

Public Document Pack



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

Town House,
ABERDEEN 25 May 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet remotely on **MONDAY, 1 JUNE 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

BUSINESS

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

MOTION AGAINST OFFICER RECOMMENDATION

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

DETERMINATION OF URGENT BUSINESS

2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

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

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 30 April 2020 - for approval (Pages 9 - 42)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 43 - 44)

GENERAL BUSINESS

PRE DETERMINATION HEARING PROCEDURE

- 6.1 Site at Silverburn House, Claymore Drive, Aberdeen - 191904 (Pages 45 - 70)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 7.1 Detailed Planning Permission - erection of primary school with early years facility, associated 3G pitch, soft and hard landscaping, alterations to access and all associated works - Former Tillydrone Infant School site, Coningham Gardens Aberdeen (Pages 71 - 112)

Planning Reference – 200206/DPP

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

[Link.](#)

Planning Officer: Aoife Murphy

- 7.2 Detailed Planning Permission - erection of 6 residential flats with associated landscaping - 44/46 Bedford Road Aberdeen (Pages 113 - 134)

Planning Reference – 200303

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

[Link.](#)

Planning Officer: Robert Forbes

- 7.3 Detailed Planning Permission - Residential development of 245 private rented sector flats (up to nine storeys and two basement levels) with amenity space, 254 car parking spaces, two publicly accessible car club vehicles, residents' gym, residents' function room, public bistro and public promenade with viewpoints to quarry - Rubislaw Quarry (Pages 135 - 200)
Planning Reference – 200042

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

Planning Officer: Matthew Easton

DATE OF NEXT MEETING

- 8.1 Thursday 2 July 2020 - 10am

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

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, 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, 30 April 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, Greig, Henrickson (as substitute for Councillor Cormie), 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.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 19 MARCH 2020

1. The Committee had before it the minute of the previous meeting of 19 March, 2020, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PRE DETERMINATION HEARING OF 13 JANUARY 2020

2. The Committee had before it the minute of the Pre Determination Hearing of 13 January 2020, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE PRE DETERMINATION HEARING OF 15 JANUARY 2020

3. The Committee had before it the minute of the Pre Determination Hearing of 15 January 2020, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained within the Committee business planner.

CLOVERHILL ABERDEEN - 191171

5. 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 residential led, mixed use development of approximately 550 homes, community and sports facilities, retail (Classes 1, 2, 3 and Sui Generis) with associated landscaping, open space and infrastructure, at Cloverhill Aberdeen, be approved conditionally with a legal agreement.

Conditions

(1) PHASING

That no development shall take place unless a phasing programme outlining the delivery of buildings, open spaces and roads infrastructure across the entire application site has been submitted to and approved in writing by the planning authority. For the avoidance of doubt, this scheme shall include details of trigger points for delivery of retail use to meet the local need generated by the new residential development, as well as community and sporting facilities.

Reason: in order to ensure development is progressively accompanied by appropriate associated infrastructure.

(2) DETAILED DESIGN (BY PHASE)

No development in connection with any individual phase of the planning permission hereby approved shall take place unless the following details for that respective phase have been submitted to the Planning Authority and agreed in writing. Thereafter, development within that phase of development shall be implemented in accordance with the approved details.

Unless otherwise agreed in writing with the planning authority, MSC applications shall include:

- a) siting, design and external appearance of the built development;
- b) a detailed landscape plan and strategy;
- c) details of the means of access
- d) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;

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- e) a detailed Drainage Plan, including details of the proposed means of disposal of surface water, including how surface water run-off shall be addressed during construction, incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- f) details of the connection to the existing Scottish Water foul water drainage network;
- g) details of all cut and fill operations;
- h) the details of all roads, footpaths, cycleways and car parking provision;
- i) details of any screen walls/fencing/boundary enclosures;
- j) details of all landscaping, planting and screening associated;
- k) details of the layout, siting, design and finish of all residential properties;
- l) details of the layout, siting, design and finish of all non-residential properties, including but not limited to: retail and commercial premises, community facilities, sports pitch and pavillion; and,
- m) details of waste/recycling collection points, for residential and non-residential properties.

Reason: In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

(3) LANDSCAPING INFORMATION

The landscaping details to be submitted pursuant to Condition 2 above (detailed design by phase) shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained.
- c) Tree survey, including layout plan showing proposed development together existing trees;
- d) Existing and proposed services including cables, pipelines and substations;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A Biodiversity Action Plan;
- j) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- k) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting

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which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

(4) DRAINAGE CONNECTIONS

The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided, is operational, and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To protect the water environment and help reduce flooding.

(5) ARCHAEOLOGY

No works in connection with the development hereby approved shall commence unless an Archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post-excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority.

Reason - to safeguard and record the archaeological potential of the area. In the first instance a 7-10% archaeological investigation is envisaged to be suitable

(6) CONTAMINATED LAND (i)

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best

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practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

(7) CONTAMINATED LAND (ii)

No building(s) within an individual phase of the development hereby approved shall be occupied unless the following matters have been agreed for that phase:

1. any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: to ensure that the site is suitable for use and fit for human occupation

(8) SAFE ROUTES TO SCHOOL

That no residential units shall be occupied unless safe routes to school have been provided in accordance with a scheme which has first been submitted to, and approved in writing by the planning authority. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school.

Reason: In order to provide safe routes for travelling to local schools by sustainable means.

(9) RESIDENTIAL TRAVEL PACK

That no residential unit within the development shall be occupied unless a Residential Travel Pack, expanding on the principles set out in the agreed Travel Plan Framework and containing proposals for reducing dependency on the private

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car has been submitted to and approved in writing by the Planning Authority, and thereafter provided to residents on first occupation.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport – in the interests of reducing travel by private car.

(10) BUS STOPS

That no residential units shall be occupied unless bus stops have been provided on the A92, in accordance with a scheme which has first been submitted to and agreed in writing by the planning authority.

Reason: In order to provide the necessary infrastructure to make the development accessible by public transport and to encourage travel by sustainable means.

(11) TRAFFIC REGULATION ORDERS

No buildings within the development hereby approved shall be occupied unless the necessary the necessary Traffic Regulation Orders have been obtained for the reduction of speed limits on the A92 to 40mph, including provision for temporary 20mph limits to accommodate safe travel to schools.

Reason: In order to facilitate safe access to schools and to reduce traffic speeds to a level appropriate for a residential area.

(12) TOUCAN CROSSING SOUTH OF MURCAR ROUNDABOUT

No buildings in the area shown shaded on Halliday Fraser Munro drawing ref 11085-SK-040 (or such equivalent drawing as has been submitted to and approved in writing by the planning authority as part of the final designed scheme) may be occupied unless a toucan crossing has been provided across the A92, at a suitable location north of the main site access and to the south of the Murcar Roundabout (or such equivalent alternative means of facilitating pedestrian/cycle crossing as agreed), in accordance with a scheme submitted to and approved by the planning authority.

Reason: to ensure that the site has appropriate pedestrian infrastructure to allow connection to local shops and services in the surrounding area and to ensure compliance with policies T2 (Managing the Transport Impacts of Development) and T3 (Sustainable and Active Travel) of the ALDP.

(13) ACCESS JUNCTIONS (i)

That no unit within the site shall be occupied unless the main access junction (as shown in Appendix D to the Transport Assessment, drawing ref 123823/sk1012-Rev B, or any such other drawing as has been approved by the planning authority for

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this purpose, based on the finalised scheme) has been fully constructed and made available for use.

Reason: In order to ensure that the development is served by the necessary roads infrastructure and to ensure compliance with policy T2 (Managing the Transport Impacts of Development) of the ALDP.

(14) ACCESS JUNCTIONS (ii)

That no more than 150 units within the site shall be occupied unless both access junctions (as shown in Appendix D to the Transport Assessment, drawing refs 123823/sk1012-rev B and 123823/sk1013-revA, or any such other drawings as have been approved by the planning authority for this purpose, based on the finalised scheme) have been fully constructed and made available for use.

Reason: In order to ensure that the development is served by the necessary roads infrastructure and to ensure compliance with policy T2 (Managing the Transport Impacts of Development) of the ALDP.

(15) NOISE ASSESSMENT AND MITIGATION MEASURES

No works within a given individual phase of development shall commence unless a further noise assessment, based on the final design and layout approved for that phase via condition 2 (Detailed Design by Phase) and including details of any necessary noise mitigation measures, has first been submitted to and agreed in writing by the planning authority.

Thereafter, no residential unit within that phase of the development shall be occupied unless the approved mitigation measures have been implemented in full and a further Noise Impact Assessment has been submitted to and approved in writing, demonstrating that mitigation measures have delivered the anticipated noise reductions (or such other alternative arrangements as have been agreed in writing) by the planning authority.

In the event that the anticipated noise reductions are not achieved by the agreed mitigation measures, alternative mitigation must be agreed in writing with the planning authority and its efficacy verified prior to occupation of the affected units.

Reason: To ensure that a suitable residential environment is provided, and that potential noise impact is mitigated as necessary.

(16) DUSK RISK ASSESSMENT AND MANAGEMENT PLAN

No development in connection with the planning permission hereby approved shall be carried out unless:

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(i) An Air Quality (Dust) Risk Assessment, carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction" 2014, has first been submitted to and agreed in writing by the planning authority.

(ii) A site-specific Dust Management Plan, based on the outcomes of the Air Quality (Dust) Risk Assessment and detailing the necessary control measures to be implemented for each phase of the proposed works (demolition, earthworks, construction, and trackout), an example of the monitoring protocol and schedule to be implemented on-site, and the responsible person for dust control on-site, has first been submitted to and agreed in writing by the planning authority.

Thereafter, all works shall be carried out in accordance with the control measures so agreed.

Reason: In order to mitigate the impact of dust from construction activities associated with the development on local air quality.

(17) SPECIES SURVEY AND MITIGATION

No development in any individual phase of the development hereby approved shall take place unless pre-construction surveys for reptiles and protected species (red squirrel /bats /badgers) for that phase, including details of any necessary mitigation measures, have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless any necessary mitigation measures have been implemented as agreed

Reason: to ensure the protection of reptiles and protected species during construction works

(18) PRIVATE WATER SUPPLIES

No development in any particular phase of the development hereby approved shall take place unless it is demonstrated to the satisfaction of the planning authority, in consultation with SEPA, that any wells within/in the vicinity of that phase of works are avoided through appropriate buffers, as detailed in SEPA's guidance on 'Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems' or otherwise agreed with the owner of any PWS that they will be connected to the public supply to avoid disruption and negative impacts during the construction works.

Reason: To protect the water environment and its users.

(19) DE-CULVERTING OF WATERCOURSES

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Prior to commencement of any work in any individual phase a detailed scheme for the protection and enhancement of the water environment within that phase shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA.

As a minimum, this shall include:

- a) Demonstration of how the existing waterbodies on site have been incorporated into the layout of the development, including appropriate buffer zones
- b) Detailed information relating to the investigation of and realignment / de-culverting of any watercourses onsite
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be bridging solutions or bottomless or arched culverts, designed to accept the 1 in 200 year flow unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the water environment and to prevent an increase in flood risk.

(20) SUSTAINABLE URBAN DRAINAGE AND RELATIONSHIP TO THE WATER ENVIRONMENT

That no development in any individual phase shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. This shall include an assessment to demonstrate how the layout and design has considered the feasibility of de-culverting any water courses within the site and also what measures are proposed to minimise impacts on the spring in the north east of the site, identifying reasonable compensatory measures or proportionate mitigation to the satisfaction of the planning authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control. A minimum 6m buffer shall be maintained between development including garden ground and property boundaries and the top bank of the Silver Burn and any proposals to de-culvert watercourses through the site.

Reason: To ensure adequate protection of the water environment from surface water run-off and to provide for enhancement of the natural environment.

(21) TREE SURVEY AND PROTECTION MEASURES

That no development in any individual phase shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted

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to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees on site during the construction of the development.

(22) TREES – CARE AND MANAGEMENT

That no units within a given individual phase of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) for that phase has been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in accordance with such plan and report as may be so approved.

Reason: In order to preserve the character and visual amenity of the area.

(23) CARBON REDUCTION AND WATER EFFICIENCY

No units within a given individual phase of development shall be occupied unless a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) within that phase has first been submitted to and agreed in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and reduction in water use have been implemented in full.

Reason: To ensure that this development complies with the requirements for carbon emission reductions and water saving measures set out in the Council's 'Resources for New Development' Supplementary Guidance.

(24) SPORTS PITCH – HOURS OF OPERATION

The approved sports pitch shall not be used outwith the hours between 09.00 and 22.00.

Reason - To ensure adequate protection of amenity to the residents of the development.

(25) SPORTS PITCH – NOISE ASSESSMENT AND MITIGATION

No development relating to the formation of the approved sports pitch shall be undertaken unless a further noise impact assessment, including an assessment of adherence to 'Sportscotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting' and

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detailing any necessary noise mitigation measures, has first been submitted to and approved in writing by the planning authority.

Thereafter, the approved sports pitch shall not be brought into use unless all mitigation measures set out in the agreed noise impact assessment have been implemented in full.

works in any individual phase of development details of the proposed street design for that phase, which shall contain but not be limited to: a parking strategy; road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; cycleway provision; gradient; level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. No building shall not be occupied unless the streets and parking areas for the respective block are complete and available for use.

Reason: in the interests of road safety.

(26) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

No development shall be carried out within any individual phase of the development hereby approved unless a site specific Construction Environmental Method Plan (CEMP) for that phase of works has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter, all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary demolition and construction works on the environment.

(27) FLOOD RISK ASSESSMENT ON FINAL LAYOUT

No development shall take place unless a matters specified in conditions application comprising a flood risk assessment (FRA) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The FRA shall be undertaken in accordance with SEPA's 'Technical Flood Risk Guidance for Stakeholders' and considers the flood risk from all sources which may affect the development.

Thereafter all works on site must be undertaken in accordance with the approved FRA unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason - in order to protect the proposed development from flood risk.

(28) A92 STREETLIGHT UPGRADING

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That no residential units within the development hereby approved shall be occupied unless streetlights on the A92, between Murcar Roundabout and The Parkway, have been upgraded to LED illumination.

Reason: In order to reflect the increased pedestrian travel along this route and to bring it up to current standards for streetlighting in residential areas.

The Committee heard from Mr Gavin Evans, 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.

ABERDEEN MARKET - 190312

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

That the application for detailed planning permission for a major development consisting of demolition and redevelopment of the existing site to form a mixed use office-led development (Class 4) (circa 18,000 sqm), with retail (Class 1), financial and professional (Class 2), food and drink (Class 3), public house (Sui Generis) and assembly and leisure (Class 11) uses (circa 750sqm), landscaping, public realm, car parking and associated works, be approved conditionally, but to withhold consent until a legal agreement be secured to deliver developer obligations towards core paths, open space and provision of a car club vehicle.

Conditions

PRE-DEMOLITION

(1) GEO-ENVIRONMENTAL INVESTIGATION

No development (including demolition or site setup) shall take place unless a scheme to deal with any contamination that may exist within the site has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter the development shall not be brought into use unless (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the

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planning authority is being undertaken and (ii) a report has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the site has been carried out, unless the planning authority has given written consent for a variation.

Reason – to sure that the site is fit for human occupation

(2) ARCHAEOLOGY

No development (including demolition or site setup) shall take place unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – to safeguard and record the archaeological potential of the area.

(3) SURFACE WATER MANAGEMENT

No development (including demolition or site setup) shall take place unless a demolition/construction phase surface water management strategy has been submitted to and approved in writing by the planning authority in consultation with SEPA. SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) must be used as a basis for the strategy. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

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

(4) SITE WASTE MANAGEMENT PLAN

No development (including demolition or site setup) shall take place unless a demolition/construction phase site waste management plan (SWMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The SWMP must take account of the guidance available at the NetRegs website and specifically the Waste Management Plan template. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

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Reason – to improve materials resource efficiency and ensure the appropriate management and disposal of waste from the development.

(5) DUST MANAGEMENT PLAN

No development (including demolition or site setup) shall take place unless a Dust Management Plan for the demolition/construction phase of development has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter demolition/development shall not be undertaken other than in accordance with the approved plan.

Reason – to control air pollution from dust associated with demolition and construction of the development.

(6) SUSTAINABILITY MEASURES

No development (including demolition or site setup) shall take place unless a scheme of sustainability measures to be implemented within the development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme should investigate and where appropriate implement the use of rainwater harvesting, bio-retention, green/blue roofs, living green walls, renewable energy sources and other suitable sustainability measures.

Reason – To contribute to and enhance the natural environment and support Policy D1 (Quality Placemaking by Design)

(7) NO. 6 MARKET STREET

No development (including demolition or site setup) shall take place unless a scheme detailing the works to 6 Market Street has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications featuring –

1. 1:10 elevation and section drawing detailing the proposed alteration to Market Street elevation shopfront including the new column details and positioning of the glazing.
2. Details of the proposed new arched glazing.
3. 1:10 elevation and section showing how the new building will abut 6 Market Street
4. A sample of stone for the stone forming the new columns.
5. Details of the external finishing material for the East Green elevation

Thereafter demolition/development shall not be undertaken other than in accordance with the approved scheme.

Reason – to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.

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PRE-CONSTRUCTION**(8) DRAINAGE**

No development shall take place unless a detailed scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the planning authority. Thereafter development shall not be brought into use unless the development has been implemented in accordance with the approved scheme and is available for use.

Reason – to safeguard water quality and to ensure that the development can be adequately drained.

(9) FLOOD MITIGATION

No development associated with the construction of the development shall take place unless a scheme for the provision of flood resilient doors has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the approved scheme has been implemented.

Reason – to mitigate the residual risk to the building of surface water flooding.

(10) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed building has been submitted to and approved in writing by the planning authority. The scheme shall include –

1. Detailed specifications of all materials to be used on the external areas of the building
2. Elevational drawings clearly showing which materials are to be used on each part of the building
3. 1:20 construction drawings, showing the size of granite cladding blocks to be used
4. 1:20 construction drawings, showing the detailing of points where there would be a change in the surface finishes (for example where glazed sections of frontage meet granite-clad sections)
5. Perforated translucent lattice grills to the East Green elevation of the car park.
6. Measures to prevent the nesting of birds on the external areas of the building.

Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.

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(11) EXTERNAL LIGHTING STRATEGY

No development associated with the construction of the development shall take place unless a scheme for the external lighting of the building (including the 'lantern tower') and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the approved scheme has been implemented and is operational.

Reason – to integrate the development into the surrounding streetscape and skyline.

(12) MICRO-CLIMATE

No development associated with the construction of the development shall take place unless a scheme for the provision of measures to mitigate the impact of the building on the surrounding microclimate (as recommended in Micro-climate study F1879 101 R01 (Rev.A) and addendum by Wilde) has been submitted to and approved in writing by the planning authority. Thereafter the measures shall be implemented as soon as practicably possible during the construction of the building. In any case, the building shall not be brought into use unless the approved measures have been implemented.

Reason – to mitigate the impact of the building on the surrounding micro-climate.

(13) LOW AND ZERO CARBON GENERATING TECHNOLOGIES

The building shall not be occupied unless (i) a scheme detailing compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to low and zero carbon generating technologies has been submitted to and approved in writing by the planning authority; and (ii) thereafter the approved scheme has been implemented and measures are available for use

Reason – to ensure the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings' or other guidance in force for the same purpose.

(14) WATER EFFICIENCY

The building shall not be brought into use unless (i) a scheme detailing compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and associated supplementary guidance (or any superseding policy or guidance covering the same matter) of the Aberdeen Local Development Plan with regards to water efficiency measures has been submitted to and approved in writing by the planning authority. The scheme should consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development. Thereafter the building shall not be

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brought into use unless the approved scheme has been fully implemented and identified measures are available for use.

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

(15) EXTERNAL PUBLIC REALM AND LANDSCAPING

No development associated with the construction of the development shall take place unless a scheme detailing all hard and soft landscaping has been submitted to and approved in writing by the planning authority. The scheme shall take account of the historic townscape context, functional purpose and micro-climate study and include detailed specifications of –

- a. Proposed finished ground levels and features designed to allow pedestrian movement from different levels, taking account of the changes in levels across the site and surrounding streets.
- b. Location, design and materials of walls, planters, railings and all other street furniture.
- c. Proposed, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting (including proposed green walls).
- d. Proposed hard surface finishing materials within the site and on pavements immediately adjacent to the site.
- e. The retention of the existing tree planters located on Hadden Street (unless their removal can be justified as being unavoidable)
- f. Arrangements for the management and maintenance of proposed public realm.

Thereafter the building shall not be brought into use unless the areas of public realm have been constructed and are available for use in accordance with the approved scheme. Such areas will thereafter remain in use as publicly accessible space for the life of the development.

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

Reason – to integrate the development into the surrounding streetscape and enhance the provision of public realm within the city centre.

PRE-OCCUPATION

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(16) NOISE MITIGATION (MECHANICAL PLANT)

No part of the building shall be brought into use unless a noise assessment considering the impact on nearby residential properties (existing and consented) of noise from mechanical plant associated with the development has been submitted to and approved in writing by the planning authority. This assessment should:

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

Thereafter the building shall not be brought into use unless any identified mitigation measures have been implemented and are operational.

Reason – to protect residential properties from noise associated with the development.

(17) TAXI RANK

No part of the building shall be brought into use unless a scheme showing an amended taxi rank layout on Hadden Street which takes account of vehicular access and egress points to the development, has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority the building shall not be brought into use unless (i) any markings or signs associated with the taxi rank which require to be amended as a consequence have been implemented; and (ii) any necessary traffic regulation order is in place and licensing requirements are in place to ensure the amended taxi rank has effect.

Reason – to ensure that the impact of the development on the existing taxi rank is appropriately addressed.

(18) CAR CLUB PARKING SPACES

No part of the building shall be brought into use unless a scheme showing the location and delivery method of one 'car club only' parking space has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, the building shall not be brought into use unless (i) the car club only parking space has been constructed and/or marked out and is available for use and any associated signs or

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road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason – To encourage modal shift away from the private car.

(19) CAR PARKING

No part of the building shall be brought into use unless the car parking area (including motorcycle & bicycle parking, showers and electrical charging points) has been constructed and laid out in accordance with HFM drawings 11131 P(00)18D and 11131 P(00)19D (or other such drawing as agreed for the purpose) and is available for use.

Thereafter the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – in the interests of public safety and the free flow of traffic

(20) WASTE STORAGE

No part of the building shall be brought into use unless the waste storage area shown on HFM drawing 11131 P(00)19D (or other such drawing as agreed for the purpose) has been constructed and is available for use.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of storing waste generated by the development. No waste storage containers shall be stored outside the building at any time.

Reason – to ensure there is sufficient space for the storage of waste and to maintain the amenity of the area.

(21) TRAVEL PLAN

No part of the building shall be brought into use unless a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets has been submitted to and approved in writing by the planning authority.

Reason – to encourage more sustainable forms of travel to the development.

PRE-OCCUPATION (SPECIFIC USES)**(22) COOKING ODOUR EXTRACTION**

No part of the building shall be brought into use for the purposes of Class 3 (Food and Drink) or public house uses unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from that part of the building has been submitted to and approved in writing by the planning authority. Thereafter the use shall

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not take place unless the approved scheme has been implemented in full and is ready for operation.

Reason – to ensure cooking odours do not adversely affect the amenity of the surrounding area.

(23) PUBLIC HOUSE NOISE MITIATION

No part of the building shall be brought into use for the purposes of public house use unless a detailed assessment of the likely sources and levels of noise arising within, and those audible out with, that part of the building has been submitted to and approved in writing by the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant and where necessary will specify a scheme of mitigation measures to ensure that the impact of the noise on surrounding residential properties is minimised. Thereafter the use shall not take place unless the approved scheme has been implemented in full and is ready for operation.

Reason – to ensure noise does not adversely affect the amenity of the surrounding area.

ONGOING CONTROL

(24) CONTROL OF USES

Each of the identified areas of the building on Level One and Level Two (as shown on HFM drawings 11131 P(00)19D and 11131 P(00)20D), as well as the entire floor space and terraces at Level Ten and Level Eleven, may be occupied for the purposes of Use Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Class 11 (Assembly and Leisure) (subject to the restrictions specified in condition 24), public house use; or a mixed-use activity comprising any of these uses.

In the case of Levels Ten and Eleven, this provision is in addition to the underlying Class 4 (Business) use which applies to these floors.

For the avoidance of doubt, once initial occupation of any of the ground floor commercial units or Level Ten or Level Eleven has taken place, unless subject of permitted development rights under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), any further change of use will require planning permission.

Reason – to ensure an appropriate mix of uses which contribute to the vitality and viability of the city centre at ground floor and the opportunity for public uses at the upper floors.

(25) RESTRICTION ON CLASS 11 (ASSEMBLY AND LEISURE) USE

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Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the uses permitted within Class 11 (Assembly and Leisure) does not include dance hall or discotheque (better now known as night club) or casino.

Reason – to ensure as far as possible that the building offers an active frontage with daytime activity which contributes to the vitality and viability of the city centre

(26) SERVICING HOURS

Unless otherwise agreed in writing by the planning authority, service deliveries or collections at the building by heavy goods vehicles shall be restricted to 0700 to 1900 Monday to Saturday and 0900 to 1900 on Sundays.

Reason – to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

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

The Convener moved, seconded by the Vice Convener:-

that the application be approved in line with the recommendation contained in the report.

Councillor Greig moved as an amendment:-

that the application be refused as he did not feel comfortable with the scale and massing of the proposed development and felt that it was intrusive to the neighbourhood.

Councillor Greig's amendment failed to attract a seconder and was therefore not put to the vote.

The Committee resolved:-

to approve the application as contained in the report but with a revised condition 19, to read:-

(19) CAR PARKING

No part of the building shall be brought into use unless –

- (i) a scheme for the provision of electric vehicle charging points, showing at least ten spaces with active provision and five spaces with passive provision, has been submitted to and approved in writing by the planning authority; and
- (ii) the car parking area (including motorcycle & bicycle parking, showers and electrical charging points) has been constructed and laid out in accordance with HFM drawings 11131 P(00)18D and 11131 P(00)19D (or

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other such drawing as agreed for the purpose) and is available for use. Thereafter the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those working at or visiting the building.

Reason – in the interests of public safety and the free flow of traffic

17 SCHOOL AVENUE ABERDEEN - 200334

7. 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 a shed at 17 School Avenue Aberdeen, be approved unconditionally.

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

The Committee resolved:-

to approve the application unconditionally.

BAADS FARM ABERDEEN - 200040

8. 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 change of use of land for the erection of a chalet/mobile home at Baads Farm, Aberdeen, be refused.

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

The Committee resolved:-

to refuse the application.

INCHGARTH ABERDEEN - 181224

9. 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 a residential led development for the retired/elderly (including affordable housing), a 50 bedroom care home and approximately 500sqm of ancillary retail/community use, together with public

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open space and associated infrastructure including a link road at land at Inchgarth Road Aberdeen, be refused.

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

The Convener moved, seconded by the Vice Convener:-

That the Application be approved subject to conditions as identified in the Committee Report and to withhold consent until a legal agreement is secured to deliver:-

1. payment of the developer obligations contributions and provision of affordable housing as identified in the Developer Obligations Team response;
2. an age restriction on occupation of the housing for over 55s only – on the basis that no contribution has been requested towards education;
3. infrastructure including the link road, community facility and public open space and their control through phasing to ensure that these elements are delivered prior to the first occupation of any residential unit on the application site.
4. maintenance of public open space within the development;
5. control on the height of the development – for example, to a maximum of 2.5 storeys; and
improvement to the bus stop on North Deeside Road

Reason for approval was that the proposal would result in the provision of much needed retirement housing in the area which had a high proportion of retired people and that there would be community benefits delivered in terms of the community facility and by the link road which would reduce traffic and result in associated improvements to road safety, congestion and amenity on adjoining residential streets. The link road was considered to be supported by the Access from the South Study and the Strategic Infrastructure Plan. The proposal was not considered to have a significant detrimental impact on the landscape or the character of the conservation or on the amenity of the Deeside Way. Subject to conditions and a legal agreement, these material considerations outweigh the relevant Green Belt and other relevant planning policies of the Development Plan. Any further applications for approval of matters specified by condition or detailed applications on this site related to this planning permission in principle would be brought back to this Committee, with removal of the delegated power and conditions as follows:-

Conditions

- (1) Standard Matters Requiring Further Approval Condition for Planning Permission in Principle

Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the requirements, timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given by way of an approval of matters specified by condition

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consent , and the development shall be carried out in accordance with that approval.

Specified matters (where stated in further conditions below these may be submitted on a phase by phase basis):

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and all finishing materials, including samples where required, of the proposed development ;
- (c) Full details of all existing and proposed landscape features, including trees to be retained and planted;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development ;
- (f) Full details of the proposed means of access to the development, including the required visibility splays;
- (g) Full details of the proposed car parking/vehicle turning area for the development;

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

(2) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, by way of an approval of matters specified by condition consent ,site wide plans as follows:

(a) Masterplan for the entire site, and showing the layout of all buildings, link road, footpaths, cycle routes, internal access roads, parking, landscaped and open space areas, SUDS features, watercourse and landscaped area designed for play. The layout shall be designed to prioritise footways and cycleways, in order to encourage and facilitate active travel; and,

(b) Phasing plan and schedule, showing the phasing of the site and the sequence in which development of all elements noted above shall be provided within each phase.

Thereafter the development shall be delivered in complete accordance with the plans as so agreed and details as approved by the conditions below.

Reason: To ensure delivery of all elements of the development that benefit residential amenity.

(3) Trees and landscaping– Phased

Prior to development commencing within each phase, and notwithstanding documents submitted with the application, there shall be submitted to (by way of Matters Specified in Condition application) and approved in writing by the Planning Authority a scheme of hard and soft landscaping works.

Part A

Details of the scheme shall include:

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- (i) Survey of trees and other existing landscape features and vegetation, showing those to be retained and those to be removed. The survey shall include any trees outside the phase boundary but within 15m of the boundary.
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features: including SUDS measures and any existing watercourse and its landscaped buffers, found by the survey required in condition 8, ensuring that water features are fully incorporated into the landscape scheme to the benefit of biodiversity.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density – all designed to maximise the wildlife and recreational value of the site in line with planning policy for the Green Belt and Green Space Network.
- (iv) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

Part B

- (i) Prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority by way of an approval of matters specified by condition consent.

Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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

(4) Tree Protection

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That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority by way of an approval of matters specified by condition consent and any such scheme as may have been approved has been implemented.

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

(5) Trees – bird breeding season

That all tree work shall be carried out only outwith the bird nesting season, that season being 1st March to 31st August.

Reason: In the interests of protecting breeding birds.

(6) Trees – No storage

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

(7) Trees – Necessary Work

That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

Reason: in order to preserve the character and visual amenity of the area.

(8) Watercourse

No development shall take place unless there has been submitted (by way of Matters Specified in Condition Application) to and approved in writing by the planning authority:

- a) a survey showing the existing route of the watercourse that is identified as crossing the site north east to south west; and,
- b) details of the watercourse including route, any realignment, daylighting (de-culverting) and buffer strips shown on the masterplan required by condition 2(a). Taking into account the guidance in Supplementary Guidance: Natural Heritage;

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Reason: In the interests of reducing pollution, to provide wildlife habitats and ensure future maintenance of the watercourse.

(9) Playable Space

That the development shall not be occupied unless there has been provided playable space as part of the landscape design, in accordance with plans submitted to and agreed in writing by the planning authority by way of an approval of matters specified by condition consent. This should incorporate natural features such as re-use of trees, boulders and stone removed elsewhere on the site and earth mounds.

Reason: To provide for enhance the recreational environment.

(10) Badgers

That there shall be no development within each phase unless there has been submitted (by way of Matters Specified in Conditions applications) to and approved in writing by, the planning authority a badger survey for that phase. The survey shall identify the location of any setts within the site and its vicinity and shall be undertaken by an experienced badger surveyor. Thereafter no development shall take place within the phase unless detailed mitigation measures to safeguard all existing badger setts have been implemented in accordance with the agreed scheme.

Reason: To ensure the protection of badgers.

(11) Bat boxes

That no development shall take place unless there been submitted to (by way of Matters Specified in Conditions applications) and approved in writing by, the planning authority a layout plan showing the locations of bat boxes and specification for the boxes. No development shall be occupied unless the bat boxes have been installed in accordance with the approved plans.

Reason: To help protect bats, as the development involves the removal of trees.

(12) Archaeological scheme

That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority by way of an approval of matters specified by condition consent.

Reason: in the interests of protecting items of historical importance as may exist within the application site.

(13) Air Quality - dust

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That development within each individual phase shall not take place unless, there has been submitted to (by way of an approval of matters specified by condition consent), and approved in writing by, the planning authority:

- a) An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant is carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' to predict the likely dust levels and impact on air quality including a determination of its significance.
- b) A Dust Management Plan produced in line with the aforementioned guidance (based on the outcome of the Dust Risk Assessment) detailing the necessary dust control measures to be implemented.

The development shall be carried out only in accordance with the plan as so agreed.

Reason: In order to prevent pollution and in the interests of residential amenity.

(14) Refuse storage

That the development hereby granted planning permission shall not be occupied unless provision has been made within the relevant phase of the development for refuse storage and disposal in accordance with a scheme, which shall include swept path analysis for refuse collection vehicles, which has been submitted to and approved in writing by the planning authority by way of an approval of matters specified by condition consent - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(15) Low and Zero Carbon

That the buildings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority by way of an approval of matters specified by condition consent, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Reason: to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Resources for New Development'.

(16) Water saving technologies

That the buildings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority by way of an approval of matters specified by condition consent, and any recommended measures specified within that scheme for water saving technologies have been implemented in full.

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Reason: to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Resources for New Development'.

(17) Housing Adaptability

That residential units shall be erected only in accordance with plans detailing how the design demonstrates accessibility and future adaptability for elderly and disabled residents, such as bedrooms on ground floor or accessible by lift.

Reason: To ensure that all housing is adaptable to suit all residents.

(18) Electric Vehicle Charging Points, cycle and motorcycle parking

That development within each phase shall not take place unless there has been submitted to by way of MSC applications and approved in writing by, the planning authority details of electric vehicle charging points, cycle and motorcycle spaces and car parking provision. Individual buildings shall not be occupied unless the charging points and cycle / motor cycle / car parking spaces in accordance with the plans as so approved with have been implemented and are ready for use for the particular building.

Reason: To encourage sustainable travel and road safety.

(19) Noise mitigation

That no building shall be occupied nor the proposed link road opened unless the relevant noise mitigation measures achieving at least an equivalent effect as those measures contained and recommended within the Noise Impact Assessment (Reference 165-R01-D Date: 21 September 2018) have been implemented in full on site.

Reason: To protect residential amenity.

(20) Details of Barriers

That no noise mitigation barriers or boundary treatments shall be implemented on site other than in accordance with plans and details submitted (by way of MSC applications) to, and approved in writing by the planning authority.

Reason: in the interests of visual amenity.

(21) Lepidoptera Protection

That no development shall take place unless there has been submitted (by way of MSC application) to and approved in writing by the planning authority a construction methodology that includes measures to securely separate a retained area of grassland within the northern field (north of the Deeside Way) from plant, machinery

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

30 April 2020

and storage of materials during the construction period. The details shall include a layout plan showing sufficient size of area to provide habitat for lepidoptera, and suitable barriers.

The construction shall be carried out in full accordance with the mitigation measures recommended in the Lepidoptera Survey 8 August 2019, or such other report as subsequently agreed with the planning authority, and measures implemented in full prior to occupation of any building or opening of the road.

Reason: To help ensure conservation of lepidoptera on site.

(22) Contaminated Land

That no development involving digging shall take place within 10m of the edge of the surfaced footpath on the Deeside Way, unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

Reason: in order to ensure that the site is fit for human occupation

(23) Junctions

That no development shall take place unless there has been submitted to (by way of MSC applications) details as follows:

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

30 April 2020

- a) Plans including layout plans and details of levels, of the junction of the proposed link road onto Inchgarth Road, including replacement provision for access to land to the south where necessary as a result of the development;
- b) Plans including layout plans and details of levels of the junction of the proposed link road with North Deeside Road.

Reason: In the interests of road safety

(24) Surface Water Drainage

That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority by way of an approval of matters specified by condition consent. This shall include how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. Thereafter works shall take place in complete accordance with the details and measures as so approved and no individual phase of the development shall be occupied unless the drainage for that phase has been installed in complete accordance with the said scheme.

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

(25) Soil conditions

That no development shall take place unless there has been submitted to (by way of MSC applications) and approved in writing by the planning authority:

- a) Assessment of soil conditions and if peat is found a Peat Management plan, which includes depth, details of avoidance and appropriate reuse;
- b) Site Waste Management Plan; and,
- c) Japanese Knotweed Management Plan

Thereafter the development shall not be occupied unless the on-going measures within such plans have been implemented in full and carried out in complete accordance with the plans as so agreed.

Reason: in the interests of preventing pollution and preserving peat.

(26) Radon

That development shall take place fully in accordance with the conclusions and any mitigation measures identified in a report on the presence of radon on site, that has been submitted to (by way of MSC application) and approved in writing by the planning authority.

Reason: In the interests of the safety of future residents, and as the presence of radon to the south of the site is noted in the application submissions.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

30 April 2020

Councillor Cooke moved as an amendment, seconded by Councillor Greig:-
That the application be refused.

On a division, there voted:- for the motion (7) - the Convener, the Vice Convener and Councillors Allan, Copland, Henrickson, MacKenzie and Maik; for the amendment (2) – Councillors Cooke and Greig.

The Committee resolved:-

to adopt the motion and therefore approve the application in line with the recommendation above.

ENFORCEMENT ANNUAL REPORT - PLA/20/084

10. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed Members of the planning enforcement work that had been undertaken by the Planning Service from 1st April 2019 to 31st March 2020.

The report recommended:-

that the Committee note the contents of the report.

The Committee resolved:-

to approve the recommendation contained in the report.

PRE DETERMINATION HEARING REPORT - GOV/20/087

11. The Committee had before it a report by the Chief Officer – Governance, which sets out the criteria for when Pre-Determination Hearings would be triggered, and the process that would follow for reporting to this Committee and referral to Full Council if appropriate.

The report recommended:-

that the Committee –

- (a) notes the contents of the report; and
- (b) agree that the Chief Officer – Strategic Place Planning would report to this Committee when a Pre-Determination Hearing was, or may be required, for any application with a recommendation as to:
 - whether a hearing should be held for the application and
 - whether it should be determined by this Committee or by Full Council.

The Committee resolved:-

to approve the recommendations contained in the report.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
30 April 2020

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| | A | B | C | D | E | F | G | H | I |
|----|---|---|---------------|----------------------|--------------------------|--------------------|---------------------------|--|---|
| 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. | | | | | | | | |
| 2 | 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 |
| 3 | 01 June 2020 | | | | | | | | |
| 4 | Tillydrone Coningham Gardens | To approve or refuse the application. | | Aoife Murphy | Strategic Place Planning | | 1 | | |
| 5 | Silverburn | To determine whether a Pre Determination Hearing is required and if PDMC or Full Council. | | Gavin Evans | Strategic Place Planning | | 7 | | |
| 6 | 44-46 Bedford Road | To approve or refuse the application. | | Robert Forbes | Strategic Place Planning | | 1 | | |
| 7 | Hill of Rubislaw | To approve or refuse the application | | Matthew Easton | Strategic Place Planning | | 1 | | |
| 8 | 02 July 2020 | | | | | | | | |
| 9 | Committee Annual | To present the annual effectiveness report for the Committee | | Fraser Bell | Governance | Governance | GD7.5 | | |
| 10 | Berryden Corridor | To approve or refuse the application. | | Matthew Easton | Strategic Place Planning | Place | 1 | | |
| 11 | Greyfriars House | To approve or refuse the application | | Alex Ferguson | Strategic Place Planning | Place | 1 | | |
| 12 | 10 The Chanonry | To approve or refuse the application | | | Strategic Place Planning | Place | 1 | | |
| 13 | Tyrebagger Quarry | To approve or refuse the application. | | Gavin Clark | Strategic Place Planning | Place 1 | | | |
| 14 | 19 South Avenue | To approve or refuse the application. | | Gavin Clark | Strategic Place Planning | Place | 1 | | |
| 15 | 39 Bloomfield Road | To approve or refuse the application. | | Dineke Brasier | Strategic Place Planning | Place | 1 | | |
| 16 | 20 August 2020 | | | | | | | | |
| 17 | Friarsfield | To approve or refuse the application. | | Gavin Clark | Strategic Place Planning | Place | 1 | | |
| 18 | 24 September 2020 | | | | | | | | |
| 19 | 05 November 2020 | | | | | | | | |
| 20 | City Centre Conservation | To present the City Centre Conservation Area Appraisal | | Claire McArthur | Strategic Place Planning | | 4 | | |
| 21 | 10 December 2020 | | | | | | | | |
| 22 | 10 December 2020 | | | | | | | | |
| 23 | 10 December 2020 | | | | | | | | |
| 24 | 10 December 2020 | | | | | | | | |
| 25 | AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT) | | | | | | | | |
| 26 | | | | | | | | | |
| 27 | | | | | | | | | |
| 28 | | | | | | | | | |

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1st June 2020

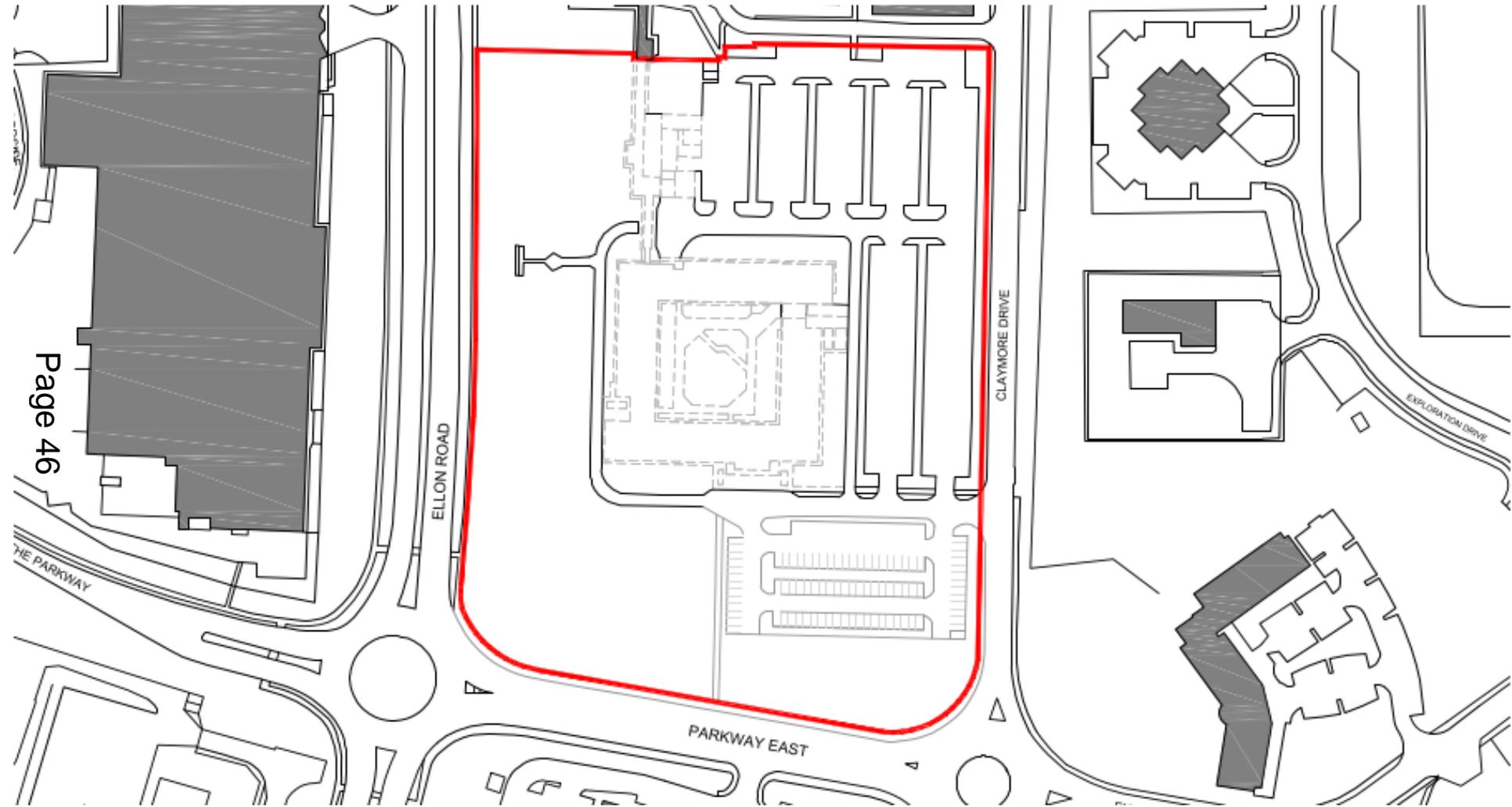


Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) with associated works

Silverburn House , Claymore Drive, Aberdeen

Application ref 191904/PPP

LOCATION PLAN



AERIAL PHOTO

ELLON ROAD

CLAYMORE DRIVE

APPLICATION SITE

PARKWAY EAST

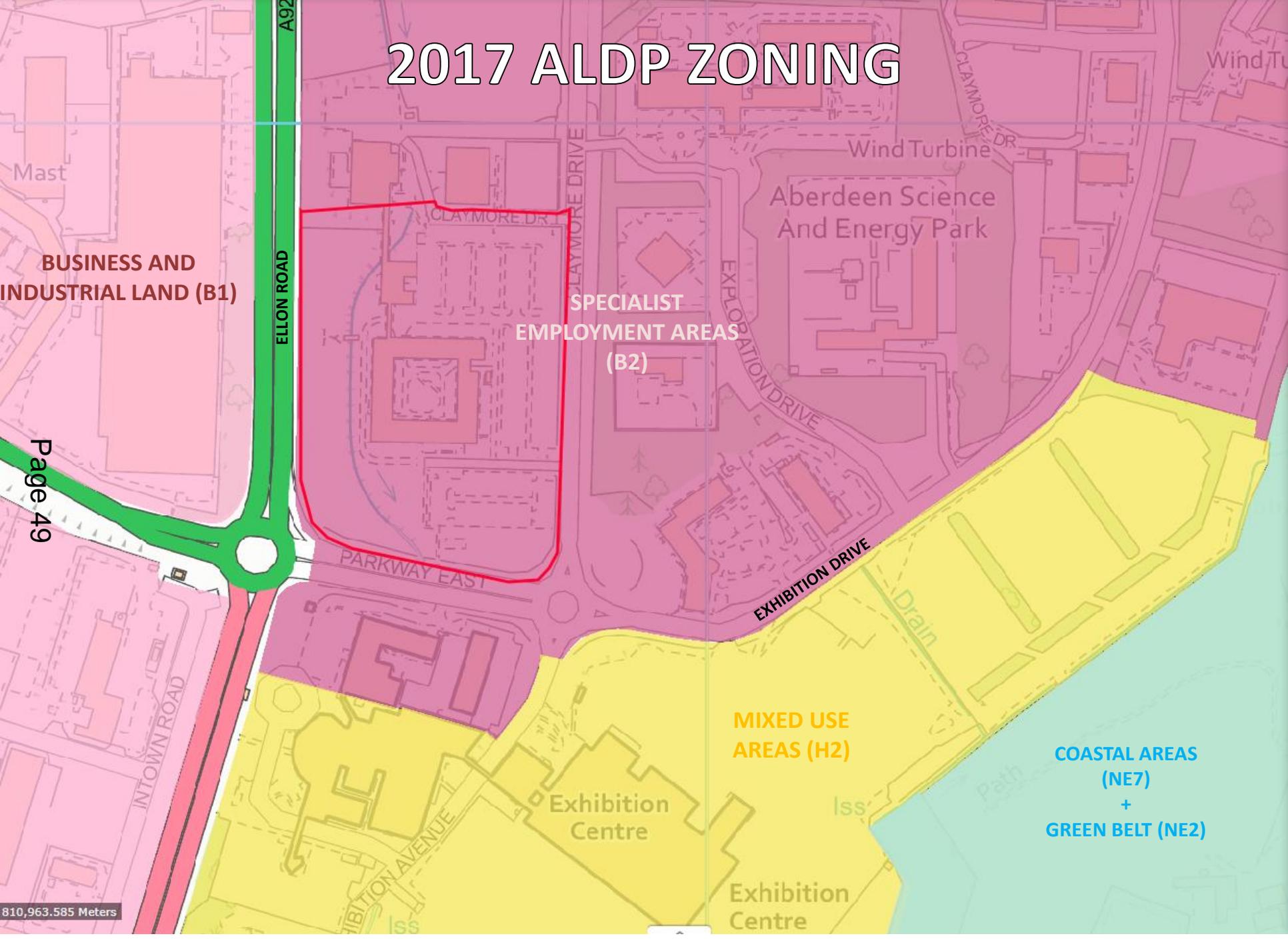
EXHIBITION DRIVE



INDICATIVE SITE PLAN



2017 ALDP ZONING



OP75

PROPOSED ALDP ZONING

ELLON ROAD

OP12

RESIDENTIAL
AREAS (H1)

SPECIALIST
EMPLOYMENT AREAS
(B2)

EXHIBITION DRIVE

BUSINESS AND
INDUSTRIAL LAND (B1)

MIXED USE
AREAS (H2)

OP13

COASTAL AREAS
(NE7)

GREEN BELT (NE2)

BACKGROUND

- Application was subject to statutory Pre-Application Consultation
- Applicants and officers presented to ACC Pre-Application Forum in September 2019
- Pre-Application Consultation Report forms part of current submission

ABERDEEN LOCAL DEVELOPMENT PLAN

- Site zoned within a 'B2' area in the ALDP, which relates to 'Specialist Employment Areas'
- Policy B2 encourages business (class 4) uses. May also provide for industrial and storage/distribution (classes 5 & 6)
- B2 makes no provision for residential use
- Represents a 'significant departure' from Development Plan
- Proposed ALDP is a material consideration in assessment. This re-allocated the site for residential development of approx. 100 units.
- Significant departure necessitates a Pre-Determination Hearing – prior to recent legislative change, required to be determined by Full Council. Now PDMC may conduct hearing and determine, or refer to FC.

REPRESENTATIONS

- 2no representations received (BOC gases on Ellon Road and operators of Bon-Accord Centre)
- Objection from Bridge of Don Community Council
- Objection from SEPA due to lack of info on flood risk
- ACC Roads response highlights unresolved issues with accessibility and pedestrian infrastructure
- ACC Education response highlights capacity at Scotstown School and Bridge of Don Academy to accommodate additional pupils generated
- ACC Developer Obligations response identifies sums payable in respect of Core Paths, Healthcare, Open Space, Community Facilities and Sports and Recreation

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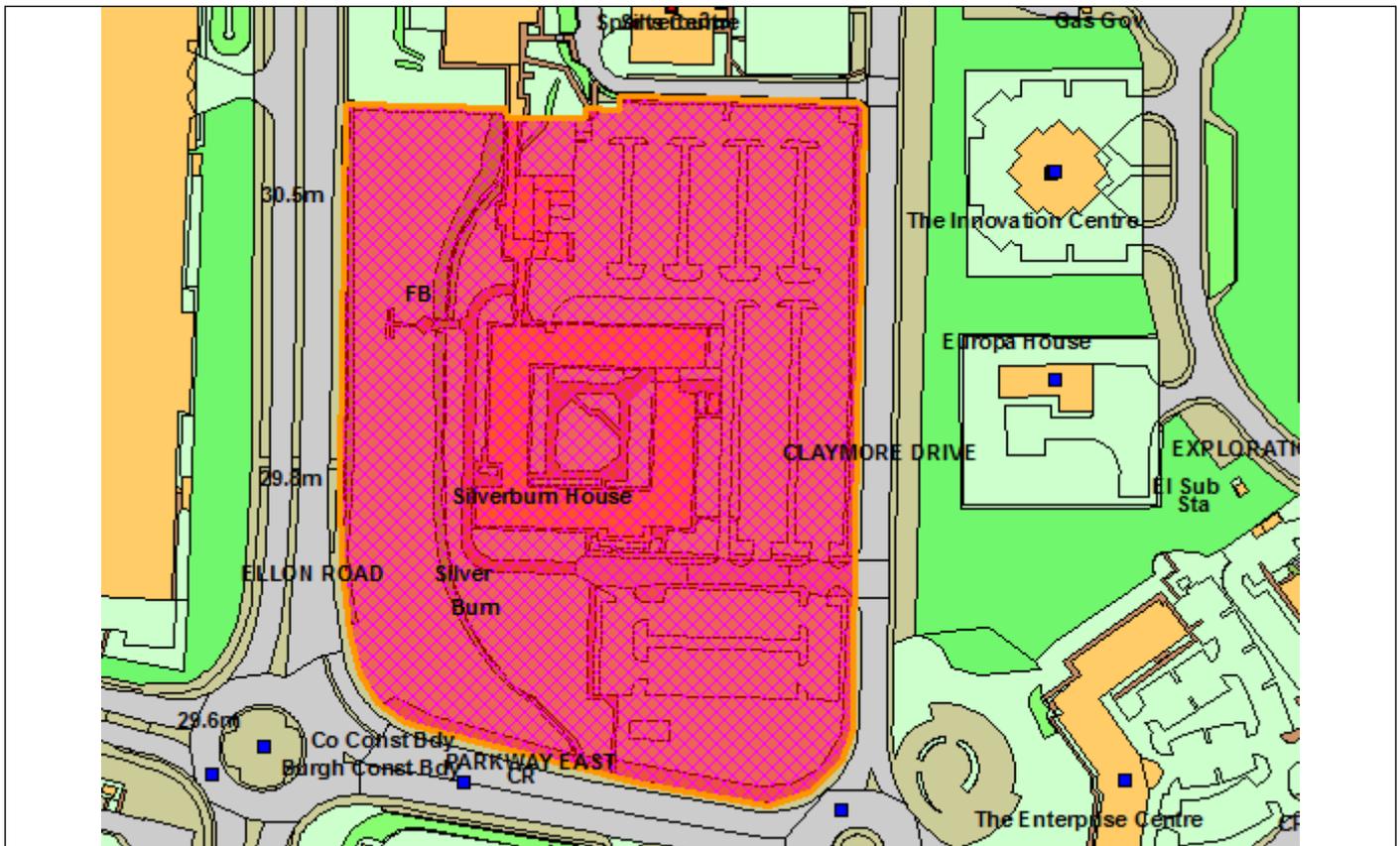


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1st June 2020

| | |
|---------------------------------|---|
| Site Address: | Site at Silverburn House, Claymore Drive, Aberdeen, AB23 8GD |
| Application Description: | Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) with associated works |
| Application Ref: | 191904/PPP |
| Application Type | Planning Permission in Principle |
| Application Date: | 3 January 2020 |
| Applicant: | Parklands View LLP |
| Ward: | Bridge Of Don |
| Community Council: | Bridge Of Don |
| Case Officer: | Gavin Evans |



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1. PURPOSE OF REPORT

This report considers whether application (ref. 191904/PPP), which triggers the statutory criteria to require that a pre-determination hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 Note the contents of the report; and
- 2.2 Agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee (PDMC) and that the application is then determined at a subsequent scheduled PDMC meeting.

3. BACKGROUND

- 3.1 A report to the 30th April 2020 meeting of the Planning Development Management Committee (report no. GOV/20/087) set out the process to be followed for reporting to this Committee and referral to Full Council where the relevant criteria for Pre-Determination Hearings are triggered. The recommendations of that report were agreed by the Committee.

4. APPLICATION BACKGROUND

4.1 Site Description

The site is that of the former Silverburn House, a recently-demolished office building located in a prominent position on a main route (A92 Ellon Road) into Aberdeen from the north. The site has recently been cleared, but Silverburn house had provided 5 floors of office accommodation, laid out in a series of four interconnected wings, arranged around a central inner courtyard. The building is understood to have been constructed in the 1980s and was formerly occupied by Baker Hughes. The site also included 414 car parking spaces and a separate sports building to the north, though the latter lies outwith the application site. The building was set back from Ellon Road by approximately 50m, with this ground in between planted with grass and trees and the Silver Burn running through it. The car parking was located to the eastern side of the site, which is approximately 3.7 hectares in total.

This site forms part of the Aberdeen Energy Park, which lies north of the Aberdeen Exhibition and Conference Centre and on the eastern side of Ellon Road. Silverburn House and the surrounding land to the north and east is identified in the Aberdeen Local Development Plan (ALDP) as 'Specialist Employment Areas', with a focus on Class 4 (business) uses.

The site and the land to the north is zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). In the PLDP the site is allocated as Opportunity Site OP12, 'Opportunity for 100 homes on former employment land'. The PLDP content was agreed by Full Council on 2nd March 2020 and is currently being publicly consulted on.

To the south of the site lies the Aberdeen Exhibition and Conference Centre, which is zoned within a 'Mixed Use' area and identified as Opportunity Site OP13 in the ALDP. An application

for Planning Permission in Principle for the redevelopment of the now-disused AECC facility was submitted in May 2015, proposing *'demolition of existing buildings and erection of a mixed use development to include (approximately 498) residential units, commercial and business use, recycling centre and park and ride facility'*. The Planning Development Management Committee considered this application in December 2015 (and again in May 2018) and expressed a willingness to *'Approve conditionally with permission to be withheld until a legal agreement is entered into to secure: affordable housing; and developer obligations relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space'*.

Beyond the former AECC site lies existing residential development, accessed from via King Robert's Way, from the Ellon Road/North Donside Road roundabout. On the western side of Ellon Road (A92) is the Bridge of Don Industrial Estate, which is zoned for Business and Industrial Use under policy B1 of the ALDP.

Around 180 metres to the north of the Silverburn House site is the site of the proposed residential-led mixed use development at Cloverhill. Application 191171 Planning Permission in Principle for this proposal was approved by the PDMC on 30th April 2020 in line with Officer Recommendation.

4.2 Relevant Planning History

| Application Number | Proposal | Decision Date |
|--------------------|--|-------------------------------|
| 191150/PAN | Major residential development of around 100 to 150 units (mix of house types and flats), potentially including facilities consisting of approximately 1000-3000 sqm of class 1(shops), 2(financial, professional and other services) and class 3(food and drink) | 24.07.2019 Status: NTR |

4.3 Description of Proposal

This application seeks Planning Permission in Principle (PPiP) for a residential-led, mixed use development of between 100 and 150 homes, along with 1000-3000sqm of commercial floorspace, potentially including retail, professional services and food and drink uses (uses within classes 1,2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and associate works such as landscaping, formation of site access and internal roads etc.

As this is an application for Planning Permission in Principle, the precise details of the proposal and its form are yet to be fully developed. This application seeks simply to establish the principle of a development in this location of the type and scale proposed.

4.4 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=Q2Z69NBZM7400>

These include:

- Pre-Application Consultation (PAC) Report
- Transport Statement
- Noise Impact Assessment
- Landscape Statement
- Supporting Statement
- Planning Statement
- Access & Waste Management Statement
- Drainage Strategy Assessment
- Arboricultural Report
- Masterplan

4.5 Pre-Application Consultation

This application is accompanied by a Pre-Application Consultation Report, as required by the relevant regulations for all planning applications concerning developments in the major category.

The applicants held a statutory pre-application consultation event at the gymnastics/sports centre on Claymore Drive, Bridge of Don, on 8th October 2019, between noon and 7pm. An advertisement was placed in the Evening Express on September 18th, giving notice of this consultation event. Notices were also displayed in various locations such as libraries, medical practices, community centres etc. In addition, notices were sent to the local Bridge of Don Community Council and the local ward members at least 7 days ahead of the meeting. Notices advertising the event were also issued to businesses in the neighbouring Aberdeen Energy Park, from a list provided by Aberdeen City Council.

At the consultation event A1 sized exhibition boards were displayed and members of the design team (Space Consultancy and Design and Aurora Planning Ltd) were available to give a brief overview before then allowing attendees to review materials in their own time and ask any questions. Attendees were invited to provide comment either in writing at the time or later by post, or alternatively by email. A total of 10 visitors attended, all of whom gave feedback on the proposals. These responses are summarised in the PAC report, along with the applicants' commentary on whether/how the proposal has taken them into account.

In addition, a member of the design team had earlier attended the 17th September meeting of the Bridge of Don Community Council and gave a presentation of the proposals, followed by a question and answer session.

On 19th September 2019, the applicants gave a presentation to the Council's Pre-Application Forum.

The PAC report includes details of the comments received at these events and identifies the main themes as relating to:

- No support from local Community Council for housing in this location;
- concerns over a crossing on A92 slowing traffic flow into City Centre;
- support for potential community facilities;
- at Pre-Application Forum Members were interested in the capacity at local schools to accommodate the development, as well as the specific arrangements for crossing the A92 road;
- Recognition that this is a prominent site on approach to the city from the north;
- Support for the inclusion of bungalows;
- Noted that the site is accessible and not wholly isolated from the community;
- Support for local retail within the development.

4.6 Requirement for a Pre-Determination Hearing

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of it being a major residential-led development located on a site which forms part of a wider 'Specialist Employment Area', where policy B2 of the Aberdeen Local Development Plan 2017 applies. Policy B2 seeks to encourage activities associated with research, design and development, knowledge-driven industries and related education and training, but also allows for uses within classes 5 (General Industrial) and 6 (Storage and Distribution) provided it can be demonstrated that the uses can co-exist without eroding the amenity of the park. Policy B2 does not allow for residential-led development of the type proposed and therefore this proposal constitutes a significant departure from the Development Plan.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-determination Hearing before such applications may be determined.

A previous requirement for such applications to be determined by Full Council has been removed by the recently revised legislation under the Planning (Scotland) Act 2019, and in March of this year Council delegated authority for these statutory hearings and determinations to PDMC as part of the Scheme of Governance review. It will therefore be for Members to decide whether the hearing and subsequent determination of this application are conducted in front of PDMC, or whether there are any particular issues that would warrant referral to Full Council in this instance.

The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the Members of the Council.

4.7 CONSULTATIONS

Scottish Environment Protection Agency – Object to the proposal on the grounds of a lack of information on the proposed realignment of the Silver Burn and flood risk. Highlight that notification to ministers will be required if the planning authority is minded to grant permission contrary to SEPA advice on flood risk.

Further information will be required in order for SEPA to consider withdrawing its objection.

SEPA also highlight various other matters which it recommended are addressed by conditions, including pollution prevention, site waste management plan and inclusion of environmental enhancement/placemaking measures as part of the development.

Aberdeen City Shire Strategic Development Planning Authority – No response

Scottish Water – No objection. Note that there is currently sufficient capacity in the Invercarnie Water Treatment Works and in the Nigg Waste Water Treatment Works.

ACC - Roads Development Management Team – Note that the proposed development would generate less trips than the former office use. Further information will be requested in relation to the following:

- Proposals for safe crossing of A92 and Parkway East, as well as pedestrian connections to crossing points;
- Access to bus infrastructure;
- Safe connections to the identified routes to schools;
- Provision for Electric Vehicle charging/parking;
- Spacing between access junctions and existing junctions;
- Alternative proposals for refuse collection – noting that the applicants' current strategy involves collection vehicles reversing excessive distances and overrunning footways;
- Clarification of a second level of treatment for surface water discharge from internal roads.

Generally, RDM note that many issues of detail would be resolved through assessment of a finalised layout and proposal at the Approval of Matters Specified in Conditions stage. Roads colleagues highlight that a Traffic Regulation Order would be required to reduce speed limits on the A92, consistent with the recently considered application for residential development at Cloverhill, to the north.

ACC - Structures, Flooding And Coastal Engineering – No objection. Request that a condition be attached to secure a level 2 Flood Risk Assessment.

ACC - Environmental Health – No objection. Comments on the following matters. Also suggest an advisory note relating to recommended hours of construction work.

Noise

Note submission of a Noise Impact Assessment, which indicates significant impacts without mitigation measures (acoustic barriers and enhanced façade design). With the indicative mitigation, noise levels are found to meet the agreed criteria for almost all receptors, with any remaining impacts categorised as 'slight'. Installation of mitigation measures is essential and further assessment will be required on the basis of detailed scheme design.

Food and Drink premises

In order to protect the amenity of the occupants of residences, it is recommended that a suitable extract ventilation assessment is carried out to identify potential odour impacts associated with cooking activities and to demonstrate the effectiveness of any proposed mitigation measures. It is also recommended that a Noise Impact Assessment be undertaken in relation to any necessary ventilation/extraction system. These submissions should be agreed in consultation with ACC Environmental Health.

Dust Control

To address the potential for impact on nearby residences during construction, it is recommended that an Air Quality (Dust) Risk Assessment is carried out and submitted for approval. A site-specific Dust Management Plan, based on the outcomes of that risk assessment and including details of any necessary control measures during works, should also be submitted for approval.

ACC - Waste Strategy Team – No objection. Recommend that conditions are attached to any grant of consent to secure details of provision for waste/recycling storage and arrangements for collection, including identification of collection points, specification of bin stores and details of internal road layout to ensure that this is suitably accessible for refuse vehicles and waste operatives.

ACC - City Growth – No response

ACC - Contaminated Land Team – No objection. Recommend that conditions are attached to any approval, securing submission and agreement of a scheme to address any significant risks from contamination and a report verifying completion of necessary remedial works thereafter.

ACC - Developer Obligations – Notes that the proposed development would not result in Scotstown Primary or Bridge of Don Academy operating beyond capacity, based on most recent school roll forecasts.

Financial obligations are identified in the following areas, in order to offset the impacts of the development:

- £55,800 towards Core Path Network;
- £153,536 towards healthcare facilities;
- £27,450 towards Open Space provision;
- £274,275 towards community facilities;
- £144,600 towards sports and recreation.

It is noted that any roads infrastructure would be identified separately by the Roads Development Management team. In addition to the above requirements, policy H5 (Affordable Housing) of the ALDP requires that a minimum of 25% of the units proposed are provided as affordable housing – this equates to 37.5 units, and consultation with ACC Housing Strategy will be required to determine an appropriate mix of unit types and sizes to meet local needs.

ACC - Education – No objection. The site is zoned to Scotstown School and Bridge of Don Academy. Latest forecasts indicate there is sufficient capacity at both schools to accommodate the number of pupils expected to be generated by this development.

ACC – Housing Strategy – Per affordable housing policy, require that 25% of the development is provided as affordable housing, and that the affordable units are reflective of the development as a whole, including a mix of houses and flats. A preference for social rented housing is expressed.

Police Scotland – No response

Bridge Of Don Community Council – Strongly object to the proposal.

- Consider that permitting a departure from the adopted Local Development Plan would undermine the extensive consultation and stakeholder involvement in preparation of that plan.
- Highlights that the Main Issues report for the next LDP stated that this site was 'undesirable' for residential development due to the loss of allocated employment land and stated that housing development in this location would be contrary to the Proposed Strategic Development Plan.
- Considers that the housing allocations made in the LDP and approved Strategic Development Plan provide an adequate supply of housing in Bridge of Don to meet future needs.
- Routes to school are inadequate and involve pupils crossing some of the busiest roads in the city. Major concerns regarding road safety. Existing bus services are infrequent and not conveniently located for school travel.
- Considers that the development would result in existing school capacity being

exceeded.

- Existing public transport provision is considered to be poor, and the applicants' assertions in the Transport Statement are disputed.
- Healthcare facilities are operating at their limits and additional housing will only increase pressure on already stretched resources.
- Expresses doubt about delivery of proposed transport improvements and community facilities.
- Proposals to reduce speed limits during school travel times would have a major impact at junctions, resulting in delays, congestion and adverse impacts on air quality.

5. REPRESENTATIONS

Two representations have been received in relation to this application, both stating objection to the proposals. These representations raise the following concerns:

- Objection on behalf of Capreon – asset manager for owners of the Bon Accord Shopping Centre.
- Highlight the ALDP's focus on supporting the primacy of the city centre and limiting retail/significant footfall generating uses outwith designated centres.
- Highlights Specialist Employment Area zoning of the site. Notes that relevant policy B2 does not specifically provide for retail development in this location.
- Contends that sequential test set out in policy NC4 applies, along with policy NC5's tests in relation to the justification of significant footfall generating development appropriate to designated centres on out-of-centre locations.
- Highlights lack of necessary supporting information to demonstrate acceptability of retail use.
- Offers no objection to the principle of modestly sized convenience retail store and associated local facilities (e/g/ dentist, medical practice, coffee shot etc), but suggests that care is taken to ensure that conditions adequately control the size, function and impact of any commercial use to accord with the retail aspirations of the Local Development Plan.
- Objection from British Oxygen Co. (BOC) on the grounds that insufficient information has been submitted to demonstrate that residential amenity would not be unacceptably impacted by the existing noise environment (including BOC premises circa 150m away). Note specific concerns about the robustness of the assessment accompanying the application.
- BOC's primary concern is to ensure that the acceptability of residential use is fully established before PPiP is granted and that extra constraints and burdens are not placed on existing business operations, potentially impinging on long term viability.
- An acoustic consultant's assessment is appended to BOC's representation.

6. MATERIAL CONSIDERATIONS

6.1 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.

6.2 National Planning Policy and Guidance

National Planning Framework 3 (NPF3) 2014

NPF3 is a long-term strategy for Scotland - the spatial expression of the Governments Economic

Strategy, and of plans for infrastructure investment. Sets out a vision for Scotland to be:

1. A successful, sustainable place.
2. A low carbon place
3. A natural, resilient place
4. A connected place

Para 2.18 notes that some cities have greater pressure for additional housing development, whilst regeneration remains a priority in others. States that, in all cases, there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth. The section on Aberdeen and the North East states that the city centre will be a focus for regeneration efforts. Para 2.19 notes that housing requirements will continue to be at their most acute around Edinburgh, Perth and Aberdeen – requiring targeted action to better match demand for land with infrastructure capacity.

Scottish Planning Policy (SPP), 2014

Scottish Ministers, through the ‘core values’ expressed at paragraph 4 of SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

SPP’s identified outcomes include achieving 1. ‘A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places’ ; 2. ‘A low carbon place – reducing our carbon emissions and adapting to climate change’; and 3. ‘A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.’ Para. 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life.

Para. 28 states that the planning system should ‘support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost’.

Paragraph 32 (in relation to Development Management) notes that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making, and indicates that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations

Planning should take every opportunity to create high quality places by taking a design-led approach, taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term.

Planning should direct the right development to the right place. To do this, decisions should be guided by the following policy principles –

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place (distinctive, safe and pleasant, welcoming, adaptable and resource efficient, easy to move around and beyond)

In its section on ‘Supporting Business and Employment’, SPP identifies policy principles to:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- locate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

In its section on ‘Enabling Delivery of New Homes’, SPP identifies policy principles to:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Paras 113-122 set out the role of the Development Plan process in providing for identified housing needs, based on robust housing need and demand assessment (HNDA). Once a housing supply target has been identified for each functional housing market area, based on evidence from the HNDA, this is then increased by a margin of 10-20% in order to ensure

that a generous supply of land for housing is provided. Local Development Plans in city regions should then allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the SDP up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. Paragraphs 123-125 highlight the role of annual housing land audits as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least 5 years. A site is only considered effective where it can be demonstrated that within 5 years it will be free of constraints and can be developed for housing. Para 125 states that, where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Paras 193 & 202-204 are of particular relevance in terms of 'Valuing the Natural Environment'. These sections underline the importance of planning in 'protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use'.

In terms of promoting sustainable transport and active travel, paragraph 287 of SPP states in relation to Development Management functions that 'planning permission should not be granted for significant travel generating uses at locations which would increase reliance on the car and where:

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

Creating Places (architecture and place policy statement)

Scotland's policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy. The document contains an action plan that sets out the work that will be taken forward to achieve positive change. The statement is in four parts:

1. The value of architecture and place,
2. Consolidation and ambition,
3. A strategy for architecture and place,
4. Resources, communications and monitoring.

Designing Streets (2010)

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

6.3 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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

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

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy NC8 – Retail Development Serving New Development Areas

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy T4 – Air Quality

Policy T5 – Noise

Policy B2 – Specialist Employment Areas

Policy H3 – Density

Policy H4 – Housing Mix

Policy H5 – Affordable Housing

Policy NE1 – Green Space Network

Policy NE4 – Open Space Provision in New Development

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy NE8 – Natural Heritage

Policy NE9 – Access and Informal Recreation

Policy R6 – Waste Management Requirements for New Development

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

Policy CI1 – Digital Infrastructure

6.5 **Supplementary Guidance and Technical Advice Notes**

- Aberdeen Masterplanning Process TAN;
- Energetica;
- Transport and Accessibility;

- Noise;
- Planning Obligations;
- Affordable Housing;
- Landscape;
- Natural Heritage;
- Green Space Network and Open Space;
- Trees and Woodland;
- Flooding, Drainage and Water Quality

6.6 Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

The site and the land to the north is zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). In the PLDP the site is allocated as Opportunity Site OP12, 'Opportunity for 100 homes on former employment land'. The PLDP therefore contains support for residential development on the Silverburn House site, albeit at a reduced scale than what is envisaged through the current planning application.

In response to consultation on the Main Issues Report, there was one representation made in relation to the former Silverburn House site (respondent no. 517). That was submitted on behalf of the current applicants by their appointed planning consultant and expressed support for the inclusion of the site in the Proposed Plan for around 100 units. It was contended that residential redevelopment would contribute towards requirements for additional housing and would be consistent with Scottish Planning Policy (SPP) and the Proposed Strategic Development Plan (PSDP) as regards re-allocating under-utilised employment land and prioritising the development of brownfield sites when bringing land forward for housing.

6.7 Other Material Considerations

Housing Land Audit 2019 – Aberdeen City & Aberdeenshire Councils, July 2019

The Housing Land Audit (HLA) illustrates the scale and characteristics of the housing land supply in Aberdeen City and Aberdeenshire. It is used to determine if there is sufficient land available for housing development and also to inform the planning of future infrastructure such as roads, schools and drainage.

Employment Land Audit 2017/18 – Aberdeen City & Aberdeenshire Councils, Dec 2018

The Aberdeen City and Shire Employment Land Audit (ELA) provides information on the

supply and availability of employment land in the North-East of Scotland.

Local Transport Strategy (2016-2021)

The vision for the Local Transport Strategy is to develop “A sustainable transport system that is fit for the 21st Century, accessible to all, supports a vibrant economy, facilitates healthy living and minimises the impact on our environment”. Its five associated high-level aims are:

1. A transport system that enables the efficient movement of people and goods.
2. A safe and more secure transport system.
3. A cleaner, greener transport system.
4. An integrated, accessible and socially inclusive transport system.
5. A transport system that facilitates healthy and sustainable living.

These are underpinned by five identified outcomes. By 2021 Aberdeen’s transport system should have:

- A. Increased modal share for public transport and active travel;
- B. Reduced the need to travel and reduced dependence on the private car;
- C. Improved journey time reliability for all modes;
- D. Improved road safety within the City;
- E. Improved air quality and the environment; and,
- F. Improved accessibility to transport for all.

7. DISCUSSION

As described above, following legislative change there is no longer a statutory requirement for applications concerning a significant departure from the Development Plan to be subject to determination by Full Council. The Planning Development Management Committee may therefore opt to determine an application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application; the scale of development proposed; the nature and extent of the resultant departure from the Development Plan.

The scale of the proposal, at between 100-150 units, with associated local retail and commercial uses, is such that it represents a ‘major development’ in terms of the relevant hierarchy of developments. It is however notable that a recent application at Cloverhill, a short distance to the north, was considered by the Planning Development Management Committee at its meeting of 30th April 2020, rather than being referred to Full Council. That application attracted upwards of 120no representations, whereas the current application has attracted only 2no representations. As the main purpose of a Pre-Determination Hearing is to offer a forum for those who have made representations to be heard, it may be considered excessive to convene a meeting of Full Council for a proposal where only 2no representations have been received.

As regards the nature of the departure from the Development Plan, this principally relates to the zoning of the site as part of a ‘Specialist Employment Area’ and the relevant policy B2 not providing for residential development in this location. Whilst this clearly does represent a significant departure from the Development Plan, it is also noted that the site is identified for development in some form, and the question is whether an alternative form of development might be considered acceptable. It might be argued that this is of less significance than, for example, a major development in a green belt location. The Proposed Local Development Plan 2020 also supports the principle of residential development on the Silverburn House site, to be allocated as OP12 albeit at a reduced scale than what is envisaged through the

current planning application. This is a material consideration.

Taking account of the scale of the proposal, the level of public representation and the Proposed Local Development Plan, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a statutory pre-determination hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

8. NEXT STEPS

A hearing will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.

Following any hearing, a report will be prepared by officers for Full Council or PDMC (per Committee's instruction). This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

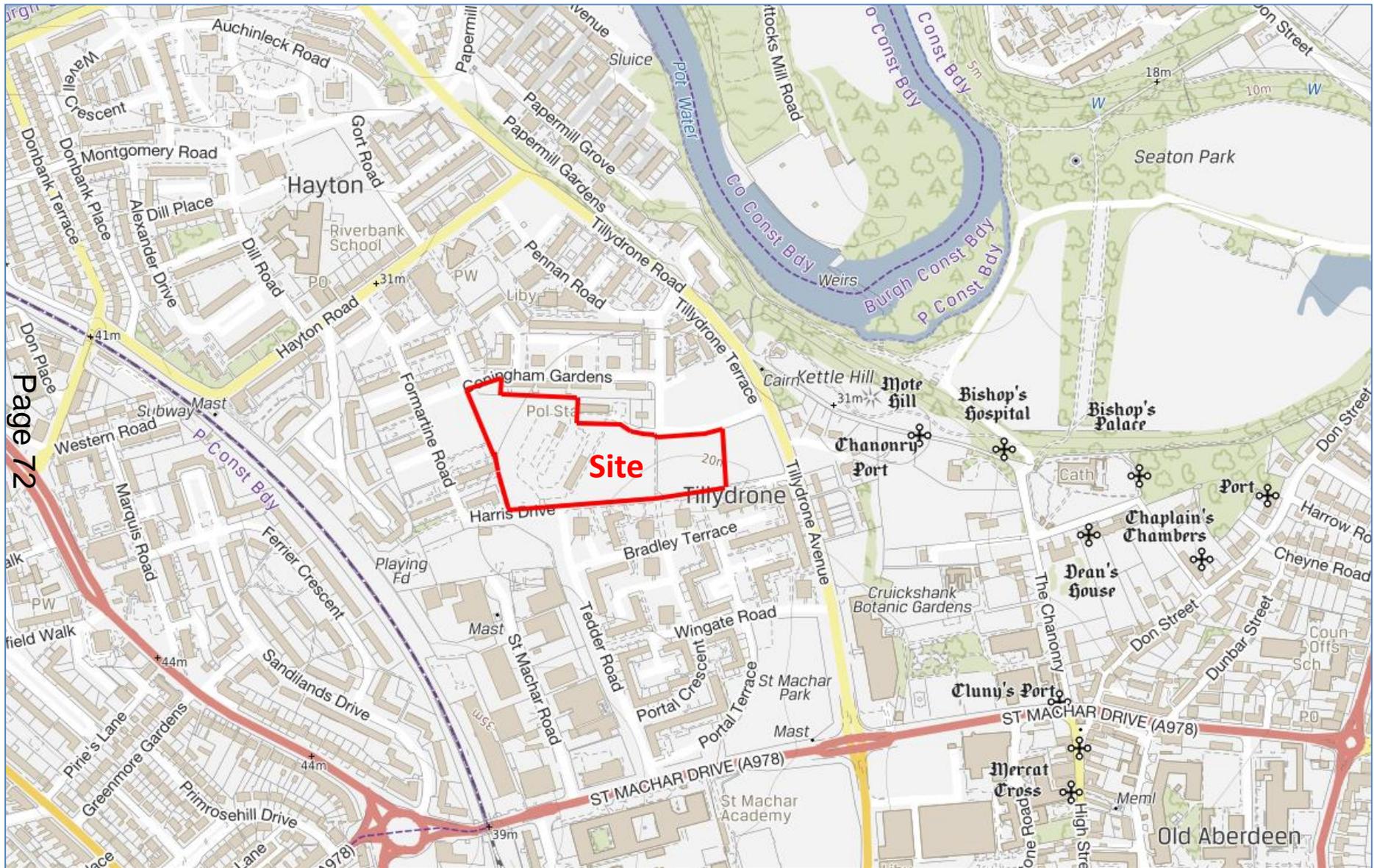


Erection of primary school with early years facility,
associated 3G pitch, soft and hard landscaping,
alterations to access and all associated works

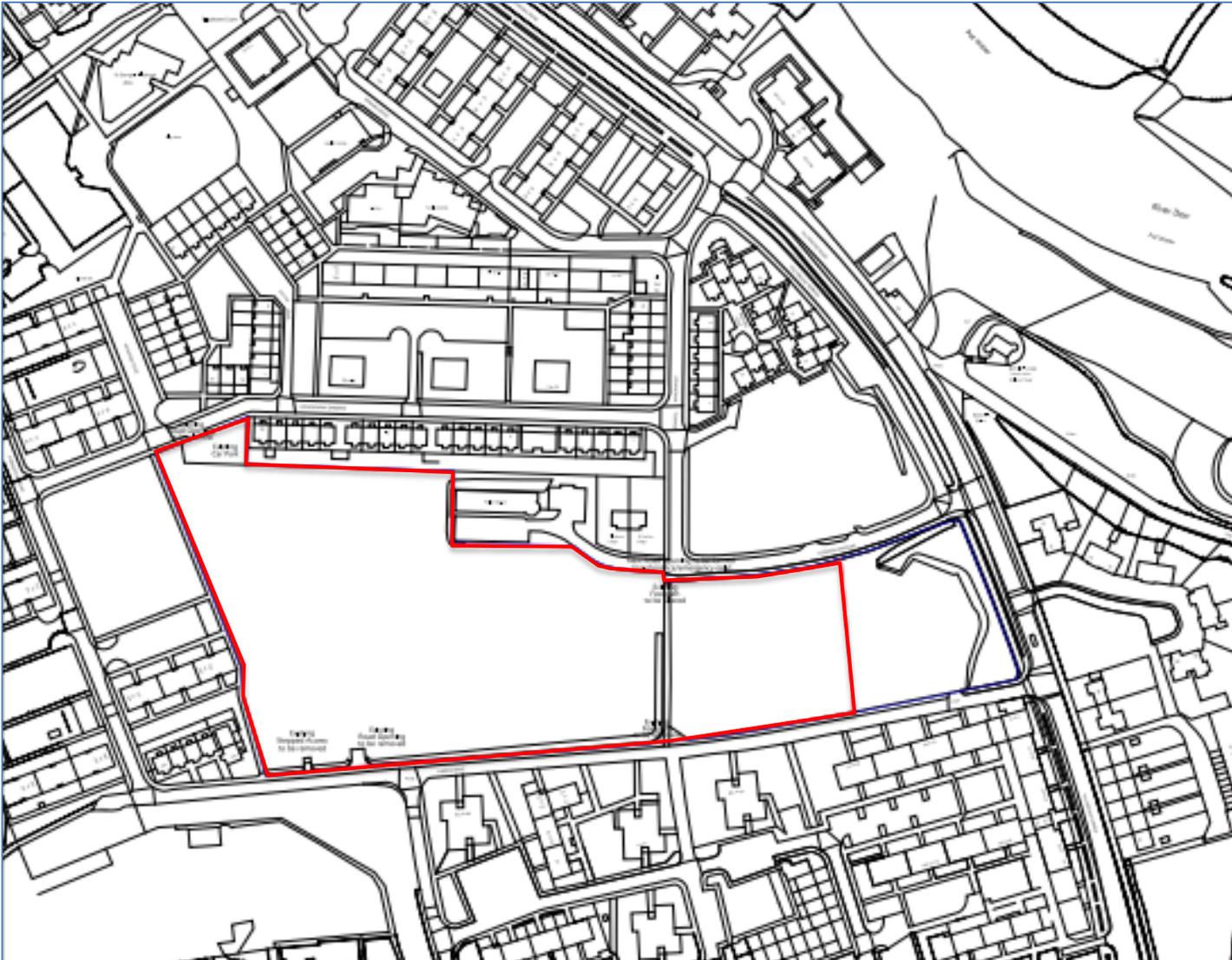
Coningham Gardens, Aberdeen

200206/DPP

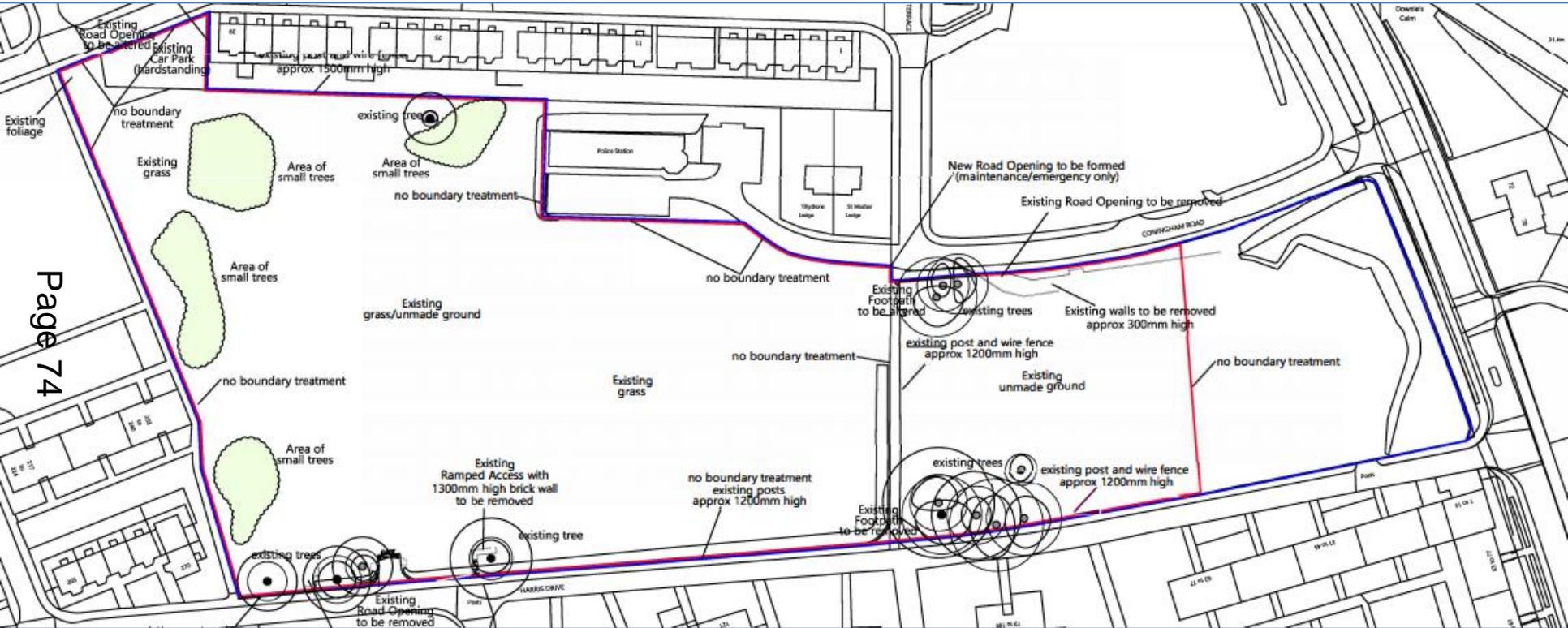
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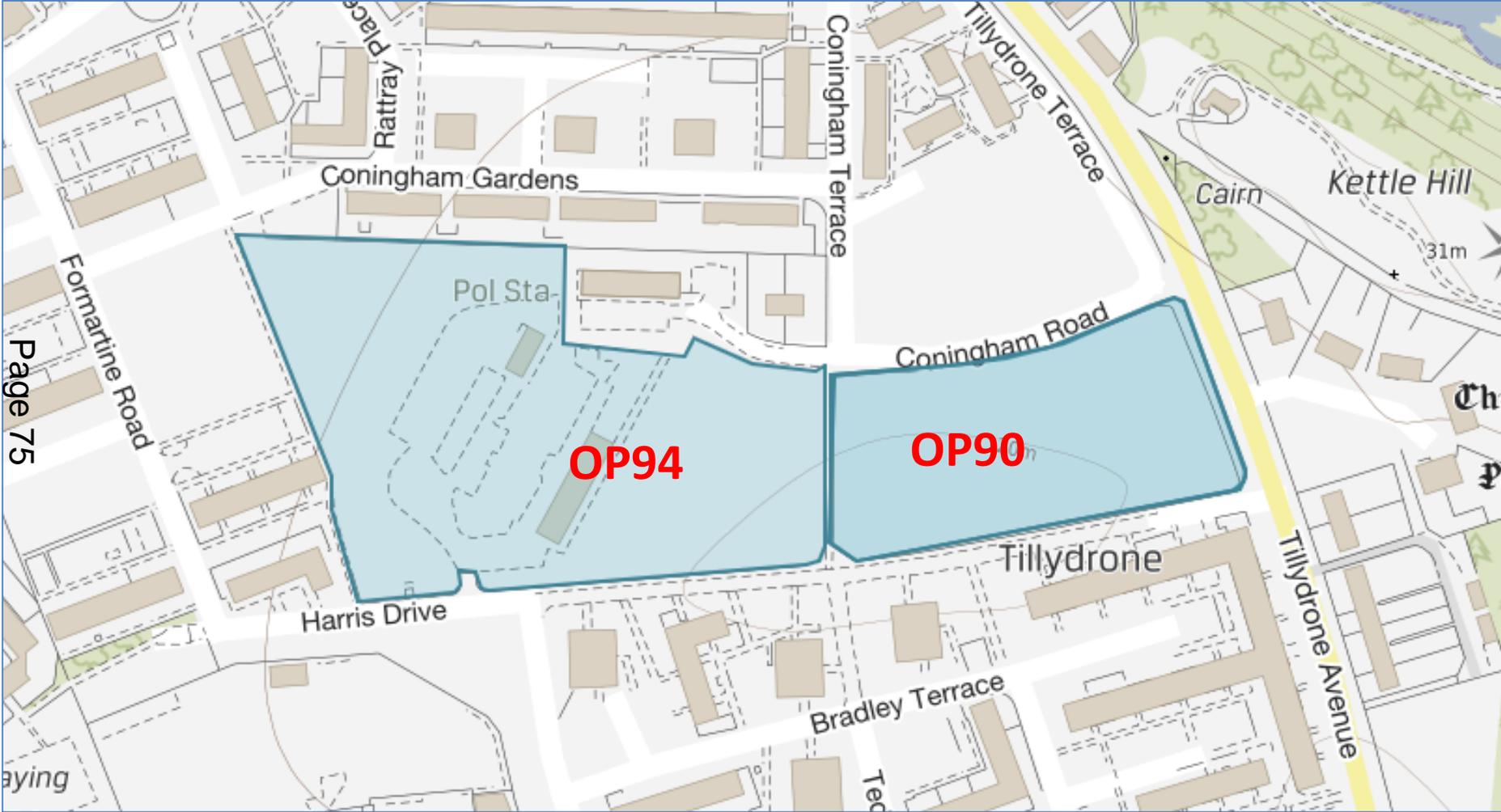
Location Plan



Existing Site Plan



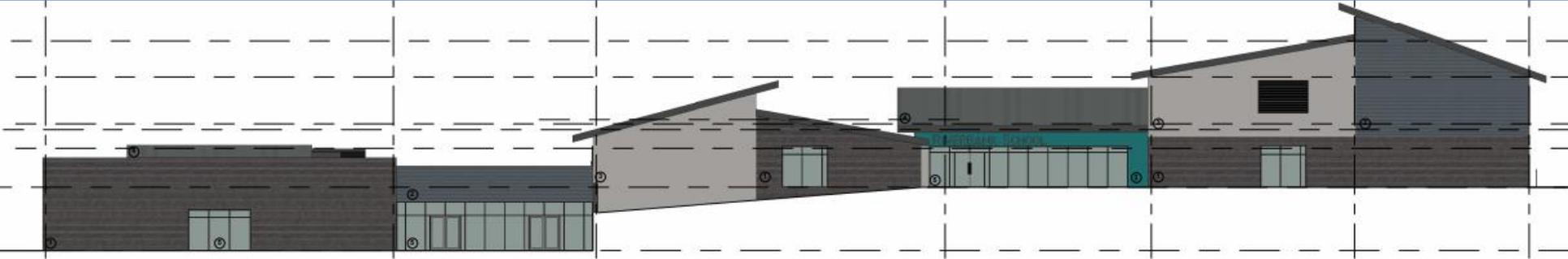
Aberdeen Local Development Plan 2017 & 2020 Opportunity Sites



Proposed Site Plan



Proposed Elevations



North Elevation

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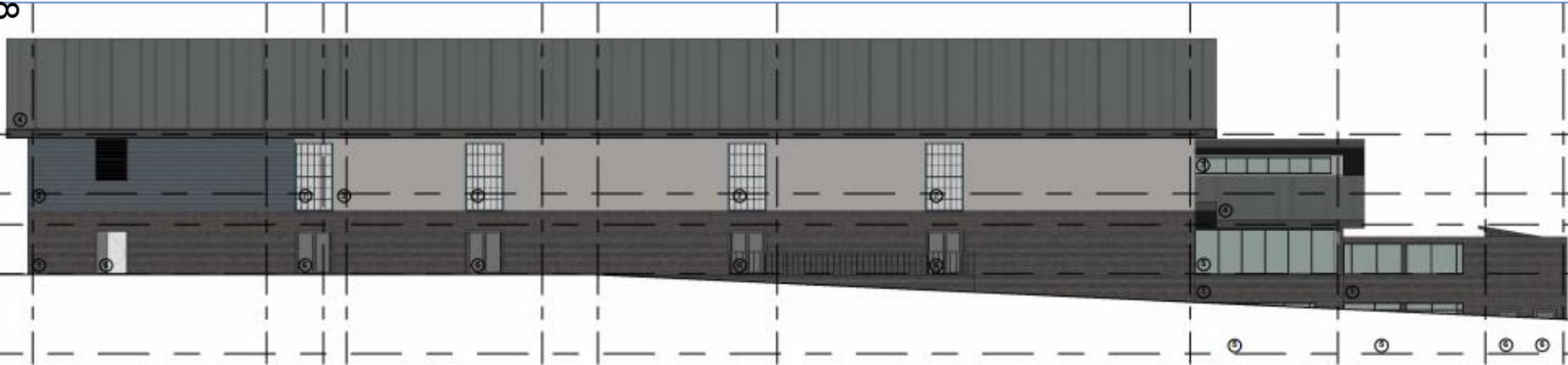


South Elevation

Proposed Elevations



Page 78
East Elevation



West Elevation

Proposed Visualisations

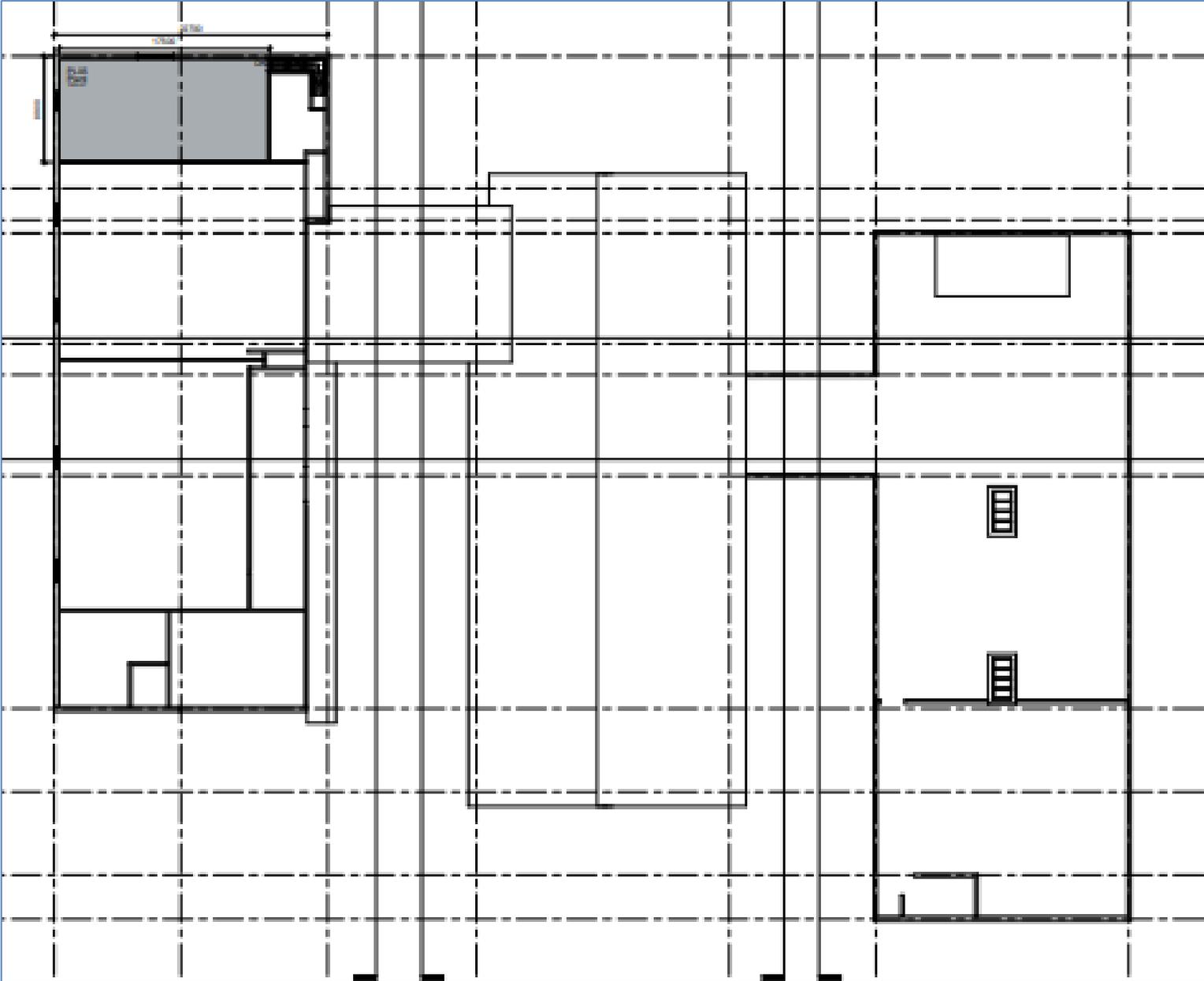
Page 79



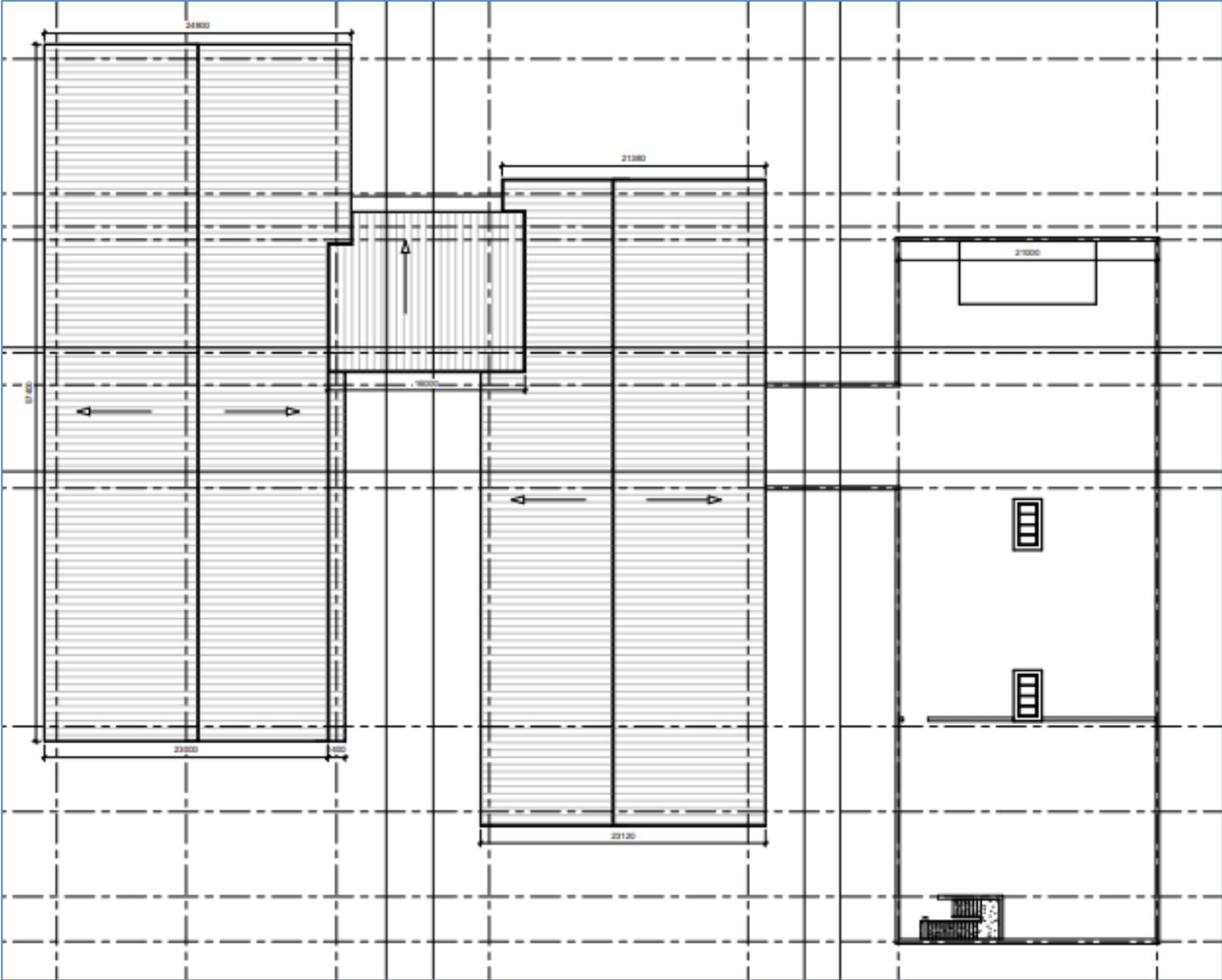
Proposed Upper Ground Floor Plan



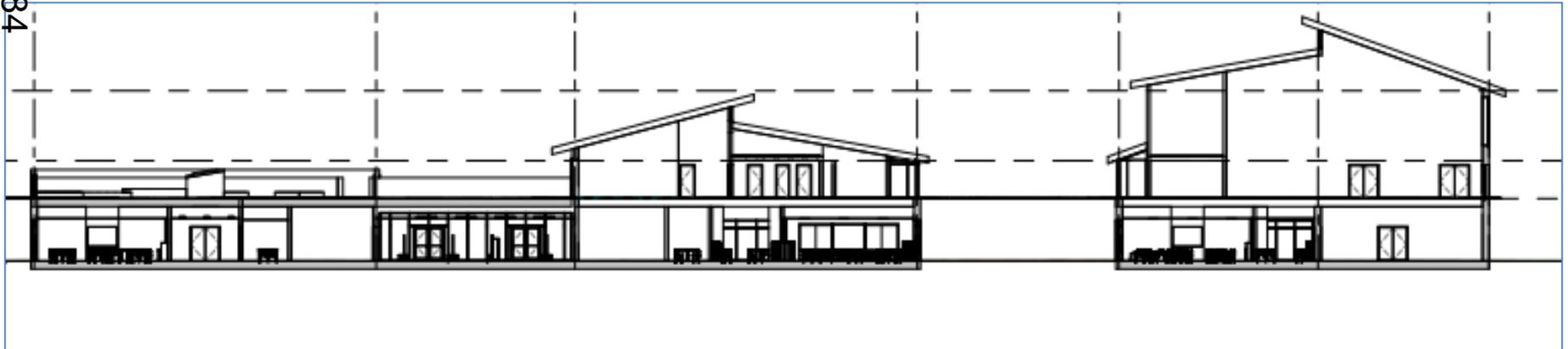
Proposed First Floor Plan



Proposed Roof Plan



Proposed Building Sections



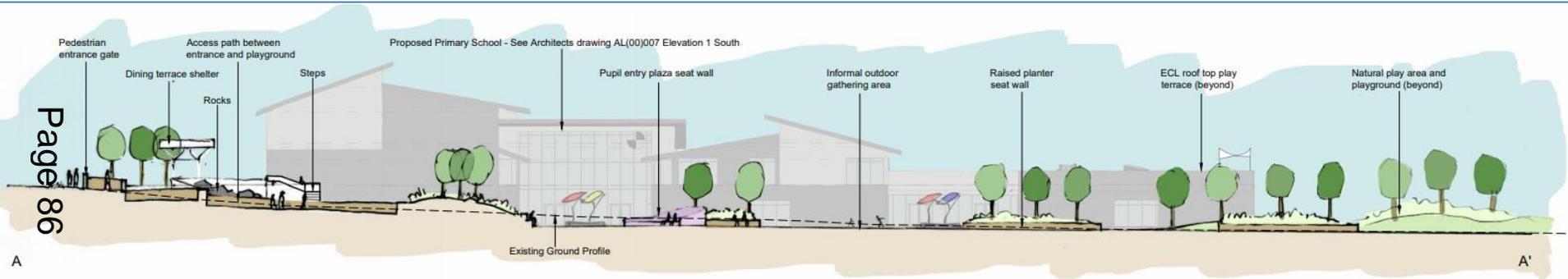
Landscaping Scheme



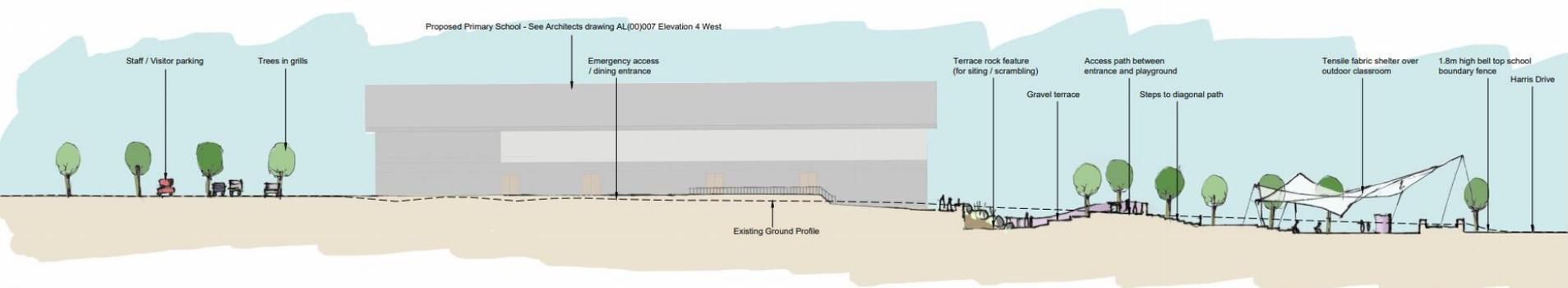
Proposed Site Sections with Landscaping



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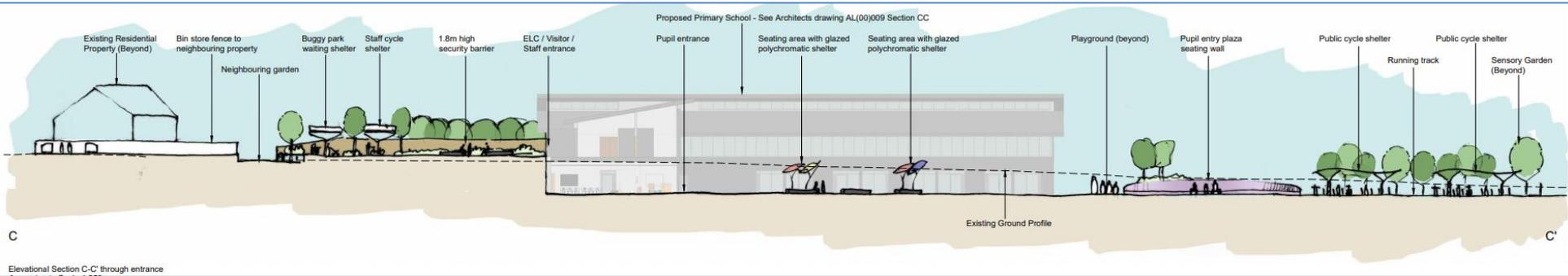


Elevational Section A-A' through western pupils entrance and playground

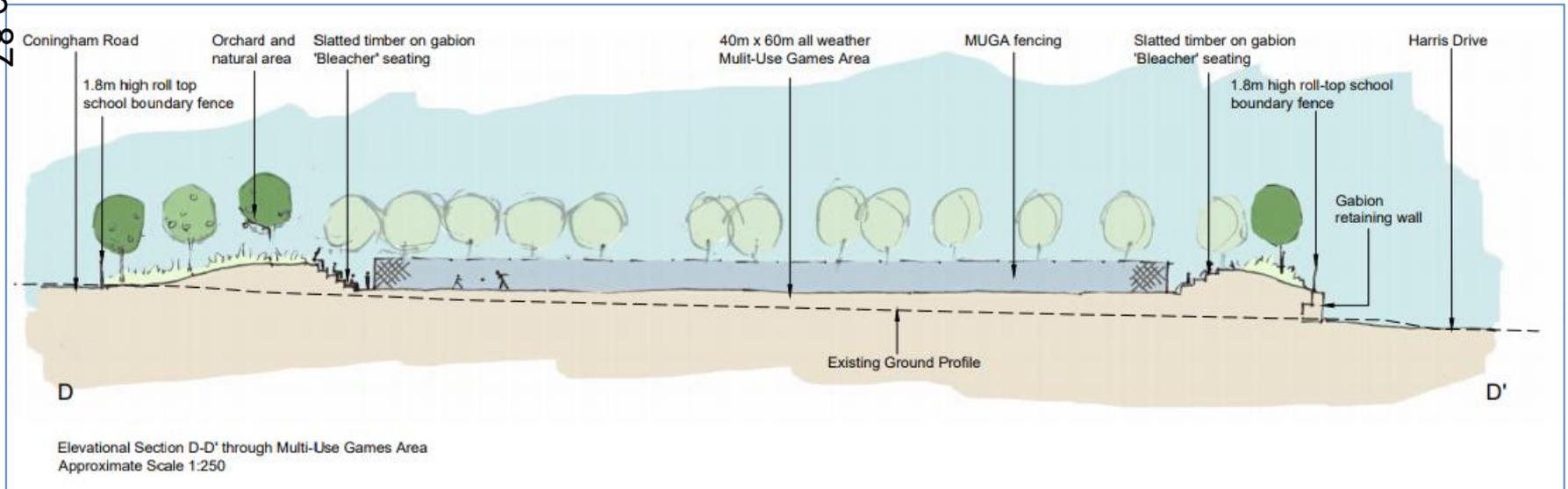


Elevational Section B-B' through dining terrace and outdoor classroom

Proposed Site Sections with Landscaping



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Site Photo – View of the site looking south east towards Harris Drive

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Site Photo – View towards the western boundary



Site Photo – View of the site looking south towards Harris Drive



Site Photo – View to the east towards Police Station and properties along Coningham Gardens



Site Photo – View towards existing car park and access along Coningham Gardens



Site Photo – View towards Harris Drive (south) from the junction of Coningham Road and Coningham Terrace



Site Photo – View of the site looking towards the western boundary



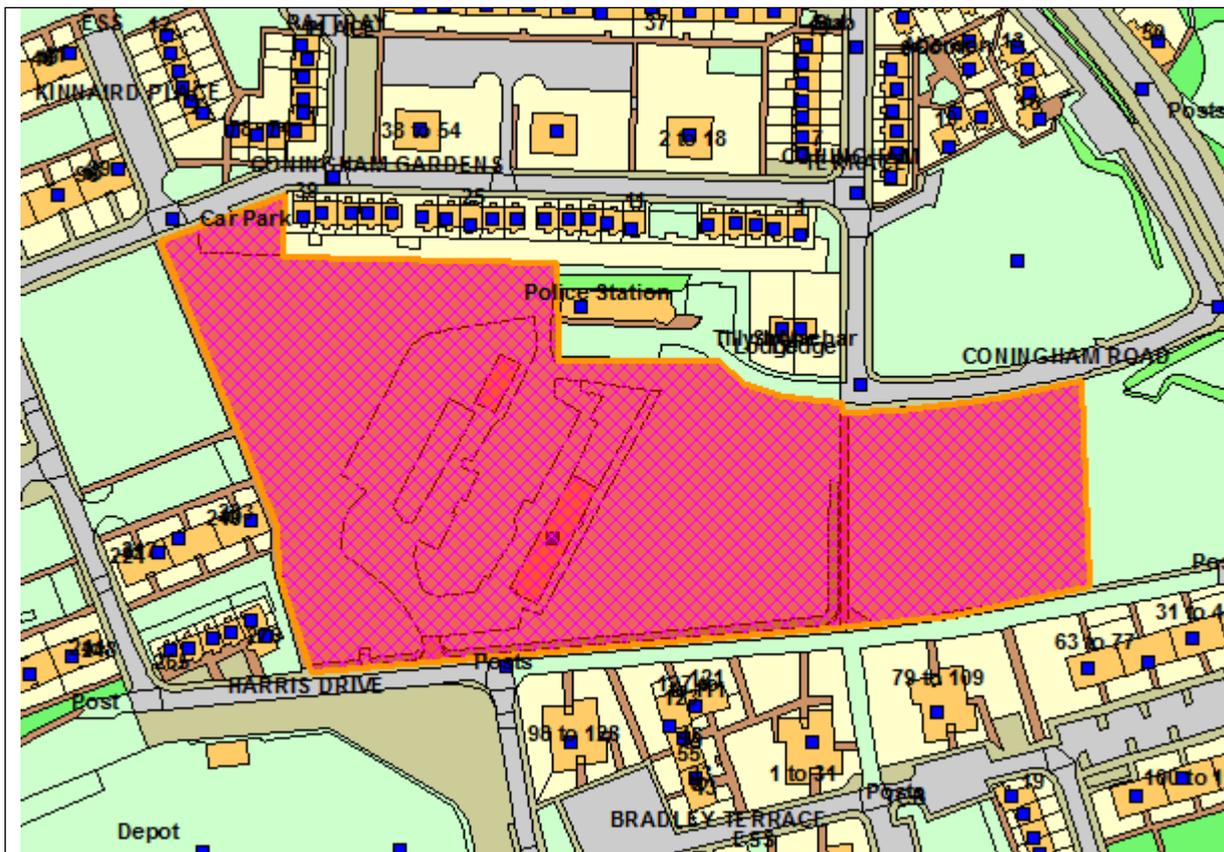


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 01 June 2020

| | |
|---------------------------------|--|
| Site Address: | Former Tillydrone Infant School Site, Coningham Gardens, Aberdeen |
| Application Description: | Erection of primary school with early years facility, associated 3G pitch, soft and hard landscaping, alterations to access and all associated works |
| Application Ref: | 200206/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 20 February 2020 |
| Applicant: | Aberdeen City Council |
| Ward: | Tillydrone/Seaton/Old Aberdeen |
| Community Council: | Tillydrone |
| Case Officer: | Aoife Murphy |



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RECOMMENDATION

Approve Conditionally with upfront payment of the contribution and inter-service agreement

APPLICATION BACKGROUND

Site Description

The site is located within the residential area of Tillydrone. The site previously accommodated the Tillydrone Infant School and part of the St Machar Primary School, both of which have been demolished and the site currently comprises a grassed piece of land with numerous trees scattered around the site.

The site is bound to the north by a car park, several residential properties and a police station, beyond which lies three public roads, Coningham Road, Coningham Terrace and Coningham Gardens, to the west by Formartine Road, more residential properties and public open space, to the south by Harris Drive, with both existing residential properties and a new residential development currently being constructed beyond that and to the east by the remainder of the vacant land. Beyond the bounding streets lies a mainly residential area with a varied mix of house types ranging from three-storey flatted blocks to single storey terraced sheltered housing.

The site itself has a gradual slope, with the highest point being to the north west and the lowest part being the south east. The site is split by an existing footpath towards the east of the site leading from Coningham Terrace to Harris Drive.

The site itself covers two allocations identified within the current Local Development Plan, the entirety of OP94 and part of OP90. Both fall within the residential zoning and are identified as forming part of the Strategic Infrastructure Plan Affordable Housing Programme. In terms of the recently published Proposed Local Development Plan, both sites are still allocated as OP94 and OP90, with both still falling within residential zoning however, they are now identified as the site for a new primary school and an education use and/or affordable housing, respectively. The allocation of the OP94 site for a new primary school is therefore in line with the current planning application.

In addition to the above, part of the site is also shown to be residential open space within the Open Space Audit 2010.

Relevant Planning History

191331/PAN - Proposal of Application Notice for a major development for construction of primary school – Further Consultation Required, 16 September 2019.

As required by the Development Management Regulations 2013, pre-application consultation meetings were carried out on the 24 and 25 September 2019. The outcome of these meetings is outlined in a pre-application consultation report and this will be evaluated further below.

141376 – EIA Screening Opinion for a residential development of approximately 184-270 affordable residential units including open space and landscaping – EIA Not Required, 17 September 2014.

141375 – Proposal of Application Notice for a residential development of approximately 184-270 affordable residential units including open space and landscaping – Further Consultation Not Required, 17 September 2014.

APPLICATION DESCRIPTION

Description of Proposal

Proposed is the erection of a new primary school which will be a mix of single and two storey elements. In addition to Primary accommodation, the building would also incorporate Early Years provision, also proposed within the site are substantial areas of soft and hard landscaping and a 'Multi Use Games Area' (MUGA) Given the existing topography of the site, the school will be cut into the land in an effort to minimise the visual impact. As such, when viewed from the south the full height of the development will be visible, whereas the north will appear to be reduced given the proposed ground level.

The building would be located towards the north west corner of the site, its footprint comprising three wings, which are slightly staggered. The north elevation would provide the main access to school at ground level. The west wing would be across two levels, the lower ground and ground level and would accommodate classrooms, plant rooms, kitchen, dining hall, gym, WCs and changing rooms. Some access to an upper level would be provided, but this would only be for plant maintenance.

The middle wing would also be across the lower ground and ground levels and would accommodate a number of staff related rooms and offices along with two early years activity rooms, classrooms and WC's. Finally, the east wing would be single level and be located on the lower ground level accommodating further classrooms. The roof of this wing would be utilised as a roof terrace and used as the early years external play area, access to which is gained from the ground level of the middle wing.

Vehicular access to the site would be formed in the north west corner with the existing access and car park altered and extended to provide additional parking and hardstanding along the principle elevation. A second access for emergencies/maintenance would be located at the junction of Coningham Terrace and Coningham Road (the existing access to the police station). Further pedestrian access points are proposed at a number of points along the west, south and north boundaries. In terms of access to the building, the main entrance on the north elevation would be for staff, visitors and parents' drop off for the early year's facility. Pupil entrances would be located within the courtyards of the south elevation, allowing for separate access from the south, effectively creating 'public' and 'private' pedestrian accessibility between the north and south.

The remainder of the site would encompass an area of hardstanding mostly to the south of the school, where an external dining area is proposed in the western portion and an outdoor classroom to the south east corner. To the east would be a grassed area with sensory garden and along the eastern boundary would be a MUGA.

Proposed external materials include zinc standing seam roof, a mix of brick, render and cedar cladding to the walls, aluminium framed glazing system, powder coated doors and Kalwall glazing. Colours of all materials have yet to be confirmed.

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=Q5OMMLBZFRT00>

- Design and Access Statement, submitted 14 February 2020
- Drainage Assessment, submitted 30 March 2020
- Energy and External Lighting Planning Statement, submitted 14 February 2020
- Noise Impact Assessment, Revision 1, submitted 29 April 2020
- Pre-Application Consultation Report, submitted 14 February 2020

- Transport Assessment, submitted 30 March 2020
- Tree Survey Report, submitted 14 February 2020

Reason for Referral to Committee

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

CONSULTATIONS

ACC - Developer Obligations – has advised that obligations to the sum of £2,864 for the Core Paths Network will be required.

ACC - Contaminated Land – has advised the Service has no objection subject to conditions regarding the submission of a site investigation and a scheme of remediation, if required.

ACC - Environmental Health – has reviewed the submitted Noise Impact Assessment and advise that its findings are considered acceptable. However, specification for the various plant and equipment required for the school has yet to be determined, therefore a further definitive assessment will be required. The Service has also advised that an odour impact assessment and lighting strategy are required. In relation to the Multi Use Pitch, the Service are advising that condition be used to restrict its use to ensure that residential amenity is not impacted. Overall, the Service has no objection subject to their comments on the above matters and suggested conditions.

ACC - Roads Development Management Team – has provided comments on aspects such as access, vehicle access and servicing, access for pedestrians, public transport and a travel plan framework. The Service has advised that it has no objection to the development subject to their comments and conditions.

ACC - Waste Strategy Team – has advised that the development would be classified as commercial and therefore receives business waste collection. As such, only general comments regarding this aspect can be provided. An Informative can be applied to the planning permission covering this.

Aberdeen International Airport (AIA) – has examined the development from an aerodrome safeguarding perspective and confirm that the proposal could conflict with Airport infrastructure unless a Bird Hazard Management Plan and Landscaping Plan are requested via conditions. The Airport also refer the applicant to advise on the operation of cranes. An Informative can be applied to the planning permission covering this.

Police Scotland – has reviewed the proposal and provided advice regarding the layout and the building itself. This consultee is satisfied that the development proposed comprises acceptable forms of security.

Scottish Environment Protection Agency – has advised that it has no objection subject to a condition requesting details of environmental enhancement measures within the development.

Scottish Water – has advised that there is sufficient capacity at the Water Treatment Works and the Nigg PFI Waste Water Treatment Works. Further investigation works will be required to be undertaken by Scottish Water and as such an application will require to be submitted to them.

Tillydrone 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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy I1 - Infrastructure Delivery and Planning Obligations

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 NE5 - Trees and Woodland

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

Planning Obligations
Transport and accessibility
Noise
Flooding, Drainage and Water Quality
Green Space Network and Open Space
Resources for New Development

Other Material Considerations

Local Development Plan Allocations:

OP94 - Tillydrone Primary School - Site of former Tillydrone Primary School. Forms part of the Strategic Infrastructure Plan Affordable Housing Programme.

OP90 - St Machar Primary School - Primary School is now vacant and surplus to requirements. Forms part of the Strategic Infrastructure Plan Affordable Housing Programme.

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The relevant policies related to this proposal area as follows:

Policy WB3 - Noise
Policy NE4 - Our Water Environment
Policy NE5 - Trees and Woodland
Policy D1 - Quality Placemaking
Policy R5 - Waste Management Requirements from New Developments
Policy R2 - Degraded and Contaminated Land
Policy R6 - Low and Zero Carbon Buildings and Water Efficiency
Policy H1 - Residential Areas
Policy CF2 - New Community Facilities
Policy I1 - Infrastructure Delivery and Planning Obligations
Policy T2 - Sustainable Transport
Policy T3 - Parking
Policy B3 - Aberdeen International Airport and Perwinnes Radar

Also relevant is the proposed allocations:

OP94 - Tillydrone Primary School - site for a new primary school.

OP90 - St Machar Primary School - an education use and/or affordable housing.

EVALUATION

Pre-Application Consultation

As part of the major application process, two pre-application consultation events were carried out on the 24 and 25 September 2019 at the Tillydrone Community Campus. The event was attended by a range of local residents and the community including both current and future parents of children at the current Riverbank School. Comments highlighted by the public, have been incorporated into the proposed development. The majority of comments were in support of the proposal.

Principle of Development

The site falls within the entirety of allocated sites OP94 and part of OP90 of the current 2017 LDP, both of which form part of the Strategic Infrastructure Plan Affordable Housing Programme and fall within residential zoning as designated by the LDP. However, within the Proposed LDP (March 2020), while both sites are still allocated as OP94 and OP90, OP94 is now allocated for a new primary school and OP90 for education use and/or affordable housing, with both sites still falling within residential zoning.

The content of the Proposed LDP now constitutes the settled view of the Council and is now a material consideration in the determination of this planning application. In this instance, weight can will be given to the content of the Proposed LDP, as the development of a new primary school on these sites is in full compliance with the relevant OP94 and OP90 allocations within this document. Council Services such as Housing were consulted on the changes to both OP94 and OP90 allocations within the Proposed LDP, as such it is the view of the Council that both sites are no longer required for affordable housing and would be suitable for a new school/education use.

With regards to local plan policies as the site and surrounding area is zoned for residential, Policy H1 - Residential Areas applies and as the development is for a new community facility, Policy CF2 - New Community Facilities is also required to assess the proposal. In addition, as the site is also designated as residential amenity in the 2010 Open Space Audit.

Policy 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. Policy 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.

In this instance, the proposed development will see a new primary school being erected on the site of two former primary schools and which is allocated within the proposed LDP for a new primary school and educational use, respectively. It is therefore considered that this site is an appropriate location for the proposed development, especially given its relatively central location within the wider Tillydrone residential area that it will serve. While the aspect of accessibility will be discussed further in this evaluation, it is considered that for the purpose of establishing the principle of development, this site is ideal for such a use and would be easily accessible to future staff and pupils. Furthermore, it is unlikely that the new development would result in a conflict with the existing amenity, but this aspect will be fully explored further in the evaluation below.

Overall, it is considered that the site can, in principle, satisfactorily accommodate a new primary school. While the issue of amenity and access will be fully assessed below, it is considered that the principle of development can be established and the proposal is in compliance with Policy H1 and CF2.

While part of the site is designated within the Open Space Audit as residential amenity space, consideration is required to be given to the proposed LDP allocations. So, while the development would result in the loss of this open space provision, the site was always earmarked for development

which is highlighted by the current and proposed allocations, which is a material consideration that outweigh the loss of open space.

Siting, Layout and Design

The siting, layout and design of the site and school will be assessed against Policy D1 - Quality Placemaking by Design. D1 requires development to have high standards of design with a strong and distinctive sense of place that has taken in the context of the surrounding area.

It is considered that the siting of the new school is appropriate and allows for ease of access off the existing public road. In terms of layout, siting the school towards the north west of the site means that the development is well related to existing buildings and the remainder of the site remains as open space for the school pupils. This allows for the benefit of having the hardstanding and grassed areas connected allowing for easy transition between the two areas.

Overall the design of the proposed school is considered acceptable. The school itself is of a modern design that both respects and enhances the existing character of the area. It is a contemporary interpretation of a school that encompasses three wings that have been slightly staggered from each other. Given the topography of the site, the building is split over a number of levels. From the north, the building appears to be single storey while from the south, all three wings appear to be different heights, adding further interest to the design and visual impact of the building. The design is enhanced by the use of three main materials to the external walls, which are brick, cladding and render. While the specification or colour of the materials require to be finalised, the agent has advised that it is intended to use colours like grey and off white. It is considered that these colours would work well given the context of the surrounding area.

In terms of the six essential qualities highlighted by Policy D1, 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 an open area visible from a number of different aspects and it is considered that the school has been designed/positioned in such a way that it successfully responds to this context and the character of the surrounding area through the use of appropriate materials which complement the surrounding residential area. Overall, it is considered that this development will be welcoming to all.

The development has been designed in such a way that it gives precedence to pedestrian movement, with vehicles restricted to the north west of the site. In addition, new pedestrian access points have been introduced along all boundaries, which will allow for easy access to the site from a number of different directions. Also, through the use of landscaping it will be clear how the open space can be defined and used. 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.

The development is for an educational use, however it is considered that the building proposed is adaptable and given the level of space available could be used for another purpose, such as a community use should it be required. Furthermore, outwith school hours the school grounds will be readily accessible to the public. In light of the foregoing it is considered that the development and site are both 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 limited detail provided with regards to the proposed finish it is necessary to request this information via condition. Nevertheless, it is considered that overall the proposal complies with Policy D1 - Quality Placemaking by Design.

Amenity

As per the requirements of Policy T5 – Noise, a Noise Impact Assessment has been submitted and reviewed by the Council's Environmental Health Service. The report highlights that a noise survey was undertaken at the site in order to ascertain existing noise levels in and around the site. The assessment outlines that operational activities relating to the development have also been undertaken. This includes operational transportation, building services noise, external learning space and noise from the MUGA. While the report outlines that the acoustic design proposals for the development will need be updated as the design evolves, due to the specification of some plant is yet to be confirmed, the assessment undertaken demonstrates that the necessary requirements of planning can be met, with respect to acoustics, noise and vibration.

Environmental Health has agreed that it is satisfied with the proposal in terms of noise, however in relation to the additional plant that will still be required, a further Noise Impact Assessment will be required to ensure that satisfactory levels of noise emissions can be achieved at sensitive receptors. This additional plant will also include details of the ventilation for the proposed kitchen as its specification is still outstanding. Given that overall the development is unlikely to cause any issues with regards to noise, it is accepted that this information can be requested via condition.

In terms of the noise emanating from the proposed MUGA, while the Council operates an open grounds policy to the school grounds outwith school hours, this does not extend to MUGAs. This area will only be available to the public on pre-booked basis and as such it will not be freely available. Given the proximity to existing housing to the south, it is considered appropriate to condition the pitch's hours of use, in order to ensure residential amenity is not impacted upon. Environmental Health are agreeable to this and this approach is standard practice for a development of this nature.

With regards to lighting, no information has been submitted at this time, but it is recognised that 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 lighting will comply with the relevant standards through the submission of a further report. It is considered that this can be secured by condition.

Overall, the information submitted with this application is considered to be acceptable and sufficient to allow the Planning Service to undertake an assessment against the aspect of amenity. It is considered that, while the school lies adjacent to residential properties, no undue impact is expected, as such it is considered that the development complies with Policy T5.

With regards to odour, the school kitchen, and therefore the ventilation, has yet to be designed and as such no plant has been specified. However, given the end use, Environmental Health considered the risk of adverse impact from malodour is very low, as such the Service is satisfied that this information is not required to assess this application at this time. However, the Service will need to ensure that the proposed plant is acceptable as such, an Odour Impact Assessment will be required prior to the building being brought into use. This can be secured with the use of an appropriate condition.

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, the existing access off Coningham Gardens will be utilised to serve the proposed development, however, it is noted that the access will be slightly relocated and widened. The swept path analysis contained within the Transport Statement shows that the newly widened access would be sufficient to serve the development.

In terms of parking, 48 spaces (including 3 disabled/accessible spaces) have been proposed, based on the current number of staff, this is considered acceptable. While the Service is aware that due to the capacity of the school the staff numbers may change, it would not be so significant to require additional spaces. In addition, given the site's accessibility by other modes of transport, the aspect of parking is considered acceptable.

The development proposes a sufficient number of sheltered cycle spaces from both staff and pupils, 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 within 150 to 200m of the various access points.

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. 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 site's location, 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

In light of the sensitive end-use of the proposed development and the fact that the site has been subject to previous development, it is considered likely that there may be areas of ground with some potential for contamination, particularly from previously demolished buildings. As such a site investigation is therefore recommended and should include analysis for the presence/absence of asbestos fibres, given the age of the previous school. Contaminated Land has advised that they would review a scope of works for the proposed site investigation in advance of any investigation being undertaken, in order to ensure an appropriate scale of investigation is undertaken. It is considered by the Planning Service that this is an appropriate course of action with the assessment being requested via condition and prior to the commencement of development. Subject to the results of that investigations the proposal is deemed to comply with Policy R2 - Degraded and Contaminated Land.

Flooding and Drainage

A drainage assessment was undertaken on this site and has advised that there are existing private drains within the site serving the existing development and that any existing drains encountered during construction are to be diverted or removed/abandoned as required. In terms of public infrastructure, there are existing combined sewers and an existing culvert within Harris Drive to the south of the site.

With regards to the proposed development, foul drainage from the proposed development will discharge via new gravity drains and a disconnection chamber to the existing combined sewer within Harris Drive. While surface water run-off from both the building and parking area will be discharged

via a stone filled filter trench to the new cellular storage attenuation tank. The tank will discharge at a restricted rate via an outlet control manhole and disconnection chamber to the existing culvert within Harris Drive.

The details within the assessment have been reviewed and are found to be acceptable. As such the proposal is considered to comply with Policy NE6 - Flooding, Drainage and Water Quality.

Trees and Landscaping

Several trees can be seen on the site, as such a tree survey has been undertaken and submitted for review. It has identified seven trees that should be felled for either woodland management or health and safety. Younger trees have been grouped in to four areas, a number of these trees will be affected by the school or the car park area. However, they are of a size that they could be readily moved to an area that would not be affected by the development. This is considered an appropriate option, which would allow the development to proceed whilst also retaining the trees. In terms of tree protection, fencing is proposed to be erected and this is considered necessary and acceptable for the duration of construction.

While there would be a loss of some trees, in light of the details within the tree survey, this is considered appropriate and may have happened whether the development was taking place or not. The movement of the smaller trees is also necessary as there is no suitable alternative for this school site, however, should the movement and replanting of existing tree stock fail, compensatory planting would be sought to ensure that woodland features on this site is retained. Overall, the development is considered acceptable when assessed against Policy NE5 - Trees and Woodland.

With regards to landscaping of the site, details have been submitted and overall the proposed works are acceptable, however some amendments are required to ensure that the site is accessible to all and the site is appropriately screened. As such, it is considered necessary to request an amended landscaping scheme via condition. With the use of this condition, we can ensure that the trees mentioned above are re-planted in appropriate locations or compensatory planting shown.

Developer Obligations

Upon assessing the development with regards to the criteria with Policy I1 - Infrastructure Delivery and Planning Obligations and its Supplementary Guidance, it has been deemed appropriate to request obligations towards the Core Path Network, to the sum of £2,864. The agent has advised that they are agreeable to this.

Aberdeen Airport

Aberdeen Airport has advised that the development could conflict with the safeguarding criteria unless two condition are attached requesting a Bird Hazard Management Plan and a Landscaping plan, both of which will require to be agreed with the Airport. The Planning Service find this request acceptable and should the application be granted these conditions would be attached. With the use of these conditions, it is considered the proposal complies with Policy B4 - Aberdeen Airport.

Other Matters

A bin store has been denoted on the submitted site plan to the north east corner of the proposed car park. The location is acceptable to Roads Development Management in terms of waste collection, while Waste Strategy has provided general comments in relation to waste collection for commercial premises. The information is acceptable and it is considered that the development would be adequately serviced as per the requirements of Waste - 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. While some information has been submitted is it considered necessary to condition further details with regards to the Energy Statement and Water Efficiency, in order to ensure compliance with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Heads of Terms of any Legal Agreement

As mentioned above contributions are required towards the Core Path Network. Heads of Terms have been agreed and the obligations would be secured by an upfront payment and an inter-service agreement, subject to the application being recommended for approval.

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.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the site is to be allocated as OP94 and OP90, now identified as the site for a new primary school and an education use and/or affordable housing, respectively within the Proposed Plan. This is a material consideration of weight that is required to be taken into account in the assessment of this application. In terms of the Proposed Plan, the development is acceptable and in full compliance with the future allocation. All other relevant policies in the Proposed Aberdeen Local Development Plan 2020, that have been highlighted above, substantively reiterate those in the adopted Local Development Plan. As such the proposal is acceptable in terms of both Plans for the reasons previously given.

Conclusion

While the development is not fully in compliance with the allocations within the current Aberdeen Local Development Plan 2017, material weight is required to be given to the proposed Aberdeen Proposed Local Development Plan 2020, in which two new allocations now designate the site as being suitable for a new primary school and an education use and/or affordable housing. As such a new school in this location is acceptable. It is considered that all aspects of the proposal have been addressed throughout this report and overall the Planning Service is satisfied with the development that is proposed and is therefore recommending that this application be approved subject to condition and the conclusion of a suitable legal agreement.

RECOMMENDATION

Approve Conditionally with upfront payment of the contribution and inter-service agreement

REASON FOR RECOMMENDATION

The development is proposed within allocations of OP94 and OP90 of the Proposed Local Development Plan 2020 and meets the requirements of Policy H1 - Residential Areas and Policy CF2 - New Community Facilities of the Aberdeen Local Development Plan 2017. The development will not impact on the residential amenity of the area. While the development would be sited on open space, the development site is allocated for development within both the current and proposed local development plans, which materially outweighs the loss of open space. It is concluded that the loss of green space is justified given that the development would provide a number of benefits and would be sited in a convenient location for those it would serve.

Overall, the design of the development is considered acceptable in terms of Policy D1 - Quality Placemaking by Design. Satisfactory access and parking will be provided in the site as required by Policy T2 - Managing the Transport Impact of Development. Given the site's location in relation to the pupil's that the school it would serve the proposal is deemed to comply with Policy T3 - Sustainable and Active Travel. Compliance with Policy B4 - Aberdeen Airport can will be dealt with

via conditions.

While the site will result in the loss of some trees, this has been justified and any remaining younger trees can be re-planted in appropriate locations. As such the proposal is compliant with Policy NE5 - Trees and Woodlands. The proposal ensures that sufficient surface water drainage can be accommodated within the site and as such complies with Policy NE6 - Flooding, Drainage and Water Quality. Given the previous use of the site, it is considered necessary to request the submission of a site investigation as a condition as required by Policy R2 - Degraded and Contaminated Land to ensure the site poses no risk. Sufficient facilities have been provided with regard to waste provision as per Policy R6 - Waste Management Requirements for New Development Finally a condition will ensure further information be submitted in order to comply with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency.

Overall, the development is considered acceptable and in compliance with the relevant policies of the Aberdeen Local Development Plan 2017 and the associated Supplementary Guidance. The development is also considered to comply with Policy WB3 - Noise, Policy NE4 - Our Water Environment, Policy NE5 - Trees and Woodland, Policy D1 - Quality Placemaking, Policy R5 - Waste Management Requirements for New Developments, Policy R2 - Degraded and Contaminated Land, Policy R6 - Low and Zero Carbon Buildings and Water Efficiency, Policy H1 - Residential Areas, Policy CF2 - New Community Facilities, Policy I1 - Infrastructure Delivery and Planning Obligations, Policy T2 - Sustainable Transport, Policy T3 - Parking and Policy B3 - Aberdeen International Airport and Perwinnes Radar. In light of the above there are no material considerations that warrant refusal of the 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.

Hours of Use

The All-Weather Sports Pitch hereby approved shall only be used (excluding maintenance) by the school or for pre-arranged lets to other persons during the period from 9am to 8pm on Mondays to Fridays and from 10am to 8pm on Saturdays and Sundays and shall not be used outwith these times by the school or by any other person for any purpose.

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 on the specific building services plant 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.

Odour

The building hereby approved shall not be brought into use unless an odour impact assessment has been undertaken once the kitchen design has been established. This assessment 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 shall be implemented prior to the building being brought into use and retained in perpetuity.

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

Lighting Strategy

The development hereby approved shall not be brought into use 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.

Traffic Restrictions

The building hereby approved shall not be brought into use unless the existing traffic management signage within the surrounding road network have been implemented. The extent of the works shall be agreed with the Council's Traffic Management Team.

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

Travel Plan

The development 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.

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 Assessment, prepared by Fairhurst, dated March 2019 (project reference 132043). 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 re-planted trees or compensatory planting.
- c) The location of new trees, shrubs, hedges and grassed areas.
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- e) The location, design and materials of all hard landscaping works including walls, fences, gates, and play equipment.
- f) An indication of existing trees, shrubs and hedges to be removed.
- g) 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.

Tree Protection

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, plan reference TPS-2002-TP. 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.

Environmental Enhancements

No works in connection with the development hereby approved shall commence unless a scheme of environmental enhancements has been submitted to and approved in writing by the planning authority in consultation with the Scottish Environmental Protection Agency. Once approved the scheme shall be implemented in full.

Reason: To ensure the offset of environmental impacts and contribute to and enhance the natural environment and support Policy D1 – Quality Placemaking by Design.

Site Investigation

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site which has been submitted to and approved in writing by the planning authority.

The scheme shall follow the procedures outlined in “Planning Advice Note 33 Development of Contaminated Land” and shall be conducted by a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. An investigation to determine the nature and extent of contamination
2. A site-specific risk assessment
3. A remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. Verification protocols to demonstrate compliance with the remediation plan

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

Scheme of Remediation

No building on the development site shall be brought into use unless:

1. Any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan, or that otherwise has been required by the planning authority in writing, is being undertaken; and
2. A report specifically relating to the building has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building have been carried out, unless the planning authority has given written consent for a variation.

The building on the application site shall not be brought into use unless a report has been submitted to and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan.

Reason: To ensure that the site and its buildings are suitable and fit for use by humans, and is free of contamination, or hazardous substances for human beings.

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 brought into use 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>)

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



01.06.2020

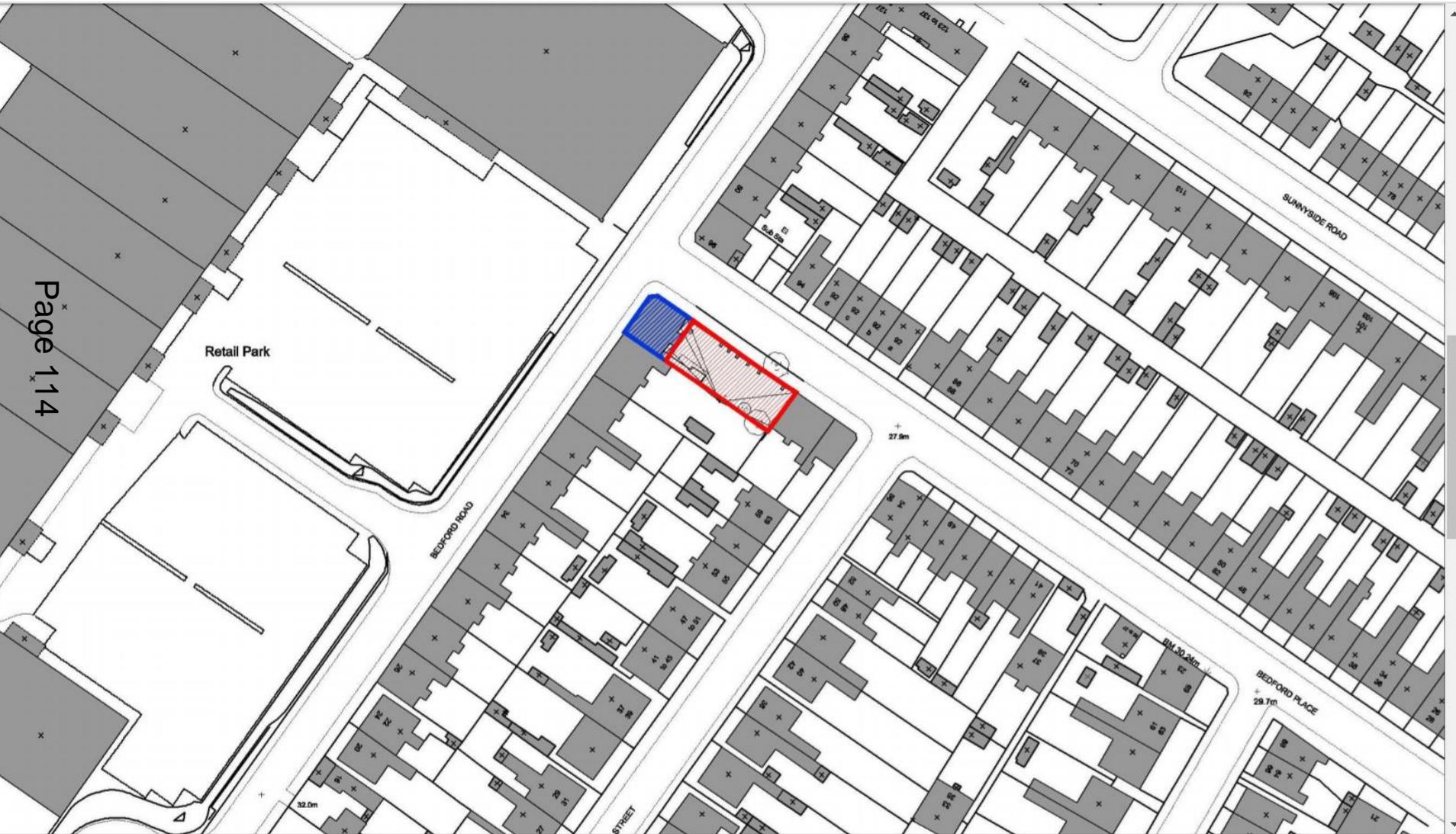
Erection of 6 residential flats with associated landscaping

Land to Rear of 44/46 Bedford Road, Aberdeen

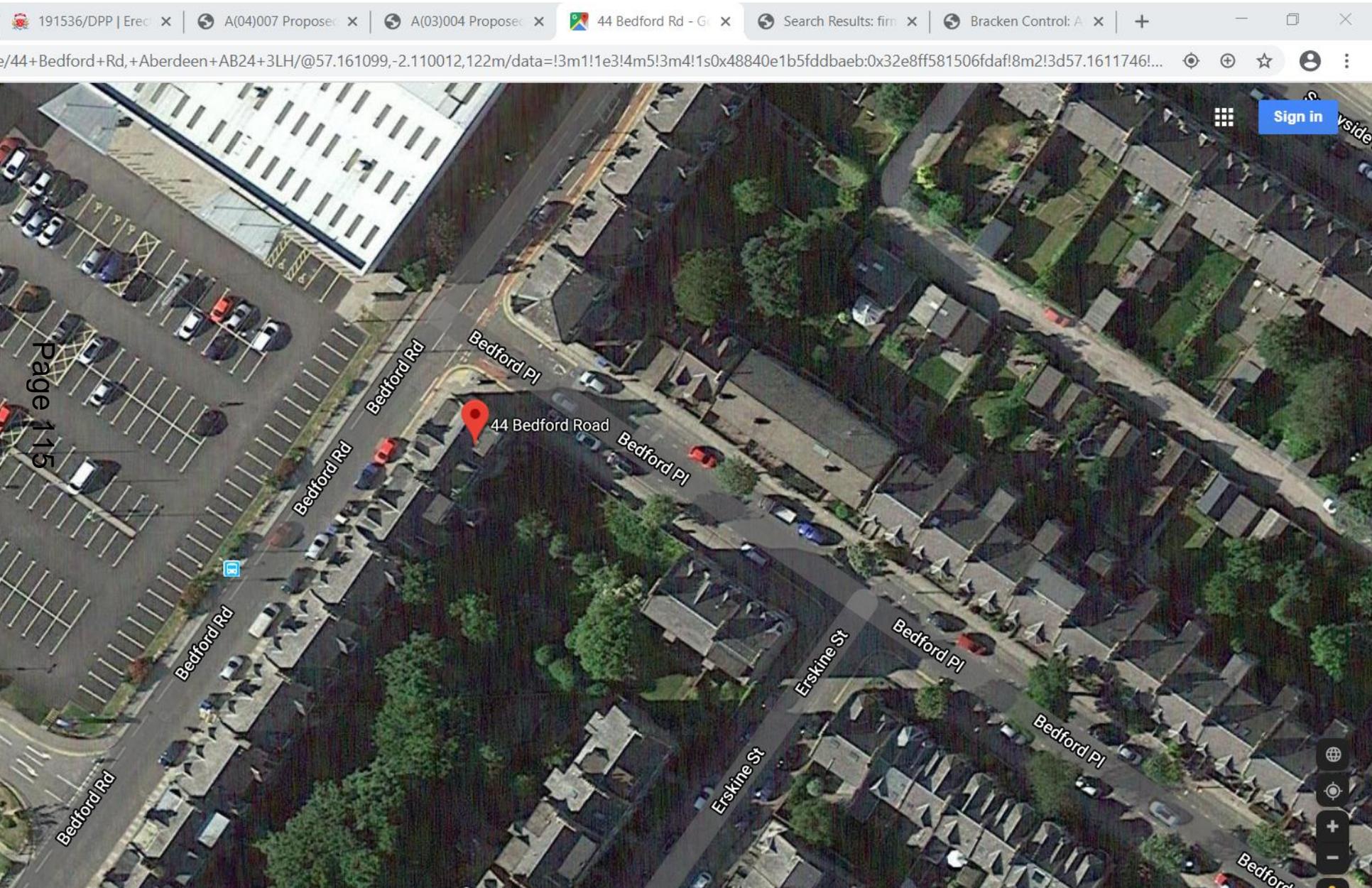
Application for Detailed Planning Permission

Application Reference Number : 200303/DPP

Location Plan



Aerial Photo



Page 115

Bedford Place (looking West)

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Bedford Pl
Aberdeen, Scotland
Google
Street View

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Bedford Place (looking South)

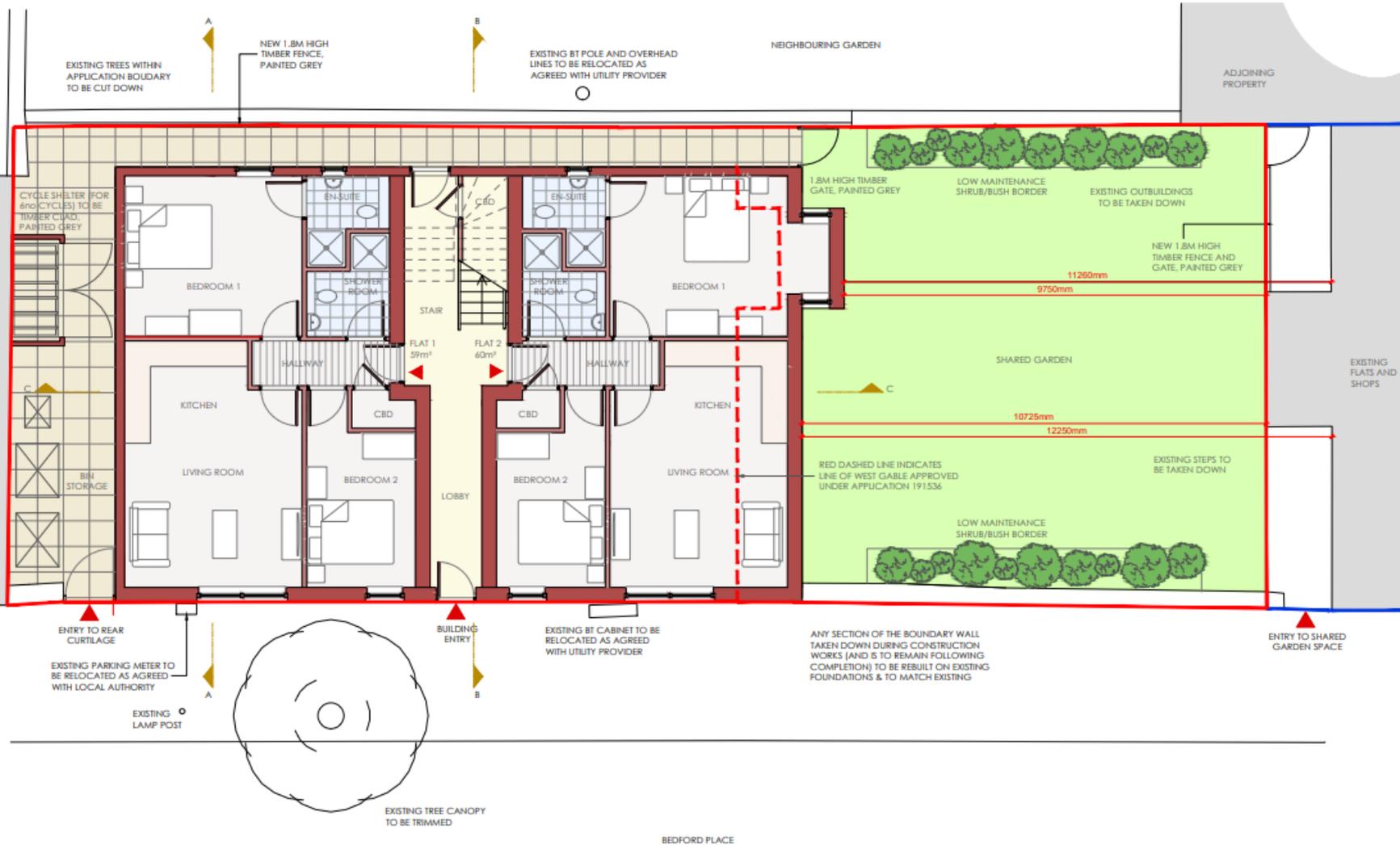


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Proposed Site Plan



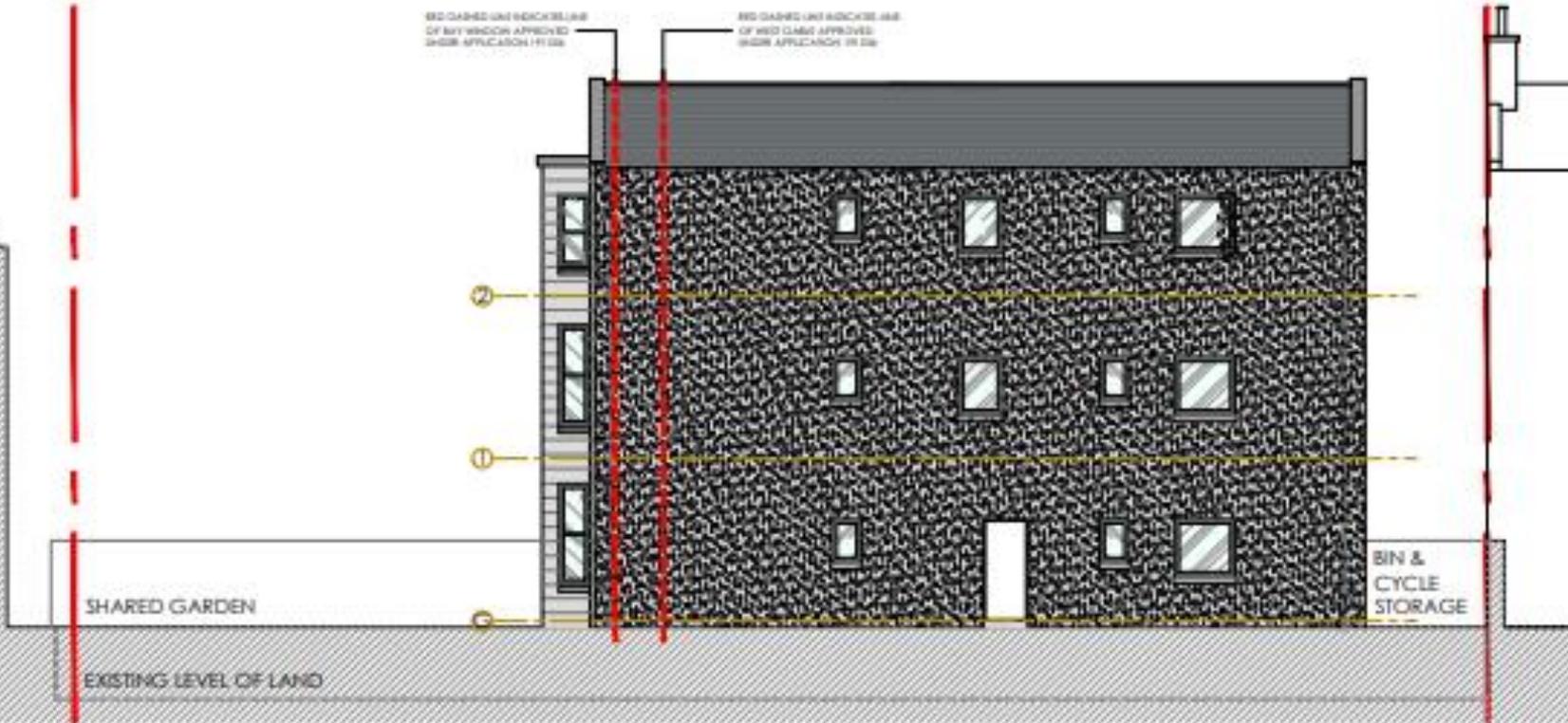
Proposed Ground Floor Plan



Proposed Front Elevation



Proposed Rear Elevation



Proposed North (Front) Elevation – as approved



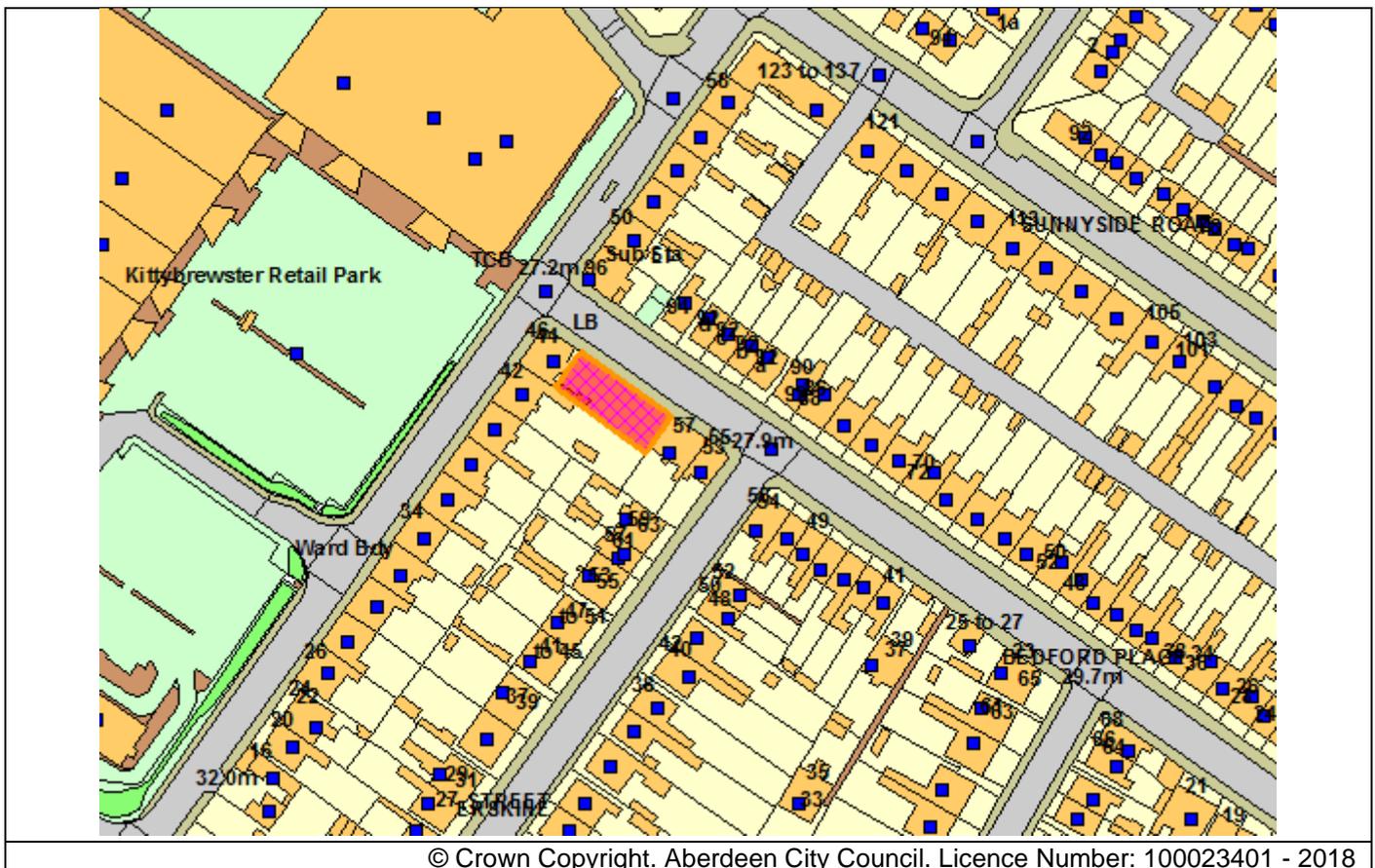


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 June 2020

| | |
|---------------------------------|--|
| Site Address: | Land to the rear of 44/46 Bedford Road, Aberdeen, AB24 3NS, |
| Application Description: | Erection of 6no. residential flats with associated landscaping |
| Application Ref: | 200303/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 5 March 2020 |
| Applicant: | George Taylor ASA |
| Ward: | George Street/Harbour |
| Community Council: | Froghall, Powis And Sunnybank |
| Case Officer: | Robert Forbes |



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RECOMMENDATION

Willingness to approve conditionally subject to securing a legal agreement to deliver developer obligations towards the car club

APPLICATION BACKGROUND

Site Description

The site comprises the garden ground of the tenement at 44/46 Bedford Road. This is a 3 storey Victorian tenement of granite and slate construction occupied by flats and a redundant shop on the corner with Bedford Place. It fronts onto and is accessed from Bedford Road and has windows to the rear.

Bedford Place is a relatively quiet minor through road in the city. The site and adjacent streets to the south do not lie within a controlled parking zone (CPZ), however Bedford Place forms part of the southern edge of Old Aberdeen CPZ. Parking takes place on each side of the road, but there is still sufficient width to allow opposing vehicles to pass safely. Bedford Road is a bus route and has limited car parking due to the presence of advisory cycle lanes.

Relevant Planning History

| Application Number | Proposal | Decision Date |
|--|----------------------------------|---------------|
| 191536/DPP Approved at PDMC subject to s.69 legal agreement | Erection of 6 flats | 25.02.20 |
| 181541/DPP Approved at LRB subject to s.75 legal obligation | Erection of 6 flats | 29.11.19 |
| 180555/DPP Decision pending s.69 | Erection of 4 flats | --- |
| 171410/DPP Approved at LRB | Erection of 4 flats | 17.05.18 |
| 141664 | Erection of 8 flats with parking | Withdrawn |

APPLICATION DESCRIPTION

Description of Proposal

Erection of 6 flats within the rear garden ground of the tenement at 44/46 Bedford Road. The 3 storey building would front onto, and be accessed from, Bedford Place. Its front and north-west (gable) elevation would be clad with granite. Other elevations would be finished in granite chip roughcast. The mansard roof would be clad with slate. Windows would be focused on the front and rear elevations with the front window proportion and floor to ceiling heights matching those of the adjacent tenement. All flats would be 2 bedroomed and accessed via a communal stairwell. No details of landscaping are provided. The western section of the site would include an area of communal external garden ground which the applicant has advised would be accessible to existing and proposed occupants. It is proposed to elevate the garden and building ground level significantly above existing ground level by infilling the garden around 1.5m. Bin and cycle storage would be provided on a hard-surfaced area at the gable / east end of the site. This would be accessed from the street via a gate. No car parking is proposed on site.

A similar proposal was refused under delegated powers and subsequently approved by the Local Review Body in 2019. In essence, the current proposal is to enlarge (elongate) the footprint of the consented building (with minor elevational changes) resulting in increased proximity to the tenements on Bedford Road. There would be a minor increase in the length of the building by 1.5m overall and an increase in the solid to void ratio of the front and rear elevations. The extent of additional floorspace would be 15 square metres. The relationship with the adjacent tenement on Bedford Place would remain identical to that recently consented by approval 191536/DPP. No change to the height or design concept of the consent are proposed. Some windows on the rear elevation would be increased in size (widened from 0.9m to 1.25m).

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=Q6Q1LEBZGED00>

Design statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the Roads Development Management Team and the recommendation is approval.

CONSULTATIONS

ACC - Roads Development Management Team – Note that the site is well connected by footpath, cycle route and public transport links. Advise that in terms of ACC parking standards, the development would require 9 car spaces but could result in potential for 12 additional residential permits to park within the adjacent controlled parking zone (CPZ) (operational between 10am and 4pm, Monday to Friday). Residents would be entitled to apply for 2 on-street parking permits which could add to existing parking pressures. The directly adjacent and nearby streets which fall outwith the CPZ already encounter significant parking pressures due to the parking being uncontrolled and neighbouring residents within the CPZ opting to park on these streets. Introduction of these new units would, either by obtaining on-street parking permits, or opting to not pay for parking permits and utilise the neighbouring streets, exacerbate the existing and finite parking within this area – both in the CPZ and the adjacent area outwith the CPZ which could lead to further indiscriminate parking.

Object to the proposal due to likely increased indiscriminate car parking pressure in the surrounding area. Advise that there is no way to minimise the number of cars owned by the residents, and this will have an adverse impact on the amenity of neighbouring streets through an increase in on-street parking pressure.

ACC - Developer Obligations – Request affordable housing provision / contribution in lieu of such provision on site, and developer obligation contributions in relation to enhancement of Health (£2,770), Open Space (£878) and Primary Education facilities (£2,635). Note that, in light of the planning decision on 181515/DPP, it was not considered reasonable to require the primary education, healthcare, open space or affordable housing contributions when planning ref 191536/DPP was approved. Appreciate that this background/context might also have a bearing on any decision about whether it would be reasonable to require such contributions from this application.

ACC - Education – Advise that the development is likely to result in additional pupil capacity being required at Sunnybank Primary School, and a contribution from the developer should therefore be requested in order to cover the cost of creating this additional capacity.

ACC - Housing – Advise that, as per ACC affordable housing policy, 25% is required to be provided as affordable. In light of the current housing market, the preference is for a commuted sum (i.e. £57,000).

ACC - Waste Strategy Team – No objection. Recommend that a condition is imposed requiring provision of refuse / recycling bins.

Froghall, Powis and Sunnybank Community Council – No response 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 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development.

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.

The SDP is now 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 SPP.

The Aberdeen City Local Development Plan 2017 (ALDP) will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan 2017 (ALDP)

D1: Quality Placemaking by Design

D2: Landscape

D5: Our Granite Heritage

H1: Residential Areas

H5: Affordable Housing

NE4: Open Space Provision in New Development

NE6: Flooding, Drainage & Water Quality

R6: Waste Management Requirements for New Development

R7: Low & Zero Carbon Building & Water Efficiency
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel

Supplementary Guidance (SG) and Technical Advice Notes

Sub-division & Redevelopment of Residential Curtilages
Resources for New Development
Transport and Accessibility
Affordable Housing
Flooding, Drainage and Water Quality
Planning Obligations
Landscape

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. It constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. In this case similar zoning and topic polices apply to those identified above,

EVALUATION

Principle of Development

The principle of erection of a 6-unit flatted development on the site, of similar scale, massing, internal layout and design to that now proposed, has been established by the granting of detailed planning permission ref. 181541/DPP and 191536/DPP. Both of these permissions remain valid. Setting aside the matter of development of garden ground, as addressed below, the introduction of additional flats within a built-up area of the city on an accessible site accords with the objective of sustainable development as expressed in SPP. Due to the small scale of this proposal, it is considered to raise no strategic matters, such that SDP is of limited weight in this instance.

Amenity

Policy H1 of the ALDP supports new residential development in residential areas, provided that (amongst other things) it would not constitute overdevelopment; would not have an unacceptable impact on the character and amenity of the surrounding area; and would otherwise comply with supplementary guidance. The most relevant supplementary guidance deals with the sub-division and redevelopment of residential curtilages. It includes that new dwellings resulting from curtilage splitting should be in keeping with the spatial character and built form of the surrounding area. The principles it sets out include: respect for the established relationship between buildings and their gardens; complementing the scale of surrounding properties; respecting density by generally not building on more than a third of the total area of the existing curtilage; respecting the existing building line; having separation between dwellings similar to that predominating on the street; and keeping to the height of adjoining dwellings. Further supplementary guidance on householder development includes requirements for privacy separation between dwellings and a method for assessing daylight and sunlight impacts.

It is acknowledged that the development would result in loss of existing garden ground. Both that

and the wider issue of overdevelopment are relevant material considerations. However, the loss of garden ground has previously been accepted by approval of the previous applications. The nature, density, height and building line of the development is identical to that approved under 191536/DPP. Whilst there would be a marginal increase in site coverage resulting from the revised proposal, (with the extent of hard surfacing increasing from 58 % of the site to 63%) this is not considered to be so significant that it warrants refusal on grounds of overdevelopment, for the reasons below.

There would be no material change to the relationship with adjacent facing windows. Although the proposal would result in a slightly reduced separation with the parent tenement compared to the approval, (i.e. a reduction of 1.5m) there would be adequate separation in terms of daylight and sunlight impact to that property. There would be a marginal increase in site coverage and massing and loss of the existing garden due to the revised proposal, but this would have no significant adverse impact on amenity.

Although the rear of the flats would overlook adjacent garden ground at close quarters, this would also have occurred with the consented scheme. The proposal would have increased upper floor bedroom window proportions on the rear elevation and would therefore potentially result in increased overlooking of adjacent garden ground relative to the previously consented schemes. However, it is considered that this marginal change does not justify refusal.

Although it is proposed to elevate the garden ground above existing ground level by infilling it around 1.5m, so that there is potential for increased overlooking of neighbours from the garden, this was also proposed under planning permissions 181541/DPP and 191536/DPP. The proposal indicates that screen planting / hedges would be provided along its boundary with the adjacent tenement garden and the street, thereby minimising overlooking of adjacent garden ground. Details of the treatment of site boundaries can be required by condition to protect visual amenity and privacy.

In essence, in terms of overlooking and amenity, the current proposal is considered to have similar impact to the previously approved schemes. Notwithstanding the expectations of policy H1 and related SG regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permissions, it is considered that there is no justifiable reason for the refusal of the revised design on the grounds of impact on existing residential amenity and an adequate level of amenity would be created for occupants of the development.

Design

Policy D1 of the ALDP is a high-level place-making policy. It expects development to ensure high standards of design and have a strong and distinctive sense of place. Further detail is found in supplementary guidance, including that above.

The design concept is directly influenced by the tenement to the east and the proposed building would have identical wall-head and ridge heights and be of the same mansard form as this adjacent tenement. Only minor changes to the consented design are proposed and the site is not located within a conservation area. As there is no uniformity of the existing streetscape of Bedford Place, with a range of building forms evident, it is considered that the proposed detached building, which is visually similar to the approved frontage, would cause no additional harm to the streetscape. Although the proposal would result in marginally reduced separation with the parent tenement compared to the approval (i.e. a reduction of 1.5m), this change is unlikely to be visually apparent and is therefore considered acceptable in terms of policy D1.

The rear elevation would not be visible to the public. It is considered that the front and gable elevations which are visible from the street are well designed as they would relate well to the proportions, building line and form of the adjacent tenement. The proposed use of natural granite on the publicly visible elevations of the building would accord with policy D5 and is to be applauded. The detailed appearance of the granite to be used on these elevations and the front boundary wall

can be controlled by imposition of a condition.

No details of landscaping have been provided as expected by policy D2 and related Landscape SG, however, the development is of similar layout and plan to that approved and for which no details of landscaping were required. The north-western section of the site would include an area of communal external garden ground which the applicant has advised would be accessible to existing and proposed occupants and it is expected that this would be managed by the residents or a factor. A suspensive condition can be imposed to address provision of such open space and the provision of landscaping/ planting.

Traffic / Parking

Policy T2 expects new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Supplementary guidance on transport and accessibility includes parking standards for residential development and supports low or no car development where there is evidence to show that car ownership and use will be low enough. Notwithstanding that the level of car parking does not accord with the Council's guidance regarding car parking, and no evidence has been provided regarding car ownership / parking pressure in the surrounding area, the previous approvals are a significant material consideration which weigh in favour of approval. As no car parking is proposed and adequate pedestrian access to the development and ancillary cycle parking would be provided on site, it would accord with the objective of policy T2. It is noted that Bedford Place forms part of the southern edge of Old Aberdeen CPZ and prospective residents of the development would be eligible to apply for parking permits.

ACC Transport and Accessibility Supplementary Guidance document states:

“In...Inner City locations, low and no car development may be acceptable...In Outer City locations it is unlikely” (n.b. this site is on the border of the inner and outer city). “when considering the suitability of a site for no car parking...it can be demonstrated through a Travel Plan that significant measures will be undertaken to minimise the number of cars expected to travel to/from the site”.

In this case no travel plan has been provided but this has not been requested in light of the previous approvals. Notwithstanding that ACC Roads Service object to the development due to the absence of car parking provision on site and likely increase in parking pressure in the surrounding area, the intensity and scale of development is no greater than that approved under 181541/DPP and 191536/DPP. The likely traffic impact of the proposed development would therefore be identical to that resulting from the approved development and there has been no change in the physical context of the site or wider planning policy context. It would therefore be inappropriate to refuse planning permission on the grounds of traffic impact, subject to revision of the existing s.75 agreement (requiring car club contributions) to include reference to the current application or the applicant entering into a fresh legal agreement.

Contribution to the car club, as previously agreed, would have the potential to mitigate the likely adverse impact of the development in terms of generation of increased car parking pressure in the surrounding area. Such contributions are identified as an acceptable mitigation option within ACC SG regarding Transport and Accessibility (para 3.3) and within ACC SG regarding Planning Obligations (table 2 – whereby a figure of £400 per unit is identified). A total contribution figure of £2400 has previously been agreed in relation to applications 181541/DPP and 191536/DPP.

Flood Risk / Drainage

The site, and adjacent land within the rear garden of the tenement to the south, is identified within the SEPA flood maps as being of medium risk of flooding due to surface water. However, as the site

is not affected due to coastal or river flooding, there is no statutory requirement to consult SEPA in this instance. Although the development could result in increased risk to adjacent property (due to infilling of the existing garden ground), the proposed development is of the same scale and nature as that which has been recently approved (191536/DPP), notwithstanding the marginal increase in site coverage, and for which no flood risk assessment was required. It would therefore be unreasonable to require such assessment to be undertaken at this stage.

No details of SUDS / Drainage Impact have been provided, as is expected to be provided on site to accord with policy NE6 and Flooding, Drainage and Water Quality SG. However, as this was not required to be the provided or delivered in association with the approved development, it would be unreasonable to refuse the development on the grounds of failure to provide such information.

Developer Obligations / Affordable Housing

Notwithstanding the requested developer obligation contributions, including the request for contribution in lieu of affordable housing provision on site, the proposed development is of the same scale and nature as that which has been approved (181541/DPP and 191536/DPP) and for which no developer obligation contributions were required. Given that both permissions remain valid and there has been no subsequent material change in the planning policy context or physical context, they have significant weight as material considerations. It would therefore be unreasonable to now require the requested developer obligation contributions, or to refuse the development on such grounds.

No affordable housing would be provided on site, as expected to be provided to accord with policy H5 and Affordable Housing SG. However, as this was not required to be the provided or delivered in association with the approved developments and no such developer contribution was required in association with those approvals, it would be unreasonable to require such provision now or refuse the development on such grounds.

Other Technical Matters

No public open space would be provided on site, as expected to be provided to accord with policy NE4: Open Space Provision in New Development and related SG. However, as this was not required to be provided or delivered in association with the approved developments and no such developer contribution was required in association with those approvals (e.g. in relation to enhancement of off-site open space) it would be inappropriate to require such provision now or refuse the development on such grounds.

No details of micro-renewable energy, or low and zero carbon energy, or water efficiency technology have been provided, as expected to be provided on site to accord with policy R7 and Resources for New Development SG. However, as this was not required to be the provided or delivered in association with the approved developments it would be unreasonable to refuse the development on the grounds of failure to provide such information.

Adequate bin storage could be accommodated on site in accordance with the expectation of policy R6.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

Heads of Terms of any Legal Agreement

In the absence of variation of the s.75 legal agreement associated with 181541/DPP, to include reference to the current application, there is a need for a separate legal agreement in order to ensure that an equivalent financial contribution to the car club (£2,400) is made in accordance with the

expectations of policy T2 and Planning Obligations SG.

Although a separate s.69 agreement was entered into in relation to approval 191536/DPP, to secure the financial contribution to the car club (£2,400) referred to above, that legal agreement does not relate to the current application. A fresh legal agreement is now required in relation to the current application.

RECOMMENDATION

Willingness to approve conditionally subject to securing a legal agreement to deliver developer obligations towards the car club.

REASON FOR RECOMMENDATION

The principle of erection of a 6 unit flatted development on the site, of similar scale, form, internal layout and design to that now proposed, has been established by the granting of detailed planning permissions ref. 181541/DPP and 191536/DPP. Notwithstanding the expectations of policy H1 of Aberdeen Local Development Plan (ALDP) and related guidance regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permissions, it is considered that there is no justifiable reason for the refusal of the revised design on the grounds of impact on existing residential amenity and an adequate level of amenity would be created for occupants of the development.

Although the proposal would result in a marginally reduced separation with the parent tenement compared to the approval, and marginally increased site coverage and elevational changes, these changes are considered be acceptable in terms of ALDP policy D1. No details of landscaping have been provided as expected by ALDP policy D2 and related supplementary guidance, however, the development is of similar layout and plan to that approved and for which no details of landscaping were required. The proposed use of natural granite on the publicly visible elevations of the building would accord with ALDP policy D5. These detailed design matters (i.e. use of granite and landscaping) can be addressed by condition.

Notwithstanding that no evidence has been provided regarding car ownership / pressure in the surrounding area, as no car parking is proposed and adequate pedestrian access to the development and ancillary cycle parking provided on site, it would accord with the objective of ALDP policy T2, notwithstanding that the level of car parking does not accord with the Council's guidance regarding car parking. Contribution to the car club would have the potential to mitigate the likely adverse impact of the development in terms of generation of increased car parking pressure in the surrounding area.

In the absence of variation of the s.75 legal agreement associated with 181541, to include reference to the current application, there would be a need for a separate legal agreement in order to ensure that an equivalent financial contribution to the car club (£2,400) is made in accordance with the expectations of policy T2 and Planning Obligations SG.

CONDITIONS

01. 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.E; A(03)004 rev.E], or such other drawings 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 development plan policies D1: Quality Placemaking by Design, D2: Landscape, H1: Residential Areas and NE4: Open Space Provision in New Development.

02. 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 development plan policies D1: Quality Placemaking by Design, D5: Our Granite Heritage and H1: Residential Areas.

03. 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.E], 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.

04. 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.E], 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

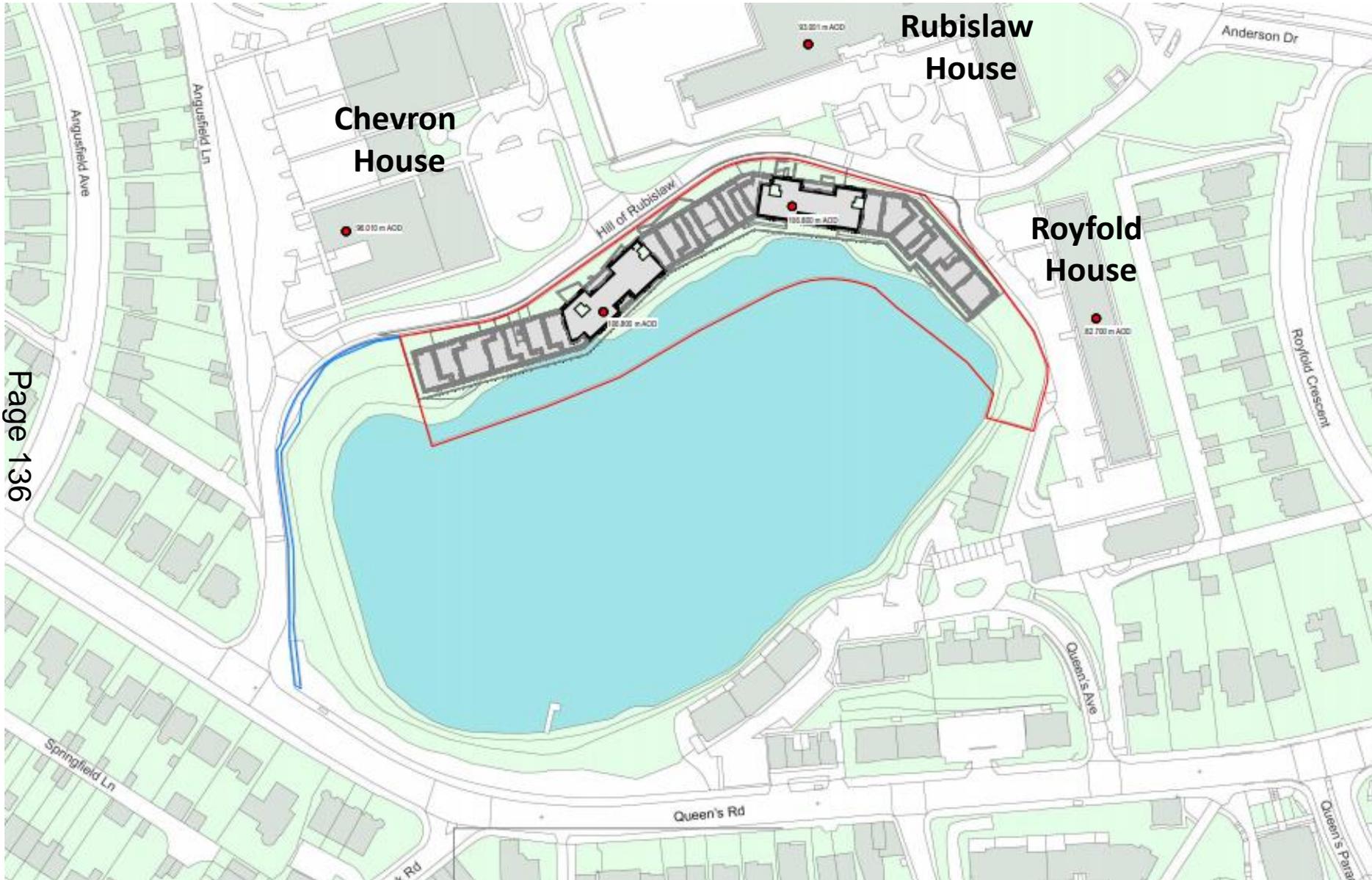


Residential development of 245 private rented sector flats (up to nine storeys and two basement levels) with amenity space, 254 car parking spaces, two publicly accessible car club vehicles (including electric charging points), residents' gym, residents' function room, public bistro and public promenade with viewpoints to quarry

Land Adjacent To Rubislaw Quarry Hill Of Rubislaw Aberdeen

Detailed Planning Permission
200042/DPP

Location plan



Aerial image (looking east)



Aerial image

Page 138



Scale: meters A2
0m 10m 20m 30m 40m

© Google 2018

Site Location

Hill of Rubislaw (as existing)



Application site and quarry (as existing)



149

Proposed Ground Floor Layout

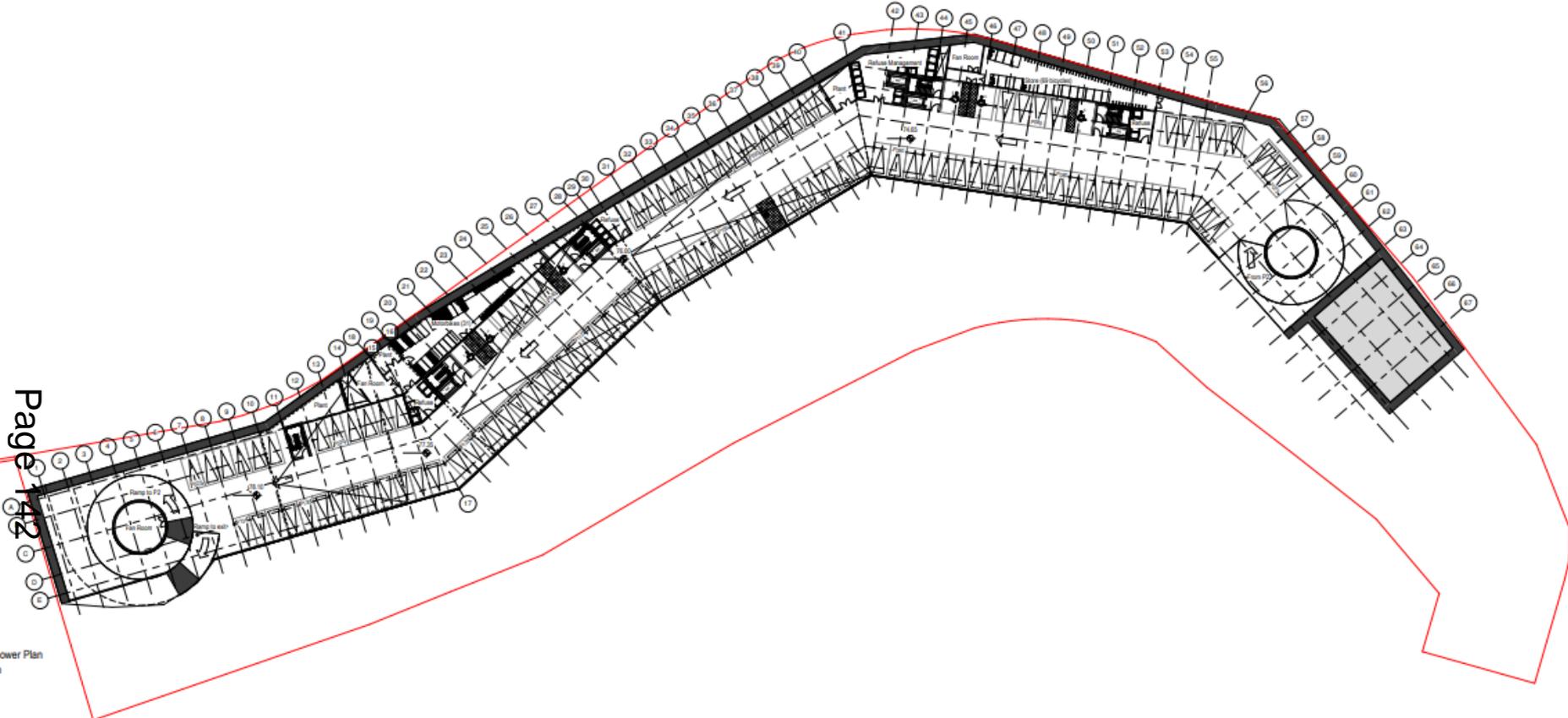


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**First Floor
(East Wing Only)**

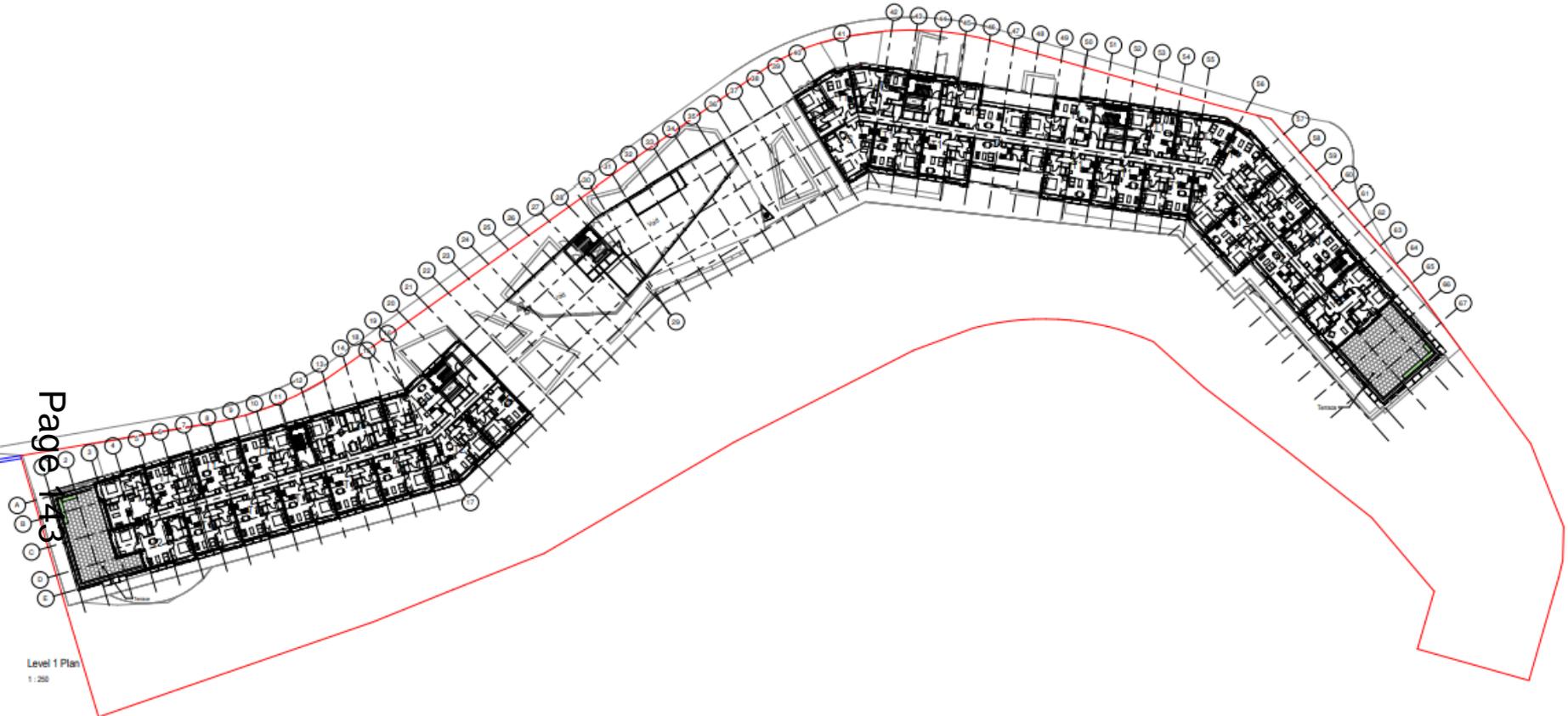
Proposed Basement Car Park (Two Levels)



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P1 Lower Plan
1:250

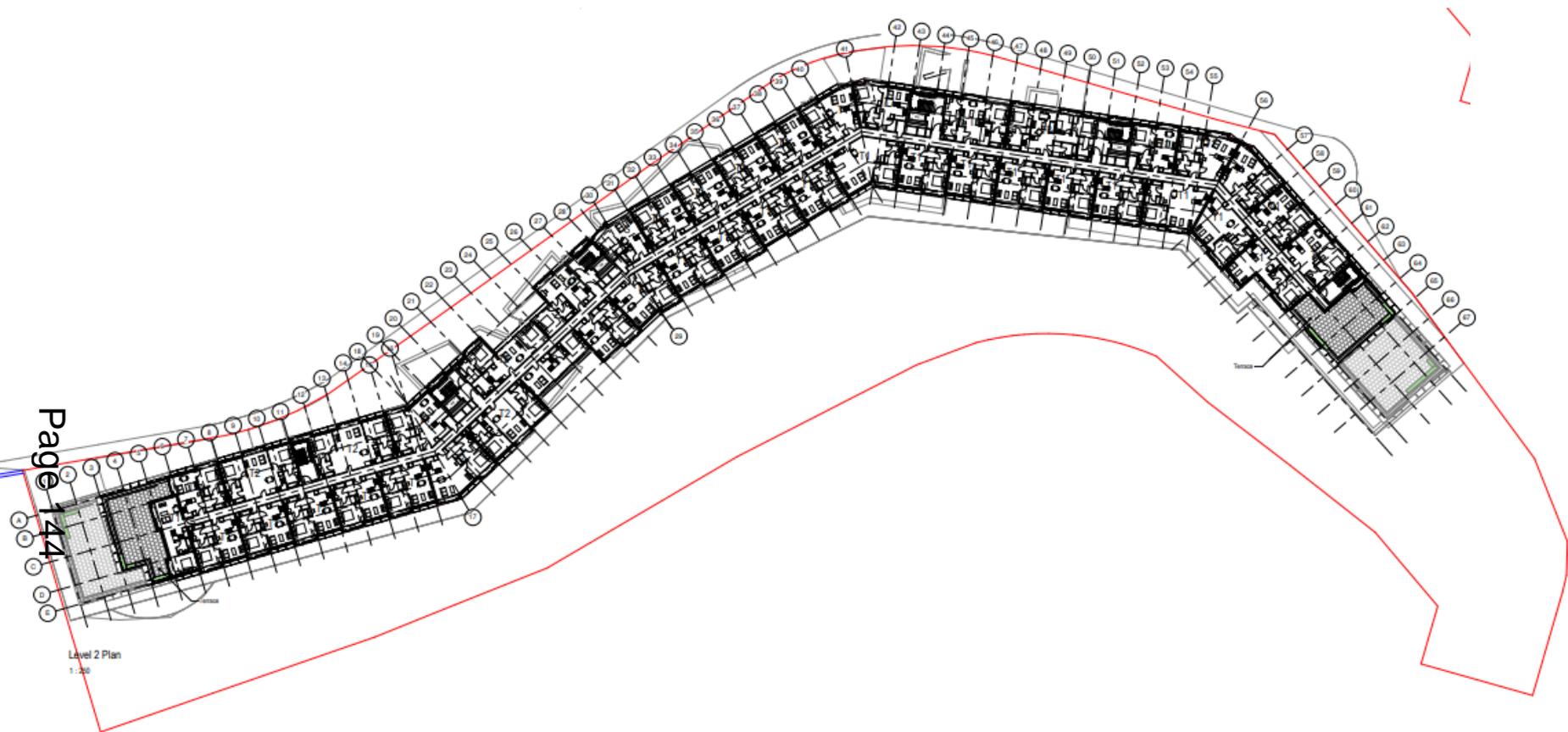
Proposed Second Floor



Page 143

Level 1 Plan
1:250

Proposed Third Floor



Page 144

Level 2 Plan
1:200

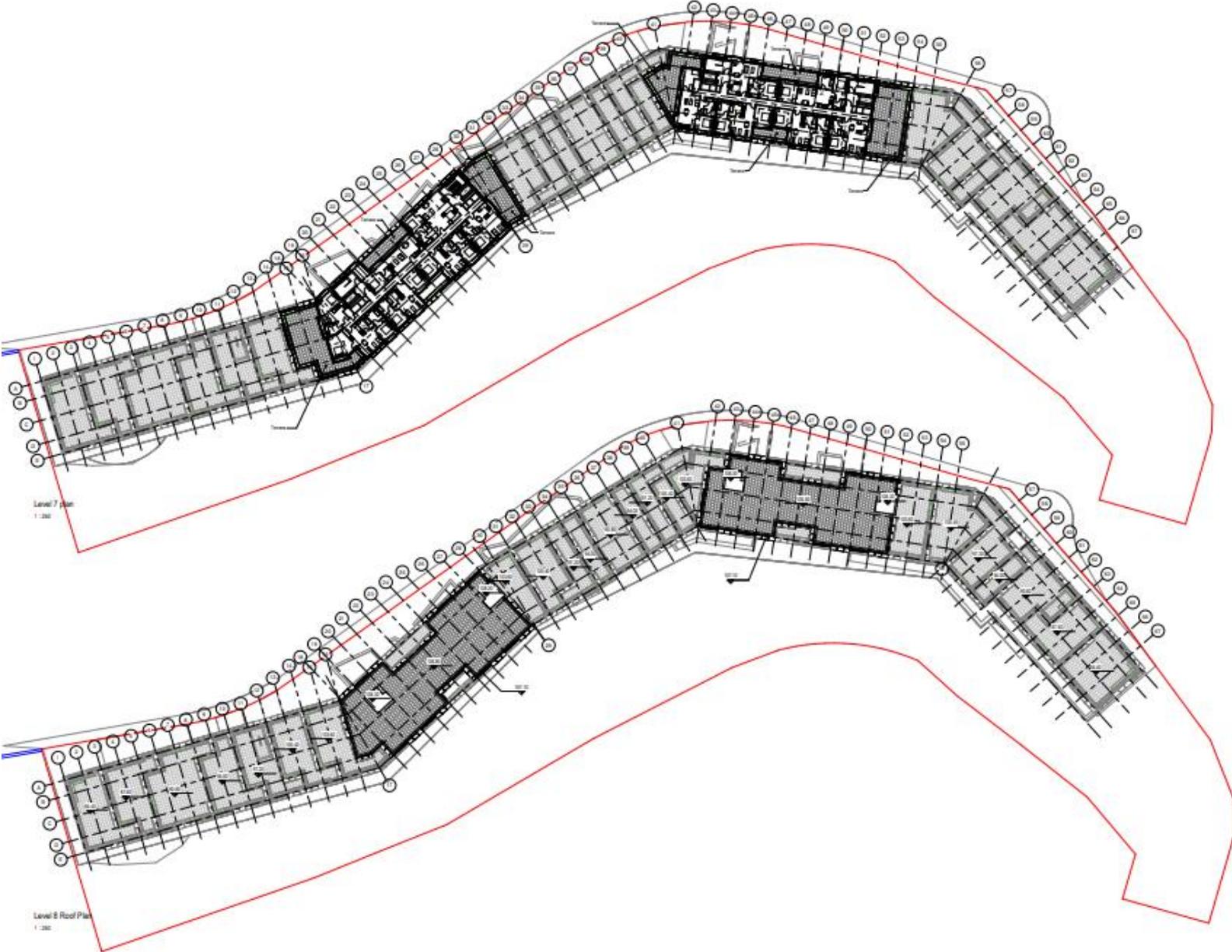
Proposed Fourth and Fifth Floors



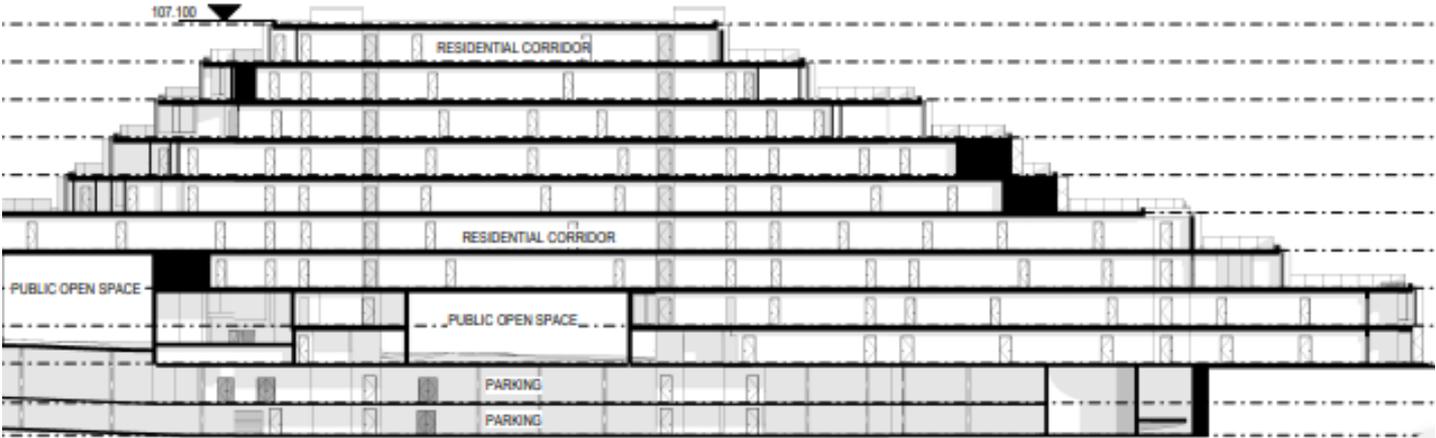
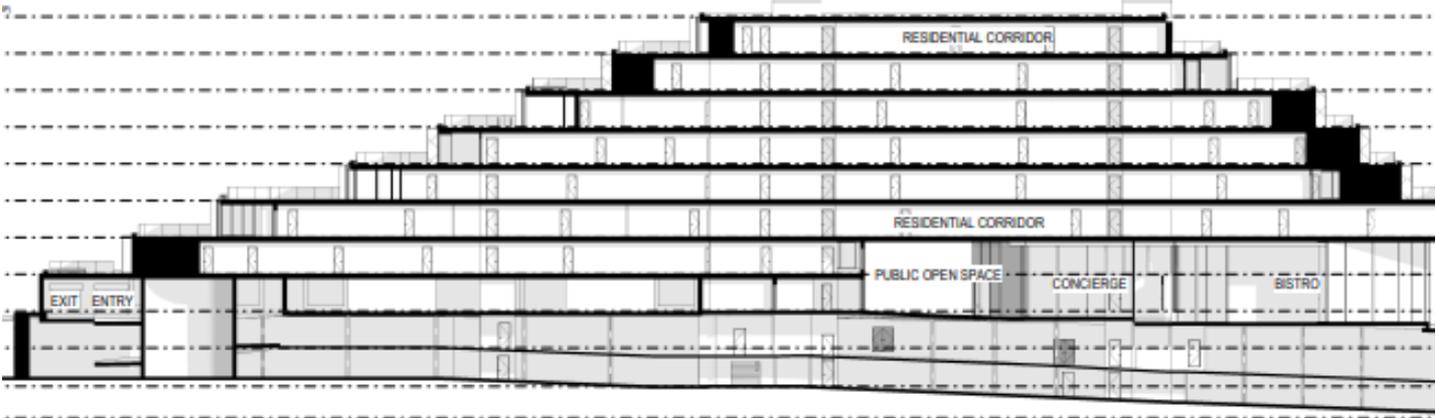
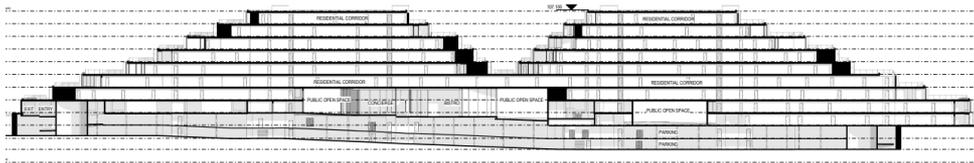
Proposed Sixth and Seventh Floors



Proposed Eighth Floor and Roof Plan

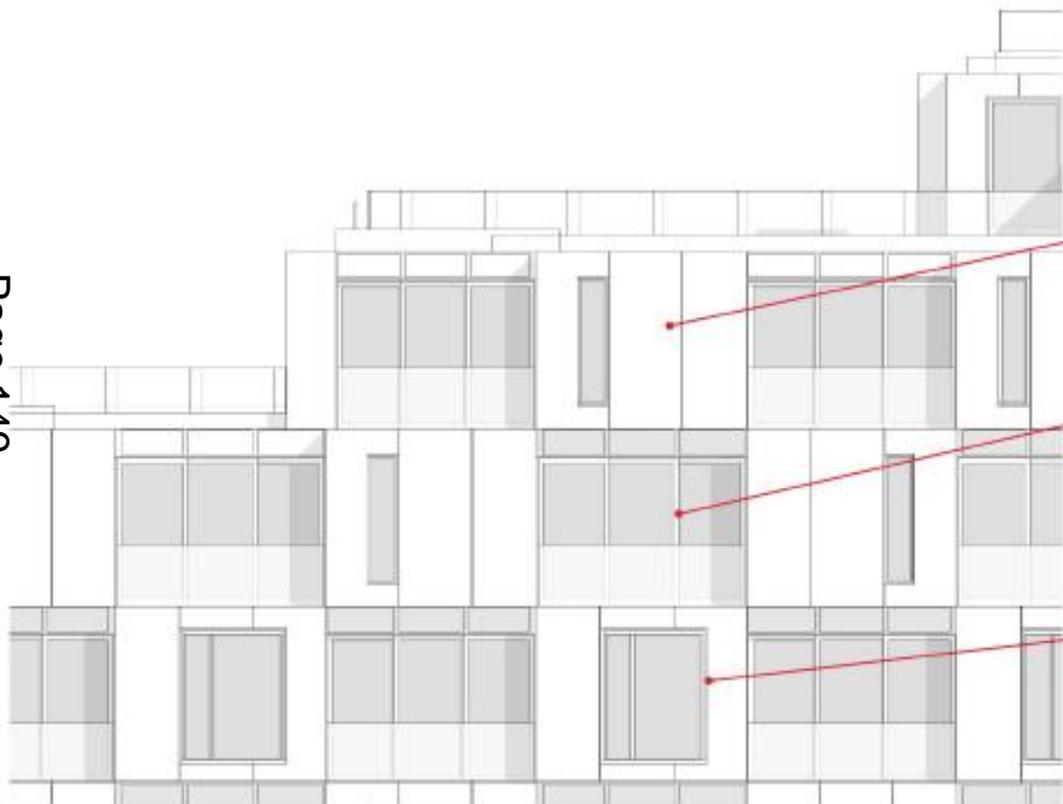


Proposed Cross Section



Typical Design Detail

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Three modules in chequerboard disposition

Proposed visual – looking south from business park



Proposed visual – looking east across quarry



Proposed visual – aerial view



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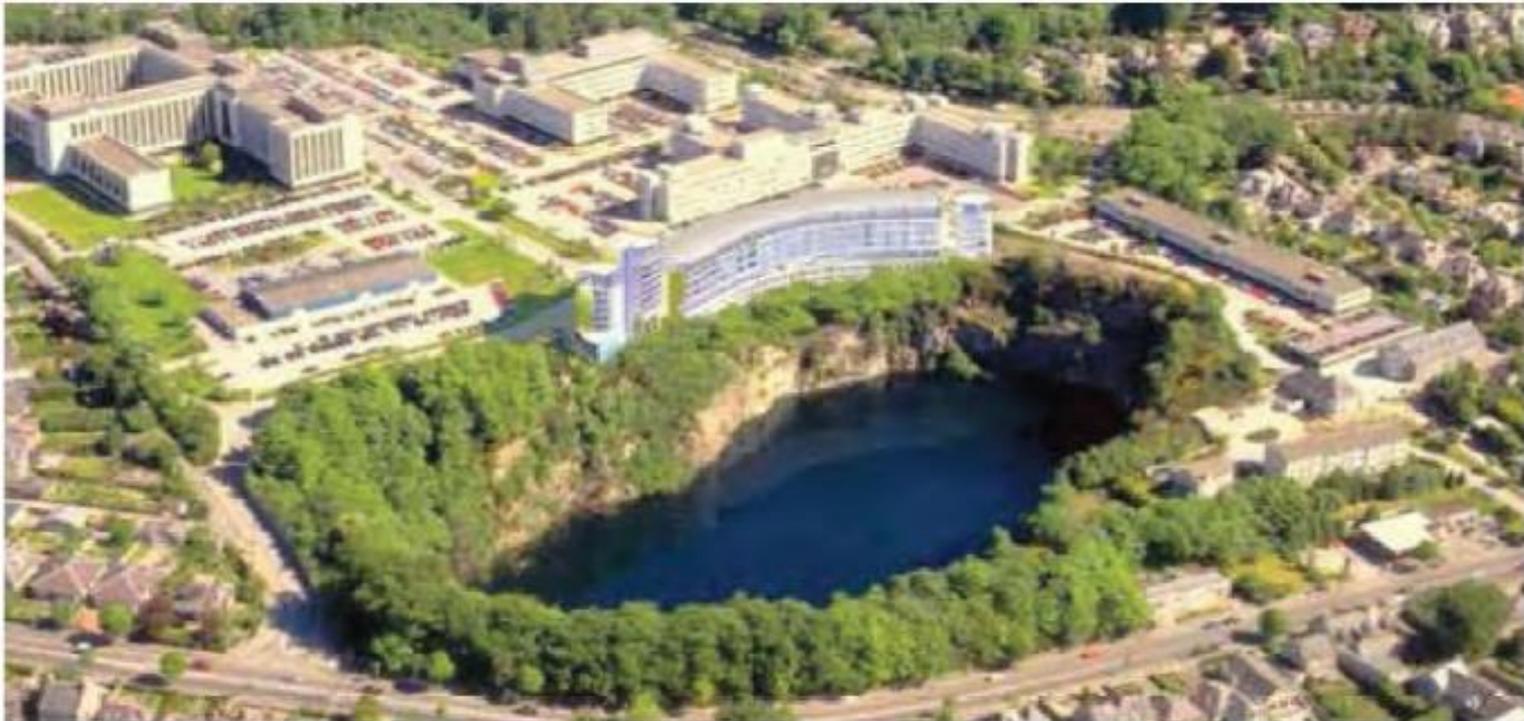
Comparison between proposed (top) and 2018 scheme (bottom)



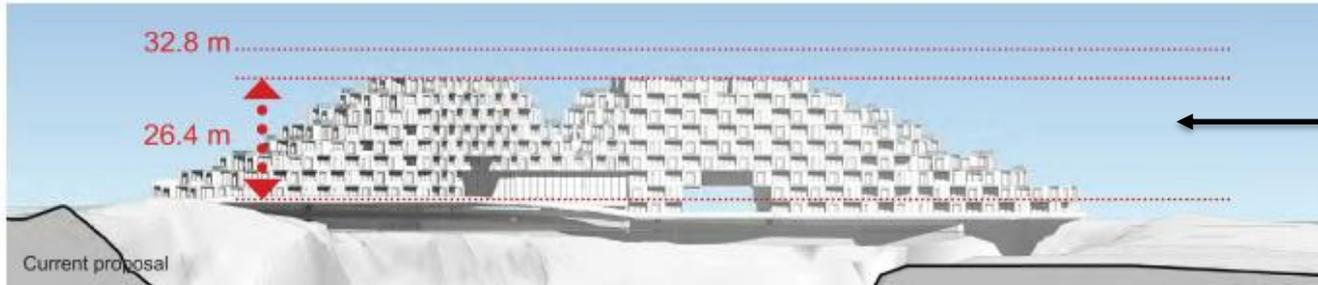
2006 consented scheme



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Comparison between 2018 scheme and proposed



Proposed



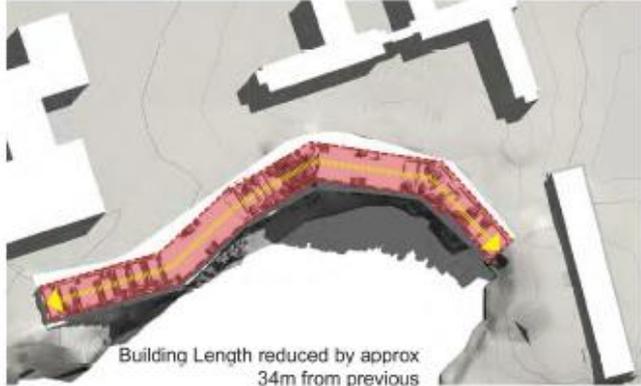
2018 scheme

Proposed

2018 scheme

Current proposal

Previous proposal



Building Length reduced by approx 34m from previous

View from Cromwell Road

VIEWPOINT 7: CROMWELL RD ROUNDABOUT LOOKING NORTH WEST



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED BUILDING MASS SHOWN OPAQUE IN FRONT OF EXISTING FEATURES (WIREFRAME)



PROPOSED PHOTOMONTAGE

View from Anderson Drive

VIEWPOINT 16: ANDERSON DRIVE, LOOKING SOUTH



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED PHOTOMONTAGE - SHOWN AS WIREFRAME AS PROPOSED BUILDING WILL NOT BE VISIBLE FROM THIS VIEWPOINT

View from Rubislaw Den South / Anderson Drive

VIEWPOINT 12: RUBISLAW DEN SOUTH LOOKING SOUTH WEST



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED BUILDING MASS SHOWN OPAQUE IN FRONT OF EXISTING FEATURES (WIREFRAME)



PROPOSED PHOTOMONTAGE

Rubislaw Quarry, Aberdeen, UK
Verified Viewpoint 12
Drawing number: 51183-001

www.rubislaw.com

View from Rubislaw Park Road / Queen's Road

VIEWPOINT 13: RUBISLAW PARK ROAD LOOKING NORTH



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED BUILDING MASS SHOWN OPAQUE IN FRONT OF EXISTING FEATURES (WIREFRAME)



PROPOSED PHOTOMONTAGE

Rubislaw Quarry, Aberdeen LMA
Verified Viewpoint 13
Drawing number: 51183-DC-L-700-0003

www.rps.com

©
Crest

View from Angusfield Lane / Angusfield Road

VIEWPOINT 14: JUNCTION OF UNNAMED ROAD BETWEEN ANGUSFIELD AVE AND ANGUSFIELD LANE



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED BUILDING MASS SHOWN OPAQUE IN FRONT OF EXISTING FEATURES (WIREFRAME)



PROPOSED PHOTOMONTAGE

Rubislaw Quarry, Aberdeen LWA
Verified Viewpoint 14
Drawing number: 51183-DC-L-700-0005

View from Queen's Avenue

VIEWPOINT 15: QUEEN'S AVENUE LOOKING NORTH WEST



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED PHOTOMONTAGE

View from Royfold Crescent

VIEWPOINT 17A: ROYFOLD CRESCENT (NORTH), LOOKING SOUTH WEST



EXISTING VIEW - BASELINE PHOTOGRAPH



PROPOSED PHOTOMONTAGE

View from Royfold Lane

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View from Royfold Lane (behind No. 5 Royfold Crescent)

— New Proposed Building Outline



View from Royfold Lane



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View from Royfold Lane (behind No. 9 Royfold Crescent)

— New Proposed Building Outline



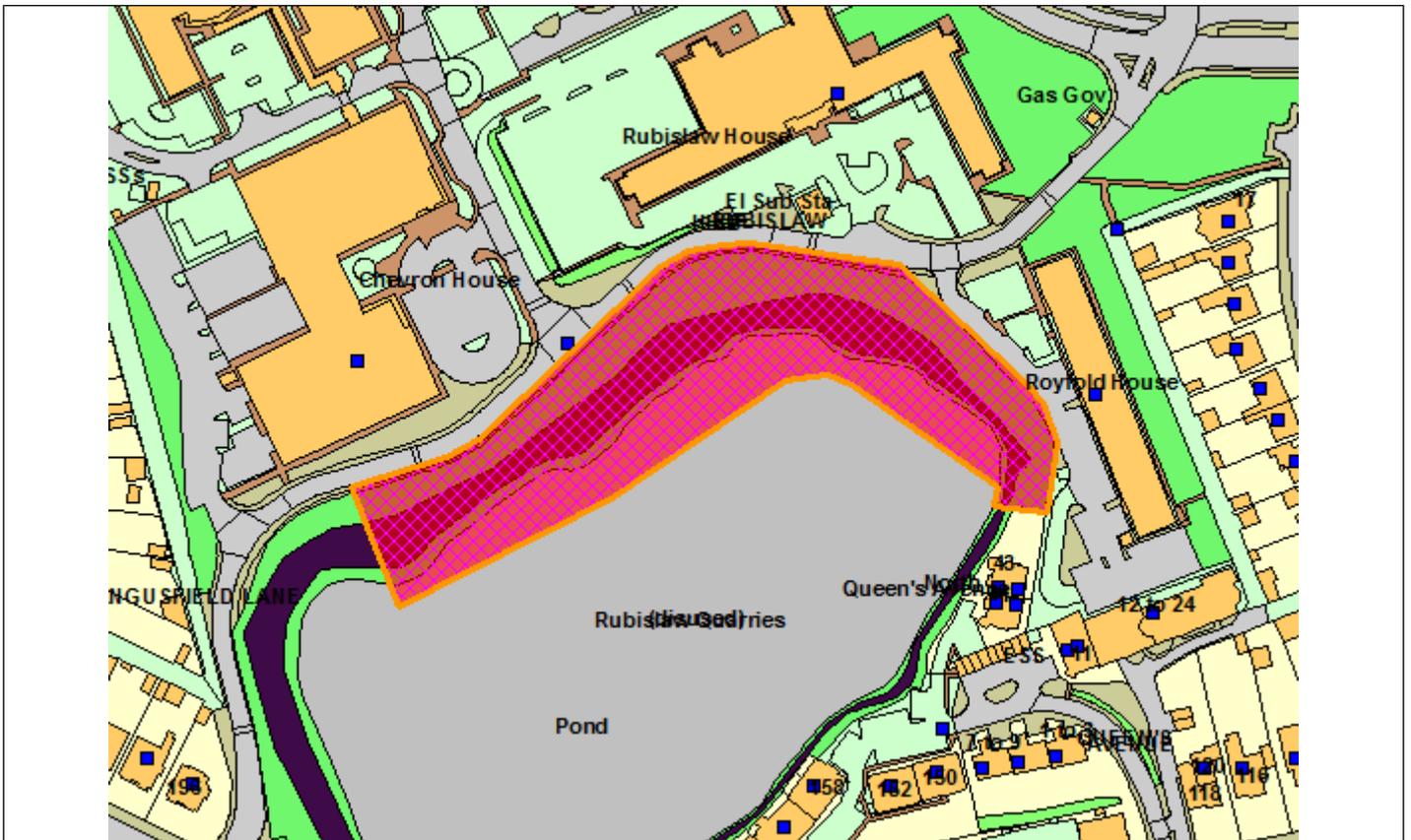


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 June 2020

| | |
|---------------------------------|--|
| Site Address: | Land Adjacent to Rubislaw Quarry, Hill of Rubislaw, Aberdeen, AB15 6XL |
| Application Description: | Residential development of 245 private rented sector flats (up to nine storeys and two basement levels) with amenity space, 254 car parking spaces, two publicly accessible car club vehicles (including electric charging points), residents' gym, residents' function room, public bistro and public promenade with viewpoints to quarry |
| Application Ref: | 200042/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 13 January 2020 |
| Applicant: | Carterra Private Equities |
| Ward: | Hazlehead/Ashley/Queens Cross |
| Community Council: | Queen's Cross and Harlaw |
| Case Officer: | Matthew Easton |



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RECOMMENDATION

Approve conditionally and withhold consent until a legal agreement is secured to deliver developer obligations towards affordable housing, secondary education, core paths, open space and healthcare

APPLICATION BACKGROUND

Site Description

The site is situated on the southern edge of the Hill of Rubislaw office park and comprises the land adjacent to the northern edge of the disused Rubislaw Quarry, which is now filled with water.

The land is undeveloped and comprises mostly scrub vegetation and bare ground. A small area at the western end of the site is covered by broadleaved semi-natural woodland (protected by Tree Preservation Order No.14), which continues out-with the site around the entire north west, west and south west edges of the quarry. It is fenced off with no public access due to the proximity to the quarry edge. A hedgerow runs along the length of the site boundary shared with the office park.

There is no public access to any of the quarry site and public views into the site are very limited. The quarry edge on the north side largely comprises a rocky cliff face with areas of vegetation and the whole quarry site is designated as a Local Nature Conservation Site.

To the immediate north is the Hill of Rubislaw office park, featuring large offices buildings between three and five storeys high, set within car parks and surrounded by areas of woodland. Chevron House, Rubislaw House face the site with H1 (including Pure Gym) and Marathon House beyond. To the east is Royfold House, beyond which are homes situated on Royfold Crescent. Situated on the south east edge of the quarry are homes on Queen's Road, Queen's Avenue and Queen's Avenue North, a variety of vernacular granite villas and newer flatted blocks. Woodland covers the south west and northwest edges of the quarry.

Relevant Planning History

- Outline planning permission (97/1300) for a six-storey office (three levels of office space and three of parking) with 326 parking spaces was approved in July 1998. The consent was not implemented and expired in July 2001.
- Outline planning permission (98/1814) for offices and 86 flats and 226 parking spaces was approved in March 2001. The building was predominately five storeys with a tower reaching seven storeys. The consent was not implemented and expired in March 2004.
- Details of reserved matters (A1/0439) relating to 98/1814 were approved in July 2001. The number of flats increased to 107, the office space was reduced, and 162 parking spaces were now proposed. The consent was not implemented and expired in July 2004.
- The outline planning permission granted in March 2001 was 'renewed' in September 2005 (A5/0742). The consent was not implemented in expired in March 2009.
- Detailed planning permission (A6/0478) for 116 flats, food and drink use and 207 parking spaces was approved in August 2006. The building was predominately five storeys, with a nine-storey tower. This consent was partially implemented and is still live and capable of being completed.
- Detailed planning permission (P121692) for a five-storey office building was approved in July 2014. The consent was not implemented and expired in July 2017.
- Detailed planning permission (P140788) for a Granite Heritage Centre was granted in December 2015. The centre was proposed on a separate site located on the south side of the

quarry. It was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. The planning permission expired in December 2018 as the development had not commenced.

- Detailed planning permission (180368/DPP) for a residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space was refused by the Planning Development Management Committee on 21 June 2018, contrary to the recommendation of the Planning Service. The reasons for refusal were –
 - The adverse visual impact the proposal would have based on its scale and massing which was considered contrary to Policy D3 (Big Buildings) of the Aberdeen Local Development Plan.
 - Insufficient onsite parking provided which would lead to overspill parking on residential streets.
 - Lack of suitable capacity to accommodate the educational needs of the development.
 - Adverse impact on the wildlife on the site; and
The quality of the design does not meet the requirements of Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

The decision was subsequently appealed to Scottish Ministers (PPA-100-2092) with a decision to dismiss the appeal being made in January 2019. The Scottish Government Reporter found that there were aspects of the development which would attract considerable support from national policy and advice. Specifically, the Reporter considered the proposal would deliver a form of residential accommodation currently promoted and endorsed by Scottish Government. It would deliver a development which would be accessible by a range of transport modes and not depend solely on access by the private car. While there would be a loss of open space, it would provide enhanced public access and has the potential to attract additional visitors to the quarry area. Any necessary servicing and infrastructure requirements could be met, or financial contributions provided such that impacts could be mitigated. However, overall it was found that the proposal would represent over development with consequent adverse impacts in terms of visual amenity, therefore the appeal was dismissed, and planning permission refused. The Reporters reasoning on particular aspects of the development is discussed in the Evaluation section of the reporter.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a mixed use residential led development of 245 flats and public bistro. The scheme is a reduced scale version of the proposal previously considered by the Planning Development Management Committee in 2018 through planning application 180368/DPP.

The development is proposed as a 'build to rent' (BTR) scheme whereby the applicant would retain ownership and control of the entire development and manage its day-to-day operation. Individual units would be self-contained and separately let to residents, with communal facilities and on-site amenities integrated as part of the development. The different components of the development comprise –

- 245 flats (20 studio units, 179 one-bed units, 35 two-bed units and 11 three-bed units)
- Residents' gym (not open to the public)

- Residents' function room, a communal recreational facility for residents to meet, which would also be available for event hire.
- Class 3 food and drink use (130m² Gross Floor Area) located on the ground floor. Described as a 'heritage bistro', the premises would be open to the public and would contain a permanent exhibition displaying material from the quarry, as well as a photographic history.
- A public walkway adjacent to the building and along the edge of the quarry, providing public access to the quarry edge and allowing views across over the water.
- Two levels of basement parking with a total of 254 car parking spaces, accessed via two ramps, broken down as follows –
 - 232 car parking spaces allocated to the flats (spaces and 12 accessible spaces). Parking would be communal to all flats and unallocated (apart from car club spaces).
 - 2 car club spaces located at street level, available for residents and other members of the car club.
 - 20 car parking spaces allocated to the food and drink use located at ground floor.
- 33 motorcycle spaces (31 for residents and 2 for the bistro) and 194 cycle spaces (189 for residents and 5 for the bistro)

The proposal would take the form of one building modelled in to two peaks with a valley between. The building would be between two and nine storeys, reaching a maximum of 26.4m above street level. It would be constructed from modules arranged to create a chequerboard pattern being either solid or glass. The following materials are proposed –

- Masonry-based off-white textured material for the white cladding panel.
- Glazed floor to ceiling window units
- Spandrel glass panels to visually match the floor to ceiling windows when viewed obliquely or with no backlighting.
- Granite at the ground floor where the amenity spaces protrude from the glazed public areas. This will be part of the theme for the bistro, showcasing granites in various textures and finishes to the public viewing/walkway areas.
- Dark coloured powder coated aluminium panels.
- The external building envelope would see colour controlled with any incidental colour added to the elevation by blinds / blind boxes behind glazing rather than on the facade itself.

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=Q41RJOBZML700>

- Design and Access Statement
- Drainage and Flooding Assessment
- Ecological Survey (*not available online*)
- Ground Investigation Report
- Landscape and Visual Impact Assessment
- Landscape Design Framework
- Planning statement
- Pre-Application Consultation Report
- Sustainability Statement
- Transport Assessment
- Tree survey report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application is in the major category of development.

Pre-Application Consultation

The applicant undertook statutory pre-application consultation which included a public exhibition at the Tree Tops Hotel on 20 November 2019. It was attended by 48 members of the public including representatives from the Craigiebuckler Community Council. The applicant reports that positive comments were made regarding the design and proposed facilities, including the bistro and public access to the quarry. Some concerns were expressed about the scale of the proposals and the potential traffic impacts. There was also discussion around the relationship with the proposed heritage centre on the opposite side of the quarry.

The applicant presented to the Pre-Application Forum on 5 December 2019. Members of the forum heard from the applicant's agent and architect and asked a number of questions of both the applicant and the case officer, with the following information being noted in the minutes –

- There would be 240 parking spaces in the new proposals with car club spaces also included.
- There would be roughly twenty tables within the bistro area.
- Members of the public would be able to access the history of the granite feature within the bistro.
- There would be separate parking for visitors to the bistro.
- In regard to visibility, local residents would not be affected with the amended proposals.
- From Queen's Road there would be no negative visual impact.
- A new drainage assessment would be carried out to mitigate any concerns and to update from the previous assessment carried out.
- Parking was a real concern for residents in the surrounding area.
- To note that a revised Transport Assessment would be submitted with the new application.

CONSULTATIONS

ACC - Developer Obligations – Affordable housing contributions of £3,368,750 and other developer obligations of £257,877 towards secondary education, open space, core path network and healthcare are required (these are discussed in more detail later in the report).

ACC - Environmental Health –

Air Quality – The proposed development is adjacent to an existing Air Quality Management Area (AQMA). Although the concentrations of NO₂ and PM₁₀ in the surrounding road network do not exceed the annual mean concentrations, the proposal has the potential to adversely affect air quality in the immediate vicinity and the wider area. It is therefore recommended that an air quality impact assessment is carried out, which considers the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw and measures to reduce any potential impacts.

Noise – The occupants of the proposed development are likely to be exposed to noise impacting on amenity. It is recommended a noise assessment is carried out in order to ascertain the predicted impacts of likely noise sources on proposed development and necessary controls.

Odour – To protect the amenity of the occupants of neighbouring local residences and businesses it is recommended that, where cooking activities are to be undertaken, that prior to planning permission being granted, an assessment is carried out to establish the necessary Local Extract Ventilation (LEV) equipment required to mitigate the impact of any cooking activities undertaken.

Dust – There is potential for an adverse impact on the amenity of nearby existing residences due to dust associated with each phase of the proposed works. Therefore, a risk assessment should be carried out and a site-specific Dust Management Plan, based on the outcomes of the assessment implemented during the proposed works.

These matters can be adequately controlled through suspensive conditions.

ACC - Roads Development Management Team – The proposed site is located within the outer city and not currently within an area of controlled parking.

Walking and Cycling – The surrounding area is well served by public footpaths connecting into the private footpaths along Hill of Rubislaw (north side). The continuous footpath proposed along the south side of Hill of Rubislaw connecting Anderson Drive and Queen's Road would be welcomed. The provision should be a condition of any approval.

Although the site is not located within the proximity of any designated cycle routes, Hill of Rubislaw forms part of a recommended cycle route and cyclist accessibility is considered adequate.

Public Transport – Local bus services can be found on both Queens Road and Anderson Drive, with direct links into the City Centre and alternatively out to the west of the City into Aberdeenshire. Bus stops for both of these regular services are located within 400m of the site, which is this distance considered to be readily walkable.

Only one of the four nearest bus stops is served by an enclosed shelter, with only the bus stops on Queen's Road having accessible kerbs and none have 'real-time' service information. Given this size and nature of this development, and its' potential to increase the utilisation of these bus facilities, these stops should be upgraded, which the applicant has agreed to.

Parking – The proposed development would require a maximum total of 480 parking spaces; however, only 254 parking spaces are proposed, which includes twelve disabled/accessible spaces and two car club spaces.

However, the proposal provides at least one space per unit whilst also providing two car club spaces which equates for an additional 34 spaces. This provision is considered acceptable given the implementation of the following mitigatory measures – car club spaces, upgrade to bus

infrastructure, adequate cycle parking provision and lease agreements for one car parking space per unit with parking privately managed to enforce this.

The area around the Hill of Rubislaw has previously been subject to proposed parking controls due to the nearby offices. However, this was not implemented due to the downturn in the oil & gas industry, resulting in much of the previous parking problems being eliminated. However, that is not to say this could once again change in the future and the previous proposals could be re-visited if required.

Due to the Scottish Government initiative for almost complete decarbonisation of road transport by 2050, new residential developments are required to provide electric vehicle charging points. The minimum requirement for a development of this size is for two spaces for both 'active' and 'passive' provision

It is accepted there is adequate space to accommodate electric vehicle charging points.

The applicant is proposing twelve designated disabled spaces and is acceptable. The disabled spaces should be appropriately located in order to serve the flats, bistro and gym. Motorcycle parking provision has been proposed in the form of 31 spaces and is acceptable.

Adequate cycle parking provision would be provided, the current standard equates to 102 spaces, but the applicant proposes 189 spaces. Additionally, the applicant also includes an additional provision associated with the bistro for both staff and customers which is also acceptable.

Refuse – The area for waste collection vehicles is acceptable.

Internal Road Layout – This proposal consists of 245 units and it is required to have two accesses. The proposed development can be accessed from two accesses which is from either end of Hill of Rubislaw, from Anderson Drive and Queen's Road, with then an 'in and out' arrangement into the underground parking floors.

Traffic – The previous application for this site which consisted of a larger number of flats (299 units), which at the time the increased traffic associated with such was considered acceptable by the Roads Development Management Team. Therefore, given this application is now for a reduced volume of units (245) and that the AWPR has since been opened, again the traffic associated with this development is considered an acceptable margin of increase.

Travel Plan/Residential Travel Pack – It is noted that within the supporting Transport Assessment a Travel Plan Framework outlining suitable objectives and aims. This should include details on the private car parking management as well as promotion of alternative transport methods within the area, given the proposed shortfall on parking provision this will decrease demand on private car use.

Drainage – It is confirmed that a Drainage & Flooding assessment has been provided as part of this application and outlines appropriate drainage proposals and SUDS.

ACC - Structures, Flooding and Coastal Engineering – The Drainage and Flooding Assessment proposes a 50% reduction in surface water discharge to the quarry by attenuating and discharging into to the existing surface water sewer at a restricted rate. The management of the water level of the quarry requires to be discussed and agreed by Aberdeen City Council, Scottish Water and all other relevant parties and should be subject of a condition.

The proposed discussion with the developer to explore other measures to manage surface water as SEPA has suggested is welcomed.

ACC - Waste Strategy Team – No objection. Concern was initially raised with the proposed waste chute arrangement however the chutes have now been removed and residents will take their waste to bin stores using the lifts. One of the proposed bin stores is just within the 30m limit if residents use stairs however a lift is available if they are prepared to walk a little further.

Full access would be given to the service layby and it would have dropped kerbs for moving the bins in and out of the bin store. A low wall to segregate the trade and residential waste in the bin room is acceptable.

Scottish Water – No objection. There is currently sufficient capacity in the Invercarnie Water Treatment Works and the Nigg Waste Water Treatment Works.

For reasons of sustainability and to protect Scottish Water customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

Scottish Environment Protection Agency – No objection.

Place making – SEPA are pleased to note in the Planning Statement that design principles which have informed the proposed development, have been assessed against the six essential qualities of successful places contained within Policy D1 - Quality Place making by Design of the Aberdeen City Local Development Plan 2017.

Flooding/Drainage – No objection on flood risk provided that conditions are attached requiring management plans for (i) the water level within the quarry and (ii) the detailed surface water drainage proposals. A condition should be attached requiring further measures to manage surface water to be explored by the applicant and ACC, Scottish Water and SEPA.

Foul Drainage – A condition should be attached to ensure that connection is made to the public foul sewer.

Pollution Prevention – A condition should be attached requiring submission of a construction environmental management plan

Queens Cross Community Council – Object. With over 425 objections to this development, this suggests the local community are strongly against the development.

- The building's siting, scale and massing is inappropriate and would not reinforce established patterns of development, impacting on the amenity of the surrounding area. Higher density development should be in the city centre.
- It would overlook properties and invade privacy.
- It would create the risk of flooding on the south side of the quarry.
- It would be seen from around Aberdeen, becoming a blot on the landscape.
- The visual impact upon Royfold Crescent would be unacceptable, the minor reduction in height does not change that.
- It does not respect the historic environment.

- It does not feature appropriate use of granite.
- It would not adequately mitigate the impact of infrastructure (health care, core paths and education).
- It would result in the loss of trees.
- Wildlife must be considered.
- There are concerns over flooding at the quarry, which should be addressed prior to determination.
- The waste management arrangements are not suitable.
- There are existing problems with parking in the area and not enough parking would be provided.
- The Queen's Road roundabout is already over capacity in terms of traffic which would impact on road safety and core paths in the area. The AWPR has not reduced traffic on Queen's Road.
- Improved bus stops are welcomed however it is disappointing the bus services would not be improved.
- The development would adversely affect air quality.
- There is no need for the development as there is surplus amount of accommodation in Aberdeen.

REPRESENTATIONS

488 letters of representation have been received (470 letters of objection and 18 letters of support). The matters raised can be summarised as follows –

Objections

Land use / Zoning

1. Redevelopment of the site is not consistent with the land use zoning of the site.
2. Residential accommodation such as this should be in the city centre.
3. There is already a gym within walking distance.

Quarry

4. Development is not appropriate at the quarry due to its heritage value.
5. Support is expressed for using the quarry for a variety of other uses, such as a visitor centre, outdoor sports centre or subsea training centre. Concern is expressed that the proposed

development would see such an opportunity lost.

6. The quarry should not be for residents only at the expense of visitors. The proposed public access is limited
7. The proposed development would comprise the existing activities taking place at the quarry. Safe public access to the quarry is already available.
8. Historic Environment Scotland has been approached to designate the quarry; it should be an industrial heritage site.

Design

9. Despite being reduced in size, the building is still too large. The building does not sit comfortably in the landscape, contrary to Policy D2 (Landscaping). It would be built on a hill in a visible location, breaking the skyline, dominating the area and having an adverse visual impact locally and across the wider city.
10. The modular, utilitarian design and style is inconsistent with the surrounding area. Concrete is not an appropriate material; it should be finished in granite. The proposal is not consistent with Policy D5 (Our Granite Heritage).

Amenity

11. Daylight to Rubislaw House would be blocked.
12. Privacy would be affected.
13. Waste would attract seagulls.

Natural Heritage

14. Trees would be felled to allow the development. Trees on the south side of the quarry and Rubislaw Den should not be cut down.
15. The site provides a wildlife corridor in the urban area. Bats, badgers, peregrines would be affected. Bird and mammals would be driven from the area.
16. An Environmental Impact Assessment should be carried out due to the Local Nature Conservation Site designation.

Transport

17. Detrimental impact on local road network. The Transport Assessment needs to consider existing traffic from the Hill of Rubislaw offices and proposed bistro.
18. Insufficient parking provision proposed for the flats and visitors to the quarry.
19. Bus services would require to be improved; they are already at capacity.
20. Shops and services are not within walking distance.
21. No provision for deliveries and servicing of bistro or gym.

22. There should be more electric charging points.

Drainage

23. The proposed development would lead to flooding.

24. The applicant cannot control the level of water in the quarry.

Housing Market

25. The Local Housing Strategy states that there is no longer a shortage of property in the private rented sector. There is already a high number of homes for sale and rent in the city, there is no demand for more. The council should stop approving new homes.

26. Affordable housing units which sit within a high value residential area, could devalue adjacent properties in the area in an already depressed housing market, further devaluing the local housing stock.

27. The flats would be expensive.

Other Matters

28. The height of the building represents a safety to aviation safety.

29. Pollution would increase.

30. There would be extra strain on public infrastructure such as education and healthcare provision. There are no guarantees that developer obligations would be spent on expansion of such services.

31. There is a risk people would fall into the quarry and safety concerns over the depth and coldness of the quarry water.

32. The proposal has no mention of affordable housing.

33. Rented flats would have a lower sense of community and lack of care and maintenance

34. Building could be difficult to maintain at quarry edge.

Construction

35. There would be disruption during construction. Blasting during construction would not be acceptable.

36. Rubble might be pushed into quarry. The quarry would be polluted during construction.

37. Concern over the safety of construction workers.

Administrative

38. Conflict of interest in that Aberdeen City Council on the one hand want to maximize Council Tax Income and that can be a hidden factor in Planning decision-making.

39. Residents were not notified of the previous application.

40. The Council should support local developers not foreign developers.

41. All the objections from the previous application should be considered again.

42. The public consultation report is flawed as the developer produced it.

Support

43. The design is unique.

44. The site contributes nothing at the moment, the proposal would transform it and creates job during construction and operation

45. High density housing close to the city centre is more environmentally friendly than housing estates in the suburbs, allowing people to live closer to where they work and close to amenities.

46. We need more homes in the city to support local facilities.

47. £70 million of investment is to be welcomed.

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 (June 2014)
- Planning Delivery Advice: Build to Rent (September 2017)

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- B1: Business and Industrial Land
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Air Quality
- Big Buildings
- Harmony of Uses
- Landscape
- Natural Heritage
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

Other Material Considerations

The appeal decision (PPA-100-2092) for the 2018 planning permission is a material consideration. Although the current proposal is standalone and should be considered on its own merits, it is effectively a reduced scale version of the proposal considered at appeal. Many of the characteristics of the current proposal are similar to the previous and therefore the appeal Reporter's consideration of the previous proposal is relevant.

EVALUATION

Principle of Development

The principle of developing this site is long-established and dates back to 1998 when a large-scale office building was approved. In the intervening period, further consents have been approved and have expired, except for a consent (A6/0478) for residential and office use approved in August 2006. A limited amount of work on that proposal was started but not continued. These works were sufficient to constitute a commencement of development and as a result, the planning permission remains valid indefinitely. This, along with the previously approved applications, establishes the principle of development on the site and is a material consideration in the determination of this application.

The site is within an area zoned for residential use under Policy H1 (Residential Areas) and therefore the principle of residential use is generally acceptable (*issue #1 and #2 in representations*). The policy states that proposals for new development and householder development will be approved in principle if it (i) does not constitute over development; (ii) does not have an unacceptable impact on the character and amenity of the surrounding area; (iii) does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and (iv) complies with Supplementary Guidance. Taking each of these in turn –

(i) Overdevelopment

In terms of overdevelopment, it is necessary to consider the building's scale, massing and form. As well as considering this against the context of the site, this needs to be considered against the consented scheme approved in 2006 as it could still be fully implemented.

It is acknowledged that the building is large, both in terms of its length and its height, therefore the provisions of Policy D3 (Big Buildings) and the associated supplementary guidance applies. The

policy indicates that big buildings are most appropriately sited in the city centre and its periphery. Hill of Rubislaw is well established as a location for large buildings, both in terms of what exists and what has been consented over the years. The site forms the northern edge of the former quarry, which in itself is large in scale, with its body of water and wider tree setting forming a foreground and context to the proposal. Therefore, the site is considered appropriate for a large building. The appeal Reporter also found that Policy D3 does not preclude the siting of big buildings outwith the city centre or its immediate periphery and that the appropriateness or otherwise of any particular location is a matter for detailed analysis and assessment.

The building would occupy a large proportion of the site. Normally this would not be considered acceptable, as areas of open space would be required to accompany the building, traditionally in the form of areas of grass or gardens. However, as required by supplementary guidance, in this case the building provides extensive areas of public realm, including three small landscaped public areas (underneath in openings in the building's elevations), walkways along the former quarry edge which would be publicly accessible and a small garden area at the eastern end of the development overlooking the quarry. These elements would provide the opportunity to allow public access to the quarry edge for the first time and would provide sufficient outdoor amenity for residents. Other elements such as parking have also been satisfactorily accommodated under the building. Consequently, the fact the development covers much of the site, is not in itself a negative characteristic and its amenity is considered to be satisfactorily designed into the proposal. In the 2018 appeal, the Reporter did not consider a deficiency in open space to be a contributing factor to over development.

The maximum height of the 2006 scheme is 29.94m from street level, representing the tower part of the development, whereas the remainder is predominantly 17.70m high. The 2018 application proposed a maximum height of 32.8m, on the western most peak, with the middle peak being 29.6m and the eastern peak 26.4m. The main reason the 2018 application was refused at appeal was that the Reporter found that the length of the proposed building and its linear form would, in visual terms, dilute its vertical emphasis. It was considered that the building represented an overly long physical barrier.

Compared to the 2018 application the proposal is both lower and shorter. Previously between four and ten storeys, the building now varies between two and nine storeys, with a maximum height of 26.4m, which is the general height across the whole top floor, rather than being focussed at any one part of the building. The building has also been reduced significantly in length by around 35m at its eastern end, adjacent to Royfold House. The height is not consistent across the building, with the massing broken up by the stepped profile of the peaks and the valley in the middle of the building, reducing the impact of its apparent size. The massing of the building is further reduced by the pends between ground and second floor level and the non-linear nature of the building, which wraps around the edge of the quarry rather than being one extensive mass. Therefore, whilst undoubtedly a large building, its scale and massing would be successfully reduced by its remodelled form.

(ii) Character and Amenity of the Surrounding Area

With any large new development within an urban area there is the potential for the character and existing residential amenity to be changed. This could be in terms of visual impact or the way the development interacts with current uses in relation to disturbance or availability of daylight, overshadowing and privacy.

Local Visual Impact

As required by the Supplementary Guidance on Big Buildings, the applicant has carried out a Landscape and Visual Assessment to consider the landscape and visual impact on the proposal. It

has considered several key receptors and the impact upon them because of the proposal.

The character of the area to the immediate north is the Hill of Rubislaw office park featuring large offices buildings between three and five storeys high, set within car parks. The office park would be where the highest visual impact would occur as the building would be immediately adjacent.

In the 2018 appeal, the reporter expressed concern with the height and proximity of the proposed building to the office buildings; particularly with the eastern end of the building which it was considered would significantly overshadow the northern section of Royfold House.

Generally speaking, visually this area would have a low sensitivity to change, when considered against the characteristics of the office park and the buildings within it and given its office use and the associated visual receptors largely being people in their place of work. Again, matters relating to daylight, overshadowing and privacy are of less concern due to the area being a place of work, although as the reporter noted an acceptable level of daylight and outlook should still be expected in an office.

It is considered that reduction in the size of the building now proposed would successfully address the previous concerns regarding impact on the surrounding offices. The end of the building closest to Royfold House is now two and three storeys in height, comparable with the height of Royfold House itself, which at a distance of 20m would sit comfortably with its neighbour. The only time that any overshadowing would occur would be over the northern end of Royfold House during the late afternoon, most notably in winter, which is considered acceptable.

Similarly, at the western end of the building adjacent to Chevron House, its height would be lower than before, gradually stepping up to four storeys opposite Chevron House, as it progresses east, creating a satisfactory relationship between the two in terms of amenity. Rubislaw House would also remain unaffected to any significant degree by daylight or overshadowing (*issue #11*).

The areas to the west, south and east are largely residential; predominately featuring large, detached granite-built houses set within gardens and tree lined streets. The more contemporary flatted development to the south at Kepplestone, features four towers, the highest of which is seven storeys.

From the local area the site is generally well enclosed and screened by other buildings and trees and topography around the Hill of Rubislaw. However, given the height of the building, it will be visible from several points in the surrounding and wider area including some homes. Being residential properties, the sensitivity of these receptors would be high. Each of these areas is considered below. The significance of the visual effect is categorised as minor, moderate, major-moderate or major.

- The building would be visible from several homes on Rubislaw Den South to the north west, from a distance of some 180m. The building would be just visible above the top of Rubislaw House and through the gap in trees where the road into Hill of Rubislaw meets Anderson Drive. The impact would be noticeably less than in the 2018 application, with the magnitude being considered low due to the existing view already including buildings within the business park, which from this angle, the new building would closely match in terms of height and the busy road (Anderson Drive) with associated infrastructure such as railings and traffic lights. Trees between the site and the homes would provide some screening all year round but especially in the summer months. The impact is considered low in the long term.
- To the south of the quarry, views would be obtained from Queen's Road and Rubislaw Park Road facing north, at a minimum distance of around 160m. The embankment and trees along the southern edge of the quarry would provide screening, but less so in the winter months. The

stepped nature and general shape of the building would minimise its visual impact. There would be minimal difference in the new proposal and the 2018 proposal and the impact from the proposed building would remain moderate in the long term.

- Angusfield Avenue / Angusfield Lane – The view is of low scenic quality, with the lane and retaining wall around the quarry visible in the foreground and Chevron House in the mid-distance. Domestic buildings such as sheds and garage are prominent in views from the rear of homes on Angusfield Avenue, which are approximately 100m away from the proposed building. Due to the existing character of the view, the impact of the building visually would be moderate, reducing to minor in future as trees continue to grow and provide more screening. Although the impact is already moderate it would be lessened by the reduction in height at the western end compared to the 2018 application.
- From the rear of properties on Royfold Crescent the building would be visible, with a distance of around 65m between the proposed building and the rear of the closest house. In the 2018 appeal the reporter found that, due to its overall height, mass and relative distance at this point, the proposed building would have an overbearing effect on the residential properties at the north western end of Royfold Crescent. Compared to the 2018 application, at its western end the building has been shortened by 35m and reduced in height and bulk. Rather than increasing from one to ten stories fairly rapidly, it now gradually increases from one to four stories at this end, before continuing to gradually increase to nine stories beyond (over 100m away). It is considered that the reduction in height and size would satisfactorily address the concerns raised by the Reporter related to the building being overbearing from Royfold Crescent.
- The building would be highly visible from the homes on the south side of the quarry. The foreground view would comprise the quarry edge of vegetation and the quarry water surface, with medium-distance views of vegetation on the opposite side of the quarry and the office buildings at Hill or Rubislaw. The proposed building would be in full view with no intervening screening. However, there would still be some distance between the existing properties and the new building, and the outlook would remain open across the surface of the quarry. The impact would be major-moderate in the long term. It should be noted however that any impact from previously approved 2006 scheme and the current proposal would be similar in that the view will become that of a large building. There would however be differences in their appearance due to the reduction in size and the western end of the new building would be some 35m further away from the closest house on Queen's Avenue. The Reporter acknowledged that views from this aspect are already expected to significantly alter with the approval of the 2006 application.

Otherwise the site is well enclosed and unlikely to be particularly visible in the local area due to the topography (*issue #9*)

Wider Visual Impact

The building would also be seen from more distant views throughout the city, which the applicant has also considered in their assessment (*issue #9*).

- From the A90 adjacent to Kincorth, around 3km away, as motorists approach the city from the south, open views towards the site are available. Any change in the view would be negligible when considered against the large area of the city and its skyline which would be visible.
- On the approach to the site from the north on North Anderson Drive, approximately 0.7km away, the introduction of the building would be a prominent feature on the skyline in the far

distance, however, the building would sit below the skyline and would frame Seafield House and Rubislaw House which come into view when approaching the site.

- From Harlaw Playing Fields at Cromwell Road, approximately 0.9km away, the proposed building would sit behind the existing residential flatted blocks at Kepplestone, with glimpses available between the blocks, however at this point be a distant feature, with the impact being considered minor.
- From the road leading to Dobbies Garden Centre, Lang Stracht (around 2.8km away), the development would only be seen as a distant feature on the horizon, set against the built form, topography and changing skyline of the city. Tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline. The impact would be negligible.

Daylight, overshadowing and privacy

There would be no impact in terms of availability of daylight or impacts from overshadowing on existing residential properties, as demonstrated through the applicants supporting information. This is due to a combination of the distance between the proposed building and the new building's location generally to the north of existing properties which are within any significant proximity to the site.

Similarly, the distance between buildings is significantly further than the standard 18m window to window distance used to determine whether there would be any impact on privacy, when buildings are directly opposite one another. The closest residential property (flatted block to the west) effectively sits alongside the new building and any windows that do face one another would be around 57m apart and at an oblique angle. Those on the south side are approximately 140m away (*issues #12*).

The office buildings are around 20-25m away from the north elevation of the proposed building. There would be a degree of overshadowing and overlooking from the flats as previously discussed. However, given that the use of the offices is as a workplace rather than residential, the sensitivity to these factors would be low, with the reduction in the size of the proposed building addressing the concern raised by the Reporter.

Disturbance

The predominately residential use of the development is very unlikely to introduce any noticeable level of disturbance to existing residential properties, largely due to urban nature of the surroundings, the distance between the existing homes and that the proposed development is also a residential use. The food and drink and gym elements are small scale, effectively ancillary and a sufficient distance from existing residential properties to make any disturbance negligible.

Residential use is regarded as being compatible with office use, as any disturbance generated by the offices is likely to be limited to vehicles coming and going at relatively low speeds and which would not be unusual beside residential properties. The peak morning and evening periods may be busy with traffic entering and leaving the office park, but other times would be fairly quiet.

In summarising matters (i) and (ii), the building is considered to have been designed with a silhouette which brings interest to the skyline and which by virtue of its scale, massing and form would minimise its visual impact, despite its size. The reduction in the length and height of the building compared to the 2018 application have satisfactorily addressed concerns expressed by the Reporter through the appeal process. The character and amenity of the surrounding area

would also be maintained, and any change of note would be in local views from a small number of limited locations, where the impact would be moderate.

(iii) Does Not Result in the Loss of Valuable and Valued Areas of Open Space.

The site forms part of the Hill of Rubislaw Local Nature Conservation Site and is designated as Green Space Network in the ALDP. The quarry and its surroundings function as an isolated green space which, although not directly linked to other green spaces, provides benefits in term of biodiversity and landscape value within an urban area.

The value of the application site to these wider designations however is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, considerably lessening any recreational value it may have as open/green space. It must also be recognised, as already discussed, that the principle of developing the site has been established for some time. Therefore, the loss of the site as designated open space, whilst not desirable, is not considered to be significant.

This loss must also be balanced against the positive aspects of the proposals relating to open space. A major benefit of the proposal is the walkway which would provide free public access to the quarry edge, enhancing the value of the quarry and the public's ability to interact with it. The provision of this public access is welcomed and considered a positive aspect of the proposal (issue #6). The proposals would also feature areas of hard and soft landscaping around the buildings, including new trees and planter beds with a wide range of native grasses, shrubs and hedges. In addition to this, a contribution of £28,914 towards improving open space at Hazlehead Park would be secured.

Whilst it is acknowledged that the building would change the character of the quarry, it would not prevent any activities which the owner undertakes there (*issue #7*).

To summarise, the loss of the open space has already been accepted. Its loss is not desirable but is not significant and on balance the introduction of public access and a high quality hard and soft landscaping scheme results in a neutral impact in terms of open space.

(iv) Complies with Supplementary Guidance

There are a range of supplementary guidance documents that apply to this development. Compliance with each SG is discussed in the relevant section of the report, but in general it is considered that the proposal follows the requirements of the relevant SG.

To conclude matters in respect of Policy H1, the proposal is considered to comply with the requirements of the policy. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due to the surrounding topography and landscape and through the careful design of its scale, massing and form. The amenity impacts on surrounding residential properties are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high-quality public realm and landscaping would result in a neutral impact.

Moving onto other matters relating to the principle of development –

Economic Considerations / Rental Market

Concerns have been raised that the housing rental market would be overwhelmed with additional units, affecting landlords in the area. It is also suggested that there is no demand for further residential accommodation. Although 245 additional flats would be a significant number of flats, the planning system does not operate to protect private interests or maintain the price of properties. Guidance from the Scottish Government on build to rent schemes (BTR) identifies the benefits of such schemes, such as complementing existing housing delivery models and helping to increase the overall rate of delivery of housing. BTR can provide high-quality, purpose-built rented accommodation that can enhance the attractiveness of the city, for new and different developers and long-term investors at scale. It can also support labour market mobility by providing homes for people moving into the area for work. It is important that a range of rental options are available in the city and this development would contribute towards that aim. (*issues #25 and #26*).

The price (or rental costs) of flats is a matter for the applicant rather than a planning matter. There are a range of flat sizes which would presumably offer a range of price points. (*issue #27*).

Granite Heritage Centre

A separate proposal for a Granite Heritage Centre to be located on the south side of the quarry was granted detailed planning permission in December 2015 (ref: P140788). The centre was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. The planning permission expired in December 2018 as the development had not commenced.

A significant number of representations express a preference for the heritage centre over the proposed residential development of this application. The approval of this residential application however would not prejudice the heritage centre proceeding. Being on different sites and on opposite sides of the quarry, with approximately 120m between them, both developments could in theory be built. It is also suggested in representations that a heritage centre or various other proposals should be built on this site instead of the proposed development. In respect of both these matters, the planning authority is required to consider only the application before it. Refusal of the application based on a preference for other schemes, one of which no longer has planning permission and little prospect of proceeding and the others which are non-existent, is considered not to be competent or defensible at appeal (*issue #5*).

Quarry Heritage

Many representations refer to the value placed on the quarry in terms of its history and the significant role it has played in the development of Aberdeen through the widespread use of granite quarried there. The feeling of many is that the site is unique and should not be developed, or if it is to be, it should be a development celebrating the quarry (*issue #4*).

Although Historic Environment Scotland has not been consulted on this application and there is no requirement to do so, in November 2019 HES received a request to consider designating Rubislaw Quarry as a scheduled monument. HES has confirmed to the Council that they do not intend designating the quarry.

HES found that Rubislaw Quarry is a historically significant site having provided much of the granite building stone used in Aberdeen over an extended period. However, much of the former quarry site has been developed, leaving only the water-filled main excavation. In the absence of more extensive physical evidence to demonstrate the quarry's operations, it is considered that Rubislaw Quarry does not meet the criteria for designation. Where quarries have been designated, they are either much earlier examples which have not been altered by modern quarrying or show extensive remains of the quarrying operations as a whole (*issue #8*).

Therefore, as outlined earlier in the report, the principle of development on the northern edge of the quarry has been established for some 20 years.

The relatively small size of heritage bistro is questioned in representations and it is suggested that it would not support tourism sufficiently. However, the primary use of the development is residential and although officers have encouraged a public use to be incorporated into the development, which the applicant was receptive to, there is no policy requirement to do so. The public walkways and landscaping will allow access to view the former quarry, which is a prospect not currently available and unlikely to be through any other projects (*issues #6*).

Non-Residential Uses

On non-residential uses, Policy H1 states that within existing residential areas, proposals for non-residential uses will be supported if: 1. they are considered complementary to residential use; or 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The proposed food and drink use (bistro) is relatively small scale and, as well as providing a facility for visitors, would add to the amenities available for residents. It is unlikely to cause conflict with the residential use and therefore considered to be acceptable.

The gym would be ancillary to the residential use and not available for members of the public to use. The presence of a gym nearby is not a relevant or material planning consideration (*issue #3*).

Layout, Design and Amenity

The general aspects on the proposal's scale, design and massing have already been discussed in relation to the building's impact on the surrounding area. More specifically, there is a requirement to ensure that the proposed building adheres to other good design principles, set out by Policy D1 (Quality Placemaking by Design).

The proposal's architectural design is unique to the site and has been informed by its surroundings. Although unashamedly different from typical flatted developments in Aberdeen, this is welcomed as it provides distinctiveness and adds interest to the city's built environment. The site, as described earlier, due to being relatively enclosed, provides an opportunity for a different approach to development, without adversely impacting upon the character of the surrounding area.

The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' elements and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building and reducing its overall massing and the related visual impacts. In terms of materials, the building would be predominately finished in masonry-based off-white textured panels, with contrasting grey window frames and spandrel panels. Granite would feature at ground floor level around the public areas. The office buildings at Hill of Rubislaw are constructed from a variety of materials such as stone, concrete and glass, so the materials proposed would not be incongruous with the area. They are considered acceptable in principle and a condition has been attached requiring the precise materials to be specified and samples provided (*issue #10*).

Raised planters would be incorporated into the private terraces associated with the flats, featuring shrubs and grasses adding further visual interest and diversity across the proposals. Species

appropriate to the climate and tolerant to either sunlight or shade would be used depending on the orientation of the planters.

There is a mixture of flat sizes, allowing a variety of household sizes to occupy the development. All units on the quarry side of the development would generally face south or south west, ensuring they benefit from direct sunlight and an excellent outlook. Those on the business park side generally face north or north east. There are 20 single aspect flats looking solely north on either the ground, first or second floors, which represents 8.2% of the 245 total. Whilst not ideal in terms of outlook, this is a small amount of the overall total which is considered acceptable. Those that are north facing on the floors above would benefit from being high enough to enjoy distant views. All other flats are either south facing or feature a dual aspect. Many of the flats would also benefit from their own private terrace, which are built into stepped form of the building. The terraces would feature planters to allow greenery to be added to the development.

The proposal would have an active street frontage with double height glazing for the public and communal areas on both the north (office park) and south (quarry) sides. This would animate and integrate the proposal by allowing the activity inside to be seen outside, as would the use of terraces and areas of glazing at upper levels. The public spaces provide pedestrians with priority, leading to the walkways at the quarry edge which are easily accessible and overlooked to ensure natural surveillance. Inclusive access for those with disabilities has been incorporated into the design with the provision of ramps and stair lifts. Beneath the ground floor and walkway would be two storeys of parking built into the quarry rock face. A green living wall is proposed to screen the parking levels and tie the building into the remaining vegetation.

Five waste and recycling stores would be located at the first basement level, with a further store at ground floor level, allowing access for residents and for collection by refuse vehicles. All flats would be within 30m of a bin stores as recommended in the guidance. Notwithstanding, it would not be possible to have a store any closer as it would then not be possible for collection vehicles to access it. The food and drink element would have its own store. A parking area would be provided for waste and storage vehicles to park (issue # 21).

It is considered that there is no particular risk of seagulls being attracted to the development over and above any other residential development (*issue #13*).

In summary, it is considered that the development has been thoughtfully designed in response to its context and would create a successful place with a distinctive architectural character, taking account of the criteria in Policy D1 (Quality Placemaking by Design).

Noise

There is the potential for residents to be affected by externally mounted air source heat pump which are proposed on the roof. As the equipment is yet to be specified a condition has been attached requiring a noise assessment to be submitted which considers the likely impact and if necessary, proposes mitigation measures such as enhanced glazing. Otherwise, it is not considered that the uses themselves would cause any noise nuisance.

Accessibility, Traffic and Car Parking

Accessibility

The site is within the built-up area and is well connected to other residential and employment areas. Footway routes and crossing facilities are suitably located on Queen's Road and Anderson Drive to facilitate pedestrians. To enhance pedestrian access, a new section of footpath would be

created on the south side of Hill of Rubislaw linking to Queen's Road and a condition has been attached requiring a detailed scheme to be submitted. Being located within the urban area the site is within walking distance of a range of services (*issue #20*).

Queen's Road is served by several bus routes which link the city centre to the west end of the city and settlements beyond, including Westhill and Kingswells. Bus stops for these services are located within 400m of the site, which is considered a reasonable walking distance. The applicant has agreed to fund the upgrading of the existing bus stop on the south side of Queen's Road near the Hill of Rubislaw. Concern has been raised that existing services are at capacity however the provision of services is the responsibility of bus operators; it is expected they would respond to any increase in demand. Overall, it is considered the site is well positioned in terms of accessibility (*issue #19*).

Impact on Road Network

Vehicular access to the Hill of Rubislaw is via two signal-controlled junctions, one at Queen's Road and one at Anderson Drive. The following junctions have been assessed by the applicant as part of their transport statement and reviewed by the Council's roads officers.

As part of the 2018 application analysis of junctions at Anderson Drive (A90)/Hill of Rubislaw, Queen's Road (B9119)/Hill of Rubislaw and Anderson Drive (A90)/Queen's Road (B9119) was undertaken. All were found to operate within capacity when traffic associated with the development was included. Since the development now proposed is smaller, and the AWPR is now open which has reduced flows on Anderson Drive, it is not considered necessary for further traffic analysis to be required (*issue #17*).

Parking

The Transport Accessibility SG sets out the Council's guidance on the provision of car parking. The car parking figures for both the residential and commercial development are applied as maximums, with lower levels accepted where accessibility is good and other measures to reduce private car usage are in proposed.

In the outer city zone, a maximum of 1.5 spaces per flat is permitted, resulting in a maximum possible provision for the residential element of 480 spaces. In this instance it is proposed to provide 254 spaces (232 in the two basement levels and 22 at ground floor level consisting of 20 for the food and drink use and two for the car club). The two Co-Wheels car club spaces and cars would be made available to residents and the wider public. Each is considered to be the equivalent of seventeen parking spaces (total of 34) and are anticipated to reduce the number of residents who would own their own car. All the residential spaces would be communal and unallocated, ensuring they are used to their full capacity, rather than sitting unused if a resident does not own a car. It would also be a requirement of a tenant's lease that they could not park more than one car at the development. A residential travel pack would be provided to residents which would provide a package of measures aimed at promoting more sustainable travel choices and reducing the use of the private car.

This number of spaces, when considered against the accessible location and measures such as the car club, is considered reasonable for the nature of the development and this number is acceptable to the Roads Development Management Team.

Space for electric vehicle charging points has been designed into the basement car parks as would some of the parking for the bistro. The two car club spaces would have chargers. A condition has been attached requiring full details of the provision to be submitted (*issue #22*).

As already outlined, it is considered that the site is readily accessible by public transport and within walking distance of various places of work and services. The level car parking proposed has been reviewed by the Council's roads officers and is considered acceptable (issue #18).

Drainage

It is proposed that surface water run-off from the building roof area would be drained via downpipes to stone filled filter trenches at ground level. 50% of the building roof area would discharge via underground storage at a restricted rate to the existing surface water sewer (to be agreed with Scottish Water) and 50% of the building roof area would discharge via gravity drains to the basement level. Flows will then discharge via a separator to the outfall which would discharge into the existing quarry water body. All other areas of the site will be covered by the building roof area. A sluice and weir control would be installed to provide an overflow to the Scottish Water sewers which would limit the maximum level of water within the quarry during extreme weather. The drainage impact assessment indicates that it is anticipated that the natural drainage regime will manage the water levels.

Concerns had been raised that the development could potentially increase the flood risk to the existing residential development on the southern rim of the quarry by increasing the volume or rate of surface water discharged into the quarry. There are also concerns regarding the risk to the development from the rising water levels within the quarry. However, the proposed surface water arrangements would create a betterment to the current situation in terms of the amount of water which would discharge to the quarry, as 50% would now be directed to the surface water sewer. The arrangements have been reviewed by SEPA and the Councils flooding team and found to be acceptable in principle. Conditions have been attached requiring a detailed scheme to be submitted.

SEPA have also advised that they have less concern that the occupants of the proposed development would be "caught unaware" or impacted by a sudden flood event, due to the slow rate at which the water in the quarry rises. However, SEPA recommend that a management plan to control the water level in the quarry would not only benefit the proposed development but would benefit the existing residential development. A condition has therefore been attached requiring such a plan to be submitted (*issues #23 and #24*).

Foul water from the development would discharge to a new sewer, which would tie into the existing Scottish Water foul sewer. This arrangement is acceptable, and a condition has been attached ensuring that a sewer connection is made.

Natural Heritage

Policy NE8 (Natural Heritage) and the associated SG requires that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary.

Environmental Impact Assessment

An environmental impact screening opinion has been carried out and it was determined that an environmental statement does not require to be submitted.

Protected Species

A phase one habitat survey as well as a further badger survey have been carried out by the applicant (*issue #15*).

- Badgers, a protected species under the *Protection of Badgers Act 1992*, were identified as potentially being affected by the development. Due to the sensitivities surrounding the species, further details of the survey and its findings cannot be disclosed publicly as to do so would be potentially harmful to the badgers' safety and wellbeing. It can however be confirmed that a mitigation plan has been submitted. Should work commence and badgers still be present then Scottish Natural Heritage (SNH) would need to issue a licence allowing the mitigation measures to be undertaken.
- In the UK all wild birds, their nests and eggs, are protected by law. Although the quarry has in the past been home to birds of prey (Peregrines, Kestrels and Fulmars), none were noted during the survey and the potential of the quarry to be suitable for such birds is now low due to the increased water level in the quarry which has reduced the extent of the cliff ledges.
- Most of the site is unsuitable for breeding birds, with most of the dense scrub cleared. However, the along the sides of the quarry and in the east, it is sufficiently thick to support breeding birds. A variety of birds were noted during the survey. To avoid disturbance or destruction of any nests, the site should be checked by an ecologist 24-hours before any construction commences to ensure there are no breeding birds present and took place outwith the breeding season.
- There were no indications of invasive or injurious species detected on the survey.

Trees

It is proposed to remove a total of 35 trees. These trees are predominately sycamore, ash, whitebeam, cherry, birch and elm and vary in height from between 7m to 15m. At the western end of the site, is Tree Preservation Order No.14, which covers this small area of the site and the wider area of woodland on the north west, west and southern edges of the quarry. Only one trees to be felled is within the TPO area. Three further trees are proposed for removal for woodland management reasons.

The removal of trees would be contrary to Policy NE5 which states that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Notwithstanding, the loss of all but one of these trees has already been consented in previous approvals. Although the trees contribute to the character of the immediate area, they have limited value in the wider area. To compensate for their loss, tree planting is proposed throughout the public areas surrounding the building, with the indicative landscape plans showing small multi-stemmed trees proposed around the building, details such as number, species and size to be agreed via condition. A separate condition would be attached requiring tree protection measures to be implemented to ensure protection of the remaining trees to the west (*issue #14*)

It is considered that sufficient measures would be in place to ensure that natural heritage interests are protected.

Air Quality

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

The proposed development is adjacent to the Anderson Drive Air Quality Management Area (AQMA). Although the concentrations of NO₂ and PM₁₀ in the surrounding road network are currently not exceeding the annual mean concentrations, the introduction of additional traffic additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. It is therefore recommended by Environmental Health officers that an air quality impact assessment is carried out. A condition has been attached requiring an assessment to be submitted and if necessary, a set of mitigation measures to be implemented. These could include measures to minimise the need to travel by the private car, supporting the car club or providing green infrastructure (*issue #29*).

Affordable Housing / Developer Contributions

Affordable Housing

In accordance with the Affordable Housing Supplementary Guidance, the equivalent of 61.25 units are required to be provided as affordable housing. Normally a registered social landlord (RSL) would take control of a block of units and manage them as affordable housing, however due to the expected high maintenance costs and difficulty in sub-dividing the building to allow an RSL to take control of part of it, it has been determined that, rather than onsite provision, a commuted sum would be the most appropriate option. The sum of £3,368,750 is therefore required, based on the prime area rate of £55,000 per unit.

Developer Obligations

To mitigate against the impact of the development on community infrastructure, financial contributions are sought to make the development acceptable, calculated in accordance with the adopted Planning Obligations Supplementary Guidance and advice from relevant Council services (*issue #30*). The applicant has agreed to these contributions, which would be secured by a legal agreement.

- Factoring this development into the 2018 roll forecasts for Hazlehead Primary School would not result in the school exceeding capacity and no mitigation is required.
- For Hazlehead Academy the development results in the capacity being exceeded by three pupils, therefore, to allow reconfiguration a contribution of £7,905 is sought.
- The development would include a residents' only gym and the Rubislaw Playing Fields have capacity, therefore no contributions towards sports and recreation have been sought. A condition has been attached requiring the gym to be provided.
- No contribution will be required towards community facilities as communal function space will be provided as an integral part of the development.
- A contribution of £58,925 is sought towards Core Path 27 (Den of Maidencraig to Anderson Drive) and/or 60 (Anderson Drive to Denwood via Craigiebuckler).

- A contribution of £28,914 towards enhancing open space at Hazlehead Park is sought.
- A contribution of £162,133 will be required towards the extension of healthcare facilities within the City Centre in order to increase capacity, as existing facilities in the vicinity of the development (eg Hamilton Medical Practice) are currently operating at or over capacity.

Sustainability

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

- Building fabric will exceed minimum requirements and accredited construction details used to reduce unwanted heat loss / thermal bridging.
- Air tightness testing will be carried out to reduce unwanted air infiltration.
- All fixed light outlets will be LED high efficiency type.
- Ventilation systems will utilise heat recovery.
- Heating systems will be decentralised and utilise heat-pump technology to reduce carbon emissions.
- Enhanced controls will be used to reduce unnecessary energy consumption.

A condition has been attached requiring final calculations demonstrating compliance to be submitted.

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

Other Matters Raised in Representations

Most matters raised in representations and by Queen's Cross and Harlaw Community Council have been addressed above. Remaining issues are addressed below.

- Issue #2 – Whilst there may well be other sites in Aberdeen where flats could be developed, the planning authority is required to consider only the application before it.
- Issue #26 – The impact which a development may have on house prices, whether negative or positive, is not a material planning consideration.
- Issue #28 – In this part of the city Aberdeen International Airport only requires to be consulted (so that aviation safety can be considered) where the proposed development is above 90m in height above ground level. At 26.4m, the proposed development is significantly below this height. Furthermore, NAT the operator of the Perwinnes Radar do not require to be consulted on development in this area of the city. There is, therefore, no concern with aviation safety.
- Issue #31 – A safety barrier would be erected on the walkway to prevent anyone falling into the quarry. The barrier would be required to comply with any relevant building standards regulations.

- Issue #35 – It is accepted that construction would be disruptive however this is inevitable with a large project. The building is proposed to be constructed using off-site fabrication of the components, allowing the build programme length and associated disruption to be reduced compared to traditional build methods. An informative note would be attached advising of the permitted working hours, with any complaints being investigated by the Council's Environmental Health service.
- Issue #36 – The title deeds of the site allow inert spoil from the site to be deposited via a chute into the quarry. The construction environmental management plan would determine if this method of disposing of spoil from the site is appropriate.
- Issue #37 – The safety of construction workers is not a planning consideration and is covered by separate legislation.
- Issue #38 – Potential Council tax revenues are not considered in decisions on planning applications.
- Issue #39 – Whether residents were notified of the previous application is irrelevant to this application.
- Issue #40 – The identity or nationality of an applicant is irrelevant to the determination of a planning application.
- Issue #41 – Only objections to this application can be considered. Those received to the previous application were commenting on a different proposal.
- Issue #42 – It is established practice and a requirement of the Development Management regulations that the developer produces a pre-application consultation report.

Heads of Terms of any Legal Agreement

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

Proposed Aberdeen Local Development Plan

In relation to this particular application, other than as discussed above the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan. The proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve conditionally and withhold consent until a legal agreement is secured to deliver developer obligations towards affordable housing, secondary education, core paths, open space and healthcare

REASON FOR RECOMMENDATION

The principle of developing this site is long-established and dates back to 1998 when a large-scale

office building was approved. Subsequent applications, including one that is still live and capable of being implemented, establish the principle of development.

In terms of Policy NE1 (Green Space Network) the value of the site to this wider designation is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, considerably lessening any recreational value it may possess as open/green space.

It is important that a range of rental options are available in the city and the proposed introduction of a significant number of build-to-rent flats would contribute towards increasing these options. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due to the surrounding topography and landscape and through the careful design of its scale, massing and form. The nine-storey height is not consistent across the building, with the massing broken up by the stepped profile of the two peaks and valley between, reducing the impact of its apparent size. The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' elements and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building in both near and distant views, while also reducing its mass and visual impact. Therefore, whilst undoubtedly a tall, the building's scale and massing would be successfully lessened by its modelled form. From distant views, tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline. The introduction of the building would have a negligible impact in this context. It is considered that the reduction in size has addressed the issues that led to the dismissal of the previous proposal at appeal. It is therefore considered to be in accordance with the provisions of Policy D1 (Quality Placemaking by Design), D2 (Landscape) and D3 (Big Buildings).

The amenity impacts on surrounding residential properties, considered through Policy H1 (Residential Areas) are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high-quality public realm and landscaping would result in a neutral impact.

A preference to see another unrelated development proceed is not a material planning consideration. Both the proposed development and any heritage centre on the south side of the quarry could proceed independently of one another.

The provision of the 'heritage bistro' within the development with a public walkway and landscaping will allow public access along the edge of the quarry for the first time and is welcomed; enhancing the value of the quarry and open space. Some trees would be removed to allow development; however, their loss has already been established through previous applications. New tree, grass and shrub planting would feature as part of the landscaping scheme for the public areas within the development. In this regard, the proposal is in accordance with Policy D1 (Quality Placemaking by Design), D2 (Landscape) and NE9 (Access and Informal Recreation) and NE5 (Trees and Woodland).

In terms of transportation, the site is well located within the urban area and close to public transport routes and, therefore, meets the requirements of Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel). A sufficient level of parking has been provided and the impact on the surrounding road network considered to be minimal.

50% of the surface water from the site would be directed to the public sewer, whereas the remainder would be discharged to the quarry at a controlled rate, representing an improvement

over the current situation as less water would be directed into quarry. SEPA and the Council's Flooding Team have confirmed acceptance of these proposals and the requirements of Policy NE6 (Flooding, Drainage & Water Quality) would be met.

A mitigation plan has been submitted with respect to badgers and is considered acceptable, thereby complying with NE8 (Natural Heritage).

In accordance with Policy I1 (Infrastructure Delivery & Planning Obligations) and H5 (Affordable Housing), suitable developer obligations towards affordable housing, primary and secondary education, core paths, open space and healthcare, would be secured through a legal agreement.

CONDITIONS

(1) SURFACE WATER DRAINAGE

No development shall take place unless a detailed scheme for surface water drainage and connection to the sewer, in accordance with the Drainage & Flooding Assessment (Issue 07 – January 2020) has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter development shall be implemented in accordance with the agreed scheme.

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

(2) QUARRY WATER LEVEL MANAGEMENT PLAN

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

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

(3) FOUL WATER DRAINAGE

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

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

(4) AIR QUALITY ASSESSMENT

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

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

(5) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

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

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

Thereafter no flat shall be occupied unless the mitigation measures relevant to that property have been implemented in accordance with the agreed scheme.

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

(6) DETAILED LANDSCAPING SCHEME

No development shall take place unless a detailed scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. The scheme shall be in accordance with the principles outlined in the Landscape Design Framework produced by Optimised Environments (ref: 171159_OPEN_HillRubi_LDF-01 – January 2020) and include –

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

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

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

(7) PROVISION OF PARKING

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

authority. The phasing scheme shall –

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

Thereafter no unit within the building shall be occupied unless the parking associated with that unit and identified as such in the phasing scheme has been constructed, drained, laid-out and demarcated in accordance with drawings IBI-XX-ZZ-PL-A-221-0099 (Rev.3) and IBI-XX-ZZ-PL-A-100-0103 (Rev.3) or such other drawing approved in writing by the planning authority.

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

Parking spaces shall be communal and unallocated to any particular flat within the development.

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

(8) CAR CLUB PARKING SPACES

No part of the building shall be brought into use unless (i) the car club only parking spaces have been constructed and/or marked out and is available for use and any associated signs or road markings have been implemented, and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason – To encourage modal shift away from the private car.

(9) PROVISION OF PUBLIC AREAS AND WALKWAY

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

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

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

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

(10) PROVISION OF FOOD & DRINK USE AND GYM

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

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

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

(11) EXTERNAL FINISHING MATERIALS

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

Reason – to confirm the specific materials proposed and ensure a high-quality finish to the building

(12) EXTERNAL LIGHTING

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

Reason – to ensure public safety.

(13) TREE PROTECTION SCHEME

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

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

(14) BADGER PROTECTION PLAN

No development shall take place unless the species protection measures contained within the Environmental Survey (RQA-1803-EIS (rev.1) – 10 January 2018) have been fully implemented.

Reason – to ensure that badgers are protected from development.

(15) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

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

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

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

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

environment

(16) WASTE STORAGE

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

Thereafter no unit within the building shall be occupied unless the waste storage area associated with that unit and identified as such in the phasing scheme has been constructed and is available for use in accordance with IBI-XX-ZZ-PL-A-221-0099 (Rev.3) and IBI-XX-ZZ-PL-A-100-0103 (Rev.3) or such other drawing approved in writing by the planning authority.

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

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

(17) LOW AND ZERO CARBON BUILDINGS

The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

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

(18) WATER EFFICIENCY MEASURES

No flat or commercial element of the building shall be occupied unless the water efficiency measures identified in section 4.0 of the Sustainability Statement (Issue 03) produced by KJ Tait Engineers have been installed and are available for use.

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

(19) BUS STOP UPGRADE

No residential flat or the food and drink use shall be occupied unless the bus stop located on the south side of Queen's Road (approximately 40m east of Angusfield Avenue) has been upgraded in accordance with a scheme submitted to and approved in writing by the planning authority.

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

(20) RESIDENTIAL TRAVEL PLAN

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

options available in the area to discourage the use of the private car. The approved travel pack shall be supplied to each household on occupation of a flat.

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

(21) COOKING ODOUR CONTROL

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

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

ADVISORY NOTES FOR APPLICANT

(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

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

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

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