

Public Document Pack



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

Town House,
ABERDEEN 11 February 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 20 FEBRUARY 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

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

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

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

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 23 January 2020 - for approval (Pages 9 - 18)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 30 January 2020 - for approval (Pages 19 - 20)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 21 - 22)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission - erection of single storey nursery with associated landscaping, fencing and associated works at Gilcomstoun Primary School, Skene Street Aberdeen (Pages 23 - 34)

Planning Reference – 191712

All documents associated with this application can be found at the following link and enter the reference number above:- [Link](#).

Planning Officer: Aoife Murphy

- 6.2 Detailed Planning Permission - erection of community hub consisting of primary school with early years, sports and community facilities with associated landscaping and infrastructure - former Torry Academy, Tullos Circle, Aberdeen (Pages 35 - 52)

Planning Reference – 191661

All documents associated with this application can be found at the following link and enter the reference number above:- [Link](#).

Planning Officer: Aoife Murphy

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Detailed Planning Permission - erection of new dwellinghouse to rear - 81 Brighton Place Aberdeen (Pages 53 - 62)

Planning Reference – 191880

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

[Link.](#)

Planning Officer: Dineke Brasier

OTHER BUSINESS

8.1 Planning and Environmental Appeals Division visit and presentation

DATE OF NEXT MEETING

9.1 Date of Next Meeting - Thursday 19 March 2020

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

Website Address: www.aberdeencity.gov.uk

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

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

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MOTIONS AGAINST RECOMMENDATION

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

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

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

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

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DECLARATIONS OF INTEREST

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

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

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

OR

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

OR

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

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

OR

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

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 23 January 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Cooke, Copland, Cormie, Delaney (as substitute for Councillor Greig), Avril MacKenzie and Malik.

The agenda and reports associated with this minute can be found [here](#).

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

MATTER OF URGENCY

The Convener accepted the following item as a matter of urgency in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, as the deadline for responses was imminent.

NOTIFICATION OF URGENT BUSINESS

1. The Committee had before it a referral from the Capital Programme Committee of 22 January 2020, which requested:-

To refer the decision of the Capital Programme Committee to the Planning Development Management Committee on 23rd January 2020, asking them to consider instructing the Chief Executive to write to Historic Environment Scotland opposing the Listing buildings as Category A.

The Committee heard from Claire McArthur in this regard.

The Committee resolved:-

- (i) to note that a letter on behalf of the Planning Authority was currently being prepared raising a number of concerns in relation to technical aspects of the proposed listings identified in the urgent motion. The Planning Authority forms part of the regulatory process for assessing applications for works to listed buildings. If the decision by Historic Environment Scotland was to proceed with the listing of these buildings, the planning authority would therefore be involved in assessing any future applications for works to them and as such should not prejudice its impartial position by objecting at this time; and
- (ii) to therefore take no action.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 5 DECEMBER 2019

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 January 2020

2. The Committee had before it the minute of the previous meeting of 5 December 2019, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 18 DECEMBER 2019

3. The Committee had before it the minute of the Planning Development Management Committee (Visits) of 18 December 2019, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

Councillor Cooke questioned whether the Committee Effectiveness report would include the amount of planning applications considered and whether they were approved in line with officers' recommendations or refused, rather than just receiving information on reports.

The Committee resolved:-

- (i) to note the comment made in regards to the Committee Effectiveness report and noted that this was currently being investigated; and
- (ii) to otherwise note the information contained within the business planner.

LAND TO THE REAR OF 44/46 BEDFORD ROAD ABERDEEN - 191536

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

That the application for detailed planning permission for the erection of six residential flats with associated landscaping, be approved with a legal agreement and subject to the following conditions:-

Conditions

1. The development hereby approved shall not be occupied unless the communal external amenity area / shared garden ground as identified on the drawings hereby approved [refs. A(03)001 rev.C; A(03)004 rev.D], or such other drawings

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as may be approved in writing by the planning authority, has been implemented / planted in full and is thereafter retained as landscaped communal space.

Reason - In order to ensure provision of adequate amenity for residents and ensure compliance with the objective of local plan policies D1: Quality Placemaking by Design, D2: Landscape, H1: Residential Areas and NE4: Open Space Provision in New Development.

2. No development shall take place pursuant to this planning permission unless construction details of the proposed street boundary wall along Bedford Place and a sample of the natural granite to be used on the external elevations of the building has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be occupied unless such details as may be approved have been implemented in full.

Reason – In order to preserve the character and setting of the surrounding area and ensure compliance with the objective of local plan policies D1: Quality Placemaking by Design, D5: Our Granite Heritage and H1: Residential Areas.

3. The development hereby approved shall not be occupied unless secure cycle parking / storage facilities have been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.D], or such other drawing as may be approved in writing by the planning authority.

Reason – In order to ensure compliance with planning policy T2: Managing the Transport Impact of Development and reduce demand for car parking.

4. The development hereby approved shall not be occupied unless the bin storage area has been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.D], or such other drawing as may be approved in writing by the planning authority.

Reason – In order to ensure compliance with planning policy R6: Waste Management Requirements for New development

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

The Committee resolved:-

to approve the application conditionally with a legal agreement.

SUNNYFIELD, OLD LANG STRACHT, KINGSWELLS - 191034

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

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That the application for planning permission in principle for the erection of a residential development comprising 23 affordable dwellinghouses with associated landscaping, garden ground, parking and access road, be refused.

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

The Convener moved, seconded by Councillor Copland:-

That the application be refused in line with the recommendation contained in the report.

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

That there be a willingness to approve the application, subject to conditions and subject to an appropriate legal agreement to secure the developer obligations sums identified in the report and to ensure that the development was delivered as affordable housing. This was for the following reasons:-

- It was considered the provision of a wider range of affordable housing in Kingswells to be of benefit in allowing local residents with growing families to remain in the community;
- It was considered this was an acceptable departure from the Local Development Plan on the basis of being a development of exclusively affordable housing units. The proposal exceeds the requirements of Aberdeen Local Development Plan (ALDP) policy H5 (Affordable Housing), which requires 25% of any housing development to be provided as affordable units. This is consistent with the ALDP, which states *"To maximise the provision of affordable housing it is the aim of the Council to take a flexible approach to its delivery, with a view to maximising opportunities to achieve the highest level possible"*;
- It was noted that part of the site was currently zoned for residential use (policy H1 applies), and as such there was no conflict with the Development Plan on that portion of the site;
- Whilst it is recognised that policy NE2 (Green Belt) does not provide for such development, it was noted that the site was relatively small-scale and would not result in any coalescence or loss of integrity for Kingswells as a distinct settlement, and the proposed structural landscape planting along the northern and eastern boundaries of the site would assist in mitigating the visual impact of the proposal and any adverse impact on the character and amenity of the green belt, such that the development would not undermine these key aims of Green Belts, as expressed by Scottish Planning Policy (SPP).

Conditions

(1) DETAILED DESIGN

No development pursuant to this Planning Permission in Principle may be undertaken unless details of a finalised site layout have first been submitted to, and approved in writing by, the planning authority, via a formal application for the approval of matters specified in conditions (AMSC). Any such application shall include details of the following matters:

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23 January 2020

- Full details of the site access and internal road layout, including: identification of the adoptable extent of roads and footpaths; connections to surrounding road and path infrastructure; details of materials used in roads & footpaths construction; swept-path diagrams illustrating the accessibility of the internal road layout to refuse vehicles; details of traffic calming measures on the main access road; details of the site access from Old Lang Stracht; and the finalised route of a rural footpath around the site, making connection to the roadside footway on Old Lang Stracht;
- The layout, orientation and detailed design of buildings, including elevational treatment, materials specification and boundary treatments/enclosures;
- Hard and soft landscaping, including: details of the location, species and size at time of planting of any new trees, including the composition of structural landscaping along the northern and eastern boundaries; details of any other landscape planting throughout the site, including areas of identified public open space; details of the timing/phasing of landscaping works, to include 'advance greening' whereby structural landscape planting is undertaken as early as is practicable to offset landscape & visual impact; measures for the protection of any such early planting during the construction phase; and arrangements for the management and maintenance of open space within the site.

Thereafter, development shall not be carried out other than in full accordance with the details so approved.

Reason: In order to ensure that the development is of a high quality, demonstrating due regard for its context and making a positive contribution to its setting, with any adverse impacts on landscape mitigated as far as is practicable, as required by policies D1 (Quality Placemaking by Design) and D2 (Landscape) of the Aberdeen Local Development Plan.

(2) LOW AND ZERO CARBON BUILDINGS

No dwelling within the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, no dwellings within the development may be occupied unless any approved measures to reduce carbon emissions have been implemented in full.

Reason: to ensure that the development incorporates appropriate measures to reduce carbon emissions and ensure compliance with policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the Aberdeen Local Development Plan.

(3) WATER SAVING

No dwelling within the development hereby approved shall be occupied unless a scheme detailing the incorporation of water saving technologies/techniques has first

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23 January 2020

been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, no dwellings within the development may be occupied unless any approved technologies/techniques have been implemented in accordance with the details so agreed.

Reason: to ensure that the development incorporates appropriate measures to reduce water usage and ensure compliance with policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the Aberdeen Local Development Plan and the associated 'Resources for New Development' Supplementary Guidance.

(4) DUST MANAGEMENT PLAN

No development pursuant to this Planning Permission in Principle may be undertaken unless a detailed Dust Management Plan, including control measures to be implemented during construction, has first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, all works shall be undertaken in accordance with the Dust Management Plan so agreed.

Reason: to mitigate construction-related impact on neighbouring properties.

(5) CAR PARKING

No development pursuant to this Planning Permission in Principle may be undertaken unless full details of on-site car parking, including proposals for accessible disabled spaces and electric vehicle charging infrastructure (1 active charging point and 2 passive charging points), have first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, no dwellings within the development may be occupied unless the approved parking provision has been fully constructed and made available for use.

Reason: to ensure that adequate car parking is provided on site, and to ensure compliance with the Council's relevant 'Transport and Accessibility' Supplementary Guidance.

(6) RESIDENTIAL TRAVEL PACK

No dwelling within the development hereby approved shall be occupied unless full details of a Residential Travel Pack to be distributed to residents upon occupation have first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, no dwellings within the development may be occupied unless the approved Residential Travel Pack has been provided to the occupier.

Reason: to ensure that residents are made aware of sustainable travel options in the local area, and to encourage sustainable travel, in accordance with policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

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(7) DRAINAGE

No development pursuant to this Planning Permission in Principle shall be undertaken unless full drainage details, based on the finalised site layout and including proposals for the incorporation of Sustainable Urban Drainage Systems, have first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, no dwellings within the development may be occupied unless the approved drainage infrastructure has been implemented in full.

Reason: to ensure that the site is adequately drained and to demonstrate accordance with policy NE6 (flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan.

(8) WASTE / RECYCLING

No development pursuant to this Planning Permission in Principle may be undertaken unless details of waste management proposals, including arrangements for the segregation, storage, collection and management of residential waste, have first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC). Thereafter, no dwelling shall be occupied unless provision has been made on site in accordance with the details so agreed.

Reason: to ensure that adequate provision is made on site for the storage and collection of waste and recyclables, as required by policy R6 (Waste Management Requirements for New Development).

(9) NOISE MITIGATION DURING CONSTRUCTION

No development pursuant to this Planning Permission in Principle may be undertaken unless details of an acoustic barrier to be erected during construction as a means of mitigating noise impact on neighbouring residents have first been submitted to, and approved in writing by, the planning authority via a formal application for the approval of matters specified in conditions (AMSC).

Thereafter, the approved noise barrier shall be erected and retained as approved.

Reason: to ensure that construction-related noise is appropriately mitigated in order to protect the amenity of neighbouring residents.

(10) BUS STOP UPGRADE

No development pursuant to this Planning Permission in Principle may be undertaken unless a scheme detailing full specifications for the upgrading of the existing bus stop on the west side of Fairley Road, 75m south of Kingswood Drive, to provide a shelter and a raised kerb, has first been submitted to, and approved in writing by, the planning authority (in consultation with the Council's Public Transport Unit) via a formal application for the approval of matters specified in conditions (AMSC).

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 January 2020

Thereafter, no dwelling within the development shall be occupied unless the bus stop has been upgraded in full accordance with the approved scheme.

Reason: to encourage sustainable travel and reflect the potential for increased usage as a result of the approved development, consistent with the Council's 'Transport and Accessibility' Supplementary Guidance.

(11) AIRPORT SAFEGUARDING (1)

No development shall commence until the location, height, layout, form and materials of buildings and structures within the proposed development have been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport.

Reason: Buildings/structures in the proposed development may penetrate the obstacle Limitation Surface (OLS) surrounding Aberdeen Airport and could endanger aircraft movements and the safe operation of the aerodrome; and:

Buildings/structures in the proposed development may interfere with communication, navigation aids and surveillance equipment and could endanger aircraft movements and the safe operation of the aerodrome.

(12) AIRPORT SAFEGUARDING (2)

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. Details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at www.aoa.org.uk/publications/safeguarding.asp). These details shall include:

- The species, number and spacing of trees and shrubs
- Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at www.aoa.org.uk/publications/safeguarding.asp).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

On a division, there voted, for the motion (4) – the Convener and Councillors Copland, Delaney and MacKenzie; for the amendment (5) – the Vice Convener and Councillors Allan, Cooke, Cormie and Malik.

The Committee resolved:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 January 2020

to adopt the amendment and therefore approve the application conditionally subject to a legal agreement and contributions to developer obligations.

LAND TO THE NORTH OF 15 CRAIGDEN , ABERDEEN - 190815

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

That the application for planning permission in principle for the erection of a two-storey 21-bed care home with associated access, car parking and landscaping, at land to the north of 15 Craigden Aberdeen, be refused.

The Committee resolved:-

to agree that the application be deferred for a site visit, which would take place on Thursday 30 January 2020 from 9.30am.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
23 January 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 30 January 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

The agenda and reports associated with this minute can be found at [here](#).

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

LAND TO THE NORTH OF 15 CRAIGDEN, ABERDEEN - 190815

1. With reference to article 7 of the minute of the Planning Development Management Committee of 23 January 2020, whereby it was agreed to hold a site visit before determining the application, the Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for planning permission in principle for the erection of a two-storey 21 bed (circa) care home with associated access, car parking and landscaping, at land to the north of 15 Craigden, Aberdeen, 190815, be refused for the following reasons:-

1. The proposal would result in an unacceptable impact on the privacy and residential amenity of the residents of Craigden, in particular at numbers 14 and 15. This would be contrary to Policy H1: Residential Areas; and
2. The proposal would result in the loss of valued natural green open space and trees and the erosion of the quality of the Green Space Network. It would create a tension between trees and future residents that is likely to result in the loss of further trees in the future. The proposal was therefore contrary to Policy NE5: Trees and Woodland, Policy NE3: Urban Green Space, Policy NE1: Green Space Network and Policy D2: Landscape.

Following the site visit, where Planning Officers showed Elected Members of the Committee around the area, presented relevant scheme drawings and pointed out significant features, the Committee met at the Town House and heard from Lucy Greene, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application unanimously, in line with the officer's recommendation.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.														
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred						
2			20 February 2020												
3															
4	Former Torry Academy Tullis Circle	To approve or refuse the application.		Aoife Murphy	Strategic Place Planning	Place	1								
5	81 Brighton Place	To approve or refuse the application.		Dineke Brasier	Strategic Place Planning	Place	1								
6	Gilcomstoun Primary School	To approve or refuse the application.		Aoife Murphy	Strategic Place Planning	Place	1								
7			19 March 2020												
8	Loirston Development Framework	PMDC 19/9/19 - to instruct the Chief Officer Strategic Place Planning, to report the outcomes of the public consultation on the Draft Framework back to a future meeting of the Committee, within the next 6 months.		Rebecca Kerr	Strategic Place Planning	Place	6								
9	218 Auchmill Road	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1								
10	44 Beechgrove Avenue	To approve or refuse the application.		Roy Brown	Strategic Place Planning	Place	1								
11	Draft Technical Advice Note: Materials	PDMC 19/9/19 - To instruct the Chief Officer - Strategic Place Planning, to report the findings of the public consultation back to a future meeting of the Committee within 6 months.		Rebecca Kerr	Strategic Place Planning	Place	6								
12	Development Along Lanes	PDMC 19/9/19 - to instruct the Chief Officer - Strategic Place Planning, to report the findings of the public consultation, along with any recommended revisions to the draft policy, to this Committee within 6 months.		Nigel McDowell	Strategic Place Planning	Place	6								
13			30 April 2020												
14	Aberdeen Market	To approve or refuse the application.		Matthew Easton	Strategic Place Planning	Place	1								
15	City Centre Character Appraisal	Approve or refuse for consultation		Laura Robertson	Strategic Place Planning	Place	1								
16	Hill of Rubislaw	To approve or refuse the application.		Matthew Easton	Strategic Place Planning	Place	1								
17			01 June 2020												
18	Committee Annual Effectiveness Report	To present the annual effectiveness report for the Committee		Fraser Bell	Governance	Governance	GD7.5								
19			02 July 2020												
20			20 August 2020												
21			24 September 2020												
22			05 November 2020												
23			10 December 2020												

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

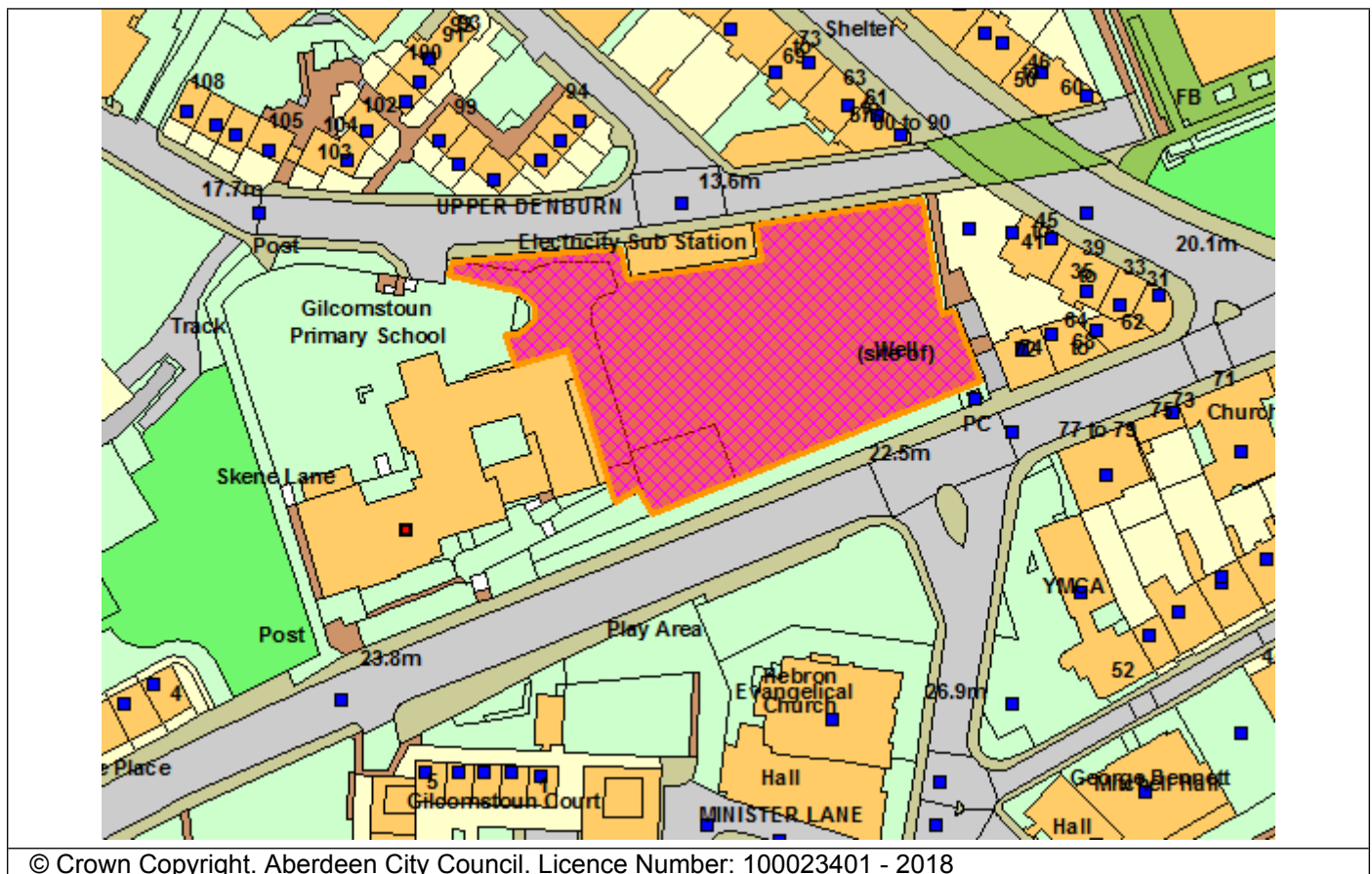


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20 February 2020

Site Address:	Gilcomstoun Primary School, Skene Street, Aberdeen, AB10 1PG
Application Description:	Erection of single storey nursery with associated landscaping, fencing and associated works
Application Ref:	191712/DPP
Application Type	Detailed Planning Permission
Application Date:	21 November 2019
Applicant:	Aberdeen City Council
Ward:	Mid Stockert/Rosemount
Community Council:	Rosemount And Mile End
Case Officer:	Aoife Murphy



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site is located within the school grounds of Gilcomstoun Primary School, which is located just outwith the City Centre boundary, but within the residential area of Rosemount. The site currently comprises an area of open space associated with Gilcomstoun Primary School, which is located to the west of the site, the remainder of the site is bound by public roads including Skene Street to the south, Rosemount Viaduct to the east and Upper Denburn to the north. The site itself sits below both Skene Street and Rosemount Viaduct.

Vehicular access to the site is gained from an existing access off Upper Denburn, while pedestrian access can be found along Skene Street.

A number of trees can be found along the southern boundary of the site and the site itself lies within the Rosemount Conservation Area.

Relevant Planning History

180130/DPP – Detailed permission for the external refurbishment works including: resurfacing and reconfiguration of path: re-instatement of door in south elevation and replacement door to rear; various window replacements throughout; re-cladding of link bridge and mezzanine level; and replacement roofing – Approved 29.03.2018.

APPLICATION DESCRIPTION

Description of Proposal

Proposed is a single storey nursery sited to the east of the existing primary school. Upon viewing the nursery from the east elevation, the development has been split into four blocks, each of which is a different length with its own pitched gable roof that range in height. The blocks have been staggered so that a canopy can be incorporated over the east elevation which looks out onto the proposed nursery to the east.

The nursery would measure 24.6m (including canopy) by 25.7m by 5.1m (at its highest point) and would accommodate three nursery rooms, including 1 Gaelic nursery, associated facilities including WC's, cloak room, kitchen areas and stores, as well as staff areas including a reception, office and meeting room amongst other rooms. Proposed finishes include smooth render, metal kalzip standing seam cladding in dark grey to both walls and roof, aluminium composition windows and doors in grey and rockpanel cladding.

The main entrance to the nursery would be gained off the west elevation, while the aforementioned play area would be fenced off from the remainder of the grassed area. Vehicular access would be gained from the existing entrance off Upper Denburn, while pedestrian access will be gained off the existing access points off Skene Street.

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=Q0WJVRBZL5400>

- Design and Access Statement, submitted November 2019
- Design and Access Statement Rev A, submitted December 2019
- Design and Access Statement Rev B, submitted January 2020
- Drainage Impact Assessment, submitted December 2019
- Tree Survey, submitted December 2019

- Revised Tree Survey, submitted January 2020

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than 5 timeous letters of representation submitted to the planning authority that have expressed concern or objection for the proposal

CONSULTATIONS

ACC - Environmental Health – No observations to make.

ACC - Roads Development Management Team – No objection. The Team has reviewed the site in respect to access, parking and refuse collection and subject to condition find the development to be acceptable.

ACC - Waste Strategy Team – No objection. The proposed development will be using the existing facilities.

Aberdeen International Airport – has advised that the proposed development would not conflict with the safeguarding criteria. The airport has advised of their Planning Advice if a crane was to be used for the construction of the development.

Rosemount And Mile End Community Council – No comments received.

RPRESENTATIONS

17 objections have been received. The matters raised can be summarised as follows:

- Access to remainder of amenity space
- Access to play equipment
- Capacity of Gaelic nursery
- Hardstanding to west of school should be upgraded
- Lack of multi-use sports surface
- Loss of amenity space currently used by children and the resulting impact
- Siting of the development

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 (2017)

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy B4 - Aberdeen Airport

Policy H1 - Residential Areas

Policy CF1 - Existing Community Sites and Facilities

Policy NE3 - Urban Green Space

Policy NE5 - Trees and Woodlands

Policy NE6 - Flooding, Drainage and Water Quality

Policy R6 - Waste Management Requirements for New Development

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

Supplementary Guidance

Transport and Accessibility

Trees and Woodland

Flooding, Drainage and Water Quality

Green Space Network and Open Space

Other Material Considerations

Rosemount Conservation Area Character Appraisal

EVALUATION

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

This development is not considered to be a strategic proposal that requires cross-boundary consideration, it does therefore not require a detailed assessment against the SDP.

Principle of Development

The existing school site falls within an area zoned for residential as such the proposal is required to be assessed against Policy H1, which advises that proposals for non-residential uses should be complementary to the existing residential use and should not cause conflict with, or any nuisance to, the enjoyment of existing residential amenity. In addition, given the development is related to an existing school, Policy CF1 also has to be considered. CF1 advises that proposals for new uses on existing sites will be supported in principle.

In this instance, the proposed development will see the new nursery located within the existing school grounds, as such it is not expected that the new development would have a greater impact on the amenity of the surrounding area. Also, given the proposed use, it is considered that a residential area is an acceptable location for a nursery development and given the hours of operation, it is unlikely that there will any adverse impact on the current levels of residential amenity

nor would the development cause any conflict or nuisance in this regard. In addition, Environmental Health were consulted on this proposal to consider aspects such as noise, the Service has no observations to make.

In light of the above, the Planning Authority are satisfied that the proposal complies with Policies H1 - Residential Areas and CF1 - Existing Community Sites and Facilities.

Site Layout and Design

The nursery has been proposed to be sited to the east of the existing school, on an existing grassed area. The nursery has been positioned as such that it can have a close relationship to the existing school to ensure that the transition from nursery to primary school is as seamless as possible, which has been outlined as a requirement by the Scottish Government. The Design and Access Statement advises that a feasibility options appraisal was carried out prior to selecting this final location, which looked at a number of options such as an internal refurbishment, extension or a new build, it was at that time that the applicant advised that a new building would be the most appropriate/feasible option.

As outlined above a number of the representations that were received highlighted concerns of the loss of this grassed area and the impact that this would have on the existing school pupils. It is noted that in terms of the Open Space Audit 2010, the site is designated as school grounds and while the loss of this grassed area is unfortunate, Policy NE3 – Urban Green Space makes no reference to the loss of school grounds to other development and as mentioned above Policy CF1 stated that new or extended facilities within sites used for educational purposes will be supported in principle.

The possibility of other locations within the school grounds has also been raised within several representations received by the planning authority. As outlined in the revised Design and Access Statement, not only were alternative locations within the school grounds looked at, but a review of other school sites around the city was also undertaken. With regards to the latter, Skene Square school nursery; St Joseph's school nursery; Mile End school nursery and Ashley Road school nursery; as well as Gilcomstoun were reviewed, however, it was found that due to a number of constraints, Gilcomstoun School was the most appropriate site.

However, like the other sites mentioned above, Gilcomstoun School site also has constraints due to its urban location. Three areas within the school grounds have been looked at to see if they were appropriate, these are as follows:

- Option 1 - Remodel and Extension on Ground Floor on portion of the existing hardstanding area to the west of the site;
- Option 2 - Remodel and Extension on the Lower Ground Floor on an area of open space to the east of the site; and
- Option 3 - New build in the grassed area to the east of the existing building – current proposal.

Option 1 was not seen as feasible with the increased capacity, due to its lack of space and free-flow outdoor play due to an existing set of steps. The loss of an area of hardstanding would also not be in compliance with "The School Premises (General Requirements and Standards) (Scotland) Amendment Regulations 1973" which requires a certain area of external play to be paved.

Option 2 was also not seen as feasible as it involved moving the existing school kitchen and dining room to accommodate the nursery and then redesign these areas elsewhere in the school. This option was too expensive, and the grant funding could not be used to carry out such extensive works to the school that is not part of nursery expansion. This option could also result in significant disruption for the existing school due to the level of works proposed.

In light of the above, option 3 was seen as the most feasible, given the existing site conditions, the grassed area is the only location within the school grounds large enough to accommodate a nursery of this size, without causing significant disturbance to the existing infrastructure. It also causes no interference with the existing school, allowing for both school and existing nursery to run as normal during the construction phase. As such, the siting proposed under this current application is considered to be the most appropriate, and while it would result in the loss of open space, the benefit to the local community will be enhanced due to the proposed increase in capacity and hours that the new nursery will provide.

With regards to the design, Policy D1 - Quality Placemaking by Design, all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of the context of the surrounding area. However, it is noted that not all development will be of a scale that would have a significant contribution to placemaking. In this instance, a contemporary option has been proposed and it is considered that this design works well within the site and against the existing granite school. While, the site is very visible, given its location adjacent Skene Street and Rosemount Viaduct, it is considered that the individual roof style and choice of materials will not detract from the visual appearance of the area, but aid with its enhancement.

As mentioned, the site is located within the Rosemount Conservation Area and while the Council's aim is to protect and preserve the existing area, there is also an aim to enhance. As mentioned above, the design is contemporary in style and it is considered that it will sit conformably within the surrounding area.

In light of the above, it is considered that the development complies with both Policy D1 and D4, in that the development is appropriately sited and designed so that it does not detract from the existing school or the conservation area.

Access and Parking

Under Policies T2 and T3, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The Roads Development Management Team have reviewed the site in respect of access and parking and overall find the development to be acceptable. In terms of access there is a sufficient vehicular and pedestrian access points. With regards to parking the Team note that with the expected staff increase, the number of spaces required is 38, however only 23 plus 1 accessible space are available on site. While there would be a shortfall, this is not considered to be detrimental as the site falls under the controlled parking zone which will stop any indiscriminate parking. The cycle parking proposed is acceptable, but details of these facilities will be required prior to the nursery being brought into use.

The Council's Supplementary Guidance requires all school developments include a travel plan when applying for planning permission. A successful travel plan should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan. Given the parking constraints within the staff car park, a Travel Plan is required for this application which should be aimed at promoting more sustainable travel choices and reducing reliance on the car for commuting to work. This is considered appropriate and will be requested via condition.

With regards to sustainable and active travel, it is considered that the site is located centrally within the residential area and local community, as the site is easily accessible via several sustainable modes of transport.

Overall, neither the planning authority nor the Roads Development Management Team has any concerns with regards to this aspect of the development. As such the proposal is considered to comply with the aforementioned policies and the Transport and Accessibility Supplementary Guidance.

Trees

The development is located in close proximity to a number of trees which can be seen from Skene Street, in light of the requirements of Policy NE5 - Trees and Woodlands, a tree survey has been submitted and reviewed. The survey highlights nine trees in close proximity to the proposed development. There are a further three trees to further east, but due to their location, they have not been included in the assessment. Of the nine trees assessed, three of these, numbered 1-3 will need to be felled to allow for the construction of the proposed development. Two, due to their proximity to the development and one because of its poor quality which is a result of growing too close to the other two trees. The other six trees identified as trees 4-9 will be unaffected by the proposals. Tree protection fencing is proposed to be erected after the felling has occurred and will protect the remaining trees from damage.

Overall, the planning authority is satisfied with the information submitted, while it is unfortunate that three trees would be lost as a result of the development, as mentioned above there is no other feasible location for this development. On balance, it is considered that the community benefit of the proposal outweighs the loss of the trees in this instance. Further to this, it will be required via condition that compensatory planting is provided to replace the trees lost as a result. In addition, while the information submitted is sufficient to allow an adequate assessment to be undertaken, a further arboricultural impact assessment will be required prior to the start of works.

In light of the above, while the development is not strictly in compliance Policy NE5 - Trees and Woodlands due to the loss of three trees, it is considered that the proposal is a necessity for the community, with this being the most appropriate location for it to be constructed and with compensatory planting, the loss of trees will be negated. Overall, the planning authority are satisfied with the proposal in respect to Policy NE5.

Drainage

A Drainage Assessment has been submitted and reviewed, it advises that there is an existing combined sewer within Upper Denburn, Skene Street and running within the site boundary from east to west and north of the proposed building. A culvert also runs through the site from east to west and north of the proposed building. In terms of foul drainage, it is proposed that this will discharge via new gravity drains and a disconnection chamber to the existing combined sewer within the site boundaries. While surface water will discharge via downpipes to new gravity drains to a stone filled filter trench to a cellular storage tank. The tank will then discharge to the existing culvert within the site boundary. The recommendations in this report are considered acceptable and this aspect of the development is in compliance with Policy NE6.

Other Matters

It has been noted within the application that the new nursery will utilise the existing school bin facilities, the Waste Strategy Team has advised that these facilities are acceptable especially considered there is no expansion proposed. The Roads Team has also reviewed this aspect and find that there is sufficient provision and collecting measures. The proposal therefore complies with Policy R6 - Waste Management Requirements for New Development.

As per Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency, all new buildings, must 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 and should reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure. As such, a condition will be attached requesting this information to be submitted.

The site is located within the Aberdeen Airport Safeguarding Map, therefore as per the requirements of Policy B4 - Aberdeen Airport, the airport have been consulted. The site has been reviewed and it has been confirmed that the Airport have no objection to the proposed. They have however advised that the developer be aware of their advice on the safe operation of cranes as per Advice Note 4, 'Cranes and Other Construction Issues'.

Representations

As mentioned, several representations have been received which highlight a number of concerns regarding the proposed development. Some of these concerns have been addressed above, but others will be addressed in the following paragraph.

- Access to remainder of amenity space – the submitted site plan shows provision for access to the remainder of the amenity space to the north and south of the building. This is considered sufficient to the planning authority.
- Access to play equipment – the location of the play equipment will be slightly altered due to this development, but the planning authority is satisfied that the access points, as mentioned above, are sufficient to provide access.
- Capacity of Gaelic nursery – this is not a material planning consideration. However, the applicant has advised that the nursery would provide 16 spaces, while this is below the existing 20 spaces within the school, trends over the previous four years show that capacity has been varying, therefore a 9am to 3pm term time service model is recommended based on current trends and parental preference. However, if demand exceeds 16 at any one time, an 8am to 6pm service model can be adopted, which would create 32 nursery spaces.
- Hardstanding to west of school should be upgraded – This area of the site is not within the site's red line boundary and therefore cannot be assessed as part of this application. As mentioned above, the applicant did look at a number of options and this area of the site was dismissed due to inaccessibility. In addition, the loss of this area of hardstanding would result in a lack of compliance with "The School Premises (General Requirements and Standards) (Scotland) Amendment Regulations 1973".
- Lack of multi-use sports surface – While the remainder of the grassed area is within the red line boundary, the provision of a multi-use sports facility has not been proposed as part of this application and there is no requirement for it to be requested.
- Loss of amenity space currently used by children and the resulting impact – this aspect has been addressed above.
- Siting of the development – this aspect has been addressed above.

Period of Determination

The application was unable to be determined within the statutory time period due to additional information being required on existing and proposed parking provision, Tree Survey and SUDs information and to allow the application to be determined at the next available Planning and Development Management Committee. The applicant has therefore agreed to extend the period of determination to the 28.02.2020.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The development is considered to be sited in an acceptable and appropriate location and is not expected to impact on the residential amenity of the area and the design of the building is complementary to the existing school building and will not adversely impact the Rosemount

Conservation Area, which is in compliance with Policy H1 - Residential Areas, Policy CF1 - Existing Community Sites and Facilities, Policy NE3 - Urban Green Space, Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment. The existing access and parking provided for within the site are considered acceptable and due to the site's location, the development is considered readily accessible to those in the local and surrounding communities, in line with the requirements of Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel, Policy.

While it is proposed to fell a number of trees, compensatory planting has been requested via condition, which will offset the loss of trees on the site. While the remaining trees will be protected by the proposed tree protection fencing. The proposal is therefore considered to be in compliance with Policy NE5 - Trees and Woodlands. The submitted information ensures that sufficient foul and surface water drainage arrangements and waste facilities can be provided for within the site as required by Policy NE6 - Flooding, Drainage and Water Quality and Policy R6 - Waste Management Requirements for New Development. The development will not result in a safeguarding conflict with Aberdeen Airport as outlined by Policy B4 - Aberdeen Airport, while further information will be required to ensure the development aids with the reduction of carbon emissions, set out by Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency.

While there are a number of concerns highlighted through representations, these have been addressed throughout this report. Overall, the planning authority is satisfied with the proposal and it is considered that it complies with all relevant policies of the Aberdeen Local Development Plan and the Council's relevant Supplementary Guidance. There are no material considerations that warrant refusal of this application.

CONDITIONS

Materials

No works in connection with the development hereby approved shall commence unless a details/the specification and colour of all the 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 brought into use 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.

Fence Details

No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosures to be erected around and/or within the site boundary have been submitted to and approved in writing by the planning authority. The building hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential and the visual amenities of the area.

Arboricultural Impact Assessment and Tree Protection

No works in connection with the development hereby approved shall commence unless the following information is submitted and approved in writing by the planning authority:

- a) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- b) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.

- c) A method statement for any works proposed within the root protection areas of the trees shown to be retained.
- d) 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).
- e) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.

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.

Compensatory Planting

No works in connection with the permission hereby approved shall commence unless a scheme of compensatory tree planting has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) The location of the compensatory tree planting.
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting.

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

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

Travel Plan

The building hereby approved shall not be brought into use unless a Travel Plan for that building has been submitted to and approved in writing by the planning authority, in consultation with the Roads Development Management Team. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. Once approved the measures set out in the approved Travel Plan shall be implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

Cycle Parking

The building hereby approved shall not be brought into use unless details of the cycle parking, in respect to its location and design, has been submitted to and approved by the planning authority. Once approved the cycle parking shall be installed in accordance with the approved details and retained in perpetuity.

Reason: To ensure safe and appropriate facilities within the site.

Foul and Surface Water Drainage System

The building hereby approved shall not be brought into use unless the proposed surface water drainage arrangements have been provided in accordance with the approved Drainage Assessment, prepared by Fairhurst, dated December 2019. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

Carbon Neutrality and Water Efficiency

No building hereby approved shall be erected unless an Energy Statement and Water Efficiency 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 Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in both statements. All 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 Policy R7 of the Aberdeen Local Development Plan 2017.

ADVISORY NOTES FOR APPLICANT

Waste

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).

- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

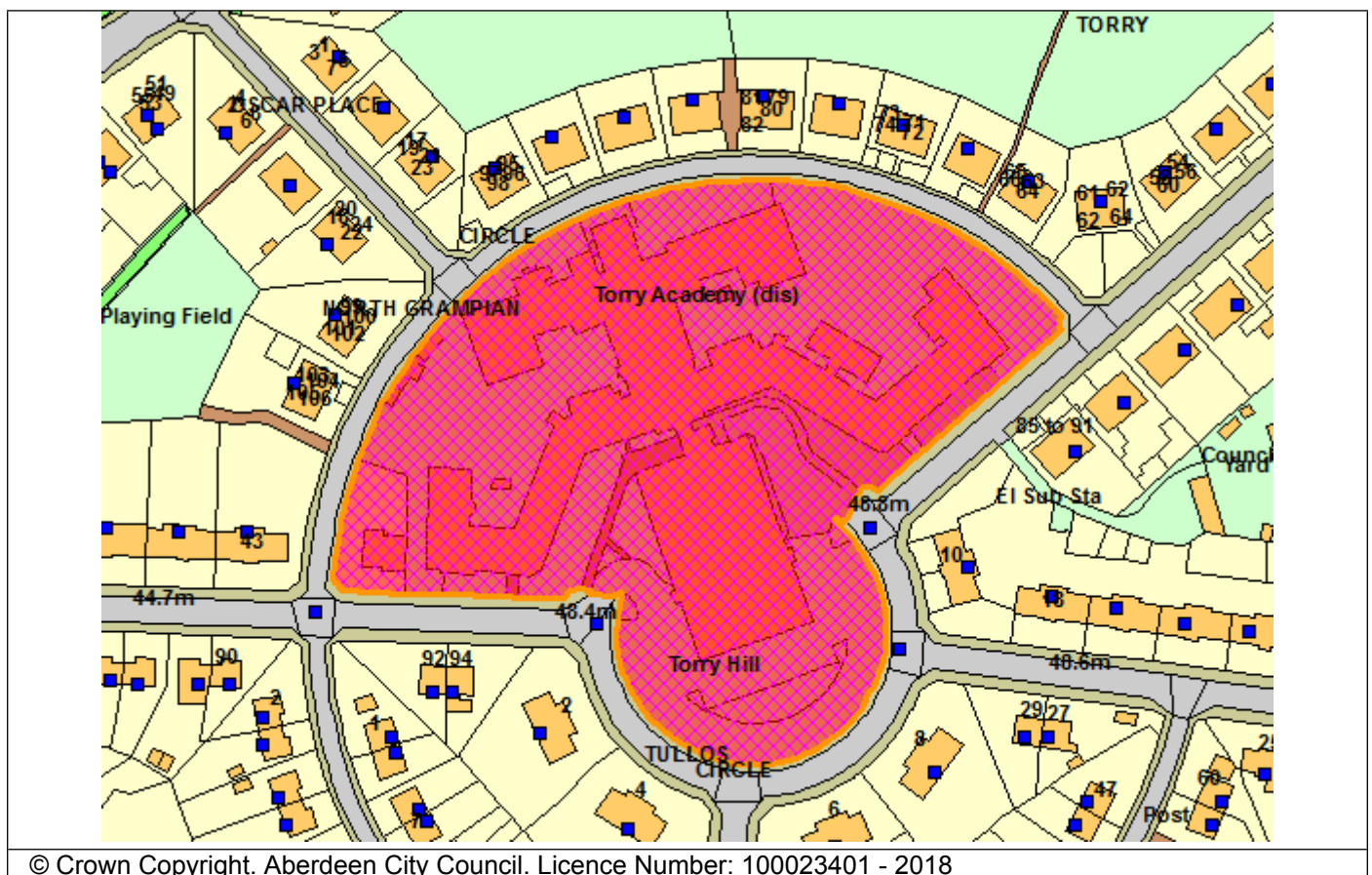
For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&SID=14394>

Crane Operations

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policysafeguarding.htm>)

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 20 February 2020

Site Address:	Former Torry Academy, Tullos Circle, Aberdeen, AB11 8HD
Application Description:	Erection of community hub consisting of primary school with early years, sports and community facilities with associated landscaping and infrastructure
Application Ref:	191661/DPP
Application Type	Detailed Planning Permission
Application Date:	8 November 2019
Applicant:	Aberdeen City Council
Ward:	Torry/Ferryhill
Community Council:	Torry
Case Officer:	Aoife Murphy



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site is located within Torry and currently accommodates the former Torry Academy which closed in 2018, what remains is a large granite building which encompasses the majority of the site, a granite house to the south west of the site and hardstanding forming an access, service area and car park along the south of the site and playground. The current boundary treatments come in the form of a low lying retaining wall with a mix of metal or closed board timber fencing on top.

The site sits within a prominent area of Torry on the top of Torry Hill and can therefore be viewed from a number of the surrounding streets. The topography of the site itself varies with the highest point being to the south with a gradual and consistent fall towards the north.

The site is bounded by a number of streets, these include North Grampian Circle, Tullos Circle and Mansefield Place, with a number of other streets running perpendicular from them. Beyond the bounding streets lies a mainly residential area with a varied mix of house types.

Relevant Planning History

190937/PAN – Proposal of Application Notice for a major development for construction of primary school with early years and community facilities, all weather pitch with associated landscaping and infrastructure – Agreed 24.06.19.

As required by the Development Management Regulations, two pre-consultation meeting were carried out in July 2019. The outcome of these meetings is outlined in a pre-application consultation report and this will be evaluated further in this report.

APPLICATION DESCRIPTION

Description of Proposal

Proposed is a the erection of a new Torry Primary School And Community Hub with an early years learning facility, located within one building with associated sports and play facilities. The existing school requires to be demolished in its entirety to allow for this development, however the demolition of such a building is not being assessed under this current application.

The proposed building is mainly two storeys in height, but also encompasses single storey elements, mainly to the north of the building. The building can essentially be split into three distinct areas:

1. Primary School;
2. Community Hub; and
3. Early Years Facility.

The primary school encompasses the rear of the building and is across two levels. This ground floor accommodates eight classrooms, pupil support room, dining hall and gymnasium. There are a number of other rooms associated with these such as WC's, cloak rooms, stores and a kitchen etc. While the first floor would accommodate a further 6 classrooms, WC's, resource room and GP room. Pupil access to the primary school would be gained from a number of entrance doors on the north and east elevations.

The community hub is located to the south of the main entrance and is across two floors. The ground floor would encompass the library, cafe, multi-use room, while the first floor would accommodate offices, along with staff and meeting rooms etc.

The final aspect is the early learning years facility is to the west of the main entrance and is all located on the ground floor. This area accommodates two activity rooms, WC's cloak rooms, stores, etc.

Access to the community hub and early years facility can be gained from the main entrance on the south elevation.

The proposed materials include:

- Fibre cement panels – including a mix of smaller and larger panels on all elevations (colour to be confirmed);
- Rockpanel Rockclad – to be placed on the main entrance, early years and dining room elevation (west, south and north elevations respectively) (colour to be confirmed);
- Brick – to be placed on the west, north and south elevations (colour – grey);
- Aluminium curtain walling with coloured reveals on west elevation (colour to be confirmed);
- Timber/aluminium composite windows (colour to be confirmed);
- Glazed and solid external doors (colour of solid doors to match colour of elevation);
- Standing seam Kalzip roof;
- Clear transparent panels on terraced area;
- Roof flues to be finished in same colour as roof; and
- Louvers – located on the north and east to be finished in colour to match elevation).

The area surrounding the school accommodates an external play area for the early years facility to the south west, a playground to the west and north, a grassed area and all weather pitch to the north west, with a sensory garden to the eastern corner of the site, a service yard area and a community garden and parking area to the south.

Pedestrian access to the site would be gained from three new access points off North Grampian Circle and two off Tullos Circle. Vehicular access will utilise the existing access point off Tullos Circle, this will provide access to both the service yard and the car park, as is currently the case.

The school site would be secure and inaccessible to the public during school hours, however outwith these times, it is intended that the site will remain open and can be used by the public. While the proposed sports pitch would be available to the public, this would be on a lettable basis and there would be restrictions put in place to ensure the amenity of the surrounding area was not impacted.

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=Q095WEBZKRO00>

- Design and Access Statement, October 2019
- Drainage Strategy Plan, October 2019
- Flood Risk Assessment, October 2019
- Geotechnical Design and Environmental Risk Assessment October 2019
- Lighting Strategy, January 2020
- Noise Impact Assessment, December 2019
- Revised Noise Impact Assessment, January 2020
- Pre-Application Consultation Report, October 2019
- Transport Statement, October 2019

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application constitutes a major development and therefore requires to be determined by committee.

CONSULTATIONS

ACC - Contaminated Land Team – has no objection. However, the Team has requested that a condition be applied to ensure that all recommendations within the Geotechnical Design and Environmental Risk Assessment are carried out.

ACC - Environmental Health – has reviewed the revised Noise Impact Assessment (NIA) and submitted lighting strategy. With regards to the NIA, the Service has accepted the assessment of the recording studio and all plant. With regards to the plant required for the operation of the school, the Service recommends that a further assessment be carried out in line with the recommendations in the NIA. However, with regards to the sports pitch, Environmental Health cannot accept the findings in the report due to the predicted noise exposure and lack of robust noise mitigation coupled with the suggested operating times into the late evening. The Service has suggested opening times of the pitch should the application be approved, these are:

	Term Time	School Holidays
Weekdays	9.00am to 4.00pm (school use) 4.00pm to 6.00pm (general public access) 6.00pm to 8.00pm (pre-arranged lets only)	9.00am to 6.00pm (general public access) 6.00pm to 8.00pm (pre-arranged lets only)
Weekends	10.00am to 6.00pm (pre-arranged lets only)	10.00am to 6.00pm (pre-arranged lets only)

While the information on the lighting proposal and the standards to be achieved is encouraging, it is insufficient to make an assessment. As such, further information will be requested via condition.

ACC - Roads Development Management Team – has no objection. The team has reviewed the application and all submitted plans with regards to accessibility (walking/cycling/public transport), parking, access/servicing and the travel plan framework and has advised that the development is acceptable subject to the conditions.

ACC - Waste Strategy Team – has provided general comments regarding the required waste facilities for the development.

Aberdeen International Airport – has no objection. The Airport has however requested that a condition be attached requesting the submission of a Bird Hazard Management Plan. General comments have also been made with regards to the use of cranes during construction.

Archaeology Service (Aberdeenshire Council) – has advised that the Service has no objection, but has requested that a Standing Buildings Survey be carried out prior to development being carried out.

Police Scotland – has no objection, but has provided comments regarding layout, the internal and external aspects of the building.

Scottish Environment Protection Agency (SEPA) – has no objection. SEPA has provided comments regarding placemaking and environmental enhancements, combined heat and power, waste drainage, surface water drainage, pollution prevention and environmental management and air quality.

Scottish Water – has no objection and has advised that there is sufficient capacity in the Invercannie Water Treatment Works and the Nigg Waste Water Treatment Works.

Torry Community Council – no comments received.

REPRESENTATIONS

None

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 (2017)

Policy D1 - Quality Placemaking by Design

Policy D5 - Our Granite Heritage

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 – Noise

Policy B4 - Aberdeen Airport

Policy H1 - Residential Areas

Policy CF1 - Existing Community Sites and Facilities

Policy CF2 - New Community Facilities

Policy NE6 - Flooding, Drainage and Water Quality

Policy R2 - Degraded and Contaminated Land

Policy R6 - Waste Management Requirements for New Development

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

Supplementary Guidance and Technical Advice Notes

Transport and accessibility

Noise

Flooding, Drainage and Water Quality

Resources for New Development

EVALUATION

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

This development is not considered to be a strategic proposal that requires cross-boundary consideration, it does therefore not require a detailed assessment against the SDP.

Pre-Application Consultation

As per the major application process, a pre-application consultation was undertaken over two days in July 2019 at two different locations, Torry Youth and Leisure Centre and Tullos Community Centre with a total of 23 people attending and 7 of those providing comment. A number of considerations were highlighted through this process and were considered through the development of the proposal as detailed in the Pre-application Consultation Report.

Principle of Development

The site is located within a residentially zoned area of Torry as designated by the Local Development Plan, as such Policy H1 applies. H1 advises that proposals for non-residential uses should be complementary to the existing residential use and should not cause conflict with, or any nuisance to, the enjoyment of existing residential amenity. In addition, given the development is related to an existing school site, Policies CF1 and CF2 also have to be considered. CF1 advises that proposals for new uses on existing sites will be supported in principle, while CF2 advises that proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists.

In this instance, the proposed development will see a new primary school and community hub on the site that accommodates the former Torry Academy. It is therefore considered that this site is an appropriate location for the proposed use, given that the use of the site for educational purposes has already been established. Furthermore, it is unlikely that the new development would result in a conflict with the existing amenity, but this aspect will be further explored in the evaluation below.

As previously mentioned, the proposed development proposes three elements; a primary school, a community hub and an early years learning facility. The primary school and the early years facility will be assessed against Policy CF1, while the community hub will be assessed against Policy CF2.

As mentioned, this site currently falls within an education use and while the existing school closed its doors to pupils in 2017, the use still applies. Therefore, given that Policy CF1 supports existing educational sites being used for those purposes, it is considered that the development, specifically the primary school and early years facility, is in full compliance with this policy. With regards to the community hub, as mentioned above, CF2 supports new community facilities dependent on their location and accessibility. While this aspect will be outline further in this evaluation, it is considered that this site is ideal for such a use, given to its prominence within Torry and that it is readily accessible by the local community.

Overall, it is considered that the site can, in principle, satisfactorily accommodate a new primary

school community hub and early years facility, especially given that it will replace a former academy. While the issue of amenity will be explored further, it is considered that the principle of development can be established when assessed against Policy H1, CF1 and CF2.

Site Layout and Design

With regards to the design, Policy D1 - Quality Placemaking by Design, all development must ensure high standards of design and have a strong and distinctive sense of place which complements the context of the surrounding area. It is considered that given the sites positioning within Torry and the developments proposed use, it is vital that this development meets the six essential qualities of Policy D1. Therefore, proposals should be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

It is considered that the proposed development makes use of this irregular shaped site, positioning the school to the centre and south east has allowed the existing access and car park to be utilised, while the remainder of the site can be used as external play areas (including both hard and soft landscaping) for future pupils.

The building itself would be of a contemporary design, which will be visible from all surrounding streets. Given the sites prominent positioning at the top of Torry Hill and 360 degree public aspect it is important that all elevations of the development are designed with this in mind. While the main elevation is located to south east, the north, east and west elevations play an important role within this site, with the north and east elevations providing pupil access to the primary school. While most of the west elevation incorporates areas of ventilation, these have been designed in such a way that they blend into the building, either by design or choice of material.

The main entrance to the building would be located on the south east elevation and the site has been opened up in this area to create a plaza allowing for easy access to the community hub and early years facility. Given that this entrance will be visible, not only from Tullos Circle, but also from Grampian Place, it was important that a feature entrance was created. It is considered that this has been achieved through the use of double height glazing, curtain walling and contrasting materials.

Significant ventilation is required for this development given the proposed use and while a number of flues are visible given the slope of the roof, the planning authority can impose conditions on any consent to ensure that an appropriate material is used so that they blend into the roof rather than detracting from the overall development.

In terms of the six essential qualities, it is considered that they can be achieved by this development for the following reasons. The site itself is distinctive in the sense of being elevated and highly visible from all sides and it is considered that the school has been designed/positioned in such a way that it responds to this context and the character of the surrounding area through the use of appropriate materials which complement the surrounding townscape. Given the positioning and improvements to the main entrance, it is considered that this development will be welcoming not only to the pupils that will use it but also by the local community it will serve.

The development has been designed in such a way that it gives precedence to pedestrian movement, with vehicles restricted to a certain area of the grounds. In addition, a number of new pedestrian access points have been introduced along the boundary, which will allow for easy access to the site. Also, through the use of boundaries and landscaping it will be clear what space is available to the community/school pupils. Finally, given the location of the site and proximity to residential properties, it is considered that the site will be highly visible which will result in a high level of natural surveillance. As such, it is considered that the development is both safe, pleasant and easy to get around.

Given the development proposes a number of different uses ranging from educational to community

uses, it is considered that the building proposed is adaptable. In addition, the sports pitch while available for school use will also be available to the general public. Furthermore, outwith school hours the school grounds will be readily accessible. In light of the foregoing it is considered that the development would be adaptable.

Finally, in terms of resource efficiency, given that it is a new build, it is considered that a certain level of efficiency will be achieved. The site will also be easily accessible by other sustainable modes of transport such as walking and cycling and public transport, which will aid with the reduction of car users travelling to the site.

In light of the above, it is considered that the development has been well designed and responds successfully to the context of the site and its surrounding characteristics, while still being a modern addition. However, given the lack of detail with regards to the proposed finish it is considered necessary to request this information via condition. Nevertheless, it is considered that overall the proposal complies with Policy D1 - Quality Placemaking by Design.

Given that the former academy is constructed of granite, it is important that the granite heritage of Aberdeen City is protected and preserved. While the demolition of the existing building is unfortunate, it is noted that the former school is no longer fit for purpose and therefore would not be suitable for the proposed development. However, the planning authority consider it vital that the granite heritage is evident on this site in some way. As such, the Planning Authority has requested that some of the granite is retained on site and it has been agreed that this will be used as a low-lying wall around part of the boundary as detailed in the boundary treatment plan submitted with this application. It is considered that using the granite on the elevations of the new school/community hub would not be practical as such the solution proposed by the applicant is acceptable. As such the proposal is considered to comply with Policy D5 – Our Granite Heritage.

Amenity

A Noise Impact Assessment (NIA) has been submitted by the applicant and reviewed by the Planning Service and Environmental Health. The assessment identifies that the noise sources within the proposed site include the all-weather sports pitch, all mechanical plant and the music room within the building itself.

The sports pitch would be used by school pupils during the day and by the community into the evening, at weekends and during school holidays. However, the results of the NIA indicate that the expected noise level from the proposed sports pitch would be in excess of the Local Authority recommended maximum external noise level at the nearest existing noise sensitive receiver – namely the nearest residential façades and gardens. The mitigation proposed in the submitted NIA includes the restriction of hours or the introduction of fencing around the pitch to aid with noise reduction. The installation of high noise reduction fencing would conflict directly with a series of Council policies relating to schools and specifically with regards to safety, security and community integration, as such the client has advised that this option is not feasible. The option for restricting use to mitigate the noise impact is explored in the NIA. The NIA advises use between 8.45am to 9.45pm weekdays and weekends with a recommendation to use synthetic rubber isolation inserts between the fence and supports in order to reduce ball impact noise and fence rattle.

The findings of the NIA and its proposed mitigation measure have been reviewed by the Council's Environmental Health Service, has and that Service advises that the assessment is not acceptable. This is because it is considered that there is insufficient demonstration that the proposal would provide acceptable conditions for nearby residents due to the absence of noise mitigation measures that would have tangible effects sufficient to mitigate the noise impact. Environmental Health is therefore unable to accept the noise impact assessment report and its findings due to the predicted noise exposure and lack of robust noise mitigation given that the suggested operating times extend late into the late evening (ie. until 9.45pm). It has advised that should the planning authority

recommend approval despite their reservation, conditions restricting use of the sports pitch should be used, to help reduce the impact on the local amenity. Environmental Health has outlined hours of use and these are highlighted above. However, while the Monday to Friday times are considered to be appropriate, it is considered that the Saturday and Sunday times should be altered. It is now proposed to open at 10am as highlighted by Environmental Health, but close at 8pm rather than 6pm. Given the location and proposed use, it would seem unreasonable to close the 3G pitch so early at the weekend, given that it is proposed as a community facility and that the later closing time would be of more benefit to those within the community that would use it.

From a planning perspective, the previous use of the site as a former academy and the community benefit of this new proposal requires to be taken into account. While use of the 3G sports pitch may result in some additional noise in the surrounding area, the area to be occupied by the proposed 3G pitch would occupy exactly the same area that is an area of bitmac hardstanding previously used for outdoor play by the school, which to the best of the planning authorities knowledge was open to the public outwith school times under the Council's open grounds policy. As such it would seem unreasonable to deem this element unacceptable in principle given that it is a pre-existing historic use. While mitigation could be used, there is a concern that there would be a resultant visual impact or impact on daylight or sunlight to adjoining residential property as a result of the installation of high fencing with netting which would not be acceptable. As such, it is considered appropriate in this instance to recommend a condition be attached restricting the hours of use of the sports pitch for the reasons outlined above this in addition to the fact that the sports pitch will be locked to the general public and will only be lettable to the community should aid the surrounding amenity.

With regards to the proposed music room, Environmental Health are satisfied with the information in the NIA and that there would be no adverse noise impact on sensitive receptors and, therefore, have no further comment to make. The NIA advised that the plant has not been specified in detail at this stage of the project, and therefore maximum allowable plant noise levels have been calculated to inform the design selection. Environmental Health find the information submitted acceptable. However, once plant requirements have been specified a further assessment of for daytime and night-time noise levels is required to be undertaken. The submission of this assessment once carried out should be requested via condition.

A lighting strategy has also been submitted. Whilst the information on the lighting proposal and the standards to be achieved is encouraging a final design for the required lighting solutions, in particular for the pitch, has not been finalised. As such Environmental Health still requires demonstration of how the final design will comply with the relevant standards through the submission of a further report, which will be secured by condition. This report should demonstrate the following:

1. The floodlighting needs;
2. Floodlighting position and direction;
3. Floodlight height and technical specification;
4. Light spill, illumination of neighbouring land, glare, upward light levels;
5. Hours of use;
6. Means of control to ensure lights to be on only when in use;
7. Details of any automatic cut-off device (or equivalent) to be installed;
8. Impacts on neighbours; and
9. Any mitigation measures to be applied.

To conclude, in terms of amenity it is considered that the information submitted is acceptable. Concerns about the impact on amenity resulting from light spillage are operational matters that can be resolved by the submission and approval of further information prior to the school and community hub being brought into use. While Environmental Health has highlighted their concerns, specifically regarding the impact of late evening noise resulting from the use of the sports pitch, they have not objected to the development and have suggested that the impact can be satisfactorily mitigated by

controlling the hours of public use of the proposed 3G pitch by way of the imposition of planning conditions on any consent. Upon reviewing all the information provided and consultee comments, it is considered that the proposed development will not have an adverse impact on the current levels of residential amenity for the immediate or surrounding area. As such, with respect to amenity the development is considered to be acceptable.

Transport Impacts

Under Policies T2 and T3, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The Roads Development Management Team have reviewed the submitted Transport Statement and have provided comments on access, parking, sustainable modes of transport and the proposed travel plan framework.

With regards to access, it is noted that the existing access which was used for the former Torry Academy will be utilised, with no proposed alterations. Where delivery vehicles, will require to take access into the site, a swept path analysis evidences that there is adequate space to enter and exit in a forward gear. The aspect of refuse collection has also been considered and is detailed further in this evaluation.

A total of 42 parking spaces have been proposed, 3 of which are disabled/accessible spaces and a further 2 for electric vehicle charging. The Roads Team has advised that this provision is adequate due to the site's location and accessibility by those that it would serve.

In terms of sustainable modes of transport, the development proposes 66 cycle sheltered parking spaces, which is considered appropriate given the use and size of the development. Also, given the site's location within the surrounding community, it is considered that it is easily accessible by walking and cycling. Further to this, the site is well served by public transport, with bus stops located on Tullos Circle, which forms part of a regular route which connects to the wider Torry area.

A Travel Plan is required to improve safety measures and reduce car trips to the site. This would be of benefit to both staff and those using the school/early learning units and community centre. A template and example of how a travel plan should be compiled has been provided for within the Transport Assessment and this is considered acceptable and should be adopted when the School Travel Plan is being finalised. Should an approval be granted, a condition will be applied requesting the approval and implementation of a travel plan.

In light of the above, it is considered that the proposed development can be easily accessed via the existing entrance and can provide a suitable level of parking. In addition, given the sites location within Torry, it is noted that the development would be readily accessible by other means of travel such as walking, cycling and public transport. As such the development is considered to be in compliance with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel; as well as the Council's Supplementary Guidance Transport and Accessibility.

Contaminated Land

A Geotechnical Design and Environmental Risk Assessment Report has been submitted and outlines the level of investigation that was carried out on the site while the existing building still stands. The report confirms that no significant contamination was detected on site and that there would be no significant risk to the water environment. While basic radon protective measures are recommended in the report, there is no requirement for ground gas protection. The above report has been reviewed by the Council's Contaminated Land Team and they advised that it is satisfied

with its conclusion and recommendation. It will be conditioned that all of the recommendations contained within the above report will be carried out, with the scope of works first agreed with the Contaminated Land Team.

As noted in the report, a level of asbestos has been found on the site. The Contaminated Land Team has recommended that a Full Buildings Asbestos Survey is undertaken prior to the demolition. However, as the demolition is not being assessed under this application, it was be feasible for the planning authority to attach such a condition. The contract for demolition and asbestos removal has been tendered by the Council and works are currently ongoing to ensure the safe removal of all asbestos containing material will by a licensed waste management carrier to a licensed facility.

Overall, the submitted report is acceptable to both the Contaminated Land Team and the Planning Authority, as such the proposal is considered compliant with Policy R2 - Degraded and Contaminated Land.

Flooding and Drainage

In terms of flooding, a Flood Risk Assessment has been submitted and advises that any future flooding will pose no threat to the proposed development. In addition, the proposed surface water drainage has been designed to ensure that pluvial and overland flooding does not occur. Therefore, there is a negligible level of flood risk to the site.

With regards to drainage, a Drainage Strategy has been submitted and reviewed. The strategy advises that combined sewers run along the north boundary, heading north east and a sewer along the south boundary heading south west. In terms of foul water, it is proposed to collect all waste water and foul discharges into a traditional gravity system, which will then be discharged into the combined sewer on North Grampian Circle.

With regards to surface water the site will provide a suitable Sustainable Urban Drainage System. The surface water collected from the site via filter trenched within the soft landscaping, porous car parks and cellular storage. This will enable the collected water to be attenuated before discharging into the existing combined sewer. A full attenuation for a 200 year storm event will be provided for within the underground storage structures.

In light of the above, the information supplied in the Flood Risk Assessment and Drainage Strategy is considered to be acceptable, a condition should be used to ensure that the recommendations of the Drainage Strategy. Overall, it is considered that the proposal complies with Policy NE6 - Flooding, Drainage and Water Quality and Supplementary Guidance Flooding, Drainage and Water Quality.

Aberdeen Airport

The site falls within the safeguarding area for Aberdeen Airport, as such it has been consulted as part of this application process. The Airport advises that the development has been examined from an aerodrome safeguarding perspective and could result in conflict with the criteria. However, it advises that, if a condition requesting the submission of a Bird Management Plan is attached to any grant of permission, there would be no objection. This plan would help ensure that the site would be less appealing to birds which could endanger the safe movement of aircraft and the successful operation of Aberdeen Airport.

In addition to the above, given the nature of the development proposed, it is likely that cranes may be required during the construction period, as such the Airport has advised the planning authority of their advice regarding the use of cranes, which will be passed onto the applicant in the form of an informative, should permission be approved. Subject to the above condition/informative, it is considered that the development complies with Policy B4 - Aberdeen Airport.

Other Matters

Aberdeenshire Council's Archaeology Service has reviewed this site and has advised while the Service has no objection, it has requested that a Standing Buildings Survey be conditioned. While under normal circumstances this would be appropriate to attach such a condition, it is not in these circumstances because the demolition of the development is already underway and is regulated under different legislation. A number of photographs were taken of the site and it has been agreed that these will be submitted to the planning authority for our records, but generally speaking this is outwith the scope of this application and the submission of these photographs has only been secured given that the Council owned the site.

A proposed bin store has been donated on the submitted site plan and would be located along the south east boundary adjacent the existing vehicular entrance. This is considered to be an appropriate location for such facilities. In terms of refuse collection, it is intended that shall be via on-street collection from Tullos Circle adjacent the existing entrance, this is considered acceptable the proposed location would be within 10m of the bin store.

The Council's Waste Strategy Team has also provided some additional information with regards to the requirements for a development such as this. Overall, this aspect of the development is acceptable and in compliance with the requirements of Policy R6 - Waste Management Requirements for New Development and Supplementary Guidance Resources for New Development.

As per Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency, all new buildings, must 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 and should reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure. As such, a condition will be attached requesting this information to be submitted.

Conclusion

Overall, it is considered that the development is in compliance with all relevant policies outlined above. A new primary school, community hub and early years facilities is an appropriate use for this former academy site. It is considered that all aspects of the proposal have been addressed above and overall the planning authority is satisfied with the development that is proposed. It is therefore recommending that this application be approved.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The site is considered to be acceptable for the proposed use, not just because of its highly accessible location, which is situated centrally within the community, but also because of its former use which is very similar to that proposed, in line with Policy H1 - Residential Areas, Policy CF1 - Existing Community Sites and Facilities and Policy CF2 - New Community Facilities. The design and layout of the site has been considered and assessed and is found to be acceptable not just in respect to the proposed use, but also with regards to the existing site context and characteristics. The building is a modern intervention within this area, but one that works well given the prominence of the site. A portion of the granite from the existing school is to be retained on site and will provide a link to the granite heritage of the area. As such the proposal complies with Policy D1 - Quality Placemaking by Design and Policy D5 - Our Granite Heritage.

The impact on amenity has been considered and information has been submitted to enable an adequate assessment of the development. It is considered that based on this, it is unlikely that the development would have any adverse impact on the current levels of residential amenity in respect

to noise and lighting. The proposal provides sufficient access and parking arrangements as well as suitable and acceptable routes for other modes of transport, such as walking, cycling and public transport. The proposal is therefore considered to comply with Policy T5 – Noise, Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

The potential impact on Aberdeen Airport has been considered and it is found that whilst the development could have a safeguarding conflict, this can be resolved by the submission and implementation of a bird management plan, in compliance with Policy B4 - Aberdeen Airport. The development allows for adequate provision of foul and surface water drainage and it is unlikely, due to the location of the site, that there would be any flooding impacts, as such the development is acceptable under Policy NE6 - Flooding, Drainage and Water Quality. The site has also been assessed in respect to potential contamination and Policy R2 - Degraded and Contaminated Land and due to the previous use, this is considered unlikely, however further information has been required via condition. Suitable provision has been made for waste facilities and further information has been required in relation to carbon neutrality and water efficiency, in line with Policy R6 - Waste Management Requirements for New Development, Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency.

Overall, the planning authority is satisfied with the proposal and it is considered that it complies with all relevant policies of the Aberdeen Local Development Plan and the Council's relevant Supplementary Guidance. There are no material considerations that warrant refusal of this application.

CONDITIONS

Materials

No works in connection with the development hereby approved shall commence unless details of the specification and colour of all the materials to be used in the external finish of the development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details, specification and colour.

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

Contaminated Land

No works in connection with the development hereby approved shall commence unless the recommendations set out in the Geotechnical Design and Environmental Risk Assessment Report, prepared by Goodson Associates dated September 2019 have been carried out and any subsequent reports prepared as a result, have been submitted to and approved in writing by the planning authority. Once approved all required mitigation measures shall thereafter be implemented in full accordance and retained in perpetuity.

The scope of the works set out in the recommendations of the Geotechnical Design and Environmental Risk Assessment Report shall be agreed in writing with the planning authority in consultation with Protective Services prior to any works being carried out.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

Hours of Use

The All-Weather Sports Pitch hereby approved shall only be used by the school or for pre-arranged lets during the period from 9 am to 8 pm on Monday to Friday and from 10 am to 8 pm on Saturday and Sunday and shall not be used outwith these times.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

Noise

The building hereby approved shall not be brought into use unless a further assessment and report of the specific mechanical plant, including plant louvres at school, condenser units and substation, being used for the operation of the site has been undertaken. This assessment and report shall then be submitted to and approved in writing by the planning authority in consultation with Environmental Health. Once approved, all mitigation measures recommended in the report should be implemented prior to the building being brought into use and retained in perpetuity.

Reason: To ensure that noise from the use of the development does not result in undue loss of amenity for surrounding properties.

Lighting Strategy

No development in connection with the planning permission hereby granted shall commence unless full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development have been submitted to and approved in writing by the planning authority. Prior to the assessment being undertaken in accordance with a scope that has been agreed with the planning authority in consultation with Environmental Health. All lighting shall be provided and thereafter retained in perpetuity in accordance both with the approved scheme and the Guidance Notes for the Reduction of Obtrusive Light issued by the Institution of Lighting Professionals (GN01:2011) and any such guidance notes that replace or supersede them.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the residential and visual amenity of the surrounding area.

Travel Plan

The building hereby approved shall not be brought into use unless a Travel Plan for that building has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

Traffic Restrictions

The building hereby approved shall not be brought into use unless:

- (i) an assessment of existing traffic restrictions within the surrounding road network has been undertaken to establish if any restrictions, in addition to those that exist, are required;
- (ii) the scope of the assessment shall be agreed with the Council's Traffic Management Team;
- (iii) a Traffic Regulation Order is promoted for any works to implement the additional restrictions; and
- (iv) any works required to implement the addition restrictions are completed.

For the avoidance of doubt, all necessary works required as a result of the assessment shall be implemented prior to the building being brought into use.

Reason: In the interests of road safety and providing a safe route to school.

Existing Public Transport Infrastructure

The building hereby approved shall not be brought into use unless the existing public transport infrastructure, such as, but not limited to bus shelters in close proximity to the development, have been assessed in consultation with the Council's Public Transport Services and Infrastructure.

For the avoidance of doubt, all necessary works required to improve or replace this infrastructure shall be carried out prior to the building being brought into use.

Reason: In the interests of public safety and providing suitable public transport infrastructure.

Foul and Surface Water Drainage Arrangements

The building hereby approved shall not be brought into use unless the proposed foul and surface water drainage arrangements have been provided in accordance with the approved plans and the Drainage Strategy Plan, prepared by Goodson Associates and dated October 2019. The foul and surface water drainage arrangements shall be permanently retained thereafter in accordance with the approved maintenance scheme contained within the Drainage Strategy.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

Bird Management

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport. The submitted plan shall include details of:

Management of any flat/shallow pitched roofs (of less than 15 degrees) on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' and any such guidance notes that replace or supersede them.

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

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

Landscaping Scheme

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels.
- b) The location of new trees, shrubs, hedges and grassed areas.
- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- d) The location, design and materials of all hard landscaping works including walls, fences, gates, and play equipment.
- e) An indication of existing trees, shrubs and hedges to be removed.
- f) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

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

Carbon Neutrality and Water Efficiency

No building hereby approved shall be erected unless an Energy Statement and Water Efficiency 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 Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in both statements. All 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 Policy R7 of the Aberdeen Local Development Plan 2017.

ADVISORY NOTES FOR APPLICANT

Bird Hazard Management Plan

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Aberdeen Airport Airside Operations staff. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage (SNH) before the removal of nests and eggs.

Waste

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council

Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013

- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:
http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&sID=14394>

Crane Operations

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policysafeguarding.htm>)

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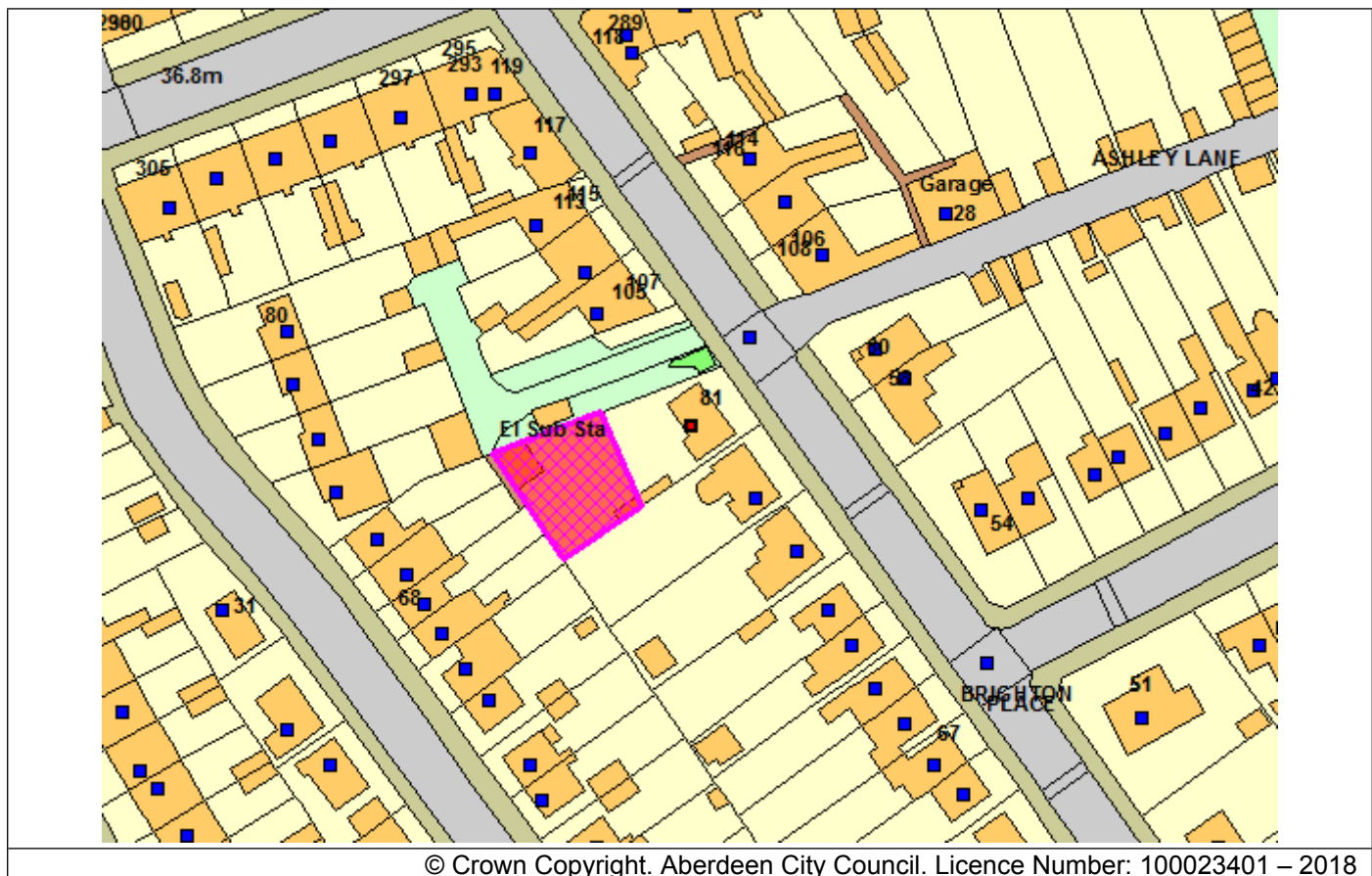


Planning Development Management Committee

Report by Development Management Manager

Committee Date:

Site Address:	81 Brighton Place, Ashley, Aberdeen, AB10 6RT
Application Description:	Erection of new dwellinghouse to rear
Application Ref:	191880/DPP
Application Type	Detailed Planning Permission
Application Date:	20 December 2019
Applicant:	Mr John Anderson
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Ashley And Broomhill
Case Officer:	Dineke Brasier



RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is an irregular shaped area extending to c.365m² and currently forms part of the rear garden of 81 Brighton Place. It is mainly laid to lawn with an outbuilding consisting of a car port/storage shed in the north west corner. The site is accessed from a private service lane, which runs south west from Brighton Place. An SSE substation is located just outside the application site to the north. The site is further bounded by the residential curtilage of 66-72 Annfield Terrace to the west; 79 Brighton Place to the south; and the front part of the rear garden of 81 Brighton Place, a 1.5 storey detached dwelling.

To the north, on the other side of the service lane, is the boundary of the Albyn Place/ Rubislaw Conservation Area, and the site falls just outside this designated area.

Relevant Planning History

- 190778/DPP – Change of use from amenity land to domestic garden ground to facilitate new access, driveway and erection of boundary wall to rear – Approved on 15th August 2019;
- 180922/DPP – Replacement of existing dwelling house with 4 residential flats, including car parking and landscaping – Refused on 4th September 2018; and
- 111877 – Erection of car port - Approved on 14th February 2012

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the construction of a 1½ storey detached dwelling located to the rear of the existing property at 81 Brighton Place. Vehicular access would be from the private service lane, and two on-site parking spaces would be provided. The dwelling would have a principal elevation facing north onto the private lane; and would have a gabled roof form with two pitched roof dormers on the front roof elevation. Finishing materials would comprise off-white render for the walls; slate for the roof and grey timber 'Aluclad' for windows and doors. The dwelling would measure c.12m by c.8m and would have a footprint of c.96m². Accommodation would consist of an open plan lounge/kitchen/dining area; bathroom; bedroom and office on the ground floor; and two bedrooms and further bathroom on the first floor.

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=Q2T2OTBZM4500>

Planning Policy Statement by Aurora Planning

Additional statement responding to letters of objection by RJM Architectural Design

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because 28 letters of objection have been received and as such falls outwith the scheme of delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection, subject to completion of works approved under 190778/DPP. Sufficient parking provided on-site. Due to the low volume of traffic in

the lane no concerns in relation to pedestrian safety.

ACC - Waste Strategy Team – No objection

SSEN – Objection as access to the proposed new house will be over the private lane owned by SSEN which is adjacent to 81 Brighton Place. Cannot support this application until terms regarding access have been established.

Ashley And Broomhill Community Council – None received

REPRESENTATIONS

Queens Cross and Harlaw Community Council

Objects to the proposal for the following reasons:

1. Adverse impact on character and appearance of the surrounding area;
2. Does not have an active street frontage;
3. No safe access to site, including for people with disabilities;
4. Proposal would result in overdevelopment;
5. Dwelling would not provide acceptable living accommodation;
6. Issues with flooding and drainage. Historic flooding issues in lane;
7. Location and size of bin store;
8. Location of BT pole;
9. Construction vehicles would result in further deterioration of the lane;
10. If SSE were to restrict entry to the lane, then the dwelling cannot be accessed.

27 further letters of objection were received, raising the following matters:

Impact on character and appearance of the surrounding area

1. Overdevelopment of the site. Proposed development would not be in keeping with the current pattern of development in the surrounding area, which is that of houses with long rear gardens;
2. Density of proposed development would significantly exceed that in the surrounding area. There is a clear split at the lane between higher density to the north and lower density to the south;
3. Building materials are not of high enough quality. Granite should be used. Uninspired design. Visual impact of proposal when seen from Brighton Place;
4. The orientation of the house would be at odds with all other houses on Brighton Place and Annfield Terrace;
5. The private lane is not a continuation of Ashley Lane as that is adopted, hard surfaced and well lit, whereas the private lane is not constructed to adoptable standards

Impact on residential amenity

6. The main outlook from the house would be across an unadopted lane used for car parking and a substation;
7. Rear garden length of new house would be less than 9m;
8. Location of bin store would not be convenient for occupants of new house;
9. Proposal would result in an adverse impact on residential amenity of 79 Brighton Place and 68-72 Annfield Terrace due to overlooking/ loss of light/ affecting outlook;
10. Concerns regarding impact of proposal on stability of existing boundary wall to rear

Impact on lane

11. Increase in use of lane would further deteriorate its state;
12. Potential for additional flooding of lane;
13. Rights of access needed for use of lane from owner;
14. There is no safe pedestrian access from Brighton Place to the house. Pedestrians will need

to walk across the lane;

15. Pedestrian safety for users of the lane, especially those coming from the gate serving the rear gardens of 68-72 Annfield Terrace, which is located immediately next to the parking area of the proposed house;
16. Further loss of landscaping, in combination with loss of planting due to 190778/DPP;

Other matters:

17. Planning history. There have been various planning applications on this site in the recent past, with this being the latest instalment. Need to wait until 190778/DPP is completed to assess true impact of proposal;
18. Timing of submission of planning application just before Christmas;
19. Drainage;
20. There is an existing BT mast just outside the site, what will happen to this?
21. Proposal would set an undesirable precedent;
22. Trees would be removed from rear garden;

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.

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)

H1: Residential Areas

D1: Quality Placemaking by Design

D4: Historic Environment

T2: Managing the Transport Impact of Development

R6: Waste Management Requirement for New Development

R7: Low and Zero Carbon Building and Water Efficiency

Supplementary Guidance (SG)

Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

EVALUATION

Aberdeen City and Shire Strategic Development Plan (2014)

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.

Principle of Development

The application site is located within a residential area, and Policy H1 (Residential Areas) applies. This policy sets out that residential development would be accepted in principle, provided it:

- Would not result in overdevelopment;
- Would not have an adverse impact on the character and amenity of the surrounding area;
- Would not result in the loss of valuable and valued open space; and
- Would comply with relevant Supplementary Guidance, in this instance Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

The site forms part of the rear garden of 81 Brighton Place, and as such the proposal would not result in the loss of an area of public open space. All other criteria are assessed in detail below:

The site is located in Brighton Place, just to the south of, and therefore just outside of the Albyn Place/Rubislaw Conservation Area, the boundary of which runs along the north of the private lane. Brighton Place is characterised by a mix of dwellings ranging from 1½ storey detached houses to 2½ storey terraced tenement blocks on the corner with Union Grove. There is a distinct split in density at the boundary of the conservation area, and thus the service lane, where density quite abruptly drops from flats to detached and semi-detached residential dwellings. There is a clear pattern of development, with dwellings set in rectangular feus with long rear gardens, and facing out towards Brighton Place or Annfield Terrace, with either an east or west facing principal elevation. The proposed site layout shows that the garden would be split in two, with the proposed new dwelling facing north, accessed off the service lane.

SG sets out that any new dwellings must respect the character and built form of the surrounding area. In this regard, it specifically sets out that:

- New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc);
- The density of the surrounding area should be reflected in the development proposals for the new and existing property; and
- The distance between proposed dwellings, and between proposed and existing dwellings (i.e. between gable ends) should be similar to that predominating on the street.

In this case, it is considered that the proposal would not comply with the above for the following reasons:

The proposal would result in the introduction of a new building line between the properties on Brighton Place and Annfield Terrace and as such would represent backland development. In addition, the resultant rear garden of both the new and existing property would not reflect the pattern of development in the surrounding area, which consist of properties set in relatively long, rectangular rear gardens; and the new dwelling would have a north facing principal elevation, contrary to the overarching pattern of development which is for east and west facing principal elevations.

In their supporting Planning Statement, the applicant argues that the service lane can be seen as a continuation of Ashley Lane to the east. However, it is considered that these lanes have a different character and appearance and are therefore not comparable. Whereas Ashley Lane is a surfaced, well-lit and adopted lane providing a link between Brighton Place to the west and Ashley Road to

the east, and is flanked by predominantly garages to the north and south, this is not the case for the service lane, which is an unadopted, unsurfaced, private lane. Furthermore, historically, there has been a structure related to Ashley House in the location of the single house on Ashley Lane since at least the mid to late 1800s, with the existing dwelling more than likely approved in the 1970s/1980s. As such, the presence of this building is a historical occurrence, and is not typical of development in this area. Thus, the proposal would not respect the existing pattern of development and relationship between buildings, contrary to criteria contained within the SG and policies H1 and D1 of the 2017 Aberdeen Local Development Plan.

In relation to the proposed density, the existing house and associated outbuildings cover c.13.5% of the total rear garden. It is acknowledged that this is relatively low when compared to other plot ratios in the surrounding area, as due to its position at the end of a row of three dwellings and adjacent to the service lane, the garden is larger than others nearby. The proposal would significantly increase the overall development ratio, which would rise to c.30% for the new dwelling, and c.26.5% for the existing. It is noted that in their Planning Statement, the applicant discusses higher densities to the north of the service lane. However, these are traditional tenement buildings, and in character and appearance represent a different type of development than that further south along this part of Brighton Place, which, as set out above, is characterised by detached and semi-detached dwellings. It is therefore considered that there is a natural split between areas of higher and lower density at the service lane, and that this site marks the boundary between the higher density flats to the north and lower density houses to the south. The site falls outwith this higher density area, and the resultant density on the application site requires therefore to be seen in context with the properties to the south. In general, density is around 20-25% for properties in this southern part of Brighton Place. The proposal would therefore represent a significant increase in the density on the overall plot, which would not be characteristic of the surrounding area.

Furthermore, the shape of the rear garden would be compromised, and uncharacteristic of the surrounding area. The new dwelling would have a garden with a maximum depth of c.6.7m from the rear elevation to the side boundary of 79 Brighton Place. This would not meet the minimum standard of 9m as set out in the SG, and as such would be a further indication that the proposal would be an overdevelopment of the site. In addition, the depth of the garden of the donor property would be reduced to between c.8.7m and c.10.5m due to the angled nature of the garden. Even though on average this would meet the requirement in the SG for a minimum garden depth of 9m, it is considered to be artificially small when compared to the depth of the neighbouring gardens of 77 and 79 Brighton Place.

Policy D1 sets out that all development should have a strong and distinctive sense of place which, amongst others, is the result of context appraisal. For the reasons set out above, it is considered that the proposal would not take sufficient cognisance of the context and character of the surrounding area, and therefore fails to meet the ambition and criteria set out in this policy.

It is therefore considered that the proposal would not meet the criteria set out in Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages, and policy H1 and D1 of the 2017 Aberdeen Local Development Plan.

Scale and design

The proposed new dwelling would be 1½ storey and would see a slated pitched roof and off-white render walls. The front roof slope would contain two pitched roof dormer windows. The scale and massing of the dwelling itself are generally in keeping with the scale and massing of the donor property and the two similar properties at 77 and 79 Brighton Place. However, the finish in full render is considered a poor choice of material in the surrounding context, which is characterised by predominantly granite buildings. Furthermore, due to its position just outside the Albyn Place/Rubislaw Conservation Area and its visibility from Brighton Place, it is considered that the dwelling would have an impact on the character and appearance of this Conservation Area. The use of render

is therefore not acceptable in this context, and it is considered that this would be contrary to policy D1 and D4 as the proposed finishing materials do not respond to the site's context and would not represent the high quality of design required in this location just outside the Conservation Area, and would therefore be considered to have an adverse impact on the character and appearance of the adjacent conservation area.

Impact on Residential Amenity

Supplementary Guidance sets out that no development should result in a situation where amenity is borrowed from, or would adversely affect existing development in terms of privacy, overlooking, daylight or sunlight. Simultaneously, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area.

In this case, the property has been designed with dormer windows in the front roofslope, which look out over the service lane, with a single small rooflight providing light to a bathroom in the rear roofslope. Due to the size and position of this rooflight, it is not considered that this would result in any significant overlooking of the rear garden and property of 79 Brighton Place, immediately to the south, or any of the dwellings at 68-72 Annfield Terrace to the west. Matters raised in the letters of objection include the insertion of additional rooflights at a further date without the need of planning permission. This application can only deal with the design and elevations as shown currently under consideration and as such this is not considered a material consideration.

The existing boundary treatments along the north, west and south boundary, consisting of a high boundary wall and fence, are proposed to be retained with a new fence to be constructed on the east boundary with the existing dwelling. It is considered that this would be sufficient to ensure that no ground floor windows would result in an unacceptable loss of privacy of any existing properties.

Due to its position, the proposal would result in some overshadowing of the rear parts of the gardens of, predominantly, 68 and 70 Annfield Terrace, which would have an impact on the enjoyment of these private amenity spaces, especially in the morning. In addition, the proposal would result in a gable of c.6.1m height located immediately to the rear of these gardens. The existing outbuildings are varied in height, but significantly lower than the proposed new dwelling. However, taking account of the pitched roof form of the proposed dwelling, the separation between this gable and the rear boundary of the properties on Annfield Terrace, and the fact that the proposal would result in the removal of structures immediately adjoining the rear boundary of the site, it is considered that this would not have a significant adverse impact on their residential amenity to warrant a further reason for refusal.

The outlook of the dwelling would be constrained by the SSE substation and the parking spaces to the front. Even though this is not desirable, the property would have a rear garden, which would provide additional outlook. As such, when taken together, it is considered that an acceptable living environment would be created for the residents of the property.

Parking and Access

The proposed dwelling would have three bedrooms and a driveway with two parking spaces would be located to the front, in accordance with parking standards as set out in Supplementary Guidance on Transport and Accessibility.

The proposal would result in an increase in traffic using the lane, and its junction with Brighton Place. Colleagues from Roads Development Management have assessed the application, and did not raise any concerns in relation to the application. As such, this minor intensification is considered acceptable.

No safe pedestrian access would be provided as residents would need to walk up the unsurfaced shared service lane to get to the dwelling. Supplementary Guidance on Subdivision and

Redevelopment of Residential Curtilages sets out that it will not normally be acceptable for pedestrians to have to share access with vehicles. As such, these arrangements would be contrary to this part of the SG. However, due to the nature of the service lane as a private, very lightly trafficked lane, colleagues in Roads Development Management do not raise any objections to the proposal in relation to pedestrian access, and this in itself would not warrant a further reason for refusal.

In addition, matters raised in letters of objection raise the proximity of an existing pedestrian gate serving dwellings on Annfield Terrace next to the proposed driveway. This is an existing situation, with an existing vehicular access into the plot at this location, and, similarly, it is not considered that the intensity of the use would be increased to such an extent to warrant a further reason for refusal.

Other Matters: Waste, Drainage and Low and Zero Carbon Building

A bin store for the new dwelling is shown adjacent to the existing dwelling. The position of this bin store would ensure kerb collection from Brighton Place, avoiding the need for bin lorries to access the lane. The distance between the front door and the bin store would just exceed the recommended maximum distance of 30m by c.3m. However, given the condition of the service lane, and as the bin store would serve a single dwelling and as this distance is only lengthened by a further c.3m, this would be accepted in this instance. Access to this bin store would be from the service lane, across the verge currently owned and maintained by a third party. As such, if the Committee was minded to approve the application, it is recommended that a condition be attached ensuring that the occupier of the dwelling could access the bin store from the lane.

No drainage details have been submitted. Policy NE6 sets out that only residential developments exceeding 5 or more homes will need to be accompanied by a Drainage Impact Assessment, and the site and service lane do not show up on any flood maps published by SEPA. As such, it is considered unlikely that the proposal would contribute to flooding to such an extent that it would warrant this type of information upfront, and this could be dealt with by condition if the Committee was minded to approve the application.

Policy R7 sets out that all new buildings must 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 this case, no information has been provided upfront. However, again, it is considered that this could be dealt with by condition if the Committee was minded to approve the application.

Matters arising from letters of representation:

Queens Cross and Harlaw Community Council

1. Adverse impact on character and appearance of the surrounding area – *This has been discussed in the evaluation above;*
2. Does not have an active street frontage – *This has been discussed in the evaluation above;*
3. No safe access to site, including for people with disabilities – *Vehicular and pedestrian access has been discussed in the evaluation above. The dwelling has been designed with level access, and includes all living accommodation (kitchen/living/bedroom/bathroom) on the ground floor;*
4. Proposal would result in overdevelopment – *This has been discussed in the evaluation above;*
5. Dwelling would not provide acceptable living accommodation – *This has been discussed in the evaluation above;*
6. Issues with flooding and drainage. Historic flooding issues in lane – *This has been discussed in the evaluation above;*
7. Location and size of bin store – *This has been discussed in the evaluation above;*
8. Location of BT pole – *The need to relocate the existing BT pole on the corner of the site would be a civil matter between the applicant and BT and is not a material consideration;*
9. Construction vehicles would result in further deterioration of the lane – *This is a civil matter between the applicant and the owner of the lane and is not a material consideration;*

10. If SSE were to restrict entry to the lane, then the dwelling cannot be accessed – *This is a civil matter between the applicant and the owner of the lane and is not a material consideration.*

Other letters of objection:

27 further letters of objection were received, raising the following matters:

Impact on character and appearance of the surrounding area

1. Overdevelopment of the site. Proposed development would not be in keeping with the current pattern of development in the surrounding area, which is that of houses with long rear gardens – *This has been discussed in the evaluation above;*
2. Density of proposed development would significantly exceed that in the surrounding area. There is a clear split at the lane between higher density to the north and lower density to the south – *This has been discussed in the evaluation above;*
3. Building materials are not of high enough quality. Granite should be used. Uninspired design. Visual impact of proposal when seen from Brighton Place – *This has been discussed in the evaluation above;*
4. The orientation of the house would be at odds with all other houses on Brighton Place and Annfield Terrace – *This has been discussed in the evaluation above;*
5. The private lane is not a continuation of Ashley Lane as that is adopted, hard surfaced and well lit, whereas the private lane is not constructed to adoptable standards – *This has been discussed in the evaluation above*

Impact on residential amenity

6. The main outlook from the house would be across an unadopted lane used for car parking and a substation – *This has been discussed in the evaluation above;*
7. Rear garden length of new house would be less than 9m – *This has been discussed in the evaluation above;*
8. Location of bin store would not be convenient for occupants of new house – *This has been discussed in the evaluation above;*
9. Proposal would result in an adverse impact on residential amenity of 79 Brighton Place and 68-72 Annfield Terrace due overlooking/ loss of light/ affecting outlook – *This has been discussed in the evaluation above;*
10. Concerns re impact of proposal on stability of existing boundary wall to rear – *This would be a matter to be addressed at building warrant stage and is not a material consideration.*

Impact on lane

11. Increase in use of lane would further deteriorate its state – *Maintenance of a private lane is a civil matter between the owners and users, and is not a material consideration;*
12. Potential for additional flooding of lane – *This has been discussed in the evaluation above;*
13. Rights of access needed for use of lane from owner – *Rights of access across a private lane is a civil matter between the owners and users, and is not a material consideration;*
14. There is no safe pedestrian access from Brighton Place to the house. Pedestrians will need to walk across the lane – *This has been discussed in the evaluation above;*
15. Pedestrian safety for users of the lane, especially those coming from the gate serving the rear gardens of 68-72 Annfield Terrace, which is located immediately next to the parking area of the proposed house – *This has been discussed in the evaluation above;*
16. Further loss of landscaping, in combination with loss of planting due to 190778/DPP – *The site is not located in a conservation area, and as such the applicant is within his rights to remove any remaining trees from the rear garden. The lane itself where it is adjoining the application site has been cleared from all vegetation following the implementation of planning permission 19788/DPP and the installation of a new substation by SSE;*

Other matters:

17. Planning history. There have been various planning applications on this site in the recent past, with this being the latest instalment. Need to wait until 190778/DPP is completed to

assess true impact of proposal – *Each case is determined on its own merit, and there is no requirement for an applicant to wait for completion of a development before they can submit a further planning application;*

18. Timing of submission of planning application just before Christmas – *An applicant is entitled to submit a planning application on a date of his/her choosing. This is not a material planning consideration;*
19. Drainage – *This has been discussed in the evaluation above;*
20. There is an existing BT mast just outside the site, what will happen to this? – *This is not a material planning consideration and it is up to the applicant and BT to determine how this issue would be resolved;*
21. Proposal would set an undesirable precedent – *Each case is determined on an individual bases; and*
22. Trees would be removed from rear garden – *The site is not in a conservation area and the applicant is within his rights to remove any trees from his garden without consent from the Planning Authority;*

Conclusion

The application is recommended for refusal for the reasons set out below. However, if Councillors were minded to approve the application, it is considered prudent to attach conditions in relation to the following:

- Schedule and samples of materials;
- Drainage details;
- Low and Zero Carbon Measures;
- Completion of driveway prior to occupation of dwelling; and
- Provision of bin store, including demonstrating right of access

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposal would result in a form of backland development that is not informed by the site context of the surrounding area, and would not be consistent with the pattern of development, which is characterised by dwellings set in long rectangular feus, resulting in the creation of a further building line between Brighton Place and Annfield Terrace, with a principal elevation facing north rather than east or west and breaking the pattern of long rectangular feus. In addition, it would represent a significant increase in density, exceeding that prevalent in the surrounding area, and as such would be considered an overdevelopment of the site. For these reasons, the proposal would not meet the criteria as set out in policy H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.
2. The proposed design and finishing materials, especially the use of off-white render for the walls is considered to be of an insufficient quality and ambition in relation to its position immediately adjacent to the Albyn Place/ Rubislaw Conservation Area, and would not be considered complementary to the architecture and materials of dwellings in the surrounding area. As such, the proposal can be considered to have a detrimental impact on the character and appearance of the adjacent Albyn Place/ Rubislaw Conservation Area, and does not represent the high quality of design required for a new development in this sensitive location, contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the 2017 Aberdeen Local Development Plan.