in turn has incurred queries and questions that have not yet been fully addressed. In acknowledging that this is a PPiP application, there is therefore scope to attach various conditions in order for engineering solutions to the concerns raised be addressed at such time of a future matters specified by condition application.

In summary, there is a certain level of concern to this application, however should adequate conditions be attached to any approval then Roads Development Management would have no further observations.

ACC - City Growth Team – The proposal contributes to the City Centre Masterplan (CCMP) vision to develop an urban neighbourhood at the Torry Waterfront (South Dee), Project CM03. In particular, the CCMP identifies potential redevelopment opportunities to create a new riverside district with connections to the commercial precinct at North Dee.

The proposal would deliver 258 new flats in the city. As a result, the applicant has provided information on the cost of construction, the number of residential properties and commercial floorspace

1. Construction of the scheme is estimated to cost £29m and could take up to three years. Based on a cost per construction job figure from ONS Annual Business Survey this could generate 170 direct, indirect and induced temporary jobs over a three-year period.
2. The total amount of resident expenditure generated by the scheme could be in excess of £5m per annum with an associated 68 supported jobs. However, the amount of new resident expenditure is dependent upon assumptions of the number of new residents to the city that move to the flats, which is uncertain. The recent decline in population, the emigration trends away from the city and the evidence of over-supply of certain properties in the city centre may mean that new resident expenditure is likely to be a fraction of the total amount of resident expenditure. As an illustration, if 50% of residents of the proposed development were new to the city then this could generate around £2.5m new resident spend per annum with an associated 34 supported jobs.
3. The potential benefits of the retail offering are less clear but based on the commercial floorspace of 616 square metres alone this could generate an additional £1m GVA per annum.

ACC - Waste Strategy Team – Bins would be emptied from the kerbside of South Esplanade West and collection vehicles will not enter the car park. All bin stores must be 10m or less from the kerbside.

At this stage it is not possible to comment whether or not the bin stores will be sufficient for the bins required.

Archaeology Service (Aberdeenshire Council) – Historical mapping for the site has been reviewed and it would appear that the majority of it was either subject to the original course of the River Dee or early 20th Century landscaping. As such surviving archaeological remains are unlikely.

However, one building which will be directly impacted upon by the development is the former Mission Hall (featuring in the ACC Sites and Monuments Record) and as such it is recommended that a condition is applied requiring a standard building survey to be carried out.

Dee District Salmon Fishery Board – No objection if the development is undertaken in accordance with all legal pollution prevention requirements and guidance.

Scottish Environment Protection Agency –

SEPA have reviewed the submitted flood risk assessment (FRA). It is considered the Storm Frank event during 2015 to be in the region of a 1 in 200-year return period, so the FRA may be underestimating the peak flow and SEPA do not agree with the design flows shown in the FRA. However, SEPA do not hold any information to indicate that the site was impacted during Storm Frank, and so it seems likely that there would be developable land within the site that is out-with the functional floodplain. The FRA considers that the dominant risk to the site is from coastal sources but due to the location of the site, and the mouth of the River Dee no further coastal assessment was considered required.

Although there may be some uncertainties in the flood levels provided in the FRA, from review of the indicative site layout it appears that all built development will be above 3.92m AOD which is higher than both the fluvial and coastal flood levels and could be an acceptable design level for the development. It is therefore requested that it is secured by condition that no built development or land-raising takes place on ground below 3.92m AOD.

The FRA recommends a 600mm freeboard to be applied to the 1 in 200 year plus climate change coastal flood level to determine a proposed finished floor level (FFL) of 4.05m AOD. As stated before, there is still some uncertainty in the predicted flood levels and so we would recommend that a higher freeboard is applied or is applied to the design level of 3.92m AOD e.g. FFLs at 4.52m AOD.

It is requested that further conditions are attached to any grant of planning permission requiring –

- a buffer strip to the tidal limit to be agreed with the Planning Authority in consultation with relevant parties including SEPA and that no development takes places below the tidal limit.
- a construction method statement detailing site specific management for surface water run-off
- details of the design of the proposed SUDS outfall to be submitted, agreed and implemented in full

Scottish Natural Heritage – It is noted that the conclusion of your Habitats Regulation Assessment is that, subject to the conditions outlined in the Council's assessment, the proposal will not adversely affect the integrity of the River Dee SAC.

Scottish Water – No response received.

Torry Community Council – No response at time of submission (Community Council has since disbanded).

REPRESENTATIONS

Seven representations have been received, six objecting and one generally supportive but raising concerns on design grounds. The representations originate from four businesses located on South Esplanade West (two fish processors, a rowing club and martial arts school) whilst the other three are from residents around the city or users of the riverside. The matters raised can be summarised as follows –

Objecting

Land Use and Amenity

1. South Esplanade West is a busy and diverse commercial/industrial environment unsuitable for residential development. Policy H2 places an obligation on the developer to create a satisfactory residential environment, without any adverse impact on the viability/operation of existing businesses in the area.
2. Although a CCMP site, developing the site in isolation would be premature and represents inappropriate development given surrounding land uses. This would lead to piecemeal development undermining the wider CCMP objectives if brought forward in isolation. No meaningful discussions on relocation have taken place between the Council and existing landowners/businesses. If as claimed by the applicant this development is a catalyst for this change, the only way this could happen is if, as a result of inappropriate development, the businesses in the area are so adversely affected that they choose to leave, which would be contrary to Policy H2.
3. The development fails to meet any of the objectives of the CCMP, such as relocation of remaining industrial uses to alternative accommodation; provision of a “Hotel Academy”, retail and food and drink uses; traffic calming and public realm improvements; car parking with limited visual impact (i.e. basement/undercroft parking) and expansion of the riverside park towards Victoria Road, including children’s play areas.
4. The applicant’s noise assessment appears to attempt to downplay potential night-time noise from fixed plant by assessing against a background noise level during probably the noisiest part of the night-time period (06:00 to 07:00) as activity in the area begins to rise. Even so the assessment finds that there will be significant adverse impacts on parts of the development.
5. Reliance on closed windows and trickle ventilation is not enough to address the potential risk of night-time noise disturbance to residents and could lead to a statutory nuisance being declared adversely affecting nearby businesses.

Accessibility and Parking

6. There is already an acute parking problem in the area. South Esplanade West struggles to cope with the parking required by businesses, employees, visitors and residents of nearby Menzies Road. This will only be exacerbated by providing so few spaces compared to the number of flats.
7. Most prospective residents of the development would be employed outside the city centre. The current public transport network does not facilitate realistic access to key employment areas; most will use cars.

Traffic and Road Safety

8. The inconvenient and low amenity levels of walking and cycle routes to the city centre cast doubt over whether significant numbers of future residents would choose to walk into the city centre or cycle from the development.
9. The potential impact of additional traffic on the risk of accidents. South Esplanade West has a significant number of HGV movements, servicing both the existing businesses on the street and accessing the harbour. The combination of private car and HGV movements could lead to unacceptable conflicts on the street to the detriment of road safety.
10. Narrowing of the South Esplanade West carriageway, introduction of on-street parking, lack of traffic calming and increase in vehicle movements could have a significant adverse impact on the operation of business and road safety.
11. Given the one-way nature of the road, narrowing by pavement widening and on-street parking it is inevitable that bin collection directly from South Esplanade West would lead to refuse lorries blocking the highway.

Design

12. Seven storeys is too high and would affect current river users by creating a wind tunnel. In other riverbank developments a tiered development has been employed to minimise this potential impact on existing river water users. Four storeys would be more appropriate.
13. High quality design must be at the forefront of any approved project. What is proposed looks like another tasteless mass of concrete and glass, devoid of any imagination and architectural skill. This is the perfect location to design buildings that are modern but still sympathetic to the natural surroundings.

Other

14. Development of the site could increase the risk of flooding to nearby businesses.
15. A condition requiring submission and approval of a Construction & Environmental Management Plan (CEMP) should be attached.
16. The development would encroach on the car park associated with the neighbouring boat house, removing the existing safe access and egress.
17. The existing play park should remain.

Supporting

18. This part of the riverside has been crying out for redevelopment for years. Most large cities utilise their waterfronts to good effect, often providing much needed green space within the city and there is no reason Aberdeen should be any different, with housing, cafes and parks.

MATERIAL CONSIDERATIONS

Legislative Requirements

- Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.
- Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.
- Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 requires that a competent authority (in this case the planning authority), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which–
 - (a) is likely to have a significant effect on a European site (in this case the River Dee SAC) in Great Britain (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of the site,
 shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

In the light of the conclusions of the assessment, and subject to considerations of any overriding public interest, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site. In considering whether a plan or project will adversely affect the integrity of the site, the authority shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

National Planning Policy and Guidance

Scottish Government Technical Advice Note: Assessment of Noise

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

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- D4: Historic Environment
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infrastructure Delivery & Planning Obligation
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded and Contaminated
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

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

Other Material Considerations

- [City Centre Masterplan](#)
- SEPA Flood Map – Potential Surface Water Flooding

EVALUATION

Development Plan

The application requires to be determined in accordance with the Development Plan, so far as material to the application unless material considerations indicate otherwise. The relevant policies of the Aberdeen Local Development Plan (ALDP) are considered below.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, the proposal is not considered to be regionally significant or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP. It is acknowledged however that the proposal represents an element of the wider City Centre Masterplan which itself has a regional significance, which is discussed later in the report.

Mixed Use Areas

The site is zoned as a mixed-use area (Policy H2) within the ALDP. Residential use is acceptable within such areas providing that any residential development takes into account the existing uses and character of the surrounding area and avoids 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 terms of existing use and existing character, the area is primarily commercial/industrial. The redevelopment of the site would see all the commercial/industrial uses on the northeast side of South Esplanade removed entirely; eliminating commercial activity and delivery vehicle movements on this side of the street and thereby changing the character of the street to a partly residential environment.

Nevertheless, it is acknowledged that most of the commercial premises on the opposite (south-east) side of South Esplanade West could remain for the foreseeable future and the street will continue to be used as a route for deliveries and traffic to the southern part of Aberdeen Harbour in Torry. Activity by businesses and traffic movements on the road both have potential to cause adverse impacts on residential amenity. In accordance with Policy H2 of the ALDP it is important that the existing uses and character of the surrounding area is thoroughly assessed to ensure that a satisfactory residential environment can be created and that this does not impinge upon the viability or operation of existing businesses in the vicinity. The two are related because complaints from new residents about the adverse impact on residential amenity caused by adjoining business uses could potentially result in enforcement action by the Council that, in turn, could adversely affect those businesses.

With the foregoing detailed assessment in mind it should be noted that there are only three commercial premises on the south east side of South Esplanade East which have an active frontage on the street and therefore with the potential to cause nuisance to neighbouring residential property. From west to east these are:

- James Jack Lifting Services – a crane hire and crane contracting company. The business has no activity on the street and no operations occurring in the forecourt which is used exclusively for employee parking and storage of cranes and lifting equipment. This business cannot be regarded as significantly detrimental to a residential amenity given that all activity relates to the occasional movement of traffic arriving and leaving the premises.

- Piper Seafoods – one delivery bay accessed from the street with an adjoining small staff car park, no requirement for on-street deliveries. An associated rooftop chiller unit makes a low hum and operates 24 hours a day.
- Coupers Seafoods – a medium sized fish house. One or two forklifts are used on the corner of South Esplanade and Murrays Lane to load and unload pallets of fresh fish with a small pile of pallets sometimes present on the pavement. There is some fish odour. Activity is small scale and for a limited time each day - albeit it is understood that this includes early morning deliveries (as early as 6am).

The remainder of the south east side of South Esplanade has very little activity. Some premises have been unoccupied for several years and the remainder constitute:

- a small residential letting office,
- a cleaning company office and warehouse
- a martial arts studio and
- the rear wall and two vertical sliding access doors of the Arnold Clark commercial vehicles workshop. These doors are lightly used since the focus of activity is onto Menzies Road.

The most significant “bad neighbours” can be considered to be the two fish houses (Piper and Coupers). Fish smell is localised (near Coupers fish house) and short term during the day and the Council’s Environmental Health Team has not considered the impact significant enough to warrant an air quality impact assessment. The most significant amenity impacts of these businesses, therefore, relate to noise (chiller unit, forklift noise and early morning deliveries). Noise from traffic movements along South Esplanade West are also an amenity concern. With this in mind the noise impact assessment submitted by the applicant is fundamental to the assessment of this application.

Policy T5 (Noise) states 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.

A noise impact assessment (NIA) was carried out by the applicant and has been reviewed by the Council’s Environmental Health officers. The NIA found that the noise environment on the site is generally dominated by road traffic. Unloading and loading of heavy goods vehicles also feature.

The sensitivity of the proposed residential units to noise is high. The noise impact assessment indicates that there is a low likelihood of adverse impact from fixed plant (ie. from the Piper Seafoods chiller plant) at any time of day. It concludes, however, that, without mitigation measures, early morning deliveries at the commercial / industrial units on South Esplanade West would potentially have significant adverse impact on flats along the worst affected aspect (ie. the south east, street-facing elevations) of the proposed flatted blocks. There would also be a breach of the internal nighttime noise criteria for the same street facing flats resulting from road traffic noise.

Notwithstanding the foregoing, the NIA indicates that the nighttime noise nuisance for the affected flats can be satisfactorily mitigated by way of the installation of an enhanced glazing specification and an alternative ventilation system for windows in these affected properties (as detailed in the NIA). The NIA concludes that, subject to implementation of these mitigation measures, appropriate indoor ambient noise levels can be achieved in the proposed development and noise should not provide any impediment to grant of planning permission.

The report has been considered by the Council’s Environmental Health Team and, following clarification, the Team considers the noise impacts for the development would be acceptable subject to the imposition of a condition that ensures the submission and approval of a scheme for an enhanced glazing specification and ventilation system for the windows of the affected flats identified in the NIA and the subsequent implementation of such a scheme prior to first occupation. Conditions

would be attached requiring details to be submitted of the specific measures proposed for each block to address noise and ventilation.

In terms of the impact of daytime traffic movements on residential amenity, South Esplanade is a one-way street with a relatively low traffic flow compared to the adjoining main routes into the City. To give an idea in the morning rush hour (8.30 am) traffic flow is typically around 3 vehicles per minute. The street is used by the occasional HGV vehicle - in the order of one vehicle every 5 minutes in the rush hour - mainly travelling through to the south side of the harbour. This compares to flows of around 30 to 35 vehicles per minute along North Esplanade West on the other side of the river. In the evening peak traffic movement on South Esplanade West is less because of the one-way nature of the street that means that traffic leaving the harbour areas and City Centre follows alternative routes.

All flats in the development would have easy access to the enhanced landscaped parkland that would be provided along the riverside. All flats, including those with an elevation facing South Esplanade West, would have river views and would not exclusively look out on industrial/commercial areas. All ground floor flats, including those closest to South Esplanade West, would have dedicated areas of private outdoor amenity space demarcated by low hedging. The main noise impacts would be on a minority of flats that are closest to the street.

Taking the foregoing into account, it is considered that, subject to the imposition of appropriate planning conditions, a satisfactory residential environment can be created for the proposed development which should not impinge upon the viability or operation of existing businesses in the vicinity in accordance with the relevant ALDP Policy H2. The specific detail of how this is to be achieved would be considered in more depth as part of the assessment of future matters specified by condition applications.

Transportation

Transportation strategy and car parking

ALDP Policy T2 states that new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Policy T3 states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Car Clubs will also be supported where appropriate.

Supplementary Guidance (SG) Transport and Accessibility supports Policies T2 and T3 by providing guidance on how developments will be expected to assess and demonstrate their compliance with these policies.

In terms of Policy T2 and T3 it should be noted that the proposed development is highly accessible by sustainable modes of transport. The Roads DM Team consultee response confirms that there are numerous/frequent public transport links along neighbouring streets (Victoria and Menzies Roads) which provide regular links into the City Centre and elsewhere in the City. The central rail and bus stations are less than 900 metres walking distance from the site. Contributions can be secured through the application to improve bus stops on Menzies Road possible improvements to the most direct routes to these facilities up Cabel's and Murrays Lane that are currently not particularly desirable for pedestrians. Appropriate pedestrian crossing facilities are provided at the eastern end of South Esplanade West providing safe routes towards the City Centre and the nearby centre of Torry. South Esplanade West forms part of the National Cycle Network Route 1 connecting

to designated cycle routes to other parts of the City. As such the site is highly accessible and well served for pedestrians and cyclists and by public transport.

Supplementary Guidance (SG) on Transport and Accessibility supports Policies T2 and T3 by providing guidance on how developments will be expected to assess and demonstrate their compliance with policies T2 and T3 and this includes car parking standards. The proposed development would provide car parking on site at a ratio of 0.43 spaces per flat. This is a significant under-provision when compared directly with the ACC parking standard for this area of the City which is 1.5 spaces per flat or 0.8 for affordable/rented accommodation. The Roads DM Team indicate that the site is not in a controlled parking zone and, if the restriction on parking provision does not result in a reduction in car ownership, the potential for indiscriminate parking is high. The Traffic Management Team confirm that the area is highly congested with limited scope for additional parking demand to be catered for on street.

The Roads DM Team have also confirmed that limiting car parking could have the positive effect of encouraging modal shift away from car ownership and towards sustainable transport which is highly desirable and aids in reducing carbon emissions and tackling climate change. As explained above, the development is built in a location that is highly accessible by sustainable means of transport, immediately adjoining the commercial centre of Torry with convenient shops, library, primary school, other services and bus routes to the City Centre and elsewhere in the City. It is about 950 metres from both Union Street and less to the main bus and train stations. The large overprovision of secure cycle parking spaces (one per flat), the provision of two car club spaces and the inclusion of adequate levels of motorcycle parking will also alleviate the shortfall of parking spaces. Taking the foregoing into account it is considered that car ownership will not be essential for residents of the new development and car ownership levels are likely to be significantly lower than the City average, perhaps on par with the Torry West census area in which the development is located where only around 55% of households had a car at the 2011 census. Notwithstanding the foregoing it is acknowledged that the development would result in additional pressure on limited on street parking provision on surrounding streets. However, an initial parking survey by the applicant, including the evening and weekend periods when pressure is most intense on on-street spaces, indicates that there are in the region of between 28 and 65 available unrestricted spaces available on street spaces at these times within a 300-metre radius. The Roads DM Team conclude that, given that this is a planning permission in principle application, no definite conclusion on parking provision is required and it is sufficient to say that a solution is achievable. The detailed matters specified application stage should be conditioned to include a comprehensive parking survey and robust justification as to the shortfall in parking etc.

Taking into account the foregoing it is concluded that the level of car parking provided for this development would be acceptable taking into account the other material considerations in favour of the application as outlined in this report.

Road Safety

The Roads DM Team have commented that six vehicular access points are proposed from South Esplanade into parking courts and because the junction spacing requirements for industrial areas is more onerous than for residential street the current proposals do not adhere to ACC standards. This presents a safety concern that will require to be addressed by way of robust justification as part of a detailed application. With that in mind final agreement of the layout of access and internal roads and parking arrangements can be the subject of a planning condition at this stage.

The Roads DM Team comment that there is a long-term vision for this area of the city to transition to a more residential use but until this happens, there will be a degree of conflict between residential use and the movements, loading and operation of HGV's / commercial vehicles associated with the existing industrial uses. As such, the applicant will be required to provide robust design mitigations

to warrant siting a residential use so close to an industrial area. It should be conditioned that all accesses and internal roads, safe routes to school assessments, upgrades / infrastructure required, will need to be agreed at the detailed matters specified by condition stage.

Taking into account the foregoing it is concluded that there are solutions to creating a safe means of access to this development that can be considered at a detailed application stage for this development.

Local Road Network

The Roads DM Team comment that the applicant's junction impact assessment shows that junctions within the vicinity would continue to operate to acceptable levels and no mitigation measures are required. A condition should ensure that this is still the case at the detailed application stage

Safe routes to school

The Roads DM Team comment that the industrial nature of South Esplanade raises safety concerns if pupils were to pass close to industrial operations in following the most direct routes to and from the closest schools (for instance via Cabel's or Murrays Lane). A condition should require a detailed matters specified application to provide a robust solution to ensuring a safe, convenient route to school for primary and secondary aged children.

Urban Green Space

The play park and associated landscaping between the Aberdeen Boat Club and Aberdeen Schools Boat House is zoned as Urban Green Space. The play park is well equipped and maintained, offers a range of equipment and is understood to be well used. Policy NE3 on the topic states that *permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation and sport.* Exceptions will be made if an equivalent and equally convenient area is provided in the locality, however this is subject to several criteria.

As first submitted the application proposed to relocate the playpark to a part of the site adjacent to Victoria Road to allow the redevelopment of the existing play area for flats. However, this would breach at least two of the criteria in Policy NE3, specifically there would be a loss of established and mature trees and an impact on the landscape character and amenity of the area. Therefore, officers have required the complete removal of any development from the play area. This space will, therefore, remain unaffected in its current location, avoiding any conflict with Policy NE3 and also providing a recreational facility for children in close proximity to the proposed residential development

Layout and Design

This application is for planning permission in principle. At this stage, therefore, the layout remains indicative. It has been developed to provide a degree of certainty that the number of units proposed can be accommodated within the site in a satisfactory manner. Whilst the layout may change through matters specified in conditions applications a high-quality design would be expected befitting of this prominent landmark riverfront location. Furthermore, certain elements of the design and layout will be established at this stage and will be expected to be retained as outlined below.

Big Buildings

It is acknowledged that the building would be large, with the potential for up to seven storeys, therefore the provisions of Policy D3 (Big Buildings) and the associated supplementary guidance

applies. The policy indicates that big buildings are most appropriately sited in the city centre and its periphery. It is considered that South Dee, which lies less than a kilometre from Union Street and the heart of the City, would qualify as such a location and be appropriate for buildings of the scale proposed. Although there are no tall buildings at present, the adjacent River Dee offers a prominent and spacious foreground setting within which the buildings would sit when viewed from the busy North Esplanade Road West on the opposite side of the river – providing a landmark frontage lining the river and addressing a gateway route into the City. The large office buildings at North Dee and residential and office developments further upstream at Riverside Drive have established the townscape context within which that large buildings along the river front can be considered appropriate. Furthermore, the CCMP has identified that South Dee is a location where tall buildings suitably accommodated, with opportunities for the development to offer views over the river, harbour and city centre.

Density and Mix of Units

Policy H3 on density requires a minimum density of 30 units per hectare (net) and to consider higher densities around local centres and public transport nodes. The developable site area is approximately 1.12 hectares, so, with a density of approximately 230 units per hectare, the development would comply with Policy H3. The high density is considered very appropriate in this location, complying with the Masterplan vision, creating a dramatic riverside frontage for Torry and ensuring that there is efficient use of the land in this highly sustainable urban location close to the City Centre, local services in Torry Town Centre and public transport routes. As indicated in the regeneration/economic impact section of this report, this scale of development has the potential to have a positive impact on the economic health of the Torry Town Centre. As explained in the Mixed Use Areas section above the development is also considered to comply with the requirement of Policy H3 to ensure they create an attractive residential environment is created and living conditions are safeguarded within the development.

Housing developments of larger than 50 units are required by Policy H4 (Housing Mix) to achieve an appropriate mix of dwelling types and sizes. The indicative layout shows that, whilst most units within the development would be two-bedroom flats (129 of the 258), there would be 90 one-bedroom, 32 three-bedroom and 7 four-bedroom. At least 25 percent of units would be affordable housing. It is considered that this represents a suitable range of unit types, complying with Policy H4. This mix could potentially change at matters specified in conditions stage as detailed designs for the building are developed, however through the MSC applications a suitable range of units and the provision of at least 25 percent affordable housing would be a strong material consideration that would be secured as an essential component of the proposal.

Scale and Position of Buildings

The CCMP requires the development to have “attractive and coherent contemporary architecture that maximises views out and views into the development, including a perpendicular arrangement of riverside blocks and potentially a landmark tower building”

As this is an application for planning permission in principle, the architectural style and detailing is reserved for the matters specified in condition stage. Notwithstanding, the principles of the layout and design are discussed later in the report. Blocks however are proposed perpendicular to the river and comply fully with the CCMP in this regard.

All new developments are required by Policy R6 (Waste Management Requirements for New Development) to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Indicative layout plans for buildings show space for internal waste stores which would be from the South Esplanade West side of the buildings. There would be sufficient space for the number of bins indicated would be required by the Waste Strategy Team.

Built Heritage

Policy D4 (Historic Environment) requires high quality design that respects the character, appearance and setting of the historic environment. The nearby Victoria Bridge dating from 1881 was listed as category B in 1967. It is a five-span structure constructed from granite, described by Historic Environment Scotland as featuring good detailing and elegant cast-iron lamp stands.

The built environment surrounding the bridge is typically industrial, heavily influenced by the presence of the harbour. Commercial and residential buildings also feature on the approach into Torry. The introduction of modern buildings would not change this character to any great degree, and it is considered that the setting of the bridge would be maintained, with the potential to enhance the setting through the removal of poor quality buildings and the introduction of high quality building design and landscaping along the river front as well as the potential to introduce a café/restaurant use on Victoria Road that would take advantage of the views of the river.

Natural Heritage

Habitats Regulations Appraisal

The River Dee is designated as a Special Area of Conservation (SAC), with qualifying interests of otter, freshwater pearl mussels and Atlantic salmon. Due to its close proximity there is the potential for the SAC to be affected by the development. It has also been identified that the Moray Firth SAC being affected as dolphins (one of its qualifying interests) are known to frequent the river mouth.

Under The Conservation (Natural Habitats, &c.) Regulations 1994 and Policy NE8 (Natural Heritage) there is a requirement that a development that is likely to have a significant effect on the SAC either alone or in combination with other plans or projects, will require an appropriate assessment (under the Habitats Regulations) to demonstrate that it will not adversely affect the integrity of the site. Development that would have an adverse effect will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature, and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Officers have carried out an appropriate assessment and ascertained that, though the implementation of the mitigation measures identified below, the proposal will not adversely affect the integrity of the SACs. Conditions would be attached to any grant of planning permission to secure the provision and implementation of –

- A Geo-environmental report to address the contamination of the site.
- A Construction Environmental Management Plan
- An External Lighting Scheme accompanied by a Lighting Impact Assessment by a suitably qualified practitioner which ensures no light spillage over the river or riverbank, both during construction and once the development is operational.
- Otter protection plan – incorporating SNH's advice on the protection of otters
- Standard SUDS measures to ensure that surface water run-off from the development is appropriately treated prior to discharge to the River Dee.

A copy of the appropriate assessment is available along with the online application documents.

Flooding and Drainage

Flood Risk

Policy NE6 (Flooding, Drainage & Water Quality) states that development will not be permitted if it would increase the risk of flooding; it would be at risk itself from flooding; adequate provision is not made for access to waterbodies for maintenance; or it would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Although there has been no reported history of flooding at the site, due to its riverside location it is potentially at risk from fluvial (river) and coastal flooding, or a combination of both. Therefore, the applicant has submitted a flood risk assessment (FRA) which has been reviewed by both SEPA and Council's Structures, Flooding and Coastal Engineering Team.

In terms of fluvial flooding, the conclusion of the FRA is that the area of the site proposed for development would sit out-with the functional floodplain of the River Dee. Although there may be some uncertainties in the flood levels in the FRA (as is typical in an FRA), all built development would be above 3.92m Above Ordnance Datum (AOD), which is higher than both the fluvial and coastal flood levels and could be an acceptable design level for the development. At the request of SEPA a condition has therefore been attached which prevents any built development or land raising taking place on ground below 3.92m AOD.

The mouth of the River Dee has a narrow opening and also branches into the Aberdeen harbour. Therefore, in terms of coastal flooding, as a result the funnelling effect of high tide levels in the open sea into the upstream River Dee channel is significantly limited, as would the effect of sea waves.

Both SEPA and the Council's flooding team are satisfied that, subject to appropriate conditions, the development would not be at risk of flooding or increasing the risk of flooding at other properties, in accordance with Policy NE6. Furthermore, access to the river for maintenance would not change and strengthening of existing or creation of new flood defences would not be required.

Drainage and Water Quality

In accordance with Policy NE6, surface water drainage associated with development must be the most appropriate available in terms of sustainable drainage systems (SUDS) and avoid flooding and pollution both during and after construction.

It is proposed to install porous paving within the parking bays to adequately treat surface water run-off. Rainwater from buildings would be captured via gutters and downpipes, the water then being directed to a surface water sewer network and cellular storage installed within the parking areas. The water would then discharge to the River Dee at a restricted rate.

Connection to the public sewer is a prerequisite of all development where this is not already provided. In this case foul water would be captured by a sewer network installed within the site before discharging to the existing Scottish Water sewer infrastructure located within South Esplanade West.

The surface and foul water drainage proposals are considered acceptable.

Air Quality

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed

and agreed. South Dee is adjacent to the City Centre Air Quality Management Area (AQMA) and Wellington Road AQMA, both declared due to exceedances in concentrations of nitrogen dioxide and particulate matter (PM₁₀) on the road network.

The introduction of additional traffic additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. Environmental Health officers have considered the proposal and have confirmed that the number of parking spaces associated with the development would not trigger the requirement for a full air quality assessment therefore no further consideration is considered to be required in terms of Policy T4.

Affordable Housing / Developer Contributions

Affordable Housing

Policy H5 (Affordable Housing) requires housing developments of five units or more to contribute no less than 25% of the total number of units as affordable housing. At South Dee the equivalent of 64 units are required to be provided as affordable housing. A commuted sum £19,000 would complete the 25% affordable requirement. The applicant has agreed to this provision, which would be secured by a legal agreement. The entire site might be developed for affordable housing and this would also be acceptable in terms of the policy.

Developer Obligations

To mitigate against the impact of the development on community infrastructure, financial contributions are sought through Policy I1 (Infrastructure Delivery and Planning Obligations) to make the development acceptable, calculated in accordance with the adopted Planning Obligations Supplementary Guidance and advice from relevant Council services. The applicant has agreed to these contributions, which would be secured by a legal agreement.

- Factoring this development into the 2017 roll forecasts for Walker Road Primary School would not appear to place the school over capacity.
- For Lochside Academy, factoring the development into the 2017, does not appear to place the school overcapacity.
- A contribution of £361,312 has been identified towards Torry Community Hub which has plans in place for expansion to accommodate additional users.
- A contribution of £49,400 has been identified towards providing additional changing rooms to increase capacity at Albury Sports Centre.
- In this instance, it is noted that the development proposes an enhanced path along the riverbank as part of this development, therefore no contribution towards core paths is sought.

In this instance, it is acknowledged that the application provides 8,059 m² of high quality public open space on site as part of the development. This would meet the normal policy requirement in part.

- A contribution of £114,015 is sought to create additional capacity at healthcare facilities in the city centre.

Sustainability

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology in accordance with the associated supplementary guidance.

Policy R7 also requires all new buildings to use water saving technologies and techniques. A statement has been submitted which identifies water saving measures which would achieve gold standard on the Building Standards Sustainability Label. A condition has been attached requiring the measures to be implemented.

Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

Other Material Considerations

City Centre Masterplan

The site forms part of the area identified for the Torry Waterfront (CM03) Project (TWP) within the City Centre Masterplan (CCMP). The project area covers the area between the River Dee and South Esplanade West, Menzies Road, Victoria Road and Craig Place and is part of the wider North Dee/Torry Waterfront intervention area.

The CCMP sets out an opportunity for the significant redevelopment of existing industrial land uses to create a new riverside district that integrates with, and enhances, the community of Torry and connects with the emerging business quarter at North Dee. Formed around an expanded riverside park, the CCMP envisages the area to include a mix of uses that maximise the relationship to the water, including a Hotel Academy. The CCMP envisages the TWP as having a timescale of 20 years (from 2015).

Due in part to competing commitments and other priorities for projects within the CCMP, the TWP has not yet been progressed and there are no current proposals by the Council or any other party to co-ordinate or lead delivery of this project in the short or medium term. Aberdeen Harbour Board (AHB) wish to redevelop their area of land at South Dee ahead of the remainder of the TWP area and has resulted in the submission of the current application. The proposal does not incorporate the envisaged hotel academy or the pedestrian bridge over the Dee. There is a risk that, without the benefit of a planning and design brief, redevelopment of the area might not be carried out in a joined-up manner. Therefore, if this proposal is to progress independently of the wider TWP area, it is important that regard is paid to the current and future relationship of the proposed development to the remainder of the TWP area to the immediate south east so as not to prejudice future development of the TWP area and so as not to adversely affect the continuing operation of business uses in the remainder of the CCMP area.

There are significant elements of the proposal that are in full accordance with the CCMP vision. Each of the themes highlighted by the CCMP in relation to Torry Waterfront are outlined below, with a commentary of how the application relates, or responds, to them.

- *Relocation of remaining industrial uses to suitable accommodation elsewhere in the city and / or Shire*

Initial discussions with occupiers in the TWP area were undertaken by ACC Corporate Landlord but these have not progressed. The result is that the industrial and commercial uses are still present,

meaning that the ability to create a reasonable amenity and safe environment for residents requires to be addressed through this application. These issues are addressed above.

- *New housing, comprising riverside apartments and a mix of tenement apartment blocks and town houses.*

The proposal would provide eight blocks of flats along the riverside. The tenement flats and town houses indicated in the CCMP are not proposed, however, these housing types would be more appropriately sited within later phases of South Dee rather than on this riverside site where the higher flatted blocks are more appropriate to provide a dramatic riverside frontage and maximise the number of residents with river views.

- *Hotel Academy*

The CCMP identifies South Dee and the application site as the location of a hotel academy (Project EC12 in the CCMP), described as a “fully functioning high class hotel housed within a landmark building”. No hotel academy is proposed or in the pipeline. In the current market there is little or no demand for new hotel development. It is acknowledged that the likelihood of the hotel academy being progressed is very low and therefore its absence from the layout is considered acceptable. If a hotel academy proposal were to come forwards at some point in the future it could be accommodated by way of an amendment/addition to the current proposal or, equally well, closer to the City Centre on the opposite bank of the River Dee where such a project would also be compatible with the vision for the North Dee Business Quarter CCMP project.

- *A new pedestrian / cycle bridge linking Raik Road with Torry*

An opportunity for a new non-vehicular bridge between North Dee and South Dee is identified in the CCMP with the aim of making walking and cycling more attractive between the city centre and Torry. The CCMP identifies that cross subsidy and co-ordinated delivery of this bridge will be important.

No progress has been made on examining delivery options for the bridge and, without a defined project scope or idea of cost, it is unreasonable at this stage to seek financial contributions from the applicant towards its future delivery. Safe pedestrian links of similar length already exist to the City Centre via Victoria Bridge/Market Street or Queen Elizabeth Bridge/South College Street. The absence of a bridge at this stage is, therefore, not considered fundamental to the acceptability of the current application or future success of the TWP. The current application would create a logical “jumping off” point for the bridge from the central pedestrianised square and this would be aligned with Cabel’s Lane and Raik Road as envisaged by the CCMP. Implementation of the current application would, therefore, provide some of the preliminary groundwork that would help pave the way for delivery of the bridge link should such a project be progressed in the future.

- *A development layout based on retaining the existing grid of streets and creating a strong desire line from Cabel’s Lane to the new pedestrian bridge*

There is no street pattern to retain within the application site itself, however an area of the site has been reserved so that space is available to accommodate the bridge should the bridge project be realised. This would allow a strong desire line to be created from Raik Road on the north side of the river, across the bridge and onto Cabel’s Lane.

- *Attractive and coherent contemporary architecture that maximises views out and views into the development, including a perpendicular arrangement of riverside blocks and potentially a landmark tower building*

As this is an application for planning permission in principle, the architectural style and detailing is reserved for the matters specified in condition stage. Notwithstanding, the principles of the layout and design are discussed elsewhere in this report. Blocks however are proposed perpendicular to the river that maximise river views and the orientation of blocks and windows complies with the CCMP in this regard. This orientation and spacing of buildings and alignment of the central square with Cabel's Lane would facilitate future residential development of the remainder of the Torry Waterfront area by providing attractive views and convenient linkages toward the river, landscaped riverside and café/restaurant uses in the central square.

- *Active ground floor uses (use class 1 and 3) to address the riverside promenade and South Esplanade West.*

A total of 2,000 sq.m of commercial floorspace (comprising Class 1 (Shops) and Class 3 (Food and Drink) uses is envisaged by the CCMP.

A total of 616 sq.m of commercial space (which could be Class 1 Retail or Class 3 restaurant/café use) is proposed, split between locations on the square at the centre of the site and directly fronting onto Victoria Road and Victoria Bridge at the east end. These are considered as the most appropriate locations for such uses on the site in that they would enliven the river front and provide opportunities for views out over the river— for instance from riverside cafes or restaurants - as well as integrating with the commercial centre of Torry. Whilst the development is predominantly residential the scale of retail and other commercial space proposed is considered to be sufficient to create a successful mixed-use community with a variety of uses. Scope still exists in the remainder of the TWP area for the delivery of significant additional commercial property to meet the floorspace envisaged by the CCMP and areas away from the prime residential riverside frontage may well be the more appropriate site for commercial uses for which the riverside location and views are not important. The exact mix of uses to occupy the proposed space would depend on what is commercially viable but it is recommended that conditions are attached limiting uses to those specified above and the minimum floorspace of 616 sq.m gfa in accordance with that identified in by the application.

- *Traffic calming and public realm improvements on South Esplanade West, Cabel's Lane, Murray's Lane and Menzies Road.*

No traffic calming or substantial public realm improvements are proposed outside the site boundary. Nevertheless, the pavement along South Esplanade West would be comprehensively upgraded with tree planting close to the street to provide safe and pleasant pedestrian access to Victoria Road and Wellington Road and these improvements would be secured by a condition of any planning approval. South Esplanade West would retain its function as a through route for traffic to the south side of the harbour and access to industrial premises to the south east. The wider improvements to the public realm and roads in the rest of the TWP area outside the site boundary lie beyond the scope of what can legitimately be achieved by this application but would be a requirement of future applications. In the longer term, if such applications come forwards this would fulfil the vision of the masterplan for the area as a residential led mixed-use community.

- *Car parking provision to have limited visual impact on the riverside (i.e. basement, under croft).*

Parking is proposed in courts of typically 15 or 18 spaces, with a larger car park at the Victoria Bridge end. This arrangement allows for ample amenity space and areas for landscaping to be retained between car parking areas and the riverside as envisaged in the CCMP. The applicant has advised that basement, under-croft or multi-storey parking arrangements would make the development unviable and, therefore, they are not proposed.

On balance it is considered that, in large part, the proposal would deliver the vision of the CCMP for the TWP including:

- the construction of residential blocks forming a dramatic river frontage on a gateway route into the City, interspersed by landscaped parking courts set at right angles to the river to maximise river views
- the removal of moribund industrial premises,
- the remediation of contaminated land,
- the introduction of retail and/or restaurant /café space on the main street frontage and on the riverfront,
- the improvement of the riverside walkway and the enlargement of the riverside parkland including the enhancement of the wildlife and recreational value of this area to the benefit of both new residents of the development and the wider community of Torry.

It is acknowledged that the proposal would not secure two of the elements of the TWP, specifically the pedestrian bridge and hotel academy. Nevertheless, it does not preclude the implementation of the hotel academy (should this ever be proposed) elsewhere in the immediate vicinity. A central square would be created from which a pedestrian bridge could be built in the exact location proposed by the CCMP should funding ever be secured.

Regeneration and Economic Impact

Scottish Planning Policy (SPP) states that the key role of the planning system to contribute towards the Scottish Government's central purpose of promoting sustainable economic growth. The Strategic Development Plan (SDP) aims to provide opportunities which encourage economic development and create new employment. Regeneration is a vital part of the plan's strategy and it indicates that improving the economy, environmental quality, accessibility, employment opportunities and the redevelopment of brownfield sites should play a particular role in regeneration areas.

Construction of the scheme is estimated to cost £29m and could take up to three years. The Council's City Growth Team estimates that this could generate 170 direct, indirect and induced temporary jobs over a three-year period. The total amount of new expenditure that would be generated by residents is less certain because this depends on what proportion of residents are new migrants into the City. A recent decline in population, emigration trends away from the city and the evidence of over-supply of certain properties in the city centre may mean that new resident expenditure is likely to be a fraction of the total amount of resident expenditure. However, if just 50% of residents were new to the city as a result of project then this could generate around £2.5m new resident spend per annum with an associated 34 supported jobs. The potential benefits of the retail offering are also not clear but based on the commercial floorspace of 616 square metres alone this could generate an additional £1m GVA per annum.

Notwithstanding the uncertainty about the scale of economic benefits it can be concluded that the proposed development would result in new investment, new employment opportunities, job creation and the reuse of a declining brownfield site in the Torry regeneration area – which is classed as one of the most deprived communities in Aberdeen on the index of multiple deprivation. With that in mind it is considered that the proposed development is would help deliver the economic development and regeneration of the community of Torry as well as redeveloping this brownfield site, improving environmental quality and accessibility – all in full accordance with the objectives of SPP and SDP. These factors are considered to be significant material considerations weighing in favour of the application.

Points raised in letters of representation

One of the boat clubs has objected on the basis that the proposed tall buildings along the river would create a wind tunnel effect that would affect rowing on the river. The buildings would be well spaced with landscaped breaks and, therefore, would not create a wall of development. Furthermore, the buildings would be set well back from the river edge and be sited over 170 metres from the nearest tall building on the north bank. It is considered that a wind tunnel would not be created by the proposal.

All other points raised in the letters of representation have been addressed in the evaluation above.

Heads of Terms of any Legal Agreement

A legal agreement would be required to secure the affordable housing provision and developer obligations outlined earlier in the report.

CONCLUSION AND REASON FOR RECOMMENDATION

The proposal is considered to comply with the Development Plan and other material considerations.

It is concluded that a satisfactory residential environment can be created which avoids undue conflict with the adjacent commercial uses in accordance with the mixed-use policy zoning (H2) of the Aberdeen Local Development Plan (ALDP). All flats would have river views and adjoin an enhanced and expanded riverside parkland. All ground floor flats would have dedicated areas of private outdoor amenity space. Although the area is still primarily commercial, the proposed development would remove all such uses from the northeast side of South Esplanade thereby changing its character to a partly residential environment. The noise impact assessment demonstrates that main impacts on residential amenity – noise from early morning commercial deliveries and road traffic – can be adequately mitigated by the installation of an enhanced glazing specification and an alternative ventilation system for windows in the affected flats and this can be secured by a planning condition.

The proposed development is highly accessible by sustainable modes of transport: close to bus routes, on the national cycle network, immediately adjacent to Torry town centre and within walking distance of the central bus and rail stations and the City Centre in full compliance with Policies T2 and T3 of the ALDP. Taking into account factors such as its sustainable location in Torry, provision of car club spaces and overprovision of secure cycle spaces it is considered that car ownership levels are likely to be relatively low and the impact of additional pressure on limited on-street parking spaces in the vicinity, although a concern, would not be significant enough to warrant refusal of the application. The low levels of car parking will need to be further justified through future detailed applications. Concerns about roads safety related to the number of car park accesses and potential conflict with commercial use on South Esplanade can be mitigated by design solutions in future detailed applications that can be secured by planning condition.

The proposal is considered to comply with relevant ALDP Policies related to Urban Green Space (NE3), Big Buildings (D3), Density and Mix (H3), Waste Management (R6), Built and Natural Heritage (D4, NE8), Flooding and Drainage (NE6), Air Quality (T4), Affordable Housing (H5), Developer Obligations (I1) and LZC buildings (R7)

The development would constitute the first piece in the jigsaw of redevelopment necessary to achieve the City Centre Masterplan (CCMP) vision for the Torry Waterfront Project Area. It would

potentially catalyse the longer-term transformation of the area from commercial to the residential-led mixed use community envisaged by the CCMP – a process that has little prospect of happening comprehensively and is only likely to occur incrementally. It would support the CCMP objective of promoting city living by providing a high-density landmark waterfront residential development area on the edge of the City Centre. Finally, it would help in the regeneration of Torry by creating and enhanced riverside parkland with café/restaurant uses for the benefit of the entire community and by providing affordable housing, new employment and resident spending in Torry town centre – in full accordance with the Scottish Planning and Development Plan policy to promote sustainable economic growth.

RECOMMENDATION

Willingness to approve subject to conditions and securing a legal agreement to deliver affordable housing and developer obligations towards community facilities, sports and recreation, open space and healthcare.

CONDITIONS

1) PHASING

No development shall take place unless a matters specified in conditions application including a phasing plan for the delivery of the development has been submitted to and approved by the planning authority. The phasing plan shall show –

- The order in which blocks shall be delivered
- The stage in development at which the commercial space shall be delivered
- A scheme for the delivery of affordable housing
- The stage in development at which the entirety of the riverside walkway shall be delivered
- The areas of parking which will be associated with each block
- A scheme for the delivery of affordable housing on the site

Thereafter no development shall take place other than in full accordance with the phasing plan(s) thereby approved.

Reason – to ensure that the development is delivered in a comprehensive and coherent manner.

2) COMMERCIAL FLOOR SPACE

The commercial space shall be restricted to the following uses –

- Central unit (circa 113 sq.m) – Class 1 (Shops) and Class 3 (Food and Drink)
- Victoria Road units (circa 503 sq.m) – Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink)

Reason – to ensure a suitable mix of uses within the development.

3) DESIGN AND LAYOUT OF ROADS, PATHS AND BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures for that particular phase or block, has been submitted to and approved in writing by the planning authority.

The application shall be in full accordance with the strategic layout of roads paths and buildings established by this grant of the planning permission in principle and comprise –

- i) details of existing and proposed site levels (including cross sections);
- ii) details of the layout and finish of roads, footpaths and cycle paths, including an upgraded riverside path and boardwalk, all designed to integrate with future phases of development
- iii) details of the mix of commercial and residential unit type, size and tenure;
- iv) details of layout, design and external appearance of –
 - a. vehicular, pedestrian and cycle access points
 - b. buildings and ancillary structures;
 - c. vehicular and motorcycle parking;
 - d. short and long-term secure cycle parking;
 - e. storage and collection arrangements for waste and recyclables; and
 - f. boundary enclosures around the site or particular areas.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

4) LANDSCAPING AND OPEN SPACE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- i) Those areas reserved as private space and those areas that will be freely accessible by the general public with the latter to include all riverside areas and the central square.
- ii) Existing and proposed finished ground levels;
- iii) Existing landscape features, trees, woodland and vegetation to be retained or removed;
- iv) Existing and proposed services and utilities including cables, pipelines and substations;
- v) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
- vi) Location, design and materials of walls, fences, gates and street furniture;
- vii) Arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips; and
- viii) Proposed hard surface finishing materials.

All soft and hard landscaping proposals should:

- be specifically designed to enhance both the recreational and the wildlife value of the riverside
- shall include mature tree planting along and close to the footway of South Esplanade West,
- 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 and recreational value of the site and creating a suitable living environment for future residents.

5) EXTERNAL LIGHTING

No development within any particular phase or block shall take place unless a matters specified in conditions application including details of the external lighting for that particular phase or block (during construction and as part of the permanent scheme) has been submitted to and approved in writing by the planning authority. The scheme shall be accompanied by a Lighting Impact Assessment by a suitably qualified practitioner which ensures no light spillage over the river or riverbank. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

6) SITE INVESTIGATION

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination on or within the land forming that particular phase or block 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 building within the particular phase or block shall be occupied unless' for that building

- (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 building has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building within the particular phase or block site 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 phase or block, unless the planning authority has given written consent for a variation.

Reason – in order to ensure that the site is fit for the intended end uses and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

7) RIVERSIDE BUFFER STRIP

No development shall take place unless a matters specified in conditions application comprising details of a buffer strip to the river tidal limit has been submitted to and approved in writing by the planning authority in consultation with SEPA. Thereafter, no development shall take place below the tidal limit or in any case below 3.92m AOD.

Reason – to ensure the flood plain capacity is not adversely affected.

8) OTTER PROTECTION PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless matters specified in conditions application comprising an otter protection plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The plan must be produced by an appropriately qualified person and contain avoidance, mitigation and compensation measures in accordance with Scottish Natural Heritage's advice, to minimise the impact of the development on otters. Thereafter no development shall take place unless the agreed mitigation measures have been implemented.

Reason – to ensure the protection of a European protected species and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

9) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular part of the site has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP shall detail the site-specific management of surface water run-off and thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

10) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a Dust Management Plan for that particular part of the site has been submitted to and approved in writing by the planning authority. The 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 – to control air pollution from dust associated with the construction of the development.

11) TREE PROTECTION

No development within any particular phase or block shall take place unless the tree protection fencing relating to that particular phase or blocks and shown on Astell Associates drawing SEW-1906-TP (Rev.1) and Appendix H of Tree Survey Report SEW-1906-TR (Rev.1), or such other tree protection drawing that has been approved in writing by the planning authority, has been installed. Thereafter the tree-protection fencing shall remain in place for the duration of the construction period.

Reason - in order to safeguard trees which are to remain on the site.

12) RECORDING OF FORMER MISSION HALL

No development associated with the former mission hall at 4 Esplanade West shall take place unless a matters specified in conditions application including a Level 2 archaeological standing building survey of the building and has been submitted to and approved in writing by the planning authority.

The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning application reference number.

Reason – To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

13) SURFACE WATER DRAINAGE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include a detailed design of the surface water out-fall proposed on the banks of the River Dee. Thereafter development shall be implemented in accordance with any scheme thereby approved.

Reason – in order to ensure adequate protection of the water environment from surface water run-off and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

14) WASTE-WATER CONNECTIONS

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste-water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste-water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

15) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of mitigation measures for the protection of the proposed residential properties from external noise for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall ensure that internal noise levels do not exceed the criterion identified in Table 16 of the Noise Impact Assessment prepared by CSP Acoustics (ref: 1329002 IK V2 – 13th September 2019). Thereafter no residential property shall be occupied unless the mitigation measures relevant to that particular property have been implemented in accordance with the agreed scheme.

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

16) ALTERNATIVE MEANS OF VENTILATION

No development associated with any particular block shall take place unless a matters specified in conditions application including a scheme demonstrating that suitable ventilation complying with the relevant building standards 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.

17) BUS STOP IMPROVEMENTS / PEDESTRIAN CROSSING

No phase or block shall be occupied unless a matters specified in conditions application including a scheme for the improvement of the existing bus stops at the following locations has been submitted to and approved by the planning authority and thereafter the bus stops have been upgraded in accordance with the approved details.

- a) on the west side of Victoria Road, 40m north of the junction with South Esplanade West
- b) on the east side of Victoria Road, 25m north of the junction with South Esplanade West
- c) on the north side of Menzies Road, opposite the junction with Walker Lane;
- d) on the south side of Menzies Road, 28m south of the junction with Walker Lane;
- e) on the north side of Menzies Road, 28m north of the junction with Walker Place and;
- f) on the south side of Menzies Road, 17m north of the junction with Walker Place

The said scheme should consider the provision of bus shelters, real-time information displays, timetables, lighting, boarding kerbs, and road markings at each bus stop, with the expectation the stops are upgraded to the extent that the locational characteristics of each stop allows.

Thereafter no units shall be occupied unless all bus stops have been upgraded in accordance with the approved scheme.

Reason – in order to encourage the use of public transport to the site.

18) CAR CLUB PARKING SPACES

No development associated with the provision of the car parking areas hereby approved shall take place unless a scheme showing the location and delivery method of two '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 – To encourage modal shift away from the private car.

19) ELECTRIC VEHICLE CHARGING POINTS

No unit 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; and (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority. Thereafter the charging points and bays shall be provided in accordance with the agreed phasing plan prior to the occupation

Reason – to provide for and encourage the use of electric vehicles.

20) WATER EFFICENCY STATEMENT

No development within any particular phase or block shall take place unless a matters specified in conditions application including a water efficiency statement for that particular phase or 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 or BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

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

21) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

22) SOUTH ESPLANADE WEST PAVEMENT

No development shall take place unless a matters specified in conditions application comprising a scheme to bring the pavement on the north west (development site) side of South Esplanade West between in its junction with Victoria Road and Wellington Road up to adoptable standard has been submitted to and approved in writing by the planning authority. Any vehicular accesses into the site shall be formed as footway crossings rather than a road junction, to provide pedestrian priority along the length of the development frontage.

Thereafter no unit shall be occupied unless the scheme has been implemented in its entirety.

Reason – in order to provide satisfactory and safe pedestrian access to the development.

23) SAFE ROUTES TO SCHOOL

No development shall take place unless a matters specified in conditions application, including an assessment of, and scheme for securing, safe pedestrian routes to Lochside Academy and Walker Road Primary School (or such as other school as pupils from the site may be zoned to should circumstances change), has been submitted to and approved in writing by the planning authority. Thereafter no residential unit shall be occupied unless any associated work identified by the approved scheme to create the safe routes has been completed.

Reason - in order to promote sustainable and safe travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

24) RESIDENTIAL TRAVEL PACK

No development within any particular phase or block shall take place unless a matters specified in conditions application including a residential travel pack has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the

use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

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

ADVISORY NOTES FOR APPLICANT

1) EXPIRATION OF CONSENT

Pursuant to section 59 of the Town and Country Planning (Scotland) Act 1997 this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.

2) REQUIREMENT TO SUBMIT APPLICATIONS FOR MATTERS SPECIFIED IN CONDITIONS

As specified by Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) all conditions of this planning permission in principle that require the submission of information of any sort for further approval, agreement or consent of the planning authority, require to be subject a formal application for matters specified in conditions.

3) DETAILED PLANNING APPLICATIONS

The submission of standalone detailed planning applications is strongly discouraged due to the added complexity of assessing such applications out-with the terms of the planning permission in principle. Should detailed planning applications be submitted it is likely that

- a) further supporting information (e.g. transport assessment) would be required in order to adequately assess the proposals and
- b) new section 75 legal agreements would be required in order to secure developer obligations.

Notwithstanding the standalone nature of any detailed planning applications, such application would be required to comply with the design, landscaping and layout principles of this, or subsequent approved planning permission in principle applications and associated planning conditions.

4) LEVEL 2 STANDING BUILDING SURVEY

A full analytical record, which will include detailed photographs of decorative and structural elements, a detailed written description and account of the building's origins, development, use and the evidence on which this has been based. Readily available historic documentation will be examined, and measured drawings will be made of relevant sections, elevations and key architectural features. Surveys must be submitted in a digital format. A more detailed specification of the survey can be obtained from the Council's Archaeology Service.

5) LAYOUT AND DESIGN PRINCIPLES

The indicative layout approved as part of this application has been produced to demonstrate that the quantum of development proposed (built structures, car parking, landscaping etc.) can be satisfactorily accommodated on the site. Other alternative layouts may also be considered acceptable however they would be expected to meet the following principles –

- a) Buildings situated at right angles to the river, spaced no closer than the PPiP approval, of high-quality landmark design fit for the riverside context, and avoid a wall of development along the river and South Esplanade West
- b) Buildings setback from the pavement of South Esplanade West and mature tree planting in landscape strips along the street to provide a buffer and defensible space
- c) All units within the blocks having views towards the river, with no single aspect flats onto South Esplanade West and single aspect flats only being used elsewhere if this can be demonstrated as being absolutely necessary
- d) A line of sight between Cabel's Lane and the river
- e) Parking set back from the ends of the buildings closest to the river and in no circumstances extending beyond the end of the building.
- f) A central square of pedestrian only, public realm capable of accommodating a bridge from the opposite side of the river
- g) Commercial floor space at ground level at Victoria Bridge and as part of the central area of public realm
- h) An improved public walkway and boardwalk along the river edge
- i) Retention of the existing play area

6) HOURS OF DEMOLITION AND CONSTRUCTION WORK

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

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

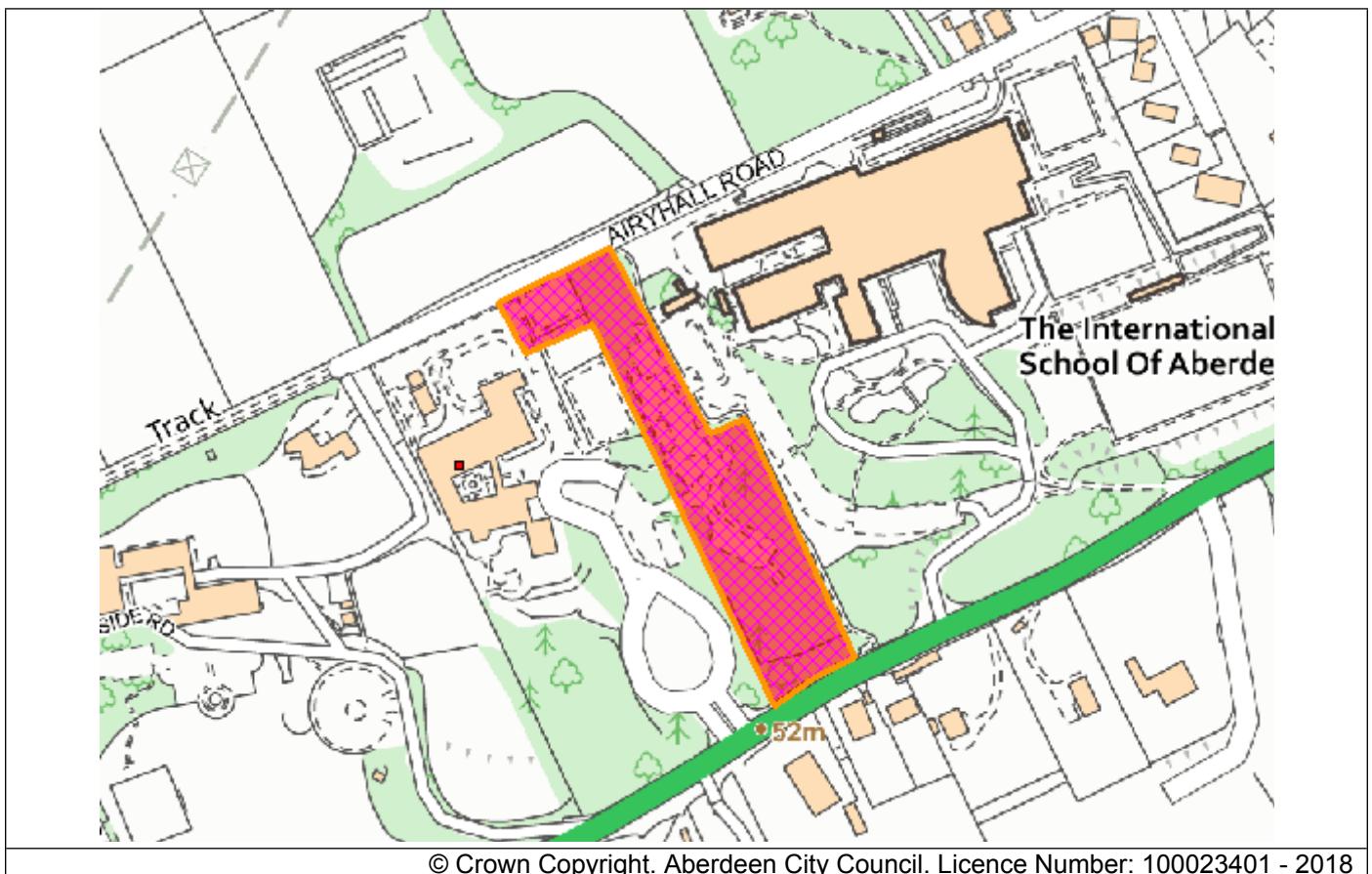


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 5th December 2019

| | |
|---------------------------------|--|
| Site Address: | The Marcliffe at Pitfodels, North Deeside Road, Cults, Aberdeen, AB15 9YA |
| Application Description: | Erection of 65-bed care home over 2, 3 and 4 storeys with associated landscaping, car parking and infrastructure |
| Application Ref: | 191074/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 5 July 2019 |
| Applicant: | Meallmore Ltd / The Marcliff Ltd |
| Ward: | Lower Deeside |
| Community Council: | Braeside and Mannofield |
| Case Officer: | Gavin Clark |



RECOMMENDATION

Approve Conditionally, Subject to Conclusion of Legal Agreement

APPLICATION BACKGROUND

Site Description

This application relates to an irregular shaped site extending to approximately 1.1 hectares, located to the west of the existing Marcliffe Hotel and to the east of the International School of Aberdeen. The site is located within the Pitfodells Conservation Area and is sited approximately halfway between Aberdeen and Cults. It is bounded to the north by an unsurfaced track (Airyhall Road - a Core Path), to the south by North Deeside Road. A tarmac footpath (also a Core Path) runs the length of the eastern boundary between the site and the grounds containing the International School of Aberdeen.

The site currently includes extensive areas of gravel and bitmac surfaced car parking with specimen and mature coniferous and broadleaved trees most prominently extending along the front half of the site towards North Deeside Road, but also located along either boundary and throughout the site. The trees along the North Deeside Road frontage are protected by a tree preservation order, whilst the others are protected by the fact that they are located within a conservation area.

Vehicular and pedestrian access would continue to be taken from the existing loop driveway and core path from North Deeside Road. Pedestrian access from Airyhall Road could also be taken from the north.

Relevant Planning History

Planning permission (Ref: A8/1478) was approved in July 2009 for an extension to the adjacent Marcliffe hotel to form 228 new bedrooms, reception, function, lounge, leisure and spa accommodation including multi-level underground parking to provide 264 spaces on land between the hotel and North Deeside Road. A section 42 variation (ref: P140775) was approved in September 2014 to 'renew' the life of planning permission A8/1478 for a period of three years, expiring on 18 September 2017. A further section 42 variation (Ref: 170606/S42) was approved in August 2017 to further "renew" the life of the aforementioned planning permission for a period of three years expiring on the 30th August 2020. This consent therefore remains valid and can be implemented.

Planning permission for the development of the International School of Aberdeen campus (Ref: A7/0937), immediately to the east was granted in December 2007. A proposal for an extension to the International School (Ref: P140552), at the north-west corner of the rear wing, close to the north east boundary with the site, was approved in May 2014. This consent was implemented.

An application for planning permission (Ref: P141672) was withdrawn by the applicant in July 2015 for the demolition of the existing Marcliffe Hotel and spa and erection of 189 residential units, along with open space, parking and associated infrastructure.

An application for planning permission (Ref: P140224) was withdrawn by the applicant in December 2014 for the demolition of the existing Marcliffe Hotel and the erection of a Class 4 Office and associated infrastructure works.

There have also been a number of other applications for alterations and extensions to the adjacent hotel, none of which are of particular relevance to the determination of this planning application.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks detailed planning permission for the erection of a 65-bed care home set over 2-4 storeys with associated landscaping, car parking and infrastructure.

The building itself, which would be built in the overspill car parking area for the adjacent hotel, would be four storeys on its front (southern elevation) and, due to the slope of the land which falls from north to south, would be two storeys on its rear (northern) elevation. It would have an overall maximum height of approximately 17.9m (11.1m on its southern elevation), width of 33.8m, length of 68.7m and approximate floor area of 350 sqm. Materials proposed would include a beige render, natural granite facing blocks, aluclad windows and doors, standing seam cladding and concrete slate effect roof tiles.

The proposal would include the formation of 49 car parking spaces, 27 of these would be located to the front of the building for use as resident/ visitor parking, with a further 22 spaces provided for staff to the rear (north). The existing core path would be upgraded with lighting to allow access to North Deeside Road to the south, and the existing nearest bus stops to the site would also be upgraded. Vehicular access would be taken from the existing access (shared with the hotel) onto North Deeside Road.

The submitted arboricultural information indicates the loss of at up to 43 trees to facilitate the development (32 trees to accommodate the proposal and 11 trees for reasons of good arboricultural practice), mainly surrounding the proposed building. The trees proposed for removal include sycamore, ash and horse chestnut.

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=PU688IBZHJ000>.

- *Design and Access Statement (Updated October 2019)*: looks at various issues including context, access and connectivity, design proposals, materials and provides visualisations for the proposed development;
- *Supporting Planning Statement (October 2019)*: looks at the site, planning history, the proposed development, planning context, a discussion of how the proposal complies with the development plan and an overall conclusion;
- *Daylight and Sunlight Report (October 2019)*: provides an assessment of the daylight and sunlight provision for the proposed development. This also sets out criteria, simulation inputs and provides details of the results as well as an overall conclusion;
- *Bat Survey (submitted November 2019)*: provides an assessment of bat roost potential within trees within the development site. It concludes that there would be no loss of bat roosting habitat;
- *Noise Impact Assessment (submitted September 2019)*: provided an analysis of the site including an assessment of the adjacent hotel use;
- *Tree Survey Report and Schedule (updated November 2019)*: provides an analysis of the site and details of the survey results;
- *Drainage Statement (July 2019)*: includes an assessment of the site, foul water calculations, run-off rates, surface water attenuation and details of the drainage layout for the proposed development;
- *Transport Statement (and updated statement (July and September 2019))*: provides details of the site, site accessibility, development proposals and access arrangements, traffic impact from the development, a travel plan framework and an overall summary/ conclusion. An updated statement was submitted following comments received from colleagues in Roads Development Management.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because objecting comments have been received from Braeside and Mannofield Community Council. The proposal therefore falls out with the scheme of delegation.

CONSULTATIONS

ACC - Waste Strategy Team – advise of the waste management requirements. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Roads Development Management Team – their response will be discussed in greater detail in the evaluation section of this report. In summary, they have no objection to the proposal subject to the insertion of conditions relating to lighting, bus stops and the implementation of a travel plan.

ACC - Environmental Health – have reviewed the submitted Noise Impact Assessment and advise that the mitigation measures covered in the assessment should be implemented as detailed within the report.

ACC - Developer Obligations – have advised of required developer obligations towards the core path network (£7,250 plus lighting installation works), health care facilities (£39,919) and open space (£7,137). They also note that transportation contributions will be advised by colleagues in Roads Development Management.

Police Scotland – have provided observations in relation to the design of the proposed development.

Scottish Water – advise that there is sufficient capacity at both the water and foul treatment works.

Archaeology Service (Aberdeenshire Council) – note concerns over the scale of development and the impact on Pitfodels House to the east – noting that the original building has been compromised by school additions to the rear. Also advise that there are no mitigation requirements in this particular instance.

Braeside and Mannofield Community Council – have raised concerns in relation to over development of the site, loss of car parking associated with the existing use, query whether vehicular access could be taken from Airyhall Road and request that mature trees should be retained to obscure the development from North Deeside Road. Clarification was sought on whether the above should be treated as an objection to the application, with a response received on the 3rd September confirming that *“if we have to take a side for our concerns to be met then please take our comments as an objection”*.

REPRESENTATIONS

Five letters of objection have been received. This includes two letters from nearby medical practices and one from the neighbouring Community Council (Cults, Bielside and Milltimber). –

Cults Medical Group and Garthdee Medical Group have advised that it is not within their capacity to care for another 65 potentially elderly patients and strongly oppose the proposal without further consultation with those stakeholders involved in providing health and social care in the area.

In summary the three other letters of objection raise concerns about:

1. the scale of development proposed and over development of the site;
2. the impact on the surrounding conservation area;

3. road traffic and access to the proposed development, the loss of parking spaces associated with the hotel as well as pedestrian access;
4. impact on amenities in the surrounding area
5. continued access to the core path which runs along the boundary of the development site and the International School;
6. noise and waste;
7. to the loss of trees and woodland within the application site boundary;
8. to impact on the surrounding Green Belt;

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)

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

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- I1: Infrastructure Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- NE1: Green Space Network
- NE2: Green Belt
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality

- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Buildings & Water Efficiency
- C11: Digital Infrastructure

Supplementary Guidance (SG)

- Landscape;
- Planning Obligations;
- Transport and Accessibility;
- Air Quality;
- Noise;
- Natural Heritage;
- Trees and Woodland;
- Flooding, Drainage and Water Quality;
- Green Space Network and Open Space; and
- Resources for New Development

Other Material Considerations

- Pitfodels Conservation Area Character Appraisal.

EVALUATION

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the relatively small scale nature of the proposed development, it is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Principle of Development

The application split is split roughly 50:50 between the northern half which is zoned for residential uses (Policy H1 (Residential Areas) and the southern half that is zoned as Green Belt (Policy NE2 Green Belt). The whole site is also covered by the Green Space Network designation (Policy NE1), reflective of the core path that passes along the eastern boundary.

The proposed care home building is located entirely within Policy H1 (Residential Areas). Policy H1 states that, within existing residential areas, new residential development will be approved in principle if it does not constitute over development; does not have an unacceptable impact on the character and appearance of the surrounding area; does not result in the loss of valued or valuable areas of open space and complies with any associated Supplementary Guidance. Compliance with this policy will be discussed in the evaluation below

Policy NE1 (Green Space Network) advises that the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network and any proposals for development that are likely to destroy or erode the character and/ or function of the Green Space Network will not be permitted. In this case, it is noted that the proposed development will have an impact on the character and function of this section of GSN in that there will be a significant structure built on site, and a number of trees will be removed in order to facilitate the development. What would therefore need to be considered is the magnitude and significance of the impact on the function of the GSN and the weight to be afforded to any material considerations that might justify a departure from policy in this instance. These matters are discussed within the following evaluation.

It is noted that the proposed car parking area and associated landscaped grounds to the south of the new building would be located within an area designated as Green Belt, where Policy NE2 (Green Belt) applies. Given the area in question is currently used as an informal overspill parking area for the adjacent hotel use, and the only development to be located within this area relates to a small area of car parking that would be associated with the proposed care home; the proposal would comply with the general aspirations of NE2 in that the development is within the boundaries of an existing activity, the portion of the development located within the Green Belt designation would be small-scale and the intensity of activity in this area would not be significantly increased.

Layout, Siting, Design and Amenity Impacts

Policy D1 (Quality Placemaking by Design) 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 developments. Policy D2 (Landscape) advises that developments should have a strong landscape framework which improves and enhances the setting and visual impact of development, unifies urban form, provides shelter, creates local identity and promotes biodiversity.

The Council originally raised design concerns in relation to a number of aspects of the proposal including requests to flatten the roof to remove its perceived height, to explore using roof decking as an external amenity space, a request to step the building down the site following the topography of the ground and to bring the building further south to free up space around the building to provide further amenity space to the north.

The applicant has not made any changes to the layout or design of the building in response to these suggested design improvements. The reasons given are that open balconies at first floor level would not be appropriate for elderly residents, that moving the building further south would impact on the Green Belt designation and that stepping the building or reducing its scale would reduce the general number of units required to make the development commercially viable.

Taking the above matters into consideration, it is considered that, on balance, the building is of an appropriate design, being laid out in an “L” form plan to ensure that it fits within its narrow plot and retains as many of the trees and other features as possible within the application site. The proposal would also utilise materials such as granite, large amounts of glazing on the principal elevation and slate effect tiles that would tie in with the surrounding context and would be fitting of the site’s location within the Pitfodels Conservation Area. It is noted that the surrounding buildings (Marcliffe extension and International School) are large semi-modern/ modern structures not typical of the more traditional buildings that are sited within conservation areas and the building would not be alien in terms of design and scale in that context. It is also considered that the design of the building takes cognisance of the sites north/ south contours, which would allow for a functional building over 2-4 storeys. It should also be noted that finalised details of the materials proposed would be controlled via an appropriately worded planning condition.

In terms of the six essential qualities as set out in D1, the proposal would be distinctive in its design, would be welcoming to users, would offer a safe and pleasant environment (subject to relevant landscaping conditions being complied with), would be easy to move around (meeting a number of criteria as set out by the Care Commission – an essential requirement for all care homes), would be adaptable in its design to meet future needs and requirements of residents and subject to condition would be resource efficient. The aims and objectives of D2 will be discussed further in the “*Natural Heritage/ Landscaping and Outdoor Access*” section.

The proposal is, therefore, considered to have been designed with due consideration for its surrounding context and, on balance, would comply with the general terms of Policy D1 (Quality Placemaking by Design) of the ALDP.

A number of the other comments made have been addressed, including the provision of landscaped areas and the submission of daylight and sunlight calculations. These matters will be discussed further in the evaluation below.

Amenity

In terms of amenity, given there are no residential properties in the immediate surrounding area (as these are located more than 100m away to the south), there would be no overlooking or intrusion on the privacy or amenity of adjoining residential property or any adverse impact on neighbouring residential amenity.

In terms of the general layout, the Planning Authority initially highlighted a number of concerns/issues with the proposal that were communicated to the applicant. This included:

- concern about the proximity to the core path,
- lack of boundary detailing between the car park of the International School whose parking abuts the palisade fencing of the site boundary
- concern over privacy, quality of the residential accommodation,
- noise/disturbance from cars and headlights;
- concern that there seems to be a lack of general external amenity space to be enjoyed by residents because of the form and volume of the proposal in relation to the shape of the site;
- concern over the lack of balconies to more of the bedrooms to afford floor to ceiling glazing to allow interaction with the landscape setting; and
- day light and sun-light study findings.

In response, further information was submitted by the applicants. This included daylight and sun lighting calculations for all windows within the development, which demonstrate that all rooms within the development would receive an adequate level of daylight and that most rooms surveyed (18/21) comply with both the annual average and the winter criteria. The three windows that don't meet these criteria are located on elevations other than the south, and the results generally illustrate that, generally, acceptable levels of sunlight are provided for residents throughout.

In terms of the lack of external amenity space, it is noted that internal areas for all residents have been provided by way of day rooms on all levels and also a café and activity space/ cinema and hair salon at ground floor level. These would be provided in line with care commission requirements. An enhanced landscaping plan has also been submitted, which provides a larger residents garden to the rear and a smaller garden area to the front of the property that would provide areas of seating for both residents and visitors. Balconies are also proposed on the southern elevation (with a small number on other elevations) to allow external access from the communal areas. The level of amenity space provided, both internally and externally, is considered to be appropriate for the use. It is also noted that the property is also located in close proximity to the core path network, which would allow access to walks and woodland in the surrounding environs.

The development is located in close proximity to the car park of the International School to the immediate east. As a result, the outlook from 17 (out of a total of 65) bedrooms facing over the car parking area in the foreground would be relatively poor compared to other rooms in the nursing home. Nevertheless, the views would still be framed by the nearby mature trees and landscape grounds of the International School and occupants would have access to communal areas that have southern and western outlooks. The relatively poor outlook of some rooms is therefore not considered to be constitute a significant enough impact on residential amenity as to warrant refusal of planning permission in this instance. It is noted that the other bedrooms would either have attractive southern aspects towards North Deeside Road, or western outlooks toward the Marcliffe and its associated wall garden, which are indicated as being within the control of one of the applicants to this permission.

It is acknowledged that there are a few shortcomings with the scheme including the provision of daylighting to all rooms and the relatively poor outlook from some of the bedrooms on the eastern elevation. On balance, however, taking into account mitigating factors including communal living areas and amenity space, it is considered that the proposal to be acceptable from an amenity perspective and the proposal would comply with the general aims of D1 and H1 of the Aberdeen Local Development Plan in this regard.

It is also noted that a number of comments received in representation raised concerns in relation to overdevelopment of the site, and concerns that the development did not fit into the pattern of development in the surrounding area and some concerns were highlighted about proximity to the core path network. Less than 33% of the site would be covered by development and the overall pattern of development and building line would match the buildings in the immediate surroundings. The proposal is therefore considered to be acceptable in this regard. Comments were received that the core path would potentially feel enclosed due to planting within the development site. Whilst planting has been shown on a plan, this would be controlled by a planning condition to ensure that planting was appropriate for the site context. This would likely take the form of low level (less than 1m) planting between the site boundary and the core path. The proposal is not considered to represent over development of the site and is an appropriate form of development given the surrounding context. The proposal is therefore considered to comply with H1 of the ALDP in this regard.

Impact on Conservation Area

The Pitfodels Conservation Area Character Appraisal advises that, in relation to North Deeside Road *“the main east - west vehicular route through the Conservation Area, is characterised by traditional boundary walls, mature tree planting, property access, glimpse views and domestic scale outbuildings accessed off the south of the road. North Deeside Road’s tree lined avenue is a strong feature of the Conservation Area and makes it feel rural in character even though it is located close to main built urban edge of the City.”*

The Conservation Area was designated with the intention of maintaining the character of the area formed by the many small imposing “country houses” with their spacious garden layouts and generous planting of trees. Unlike the other Conservation Areas in Aberdeen, the character of Pitfodels owes as much to its landscape as to its buildings. The five plots between North Deeside Road and Rocklands Road/ Airyhall Road are set in a “band” around 100m to 200m back from the road and are separated from it by an arrangement of a frontage belt of trees, a series of open lawns or paddocks, and a central belt around the buildings. It is the significant tree planting between and around buildings and along driveways and boundaries which makes the area so distinctive. It is within this context, as well as in terms of its setting within the Green Belt, that the impact of the proposal needs to be considered.

The proposed development would have minimal impact on the special character of the Pitfodels Conservation Area. The proposed building is set uphill, a considerable distance from the main carriageway and is heavily screened by a substantial number of trees and this screening would be maintained by the proposal. The proposal is also set well back from Airyhall Road to the north, it is also set down the slope, would be two storeys in height on this elevation and screened from the recreational route to the north by a number of mature trees.

The visualisation of the main entrance junction with the driveway to the International School illustrates the view from the point on North Deeside Road from which the proposed building would be most visual and prominent. This is a summer view and the building would be more prominent in winter. Even allowing for this fact, the visualisation is considered to satisfactorily demonstrate that the proposed building would not be unduly prominent and that the views of the proposal from North Deeside Road would constitute “glimpse views” in keeping with the existing character of the surrounding conservation area. The proposed nursing home building and both the adjoining

Marcliffe Hotel and International School would continue to be set in large, visually enclosed, wooded landscaped grounds in keeping with the character of the Pitfodells Conservation Area. The nursing home would be relatively modest in mass and scale when compared to the immediately adjoining buildings which have changed the context within which this proposal is assessed.

Taking the foregoing into account, it is considered that the proposal would be an acceptable addition to the surrounding conservation area, that would therefore not offend the general principles of Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan.

Trees

Policy NE5 (Trees and Woodlands) advises that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character local amenity or climate change adaptation and mitigation.

The proposal has been assessed internally by the Council's Arboriculturalist who notes that, in this case, the proposed development would result in the loss of 32 mature trees. A further 11 trees would be removed for good arboricultural practice. In addition to the initial loss it is considered likely that further tree loss will occur due to the proximity of retained trees adjacent to the internal site access. The root protection areas of two further trees would be affected by development and the incursion of hard surfacing, but also these trees will be retained in such proximity to the proposed building that future conflict is likely to occur. The development would also be located within the Zone of Influence (ZOI) for a number of other trees.

The 11 trees proposed for removal to facilitate development on the western side of the site have a positive impact on the internal landscape character of the Marcliffe hotel's grounds – in particular and their removal would have a significant impact on the setting of the hotel's walled garden. These trees also have nature conservation value and provide an important green corridor providing one of few tree corridors linking habitats to the north and south of the Deeside Road. The removal of the above trees and the increase in built infrastructure could result in the creation of a gap in this corridor.

In evaluating the impact of the tree loss it should be noted that a secondary tree belt to the immediate east of the walled garden would be retained to maintain this link to some degree. Furthermore, replacement tree planting along this boundary would compensate for the loss to some extent in the medium to longer term. It is also pertinent that the trees to be lost on the east boundary are in the centre of the site, well screened from views from public vantage points on Airyhall Road, North Deeside Road and the Core Path and their removal would have a only a localised visual and landscape impact restricted to views from the immediate hotel grounds. Finally, it is worth noting that these trees would be removed as part of a previously approved scheme on site (which remains valid until August 2020) so their removal has already been sanctioned in that context.

There is also an extensive group of young sycamore, covering an area to the front of the building that would be removed to facilitate development. Whilst the trees are self-seeded, they have formed a young woodland. Their loss would have an impact on tree cover in the area and the benefits tree cover provides. On balance however, the loss of these trees is not considered significant in the context of the retention of mature trees to the immediate south.

Due to the scale of development on a relatively small plot there is limited scope to mitigate the scale of tree loss within the development site to any substantive degree although replacement planting would be provided within areas in the southern and northern section of the site. A condition in relation to a finalised landscaping scheme has been inserted onto this consent document.

Taking the foregoing into account it is considered that the proposed development would not comply with the specific terms of Policy NE5 in that the development would result in the loss of a number of mature trees. What therefore needs to be considered is whether the scale and impact of the loss of trees in the locations proposed as detailed above is outweighed by other material planning considerations. This will be discussed within the summary.

Natural Heritage/ Landscaping and Outdoor Access

As has been discussed elsewhere, the proposal is located within an area zoned as “Green Space Network” (GSN). The treed landscapes and low-density development of this section of the city help provide a landscape setting and biodiversity connectivity. Any proposal that would impact on the density of development and/ or tree cover is therefore of a concern and the site has limited opportunities to improve its landscape setting to the west and east.

This matter has also been discussed, in part, in the “Tree” section above. It is noted that the proposed building would change the general character of the site and would result in the loss of trees, which has the potential to impact on the immediate setting.

The applicants have submitted a landscaping plan in support of the planning application. This shows some replacement planting along both boundaries and also enhanced areas of planting to the south, a landscaped garden area to the immediate front of the dwelling and areas of garden ground to the rear, which would all be accessible to users of the care home. Access would also be possible onto the Core Path, located to the side of the site, which goes toward Airyhall Road to the north of the site and North Deeside Road to the south. The visualisations submitted in support of the application also indicate that the proposal would have a limited visual impact on the surrounding area, given the significant number of trees that would be retained surrounding the application site boundary.

It is also noted that the development would be sited in close proximity to the existing Core Path 65, which runs along the eastern boundary of the site and acts as a right of way. As discussed elsewhere, it is proposed to upgrade this section and provide additional lighting on the path. The relationship of the building to the path is not ideal

The building itself is proposed to be built very close to the existing Core Path (65) which runs roughly north-south on the eastern boundary of the site, this route is also a Right of Way. This is not necessarily ideal in terms of proximity and privacy concerns which future residents may have. However, given the tight nature of the site there is very limited opportunity to move the building further away from the path. It would be expected that access to the core path is retained during construction, or alternative means of access provided. It should also be noted that use of this path is fairly infrequent and mostly utilised for recreational use, nevertheless, access should and would be retained and indeed enhanced via the provision of lighting (implementation of which would be controlled via an appropriately worded condition).

In terms of Policy NE9, it is not envisaged that the development would compromise the integrity of rights onto the existing core path network. The proposal would also include enhanced provision to the core path and would provide links from the development onto this footpath. There would therefore be no significant conflict with this policy.

A Bat Survey was submitted in support of the planning application. This indicates that there is limited bat roost potential within the site, and there was no evidence of bats within the site during the survey. The findings of the report have been accepted. Nevertheless, an informative will be added on to the consent in the event that any bats are found roosting during development.

In terms of compliance with D2, whilst there would be the loss of a number of trees within the site, along with some other planting, the proposal would provide appropriate enhanced levels of landscaping (both hard and soft) which would enhance the setting of the site. However, it is noted

that there would be some conflict with NE1 (Green Space Network) and NE8 (Natural Heritage) in that the reduction in the level of tree cover on the site and consequent erosion of the wildlife value would partially erode the wildlife function of Green Space Network in this location. However, given the existing consents for development in this location and the fact that the Core Path would be retained and upgraded thus enhancing the key recreational/sustainable travel function of the Green Space Network that applies to the site, a departure from the aforementioned policies could be reasonably justified in this instance.

Given the nature of the site, and the surrounding environs, it is considered appropriate to request the submission of a Construction Environment Management Plan (CEMP) prior to the commencement of development on site.

Transportation and Drainage

Proportionate with the scale and anticipated impact, new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. In addition, new developments must be accessible by a means of transport modes, with an emphasis on active and sustainable transport.

In terms of public transport, it is noted that there are existing bus stops within 400m of the site which stop on both sides of the road and are utilised by regular bus services. During the consultation process it was noted that both of these stops are substandard, and contributions towards upgrading each could be provided. The applicant has agreed to these works, and the provision of the monies required toward these works will be controlled in the required legal agreement.

In terms of parking associated with the proposed development, the plans indicate a total of 49 parking spaces which included disabled parking spaces and electric vehicle parking provision. Cycle provision for both staff and visitors would also be provided in line with the standards set out in the associated Supplementary Guidance: Transport and Accessibility.

Concerns were highlighted by colleagues in the Roads Development Management(RDM) Team and in letters objection in relation to the loss of the overspill parking associated with the adjacent hotel and the ability to provide sufficient parking provision for both uses within the curtilage of the site. In this regard a parking survey was submitted by the applicants. The current hotel provides parking for around 173 vehicles, which would be reduced to approximately 98 spaces following construction of the care home.

The parking surveys concluded that average parking demand for the Marcliffe Hotel is 48 spaces – 12 for guests, 12 for staff, 4 for restaurant, 20 for functions. This corresponds with the car parking count undertaken during the site visit on 08/08/2019, where there was a total of 40 cars recorded. None of these were in the overspill areas. They further conclude that larger daytime events would demand around 100 spaces – 12 for guests, 12 for staff, 4 for restaurant, and 72 for function attendees.

It was concluded by colleagues in RDM that the analysis undertaken was robust, and highlights that there will be certain events where the proposed 98 spaces will not be sufficient, but for the vast majority of events parking provision for both uses would be sufficient. Given the site is relatively remote, and the chances of indiscriminate parking are slim, this is not particularly concerning from a Roads perspective. For these larger events it will be for the site owner to manage parking. Despite there only being 98 spaces, there is considerable hardstanding in the form of a long, winding driveway, so it seems likely that on these rare occasions where parking pressures are high, there can be workable solutions. Consequently, colleagues in RDM consider the parking provision to be acceptable.

The proposed site access is via the existing internal road within the hotel site. This means that no new vehicular access is required onto the adopted road network. In addition, the level of trip generation is not enough to warrant any further traffic impact analysis. At worst this is an extra car every 3 minutes and would have no adverse impact on the wider road network. Submission of a residential travel pack would also be controlled via an appropriately worded planning condition.

The applicants have also indicated that servicing of the development will be done from the shared space drop-off area to the South. The swept path analysis provided shows that access can adequately be achieved by all types of vehicles required – including refuse vehicles.

It is also noted that the provision of enhanced bus stop facilities on the northern and southern sides of North Deeside will be upgraded by the Council following a monetary contribution from the applicant. This is considered acceptable and will be incorporated into the S75.

The proposal was also assessed by colleagues in Waste Management, who highlighted the waste management requirements for the development. They did initially query whether provision could be made for a service lay-by on the main road, where the vehicle could stop and empty bins. Further clarification was provided from the applicant in terms of waste pick-up arrangement for the existing hotel, to which the care home would follow similar (it was shown that a refuse vehicle could enter and exit the site in a forward gear). These findings were accepted by colleagues in Waste Management.

Braeside and Mannofield Community Council sought clarification on whether the site could be accessed from Airyhall Road. Given the further mature tree loss that would be involved in these works, and the acceptability of the proposed arrangement, this idea was not progressed.

As a result of the above evaluation, the proposal is acceptable from a roads perspective and, subject to condition would comply with policies T2, T2 and R6 of the ALDP along with its associated Supplementary Guidance.

Flooding/ Drainage

A Drainage Statement and layout plan were submitted in support of the application. These documents have been assessed by colleagues in Roads Development Management, who note that 2 levels of treatment are proposed for the roads and the commercial area – filter trenches and porous paving for the roads, and filter trenches and a swale otherwise. These proposals are evidenced to provide the mitigation measures required to facilitate the development. Implementation of these measures would be controlled via an appropriately worded planning condition. Subject to the above, the proposal would comply with Policy NE6 and its associated SG of the ALDP.

Noise

The proposal has been subject to consultation with colleagues in Environmental Health, who initially requested the submission of a Noise Impact Assessment (NIA) due to potential impacts to and from existing noise sources in the surrounding area, mainly events that took place within the function hall of the adjacent Marcliffe Hotel. This document was submitted in September 2019 and was reviewed by colleagues. They concluded that noise mitigation measures as detailed within the submitted document should be implemented and this matter would be controlled via an appropriately worded planning condition. Subject to the insertion of this condition, the proposal would comply with Policy T5 and its associated SG of the ALDP.

Developer Obligations

The Council's Developer Obligations Team have indicated that contributions are required towards the core path network (£7,250 plus lighting installation works), healthcare facilities (£39,919), open space provision (£7317) as well as the provision of updated bus stop facilities on the northern and southern sides of North Deeside Road (circa £6000). If planning consent were to be granted, then

these contributions would be provided via a legal agreement to ensure compliance with Policy I1 and its associated SG of the ALDP.

Low/ Zero Carbon Developments

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application though the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 and its associated SG of the ALDP.

Digital Infrastructure

All new residential (and therefore care home) development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within the city boundaries, which currently has access to said infrastructure. The proposal would therefore comply with Policy CI1 of the ALDP.

Matters Raised in Letters of Representation

1. In terms of impact on health facilities, consultation has been undertaken with colleagues in developer obligations. In this case, infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. These 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 a contribution of £39,919 has been agreed toward an extension of Cults Medical Practice to increase capacity. It is therefore considered that this solution addresses the concerns raised with regard to health provision;
2. The scale of development and over development of the site has been discussed above;
3. Impact on the surrounding conservation area has been discussed above;
4. Road traffic impacts and the loss of parking facilities have been discussed and justified above;
5. It is not considered that the development would have an adverse impact on the amenities of the surrounding area;
6. Access to the adjacent Core Path 65 would be retained and enhanced via the provision of lighting;
7. A Noise Impact Assessment has been submitted and accepted by colleagues in Environmental Health. Waste provision has been discussed with both roads and waste management and is considered to be appropriate for the site;
8. The loss of trees has been discussed above;
9. The impact on the Green Belt has been discussed above.

It should also be noted that Braeside and Mannofield Community Council raised objection to the development with regard to over development, loss of car parking, the possibility of access being taken from Airyhall Road, and whether further trees could be retained to obscure the development from North Deeside Road. Each of these matters have been addressed within the above evaluation.

Summary

In conclusion, in terms of the ALP zonings applicable to the site:

- the proposal for the construction of a nursing home is considered to be acceptable in principle in terms of Policy H1 ALDP because it constitutes a residential use that would be located entirely within a part of the site that is zoned for residential purposes;
- the front half of the site will not be developed, and the mature existing tree belt will be protected and retained in full accordance with the Green Belt Policy (NE2) that applies to this part of the site; and

- the reduction in the level of tree cover on the site and consequent erosion of the wildlife value would partially erode the wildlife function of Green Space Network in this location;
- The Core Path would be retained and upgraded thus enhancing the key recreational/sustainable travel function of the Green Space Network that applies to the site.

A satisfactory level of internal and external amenity space would be provided for new residents with the majority of rooms having an attractive outlook and satisfactory level of daylight. Internal and external communal amenity space is adequate and there would be no privacy/overlooking impacts on neighbouring property. The short range, localised visual impacts of the new building from the Core Path and the walled garden/grounds of the hotel would be significant. Nevertheless, the proposed building and adjoining buildings would retain their setting in mature landscaped grounds, well screened in medium or distant views by trees and, therefore, there would be no significant visual or landscape impact on the wider conservation area or in key public views from North Deeside Road or Airyhall Road. Taking that into account it is considered that the character of the Pitfodels Conservation Area would not be adversely affected.

It is considered that the traffic impact and levels of car parking proposed are satisfactory and links to sustainable transportation are good and would be enhanced. Developer obligations would mitigate the impact on healthcare provision and recreational facilities.

The loss of mature trees would have detrimental impact on the wildlife value of the site and means that the development is contrary to the terms of Policy NE5 (trees and woodlands). However, taking into account:

- the material considerations in favour of the application outlined above;
 - the fact that a greater scale of tree loss has already been approved as part of the extant consent for extension to the hotel; and
 - the location of the tree loss at the centre of the site where it would have less visual impact
- this breach of Policy NE5 (Trees and Woodland) is considered to not be of sufficient weight to warrant refusal of the application in this instance.

The proposal is considered to retain the character of the surrounding conservation area and has been designed with due consideration for its surrounding context. On balance the proposed development is therefore considered to comply with the Development Plan, Scottish Planning Policy, Historic Environment Policy for Scotland and be satisfactory in terms of other material considerations.

RECOMMENDATION

Approve Conditionally, Subject to Conclusion of Legal Agreement

REASON FOR RECOMMENDATION

The proposal is considered acceptable when assessed against the Development Plan and other material considerations:

- the proposal for the construction of a nursing home is considered acceptable in principle in terms of Policy H1 ALDP because it constitutes a residential use that would be located entirely within a part of the site that is zoned for residential purposes;
- the front half of the site will not be developed, and the mature existing tree belt will be protected and retained in full accordance with the Green Belt Policy (NE2) that applies to this part of the site; and
- the Core Path would be retained and upgraded thus enhancing the key recreational/sustainable travel function of the Green Space Network that applies to the site

A satisfactory level of internal and external amenity space would be provided for new residents with the majority of rooms having an attractive outlook and satisfactory level of daylight. Internal and external communal amenity space is adequate and there would be no privacy/overlooking impacts on neighbouring property. The short range, localised visual impacts of the new building from the Core Path and the walled garden/grounds of the hotel would be significant. Nevertheless, the proposed building and adjoining buildings would retain their setting in mature landscaped grounds, well screened in medium or distant views by trees and, therefore, there would be no significant visual or landscape impact on the wider conservation area or in key public views from North Deeside Road or Airyhall Road. Taking that into account it is considered that the character of the Pitfodels Conservation Area would not be adversely affected.

It is considered that the traffic impact and levels of car parking proposed are satisfactory and links to sustainable transportation are good and would be enhanced. Developer obligations would mitigate the impact on healthcare provision and recreational facilities.

The loss of mature trees would have detrimental impact on the wildlife value of the site and means that the development is contrary to the terms of Policy NE5 (trees and woodlands). However, taking into account:

- the material considerations in favour of the application outlined above;
 - the fact that a greater scale of tree loss has already been approved as part of the extant consent for extension to the hotel; and
 - the location of the tree loss at the centre of the site where it would have less visual impact
- this breach of Policy NE5 (Trees and Woodland) is considered to not be of sufficient weight to warrant refusal of the application in this instance.

The proposal is considered to retain the character of the surrounding conservation area and has been designed with due consideration for its surrounding context.

It is also noted that the proposal has some tensions with a number of other Policies of the Aberdeen Local Development Plan, namely D1 (Quality Placemaking by Design), D2 (Landscape), NE8 (Natural Heritage), however, these minor departures have either been overcome, or can be controlled via appropriately worded planning conditions.

The proposal is considered to be compliant with Scottish Planning Policy, Historic Environment Policy for Scotland the Pitfodels Conservation Area Character Appraisal and with other relevant Policies in the Aberdeen Local Development Plan including D4: Historic Environment, I1: Infrastructure Delivery & Planning Obligation, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T5: Noise, H1: Residential Areas, NE2: Green Belt, NE6: Flooding, Drainage & Water Quality, NE9: Access and Informal Recreation, R6: Waste Management Requirements for New Development, R7: Low & Zero Carbon Buildings & Water Efficiency and C11: Digital Infrastructure of the Aberdeen Local Development Plan, as well as with any associated Supplementary Guidance.

CONDITIONS

1. That no development shall take place until there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of private car and advises of sustainable travel choices to and from the site. Thereafter the measures within the said Green Travel Plan shall be implemented in their entirety. Reason: in order to encourage more sustainable forms of travel to and from the development.
2. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority.

Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

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

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

3. No works in connection with the development hereby approved shall commence unless samples and details of all the material (walls, windows, doors and roofing materials) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details. Reason: In the interests of the appearance of the development and the visual amenities of the area.
4. The building hereby approved shall not be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter. Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Resources for New Development.

5. No development in connection with the planning permission hereby granted shall commence unless full details of the proposed lighting for the footpath associated with the development

have been submitted to and approved in writing by the planning authority. All lighting shall be provided and thereafter retained in accordance both with the approved scheme. Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the amenity of the surrounding area.

6. The development hereby approved shall not be occupied unless its driveway, turning and parking areas has been provided and surfaced in accordance with the details shown on the approved plans (Ref: 11380 - HFM - ZZ - ZZ - DR - A - P(00) – 004). Once provided, all parking and turning areas shall thereafter be permanently retained as such. Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.
7. The development hereby approved shall not be occupied unless all mitigation measures as detailed within the submitted Noise Impact Assessment (Ref: 19335-R01-A) have been implemented in their entirety. Once implemented, all mitigation measures shall be permanently retained as such. Reason: to ensure that an appropriate level of residential amenity can be provided.
8. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.
 - a. Risk assessment of potentially damaging construction activities;
 - b. Identification of "biodiversity protection zones";
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d. The location and timing of sensitive works to avoid harm to biodiversity features
 - e. The times during construction when specialist ecologists need to be present on site to oversee works;
 - f. Responsible persons and lines of communication;
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - h. Use of protective fences, exclusion barriers and warning signs.

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

9. That all works shall be undertaken in accordance with the submitted Drainage Statement (Fairhurst Ref: 130573) and unless otherwise agreed in writing by the Planning Authority. Reason: to ensure that the site can be adequately drained and reduce potential for flood risk.

INFORMATIVES

In terms of waste requirements, the care home will be provided with: 5 x 1280l general waste containers, 5 x 1280l co-mingled recycling container and 1 x food waste container for each bin store (each kitchen will receive a kitchen caddy, bioliners and associated information). The following costs will be charged to the developer: each 1280l bin cost £413.60 and each food waste container cost £514.49. No garden waste will be provided for the care home as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

General points

- No excess should be stored outwith the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- If the bin store will be locked and/ or a barrier to the car park, 8 Keys must be provided for each store, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

No obstruction over, or restriction of access to Core Path 65 shall be permitted= during the development.

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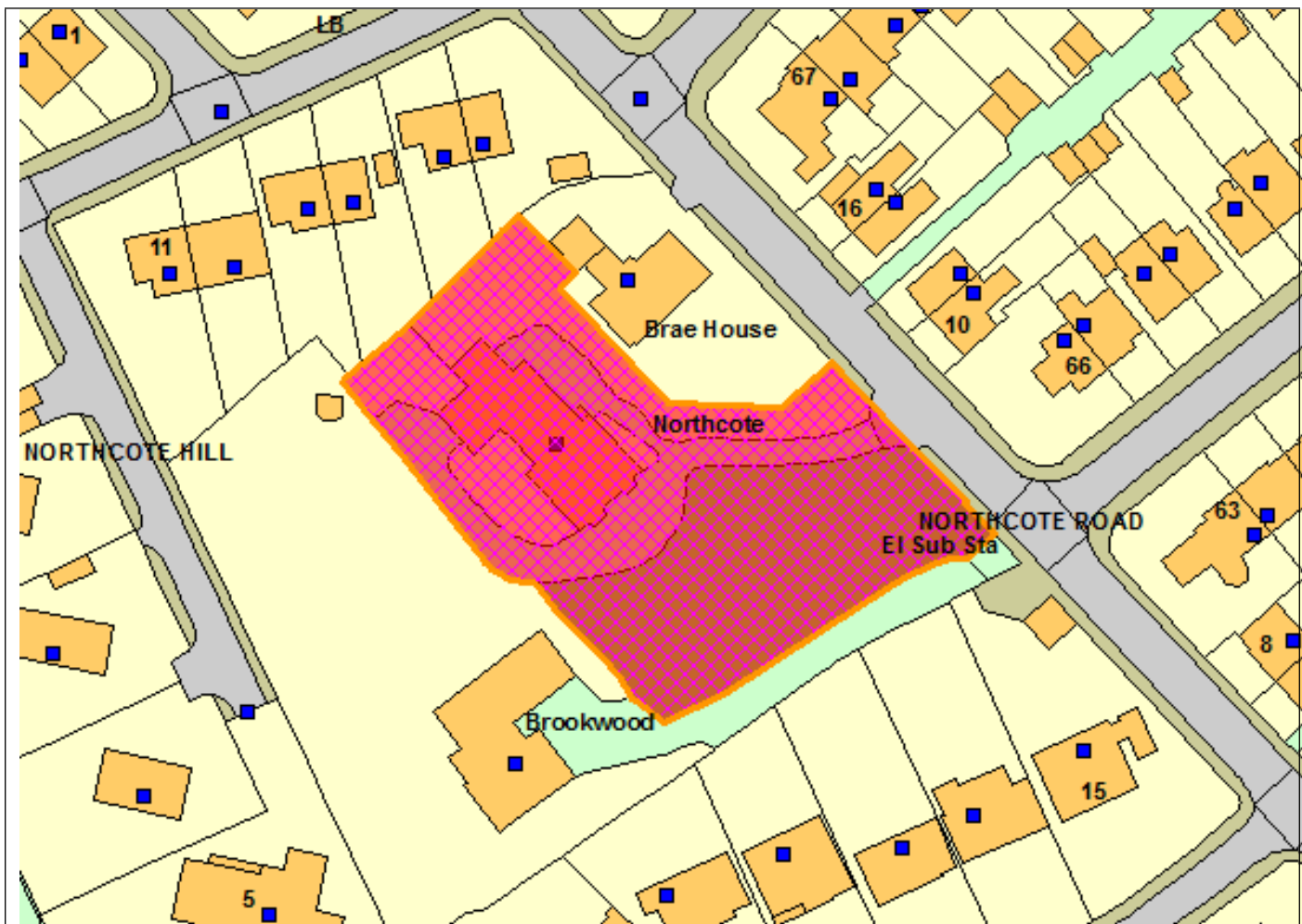


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 5 December 2019

| | |
|---------------------------------|--|
| Site Address: | Northcote House, Northcote Road, Aberdeen, AB15 7TB |
| Application Description: | Sub-division of existing ground floor flat into 2 flats including conversion and alterations of existing garage to form living space; car parking and associated works |
| Application Ref: | 191574/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 18 October 2019 |
| Applicant: | Mr John Dawson |
| Ward: | Airyhall/Broomhill/Garthdee |
| Community Council: | Braeside And Mannofield |
| Case Officer: | Alex Ferguson |



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

Northcote House is a traditional granite-built 2½ storey residential building currently comprising three flats (one on each floor), situated on the western side of Northcote Road. The building is believed to have been constructed in the mid 1800's and originally comprised one large dwellinghouse, prior to its sub-division into three flats at some point in the 20th Century. The main 2½ storey element of the building has a footprint of approximately 250sqm with a c. 175sqm single storey rear wing (predominantly comprising garages, stores and a sunroom) built off the northern gable of the main building. In total, the building and its northern wing have a combined footprint of approximately 425sqm and the building is set in the northwestern corner of a c. 3540sqm, 'L'-shaped site. A gravel driveway provides access to the site from Northcote Road and surrounds the building to the south (front), east and west (side). A raised, predominantly grassed area, behind the building in the northwestern corner of the site, comprises three areas of private garden ground, one allocated to each of the flats. The southern half of the site is in communal ownership (of the three flats) and mainly comprises a circa 1500sqm area of mature trees and lawn. The site lies within a residential area, with mid-to-late 20th Century dwellings bordering the plot on all sides.

Whilst the application site covers the entire curtilage of the building, the application proposals specifically relate to the ground floor flat (Flat 1), its adjoining garage and utility room in the rear wing and its area of private garden ground in the northern corner of the site. The neighbouring flats occupy the first (Flat 2) and second (Flat 3) floors respectively.

Relevant Planning History

| Application Number | Proposal | Decision Date |
|--------------------|---|--|
| 191392/DPP | Sub-division of existing ground floor flat into 2no. flats including conversion and alterations of existing garage to form living space; car parking and associated works | 16.10.2019 Status: Withdrawn by Applicant |

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the sub-division of the existing ground floor flat into two flats, for physical alterations associated to the subdivision and for the excavation of a section of raised grass area in order to extend the existing driveway.

A partition wall would be erected within the main building in order to create a new flat (Flat 4) within the northern part of the main building and the single storey rear wing. It is proposed to replace the existing utility room door on the eastern elevation of the rear wing with a new white timber door (which would form the front entrance door to the new flat) and glazed side screen, and to replace

the existing garage door with white timber-framed patio doors and side screens. The front (east) elevation would be finished with a grey wet-dash render to match existing.

A 1.2m high, c. 28sqm area of raised grass positioned opposite the applicant's garage would be excavated to the ground level of the existing driveway and laid with gravel chips in order to form an extension to the driveway and provide additional space for off-street car parking and bin storage. The existing granite rubble wall and steps would be re-used in the new layout and an existing retaining wall along the eastern boundary would be revealed and finished with a grey render on its western elevation.

Alterations made since original submission

Initially it was proposed to finish the eastern elevation of the rear wing with PVC doors and windows and a white render whilst it was not proposed to re-use the existing granite steps to provide access to the garden area for Flat 4. Amended plans were subsequently submitted in order to change the colour of the wall finish, the material for the windows and doors, and to include the re-use of the existing steps.

The initial proposals also sought to increase the height of the existing parapet wall to the garage and to raise the height of the applicant's section of the flat roofed northern wing by 200mm in order to accommodate insulation. The increases in the parapet and flat roof heights were subsequently omitted from the proposals and those elements are to remain as existing.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZIK2HBZKCM00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local Community Council have objected, and because a total of 32 objections to the application have been submitted by members of the public.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The proposals would increase the parking requirement from 1.5 spaces for the existing flat, to 3 spaces for the two existing and proposed flats. A single space would be provided for each flat, resulting in a cumulative shortfall of one space. However, the wider site incorporates an extensive driveway area which has space for at least 10 cars without any obstructions being caused. The likelihood of any parking overspill onto the adopted road is minimal. The new parking area is adequately sized and the proposed bin storage areas are acceptable.

ACC - Environmental Health – No response.

ACC - Waste Strategy Team – No objection. Provided comments on what type of bins will require to be purchased for the new flat and details of where they should be presented for collection. These comments are added as an advisory note for the applicant to be aware of.

Braeside And Mannofield Community Council – Object for the following reasons:

- The development is contrary to aspects of supplementary guidance 'Modifications to Existing Buildings and Curtilages';
- The application is a further erosion of the character of the country houses set within the Pitfodels area which relates back to the original feu splitting in 1845;
- The application is alien to the general pattern, density and character of the building;
- The application borrows amenity from the existing tenants;
- There would be a loss of garden area to form additional car parking, to the detriment of visual amenity; and
- There would be a reduction in sunlight afforded to a room within the ownership of Flat 2 (marked as a 'Store' on the submitted drawings).

REPRESENTATIONS

A total of 32 representations have been submitted, all objecting to the application. The matters raised in the objections can be summarised as follows:

- The Aberdeen Local Development Plan (ALDP) states that there should be limited development in the Deeside area, due to pressure on infrastructure;
- The proposals would have a detrimental impact on existing trees and wildlife;
- The proposals would result in the overdevelopment of the site;
- The proposals would not respect the established density and pattern of development of the area;
- The proposals would have a detrimental impact on the amenity of the existing flats and neighbouring houses by:
 - Increasing pressure on, and proportionate share of, communal areas (garden and driveway)
 - Reducing the area of private garden ground associated to Flat 1 (the existing application property)
 - Resulting in a loss of privacy to Flat 3 (East)
 - Loss of daylight and sunlight receipt to two rooflights serving a room owned by Flat 2 in the single storey rear wing
 - Additional noise disturbance to existing residents resulting from the activities of additional residents
 - Placement of bins adjacent to the boundary with the neighbouring dwelling to the east
 - Placement of new kitchens would lead to cooking fumes etc affecting adjacent properties
- The proposals would not create a sufficient residential environment for the occupants of the new flat (Flat 4), due to:
 - Overlooking by existing residents;
 - Poor quality of outlook for the new flat;
 - Insufficient quantity and quality (usability) of private garden ground (non-compliance with Subdivision and Redevelopment of Residential Curtilages supplementary guidance)
 - Communal garden areas are also overshadowed by mature trees
- The proposals do not demonstrate the six qualities of successful placemaking;
- The alterations to the garage roof may have detrimental impacts on the existing drainage arrangement;
- A Tree Survey must be submitted, as required by supplementary guidance;
- The excavated car parking area would encroach within the Zone of Influence of some trees, contrary to supplementary guidance;

- The design of the proposed alterations to the northern wing is not compatible with the existing building – specifically the proposed use of PVC windows and doors and a white wet dash render;
- The addition of further bins would create road safety issues on collection days when they are placed adjacent to the site entrance on Northcote Road, within visibility splays;
- The new flat would result in an increase in traffic using the site and Northcote Road, to the detriment of road safety and on-street parking provision;
- The internal driveway area within the site is insufficient to cope with additional vehicles and cars may have to reverse out onto Northcote Road;
- There is insufficient car parking available within the site at present and this would be exacerbated by the proposals. Three spaces are required for the two flats, according to the Council's Transport and Accessibility supplementary guidance, yet only two are provided;
- The access point for the new, excavated car parking area is too narrow, such that cars could not access the space if the neighbouring space owned by Flat 3 is in use;
- The placement of patio doors serving the new flat, facing immediately onto the communal driveway area, would be to the detriment of the safety of the residents;
- If approved, a condition should be added to ensure that the proposed car parking area would be constructed prior to occupation of the new flat;
- The proposals conflict with Conservation Area Policy;
- Any extension to the footprint of the building would be detrimental to its character;
- The approval of this application would set an undesirable precedent for the addition of further residential units to the site in future;
- No details have been provided as to the materials to be used for the new retaining wall;
- The new retaining wall would detrimentally impact on the roots of the adjacent boundary hedge;
- The building is currently under consideration for listing by Historic Environment Scotland.

In addition to the above, the following non-material considerations have also been raised:

- The land ownership of various parts of the site as shown on the submitted drawings is queried;
- The proposals would render existing property title deeds inaccurate, requiring revision;
- The alterations to the existing garage would have structural implications for adjoining parts of the single storey northern wing;
- Councillors should consider applying a 20mph speed limit to Northcote Road;
- The internal alterations (specifically the siting of a new kitchen within the front room of the existing ground floor flat) would be unsympathetic to the character of the building;
- There is no provision to extend the existing feu disposition of water supply to a fourth property;
- The applicant has been parking a van poorly on Northcote Road, to the detriment of road safety.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

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

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP)

- D1: Quality Placemaking by Design
- H1: Residential Areas
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R6: Waste Management Requirements for New Development
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel

Supplementary Guidance and Technical Advice Notes

- Householder Development Guide
- Sub-division & Redevelopment of Residential Curtilages
- Trees and Woodlands
- Transport and Accessibility

EVALUATION

Principle of Development

The application site lies within a residential area, as zoned in the Aberdeen Local Development Plan and Policy H1 (Residential Areas) is applicable. Policy H1 states:

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

1. *does not constitute over development;*

2. *does not have an unacceptable impact on the character and amenity of the surrounding area;*
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; and*
4. *complies with Supplementary Guidance.*

Assessment of the proposals is therefore required in order to ensure compliance with the four criteria of Policy H1 noted above.

Over development

In relation to residential development, 'over development' is typically assessed by calculating the impact of proposed physical works (i.e. a new building or an extension an existing building) on an existing residential curtilage in order to ensure that the existing dwelling is not overwhelmed by new development and retains an appropriate plot ratio (dwelling footprint to garden ground). However, in this instance, the proposals would not involve any increase in the footprint of the existing building. The works would involve the excavation of a section of grassed garden area to form an extension to the existing driveway but this area would not be significant, given the size of the site and the remaining amount of garden ground. Therefore, strictly in terms of physical works, the usual criteria for assessing over development are not applicable in this instance and the physical works would not result in the over development of the site.

However, whilst the proposals would not constitute over development in a physical sense, it is pertinent to also assess whether the addition of a fourth residential unit, contained within the envelope of the existing building, would result in the over development of the site in terms of the intensification of residential use on the site. In this regard, whilst the Council does not have any supplementary guidance (SG) specific to the sub-division of existing flatted buildings (the Sub-division and Redevelopment of Residential Curtilages supplementary guidance relates specifically to the '*construction of new houses and flats within the garden ground of existing residential property*' and the '*complete demolition and replacement of existing dwellings by new dwellings on the same curtilage*'), it is acknowledged that the intensification of a flatted development by creating additional units within the existing building envelope could contribute towards its over development, should the new units place undue strain on communal amenities.

However, in this instance, all of the existing flats would retain access to their own areas of private garden ground in addition to shared use of the larger communal external amenity space in the southern half of the site. The total amount of communal garden ground available to each flat would be significantly in excess of what would normally be expected for flatted properties in the city.

Therefore it is considered that due to the significant size of the curtilage, and in the absence of any increase in the footprint of the existing building, the intensification of use of the site's communal amenities resulting from the creation of one additional unit would not be significant enough to constitute the over development of the site.

Impact on the character and amenity of the surrounding area

This criterion is assessed under three separate headings, as follows:

Impact on the character of the area

The eastern boundary of the Pitfodels Conservation Area lies approximately 80m to the west of the site, marking the eastern edge of The International School of Aberdeen. Beyond the school to the west lie a mix of low-density uses within expansive, mature-landscaped plots, such as the Marcliffe Hotel. The context of the area immediately surrounding the application site however, is

predominantly residential, consisting of mostly mid-20th Century single and 1½ storey detached and semi-detached dwellings. In this regard, the application site is not typical of the surrounding area which does not have many (if any) flatted developments.

The building itself is set at least 40m back from Northcote Road, with mature landscaping and a 20th Century detached dwelling occupying much of the intervening space. The rear, northern wing of the building proposed to incorporate new windows and doors serving the new flat is not visible from outwith the site. The physical alterations would be relatively minor in their nature, limited to the non-traditional flat-roofed garage which is clearly secondary and subservient to the original granite-built main building and the physical works would not adversely affect the character of the area. The building is neither listed, nor sited within a conservation area.

Furthermore, given the surrounding area comprises predominantly suburban detached and semi-detached dwellings, the application site does not correspond with the prevailing character of the area. With this in mind it is considered that the addition of a further flat within the envelope of the existing building would not cause any harm to the character of the surrounding area.

Impact on the amenity of existing and neighbouring residents

The main properties that could be affected by the proposed development in terms of amenity are the three existing flats within the building and, to a lesser extent, the neighbouring detached dwelling to the east, 'Brae House'. The main aspects which could affect existing amenity are as follows:

- Privacy / overlooking

The entire floor area of the new flat (Flat 4) is already in residential use as part of Flat 1, and the existing windows generally overlook areas of communal driveway and garden ground. Whilst the existing garage door is proposed to be replaced with glazed patio doors to serve a new living room, that living room would overlook the shared driveway area and toward the landscaped eastern boundary of the site. Whilst Flats 1 and 3 would have access over the driveway and to areas of garden ground to the rear of the site, the likely impact of the new windows & doors on privacy would be minimal and restricted to the driveway area. The existing hedge lining the mutual eastern boundary of the site is proposed to be retained. The proposals would therefore not result in the direct overlooking of any neighbouring windows or private garden areas.

- Daylight / sunlight receipt

Initially, it was proposed to increase the height of the existing garage parapet and the applicant's section of the flat roof behind it by approximately 200mm. These aspects of the proposals have subsequently been omitted from the application however, as the required insulation is now proposed to be accommodated internally, within the existing building envelope. The proposals would not result in the loss of any daylight or direct sunlight receipt to any existing windows, nor to the two recently installed rooflights in the adjacent section of flat-roof owned by Flat 2.

- Access to external amenity space

The existing private areas of garden ground allocated to Flats 2 & 3 would be unaffected by the proposals and they would retain access to the communal areas of garden ground to the front of the building, albeit they would share that space with one additional flat. Flat 1's private garden area would be subdivided into two parts, in order to provide a section of private garden ground to Flat 4, as well as the southern section converted into an extension to the driveway to provide additional car parking. Flat 1 would therefore see a reduction in their private garden ground area from approximately 178sqm to approximately 78sqm. It is acknowledged that this would be a sizeable reduction compared to the existing situation. However, the remaining garden area contains a significant amount of trees and bushes (thus

limiting its usability), is not particularly usable at present and the resultant area would still provide a south-facing area of private garden ground in which the residents could sit out, should they wish, whilst retaining access to the larger communal lawn in the southern half of the site. Taking this into account and given private garden areas are not typically a requirement for flatted developments, it is considered that the access to external amenity space, whilst reduced from the present situation, would be sufficient and would not cause significant detriment to the amenity currently on offer to the occupants of Flat 1.

Quality of amenity for new occupants

The new flat would be predominantly single-aspect, with most windows facing to the east, but would also have one bedroom facing west. Combined with the large amount of glazing proposed on the eastern elevation, containing most of the living areas, daylight receipt for the new flat would be sufficient. The main outlook of the flat would be eastward, over the communal driveway / parking area and toward the landscaped eastern boundary. Given that section of the communal driveway would only likely be used infrequently by the occupants of Flats 1 and 3 to park cars and access their private garden areas, the proposed outlook for the flat is considered to be acceptable and the occupants of the new flat would not be likely to suffer a significant amount of overlooking from passing neighbours to the extent that it would detrimentally impact on privacy.

The new flat would have access to a c. 75sqm area of private garden ground, subdivided from the area currently associated to Flat 1. As with the remaining area for Flat 1, the space allocated to the new flat would incorporate trees and bushes which would limit its usability. Nevertheless, it would provide a private area for sitting out to the occupants of the flat, with access to the substantial communal lawn to the south also provided. Taking the foregoing into account it is considered that the occupants of the new flat would benefit from a satisfactory level of residential amenity.

Loss of Open Space

The proposals relate to an existing residential curtilage and would not result in the loss of any valued areas of open space.

Compliance with supplementary guidance

Householder Development Guide (HDG)

The HDG states that: *'proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building'*. Initially it was proposed to introduce PVC-framed windows and doors to the converted section of the rear wing. Whilst that material would not be consistent with the predominantly timber-framed traditional windows and doors of the 19th century main building, the alterations would be limited to the non-original single-storey flat-roofed rear wing of the building, which is architecturally subservient and secondary to the main portion of the building. The building is not listed, nor sited within a conservation area and there are other, non-traditional window types and frame materials evident in the building, including PVC windows to the top-floor flat and a PVC conservatory adjoining the garage of Flat 2, on the opposite side of the rear wing. The initially proposed use of PVC windows and doors in the rear wing of the building was therefore considered to be acceptable. However, the applicant has taken on board the concerns raised by objectors and has subsequently amended the proposals to change the material for the new doors and window frames to timber. This represents an improvement on the initial proposals and the proposed works would be satisfactory in terms of design. The use of a grey-render finish to the eastern elevation of the rear wing, to match existing, is also acceptable.

The HDG also states that: *'no extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal'*. The impact of the

proposals on existing amenity is assessed in the foregoing section of the evaluation. Whilst it is acknowledged that the proposals would have some impact on the amenity of the neighbouring properties, it is not considered that the impact would cause a significant adverse impact.

Sub-division and Redevelopment of Residential Curtilages (SRRC)

As noted above, the SRRC SG specifically relates to the construction of dwellings within the garden ground of existing residential property and the replacement of existing dwellings on the same curtilage. As a result, the SG is not particularly relevant to the assessment of this application, as it predominantly relates to dwellinghouses, rather than flatted developments. Nevertheless, it does contain relevant themes in respect of seeking to protect existing amenity and to provide adequate amenity for new occupants – both of which are addressed in the foregoing evaluation.

The SG also seeks to ensure that mature or attractive garden ground or trees should be retained where they make a significant contribution to the visual amenity of the neighbourhood. No existing trees are proposed for removal and the area of grassed garden ground to be excavated is relatively small, set back from the street and does not make a significant contribution to the visual amenity of the neighbourhood.

The SG notes that where trees are present on or adjacent to the application site, an Arboricultural Impact Assessment (AIA) will be required and that daylight and sunlight calculations should be submitted. However, the Planning Authority is satisfied that the excavated area of garden ground neither contains any trees, nor would the excavation cause any significant harm to the root protection areas of any nearby trees. Therefore, an AIA is not considered necessary in this instance, nor are daylight / sunlight calculations, given the new flat would clearly benefit from adequate daylight receipt and the initially proposed roof alterations have been omitted from the proposals, which would not affect daylight receipt for any neighbouring properties.

Trees and Woodlands

As noted above, the proposed works would not result in the loss of, or any significant harm to, any existing trees on the site.

Transport & Accessibility

The Transport & Accessibility SG notes that, as a guideline maxima, flatted developments in Outer City locations should have 1.5 car parking spaces per unit. The proposed development would see Flat 1 lose its car parking space within the garage which is to be converted into living accommodation for Flat 4. Two new car parking spaces would be provided in the excavated, extended driveway area, one space for each of Flats 1 and 4. This would result in a shortfall of one space between the two properties. However, in addition to the garages associated to Flats 2 & 3, and their own private sections of driveway, the communal driveway area surrounds the building on three sides and is approximately 10m wide in front of the building to the south. There is therefore ample space within the grounds of the site in which multiple cars could be parked, without detriment to the on-street car parking supply on Northcote Road. The Council's Roads Development Management Team do not object to the proposals.

Summary of compliance with Policy H1

To summarise, for the reasons given in the foregoing evaluation, it is considered that the proposals would not constitute overdevelopment of the site, would not adversely affect the character or amenity of the area to a significant degree, would not result in the loss of any open space and are generally compliant with the Council's supplementary guidance documents which are relevant to the application. The proposals are thus considered to comply with Policy H1 (Residential Areas) of the ALDP.

Other relevant policies

Policy D1 (Quality Placemaking by Design)

Policy D1 states: *'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.'*

D1 further notes that proposals will be considered against the following six essential placemaking qualities, although notes that the criteria used in assessing an application will be relevant to the scale, character and nature of the proposal. The six qualities of successful placemaking are typically more appropriate in the assessment of large-scale new housing developments and new places and are considered to be of limited relevance to the assessment of this application, which involves minor physical alterations to an existing non-traditional, subservient rear extension to the original building. Nonetheless, the development is considered to be of an adequate design for the context of the site (Welcoming), would not adversely affect neighbouring uses (Safe and Pleasant) and would result in denser development, sharing infrastructure and amenity with adjacent sites (Resource Efficient). The proposals are thus considered to comply with Policy D1.

Policy NE5 (Trees and Woodland)

Policy NE5 states a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands. The development has been sited to ensure that no trees would be removed or damaged. The proposals are thus compliant with Policy NE5.

Policy NE6 (Flooding, Drainage and Water Quality)

Following concerns raised in representations that the increased height of the applicant's section of the rear wing flat roof would pose drainage issues and lead to the pooling of water on the neighbour's section of roof, the applicant subsequently omitted the initially proposed roof alterations from the application, by proposing to accommodate the required insulation within the existing building. As a result, the shared roof would drain as existing, the proposals would not pose any risk of flooding to neighbouring properties and would be adequately drained, in accordance with Policy NE6.

Policy NE8 (Natural Heritage)

The excavation of a small section of raised grass would not affect any designated sites, protected species or carbon-rich soils and the proposals thus do not conflict with Policy NE8.

Policy R6 (Waste Management Requirements for New Development)

Policy R6 requires all developments to have sufficient space for the storage and collection of waste. New bins would require to be purchased for the new flat. There is ample space within the site for additional wheelie bins to be stored. They would be collected from the roadside on Northcote Road on collection days, as per the existing arrangement for the site. There is space to the side of the main driveway entrance and a grass verge on Northcote Road, on which the bins could be temporarily placed while awaiting collection. The proposals are therefore compliant with Policy R6.

Policy T2 (Managing the Transport Impact of Development) & Policy T3 (Sustainable and Active Travel)

Policies T2 and T3 require new developments to minimise traffic generated, to maximise opportunities for sustainable and active travel and to be accessible by a range of transport modes. The creation of one additional flat within the site would not be likely to result in a significant increase in traffic generated. The site lies in close proximity to regular bus services on North Deeside Road and there is space within the flats in which bicycles could be stored. Thus the site is accessible by a range of transport modes and sustainable and active travel could be utilised if the occupants wished to do so. The proposals are therefore compliant with Policies T2 and T3.

Summary of Local Development Plan considerations

Whilst it is acknowledged that the proposal to create an additional flat within the existing flatted building would impact upon the amenity of the existing residents, for the reasons given in the foregoing evaluation, it is considered that the impact on that amenity would not be sufficiently detrimental so as to warrant the refusal of the application and a satisfactory level of amenity would remain on offer to both existing and new residents.

Furthermore, the proposals would not result in the over development of the site, nor would they harm the character of the area. The proposals would be generally compliant with all relevant ALDP Policies and associated supplementary guidance and the application is therefore recommended for approval.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP. It does, however, highlight the long-term need for new housing in Aberdeen, targeting 40% of all new housing in Aberdeen to be on brownfield sites.

Other Material Considerations

In addition to the ALDP, the National Planning Framework (NPF) and Scottish Planning Policy (SPP) are material considerations in the determination of this application. Both documents encourage sustainable economic growth and SPP introduces a 'presumption in favour of development that contributes to sustainable development', including:

- *making efficient use of existing capacities of land, buildings and infrastructure*
- *supporting delivery of accessible housing*

It is considered that the proposed development would represent the efficient use of existing land on what is a relatively expansive site, delivering accessible housing in the process.

Matters raised by the Community Council

The majority of the concerns raised by the local Community Council have been addressed in the foregoing evaluation. The remainder of the concerns can be addressed as follows:

- *The development is contrary to aspects of supplementary guidance 'Modifications to Existing Buildings and Curtilages'*

It is presumed that the supplementary guidance referred to is the 'Subdivision and Redevelopment of Residential Curtilages' SG. The foregoing evaluation notes that that SG is not specifically relevant to this proposal.

- *The application is a further erosion of the character of the country houses set within the Pitfodels area which relates back to the original feu splitting in 1845 and is alien to the general pattern, density and character of the building*

The site is not located within the Pitfodels Conservation Area. The primary consideration in the determination of this application is Policy H1 and the relevant supplementary guidance, which are addressed above.

Matters raised in representations

The majority of the material concerns raised by objectors in representations have been addressed in the foregoing evaluation. The remainder of the concerns can be addressed as follows:

- *The Aberdeen Local Development Plan (ALDP) states that there should be limited development in the Deeside area, due to pressure on infrastructure*

Paragraph 2.25 on Page 19 The ALDP states that *'relatively limited development is proposed along the Deeside corridor'*. However, this paragraph forms part of a city-wide appraisal of land release sited for new housing development and is not applicable to householder development or the subdivision and redevelopment of existing residential curtilages.

- *The proposals would not respect the established density and pattern of development of the area;*

The surrounding area is characterised by suburban detached and semi-detached dwellings. The application site is therefore not typical of the character, density or pattern of development of the area. It is considered that the addition of one further flat to the expansive flatted development would not adversely affect the character of the area, nor constitute overdevelopment, in accordance with Policy H1.

- *The proposals would have a detrimental impact on the amenity of the existing flats and neighbouring houses by:*
 - *Additional noise disturbance to existing residents resulting from the activities of additional residents*
 - *Placement of bins adjacent to the boundary with the neighbouring dwelling to the east*
 - *Placement of new kitchens would lead to cooking fumes etc affecting adjacent properties*

The additional noise disturbance resulting from the creation of one additional flat, housed within the envelope of an existing flat, would not have a significant impact on amenity. Additionally, bedrooms are proposed to be sited within the main body of the building, with the living areas contained within the converted garage area, with no neighbouring properties located above.

The location of the bins on the submitted drawings is indicative and there is ample space for them to be sited elsewhere within the site. Nonetheless, the siting of the bins would not likely affect amenity. Any issues in relation to foul odours etc from either bins or domestic kitchens would be subject to Environmental Health action and are not a Planning matter.

- *The proposals would not create a sufficient residential environment for the occupants of the new flat (Flat 4), due to:*
 - *Communal garden areas being overshadowed by mature trees*

The new flat would have access to a small private external amenity space as well as the large communal area. The combination of the two spaces would be sufficient for the occupants of one two-bed flat.

- *A Tree Survey must be submitted, as required by supplementary guidance;*

As noted in the foregoing evaluation, a Tree Survey (or AIA) was not considered necessary. SPP Paragraph 35 states that: *'planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made.'*

- *The excavated car parking area would encroach within the Zone of Influence of some trees, contrary to supplementary guidance;*

The Council's Trees and Woodlands SG states that buildings and garden ground should generally be sited outwith the Zone of Influence (ZOI) of existing trees. However, given there would be little change from the existing situation, except for the potential slight incursion of the car parking area into a ZOI, the proposals are considered to be acceptable in this regard.

- *The design of the proposed alterations to the northern wing is not compatible with the existing building – specifically the proposed use of PVC windows and doors and a white wet dash render;*

The applicant has taken on board the aforementioned concerns in relation to the appearance of the external alterations and amended plans have subsequently been submitted, with the colour of the render changed to grey and the material for the windows and doors changed to timber.

- *The addition of further bins would create road safety issues on collection days when they are placed adjacent to the site entrance on Northcote Road, within visibility splays;*

There is space available adjacent to the entrance to the site and on an adjacent grass verge, in which bins could be temporarily placed without detriment to road safety.

- *The new flat would result in an increase in traffic using the site and Northcote Road, to the detriment of road safety and on-street parking provision;*

The addition of one property to the street would result in a negligible increase in traffic to the local road network. There is sufficient car parking available for the new flat within the site, such that on-street parking provision should not be affected.

- *The internal driveway area within the site is insufficient to cope with additional vehicles and cars may have to reverse out onto Northcote Road;*

The shared driveway is substantial in size and would provide ample space for cars to be parked and manoeuvred following the addition of a further flat to the site. It is highly unlikely that any cars would be required to reverse out onto Northcote Road. Cars may be required to reverse within the site but such distances would be short and would not adversely affect public safety.

- *The access point for the new, excavated car parking area is too narrow, such that cars could not access the space if the neighbouring space owned by Flat 3 is in use;*

Based on the plans submitted, the gap at the front of the new car parking area, between the raised garden area and the adjacent car parking space in the ownership for Flat 3, would be approximately 3m wide, which is considered sufficient to allow cars to enter and exit the extended driveway area.

- *The placement of patio doors serving the new flat, facing immediately onto the communal driveway area, would be to the detriment of the safety of the residents;*

The patio doors would be sliding (and thus not open out onto the driveway area) and fully glazed, thus visibility of the communal driveway would be maximised. It is not envisaged that

the driveway area in front of the new flat would see a significant amount of traffic, thus the risk to safety is considered to be minimal.

- *If approved, a condition should be added to ensure that the proposed car parking area would be constructed prior to occupation of the new flat;*

A condition is recommended in order to require the car parking area to be formed prior to occupation of the flat.

- *The proposals conflict with Conservation Area Policy;*

The application site does not lie within a Conservation Area, thus Policy D4 (Historic Environment) is not relevant.

- *The approval of this application would set an undesirable precedent for the addition of further residential units to the site in future;*

Each planning application is assessed on its own merits at the time of the application and the approval of this application would not set a precedent for future development.

- *No details have been provided as to the materials to be used for the new retaining wall;*

No details were submitted initially but amended plans have since been submitted which indicate that the existing retaining wall along the eastern boundary would be retained, exposed (following adjacent excavation) and finished with a grey render.

- *The new retaining wall would detrimentally impact on the roots of the adjacent boundary hedge;*

It is understood that there is an existing retaining wall that runs along the mutual boundary, albeit the majority of it is underground and cannot be seen at present. The applicant proposes to retain and reveal this wall, and to finish it with a grey render. With the existing wall to be retained it is likely that there would be no impact on the existing hedge belonging to the neighbour to the east. Nevertheless, unlike trees, hedges are not given any particular protection in Planning policy or guidance. The hedge is not proposed to be removed and any detrimental impacts to the neighbours' hedge as a result of the development would be a civil matter between the applicant and the owner of the hedge.

- *The building is currently under consideration for listing by Historic Environment Scotland*

The building is not listed at present and any proposals to potentially list the building do not carry any weight in the determination of this application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed development would not constitute the over development of the site, nor would it adversely affect the character of the area or result in the loss of any open space. Whilst the proposed

development would impact on the amenity of some neighbouring properties it is considered that the impact on amenity would not be significantly detrimental so as to warrant the refusal of the application. A reasonable level of residential amenity would remain for the existing properties and be afforded to the occupants of the new property. The proposals would also be generally compliant with the relevant Council supplementary guidance documents (Householder Development Guide, Sub-division and Redevelopment of Residential Curtilages, Trees and Woodlands and Transport and Accessibility), thus the proposed development is considered to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP).

The development would be of an acceptable design, appropriate for its context, in accordance with Policy D1 (Quality Placemaking by Design) of the ALDP, whilst the proposals would not result in the loss of, or damage to, any existing trees, in accordance with Policy NE5 (Trees and Woodland). The proposals would not increase the risk of flooding to any existing properties, and would be adequately drained, in accordance with Policy NE6 (Flooding, Drainage & Water Quality) and would not harm and protected species, in accordance with Policy NE8 (Natural Heritage). The new development would incorporate adequate facilities for the storage of waste, in accordance with Policy R6 (Waste Management Requirements for New Development) and would accommodate sufficient off-street car parking and be accessible by a range of transport modes, including sustainable and active travel, in accordance with ALDP Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel).

In addition to general compliance with the relevant policies and supplementary guidance of the ALDP, Scottish Planning Policy (SPP) is a material consideration. SPP states a presumption in favour of development that contributes to sustainable development and promotes the efficient use of existing capacities of land, buildings and infrastructure. The proposed development is considered to contribute toward sustainable development via the efficient use of existing land in accordance with SPP and there are no other material considerations which would warrant the refusal of the application.

CONDITIONS

(1) CONSTRUCTION OF PARKING AREA

Prior to the occupation of the hereby approved new flat, the extended car parking area as shown in drawings 100 Rev F and 3955_102a shall be constructed and laid out in full accordance with the approved plans, or similar as may be agreed in writing with the Council, as Planning Authority.

Reason: In the interests of ensuring adequate off-street car parking is provided within the site.

(2) BIN PROVISION

The hereby approved flat shall not be occupied until such time as a scheme for the storage of waste generated by the new flat has been agreed in writing with the Council as Planning Authority and thereafter the agreed scheme has been implemented.

Reason: In the interests of ensuring the adequate storage of waste and protecting amenity.

ADVISORY NOTES FOR APPLICANT

WASTE STORAGE AND COLLECTION

Each new property will be provided with:

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**
- **1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)**

The following costs will be charged to the developer:

- **Each 180l or 240l bin cost £35.00 each**
- **£30 delivery charge for the 6 bins**

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the waste containers must be presented **only** on the collection day and must be removed from the kerbside of **Northcote road** as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Responding Officer: Hannah Lynch
Email: halynch@aberdeencity.gov.uk

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