

Public Document Pack



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

Town House,
ABERDEEN 10 June 2021

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Council Chamber - Town House on **THURSDAY, 17 JUNE 2021 at 10.00 am.**

Members of the press and public are not permitted to enter the Town House at this time. The meeting will be webcast and a live stream can be viewed on the Council's website. [Aberdeen City Council webcasts.](#)

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 7 - 8)

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 9 - 10)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 20 May 2021 - for approval (Pages 11 - 18)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 19 - 22)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission for the erection of teaching and learning hall, removal of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack, formation of new teaching and learning spaces within existing buildings and associated public realm works at Kings College Aberdeen (Pages 23 - 76)

Planning Reference – 201069

Please note that the presentation is a combined presentation for this application and also the Listed Building Consent application.

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.2 Listed Building Consent for erection of teaching and learning hall, demolition of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), internal and external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack to allow for formation of new teaching and learning spaces within existing buildings, and associated public realm works at Kings College Aberdeen (Pages 77 - 98)

Planning Reference – 201070

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.3 Detailed Planning Permission for the construction of permanent external seating area in rear car park - Great Western Hotel, 239 Great Western Road Aberdeen (Pages 99 - 120)

Planning Reference – 210417

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

[Link.](#)

Planning Officer: Robert Forbes

- 6.4 Detailed Planning Permission for the erection of 2 storey extension to rear and formation of new window to side - 95 Charleston Road North Aberdeen (Pages 121 - 136)

Planning Reference – 210461

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

[Link.](#)

Planning Officer: Jemma tasker

- 6.5 Detailed Planning Permission for change of use from office to private medical clinic at former Wood Group Building, Wellheads Place Aberdeen (Pages 137 - 152)

Planning Reference – 201292

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.6 Detailed Planning Permission for redevelopment of site to form social housing rented accommodation (99 units), comprising a mix of unit types with associated streets, parking and amenity space at former Craighill Primary School, Hetherwick Road Aberdeen (Pages 153 - 194)

Planning Reference – 210038

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

[Link.](#)

Planning Officer: Dineke Brasier

- 6.7 Planning Permission in Principle for the erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of up to 500 sqm of commercial floorspace (within classes 1(shops), 2(financial, professional and other services) and/or class 3(food and drink)) with associated works at Silverburn House, Claymore Drive Aberdeen (Pages 195 - 256)

Planning Reference – 191904

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

[Link.](#)

Planning Officer: Gavin Evans

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Detailed Planning Permission for installation of fence to the side (part retrospective) at 11 Earn's Heugh Crescent Aberdeen (Pages 257 - 282)

Planning Reference – 210427

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

[Link.](#)

Planning Officer: Roy Brown

DATE OF NEXT MEETING

- 8.1 Thursday 19 August 2021 at 10am

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, 20 May 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke (for all items apart from article 6), Copland, Cormie, Greig, MacKenzie, Malik and Radley (as a substitute for Councillor Cooke for article 6).

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.

DECLARATIONS OF INTEREST

1. Councillor Cooke declared an interest in relation to item 6.2 on the agenda, 56 Cromwell Road, as he knew one of the objectors who had submitted a representation in relation to the application. Councillor Cooke advised he would leave the meeting during consideration of the application and would take no part in the deliberation or determination.

Councillor Greig declared an interest in relation to item 7.1 on the agenda, land north of 15 Craigden, Aberdeen, as he had previously expressed a view on the application. Councillor Greig intimated he would leave the meeting during consideration of the application and would take no part in the deliberation or determination.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 22 APRIL 2021

2. The Committee had before it the minute of the previous meeting of 22 April 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING OF 15 MARCH 2021

3. The Committee had before it the minute of the Pre-Determination Hearing of 15 March 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 May 2021

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

LAND AT CRAIBSTONE NORTH AND WALTON FARM ABERDEEN - 210146

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

That there be a willingness to approve the application conditionally, subject to the conclusion of a Legal Agreement to ensure payment of developer obligations. The application was for detailed planning permission for the erection of a food hub innovation facility with access, parking, landscaping and associated works at land at Craibstone North and Walton Farm, Aberdeen, 210146.

Conditions

1. Materials

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

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

2. Junction Upgrade

The development hereby approved shall not be brought into use unless full and finalised details of the proposed upgrades to the A96 / Walton Road junction have been submitted to and approved in writing by the planning authority and implemented in accordance with the details thereby approved.

Reason: To ensure the existing access is adequately upgraded and can accommodate the level of traffic associated with this development.

3. Public Footpath

The development hereby approved shall not be brought into use unless full details of the upgrades to the public footpath along the southern site boundary, which has been

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 May 2021

designed in accordance with the Council's Standards, have been submitted to and approved in writing by the planning authority and implemented in accordance with these details. The upgraded footpath shall be permanently retained thereafter.

Reason: To ensure safe access for pedestrians to existing public infrastructure.

4. Internal Footpaths

The development hereby approved shall not be brought into use unless full details of the internal footpaths within the application site boundary, have been submitted to and approved in writing by the planning authority and implemented in accordance with the details. Thereafter the internal footpaths shall be permanently retained.

Reason: To ensure safe access and movement for pedestrians and cyclists.

5. Electric Vehicular Charging Points

No works in connection with the development hereby approved shall commence unless details of the electric vehicular charging points within the car park have been submitted to and approved in writing by the planning authority. Thereafter, the development shall not be brought into use until the electric vehicular charging points are implemented in accordance with the details thereby approved. The electric vehicular charging points shall be permanently retained and maintained to the specifications in the referred to approved details.

Reason: To ensure the provision of adequate charging points within the site.

6. Travel Plan

Within 6 months of the date the building hereby approved being brought into use a Travel Plan for that building shall be submitted to the planning authority for approval. The Travel Plan shall:

- encourage more sustainable means of travel and shall include mode share targets;
- identify the measures to be implemented, the system of management monitoring review, reporting, and the duration of the incorporated measures designed to encourage modes other than the private car.

Once approved the measures set out in the Travel Plan shall be implemented and permanently retained thereafter.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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7. Landscaping Scheme

No works in connection with the development hereby approved shall commence unless a scheme of hard, soft and water landscaping works has been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport. Details of the scheme shall include the following and shall be in accordance with the Airport Operations Association, Safeguarding of Aerodromes - Advice Note 3:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) An indication of existing trees to be removed as a result of the upgrades to Walton Road and its junction with the A96.
- e) An indication of existing shrubs and hedges to be removed.
- f) The location of new trees, including compensatory planting to replace those lost as a result of the upgrades to Walton Road and its junction with the A96, shrubs, hedges grassed areas and water features.
- g) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- h) The location, design and materials of all hard landscaping works including the courtyard area.
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

8. Energy Statement and Water Efficiency

The building hereby approved shall not be erected unless an Energy Statement has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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Details of all water saving technologies and techniques within the proposed development must also be submitted to and approved in writing by the planning authority. Thereafter, the development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement and the carbon reduction measures and water saving technologies and techniques are in place and fully operational.

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.

9. Full Fibre Broadband

That the development hereby approved shall not be brought into use unless a scheme for the provision of a full fibre broadband connection for the development has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved.

Reason: In order to provide the development with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan.

10. Surface Water Drainage

The development hereby approved shall not be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Strategy prepared by Curtins, dated December 2020, unless otherwise agreed with the planning authority. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

11. Waste Management

That the development hereby approved shall not be brought into use until full details of the waste/recycling bin storage areas have been submitted to and approved in writing by the planning authority. Once approved, the development shall not be occupied unless the storage area has been provided in accordance with the approved details.

Reason: To ensure that suitable provision is made for the storage of recycling, food waste and residual waste bins.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 May 2021

The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

In accordance with Article 1 of this minute, Councillor Cooke left the meeting prior to consideration of the following item of business and was replaced by Councillor Radley.

56 CROMWELL ROAD ABERDEEN - 200559

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 the erection of a single storey ancillary accommodation to the rear at 56 Cromwell Road Aberdeen, 200559, be approved subject to the following conditions and with a legal agreement:-

Conditions

1. That no development shall take place unless a scheme for the protection of all trees to be retained on the site and neighbouring sites during construction works has been submitted 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 during the construction of the development, in compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

2. That no development shall take place unless further details relating to the proposed path – which would be expected to be no-dig construction – have been submitted to, and approved in writing by, the Planning Authority and thereafter the works carried out in accordance with the details agreed.

Reason: In order to limit arboricultural impacts and ensure the protection of trees, in compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

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

The Committee resolved:-

to approve the recommendation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 May 2021

62 TO 64 SHIPROW ABERDEEN - 210397

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

That the application for Conservation Area Consent for the substantial demolition of a single storey building (side walls and roof) with Shiprow facing wall remaining unaltered, retrospectively, at 62-64 Shiprow Aberdeen, 210397, be approved subject to the following conditions:-

Conditions

1. That a Standing Building Survey of the Shiprow and east walls shall be submitted within 6 months of the date of this permission. This should include the 2010 drawing from the Heritage Statement at its original resolution and ‘as existing’ photographs with scales (ranging rod) to be taken along the length of the wall and for any specific architectural elements shown on either side. This will ensure there is a full and proper record of the wall for the future.

Reason: In the interests of recording historic features.

2. That within 1 month of the date of this permission, details of the addition of reclaimed granite coping to the section of the east boundary wall affected by the reduced height shall be submitted to the planning authority. Thereafter, works shall be carried out fully in accordance with any details thereby agreed within 6 months any such agreement

Reason: In the interests of preserving the character of the Union Street Conservation Area.

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

The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

In accordance with Article 1 of this minute, Councillor Greig left the meeting prior to consideration of the following item of business.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 May 2021

LAND NORTH OF 15 CRAIGDEN ABERDEEN - 210283

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 formation of access, parking area and covered bike shed for allotments with associated works at land north of 15 Craighden Aberdeen, 210283, be refused.

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

The Committee resolved:-

to approve the recommendation and therefore refuse the application.

BINGHILL HOUSE, BINGHILL ROAD ABERDEEN - 200750

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 the erection of an active retirement community, of 60 units in a mix of apartments, cottages and houses and a 20-bed nursing home, at Bingham House, Bingham Road Aberdeen, 200750, 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 approve the recommendation and therefore refuse the application.

- **Councillor Marie Boulton, Convener**

	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			17 June 2021						
4	Silverburn House - 191904	To approve or refuse the application for 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	On agenda	Gavin Evans	Strategic Place Planning	Place	1		
5	239 Great Western Road Aberdeen - 210417	To approve or refuse the application for external seating area,	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
6	Kings College - 201069	To approve or refuse the erection of teaching and learning hall, removal of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), external alterations of Cromwell Tower, Old Senate	On agenda	Matthew Easton	Strategic Place Planning	Place	1		
7	Kings College - 201070	As above but approval or refusal for Listed Building Consent.	On agenda	Matthew Easton	Strategic Place Planning	Place	1		
8	Craighill Primary - 210038	To approve or refuse the application for the redevelopment of site to form social housing rented accommodation (99 units), comprising a mix of unit types with associated streets, parking and amenity space	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
9	Wellheads Place - 201292	To approve or refuse the application for change of use from office to private medical clinic	On agenda	Matthew Easton	Strategic Place Planning	Place	1		
10	11 Earn's Heugh - 210427	To approve or refuse the application for installation of fence to the side	On agenda	Roy Brown	Strategic Place Planning	Place	1		
11	95 Charleston Road North - 210461	To approve or refuse the application for erection of 2 storey extension to the rear.	On agenda	Jemma Tasker	Strategic Place Planning	Place	1		
12			19 August 2021						
13	Altens Farm Road - 210114	To approve or refuse the application for the erection of Class 1 (shops) retail unit with associated car parking, access, landscaping and associated works		Gavin Evans	Strategic Place Planning	Place	1		
14	Kincorth Academy - 210185	To approve or refuse the application for residential development for 213 social rented accommodation comprising a mix of unit types with associated roads, shared residential streets, parking, landscaping and		Dineke Brasier	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
15	241 North Deeside Road - 210588	To approve or refuse the application for change of use from Class 2 to Class 3 (food & drink) with takeaway and installation of flue		Alex Ferguson	Strategic Place Planning	Place	1		
16	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365	To hear from the applicant in relation to an application for Major residential development of approximately 350 units (at least 25% affordable) with associated infrastructure, open space and landscaping		Gavin Evans	Strategic Place Planning	Place			
17			30 September 2021						
18			04 November 2021						
19	Committee Annual Effectiveness Report	To report on the committee annual effectiveness report		Lynsey McBain	Governance	Commissioning	GD 8.5		
20			09 December 2021						
21									
22			Future applications to PDMC (date of meeting yet to be finalised).						
23	City Centre Conservation Area Appraisal - results of consultation	The Committee considered draft consultation report at Committee on 21 January 2021 and agreed that the results come back to committee in 12 months.		Ross Wilson	Strategic Place Planning	Place	4		
24	Outside Polmuir Bowling Club, Devanha Gardens - 210094 (June but TBC)	To approve or refuse the application for installation of 20m high telecoms mast and equipment cabinets.		Alex Ferguson	Strategic Place Planning	Place	1	D	Potentially withdrawn from the applicant. Exploring alternative options.
25	Forestgait, 22 Kings Gate	To approve or refuse the application for demolition of vacant care home building and erection of 3 and 4 storey development comprising 35 no. Flats with associated structures, landscaping and access alterations		Jamie Leadbeater	Strategic Place Planning	Place	1		
26	Site at Farburn Place Dyce (likely August)	To approve or refuse the application for erection of energy storage facility with associated works		Gavin Clark	Strategic Place Planning	Place	1		
27	Leggart Brae - Pre Determination Hearing - 201558 - to be scheduled	To approve or refuse the application for major residential development of 133 homes, new road junction on to A92, associated infrastructure and landscaping		Alex Ferguson	Strategic Place Planning	Place	1		
28	Orchard Cottage, 1 The Orchard	To approve or refuse the application for replacement windows		Dineke Brasier	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
29	Coningham Road Tillydrone - 210041 (aiming for June)	To approve or refuse the application for the erection of 41 flats		Robert Forbes	Strategic Place Planning	Place	1		
30	Former Cults Railway Station - 210140 (likely August)	To approve or refuse the application for change of use to class 3 (food and drink) with outdoor seating area including alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated works		Jane Forbes	Strategic Place Planning	Place	1		
31	Jessiefield Junction - 200536 (likely to be August)	To approve or refuse the application for a variation of condition 10 (requiring Condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning application ref. P141888		Dineke Brasier	Strategic Place Planning	Place	1		

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Planning Development Management Committee

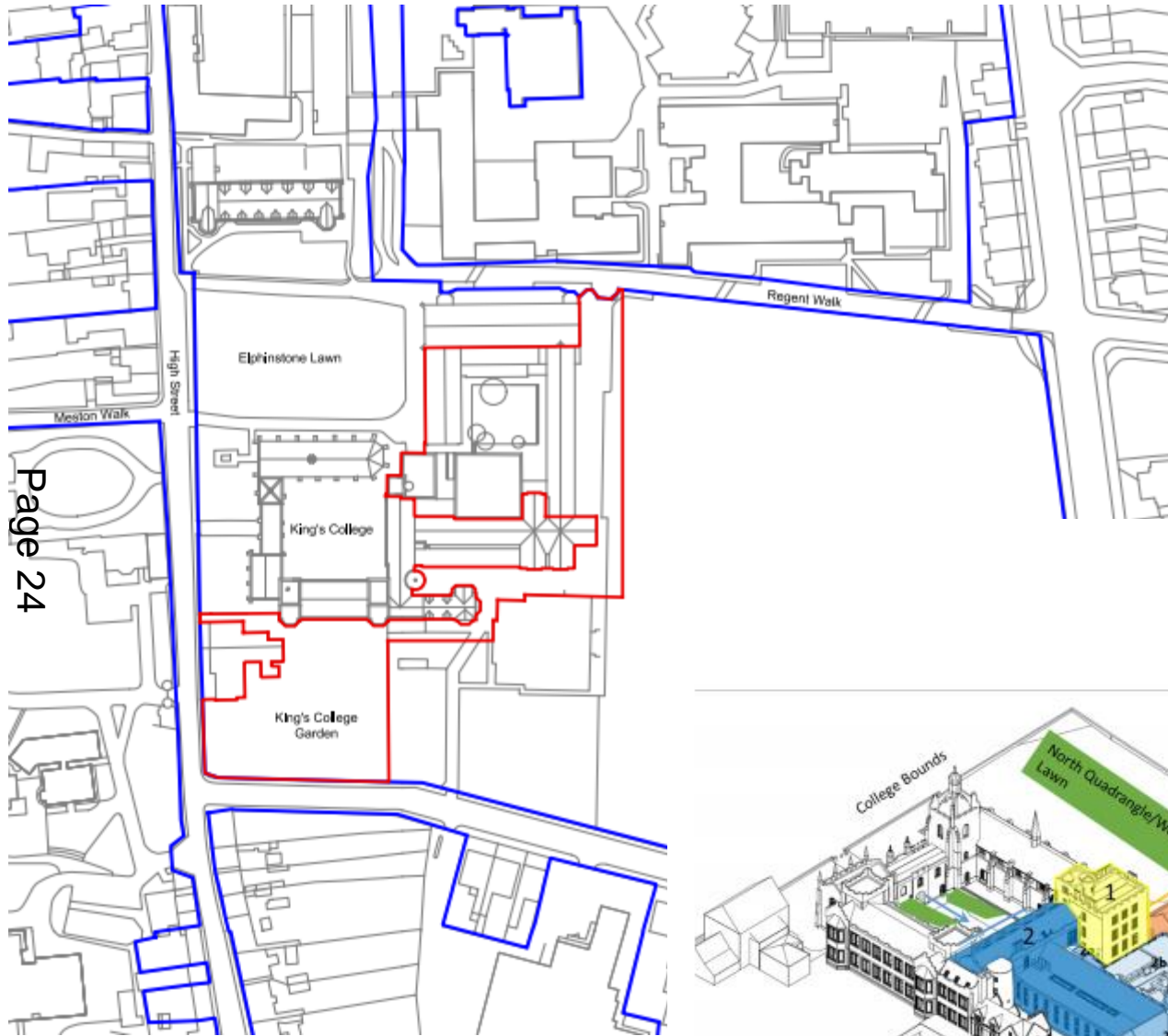


Erection of teaching and learning hall, removal of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack, formation of new teaching and learning spaces within existing buildings and associated public realm works

King's College, University of Aberdeen, College Bounds

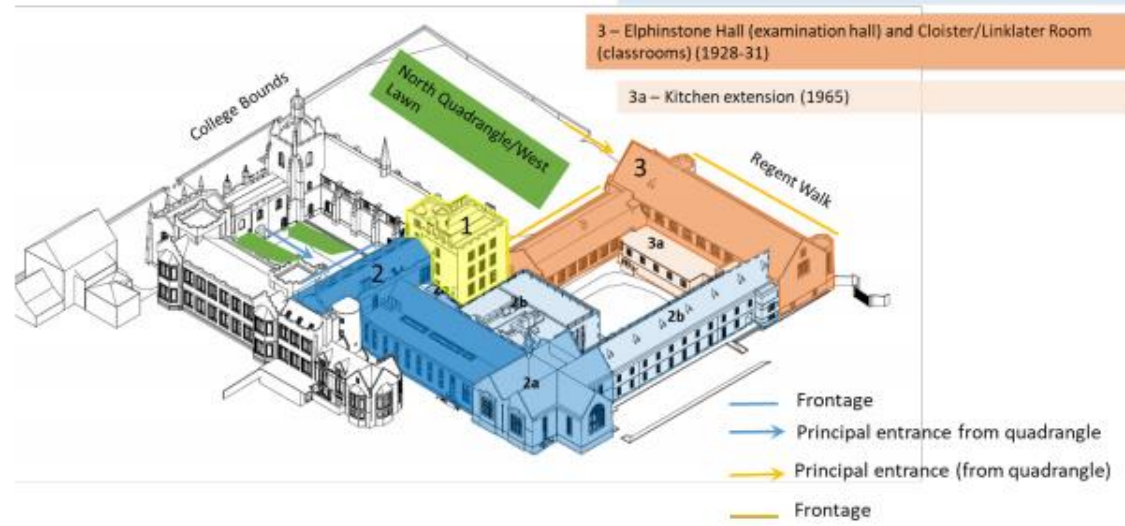
Detailed Planning Permission (201069/DPP)

Location Plan

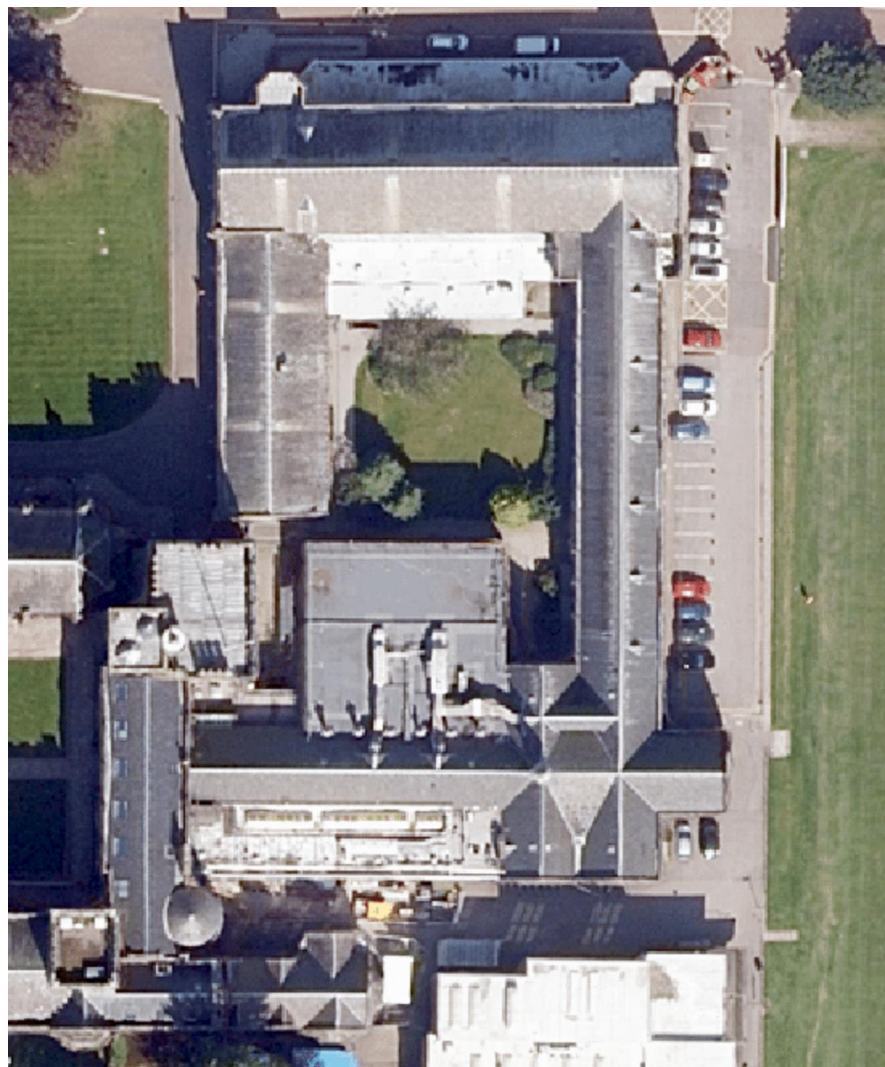
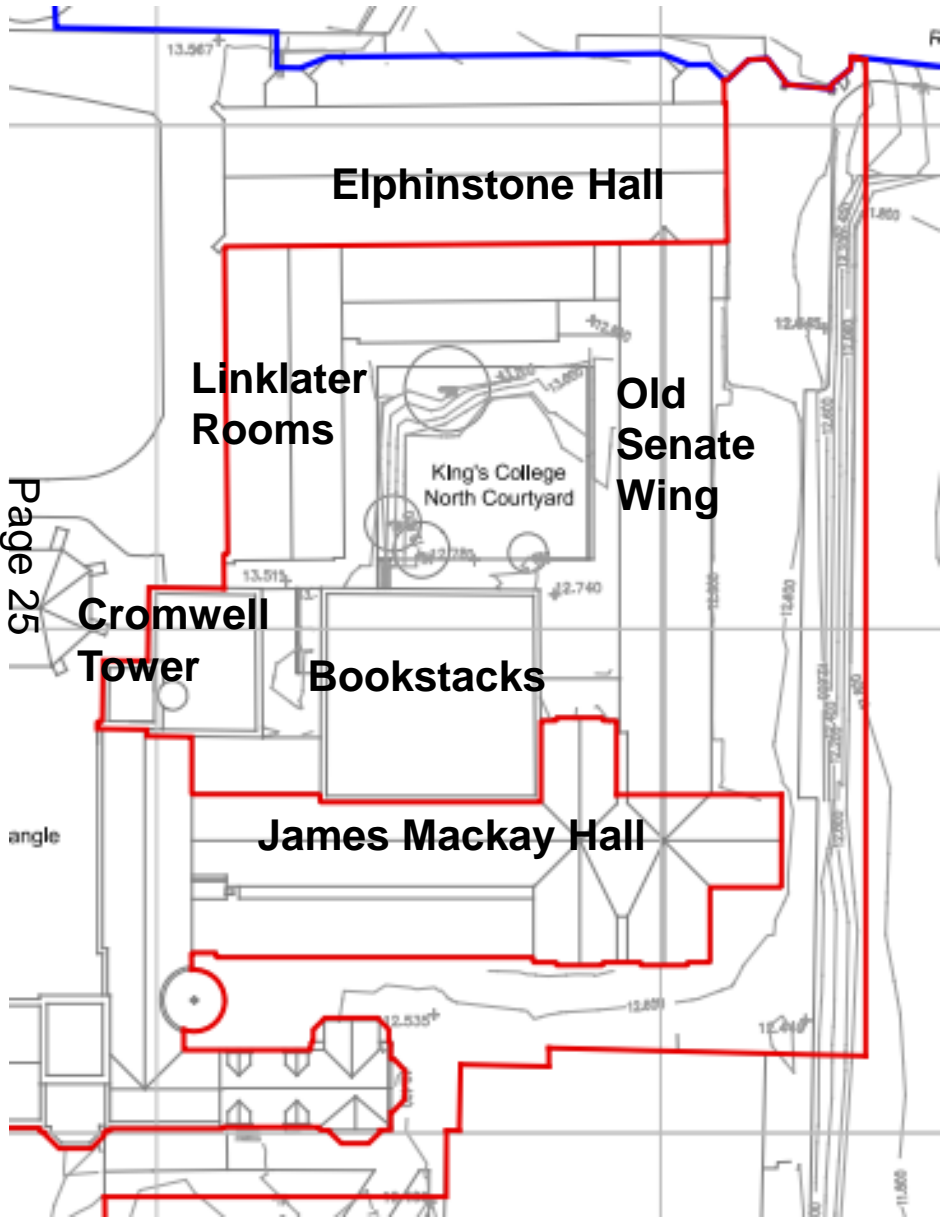


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- 1 – Cromwell Tower (built 1661, rebuilt internally 1825-6)
- 2 – East wing classroom and library to King College Quadrangle (c1870)
 - 2a – East library extension and north west corner infill (c 1880)
 - 2b – North book stack extensions (c 1921/1943-54/1956)
- 3 – Elphinstone Hall (examination hall) and Cloister/Linklater Room (classrooms) (1928-31)
 - 3a – Kitchen extension (1965)



Existing Site Layout



Bookstack, Cromwell Tower and Linklater Rooms



Book Stack Extension and James Mackay Hall behind



Old Senate Wing (right) James Mackay Hall kitchen extension (centre) and Cromwell Tower (left)



Old Senate Wing



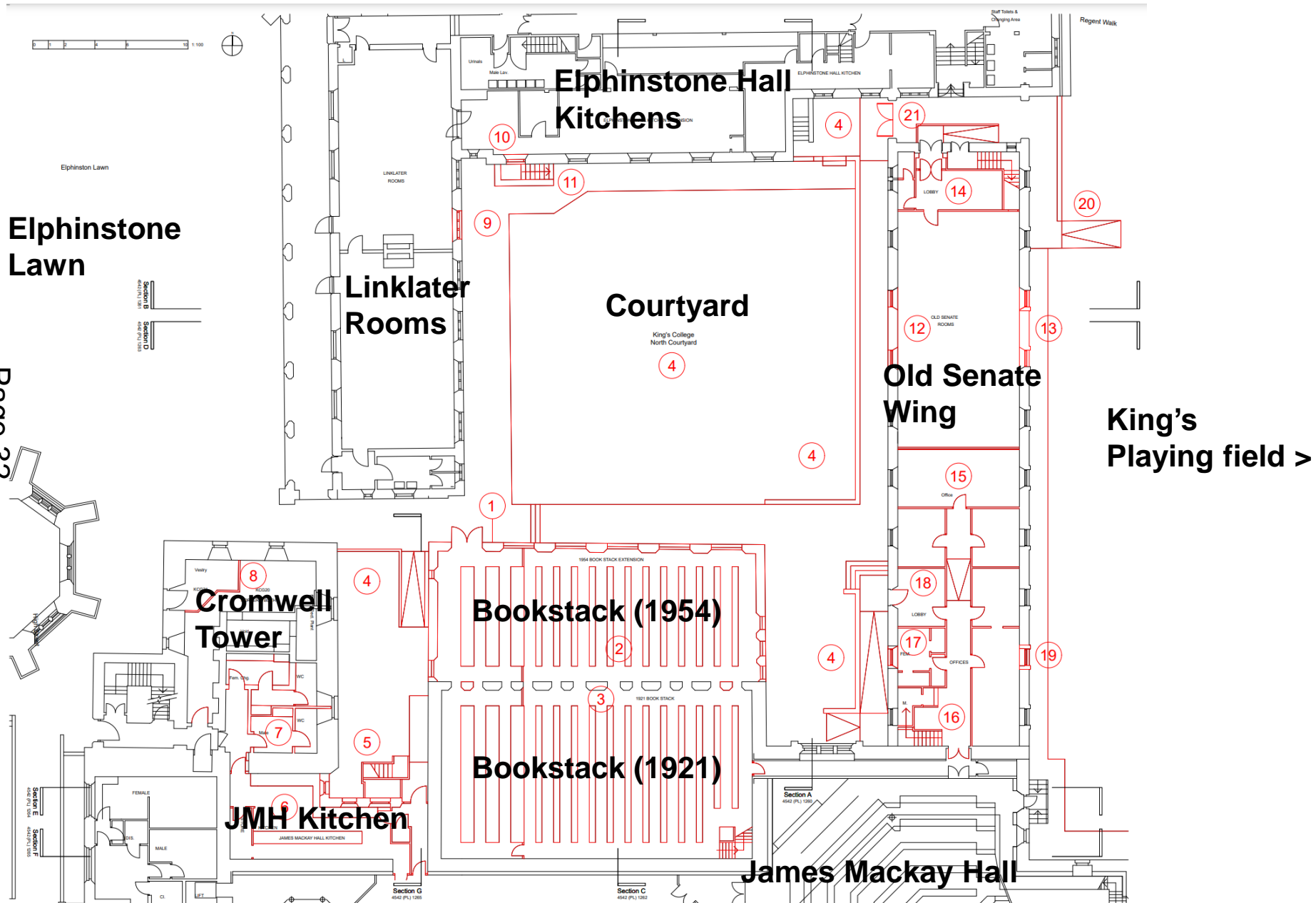
Old Senate Wing (left) and James Mackay Hall (right)



Elphinstone Hall (left) and Old Senate Wing (right)



Existing ground floors with proposed downtakings

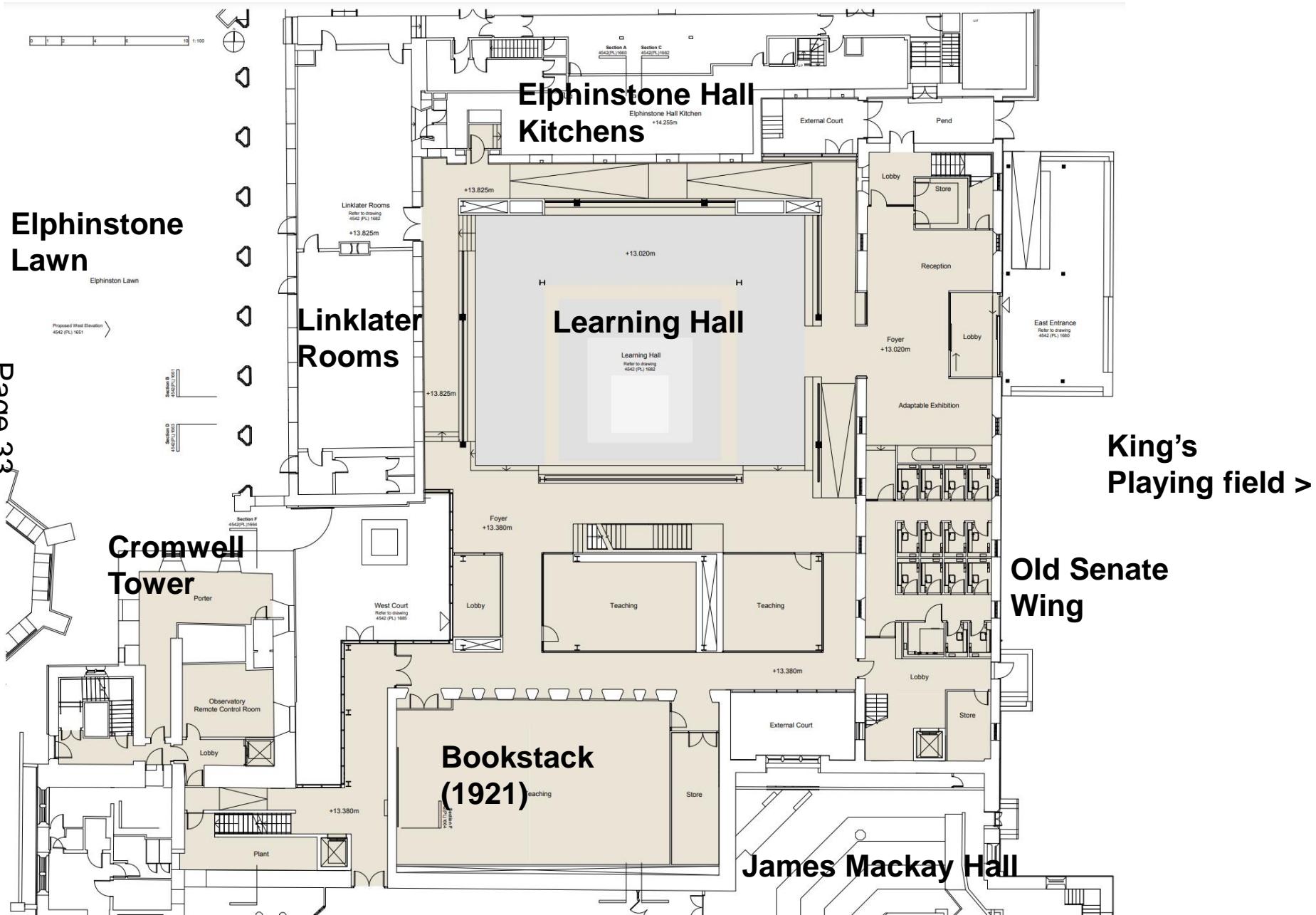


Elphinstone
Lawn

Page 32

King's
Playing field >

Proposed ground floors



**Elphinstone
Lawn**

Elphinstone Lawn

Proposed West Elevation
+13.020m

Section B
+13.020m

Section D
+13.020m

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**Cromwell
Tower**

Porter

Observatory
Remote Control Room

Lobby

Plant

+13.380m

West Court
Refer to drawing
4542 (P1) 1688

**Bookstack
(1921)**

Teaching

Store

+13.380m

External Court

James Mackay Hall

**Elphinstone Hall
Kitchens**

Elphinstone Hall Kitchen
+14.255m

External Court

Pend

**Linklater
Rooms**

Linklater Rooms
Refer to drawing
4542 (P1) 1682

+13.825m

+13.825m

+13.020m

Learning Hall

Learning Hall
Refer to drawing
4542 (P1) 1682

+13.825m

Foyer
+13.380m

Lobby

Teaching

Teaching

Foyer
+13.020m

Reception

Lobby

Store

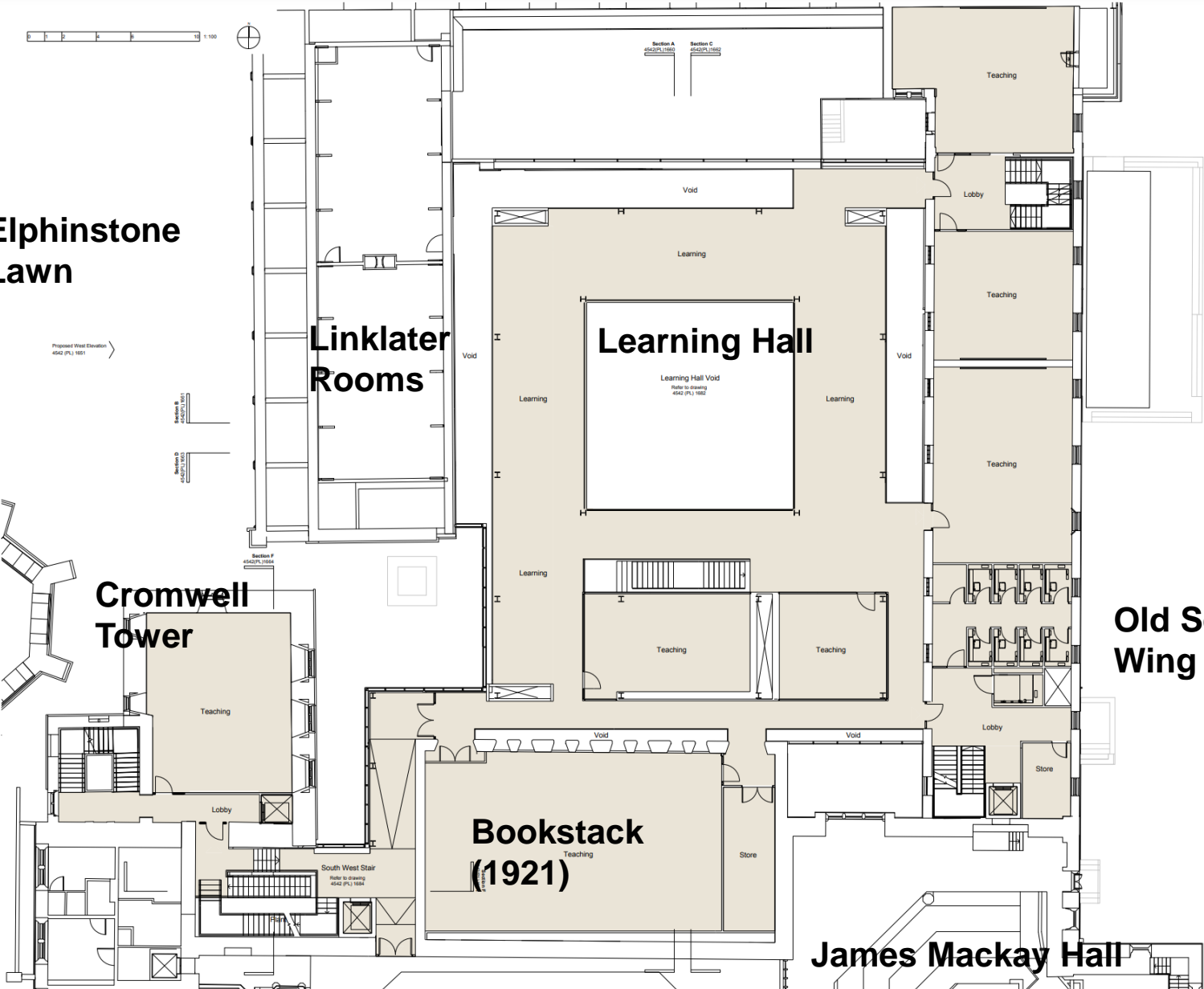
Adaptable Exhibition

East Entrance
Refer to drawing
4542 (P1) 1680

**King's
Playing field >**

**Old Senate
Wing**

Proposed first floors



Elphinstone
Lawn

Linklater
Rooms

Learning Hall

King's
Playing field >

Old Senate
Wing

Cromwell
Tower

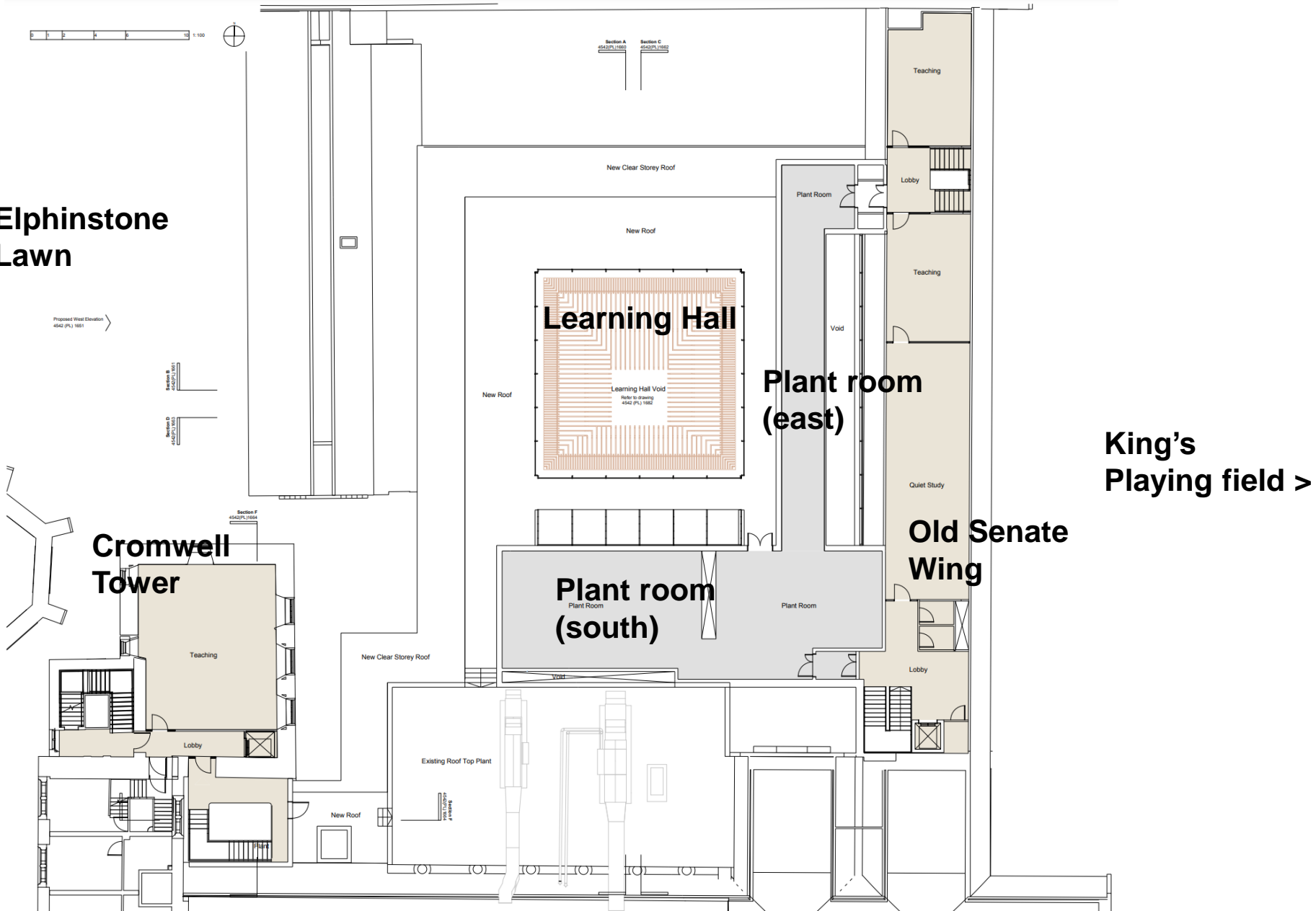
Bookstack
(1921)

James Mackay Hall

Proposed second floors / roof

Elphinstone
Lawn

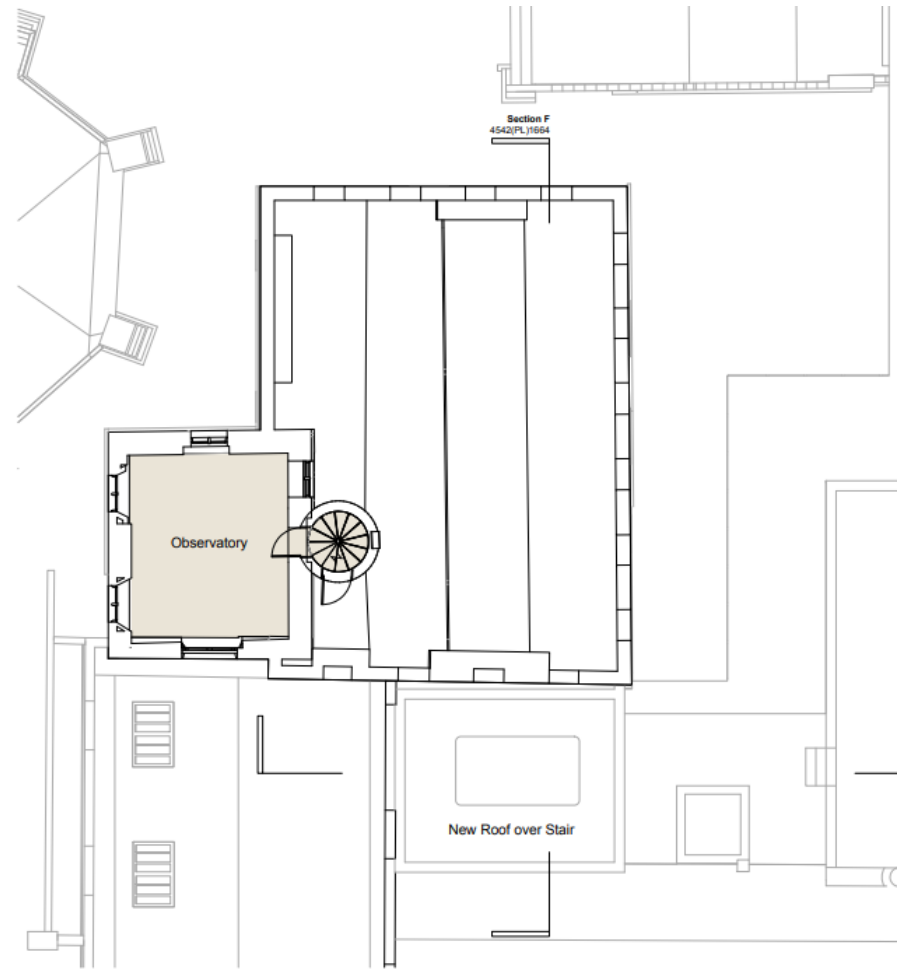
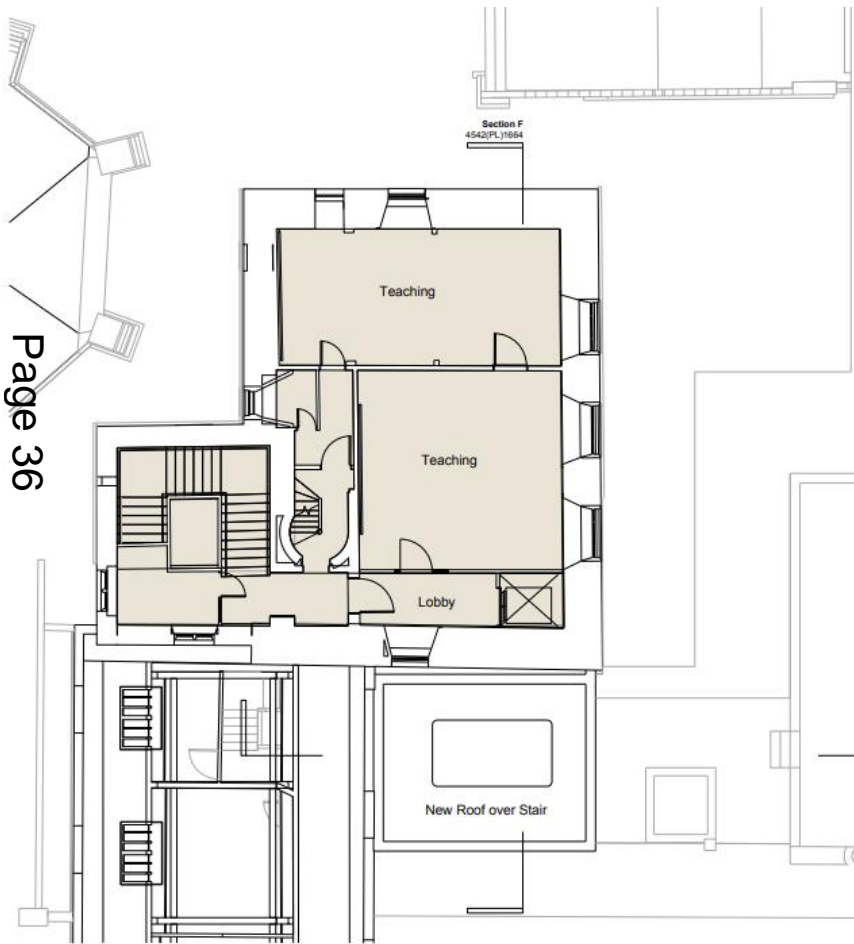
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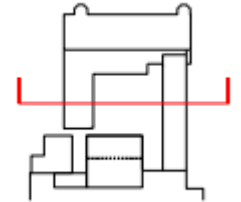
King's
Playing field >

Proposed third and fourth floors (Cromwell Tower only)

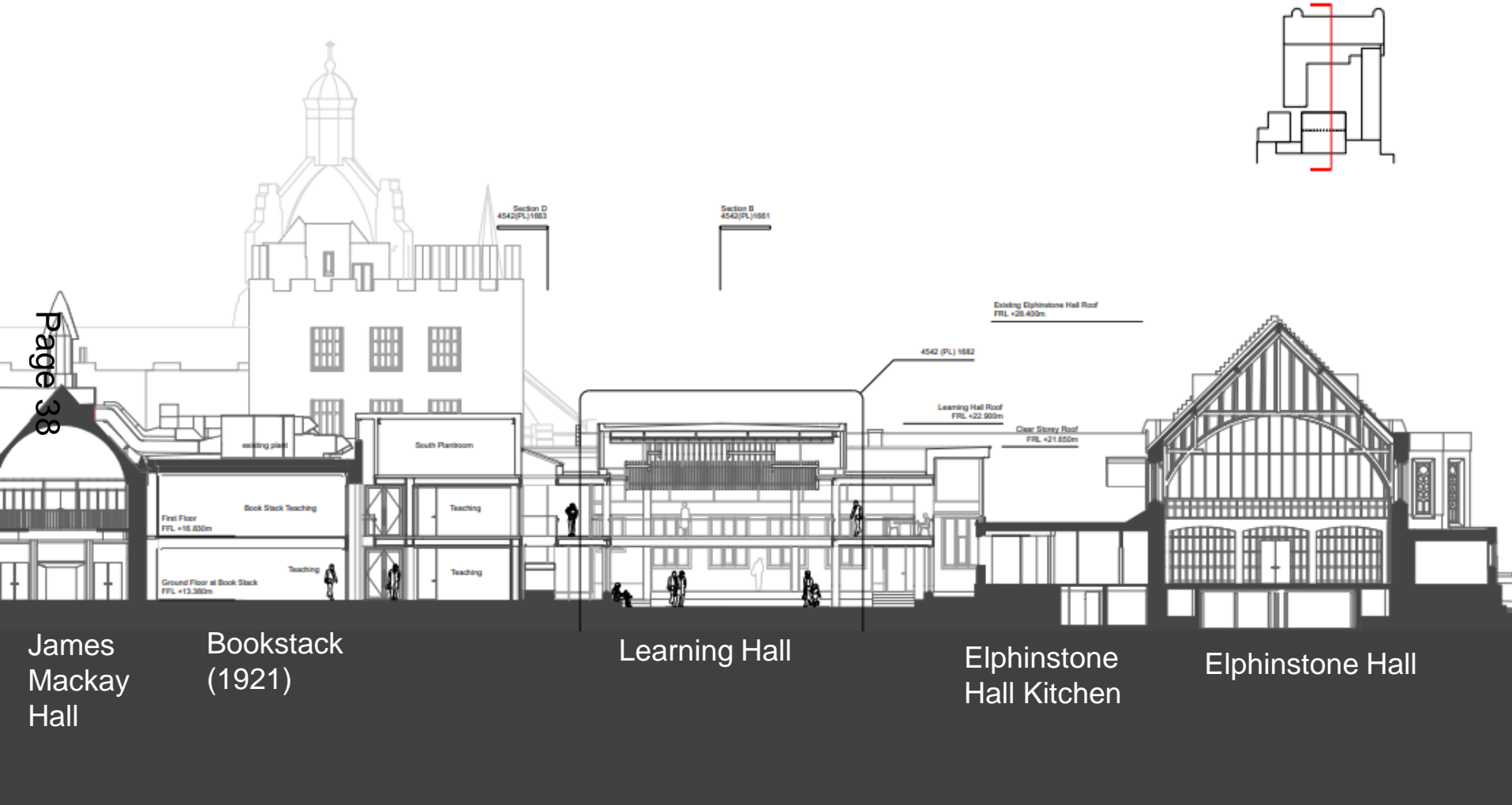
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Section through Linklater Rooms, Learning Hall, Plantroom East and Old Senate Wing (left to right)



Section through James Mackay Hall, Book Stack, Learning Hall, Elphinstone Hall Kitchen and Hall (left to right)



James Mackay Hall

Bookstack (1921)

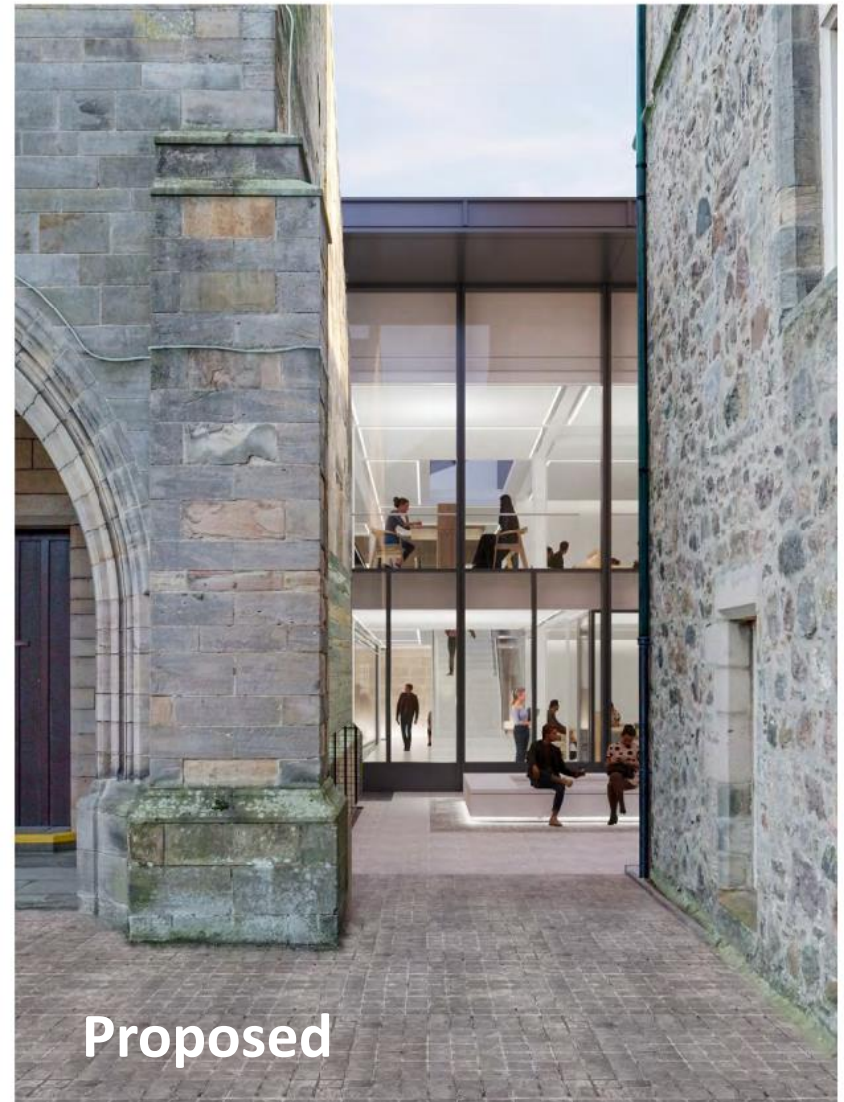
Learning Hall

Elphinstone Hall Kitchen

Elphinstone Hall

Visualisation of west entrance between Linklater Rooms and Cromwell Tower

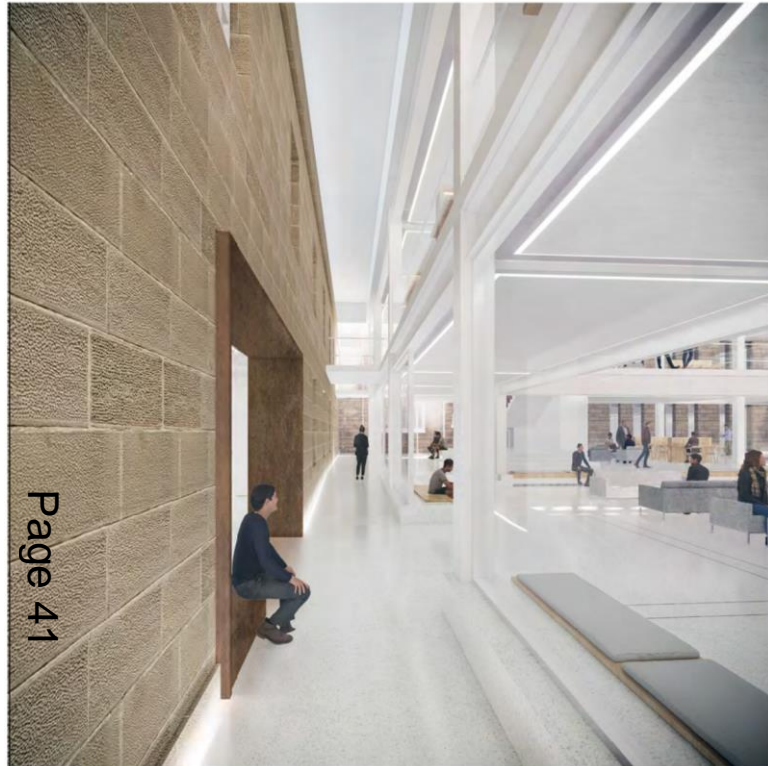
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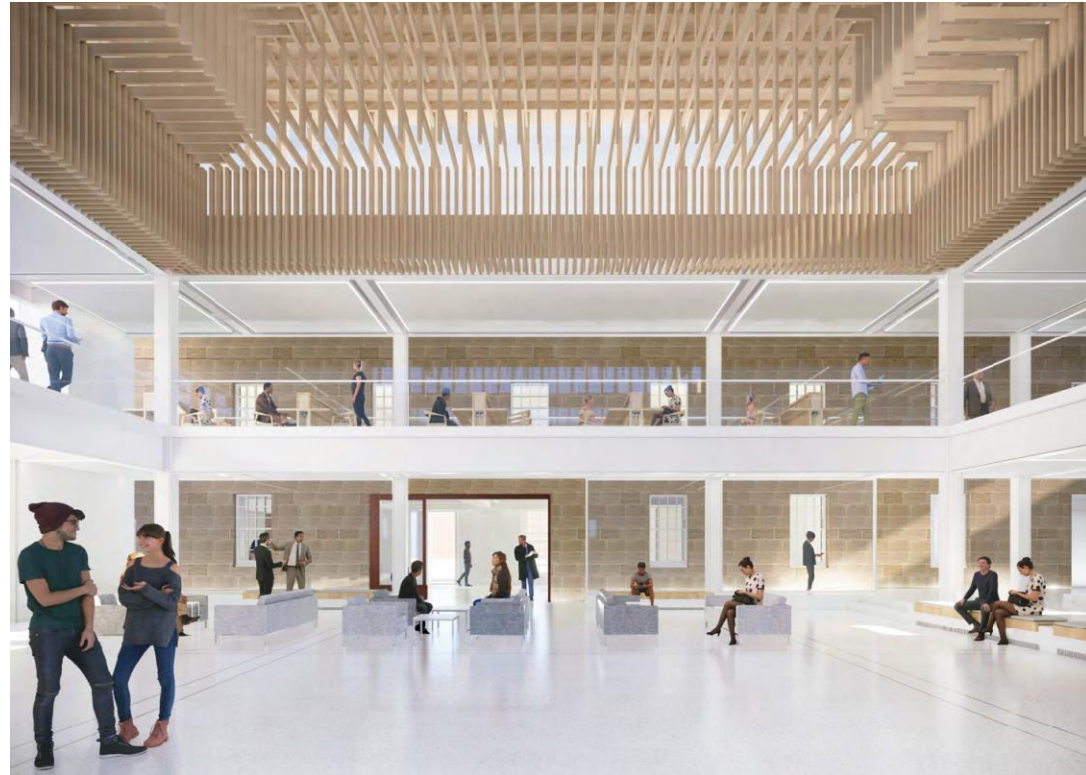
Visualisation of Learning Hall looking towards former book stack



Visualisations of Learning Hall



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The new entrance way from the Old Senate looking along the perimeter circulation zone to the Learning Hall

View of Learning Hall looking towards Old Senate

Visualisation of new entrance to Linklater Rooms



Existing Views from Meston Walk

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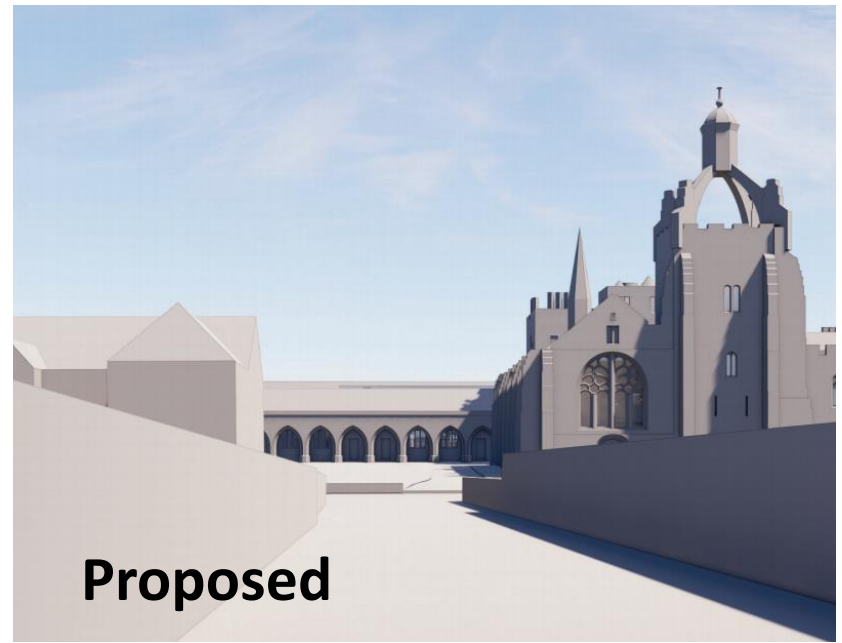
View from Meston Walk 2

Existing

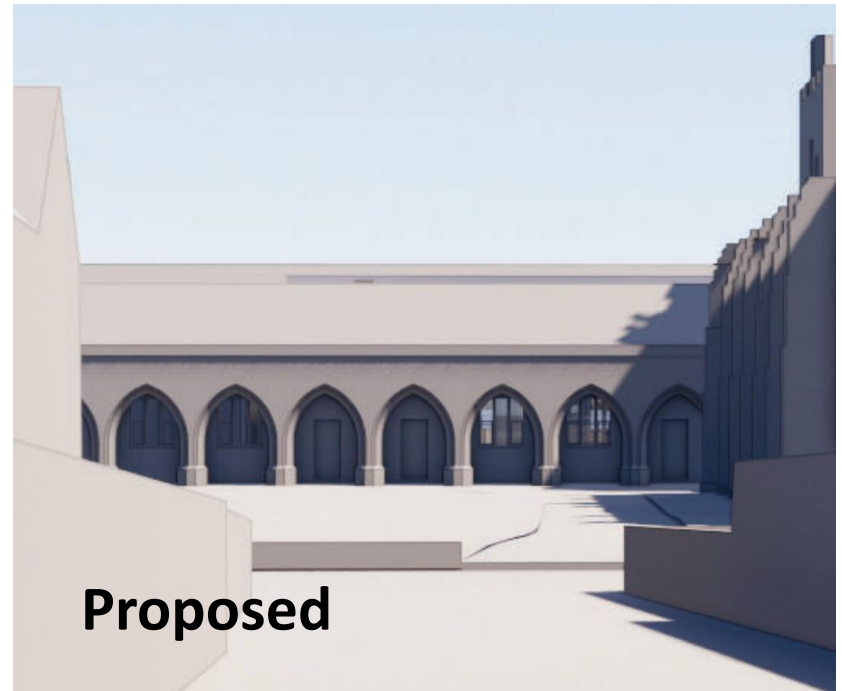


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Proposed

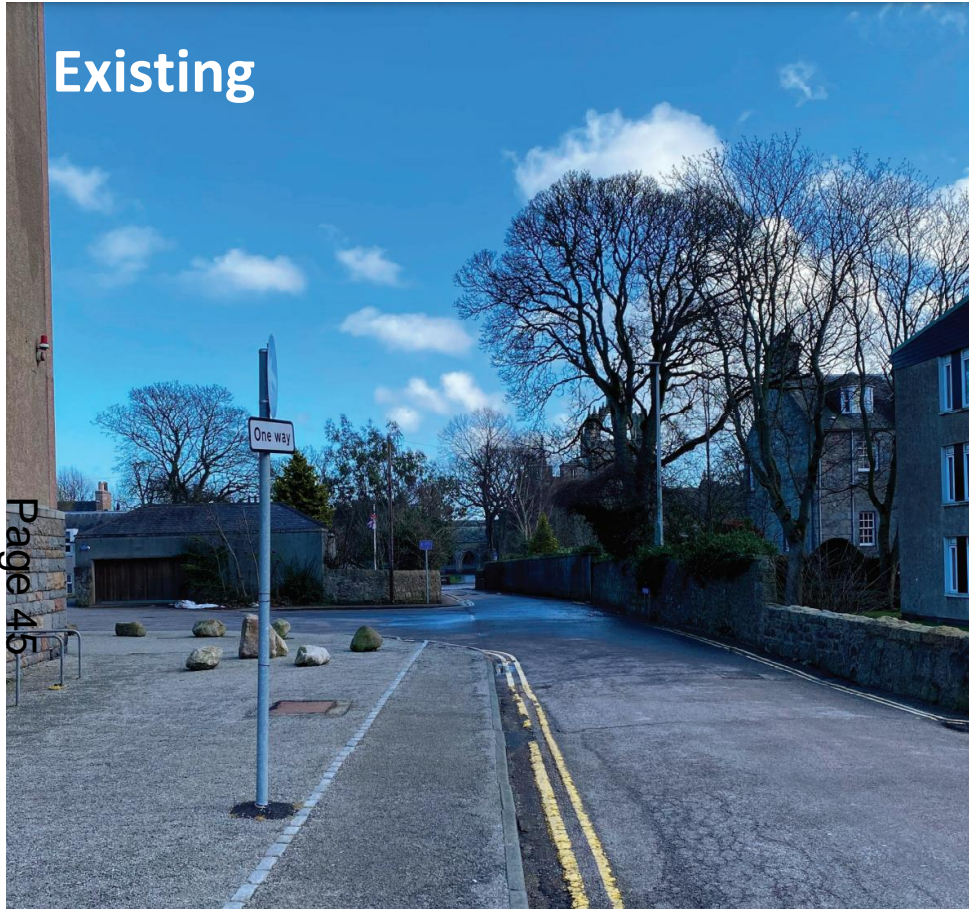


Proposed



View from Meston Walk 1

Existing



Proposed



Proposed

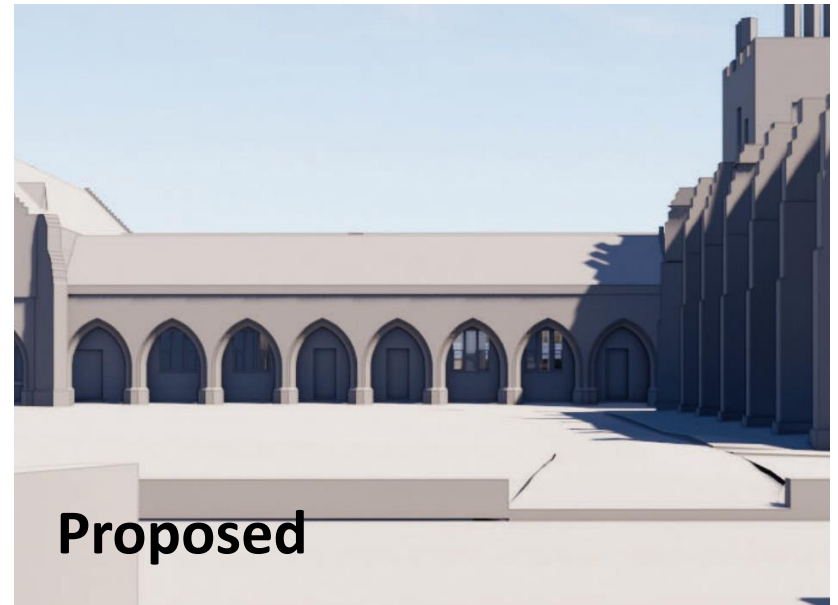


View from Meston Walk 3

Existing

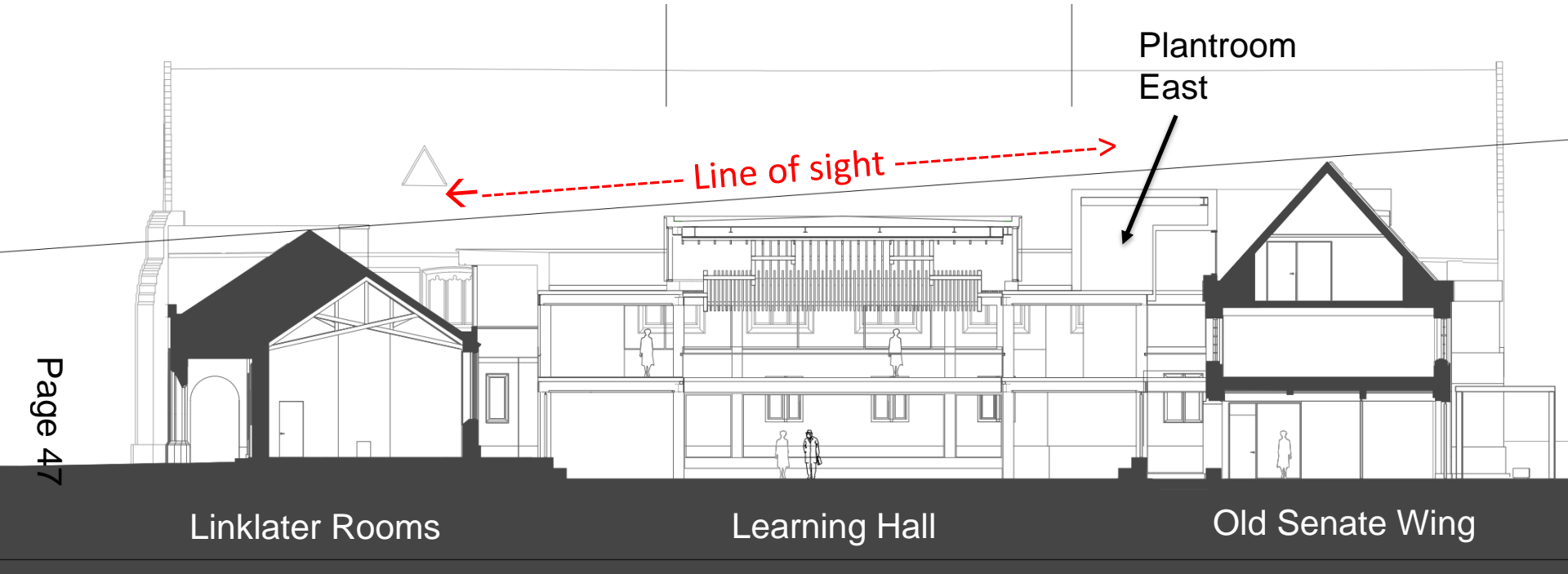


Proposed



Proposed

Line of sight from Meston View Point 3 (from west)



Linklater Rooms

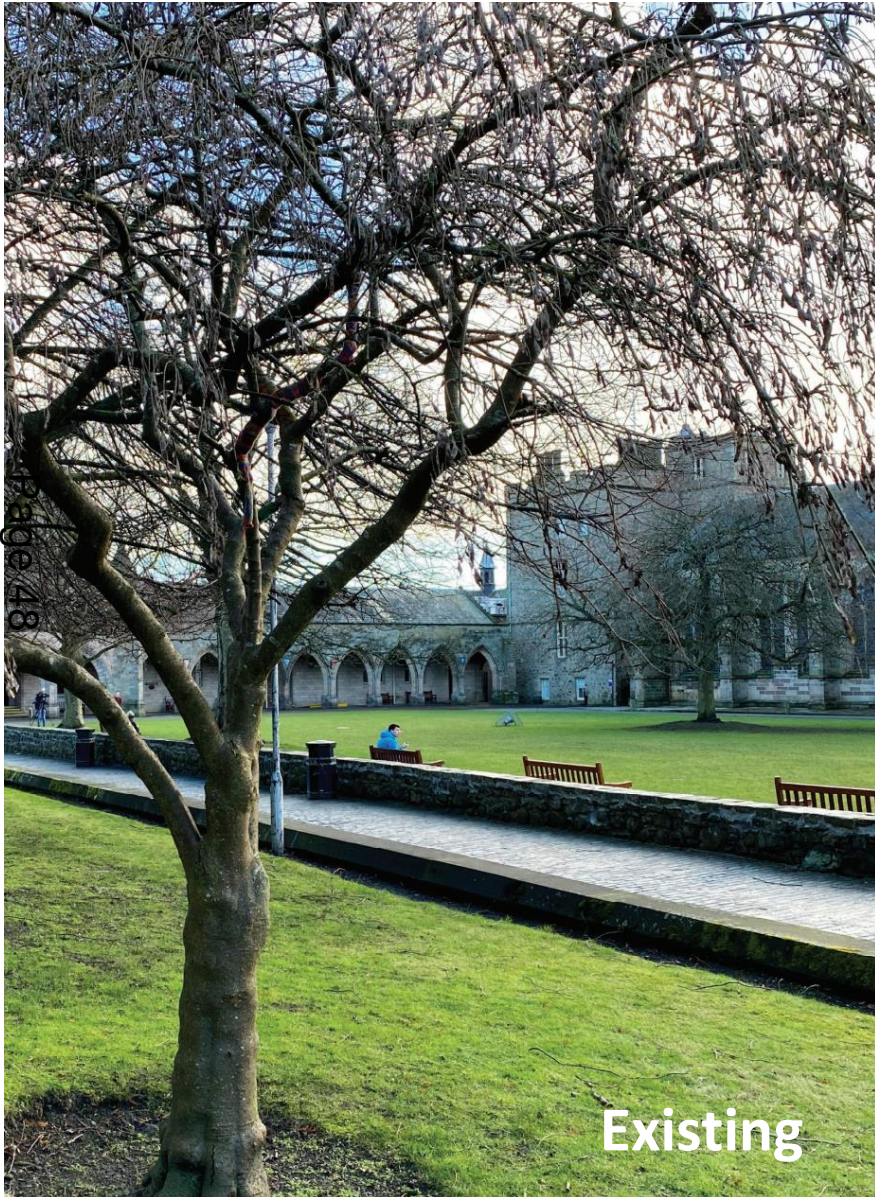
Learning Hall

Old Senate Wing

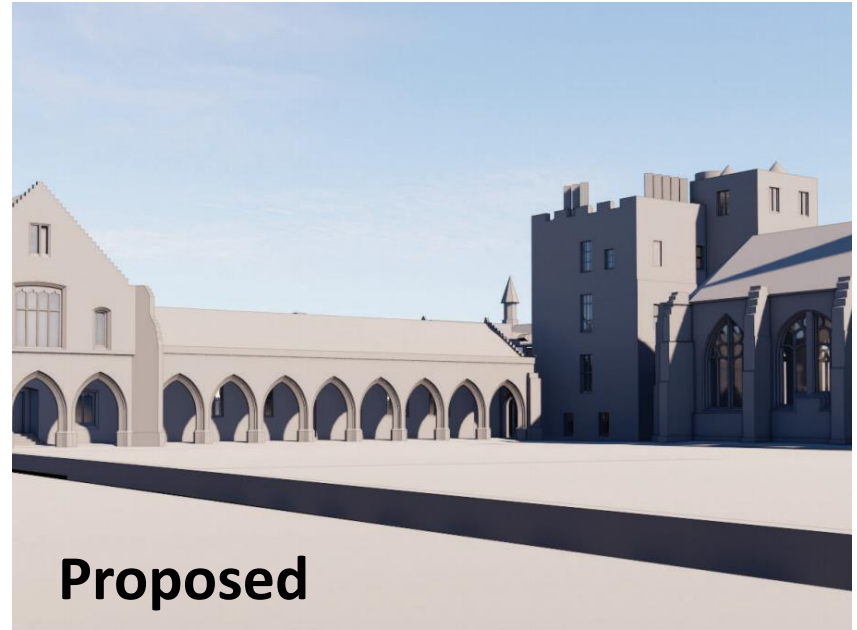
Plantroom
East

Line of sight

View from New Kings across Elphinstone Lawn



Existing



Proposed



Proposed

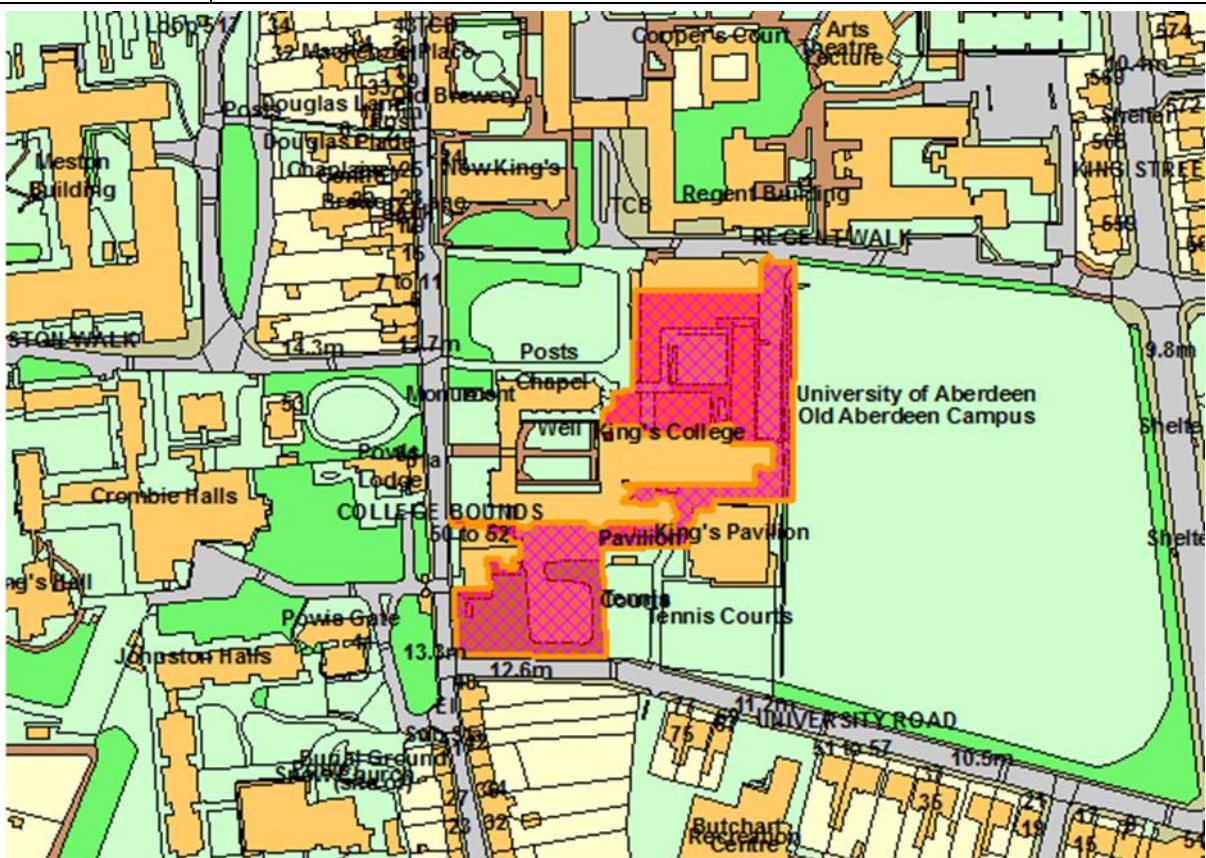


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 June 2021

Site Address:	King's College, University of Aberdeen, College Bounds, Aberdeen, AB24 3SW
Application Description:	Erection of teaching and learning hall, removal of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack, formation of new teaching and learning spaces within existing buildings and associated public realm works
Application Ref:	201069/DPP
Application Type	Detailed Planning Permission
Application Date:	24 September 2020
Applicant:	The University of Aberdeen
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The application relates to the King's College group of buildings located within the University of Aberdeen's Old Aberdeen campus. The site is centred around what is known as the 'King's College North Courtyard' and also known as the 'O'Dell Courtyard', named after the late Professor Andrew O'Dell who was the University's first Professor of Geography. The application also relates to land to the east of Luthulli House at 50-52 College Bounds, known as 'King's College Garden'.

The courtyard is formed by the following buildings which enclose it. All are category B listed as a group for their special architectural and historic interest.

- To the north is the northern section of Elphinstone Hall, a building that is of two-storey equivalent height (plus attic storey) and constructed from buff sandstone. It dates from 1931 and features a 1965 kitchen extension to the rear which forms the northern edge of the courtyard. The extension is single storey, with the taller hall sitting behind it.
- West of the courtyard is the Linklater Rooms which are contemporary with Elphinstone Hall. It features a cloister which faces onto Elphinstone Lawn and the High Street. The rooms are used primarily as reception and function spaces, benefiting from their position adjacent to the kitchen and the internal link to Elphinstone Hall.
- The south side features the bookstack and archive facility which dates from 1921, with an extension being completed in 1954 to form the current structure. It is constructed from a variety of granites, with narrow triple-height windows and a flat roof. It is used for archive storage but is understood to be no longer fit for purpose.
- The south side also features an extension of the James Mackay Hall which forms part of the King's College Conference Centre (KCCC) and dates from around 1880. It was converted into a kitchen in the 1990s.
- The Old Senate Wing sits on the eastern side of the courtyard. Constructed around 1956, it is two-storeys high and finished in dressed red sandstone masonry, with a steeply pitched slate roof. Its eastern elevation faces onto the King's Playing Fields and it is bookended by gable elevations of Elphinstone Hall at one end and the KCCC at the other. It accommodates archive storage which is no longer fit for purpose, unused office space and the former senate room which is used as a Moot Court by the Law School.
- The Cromwell Tower is situated to the south west corner of the courtyard. It was built in the 1660s as dormitory accommodation and converted to teaching space in the 1700s. It was rebuilt internally in the 1820s, when an observatory and stair tower were added. It is a square tower constructed from rusticated stone. It continues to be used as teaching space, although the observatory is unused and there is poor accessibility to the upper floors. The Cromwell Tower also partially forms the north east corner of the King's College Quadrangle.

The courtyard itself can be accessed from the north east corner via a path between Elphinstone Hall and the Old Senate Wing or alternatively from the south west corner via a passage between the Linklater Rooms and the Cromwell Tower. It features a lawn with gravel perimeter path, areas of shrubs, a single ornamental cherry tree and three dwarf conifers. The eastern edge of the courtyard beside the James Mackay Hall kitchen is used for the storage of waste bins.

Between the Old Senate Wing and the King's Pavilion Playing Fields is a car park with 22 spaces immediately adjacent to the Old Senate Wing, and the area is also used for the storage of waste bins.

The application site also includes an area of open space located behind 50-52 College Bounds south of the King's College Quadrangle. It is enclosed by walls along its boundaries with University Road, College Bounds and adjacent tennis courts. It is mostly covered by grass and features several mature trees and cycle storage facilities.

The nearby King's College Chapel and Bishop Elphinstone Memorial are category A listed buildings. The application site and wider area lie within the Old Aberdeen Conservation Area.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a teaching and learning hall which would largely occupy the space currently forming the northern courtyard.

The proposed teaching and learning hall, known as 'King's Quarter' is to create a new focal point and main entrance for the University's Old Aberdeen campus. It seeks to enhance the use of the central area around King's College and provide modern accommodation through the reconfiguration of spaces to support the teaching and learning programmes. Accessibility and connectivity between spaces is to be improved. This is to benefit both visitors and students.

The proposal is made possible following the development of the Sir Duncan Rice Library resulting in the archive storage facilities around King's College, as described above, becoming surplus to requirements.

Teaching and Learning Hall

To enable the construction of the learning hall, the book stack extension and James Mackay Hall kitchen extension would be demolished. The four trees and other vegetation would be removed from the courtyard.

The space which forms the courtyard would be internalised within a new structure that would be two storeys in height, creating 1,925sqm of floor space. It would feature a central flexible space within an atrium which would be used for events and presentations. The structure would also provide circulation space around the atrium which would provide access to each of the surrounding buildings, allowing them to be brought back into use as modernised and flexible teaching and learning spaces, principally through the reconfiguration of the Old Senate Wing and space currently occupied by the bookstack extension. Improved access would also be provided to Elphinstone Hall and the Linklater Rooms.

The courtyard facades of the buildings surrounding the courtyard would remain exposed as a feature of the new internal space. The learning hall would feature a timber structure above its double height space which would protrude above the rest of the roof of the second floor, allowing light into the hall. At this level two mechanical plant rooms (east and south) would be formed. They would be finished in a grey metal cladding.

A new external court accessed from the existing passage between Linklater Rooms and Cromwell Tower, would lead to the west entrance, formed in curtain wall glazing. The lobby and circulation spaces would feature social learning space and a new stair leading to the first floor which would

occupy the space created following the removal of the James Mackay Hall kitchen. This stair and nearby lift would provide access to the Cromwell Tower. Internal alterations to the Cromwell Tower involve the removal of internal partitions to provide more open learning spaces and form a corridor in the south connecting to a new access stair, these works would be covered by the listed building consent.

To integrate the new structure into the surrounding buildings various alterations are proposed, including alterations to existing openings, and integration of the roofs of each building. New clear storey glazing forming the learning hall would be suspended down onto the wallheads of the existing buildings around the courtyard.

New Entrance

On the east elevation of the Old Senate Wing, a large opening would be formed between two existing windows at ground floor to create a new entrance and reception area for the University. A freestanding entrance podium with canopy would be erected which would incorporate steps, ramp and benching. To accommodate the entrance and permit the associated alterations to the public realm, the adjacent car park would be reduced to four accessible spaces, with a drop-off area created.

Garden at 50-52 College Bounds

A new outdoor focal point would be created within the area to the rear of 50-52 College Bounds. A hard-landscaped area formed in resin bound gravel would be provided with concrete and timber benches. Ten flowering cherry trees would be planted around the seating area. A new covered cycle storage area would be provided. This seeks to offset any loss arising from the removal of the north courtyard, although it is understood that the north courtyard sees little use.

Amendments

Post submission the application has been amended to –

- reduce the height of the learning hall roof by 0.55m.
- reduce the extent of hardstanding within the garden behind 50-52 College Bounds.
- windows within the existing buildings are to be retained and refurbished rather than replaced.

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=QGFQCXBZKBQ00>

- | | |
|--|----------------------------|
| • Archaeology Statement | • Planning Statement |
| • Bat Survey Report | • Sustainability Statement |
| • Demolition Statement | • Transport Statement |
| • Design and Access Statement | • Travel Plan |
| • Drainage Assessment | • Tree Survey Report |
| • Heritage Statement | • Window and Door Survey |
| • Heritage Statement Addendum (Demolition Statement) | |

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has attracted six or more objections and the community council for the area has raised concerns with the proposal.

CONSULTATIONS

ACC - Environmental Health – No response

ACC - Roads Development Management Team – No objection.

Accessibility – The site is well-placed and well-equipped for access by pedestrians and cyclists and is well served by a variety of regular buses within the desired 400m distance.

The applicant is proposing to increase the existing cycle parking provision from 16 to 34 spaces – an increase of 18. A condition should be attached requiring further details of the cycle parking and associated shower facilities.

Access and traffic – Access and servicing arrangements would remain unaffected and there are only minimal changes to the internal road layout. It is not anticipated that these works would have any impact on the local road network.

Car Parking – Based on figures provided by the applicant the site currently has 892 parking spaces out of a maximum requirement of 1,944 (a relative shortfall of 54%) and it is understood that there is only a small amount of this is student parking, resulting in the shortfall actually being ~30% for staff and ~100% for students.

The aims of Policy T2 and T3 to prioritise sustainable travel measures over use of the private car must be considered however they are based on sustainable measures being robust enough to warrant a reduction in parking. Campus-wide there is a shortfall in cycle parking relative to ACC standards of 80%. Therefore, ACC Roads disagree with the applicant's stance that there is no requirement for additional car parking, especially with the removal of further parking. This lack of parking does not necessarily encourage all students to use more sustainable modes, but rather may encourage students to park on the periphery of the controlled parking zone, as close to the university as they can for free, shifting parking from the campus to surrounding roads.

There have been multiple university applications in the last few years, all of which increase the university facilities, without additional parking, and often reducing parking. Each time it is stated that each new facility / change of use will not generate new students or staff and therefore no new parking is required. This slowly erodes the existing parking, prevents the addition of further parking, and prevents any large-scale meaningful improvements to the campuses' sustainable infrastructure, as no individual application is large enough in scale to warrant any changes.

Therefore, it is strongly recommended that outwith this application, the university should undertake a campus-wide assessment of their facilities, identifying shortfalls in parking, cycle parking, etc, as well as highlighting future proposed works. This is essential to allow future applications to make incremental improvements towards a larger goal. Without this, ACC Roads would be unlikely to support any future applications which do not provide new parking spaces commensurate with the proposals, and particularly would not allow any loss of further parking spaces.

The university has an ongoing Travel Plan which will be in place until 2023. This aims to reduce carbon emissions from commuting by staff and students, by 25% from 2016 levels before 2022. The contents of this travel plan are acceptable. The university may consider the 2023 update of this

travel plan as being larger in scope than previous iterations, incorporating the changes suggested in this document – i.e. a wider look at parking, cycle parking, students parking off-campus, future work proposals (their size and location) and how this will affect existing parking further.

Parking standards necessitate 0.5 spaces per staff member and 1 space per 15 students, which isn't directly linked to floor space, and any increases due to new facilities would not be immediate, but it could be assumed that works to increase floor space will provide more capacity for a future increase in students. There are currently 18 parking spaces. The new entrance pavilion to the East will result in the loss of a further 14 spaces – meaning 4 usable spaces will remain. The applicant states "*there is no requirement for additional car parking over and above what is already provided on campus*" however ACC Roads do not entirely agree with this as explained above.

Whilst it is generally undesirable to lose further parking, the most recent (pre-Covid) parking survey suggests that these is scope for these spaces to be removed whilst still providing enough staff parking to cater for the current demand.

ACC - Waste and Recycling – No objection. The development is classified as commercial and therefore receives a business waste collection. Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins.

Aberdeen International Airport – No objection. The proposed development does not conflict with airport safeguarding criteria.

Archaeology Service (Aberdeenshire Council) – No objection. To safeguard and record the archaeological potential of the area it is requested that a that a condition requiring a programme of archaeological works be attached to any grant of planning permission.

Historic Environment Scotland – No objection. HES's locus is specific to the potential impact on the setting of category A listed buildings: King's College Chapel which encloses the north side of the B listed principal quadrangle and sits next to the B listed Cromwell Tower and Bishop Elphinstone Memorial, located outside the west front of King's College Chapel. The chapel is the oldest, most significant, building at the heart of King's College, occupying a central position within the B listed King's College group and wider context of Old Aberdeen.

HES considers that the more formal principal King's College Quadrangle and Elphinstone Lawn Quadrangle, are important to the setting of the chapel, it is of the view that the O'Dell courtyard garden is of lesser significance to its setting, due to its more hidden, incidental and altered character. Provided the proposed atrium hall is sufficiently concealed within the courtyard space and does not unduly disturb the ridgeline of the surrounding buildings, notably the Linklater Rooms, HES is satisfied that the setting of the Chapel and its primacy would not be unduly disturbed.

HES note the reduction in height of the proposed atrium hall so that it would be well concealed in significant views from the west, including a range of views from Meston Walk. It has reviewed the amended drawings and revised/additional visualisations and is content that the atrium hall would be sufficiently concealed behind the Linklater Rooms, and would not unduly disturb the setting and primacy of the A listed Chapel. While there is no reduction in the height of the proposed plant room roofing adjoining the Old Senate Wing inner roof on the east side of the courtyard, HES is satisfied that, it too, would be sufficiently concealed in views from the west, due to its greater setback position and proposed grey anodised cladding which is intended to match the colour of the natural slate roofing as closely as possible.

Due to its location at the west front of the Chapel, HES are content that there would be no adverse impact on the setting of the Bishop Elphinstone Memorial.

HES's view is that the proposals do not raise historic environment issues of national significance and therefore does not object. However, HES's decision not to object should not be taken as support for the proposals.

Old Aberdeen Community Council – Supports the university's need to modernise buildings that are underused due to dated design and it is acknowledged that this proposal would bring much better use to the historic heart of Kings College. It is also understood that internal modification and the limited demolition of two extensions would be necessary to efficiently deliver those aims. The careful modification of underused buildings in preference to the creation of a new building elsewhere on the university estate is supported, though they are disappointed that the submitted proposals would result in the loss of the (little used) O'Dell Memorial Garden. However, the interaction between the various new elements and the existing structures is considered to be unsympathetic and does not adequately address the heritage imperatives of this key site (as outlined below). The University should re-consider their concept.

Loss of the O'Dell Memorial Garden – While people have raised concern that the memorial garden could be lost, we note that the memorial has remained in place for some 54 years and that a memorial should rarely be considered sacrosanct for all time (there is still an O'Dell Memorial Prize in Geography awarded each year that honours the professor). However, the loss of a quiet green space within the campus is a more fundamental loss. The new garden at College Bounds would not provide the same calm space, particularly once the adjacent tennis court is converted to a multi-sport facility. While it is acknowledged that the garden gets little footfall, this must be at least partly due to the access gates having been frequently locked until very recently.

New East Entrance – The new entrance on the east of elevation of the Old Senate Wing is a logical and desirable addition. However, it is profoundly underwhelming and of unsuitable design.

West Entrance to the New Hall – The only new section of wall visible to the public would be the west entrance which would fill the gap between the Linklater Rooms and King's College and be readily visible. This 'assertive contrast' using modern glass and metal is unlikely to sit well in juxtaposition with the surrounding listed buildings. How much better if the stonework from the Book Stack Extension could be used to close off this gap in a more sympathetic manner.

Light Pollution – As night falls, Kings College, as seen from the High Street and Elphinstone Lawn, presents a seemingly timeless tableau of academia – even if some of the buildings are less than a hundred years old. There would be very significant light output from the new west entrance, spilling out onto the lawn, which may well eclipse the gentle lighting within the cloisters. Further, as a clearstorey level of windows is proposed immediately below the learning hall roof structure, there would be significant light pollution above and to the right of the Linklater roofline.

REPRESENTATIONS

Fifty letters of representations have been received, all objecting to the application, including from the Architectural Heritage Society of Scotland, Old Aberdeen Heritage Society, Saltire Society and Scottish Civic Trust. Many of the representations are from staff or graduates of the University. The matters raised are summarised as follows –

Impact on conservation area

1. The various buildings may be of varying ages but display a commonality due to their robust masonry construction and sympathetic architecture. Contemporary design or materials such as steel and glass are not appropriate in a historic area or compatible with the surrounding buildings and failing to comply with Policy D1.
2. The roof of the proposals sits above the roof ridge of the Linklater Rooms and would have an adverse visual impact from the High Street, Meston Walk, Elphinstone Lawn and New Kings. It would affect the setting of the King's College Chapel.
3. The proposal would have an adverse impact on the historical significance of the conservation area and there would be a visual impact on local townscape.
4. Proposals do not comply with the 1993 Old Aberdeen Conservation Area Appraisal.
5. Views of the Cromwell Tower would be interrupted.
6. Spaces between buildings, such as the courtyard, are as important as the buildings and if it were to be infilled it would disrupt the special character of the area.
7. The proposals are comparatively modern, but design is traditional and in keeping with surroundings.

Direct Impact on listed buildings

8. Alterations to the Old Senate Wing, including the new entrance, are not in keeping with it and would destroy its character.
9. Alterations to create doors on the Linklater Rooms and Elphinstone Hall extension would detract from their character.
10. There is a lack of information on the changes to the Cromwell Tower. The proposals for the Cromwell Tower are particularly destructive.

Loss of courtyard (O'Dell Garden)

11. The courtyard must be retained in its entirety. Whether it was designed intentionally or accidentally created over time is irrelevant in justifying its removal.
12. The courtyard provides an area for quiet contemplation and its status as a memorial to Professor O'Dell should be respected. The ashes of former students are scattered there, and its loss would be upsetting for families.

Demolition

13. No existing buildings should be demolished, particularly those that are listed.
14. Demolition of the bookstack represents the destruction of the ultimate example of Aberdeen's style of granite buildings and is a contravention of ACC's stated aims of preserving the city's unique heritage. It should be retained and restored. Its removal should be treated as demolition rather than an alteration in terms of assessment against demolition policy.
15. The John MacKay Hall kitchen extension should be retained.

Natural heritage

16. The trees should be retained and have cultural value.
17. The replacement garden at 50—52 College Bounds would in no way replace the O'Dell Garden.

Other

18. The proposal is contrary to the Community Plan.
19. The project brief and design should be revisited. The proposals take no account of the shift to blended and online learning.
20. No consideration has been given to alternative sites. There are alternative locations that could be used within King's College or wider campus.
21. The proposals would not create any economic benefit or attract students.
22. The creation of new space when existing space could be used is not sustainable.
23. The chapel's vestry would be lost and is an essential facility.
24. There would be excessive noise and acoustic problems within the atrium.
25. There would be a loss of privacy for surrounding buildings and within the building itself.
26. There would be a loss of light to the buildings surrounding the courtyard because of it being infilled.
27. The use of glass would cause problems with solar gain, cleaning and snow.

Administrative

28. Proper Neighbour notification has not been carried out by the University.

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.
- Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

- Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.
- Historic Environment Policy for Scotland (HEPS)
- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent
- Managing Change in the Historic Environment: Demolition of Listed Buildings
- Managing Change in the Historic Environment: Extensions
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Windows

Aberdeen Local Development Plan (2017)

- Policy CF1 (Existing Community Sites and Facilities)
- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy D4 (Historic Environment)
- Policy D5 (Our Granite Heritage)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy NE3 (Urban Green Space)
- Policy NE5 (Trees and Woodlands)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy R6 (Waste Management Requirements for New Development)

Supplementary Guidance and Technical Advice Notes

- The Repair and Replacement of Windows and Doors
- Transport and Accessibility Supplementary Guidance
- Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;

- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

- Policy CF1 (Existing Community Sites and Facilities)
- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Windows and Doors)
- Policy NE2 (Green & Blue Infrastructure)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Development)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Other Material Considerations

- Old Aberdeen Conservation Area Appraisal

EVALUATION

Principle of Development

Land Use Zoning

The site is in an area zoned for existing community sites and facilities, where Policy CF1 applies. It indicates that “*existing further education and research institute sites shall be used mainly for these purposes. Proposals for new or extended uses of these types on these sites will be supported in principle. Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.*”

The university has explained that the Old Senate Wing and book stacks were designed to provide archive book storage to the then adjacent old library (now the James Mackay Hall and King’s College Conference Centre (KCCC)). The relocation of the library to Bedford Road (to the Queen Mother Library in 1964 and then again in 2011 to the Sir Duncan Rice Library) has left these remnant archive stores remote and out of place in the campus. To maintain the condition of the archived material and to allow for its easy retrieval a new central archive facility has been established – freeing up the existing archive spaces of King’s College for repurposing.

The proposal is focused on repurposing the remaining buildings and reconfiguring the spaces to allow better accessibility and to support the university’s teaching and learning programmes. It would also enable improved community engagement and provide an improved environment for visitors through the provision of a new reception area and presentation space. These proposals would retain the buildings within higher educational use, and therefore there would be no tension with Policy CF1. The repurposing of underused space within historic buildings is welcomed as part of the evolution of the Old Aberdeen campus.

Need for Development

Several representations suggest that the university do not need the space; the development would not provide the type of space required; the creation of the space is not sustainable; alternative schemes or sites have not been considered and the scheme would not generate any economic benefit or attract students (*issues 19, 20, 21, 22, 28 and 29 in representations*).

Ordinarily, it is not for the Planning Service to question the need for a development; it is for the university to decide what floor space it requires and how it utilises it within the confines of the authorised planning use or how it considers it best to enhance its offer. Moreover, the Planning Service is required to consider the application submitted, rather than any hypothetical alternative that may or may not be feasible. Notwithstanding, where detrimental impact on the historic environment is unavoidable, HEPS indicates that it should be demonstrated that alternatives have been explored. In this case however, it is considered there would be no detrimental impact on the historic environment, so there is no requirement for this to be undertaken.

Nevertheless, as part of their submission, the university has explained the rationale behind its proposals and demonstrated that it has indeed considered several alternative options. A key objective of the proposal is to repurpose the historic buildings to create a greater sense of place at the heart of the campus and bring the existing underused buildings back into more productive use. The university considers that proposals balance the retention of the historic buildings whilst allowing the creation of high quality, flexible teaching space which is currently lacking. The university emphasises that the new facilities as proposed would help attract students and staff, for which it competes at an international level.

In terms of alternatives, eight sites within the campus were considered and details of these are included within Appendix 3 of the Design and Access Statement. It explains that the rejected options were all at a disadvantage by the requirement for significant decant and relocation of existing university accommodation. Many options were too remote from the centre of the campus, and/or their locations were not suitable for a new facility aimed at allowing fully accessible and social learning. Several options added significant new floor area to the existing campus whilst many buildings on the campus are underutilised and/or in need of refurbishment. Therefore, the preference was for appropriate repurposing of existing buildings over creating new buildings. The university contend that the new facilities represent a sustainable and responsible approach to development and would create important accommodation within the heart of the historic setting.

Loss of courtyard

A significant number of representations raised concern with the loss of the courtyard and four trees in terms of their status as a memorial, both in terms of Professor O'Dell and noting that ashes have been scattered there (*issues 11, 12 and 16 in representations*).

Whilst it is appreciated that the removal of a memorial will evoke strong emotions, it is not a material planning consideration. It is for the university to decide how it chooses to commemorate individuals rather than a matter for the planning system. The university has indicated that Professor O'Dell continues to be honoured through the annual O'Dell Memorial Prize in Geography. It is aware of three individuals who had their ashes scattered in the courtyard and will endeavour to contact their families.

It is acknowledged that the proposals would result in a loss of a quiet green space. Policy NE3 (Urban Green Space) indicates that permission will not be granted to redevelop areas of urban green space (including smaller spaces not identified on the LDP Proposals Map) for any use other than recreation and sport. Exceptions will be made when an equivalent and equally convenient and accessible area for public space is laid out and made available in the locality.

In this case any area of space at 50/52 College Bounds would be enhanced through the provision of additional tree planting and hard landscaping included seating. This space would be more readily accessible than the courtyard.

Policy NE3 goes onto say development will only be acceptable provided that:

1. *There is no significant loss to the landscape character and amenity of the site and adjoining area;*

By virtue of being enclosed, the courtyard does not have any significant landscape character on the wider area. Its loss would have a very localised impact.

2. *Public access is either maintained or enhanced;*

The enhanced space at 50-52 College Bounds would be publicly accessible.

3. *The site is of no significant wildlife or heritage value;*

The courtyard has limited wildlife or heritage value.

4. *There is no loss of established or mature trees;*

Four trees exist within the courtyard which do contribute to its character. However, they cannot be seen outwith it and therefore their contribution to the wider character of the campus is limited. The loss of these trees is considered in more detail later in the report.

5. *Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved health benefits to the replaced area and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads.*

The replacement space is considered acceptable in terms of its location approximately 90m away from the courtyard. Although it may not be as enclosed as the courtyard, it still offers a quieter space away from main thoroughfares along College Bounds and Elphinstone Lawn.

6. *They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and*

None of these features are present in the courtyard or vicinity.

7. *Proposals to develop outdoor sports facilities, including playing fields and sports pitches should also be consistent with the terms of Scottish Planning Policy.*

The proposal does not relate to outdoor sports facilities

In summary, whilst it is accepted that there would be the loss of green space, it would be compensated for by provision of enhanced space elsewhere in the campus. Although the alternative space is not directly comparable, the loss of the space would be outweighed by the benefit of the proposal which would allow a greater benefit to be realised by repurposing the existing buildings around the courtyard (*issue 17 in representations*).

The loss of the courtyard in the context of its impact on the conservation area and listed buildings is dealt with later in the report.

Local Outcome Improvement Plan

Concern is raised that the proposal is contrary to the Community Plan (now known as the Local Outcome Improvement Plan or LOIP) (*issue 18 in representations*). Although the LOIP can be a material consideration, it is not a land-use planning document and little of its outcomes can be used directly in the assessment of a planning application. Generally however, it is considered that the proposal to provide enhanced education facilities and bring underused historic buildings back into use does not create tension with the LOIP vision ‘to make Aberdeen a place where all people can prosper’.

Impact on Conservation Area and Setting of Listed Buildings

Policy D4 (Historic Environment) indicates that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy (superseded by Historic Environment Policy for Scotland) and its own supplementary guidance and conservation area character appraisals and management plans. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported.

Scottish Planning Policy (paragraphs 141 and 143) reflects the legislative requirements in relation to conservation areas and listed buildings set out in the Material Considerations part of this report. SPP requires that, where planning permission is sought for development affecting a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

Historic Environment Policy for Scotland (HEPS) is the Government’s national policy statement on built heritage and sits alongside SPP. Historic Environment Scotland’s guidance on managing change is also relevant.

Many third parties who have submitted representations believe that no change should occur either to the courtyard or to the buildings surrounding it. That position is however at odds with national policy on the historic environment which acknowledges that some change is inevitable and that it can be necessary for places to thrive. Fundamentally, both national and local policy on the historic environment is aimed at managing change, rather than preventing it from occurring.

HES’s guidance on determining listed building consent applications indicates that “*the majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building’s special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner.*” It goes on to caution however that “*Once lost listed buildings cannot be replaced. They can be robbed of their special interest either by inappropriate alteration or by demolition. There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting.*”

It is in the context of the above policies that the proposals are considered in more detail below.

King’s College

The Old Aberdeen Conservation Character Appraisal produced in 2015 (superseding the 1993 version – *issue 4 in representations*) describes King’s College Chapel and surrounding King’s College quadrangle group of buildings as one of the two centrepieces of the conservation area (accompanying St Machar’s Cathedral), observing that this collection of iconic buildings has come to symbolise the long educational tradition of the university. It goes on to note that apart from the chapel, little remains of Bishop Elphinstone’s original university buildings on site, which were grouped together as a quadrangle. Except for the 1525 Round Tower and the 1658 Cromwell Tower, many of the earlier buildings in the quad were replaced in the 19th century. King’s College is noted as being set back from College Bounds, giving space to appreciate the complex; the break in the building lines on either side of College Bounds at this point, together with the landscaped setting and gardens, creating a focal sense of space inviting appreciation. King’s College can also be seen across the playing fields from King Street and at various points on University Road. The buildings are identified as being outstanding iconic buildings and alongside their setting are noted as being a strength of the conservation area. The visual impact of new development on the heart of Old Aberdeen is identified as both as a threat and an opportunity.

It is clear from the history of King’s College that the group of buildings have continuously evolved over time, with the current arrangement within the courtyard only being established in the 1960s, as part of significant redevelopment within the campus through the 20th century that included the construction of New Kings in 1913 and both the construction in c1900 of the Professor’s Manse on Elphinstone Lawn and its subsequent demolition prior to 1914. For the buildings surrounding the courtyard to remain relevant and in productive use, appropriately considered change continues to be required. These proposals represent the next stage in the evolution of the buildings as a key part of the Old Aberdeen campus.

Demolition

Demolition of Bookstack Extension

For the purpose of assessing the removal of the bookstack extension it is considered that the work constitutes demolition (defined as a total or substantial loss of a building, rather than simply being an alteration) in terms of Historic Environment Scotland’s (HES) guidance on the Demolition of Listed Buildings. As such, the applicant has submitted a Demolition Statement as an addendum to their Heritage Statement which contends that the bookstack is not of special interest.

The bookstack was constructed in 1954 as an extension to the 1921 bookstack extension. Architecturally it reflects the earlier part to which it is attached, featuring a simple structure and design reflecting its use, an approach which was not unusual for the time.

The building is a simple form, related to its purpose and location as an archive extension to a library located on a rear elevation. It is not by a notable architect and has limited architectural interest. The only feature of note is the use of a combination of granites from different quarries on its external elevations, including ashlar dressed blocks to window margins and Aberdeen bond. However, it represents a late use of granite and there are better examples of mixed granite use in buildings of the same period found elsewhere which are more prominent, such as the university’s Meston Building and houses on Tillydrone Avenue. The building is detrimental to the setting of the buildings around the courtyard as it conceals views of surrounding buildings and covers the façade of the original bookstack extension from 1921.

The university did consider the retention of the bookstack extension, however it advises that the opportunities created by removing it, including the potential to create clear desire lines for pedestrians and open up views of Cromwell Tower, meant that its retention would be at the expense of wider benefits to the listed buildings and the aims of the project. The Planning Service is aware of alleged unauthorised works relating to the windows of the building which are said to have taken

place at some point in the last 20 years, however this is not considered to be of significance in the assessment of the current proposals and even if the original windows were intact it would not alter the decision. The matter is being investigated separately.

It is considered that the bookstack extension does not possess the same special architectural or historic interest as the main buildings within the group listing. The benefits of allowing its removal are significant, therefore its removal to allow the proposal to go ahead is considered acceptable (*issues 14 in representations*).

Demolition of James Mackay Kitchen Extension

The removal of the James Mackay kitchen extension is also considered to constitute demolition. The extension is a small L-shaped single storey flat roofed building located to the rear of the James Mackay Hall, which is part of the King's College Conference Centre. It infills a corner between the 1921 Bookstack extension, the principal front block of the KCCC and the Cromwell Tower. The structure has experienced successive alterations, with it being difficult to establish its exact original fabric or plan form. It is thought it combines a store from the 1860s and later lavatory block from the late 19th century. It was converted into an open plan kitchen to serve the James Mackay Hall in the 1990s. It is a simple structure with no architectural features of note. Taking this into account it is considered that the extension does not contribute to the special architectural or historic interest of the main group of listed buildings. Therefore, its removal to allow the proposal to go ahead is considered acceptable. (*issues 15 in representations*).

In summary, in accordance with HES guidance on demolition, it has been demonstrated that these elements of the listed buildings are not of special architectural or historic interest. Their removal would have a neutral impact on the character of King's College and would allow the remaining, more significant buildings to be repurposed and integrated into the new space. It would also allow concealed elevations which have greater significance to be revealed, enhancing the appreciation of the buildings (*issue 13 in representations*).

Layout and design

Infilling of courtyard

The northern courtyard came into existence in the 1950s with the completion of the Old Senate Wing. Its form was later altered in the 1960s with the addition of the Elphinstone Hall kitchen extension. Although not a significant factor in this assessment, it is worth noting that the courtyard differs from others within the campus, such as the King's College Quadrangle and Elphinstone Lawn, which have primary or more significant building elevations surrounding them. Rather, the north courtyard is formed from the secondary/rear elevations of the buildings which surround it. They are of lesser importance than their primary elevations which face outwards into the campus. By virtue of being within the courtyard, they also have significantly less visual prominence.

Whilst spaces around buildings can be just as important as the buildings themselves, the courtyard is not a significant space in relation to the historic development of Kings College or the wider Old Aberdeen campus and its contribution towards the setting of the listed building group to which it relates is minimal. There are no significant views into or out of the courtyard. It is considered that the space does not contribute to the special interest of the listed building group or the wider conservation area to any great extent (*issue 6 in representations*). It is acknowledged that views out of the windows of the surrounding buildings into the courtyard would be significantly altered; ground floor windows which are currently external would become internal or in the case of upper floors of the Cromwell Tower, would look down onto the roof of the new structure. However, for the reasons already explained in this section, it is not considered that the change in what can be seen from these buildings would adversely affect the appreciation of these buildings, this is especially so for the

upper floors, where views already look out over roofs, some of which accommodate mechanical plant.

At present each of the buildings surrounding the courtyard are independently accessed. The introduction of the learning hall and associated circulatory space around it allows the buildings to be integrated into one connected space and brought back into productive use. This allows the floorspace within the existing buildings to be put to the most efficient use as circulation would take place largely within the new structure rather than the existing buildings. These connections would allow the new space to function collaboratively with Elphinstone Hall, the Linklater Rooms and James Mackay Hall.

The benefits which the proposal would bring are considered to justify the loss of the courtyard in its current form. There would be a neutral impact on the setting of the adjacent listed buildings and character of the conservation area.

Layout and architecture

The proposed learning hall has been designed so that it is a freestanding structure offset from the elevations of the buildings which form the courtyard. The hall would be connected to the existing buildings through glazed structures so that the elevations of the existing buildings which are external at present, would still be visible and able to be appreciated if the courtyard was internalised as proposed.

For a variety of reasons concern is raised with the use of glass (*issue 27 in representations*). However, the use of curtain wall glazing and that of glass in building design is well established. Whilst it is noted that representations express an aversion to the use of modern materials in an historic context, national policy indicates that this concept is a legitimate one, subject to suitable design. In respect of the proposal, the steel structure and curtain wall glazing would provide a simple structure which would represent a contemporary intervention in the group of buildings. It has been designed as to be distinctively different from the existing buildings and would provide a suitable deferential contrast with its surroundings which is considered acceptable (*issues 1 and 7 in representations*). Any matters relating to solar gain or glass strength would be covered by building warrant or would be matters for the university and architect to resolve rather than being planning considerations. The windows and roof area would be fully accessible for cleaning and maintenance.

Alterations to accommodate a lift and staircase to serve the Cromwell Tower would take place in the location of the removed James Mackay kitchen extension. Whilst this part of the tower's elevation would still be enclosed, it would have a lesser impact than the existing extension, as the tower's original walls would be revealed, which at present are concealed behind the extension. The removal of the bookstack extension would also allow the tower to be better appreciated. Therefore, it is considered the proposals would enhance the setting of the Cromwell Tower (*issue 5 in representations*). The Planning Service is aware of alleged unauthorised works relating to the turret of the tower which are said to have taken place at some point in the last 20 years, however this is not considered to be of significance in the assessment of this proposal (*issue 10 in representations*). To allow the integration of the new structure and the existing buildings, several alterations are required to the existing buildings, largely related to the creation of openings within existing walls and incorporation of the new and old roof structures. These alterations have been carefully considered so that any removal of building fabric is kept to a minimum. The setting of the surrounding buildings and character of the conservation area would be maintained (*issue 8 and 9 in representations*).

A new entrance and reception area for the university campus would be provided within the Old Senate Wing. To facilitate this on the eastern elevation facing towards King Street, stonework would be removed and combined with existing window opening to form a new 4.9m wide entrance to the building. To signify its location and provide a formal approach, an entrance podium formed in silver/grey etched precast concrete and a freestanding steel canopy would be provided adjacent to

the new opening. The simple lightweight structure would provide an indication of the new entrance whilst having minimal impact on the fabric of the building. The elevation is relatively simple and repetitive, and the provision of the entrance would not see the removal of any significant architectural features. It is considered the character of the building would be maintained (*issue 8 in representations*).

Short-distance views

By virtue of being surrounded by existing buildings, the only place that the new structure would be seen outwith the courtyard and in close proximity, would be from the Elphinstone Lawn looking south east, through the passageway between the Linklater Rooms and Cromwell Tower. At present the bookstack extension is visible and with its removal the view would be replaced with the curtain wall glazing façade of the new building. The new façade would be positioned around 3.90m further back than the bookstack extension currently is, in relation to the walls of the Cromwell Tower and Linklater Rooms. This would allow a small external courtyard to be retained at the western entrance to the learning hall. Due to its largely concealed nature and setback behind Cromwell Tower and Linklater Rooms, the structure would appear as a subsidiary element, retaining the primacy of the more prominent and important buildings (*issue 10 in representations*).

Having reviewed the proposals, Historic Environment Scotland shares the opinion of the Planning Service, and considers that the structure would be sufficiently recessed within the courtyard and would not significantly detract from the setting of the nearby A-listed chapel.

A smaller courtyard would be formed at the end of the pend between the Old Senate Wing and Elphinstone Hall, where a secondary eastern entrance would be formed. Again, the structure would be setback so that it would not be seen outwith the pend.

Medium to Long-distance views

Due to the eaves, roof plane and ridgeline heights of Elphinstone Hall, the Old Senate Wing and the King's College Conference Centre, the learning hall and plant room would sit below the ridge level of these buildings. It would therefore not be possible to see the new structure from either the north, south or east of the King's College group of buildings in terms of medium to long distance views. This would preserve the important view across the King's Playing Fields from King Street.

With the learning hall having a corner ridge height of 22.90m (all measurements are above ordnance datum), the only direction which the learning hall and plant room could potentially be seen is from the west, at locations at College Bounds, High Street, Elphinstone Lawn and New Kings.

Acknowledging that the views of King's College from these locations contribute significantly to the appreciation of King's College and the character of Old Aberdeen, the Planning Service had initial concerns with the height of the new structure and its potential to be visible above the ridge of the Linklater Rooms which sits at a height of 22.39m.

In response, the applicant amended the proposal so that the learning hall roof was reduced by 0.55m, from its initial height of 23.45m to 22.90m. This would result in the learning hall being only 0.51m higher than the Linklater Rooms ridgeline. The east plant room, which would sit behind the learning hall when viewed from the west, with its roof sitting at 23.90m, would be 1.00m higher. The resultant potential visual impact is demonstrated through a series of visuals provided by the applicant contained within "*Design and Access Statement Appendix 4A (Additional Visualisations)*". The visuals show how the new structure would sit in relation to the Linklater Rooms from three key areas: Meston Walk, College Bounds/High Street and the area around Elphinstone Lawn.

- Meston Walk represents the most distant and least sensitive views, with a small section of the King's College building group visible through the gap in the walls on either side of Meston Walk where it meets the High Street. The visuals show that from a point around 160m along Meston Walk and then westwards, the very edge of the roof of the learning hall would be visible from a distance, with part of the east plant room sitting behind. Although they would sit above the ridge of the Linklater Rooms, they would sit below the higher ridge of the Old Senate Wing to the east which is located behind at a height of 24.95m.

However, the view of King's College from this direction and distance does not represent a significant view, being some 160m+ away, viewed through a narrow street and the canopies of trees, which even in winter interrupt the direct view to a notable degree. The further west towards Bedford Road the view is taken from, the less prominent the King's College buildings become, until they are barely noticeable in the streetscape. The proposed structures would be no higher than the Old Senate Wing which would provide a background to them and being coloured grey to match the slate of the existing roofs, what little that may be seen, would not be particularly noticeable or obtrusive.

- Moving east along Meston Walk, close to the junction with College Bounds/High Street (around 110m from the proposal) the view would become more open with more of King's College visible. However due to the closer proximity, screening provided by the Linklater Rooms and the setback position of the learning hall and plant room behind the Linklater Rooms, they would no longer be visible. Therefore, the view from this position and the important views from College Bounds, High Street and Elphinstone Lawn, which characterise King's College and which are closer again, would be preserved.
- Moving northwards towards New King's which forms the northern edge of the Elphinstone Lawn, the Linklater Rooms and application site would be viewed at an oblique angle, very slightly elevated above the High Street and lawn. The new learning hall and plant room however would remain screened by the Linklater Rooms, and to a lesser extent Elphinstone Hall. From this direction, and from the adjacent point on the High Street, a gap between the roof slope at the gable-end of the Linklater Rooms and the wall of the Cromwell Tower is visible, which currently allows views of mechanical plant on the roof of the bookstack. The new south plant room and structure of the circulatory space would be seen through this gap and to small extent would screen some of the plant which would remain. Given the already compromised view, it is not considered that the ability to see any of the new structure through this gap would materially affect the setting of the surrounding listed buildings or character of the conservation area.
- Continuing eastwards, views from the end of Dunbar Street/Regent Walk junction and around the Taylor Building would be at such acute angle and close proximity, that Elphinstone Hall and the Linklater Rooms would screen the structures. There would be no visual change from this direction.

Historic Environment Scotland have reviewed the proposals and conclude that learning hall would be well concealed behind the Linklater Rooms in significant views from the west, including a range of views from Meston Walk so as to ensure the setting and primacy of the A-listed chapel is maintained. HES also consider that the plant room would be sufficiently concealed in views from the west (Meston Walk, High Street, Elphinstone Lawn), due to its greater setback position and proposed grey anodised cladding which would match the colour of the natural slate roofing as closely possible.

It is therefore considered that in medium to long distance views the proposal would maintain the setting of the group of listed buildings and character of the conservation area (*issues 2 and 3 in representations*).

Trees

Policy NE5 (Trees and Woodlands) indicates that there is a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Development should be sited to minimise adverse impacts on trees, with measures taken to protect trees and ensure their long-term management. Where trees may be impacted, protection measures and/or compensatory planting must be agreed.

To accommodate the development, the four trees within the courtyard would be removed – an ornamental cherry tree at 8m tall and three dwarf conifers which are between 6 and 7m tall. They are considered to be in fair condition, with life expectancies of 10 to 40 years. They contribute to the character of the courtyard; however, they cannot be seen outwith it and therefore their contribution to the wider character of the campus is limited. The proposal could not proceed without their removal and when balanced against the benefits it would offer and the very localised impact of their loss, their removal is considered acceptable. Compensatory planting would be provided in the garden behind 50-52 College Bounds in the form of ten cherry trees, which would offset the loss to a certain extent.

Initial concerns were raised with the proposed hard landscaping in the garden behind 50-52 College Bounds and its potential impact upon the roots of a very large 20m tall sycamore tree. To address the matter, the area of hard landscaping has been reduced in size so that it would no longer have an impact.

The proposals in relation to trees have been reviewed by Environmental Policy colleagues and are considered acceptable. Tree protection measures are proposed to minimise any damage to trees which are to be retained during construction with appropriate conditions recommended.

Accessibility and Parking

Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) explains that, 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. They must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport.

The Old Aberdeen campus is well located within the urban area, readily accessible by walking and public transport and only around mile from the city centre. The campus also sits within a controlled parking zone.

Eighteen car parking spaces would be lost because of the creation of the new entrance at the Old Senate Wing and the enhancement of the public realm adjacent to it, with four accessible spaces retained. The existing spaces are currently used for VIP visitors or staff and available on a permit basis. Eighteen spaces within the Taylor Building car park will be reallocated from general visitor/staff to VIP spaces when required.

Expanded long-stay cycle a parking facility of 34 spaces would be provided within the grounds of 50-52 College Bounds to replace the existing 16 spaces. Short-stay cycle parking would also be

required, and a condition has been attached requiring details to be submitted and agreed for both types.

A drop-off area for visitors would be created beside the new reception entrance within the Old Senate Wing. Otherwise servicing of the King's College buildings would continue to take place from Regent Walk and the areas surrounding the buildings.

The concerns from the Roads Development Management Team with the wider parking and cycling provision at the Old Aberdeen campus are acknowledged. Campus style developments such as the University of Aberdeen or Foresterhill do present issues in terms of management of parking over the long term because they have been developed over many decades and as travel patterns and demands have changed. When dealing with individual planning applications, mitigation such as additional parking, can only be sought for impacts which occur as a direct result of that proposal. In this case, whilst the University has stated that one of the aims is to create the potential for future growth in student numbers by having enhanced facilities which would make the University more attractive, it is difficult to attribute any particular increase to the proposal directly. This is especially the case going forward as blended learning and the ability of staff to work from home is considered which could change travel patterns and parking demand. The nature of the space also makes it difficult to attribute any specific increase in student numbers as the learning hall would be a flexible space which could be used for socialising, events, community engagement and which would function alongside the University's new reception area – in effect a central hub for the existing campus. It should also be noted that much of the new floorspace is circulatory space to allow the existing buildings surrounding the courtyard to be brought back into productive use. As this space in these buildings already exists and is not changing use, it is not possible to consider it in terms of requiring additional parking if that was in fact desired.

Notwithstanding, recognising these concerns the university has committed to engaging with the Roads Development Management Team out-with this application on a refresh of their campus travel plan. This would involve a campus-wide assessment of travel facilities, identifying any shortfalls in parking and cycle parking and any future developments which could influence travel patterns. This would then inform any future applications for development at the campus.

Given the good accessibility of the site, the existing parking control measures on the campus, the existence of a campus travel plan and the low likelihood of any increase in student numbers as a direct result of this development, it is considered the transport aspects of the proposal are acceptable.

Other technical matters

Archaeology

Policy D4 (Historic Environment) highlights the importance of considering archaeology. An Archaeological Desk Based Assessment has been produced by the applicant. It recommends that a watching brief is carried out during excavation of the courtyard. The Council's archaeology advisor considers this approach acceptable and requests that a condition should be attached requiring a programme of archaeological works to be agreed and implemented. It is therefore recommended that such a condition is applied to any approval.

Waste Storage and Collection

Policy R6 (Waste Management Requirements for New Development) requires that all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. An existing area for the storage of waste bins located adjacent to the rear of Elphinstone Hall and adjacent to Regent Walk is proposed to be enclosed so that the bins would be concealed behind a wall which would incorporate a small porter's bothy. This arrangement is considered acceptable.

Drainage

Policy NE6 (Flooding, Drainage and Water Quality) requires suitable drainage arrangements to be made. A drainage assessment has been submitted which proposes that foul water would be discharged via a connection to the existing Scottish Water combined sewer located on Regent Walk. Similarly, surface water from the roof of the new structure would discharge to the same sewer. With these arrangements being considered appropriate in principle, a condition is proposed requiring detailed drainage proposals to be submitted.

Other matters raised in representations

- The community council raised concern with light pollution because of light emanating from high-level windows and the west entrance of the new structure. Notwithstanding, it is unlikely that light from within the new structure would be so bright as to clash with the lighting of the cloisters on the opposite side of the Linklater Rooms, or give rise to wider light pollution, especially given the urban nature and existing light levels within the area. A condition has been attached requiring details of any external lighting to be submitted and approved.
- Concern is raised that the open plan nature of the learning hall would result in poor acoustics and excessive noise within (*issue 24 in representations*). Whilst the design of a building is a material consideration, the internal acoustics and suitability of the building for the intended use is a matter for an applicant rather than the planning authority, when not impacting on other parties.
- Concern is raised with the loss of privacy that occupants of the buildings surrounding the learning hall may experience, as well as those within the new building (*issue 25 in representations*). As the existing buildings and new buildings would all be owned by the university and be in university use there are no concerns with loss of privacy as no third party would be being affected.
- Concern is raised with the potential for the existing building around the courtyard to suffer loss of daylight (*issue 26 in representations*). As the existing buildings and proposed are in the same ownership this is not considered to be a planning consideration as again no third party's amenity would be affected. Notwithstanding, clear storey glazing formed as part of the new structure would allow light into the learning hall and the windows of existing buildings facing the courtyard.
- The loss of the King's College Chapel's vestry (located within the ground floor of Cromwell Tower) as a facility for the chapel is raised as a concern (*issue 23 in representations*). However, this is an operational matter for the university and is not a material planning consideration.
- Concern is raised that proper neighbour notification has not been carried out by the University. (*issue 29 in representations*). The Council are responsible for notifying neighbouring premises of applications, which has been carried out in accordance with the statutory requirements. Any non-statutory consultations carried out by the university themselves in developing the proposals are their responsibility and are not a material planning consideration.

- The Planning Service is aware of alleged unauthorised installation of gates at the passage between the Linklater Rooms and Cromwell Tower which are said to have taken place at some point after 1999, however this is not considered to be of significance in the assessment of this proposal. The plans note that the gates are proposed to be refurbished and painted, which does not require consent. Their status is being investigated as a separate matter.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The proposal represents a carefully considered intervention in the historic environment which would enable underused listed buildings to be brought back into use and enable the university to provide modern, flexible and efficient space. The King's College group of buildings have continuously evolved over time and for them to remain relevant and in productive use, appropriately considered change continues to be required. This approach is in accordance with Historic Environment Policy for Scotland.

The demolition of the bookstack extension and James Mackay kitchen extension have been justified in terms of Historic Environment Scotland's policy on the demolition of listed buildings, with it being demonstrated that they do not possess the same special architectural or historic interest as the main buildings within the group listing. Their removal would have a neutral impact on the character of King's College and would allow the remaining, more significant buildings to be repurposed and integrated into the new space. It would also allow concealed elevations which have greater significance to be revealed, enhancing the appreciation of the buildings.

Whilst spaces around buildings can be just as important as the buildings themselves, the courtyard is not a significant space in relation to the historic development of King's College and its contribution towards the setting of the listed building group to which it relates is minimal. It is considered that the space does not contribute to the special interest of the listed building group or the wider conservation area to any great extent and that its loss when balanced against the benefits of the proposals is considered acceptable. The loss of the trees within the courtyard is not considered significant as their loss would have a very localised impact and would enable the proposal replacement planting would be provided at 50–52 College Bounds which is considered acceptable in terms of compensation. Whilst it is appreciated that the removal of the courtyard in terms of its status as memorial will evoke strong emotions, it is not a material planning consideration.

The location of the new structure within the enclosed courtyard, accompanied by careful design and a reduction in height of the learning hall roof, ensures that it would generally be concealed from views from the surrounding area. The elements that would be higher than the surrounding buildings would only be visible from Meston Walk around 160 metres away, where the distance, narrow angle of view and intervening vegetation would result in an insignificant effect on the setting of the King's College group of listed buildings and character of the conservation area. From important views at College Bounds, High Street and New Kings, the building would not be seen above the Linklater Rooms.

It is therefore considered that setting of the listed buildings and character of the conservation area would be preserved, in accordance with Scottish Planning Policy, Historic Environment Policy for Scotland and its associated managing change guidance, relevant legislative requirements and Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan (ALDP) and the corresponding policies in the Proposed ALDP.

Otherwise, subject to relevant planning conditions, the proposals would meet relevant technical and design criteria relating to archaeology, re-use of granite, drainage and waste as covered by policies Policy D4 (Historic Environment), Policy D5 (Our Granite Heritage), Policy NE6 (Flooding, Drainage and Water Quality), Policy R6 (Waste Management Requirements for New Development).

CONDITIONS

PRE-DEMOLITION

(1) CONSTRUCTION METHOD STATEMENT

No development (including demolition or site setup) shall commence unless a site-specific construction method statement has been submitted to and approved in writing by the planning authority. The method statement shall include details of (i) where site compounds would be located; (ii) how the construction site and compounds would be accessed; (iii) how the historic environment outwith the site would be safeguarded during construction. Thereafter construction shall be undertaken in accordance with the approved statement.

Reason – to safeguard the historic environment during construction.

(2) ARCHAEOLOGY

No development (including demolition or site setup) 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 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) TREE PROTECTION

No development (including demolition or site setup) shall take place unless the tree protection fencing and ground root protection, shown in Tree Survey Report (April 2021) by Struan Dalgleish Arboriculture and associated drawings, has been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development.

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

(4) DEMOLITION METHODOLOGY

No development (including demolition or site setup) shall take place unless a methodology for the demolition of the bookstack extension and James Mackay Hall kitchen extension has been submitted to and approved in writing by the planning authority. The scheme shall include measures to protect the retained structures and buildings around the down-takings and details of how the existing structures will be made good once the demolition works have been carried out and include details of the reuse or retention for future use of any granite down-takings. Thereafter development shall be undertaken in accordance with the approved scheme.

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

(5) STONE CLEANING

No development (including demolition or site setup) shall take place unless details of any proposed stone cleaning have been submitted to and approved in writing by the planning authority. The ACC Supplementary Guidance on Stone Cleaning and Historic Environment Scotland's Technical Advice Note (TAN 09 – Stone Cleaning of Granite Buildings) must be considered in developing the proposals. Thereafter development shall be undertaken in accordance with the approved scheme.

In this condition 'stone cleaning' means the cleaning of stone using abrasive, chemical or high-pressure water (above 50 psi).

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

(6) CREATION OF OPENINGS AND MAKING GOOD OF STONEMWORK

No development (including demolition or site setup) shall take place unless a methodology for the formation of all new openings or other alterations to existing stonework has been submitted to and approved in writing by the planning authority. The scheme shall include details of the making good of any stonework exposed by down-takings or affected by the creation of openings. Thereafter development shall be undertaken in accordance with the approved scheme.

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

PRE-CONSTRUCTION

(7) 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 the 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.

(8) EXTERNAL PUBLIC REALM AND LANDSCAPING

No development associated with the construction of the development shall take place unless a scheme providing details and material specifications (including samples) for the public realm works proposed on drawing 4542 (PL) 1510 and 4542 (PL) 1687 have been submitted to and approved in writing by the planning authority. Thereafter the building shall not be brought into use unless the works have been constructed in accordance with the approved scheme.

Reason – to integrate the development into the surrounding area.

(9) WASTE STORE AND PORTERS BOTHY

No development shall take place unless a scheme showing construction details of the porters bothy and waste storage area has been submitted to and approved in writing by the planning authority. The scheme shall include details of the proposed new stonework, metal gates, window and door. Thereafter (i) development shall be undertaken in accordance with the approved scheme; (ii) no part of the building shall be brought into use unless the waste storage area has been constructed and is available for use; and (iii) the waste storage areas shall thereafter not be used for any other purpose other than the purpose of storing waste generated by the development.

Reason – to ensure (i) an appropriately high quality of detailing commensurate with the setting of the proposal and (ii) that there is sufficient space for the storage of waste and to maintain the amenity of the area.

(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 (including samples)
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)

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 setting of the proposal.

(11) EXTERNAL LIGHTING STRATEGY

No development associated with the construction of the development shall take place unless a scheme for any external lighting of the new and existing buildings 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) CROMWELL TOWER

No development shall take place unless a scheme showing (i) how the proposed new staircase and associated structure adjacent to the Cromwell Tower would abut the existing building; (ii) a methodology for all new and altered openings on the elevations of the Cromwell Tower; and (iii) details (including samples) of any reclaimed stone to be used have been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved scheme.

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

(13) OLD SENATE WING – DOOR

No development shall take place unless details (including 1:10 elevation and section) of the proposed new profiled metal doors proposed at the Old Senate Wing have been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details.

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

(14) OLD SENATE WING – ENTRANCE

No development shall take place unless detail (including 1:10 elevation and section) and a methodology for the creation of the new opening on the east elevation of the Old Senate Wing; and (ii) details of how the new podium and canopy would abut the existing building, have been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details.

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

(15) BIRD CONTROL MEASURES

No development shall take place unless details of any bird control measures proposed for the exterior of the buildings has been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details

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

PRE-OCCUPATION

(16) CYCLE PARKING

The development shall not be occupied unless a scheme for cycle parking has been submitted to and approved in writing by the planning authority. The scheme shall include details of short stay cycle parking near the entrances to the development and long-stay secure and covered cycle parking (including within the grounds of 50-52 College Bounds).

Thereafter the development shall not be occupied unless the approved scheme has been implanted and is available for use.

Reason – to encourage cycling.

OTHER

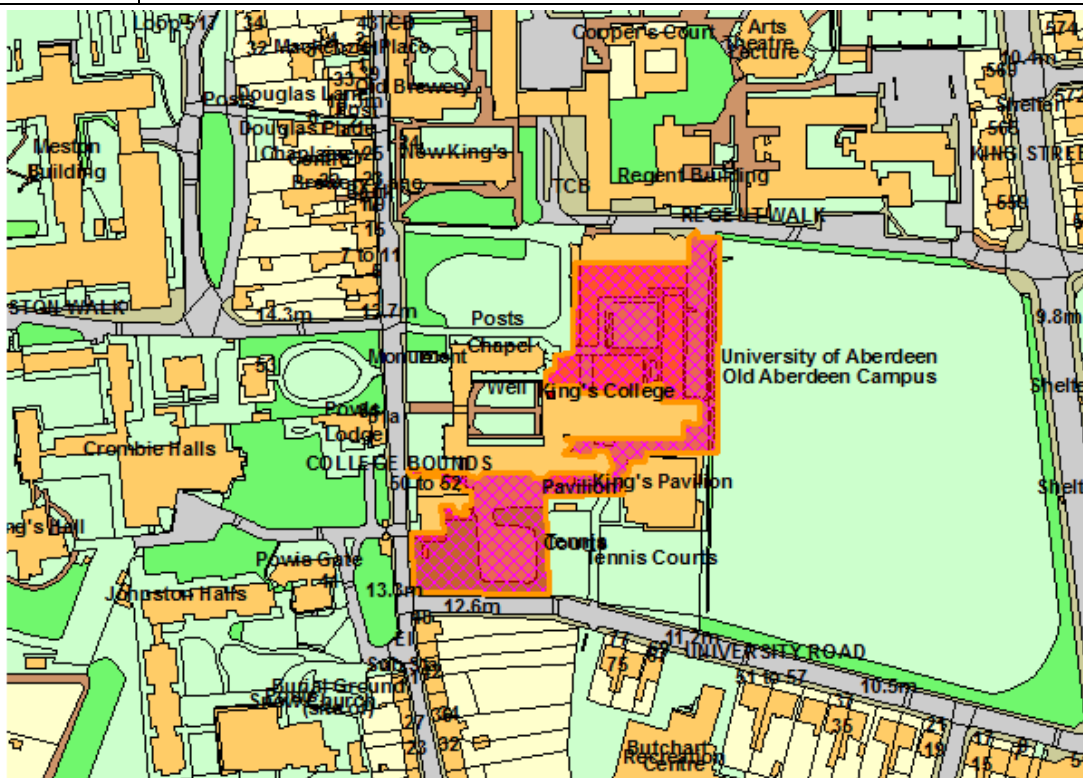
(17) SOFT LANDSCAPING

All soft landscaping and tree planting proposals shall be carried out in accordance with the approved scheme (drawing 4542 (PL) 1687) and shall be completed during the planting season immediately following the commencement of the development or as otherwise 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 provision of the replacement planting.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 17 June 2021</p>
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Site Address:	King's College, University of Aberdeen, College Bounds, Aberdeen, AB24 3SW
Application Description:	Erection of teaching and learning hall, demolition of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), internal and external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack to allow for formation of new teaching and learning spaces within existing buildings, and associated public realm works
Application Ref:	201070/LBC
Application Type	Listed Building Consent
Application Date:	10 September 2020
Applicant:	The University of Aberdeen
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The application relates to the King's College group of buildings located within the University of Aberdeen's Old Aberdeen campus. The site is centred around what is known as the 'King's College North Courtyard' and also known as the 'O'Dell Courtyard', named after the late Professor Andrew O'Dell who was the University's first Professor of Geography.

The courtyard is formed by the following buildings which enclose it. All are category B listed as a group for their special architectural and historic interest.

- To the north is the northern section of Elphinstone Hall, a building that is of two-storey equivalent height (plus attic storey) and constructed from buff sandstone. It dates from 1931 and features a 1965 kitchen extension to the rear which forms the northern edge of the courtyard. The extension is single storey, with the taller hall sitting behind it.
- West of the courtyard is the Linklater Rooms which are contemporary with Elphinstone Hall. It features a cloister which faces onto Elphinstone Lawn and the High Street. The rooms are used primarily as reception and function spaces, benefiting from their position adjacent to the kitchen and the internal link to Elphinstone Hall.
- The south side features the bookstack and archive facility which dates from 1921, with an extension being completed in 1954 to form the current structure. It is constructed from a variety of granites, with narrow triple-height windows and a flat roof. It is used for archive storage but is understood to be no longer fit for purpose.
- The south side also features an extension of the James Mackay Hall which forms part of the King's College Conference Centre (KCCC) and dates from around 1880. It was converted into a kitchen in the 1990s.
- The Old Senate Wing sits on the eastern side of the courtyard. Constructed around 1956, it is two-storeys high and finished in dressed red sandstone masonry, with a steeply pitched slate roof. Its eastern elevation faces onto the King's Playing Fields and it is bookended by gable elevations of Elphinstone Hall at one end and the KCCC at the other. It accommodates archive storage which is no longer fit for purpose, unused office space and the former senate room which is used as a Moot Court by the Law School.
- The Cromwell Tower is situated to the south west corner of the courtyard. It was built in the 1660s as dormitory accommodation and converted to teaching space in the 1700s. It was rebuilt internally in the 1820s, when an observatory and stair tower were added. It is a square tower constructed from rusticated stone. It continues to be used as teaching space, although the observatory is unused and there is poor accessibility to the upper floors. The Cromwell Tower also partially forms the north east corner of the King's College Quadrangle.

The courtyard itself can be accessed from the north east corner via a path between Elphinstone Hall and the Old Senate Wing or alternatively from the south west corner via a passage between the Linklater Rooms and the Cromwell Tower. It features a lawn with gravel perimeter path, areas of shrubs, a single ornamental cherry tree and three dwarf conifers. The eastern edge of the courtyard beside the James Mackay Hall kitchen is used for the storage of waste bins.

Between the Old Senate Wing and the King's Pavilion Playing Fields is a car park with 22 spaces immediately adjacent to the Old Senate Wing, and the area is also used for the storage of waste bins.

The application site also includes an area of open space located behind 50-52 College Bounds south of the King's College Quadrangle. It is enclosed by walls along its boundaries with University Road, College Bounds and adjacent tennis courts. It is mostly covered by grass and features several mature trees and cycle storage facilities. Although the application site includes this area, no works which require listed building consent are proposed there.

The nearby King's College Chapel and Bishop Elphinstone Memorial are category A listed buildings. The application site and wider area lie within the Old Aberdeen Conservation Area.

APPLICATION DESCRIPTION

Description of Proposal

Listed Building Consent is sought for the erection of a teaching and learning hall which would largely occupy the space currently forming the northern courtyard. Internal alterations are also proposed to buildings around the courtyard.

The proposed teaching and learning hall, known as 'King's Quarter' is to create a new focal point and main entrance for the University's Old Aberdeen campus. It seeks to enhance the use of the central area around King's College and provide modern accommodation through the reconfiguration of spaces in order to support the teaching and learning programmes. Accessibility and connectivity between spaces is to be improved. This is to benefit both visitors and students.

The proposal is made possible following the development of the Sir Duncan Rice Library resulting in the archive storage facilities around Kings College, as described above, becoming surplus to requirements.

A tandem application, 201069/DPP for Detailed Planning Permission for the development is being considered alongside this application for Listed Building Consent.

Bookstack and James Mackay Hall kitchen extension

To enable the construction of the learning hall, the book stack extension and James Mackay Hall kitchen extension would be demolished.

The earlier bookstack extension dating from 1921 would be retained, with its façade restored and exposed as internal feature within new atrium hall circulation space. A new floor would be inserted to provide teaching space and structural stability. Window openings on the north facade to be altered to form internal door openings at ground and first floor levels.

Teaching and Learning Hall

The space which forms the courtyard would be internalised within a new structure that would be two storeys in height, creating 1,925sqm of floor space. It would feature a central flexible space within an atrium which would be used for events and presentations. The structure would also provide circulation space around the atrium which would provide access to each of the surrounding buildings, allowing them to be brought back into use as modernised and flexible teaching and learning spaces, principally through the reconfiguration of the Old Senate Wing and

space currently occupied by the bookstack extension. Improved access would also be provided to Elphinstone Hall and the Linklater Rooms.

The courtyard facades of the buildings surrounding the courtyard would remain exposed as a feature of the new internal space. The learning hall would feature a timber structure above its double height space which would protrude above the rest of the roof of the second floor, allowing light into the hall. At this level two mechanical plant rooms (east and south) would be formed. They would be finished in a grey metal cladding.

A new external court accessed from the existing passage between Linklater Rooms and Cromwell Tower, would lead to the west entrance, formed in curtain wall glazing. The lobby and circulation spaces would feature social learning space and a new stair leading to the first floor which would occupy the space created following the removal of the James Mackay Hall kitchen. This stair and nearby lift would provide access to the Cromwell Tower.

Old Senate Wing

On the east elevation of the Old Senate Wing, a large opening would be formed between two existing windows at ground floor to create a new entrance and reception area for the University. A freestanding entrance podium with canopy would be erected which would incorporate steps, ramp and benching. To accommodate the entrance and permit the associated alterations to the public realm, the adjacent car park would be reduced to four accessible spaces, with a drop-off area created. Within the building, internal partitions would be removed to allow the creation of a new reception area, toilets, circulation space on the ground floor and teaching space on the first and second floors.

Cromwell Tower

Alterations to the Cromwell Tower involve the removal of internal partitions to provide more open learning spaces and form a corridor in the south connecting to a new access stair. This would be a new external structure within the space created following the removal of the James Mackay Hall kitchen. The new stair and internal connections would connect the new hall through to the new learning spaces and to the existing stone stair tower on the west side of the Cromwell Tower. A new platform lift would be installed into the south west corner of the new corridor, requiring the removal of a small section of the existing floor.

The removal of the James Mackay Hall kitchen extension would expose the lower levels of the south eastern elevation of the Cromwell Tower. At the ground and first floor levels this section is obscured by the James Mackay Hall kitchen and they have been altered to form linking door openings, including a stepped opening into the tower at first floor level. The proposal would involve the construction of a new stair structure in the space of the kitchen extension to connect into the Cromwell Tower at the three lower levels (ground to second floor), providing level access into the building. This would also provide a new direct connection to the James Mackay Hall gallery. Relative to the Cromwell Tower, the insertion of the new stair would require the reuse of the existing door openings at ground and first floor level, and the formation of a new door opening at the second-floor level within an existing window opening. The fourth-floor observatory would be refurbished and brought back into use.

Elphinstone Hall and Linklater Rooms

Minor external alterations are proposed to the Elphinstone Hall and Linklater Rooms which comprise a new opening formed at an existing window in the north east elevation of the Linklater Rooms to provide direct access from the learning hall, alteration of the edge of the existing eastern Linklater Rooms pitch roof at the wall head to accommodate new clerestory glazing to the internal

circulation of the new hall structure and alteration of a window opening to form door in the kitchen extension of Elphinstone Hall.

Amendments

Post submission the application has been amended to –

- reduce the height of the learning hall roof by 0.55m.
- windows within the existing buildings are to be retained and refurbished rather than replaced.

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=QGFQDPBZKBT00>

- Demolition Statement
- Design and Access Statement
- Heritage Statement
- Heritage Statement Addendum (Demolition Statement)
- Planning Statement
- Window and Door Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has attracted six or more objections and the community council for the area has raised concerns with the proposal.

CONSULTATIONS

Historic Environment Scotland – No objection. HES is generally satisfied that the applicants provide an appropriate comprehensive level of supporting information to assist with the consideration of the application, though it is considered some more information, as explained below, is needed to clarify concealment of the proposed hall within the courtyard.

With regard to the applicant's justification for the proposals, HES acknowledges that the supporting information sets out a strong case for a high-quality adaptable teaching and learning facility at the heart of King's College in terms of significant benefits for the University, local economy and wider community, by helping to address potential growth in student numbers, enhancement of current facilities, and repurposing existing underused buildings. The applicants also include an options appraisal showing why alternative of sites and buildings across the campus are not suitable. The application site is their preferred option, due to its central location and the opportunity it provides for revitalizing redundant or underused listed buildings.

It is also acknowledged that the applicants, show how their proposals have been informed by their understanding of the importance of the B listed building group and the wider historic setting of King's College, including the setting of King's College chapel.

New atrium hall – The proposed hall would substantially infill the existing O'Dell courtyard garden, leaving only small pockets of open space in the south east and north east corners and an entrance

courtyard in the south west corner. Such a large infill would be at odds with the open quadrangular plan form and setting of the B listed King's College group.

This layout and the predominant collegiate Gothic style of the 19th and 20th century buildings reflects the original medieval character of King's College and sits comfortably in the setting of the surviving 16th century Chapel. However, it is acknowledged that the existing courtyard garden does not appear to be an originally planned open space or quadrangle, unlike the more formal King's College principal quadrangle, or designed open green space of the Elphinstone Lawn quadrangle. The buildings enclosing O'Dell garden are mostly secondary elevations and the open space is already partly infilled with the 1965 kitchen extension to Elphinstone Hall and the large bookstack extension to the former library.

It is HES's view, that this courtyard garden is of lesser significance to the quadrangular plan form and setting of King's College. It is therefore considered that a more expansive infill would not unduly harm the special architectural and historic interest of the B listed building group, provided it is well concealed within the space, with minimal disturbance to the courtyard elevations and roofscape of the existing buildings.

HES consider that the submitted design for a freestanding atrium hall with lightweight connection is well conceived so that the courtyard facades of the surrounding buildings are mostly untouched and exposed as a key internal feature of the atrium. It is also recognised the intention is for the hall to be largely concealed within the courtyard, to minimise visual impact on the wider group of listed buildings and their setting, with glimpse views limited to the proposed new façade at the south west courtyard entrance, which itself would be in a setback position.

HES has reviewed the amended drawings and revised/additional visualisations showing the reduction in height of the atrium hall and is content that the atrium hall would be sufficiently concealed behind the Linklater Rooms. While HES also note that there is no reduction in the height of the proposed plant room roofing adjoining the Old Senate Wing inner roof on the east side of the courtyard, HES are satisfied that it too would be sufficiently concealed in views from the west, due to its greater setback position and proposed grey anodised cladding which it is noted is intended to match the colour of the natural slate roofing as closely as possible.

Demolition of Phase 2 bookstack extension and James Mackay Hall kitchen extension – It is HES's view that both the Phase 2 bookstack extension and James Mackay Hall kitchen extensions are relatively small-scale extensions in relation to the B listed building group and of lesser significance to the listing. HES are satisfied that there is a clear rationale for the demolition, to address circulation and accessibility needs within the new facility and would not result in significant loss to the special interest of the listed building. HES suggest that the fine quality granite be salvaged for appropriate reuse, if the Council is also content with the proposed demolition.

Cromwell Tower – This is the oldest building of the group and, along with King's College Chapel, the most notable survivor from the 16th/17th century King's College. It was considerably reconstructed internally in the late 19th century by John Smith, converting the building from student bedroom accommodation to classrooms, which also included external alterations to some window and door openings, the addition of a stair tower at the south west corner and a top floor observatory. HES are content that there would be no significant loss of character resulting from the proposed interior refurbishment, which mainly affects a relatively plain 19th century interior. The external alterations, confined to the least visible part of the south elevation, involve adaptation of existing, previously altered, door and window openings at ground, first, and second floor levels, to form new doorways to the proposed stair structure, enabled by the removal of the James Mackay Hall kitchen extension. It is considered that these alterations, including new adjoining stair, would not unduly disturb the appearance and special character of Cromwell Tower. HES are pleased that the proposals also include restoration of the observatory.

Senate Wing – This building would be subject to the most extensive alterations within this courtyard group. HES acknowledge that a large part of the building is underused or redundant, and consider that its simpler form and plain interior allows scope for considerable adaptation and repurposing to form a new main entrance and reception area, and teaching space. HES are satisfied that the interior alterations, new east entrance podium and canopy, and associated wide openings would not have a significant adverse impact on the B listed building group and its setting.

Elphinstone Hall and Linklater Rooms – HES consider the proposed window to door alterations to Elphinstone Hall kitchen extension and the Linklater Rooms to be minimal, with no adverse impact on the special character of the B listed group

Conclusion – The proposed teaching and learning facility would clearly be a large modern intervention, intended as a new complementary focal point for the University within the historic core of the campus. Given the nature of the proposals and high heritage importance of King's College, the applicants have provided ample supporting information to assist consideration of the application.

HES understand the rationale to locate the new facility within O'Dell courtyard garden and the opportunity this provides for repurposing underused parts of the B listed group of buildings.

HES consider that there would be adverse impact on the special architectural and historic interest of the B listed group, in terms of losing some of its quadrangular plan form. However, HES considers that O'Dell courtyard garden is of lesser significance to the quadrangular plan form of the group and is a secondary, more concealed and incidental space which is already partly infilled by extensions to buildings. In conclusion, HES consider that, overall, the proposals would not unduly diminish the special character and setting of the B listed building group.

Old Aberdeen Community Council – Supports the university's need to modernise buildings that are underused due to dated design and it is acknowledged that this proposal would bring much better use to the historic heart of King's College. It is also understood that internal modification and the limited demolition of two extensions would be necessary to efficiently deliver those aims. The careful modification of underused buildings in preference to the creation of a new building elsewhere on the university estate is supported, though they are disappointed that the submitted proposals would result in the loss of the (little used) O'Dell Memorial Garden. However, the interaction between the various new elements and the existing structures is considered to be unsympathetic and does not adequately address the heritage imperatives of this key site (as outlined below). The University should re-consider their concept.

Loss of the O'Dell Memorial Garden – While people have raised concern that the memorial garden could be lost, we note that the memorial has remained in place for some 54 years and that a memorial should rarely be considered sacrosanct for all time (there is still an O'Dell Memorial Prize in Geography awarded each year that honours the professor). However, the loss of a quiet green space within the campus is a more fundamental loss. The new garden at College Bounds would not provide the same calm space, particularly once the adjacent tennis court is converted to a multi-sport facility. While it is acknowledged that the garden gets little footfall, this must be at least partly due to the access gates having been frequently locked until very recently.

New East Entrance – The new entrance on the east of elevation of the Old Senate Wing is a logical and desirable addition. However, it is profoundly underwhelming and of unsuitable design.

West Entrance to the New Hall – The only new section of wall visible to the public would be the west entrance which would fill the gap between the Linklater Rooms and King's College and be readily visible. This 'assertive contrast' using modern glass and metal is unlikely to sit well in

juxtaposition with the surrounding listed buildings. How much better if the stonework from the Book Stack Extension could be used to close off this gap in a more sympathetic manner.

REPRESENTATIONS

Forty-two letters of representations have been received, all objecting to the application, including from the Architectural Heritage Society of Scotland, Old Aberdeen Heritage Society, Saltire Society and Scottish Civic Trust. Many of the representations are from staff or graduates of the University. The matters raised are summarised as follows –

Impact on setting of listed buildings

1. The various buildings may be of varying ages but display a commonality due to their robust masonry construction and sympathetic architecture. Contemporary design or materials such as steel and glass are not appropriate in a historic area or compatible with the surrounding buildings and failing to comply with Policy D1.
2. The roof of the proposals sits above the roof ridge of the Linklater Rooms and would have an adverse visual impact from the High Street, Meston Walk, Elphinstone Lawn and New Kings. It would affect the setting of the King's College Chapel.
3. Proposals do not comply with the 1993 Old Aberdeen Conservation Area Appraisal.
4. Views of the Cromwell Tower would be interrupted.
5. Spaces between buildings, such as the courtyard, are as important as the buildings and if it were to be infilled it would disrupt the special character of the area.
6. The proposals are comparatively modern, but design is traditional and in keeping with surroundings.
7. Alterations to the Old Senate Wing, including the new entrance, are not in keeping with it and would destroy its character.
8. Alterations to create doors on the Linklater Rooms and Elphinstone Hall extension would detract from their character.
9. There is a lack of information on the changes to the Cromwell Tower. The proposals for the Cromwell Tower are particularly destructive.

Loss of courtyard (O'Dell Garden)

10. The courtyard must be retained in its entirety. Whether it was designed intentionally or accidentally created over time is irrelevant in justifying its removal.
11. The courtyard provides an area for quiet contemplation and its status as a memorial to Professor O'Dell should be respected. The ashes of former students are scattered there, and its loss would be upsetting for families.

Demolition

12. No existing buildings should be demolished, particularly those that are listed.

13. Demolition of the bookstack represents the destruction of the ultimate example of Aberdeen's style of granite buildings and is a contravention of ACC's stated aims of preserving the city's unique heritage. It should be retained and restored. Its removal should be treated as demolition rather than an alteration in terms of assessment against demolition policy.

14. The John MacKay Hall kitchen extension should be retained.

Other

15. The project brief and design should be revisited. The proposals take no account of the shift to blended and online learning.

16. No consideration has been given to alternative sites. There are alternative locations that could be used within King's College or wider campus.

MATERIAL CONSIDERATIONS

Legislative Requirements

- Where a proposal affects a listed building, sections 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

- Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.
- Historic Environment Policy for Scotland (HEPS)
- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent
- Managing Change in the Historic Environment: Demolition of Listed Buildings
- Managing Change in the Historic Environment: Extensions
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Windows

Aberdeen Local Development Plan (2017)

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy D5 (Our Granite Heritage)

Supplementary Guidance and Technical Advice Notes

- The Repair and Replacement of Windows and Doors

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Windows and Doors)

Other Material Considerations

- Old Aberdeen Conservation Area Appraisal

EVALUATION

Background

The university has explained that the Old Senate Wing and book stacks were designed to provide archive book storage to the then adjacent old library (now the James Mackay Hall and King's College Conference Centre (KCCC)). The relocation of the library to Bedford Road (to the Queen Mother Library in 1964 and then again in 2011 to the Sir Duncan Rice Library) has left these remnant archive stores remote and out of place in the campus. To maintain the condition of the archived material and to allow for its easy retrieval a new central archive facility has been established – freeing up the existing archive spaces of King's College for repurposing.

The proposal is focused on repurposing the remaining buildings and reconfiguring the spaces to allow better accessibility and to support the university's teaching and learning programmes. It would also enable improved community engagement and provide an improved environment for visitors through the provision of a new reception area and presentation space.

Need for Development

Several representations suggest that the university do not need the space; the development would not provide the type of space required; the creation of the space is not sustainable; alternative

schemes or sites have not been considered and the scheme would not generate any economic benefit or attract students (*issues 14 and 15 in representations*).

Ordinarily, it is not for the Planning Service to question the need for a development; it is for the University to decide what floor space it requires and how it utilises it within the confines of the authorised planning use or how it considers it best to enhance its offer. Moreover, the Planning Service is required to consider the application submitted, rather than any hypothetical alternative that may or may not be feasible. Notwithstanding, where detrimental impact on the historic environment is unavoidable, HEPS indicates that it should be demonstrated that alternatives have been explored. In this case however, it is considered there would be no detrimental impact on the historic environment, so there is no requirement for this to be undertaken.

Nevertheless, as part of their submission, the university has explained the rationale behind its proposals and demonstrated that it has indeed considered several alternative options. A key objective of the proposal is to repurpose the historic buildings to create a greater sense of place at the heart of the campus and bring the existing underused buildings back into more productive use. The University considers that proposals balance the retention of the historic buildings whilst allowing the creation of high quality, flexible teaching space which is currently lacking. The University emphasises that the new facilities as proposed would help attract students and staff, for which it competes at an international level.

In terms of alternatives, eight sites within the campus were considered and details of these are included within appendix 3 of the Design and Access Statement. It explains that the rejected options were all at a disadvantage by the requirement for significant decant and relocation of existing university accommodation. Many options were too remote from the centre of the campus, and/or their locations were not suitable for a new facility aimed at allowing fully accessible and social learning. Several options added significant new floor area to the existing campus whilst many buildings on the campus are underutilised and/or in need of refurbishment. Therefore, the preference was for appropriate repurposing of existing buildings over creating new buildings. The University contend that the new facilities represent a sustainable and responsible approach to development and would create important accommodation within the heart of the historic setting.

Policy D4 (Historic Environment) indicates that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy (superseded by Historic Environment Policy for Scotland) and its own supplementary guidance and conservation area character appraisals and management plans. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported.

Scottish Planning Policy (paragraphs 141 and 143) reflects the legislative requirements in relation to conservation areas and listed buildings set out in the Material Considerations part of this report. SPP requires that, where planning permission is sought for development affecting a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

Historic Environment Policy for Scotland (HEPS) is the Government's national policy statement on built heritage and sits alongside SPP. Historic Environment Scotland's guidance on managing change is also relevant.

Many third parties who have submitted representations believe that no change should occur either to the courtyard or to the buildings surrounding it. That position is however at odds with national policy on the historic environment which acknowledges that some change is inevitable and that it

can be necessary for places to thrive. Fundamentally, both national and local policy on the historic environment is aimed at managing change, rather than preventing it from occurring.

HES's guidance on determining listed building consent applications indicates that *"the majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner."* It goes on to caution however that *"Once lost listed buildings cannot be replaced. They can be robbed of their special interest either by inappropriate alteration or by demolition. There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting."*

It is in the context of the above policies that the proposals are considered in more detail below.

King's College

The Old Aberdeen Conservation Character Appraisal produced in 2015 (superseding the 1993 version – *issue 3 in representations*) which although covering the whole of Old Aberdeen, provides useful background on King's College. It describes King's College Chapel and surrounding King's College quadrangle group of buildings as one of the two centrepieces of the conservation area (accompanying St Machar's Cathedral), observing that this collection of iconic buildings has come to symbolise the long educational tradition of the University. It goes onto note that apart from the chapel, little remains of Bishop Elphinstone's original university buildings on site, which were grouped together as a quadrangle. Except for the 1525 Round Tower and the 1658 Cromwell Tower, many of the earlier buildings in the quad were replaced in the 19th century. King's College is noted as being set back from College Bounds, giving space to appreciate the complex; the break in the building lines on either side of College Bounds at this point, together with the landscaped setting and gardens, creating a focal sense of space inviting appreciation. King's College can also be seen across the playing fields from King Street and at various points on University Road. The buildings are identified as being outstanding iconic buildings and alongside their setting are noted as being a strength of the conservation area. The visual impact of new development on the heart of Old Aberdeen is identified as both as a threat and an opportunity.

It is clear from the history of King's College that the group of buildings have continuously evolved over time, with the current arrangement within the courtyard only being established in the 1960s, as part of significant redevelopment within the campus through the 20th century that included the construction of New Kings in 1913 and both the construction in c1900 of the Professor's Manse on Elphinstone Lawn and its subsequent demolition prior to 1914. For the buildings surrounding the courtyard to remain relevant and in productive use, appropriately considered change continues to be required. These proposals represent the next stage in the evolution of the buildings as a key part of the Old Aberdeen campus.

Demolition

Demolition of Bookstack Extension

For the purpose of assessing the removal of the bookstack extension it is considered that the work constitutes demolition (defined as a total or substantial loss of a building, rather than simply being an alteration) in terms of Historic Environment Scotland's (HES) guidance on the Demolition of Listed Buildings. As such, the applicant has submitted a Demolition Statement as an addendum to their Heritage Statement which contends that the bookstack is not of special interest.

The bookstack was constructed in 1954 as an extension to the 1921 bookstack extension. Architecturally it reflects the earlier part to which it is attached, featuring a simple structure and design reflecting its use, an approach which was not unusual for the time.

The building is a simple form, related to its purpose and location as an archive extension to a library located on a rear elevation. It is not by a notable architect and has limited architectural interest. The only feature of note is the use of a combination of granites from different quarries on its external elevations, including ashlar dressed blocks to window margins and Aberdeen bond. However, it represents a late use of granite and there are better examples of mixed granite use in buildings of the same period found elsewhere which are more prominent, such as the University's Meston Building and houses on Tillydrone Avenue. The building is detrimental to the setting of the buildings around the courtyard as it conceals views of surrounding buildings and covers the façade of the original bookstack extension from 1921.

The University did consider the retention of the bookstack extension, however it advises that the opportunities created by removing it, including the potential to create clear desire lines for pedestrians and open up views of Cromwell Tower, meant that its retention would be at the expense of wider benefits to the listed buildings and the aims of the project. The Planning Service is aware of alleged unauthorised works relating to the windows of the building which are said to have taken place at some point in the last 20 years, however this is not considered to be of significance in the assessment of the current proposals and even if the original windows were intact it would not alter the current recommendation.

It is considered that the bookstack extension does not possess the same special architectural or historic interest as the main buildings within the group listing. The benefits of allowing its removal are significant, therefore its removal to allow the proposal to go ahead is considered acceptable (*issue 11 and 12 in representations*).

Demolition of James Mackay Kitchen Extension

The removal of the James Mackay kitchen extension is also considered to constitute demolition. The extension is a small L-shaped single storey flat roofed building located to the rear of the James Mackay Hall, which is part of the King's College Conference Centre. It infills a corner between the 1921 Bookstack extension, the principal front block of the KCCC and the Cromwell Tower. The structure has experienced successive alterations, with it being difficult to establish its exact original fabric or plan form. It is thought it combines a store from the 1860s and later lavatory block from the late 19th century. It was converted into an open plan kitchen to serve the James Mackay Hall in the 1990s. It is a simple structure with no architectural features of note. Taking this into account, it is considered that the extension does not contribute to the special architectural or historic interest of the main group of listed buildings. Therefore, its removal to allow the proposal to go ahead is considered acceptable (*issues 13 in representations*).

In summary, in accordance with HES guidance on demolition, it has been demonstrated that these elements of the listed buildings are not of special architectural or historic interest. Their removal would have a neutral impact on the character of King's College and would allow the remaining, more significant buildings to be repurposed and integrated into the new space. It would also allow concealed elevations which have greater significance to be revealed, enhancing the appreciation of the buildings.

Impact on Listed Buildings

Infilling of courtyard

The northern courtyard came into existence in the 1950s with the completion of the Old Senate Wing. Its form was later altered in the 1960s with the addition of the Elphinstone Hall kitchen extension. Although not a significant factor in this assessment, it is worth noting that the courtyard differs from others within the campus, such as the King's College Quadrangle and Elphinstone Lawn, which have primary or more significant building elevations surrounding them. Rather, the north courtyard is formed from the secondary/rear elevations of the buildings which surround it. They are of lesser importance than their primary elevations which face outwards into the campus. By virtue of being within the courtyard, they also have significantly less visual prominence.

Whilst spaces around buildings can be just as important as the buildings themselves, the courtyard is not a significant space in relation to the historic development of King's College or the wider Old Aberdeen campus and its contribution towards the setting of the listed building group to which it relates is minimal. There are no significant views into or out of the courtyard. It is considered that the space does not contribute to the special interest of the listed building group or the wider conservation area to any great extent.

At present each of the buildings surrounding the courtyard are independently accessed. The introduction of the learning hall and associated circulatory space around it allows the buildings to be integrated into one connected space and brought back into productive use. This allows the floorspace within the existing buildings to put to the most efficient use as circulation would take place largely within the new structure rather than the existing buildings. These connections would allow the new space to function collaboratively with Elphinstone Hall, the Linklater Rooms and James Mackay Hall.

The benefits which the proposal would bring are considered to justify the loss of the courtyard in its current form. There would be a neutral impact on the setting of the adjacent listed buildings and character of the conservation area (*issue 5, 10 and 11 in representations*).

Teaching and Learning Hall

The proposed learning hall has been designed so that it is a freestanding structure offset from the elevations of the buildings which form the courtyard. The hall would be connected to the existing buildings through glazed structures so that the elevations of the existing buildings which are external at present, would still be visible and able to be appreciated if the courtyard was internalised as proposed.

For a variety of reasons concern is raised with the use of glass. However, the use of curtain wall glazing and that of glass in building design is well established. Whilst it is noted that representations express an aversion to the use of modern materials in an historic context, national policy indicates that this the concept is a legitimate one, subject to suitable design. In respect of the proposal, the steel structure and curtain wall glazing would provide a simple structure which would represent a contemporary intervention in the group of buildings. It has been designed as to be distinctively different from the existing buildings and would provide a suitable deferential contrast with its surroundings which is considered acceptable (*issue 1 and 6 in representations*).

Alterations to accommodate a lift and staircase to serve the Cromwell Tower would take place in the location of the removed James Mackay kitchen extension. Whilst this part of the tower's elevation would still be enclosed, it would have a lesser impact than the existing extension, as the tower's original walls would be revealed, which at present are concealed behind the extension. The removal of the bookstack extension would also allow the tower to be better appreciated.

Therefore, it is considered the proposals would enhance the setting and character of the Cromwell Tower (*issue 4 in representations*).

Old Senate Wing

A new entrance and reception area for the university campus would be provided within the Old Senate Wing. To facilitate this on the eastern elevation facing towards King Street, stonework would be removed and combined with existing window opening to form a new 4.9m wide entrance to the building. To signify its location and provide a formal approach, an entrance podium formed in silver/grey etched precast concrete and a freestanding steel canopy would be provided adjacent to the new opening. The simple lightweight structure would provide an indication of the new entrance whilst having minimal impact on the fabric of the building. The elevation is relatively simple and repetitive, and the provision of the entrance would not see the removal of any significant architectural features. It is considered the character of the building would be maintained (*issue 7 in representations*).

Internally there would be significant change with the existing partitions removed to create a reception area at ground floor and teaching spaces in the floors above. Due to being designed for archive storage there is little features of interest within the building and those which do exist such as windows would be retained and refurbished. The woodpanelling within the Senatus room would be incorporated into the proposals.

The applicants have made it clear that without intervention and the formation of new entrances it would prove difficult to find a suitable re-use for this building. The proposals relating to the Old Senate Wing are considered acceptable and would maintain the special character of the building.

Cromwell Tower

The alterations to the interior of the Cromwell Tower would affect relatively plain rooms which were formed during the late 19th century when the original layout was altered. Their removal would not affect the special architectural of the building and any significant features such as the stone stairs and the separate spiral staircase to the fourth floor would be retained.

At the ground and first floor levels this section is obscured by the James Mackay Hall kitchen and they have been altered to form linking door openings, including a stepped opening into the tower at first floor level. The proposal would involve the construction of a new stair structure in the space of the kitchen extension to connect into the Cromwell Tower at the first three levels (ground to second floor), providing level access into the building which at present cannot be accessed by those unable to use the stairs. A second lift within the tower itself would provide access to all floors, including the third floor. The fourth-floor observatory would be refurbished and brought back into use, with a remote control located on the ground floor. Conditions are attached requiring details of several aspects of the works to be submitted prior to development commencing (*issue 9 in representations*).

The Planning Service is aware of alleged unauthorised works relating to the turret of the tower which are said to have taken place at some point in the last 20 years, however this is not considered to be of significance in the assessment of this proposal.

The works to the tower would bring the building back into productive use and allow it to be accessed by those unable to use the stairs. The proposals are considered acceptable and the special character of the building would be maintained and in the case of the exterior would be enhanced as the James Mackay Hall extension is removed revealing the covered part of the elevation (*issue 4 in representations*).

Elphinstone Hall and Linklater Rooms

External alterations only are proposed to Elphinstone Hall and Linklater Rooms, all of which would take place on the rear elevations facing the courtyard.

One window opening would be enlarged to allow for installation of a door on the rear elevation of the Linklater Rooms to allow access between the new space and the existing building. This allows the access to be provided with the minimum intervention.

Similarly, the minor alteration to the lower part of the roof slope to integrate the new structure into the Linklater Room wall is considered acceptable.

The only alterations to the Elphinstone Hall kitchen extension would be the change from a window to a door and removal of the stair to the basement. These alterations would not affect the special character of the building and would allow it to connect into the new space (*issue 8 in representations*).

The primary elevations of both buildings would remain unaffected by the proposals.

Bookstack (1921) Extension

On removal of the 1954 bookstack extension the original 1921 extension would be revealed. It would be retained, with the walls, becoming features within the new space. A floor will be inserted into the retained space to provide two new teaching spaces and give structural stability. The integration of this element of the listed group into the new space is welcomed and would enhance the ability to appreciate it. It is considered that the character of this part of the listed building would be enhanced.

Short-distance views

By virtue of being surrounded by existing buildings, the only place that the new structure would be seen outwith the courtyard and in close proximity, would be from the Elphinstone Lawn looking south east, through the passageway between the Linklater Rooms and Cromwell Tower. At present the bookstack extension is visible and with its removal the view would be replaced with the curtain wall glazing façade of the new building. The new façade would be positioned around 3.90m further back than the bookstack extension currently is, in relation to the walls of the Cromwell Tower and Linklater Rooms. This would allow a small external courtyard to be retained at the western entrance to the learning hall. Due to its largely concealed nature and setback behind Cromwell Tower and Linklater Rooms, the structure would appear as a subsidiary element, retaining the primacy of the more prominent and important buildings (*issue 10 in representations*).

Having reviewed the proposals, Historic Environment Scotland shares the opinion of the Planning Service, and considers that the structure would be sufficiently recessed within the courtyard and would not significantly detract from the setting of the nearby A-listed chapel.

A smaller courtyard would be formed at the end of the pend between the Old Senate Wing and Elphinstone Hall, where a secondary eastern entrance would be formed. Again, the structure would be setback so that it would not be seen outwith the pend.

Medium to Long-distance views

Due to the eaves, roof plane and ridgeline heights of Elphinstone Hall, the Old Senate Wing and the King's College Conference Centre, the learning hall and plant room would sit below the ridge level of these buildings. It would therefore not be possible to see the new structure from either the

north, south or east of the King's College group of buildings in terms of medium to long distance views. This would preserve the important view across the King's Playing Fields from King Street.

With the learning hall having a corner ridge height of 22.90m (all measurements are above ordnance datum), the only direction which the learning hall and plant room could potentially be seen is from the west, at locations at College Bounds, High Street, Elphinstone Lawn and New Kings.

Acknowledging that the views of King's College from these locations contribute significantly to the appreciation of King's College and the character of Old Aberdeen, the Planning Service had initial concerns with the height of the new structure and its potential to be visible above the ridge of the Linklater Rooms which sits at a height of 22.39m.

In response, the applicant amended the proposal so that the learning hall roof was reduced by 0.55m, from its initial height of 23.45m to 22.90m. This would result in the learning hall being only 0.51m higher than the Linklater Rooms ridgeline. The east plant room, which would sit behind the learning hall when viewed from the west, with its roof sitting at 23.90m, would be 1.00m higher. The resultant potential visual impact is demonstrated through a series of visuals provided by the applicant contained within "*Design and Access Statement Appendix 4A (Additional Visualisations)*". The visuals show how the new structure would sit in relation to the Linklater Rooms from three key areas: Meston Walk, College Bounds/High Street and the area around Elphinstone Lawn.

- Meston Walk represents the most distant and least sensitive views, with a small section of the King's College building group visible through the gap in the walls on either side of Meston Walk where it meets the High Street. The visuals show that from a point around 160m along Meston Walk and then westwards, the very edge of the roof of the learning hall would be visible, with part of the east plant room sitting behind. Although they would sit above the ridge of the Linklater Rooms, they would sit below the higher ridge of the Old Senate Wing to the east which sits behind at 24.95m.

However, the view of King's College from this direction and distance does not represent a significant view, being some 160m+ away, viewed through a narrow street and the canopies of trees, which even in winter interrupt the direct view to a notable degree. The further west towards Bedford Road the view is taken from, the less prominent the King's College buildings become, until they are barely noticeable in the streetscape. The proposed structures would be no higher than the Old Senate Wing which would provide a background to them and being coloured grey to match the slate of the existing roofs, what little that may be seen, would not be particularly noticeable or obtrusive.

- Moving east along Meston Walk, close to the junction with College Bounds/High Street (around 110m from the proposal) the view would become more open with more of King's College visible. However due to the closer proximity, screening provided by the Linklater Rooms and the setback position of the learning hall and plant room behind the Linklater Rooms, they would no longer be visible. Therefore, the view from this position and the important views from College Bounds, High Street and Elphinstone Lawn, which characterise King's College and which are closer again, would be preserved.
- Moving northwards towards New King's which forms the northern edge of the Elphinstone Lawn, the Linklater Rooms and application site would be viewed at an oblique angle, very slightly elevated above the High Street and lawn. The new learning hall and plant room however would remain screened by the Linklater Rooms, and to a lesser extent Elphinstone Hall. From this direction, and from the adjacent point on the High Street, a gap between the

roof slope at the gable-end of the Linklater Rooms and the wall of the Cromwell Tower is visible, which currently allows views of mechanical plant on the roof of the bookstack. The new south plant room and structure of the circulatory space would be seen through this gap and to small extent would screen some of the plant which would remain. Given the already compromised view, it is not considered that the ability to see any of the new structure through this gap would materially affect the setting of the surrounding listed buildings.

- Continuing eastwards, views from the end of Dunbar Street/Regent Walk junction and around the Taylor Building would be at such acute angle and close proximity, that Elphinstone Hall and the Linklater Rooms would screen the structures. There would be no visual change from this direction.

Historic Environment Scotland have reviewed the proposals and conclude that learning hall would be well concealed behind the Linklater Rooms in significant views from the west, including a range of views from Meston Walk so as to ensure the setting and primacy of the A-listed chapel is maintained. HES also consider that the plant room would be sufficiently concealed in views from the west (Meston Walk, High Street, Elphinstone Lawn), due to its greater setback position and proposed grey anodised cladding which would match the colour of the natural slate roofing as closely possible.

It is therefore considered that in medium to long distance views the proposal would maintain the character and setting of the group of listed buildings (*issue 2 in representations*).

Other matters raised in representations

Matters raised in representations that do not relate to listed building matters are addressed in the report for planning application 201069/DPP.

The Planning Service is aware of alleged unauthorised installation of gates at the passage between the Linklater Rooms and Cromwell Tower which are said to have taken place at some point after 1999, however this is not considered to be of significance in the assessment of this proposal. The plans note that the gates are proposed to be refurbished and painted, which does not require consent. Their status is being investigated as a separate matter.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The proposal represents a carefully considered intervention in the historic environment which would enable underused listed buildings to be brought back into use and enable the university to provide modern, flexible and efficient space. The King's College group of buildings have continuously evolved over time and for them to remain relevant and in productive use, appropriately considered change continues to be required. This approach is in accordance with Historic Environment Policy for Scotland.

The demolition of the bookstack extension and James Mackay kitchen extension have been justified in terms of Historic Environment Scotland's policy on the demolition of listed buildings, with it being demonstrated that they do not possess the same special architectural or historic interest as the main buildings within the group listing. Their removal would have a neutral impact on the character of King's College and would allow the remaining, more significant buildings to be repurposed and integrated into the new space. It would also allow concealed elevations which have greater significance to be revealed, enhancing the appreciation of the buildings.

The location of the new structure within the enclosed courtyard, accompanied by careful design and a reduction in height of the learning hall roof, ensures that it would generally be concealed from views from the surrounding area. The elements that would be higher than the surrounding buildings would only be visible from Meston Walk around 160 metres away, where the distance, narrow angle of view and intervening vegetation would result in an insignificant effect on the setting of the King's College group of listed buildings and character of the conservation area. From important views at College Bounds, High Street and New Kings, the building would not be seen above the Linklater Rooms.

The interventions involving removal of building fabric have been carefully considered so that any removal of building fabric is kept to a minimum. They are considered necessary to integrate and connect the new structure into the existing buildings, bringing benefits in terms of being able to repurpose these buildings and enhance accessibility to them.

It is considered that character of the listed buildings would be preserved, in accordance with Scottish Planning Policy, Historic Environment Policy for Scotland and its associated managing change guidance, relevant legislative requirements and Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan (ALDP) and the corresponding policies in the Proposed ALDP.

CONDITIONS

PRE-DEMOLITION

(1) EVIDENCE OF CONTRACTS

No demolition shall take place unless evidence of a contract being in place for the construction of the development approved by planning permission 201069/DPP has been submitted to and approved in writing by the planning authority.

Reason – to ensure that the book stack extension and James Mackay Hall kitchen extension are not demolished without satisfactory redevelopment proposals being in place.

(2) DEMOLITION METHODOLOGY

No development (including demolition or site setup) shall take place unless a methodology for the demolition of the bookstack extension and James Mackay Hall kitchen extension has been submitted to and approved in writing by the planning authority. The scheme shall include measures to protect the retained structures and buildings around the down-takings and details of how the existing structures will be made good once the demolition works have been carried out and include details of the reuse or retention for future use of any granite down-takings. Thereafter development shall be undertaken in accordance with the approved scheme.

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

(3) STONE CLEANING

No development (including demolition or site setup) shall take place unless details of any proposed stone cleaning have been submitted to and approved in writing by the planning authority. The ACC Supplementary Guidance on Stone Cleaning and Historic Environment Scotland's Technical Advice Note (TAN 09 – Stone Cleaning of Granite Buildings) must be considered in developing the proposals. Thereafter development shall be undertaken in accordance with the approved scheme.

In this condition 'stone cleaning' means the cleaning of stone using abrasive, chemical or high-pressure water (above 50 psi).

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

(4) CREATION OF OPENINGS AND MAKING GOOD OF STONWORK

No development (including demolition or site setup) shall take place unless a methodology for the formation of all new openings or other alterations to existing stonework has been submitted to and approved in writing by the planning authority. The scheme shall include details of the making good of any stonework exposed by down-takings or affected by the creation of openings. Thereafter development shall be undertaken in accordance with the approved scheme.

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

PRE-CONSTRUCTION

(5) WASTE STORE AND PORTERS BOTHY

No development shall take place unless a scheme showing construction details of the porters bothy and waste storage area has been submitted to and approved in writing by the planning authority. The scheme shall include details of the proposed new stonework, metal gates, window and door. Thereafter (i) development shall be undertaken in accordance with the approved scheme.

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

(6) 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 (including samples)
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)

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 setting of the proposal.

(7) EXTERNAL LIGHTING STRATEGY

No development associated with the construction of the development shall take place unless a scheme for any external lighting of the new and existing buildings 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.

(8) CROMWELL TOWER

No development shall take place unless a scheme showing

- (a) how the proposed new staircase and associated structure adjacent to the Cromwell Tower would abut the existing building;
- (b) details and methodology for all new and altered openings on the elevations of the Cromwell Tower;
- (c) details (including samples) of any reclaimed stone to be used within Cromwell Tower;
- (d) details of all architectural and historic features within Cromwell Tower and whether they are to be retained;
- (e) details of the existing and proposed cornicing mouldings and their locations;
- (f) details of all new doors;
- (g) details of the refurbishment for compliant access of the existing stair to the observatory;
- (h) details of the refurbishment of the observatory interior; and
- (i) a methodology for the installation of the platform lift

have been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved scheme.

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

(9) OLD SENATE WING – WINDOW RELOCATION

No development shall take place unless details (including 1:10 elevation and section) of the relocation of window 7 to opening 14 at the Old Senate Wing (as noted on page 3 of 4542 (PL) S001 (Rev.P1) – Part 2) have been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details

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

(10) OLD SENATE WING – DOOR

No development shall take place unless details (including 1:10 elevation and section) of the proposed new profiled metal doors proposed at the Old Senate Wing pend have been submitted to

and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details

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

(11) OLD SENATE WING – ENTRANCES

No development shall take place unless detail (including 1:10 elevation and section) and a methodology for the creation of the new opening on the east elevation of the Old Senate Wing; and (ii) details of how the new podium & canopy and separate steps would abut the existing building, have been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details

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

(12) LOWERED CEILINGS

No development shall take place unless details of any proposed lowered ceilings within the existing buildings have been submitted to and approved in writing by the planning authority. The details shall include 1:10 sections of any new proposed lowered ceilings showing how these relate to existing historic features (e.g. cornicing being retained) and existing window opening (e.g. not cutting across any windows). Thereafter development shall be undertaken in accordance with the approved details

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

(13) SECONDARY GLAZING

No development shall take place unless details of any proposed secondary glazing within the existing buildings have been submitted to and approved in writing by the planning authority. The details shall include 1:10 vertical and horizontal sections showing how the secondary glazing sits in the existing windows. Thereafter development shall be undertaken in accordance with the approved details

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

(14) BIRD CONTROL MEASURES

No development shall take place unless details of any bird control measures proposed for the exterior of the buildings has been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



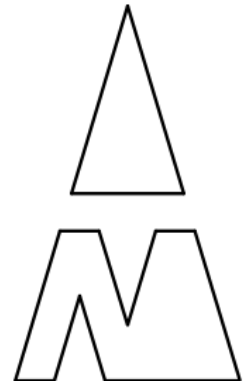
Meeting Date : 17/06/21

Description: Construction of External Seating Area
in Rear Car Park

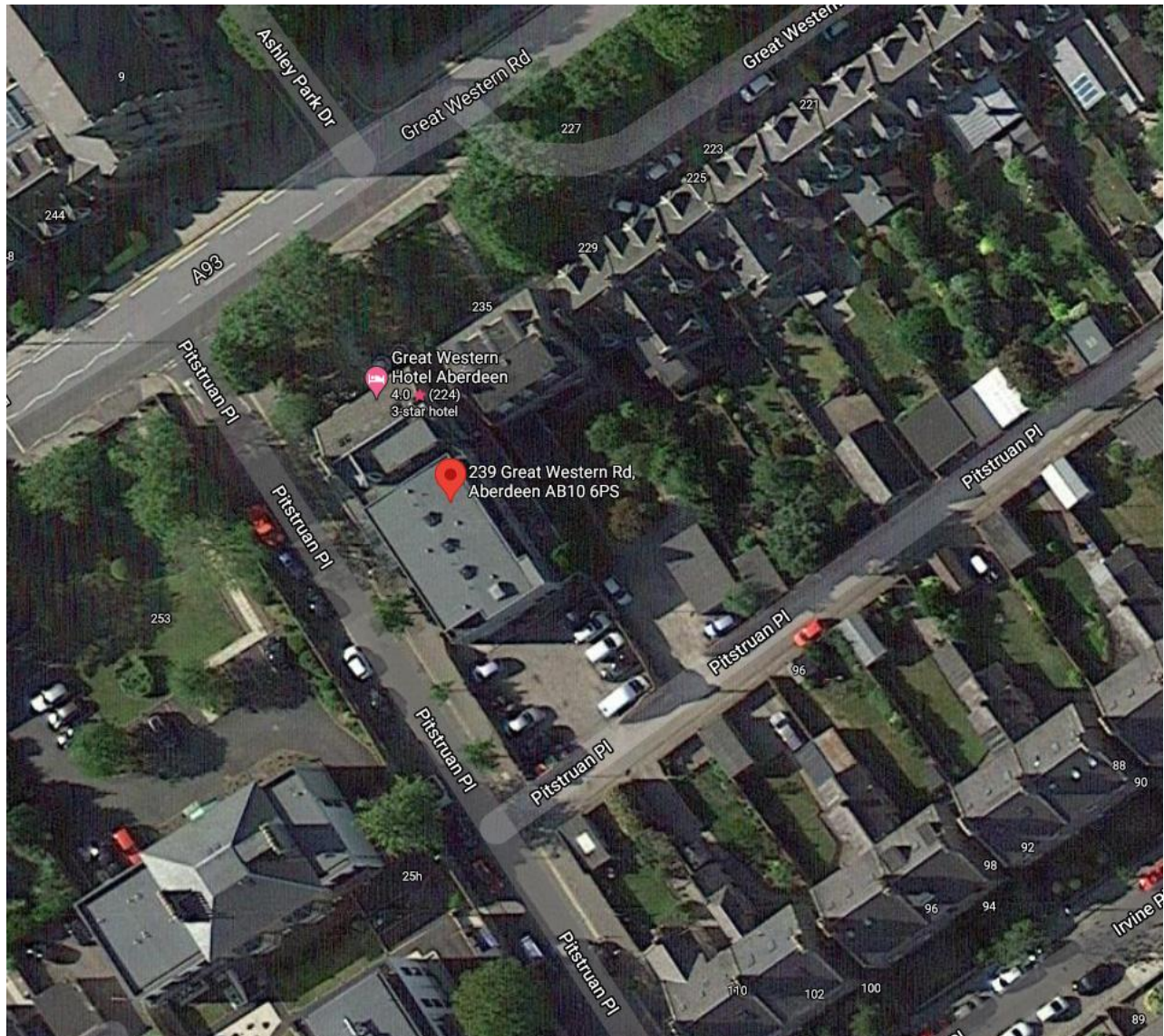
Address: 239 Great Western Road

Type of application : Detailed Planning Permission
Application number: 210417/DPP

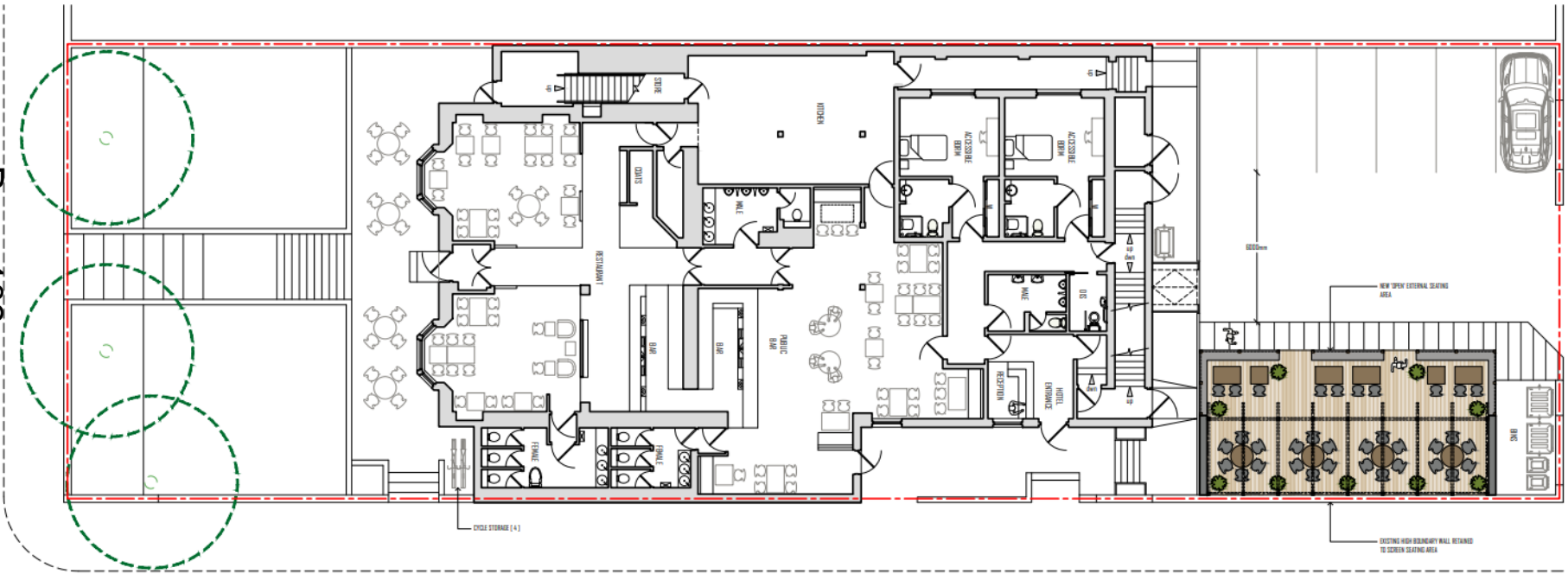
Location Plan



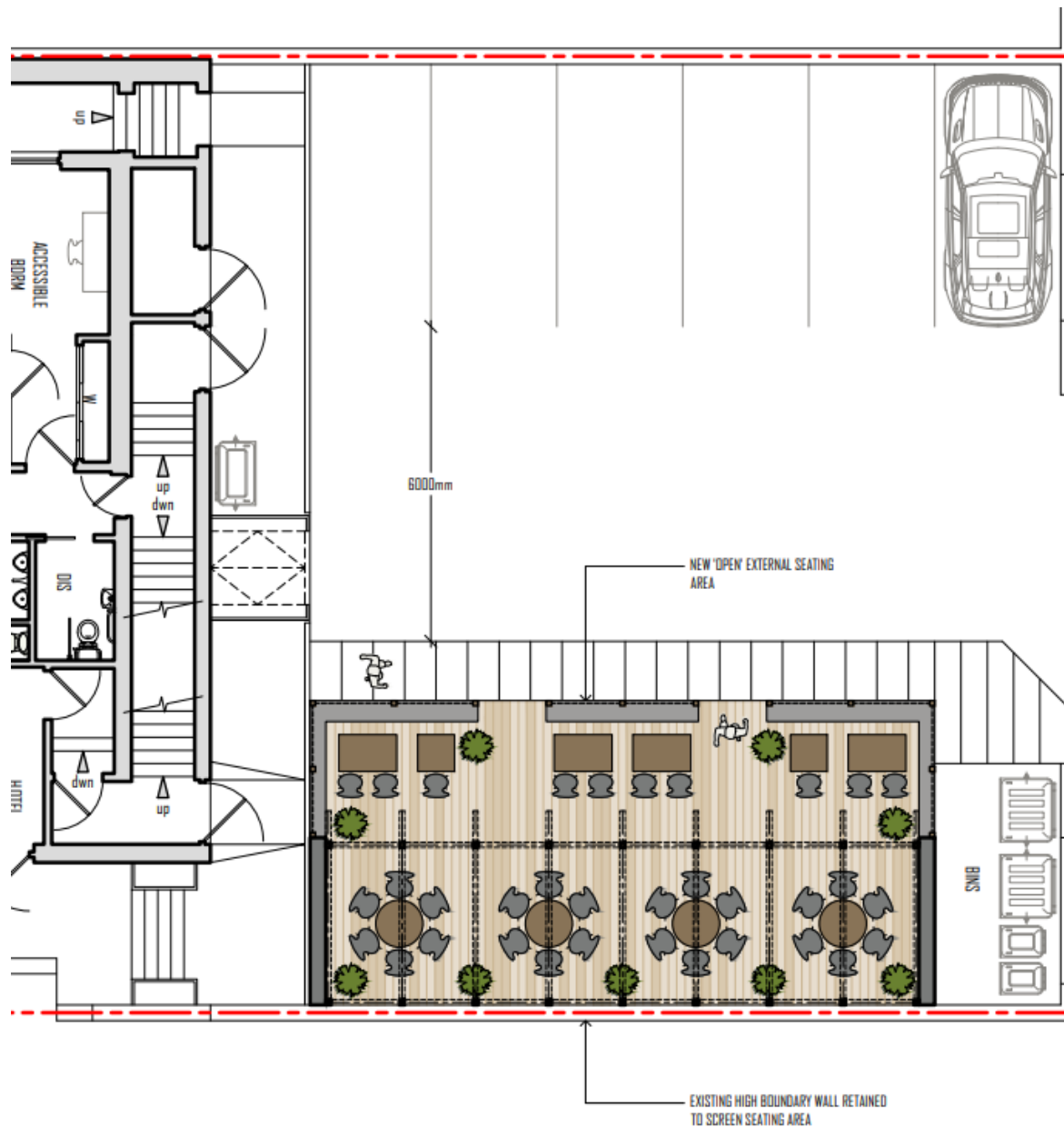
Aerial Photo



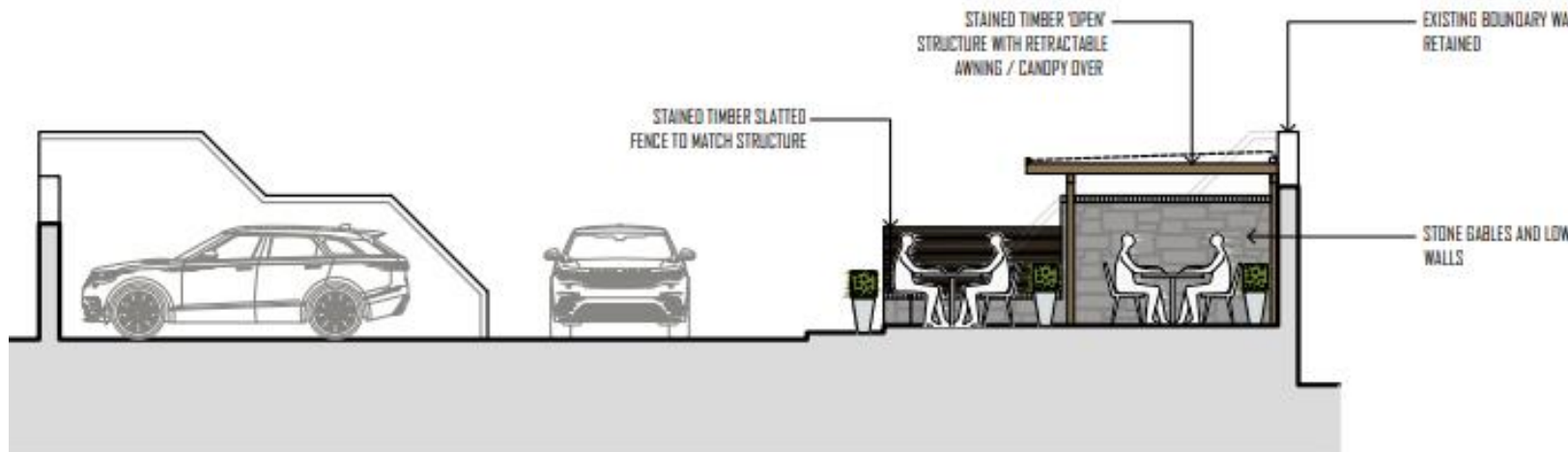
Proposed Site Plan



Proposed Site Plan – Rear Car Park (Extract)

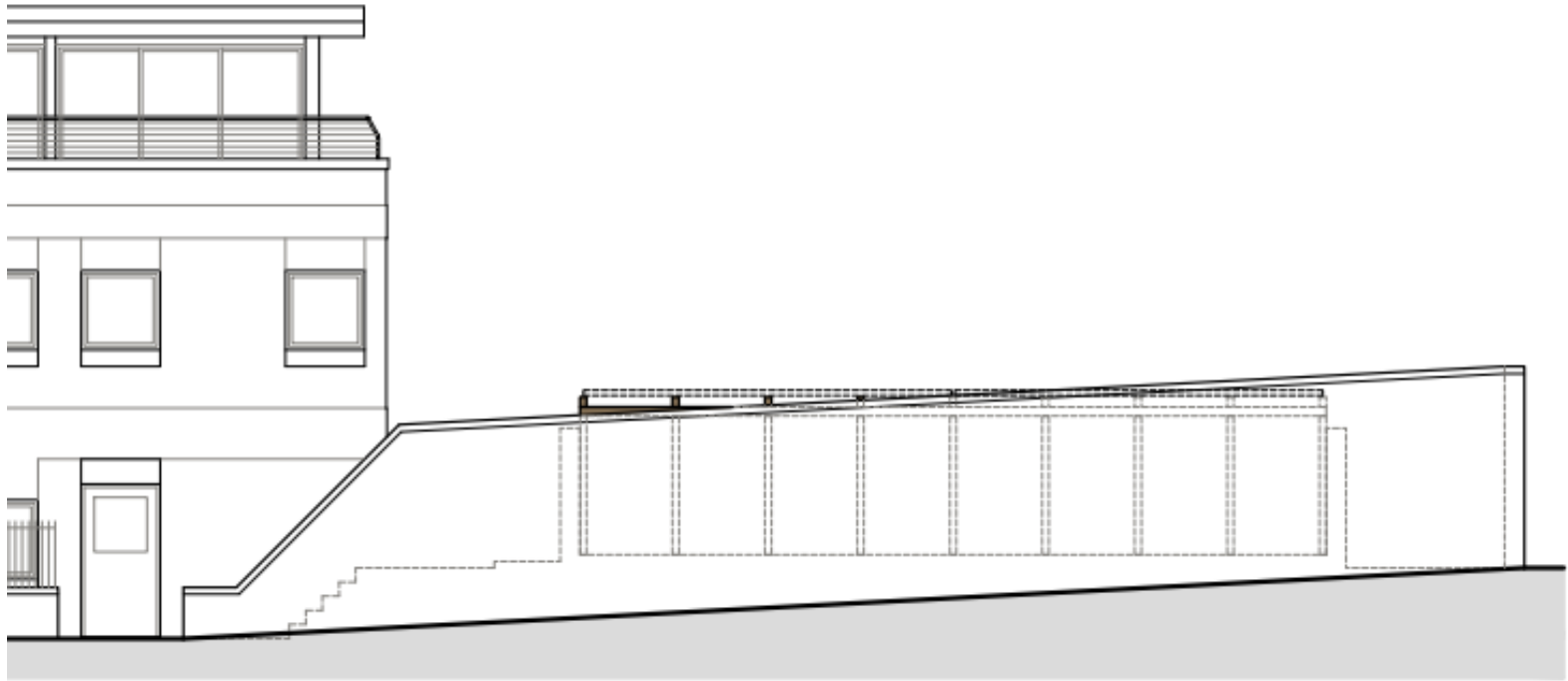


Proposed North Elevation

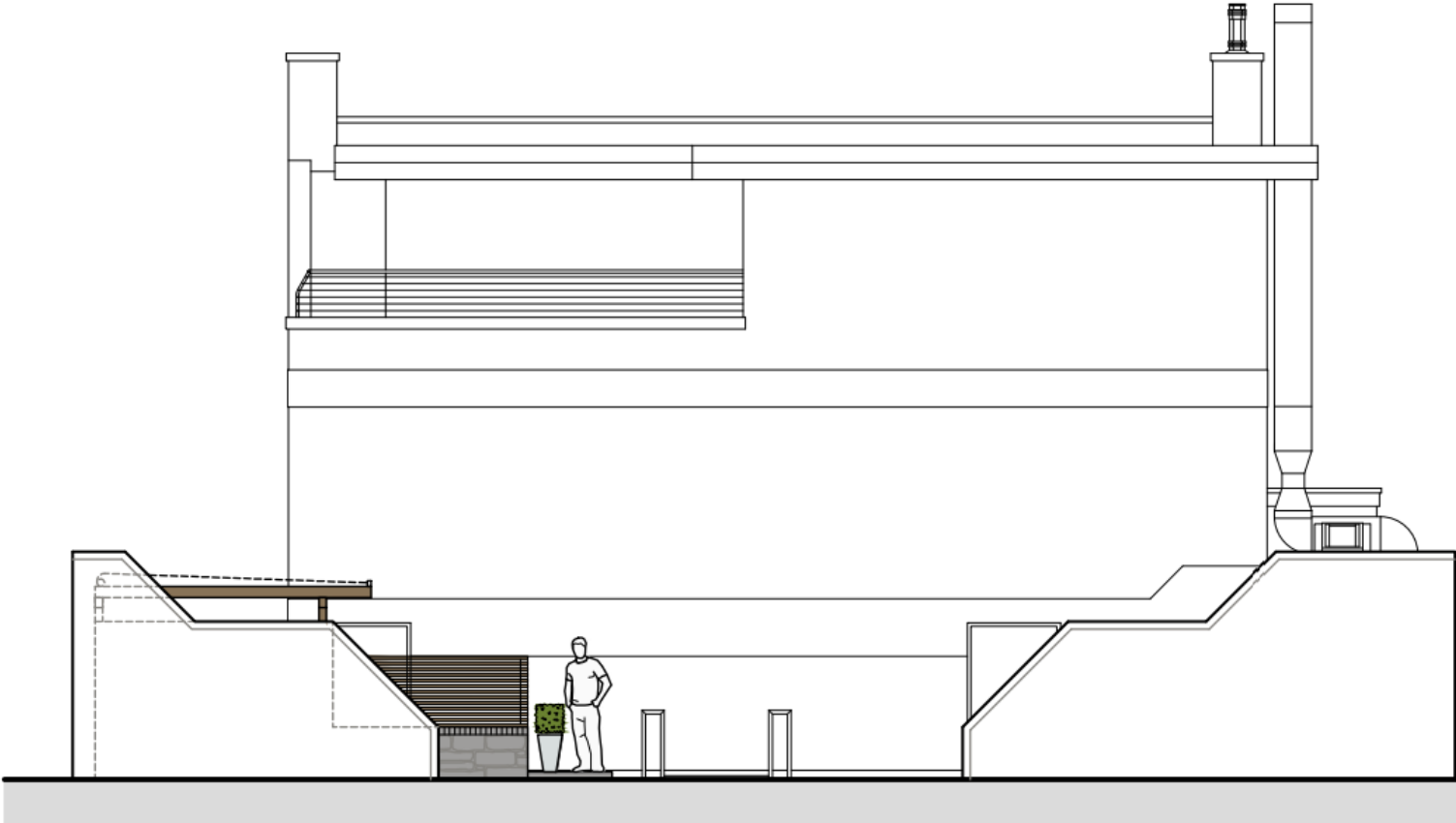


PROPOSED NORTH ELEVATION / SECTION

Proposed West Elevation

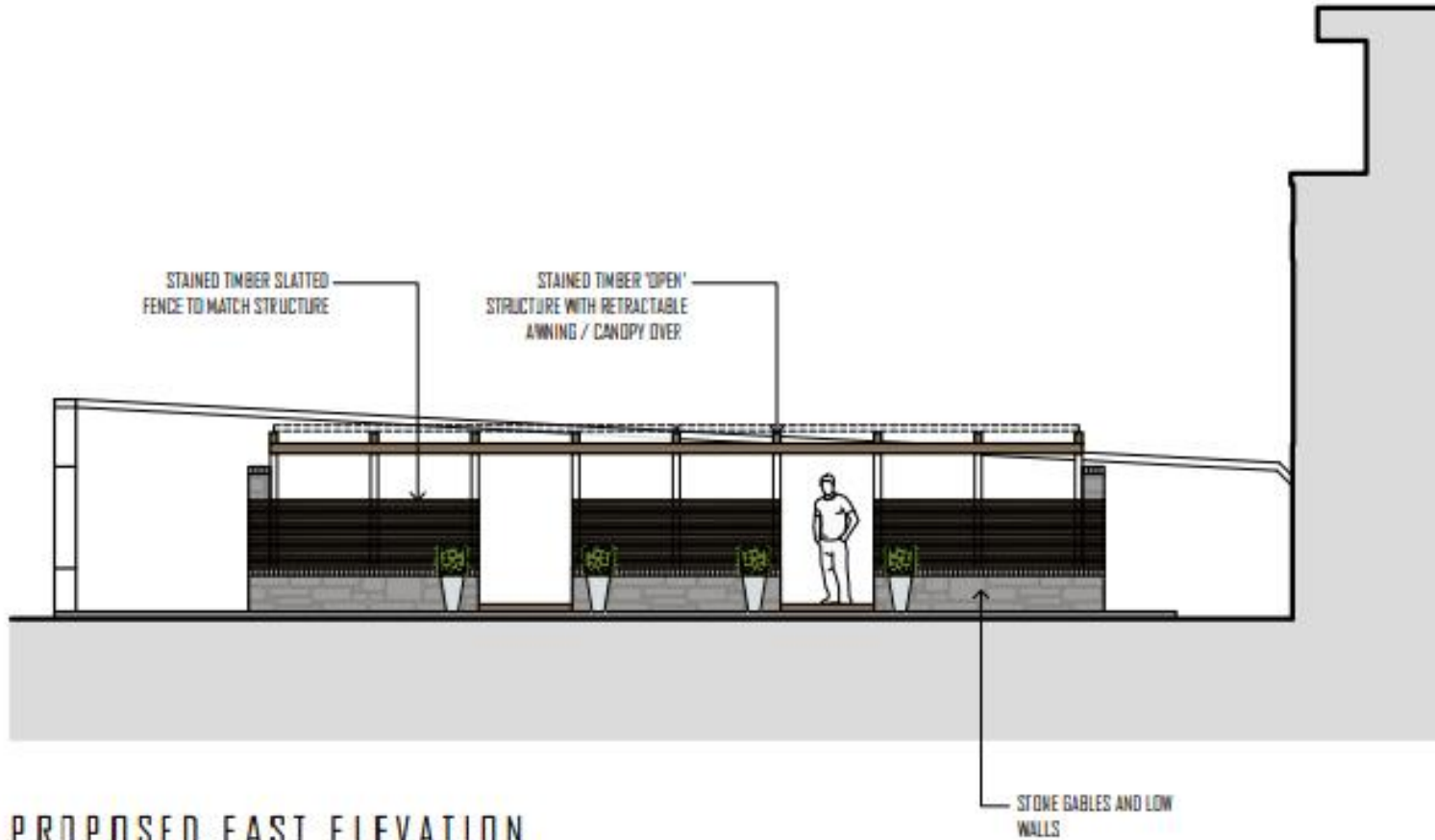


Proposed South Elevation



Proposed East Elevation

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PROPOSED EAST ELEVATION

Visualisation from Car Park



PROPOSED 3D VISUALISATION

View into site from rear service lane (image predates erection of marquee)



View into site from public road to west - Pitstruan Place –(small marquee visible abutting west boundary)



West Elevation of Hotel



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Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 June 2021

Site Address:	Great Western Hotel, 239 Great Western Road, Aberdeen, AB10 6PS
Application Description:	Construction of permanent external seating area in rear car park
Application Ref:	210417/DPP
Application Type	Detailed Planning Permission
Application Date:	25 March 2021
Applicant:	The Great Western Hotel
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley And Broomhill
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises an established hotel with associated bar / restaurant on the ground floor and associated surface car parking, garden ground and external space. The 11-space car park is accessed from the rear lane, but the main entrance to and frontage of the building is to the north

fronting Great Western Road. Secondary pedestrian access is available from the pavement on Pitstruan Place, to the west, with the main entrance to the hotel reception being from this street. Part of the front garden of the site adjacent to the building, is used as outdoor seating for around 16 patrons. A small external seating / smoking area exists within the site to the west of the building, adjacent to the reception entrance. This has an associated retractable canopy fixed to the building. A large marquee has recently been erected in the car park, such that no car parking is currently available on site. It is intended to be used in association with the licensed premises. There are residential premises in the surrounding area. The site is located within the Great Western Road Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
210163/DPP	Erection of covered external seating areas to front of hotel bar with associated works	Status: Pending
191507/DPP	Partial change of use from class 7 (hotels and hostels) to form 6 residential flats (sui generis) and associated external alterations (including formation of balconies and alteration to west boundary wall / elevation)	19.02.2021 Status: Withdrawn
140846	Dormer Extension to North Elevation + Link to Rear Bedrooms at Second Floor Level + Entrance Canopy with Balcony above to West Elevation	28.01.2015 Status: Approved
080488	Alteration / extension to hotel	Status: Approved 2008

A condition imposed on the 2008 approval at the site requires that four parking spaces to the rear of No 235 Great Western Road (i.e. the adjacent site to the east) are reserved for the parking of cars belonging to hotel guests at "The Clubhouse Hotel" only.

An enforcement enquiry case (ref. ENF 20056) was opened in April 2021 in relation to the erection of a marquee in the car park of the premises. The owner has since advised that this was erected on 14/4/21 and is used on an ancillary basis to the bar / restaurant during the current COVID restrictions.

APPLICATION DESCRIPTION

Description of Proposal

Formation of a permanent outdoor dining area within the rear car park. This would be used in association with the existing bar / restaurant and would replace the recently erected marquee. It would accommodate seating for 34 patrons at 10 tables and would have a floor area of around 60 square metres. No alteration to the existing boundary walls is proposed. New walls / slatted timber fencing is proposed at the boundaries of the proposed seating area. A retractable canopy and associated supporting timber structure would provide shelter / cover. The existing bin store and 6 car parking spaces within the rear area would be retained.

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=QQJ5OTBZI0500>

Parking survey (undertaken 2008)

Updated Parking Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received.

Pre-Application Consultation

No statutory pre-application consultation was required.

CONSULTATIONS

ACC - Environmental Health – No objection. Request that a condition be imposed to restrict the hours of operation and potential noisy activities related to use of the external area.

ACC - Roads Development Management Team – No objection or road safety concerns. Note that the site has good access by sustainable transport modes and that a reduction in on site car parking is proposed. Note that an updated car parking survey has been provided. Do not have concerns regarding potential overspill car parking pressure or require any off-site traffic management measures.

ACC - Waste and Recycling – No objection. Provide general advice regarding use of need for segregated waste / recycling bin provision.

Ashley And Broomhill Community Council – No response received.

REPRESENTATIONS

12 objections have been received from local residents. The matters raised can be summarised as follows –

- Noise generation / disturbance of neighbours including due to use of a TV;
- Adverse anti-social behaviour security concerns in the rear lane;
- Waste management / litter concerns;
- Traffic generation / parking / road safety concerns;
- The invalidity of the original parking study undertaken in 2008;
- Alleged inadequate notification of neighbours;
- Lack of notification of the existing outdoor seating area;
- Validity of application / Inadequate pre-application consultation with residents
- Erection of a temporary marquee at the site;
- Fire risk;
- Adverse impact on property values;
- Implications for licensing

One supporting representation has been received from a local resident which expresses support for the hotel business due to the Covid pandemic. It notes that on street parking in the area is used by commuters accessing the city centre and suggests that signage is installed to deter this.

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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP) was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen City and Shire Strategic Development Plan 2020 (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 was approved by Scottish Ministers on 13/08/20. 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 will continue to be the primary document against which applications are considered.

Aberdeen Local Development Plan 2017 (ALDP)

H1: Residential Areas

D1: Quality Placemaking by Design

D2: Landscape

D4: Historic Environment

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

T5: Noise

R6: Waste Management Requirements for New Development

ALDP Supplementary Guidance (SG)

Transport SG

Noise SG

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 the policies in the PALDP substantively reiterate those in the ALDP.

Other Material Considerations

- ACC Great Western Road Conservation Area Character Appraisal
- ACC Conservation Areas Management Plan
- Historic Environment Scotland (HES) Managing Change guidance notes:
 - Setting

EVALUATION

Principle of Development

The proposed external area is directly associated with the existing authorised use of the site as licensed premises, which provides a valuable supporting service for the wider residential area. It therefore accords with the objective of sustainable development as expressed in Scottish Planning Policy. The works are incidental to the existing authorised use of the site and involve no material change of use, such that the development does not conflict with the objectives of ALDP policy H1. Impact on residential amenity and other detailed policy considerations are addressed below. The proposal does not raise matters of strategic or cross boundary significance such that the SDP is of limited relevance in this case.

Design

The siting of the proposed structures is considered acceptable as they would be well screened from the adjacent public roads due to the existing building and boundary walls. Only a small section of the structure would be visible above the existing side boundary wall. The works are of modest scale and the proposed design and materials of the structures are of appropriate quality. No loss of existing green space or trees is proposed. The works are therefore considered to accord with the expectations of ALDP policy D1 and D2.

Impact on Conservation Area Character

It is noted that the amenity value of the rear garden has been lost due to erection of extensions at the rear of the historic building and its conversion to a hard surface / car parking. The proposal results in no material change of use or loss of existing open space or garden ground. Conversion of the car park to a usable external area is welcome in terms of the objectives of management of the conservation area. The works would be of modest scale and well screened from the adjacent public roads due to the existing building and boundary walls. Although the structure would be visible from the service lane to the rear of the site, due to the historic opening to the rear boundary, this is not a significant elevation and the lane is not a through route. The view into the rear of the site from the lane is already dominated by the modern hotel extensions. Set against this backdrop, there would be no adverse impact on visual or residential amenity. There would be no loss of features of historic interest and no adverse impact on views or the setting of features of heritage interest. Given this context, the addition of the proposed built structures would have a neutral impact on the character and appearance of the conservation area. The proposal therefore complies with ALDP policy D4.

Transport

Given the built-up nature of the surroundings, the proximity of residential premises and proximity to bus routes, there is good potential for access to the site by sustainable transport modes in accordance with the objectives of ALDP policies T2 and T3. As such the proposal accords with the SPP presumption in favour of sustainable development. Given the limited scale of the proposed works, there is no requirement for submission of a transport statement or transport assessment.

Notwithstanding objectors' concerns regarding overspill parking, Roads Development Management have reviewed the proposal and supporting parking surveys and have no objection to the proposal or road safety concerns. As regards the originally submitted car parking survey, which was undertaken in 2008, a new survey has been undertaken due to the length of time since 2008. Whilst a condition was imposed on the 2008 approval for extension of the hotel at the site requiring that four parking spaces located on adjacent land to the rear of No 235 Great Western Road are reserved for the parking of cars belonging to hotel guests at the application site, the applicant has advised that he does not now control such land. It is noted that there is no planning requirement for the existing ancillary car park at the rear of the site to be retained for such purposes. It could therefore be used for other ancillary purposes related to the hotel / bar (e.g. external seating / dining / drinking) without the requirement for planning permission. It is noted that there appears to be some capacity to accommodate car parking on adjacent streets. Six car parking spaces, which are currently unavailable for use due to the marquee being erected, would be retained on the site for the use of patrons. Subject to provision of cycle parking on site, the proposal would accord with relevant SG regarding transport as no increase in car parking is proposed and maximum car parking standards apply.

It is noted that many representations make comments regarding the adequacy of on-street car parking availability in the area as currently exists. It is not the purpose of the land-use planning system to resolve existing traffic concerns. As an existing issue, the management of on-street car parking in the surrounding residential area, and potential for imposition of controls and associated signage (e.g. parking control zone / yellow lines) are matters for the Council to address as Roads Authority, irrespective of this proposal. However, it is noted that, the current situation on site and recent parking survey does demonstrate that even with no on-site parking, there is still parking available on-street in the surrounding area.

Impact on Residential Amenity

The proposal results in no material change of use or loss of existing open space or garden ground that may have otherwise caused adverse impacts. There would be no potential impact on adjacent residential amenity resulting from the scale, height and form of the proposed structures (e.g. potential overshadowing or overlooking of adjacent residential premises) such that it does not represent overdevelopment of the site.

It is noted that ACC Environmental Health Officer has no objection on grounds of noise impact on residents due to the distance to sensitive receptors and the likely acoustic barrier effects afforded by walls and buildings between the seating area and sensitive receptors. The potential for increased conflict with residential premises (e.g. due to late night use of the external area) can be addressed by use of a condition restricting the hours of operation and precluding use of amplified music / noise. Given the existing long-standing authorised use of the site as licensed premises and subject to imposition of such conditions, no significant increased noise exposure is likely to arise. The proposal is therefore considered to accord with policy T5 and related SG regarding noise. Given the above considerations, it is not considered reasonable to require a noise impact assessment or refuse the development on the grounds of noise impact.

It is considered that there would be no significant increased crime / security risks resulting from the works. As the existing use of the site as licensed premises is authorised, it is not appropriate to address concerns regarding alleged existing anti-social behaviour resulting from such use via this proposal. It is noted that users of the external area would have access to existing ancillary facilities within the licensed premises (e.g. toilets). Requirements in relation to provision of sanitary facilities are governed by other legislation / consent process. Similarly, certain aspects of crime / anti-social behaviour (e.g. urination in public / late night noise disturbance / noise nuisance) are regulated by other control bodies / regulators (e.g. police / licensing board / environmental health). It would not be appropriate to attempt to duplicate such controls by imposition of planning conditions.

Waste Management

It is noted that bin storage is provided on site within the car park area. The submitted layout plan indicates that the existing bin store area would be retained at the rear of the site in its pre-existing location. ACC Waste Management have expressed no concerns regarding the existing or proposed arrangements, although note that uplift is undertaken by third parties (e.g. private contractors). As there would be no significant change in the waste generation on site resulting for the proposal, given the existing authorised use of the site, it is considered that the proposed waste storage arrangements currently satisfy the requirements of policy R6 and can be required by condition. Subject to appropriate management and user behaviour there would be no significant increase in / risk of litter generation. Concerns regarding alleged inappropriate waste management on site are an existing matter. Other than ensuring that there is adequate space for bin storage on site, which has been demonstrated, it is beyond the scope of this application to seek to resolve such concerns.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is acceptable in terms of both Plans for the reasons previously given.

Other Matters Raised in Representation

Planning records show that the required neighbour notification has been generated in accordance with normal processes / procedures. It should be noted that physical service of the required notification is undertaken by a third party (Royal Mail) and is not undertaken or recorded by Council officers. Given the limited scale of the proposal there is no requirement for pre-application consultation or engagement with residents or interested parties in this case. Given the above factors, the application has been validly made. Noise and anti-social behaviour and traffic concerns are addressed above. It is noted that the original parking survey undertaken in 2008 has been superceded by a new survey. As regards noise from the TV on site, or other amplified sources within the external area, this is addressed by condition 2.

Whilst some objectors refer to the erection of a temporary marquee at the site, this is a separate matter which is outwith the scope of the current planning application. Impact on property values, fire risk and the potential decisions of other control bodies (e.g. licensing) are not material planning considerations. No notification of neighbours was undertaken in relation to the existing outdoor seating area as no planning permission is required or sought for that use and it is not the subject of the current planning application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed external area is directly associated with the existing authorised use of the site as licensed premises, which provides a supporting service for the wider residential area and therefore accords with the objective of sustainable development as expressed in Scottish Planning Policy. Given the built-up nature of the surroundings, the proximity of residential premises and proximity to bus routes, there is good potential for access to the site by sustainable transport modes in accordance with the objectives of Scottish Planning Policy and policies T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel within the Aberdeen Local Development Plan (ALDP). The siting and design of the proposed structures is considered acceptable as they would be well screened from the adjacent public roads due to the existing boundary walls and are of appropriate quality. The proposal results in no material change of use or loss of existing open space / garden ground and is suitably designed such that there would be a

neutral impact on the character and appearance of the conservation area. The potential for increased conflict with residential premises can be addressed by use of conditions restricting the hours of operation, precluding use of amplified music and requiring cycle parking. Conditions can be imposed in order to address the detailed expectations of ALDP policies H1: Residential Areas ; D1: Quality Placemaking by Design; D2: Landscape; D4: Historic Environment; T2: Managing the Transport Impact of Development; T3: Sustainable and Active Travel; T5: Noise and R6: Waste Management Requirements for New Development.

CONDITIONS

1. Construction Details

No development shall take place pursuant to this permission unless details of the proposed wall construction / material and the proposed canopy housing have been submitted to and approved in writing by the planning authority. The external area shall not be used unless the development has been constructed in accordance with the details as may be so approved. Reason – In order to preserve the amenity and character of the conservation area.

2. Restriction of hours / noise generation

The external seating area hereby approved shall not be used outwith the hours from 10am until 10pm on any day. No amplified music or live events shall be played / performed within the structure hereby approved. Reason – In order to protect the amenity of nearby residential premises due to potential noise disturbance.

3. Cycle Parking

The external seating area hereby approved shall not be used unless provision has been made within the site for secure visitor cycle parking in accordance with details which shall have been submitted to and approved in writing by the planning authority. Reason – In the interest of sustainable travel and discouragement of car parking.

4. Waste Storage

The external seating area hereby approved shall not be used unless provision has been made within the site for bin storage on site in accordance with drawing no.100 hereby approved, or such other drawing as may be approved by the planning authority. Reason – In order to protect the amenity of nearby residential premises due to potential waste generation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Erection of two storey extension to rear and
formation of new window to side

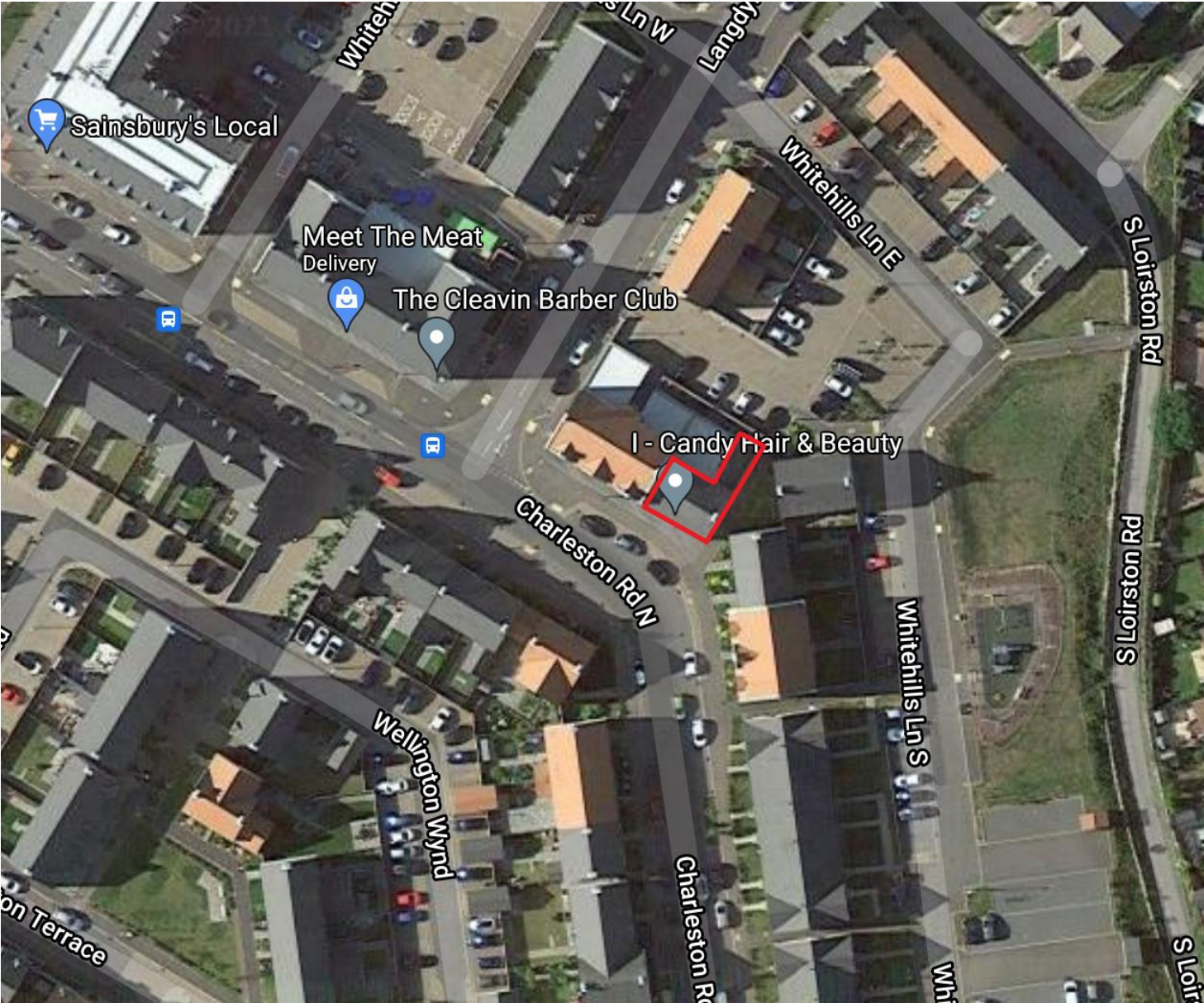
95 Charleston Road North

Detailed Planning Permission
210461/DPP

Location Plan



Aerial Photo



Proposed Elevations

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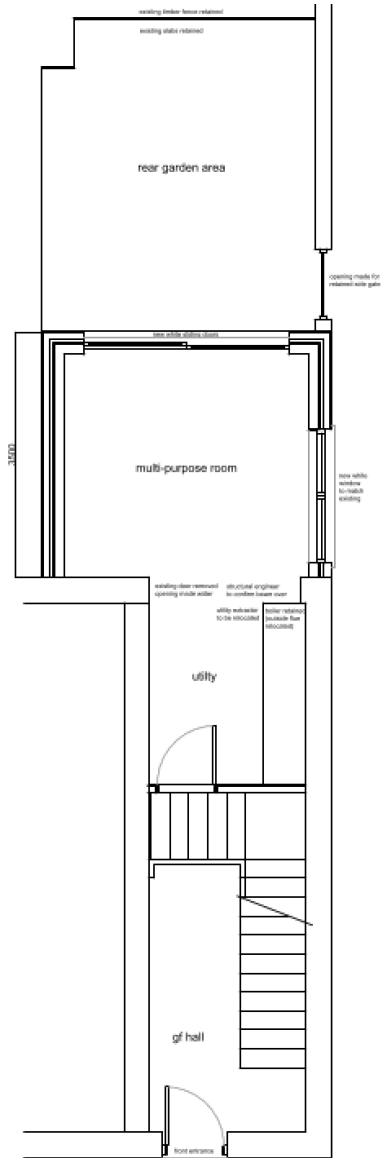


Proposed North-East Elevation

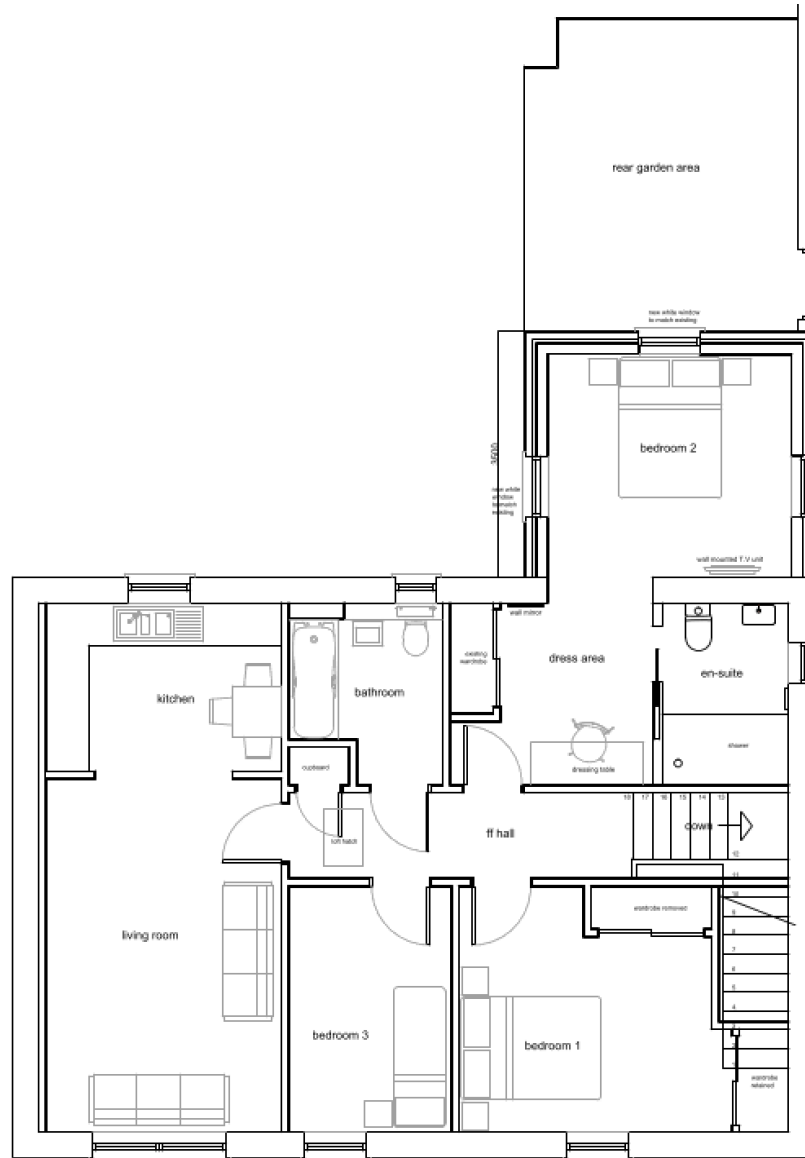


Proposed South-East Elevation

Proposed Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan

Site Photos



Site Photos



Site Photos



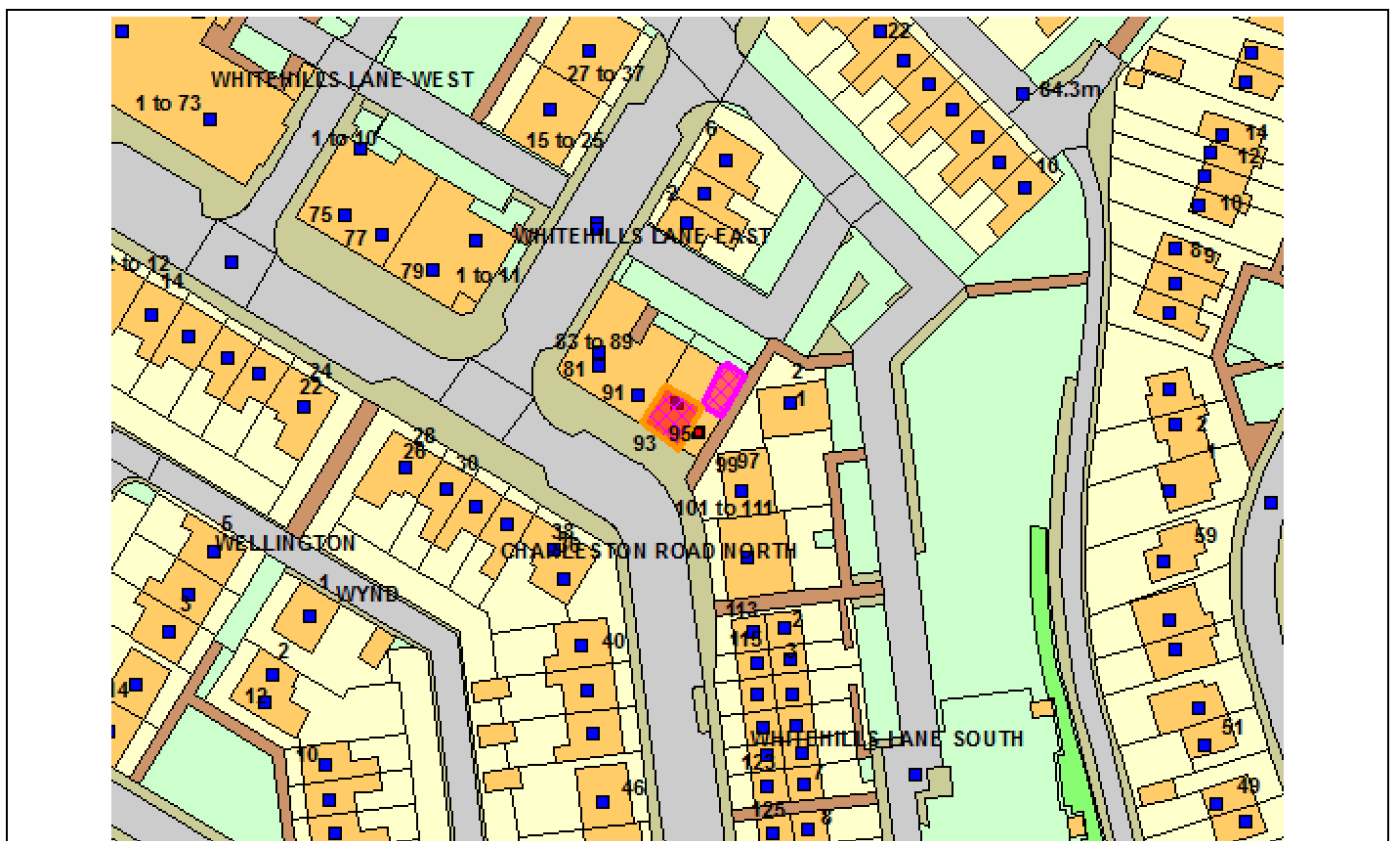


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17th June 2021

Site Address:	95 Charleston Road North, Aberdeen, Aberdeen City, AB12 3SZ
Application Description:	Erection of 2 storey extension to rear and formation of new window to side
Application Ref:	210461/DPP
Application Type	Detailed Planning Permission
Application Date:	7 April 2021
Applicant:	Mr M McKenzie
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove and Altens
Case Officer:	Jemma Tasker



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RECOMMENDATION

Approve Unconditionally.

APPLICATION BACKGROUND

Site Description

The application site relates to a residential flat which predominantly occupies the upper floor of a two storey, mixed use building located on the northern side of Charleston Road North. The building contains a commercial unit (iCandy Hair & Beauty) at ground floor level and the application property at upper floor level. The building has a south facing principal elevation fronting Charleston Road North; is bound to the east by a public footpath, with residential properties beyond this; adjoins a three storey, mixed use building to the west; and a car parking area is located to the north. Access to the application property is taken from Charleston Road North, where there is an existing entrance hall and utility room at ground floor level. All the main living accommodation is provided at first floor level. The rear garden, to which this application relates, covers an area of approximately 33sqm and is screened on northern and eastern boundaries by way of a 1.8m high wall. On the western boundary, the adjoining commercial unit incorporates a single storey element which projects c.8m from the rear of the main building.

Relevant Planning History

The application site was constructed as part of planning application ref. 11/0065 which was granted conditional consent in 2012 for a mixed-use development consisting of 229 residential units and 18 commercial/retail units, which has now been substantially built out.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the erection of a two storey extension to the rear (north-east) elevation of the building, forming a multi-purpose room at ground floor level and an extended bedroom to include an en-suite bathroom and dressing room at first floor level. The extension would project approximately 3.5m from the rear of the building, spanning the entire width of the garden – c.4.1m wide. It would have a pitched roof with an eaves height of c.5.7m and a ridge height of c.7.8m. Glazing would be located on the rear (north-east) elevation comprising a 2.9m wide sliding door at ground floor level and a 0.9m wide window at first floor level; on the south-east elevation comprising 1.9m wide window at ground floor level and a 0.9m wide window at first floor level; and on the north-west elevation comprising a 0.9m wide window at first floor level. Finishing materials would include roughcast render, concrete roof tiles and white windows and doors – all to match the existing.

The proposal also includes the formation of a 0.6m wide window opening on the side (south-east) elevation of the existing building at first floor level, to serve a new en-suite.

The application has been amended since original submission at the request of the Planning Authority in that the angle of the roof pitch of the extension has been altered to match that of the original building and the eaves detailing updated to also match that of the original building.

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=QQVQIXBZI6N00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because a total of 6 timeous letters of objection have been received and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Cove and Altens Community Council – No comments received.

REPRESENTATIONS

A total of 6 timeous objections were received during the neighbour notification period, raising the following matters:

1. The distance between the extension and any boundary should be a minimum of 10 metres. However, according to the information provided in the drawings attached to the application, this distance would be only 2.55 metres when the extension has been completed.
2. The information included in the application is misleading, not showing the nearness of surrounding houses.
3. The construction of the extension will occupy and/or be close to a public footpath and will affect the normal life in the neighbourhood – concerns regarding noise, disturbance, reduction of available car parking.
4. The resulting construction will not be in keeping with the context and/or scale of the area.
5. There are no permitted development rights for flats, and this application is for erecting a 2-storey extension to a flat.
6. Concerns regarding privacy.
7. Concerns regarding the property at No. 2 Whitehills Lane East feeling less open and imposed upon.
8. Will detract from the vernacular design and set a precedent for additional applications.
9. The effect the development will have on 'iCandy' below the property – may significantly affect the business by restricting their client services/hours; unclear what impact the construction will have on existing guttering and roof drainage; and the impact of the construction on the existing ventilation system.
10. Impact on sunlight at the rear of the property at 'iCandy'.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

EVALUATION

Principle of Development

The application site is allocated as residential within the allocated Opportunity Site OP56 (Cove) in the ALDP. This application relates to householder development and the application is assessed against Policy H1 (Residential Areas) of the ALDP. Householder development would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; and it complies with the relevant Supplementary Guidance. These issues are assessed in the below evaluation.

Although OP56 states that ‘a waste license still applies over part of the site and a gas risk assessment and any necessary remediation will be required prior to development’ this is handled through the conditions of the planning permission for the overall site rather than this householder development.

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Guidance over what constitutes ‘overdevelopment’ is taken from General Principles 4 and 5 under Section 3.1.4 of the HDG, which sets out that the built footprint of a dwellinghouse as extended should not exceed twice that of the original dwelling and that no more than 50% of the front or rear curtilage shall be covered by development. Given that the application property relates to a flat, it is difficult to reasonably apply the first criterion in relation to the built footprint. Nonetheless, the rear curtilage covers an area of 33sqm and the proposed extension would have a built footprint of 14.5sqm. This would result in a built rear site coverage level of 44% which, while considerable, would not be completely at odds with the remainder of the building which displays little in the way of garden ground. Further to this, in excess of 50% of usable rear garden ground would remain undeveloped and therefore, the proposal would not constitute overdevelopment of the site. The scale of the extension would therefore be acceptable in terms of both the plot size and the surrounding area.

In terms of design, the extension would make an acceptable contribution to its setting; its eaves height would tie in with the existing and the roof ridge would be positioned considerably below that of the main building; the scale and massing are such that the extension would result in it appearing secondary and therefore subservient to the original building, neither overwhelming nor dominating the rear elevation; the proposed eaves detailing would match the original building; and all of the proposed materials would match the existing finishes on the original property – reading as part of the original building as far as possible. The proposal would be visible from a public viewpoint from the north and east of the site; however, in light of the above – while it is recognised

that the surrounding area is predominantly unaltered – it is considered that the extension would be read within the context of the existing building and given its overall design and scale, it is considered that there would be no adverse impact on the visual amenity of the area, thereby maintaining the existing visual character and amenity within the wider streetscape. It is considered that – when viewed from the public footpath to the east – the 3.5m projection would be acceptable within the context of the existing building which has a gable end spanning c.8.3m. Additionally, due to the massing of the proposed extension and the small area of open space to the east of the path, it is not considered that proposal would have an over-bearing impact when viewed in this context.

Overall, the proposal is considered to demonstrate due consideration for its context; all elements of the extension are considered to be architecturally compatible with the original property in terms of design and materials used for the external finishes; and the scale, massing and proportions of the extension are considered acceptable in the context of the both the plot size and surrounding area, in compliance with Policy D1 (Quality Placemaking by Design) and the general principles contained in the HDG.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others. Properties to the east of the application site (No. 1 & No. 2 Whitehill Lane East and No. 97 and No. 99 Charleston Road North) are both orientated so that their gable ends face the application site at an angle. Neither of the gables contain any windows; therefore, the proposal would have no impact on internal daylight receipt at these neighbouring properties. Additionally, there would be no increase in shadow cast to usable garden ground of neighbouring properties. Any impact would be contained to the area of space to the side (west) of neighbouring properties which is not considered as usable garden ground. In terms of privacy, as mentioned above, there are no windows contained within the gable ends of the neighbouring properties; therefore, no new windows on the south-east elevation would directly face any neighbouring windows. For the remaining elevations, to the north-east, windows would directly overlook the application property’s rear garden ground and to the north-west, would overlook the neighbouring commercial property which extends to the rear boundary at ground floor level. Overall, current levels of residential amenity would be retained, in compliance with Policy H1 (Residential Aras) and the HDG.

The HDG sets out restrictions for the protection of both single storey and two storey rear extensions to dwellinghouses; however, no guidance is provided for buildings containing flats. These restrictions are set to protect adjoining amenity in terms of undue overshadowing and loss of internal daylight levels. In this case, the extension would project 3.5m from the rear of the building, along the mutual boundary with No. 93 Charleston Road North. Taking into account the purpose of the guidance regarding limitation of projection, while there is no specific guidance limiting the projection of extensions to flats, there would be no significant adverse impact on current residential amenity, and this is considered to be a sufficient justification to accept the proposed projection.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

In relation to this particular application, the Policies D1, D2 and H1 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the Adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

Matters Raised in Letters of Representation

1. *The distance between the extension and any boundary should be a minimum of 10 metres. However, according to the information provided in the drawings attached to the application, this distance would be only 2.55 metres when the extension has been completed.*
No policy or guidance sets out a minimum distance required between any extension and surrounding boundary; extensions are permitted along boundaries.
2. *The information included in the application is misleading, not showing the nearness of surrounding houses.*
The location plan submitted with the application (Drawing No. 2019 LP) shows the location of the application site and surrounding properties.
3. *The construction of the extension will occupy and/or be close to a public footpath and will affect the normal life in the neighbourhood – concerns regarding noise, disturbance, reduction of available car parking.*
Any disturbance caused as a result of the construction of the extension is assumed to be within a limit associated with normal domestic development and is not a consideration in the determination of this planning application.
4. *The resulting construction will not be in keeping with the context and/or scale of the area.*
The scale and design of the extension is discussed in the foregoing elevation: 'Design and Scale'.
5. *There are no permitted development rights for flats, and this application is for erecting a 2-storey extension to a flat.*
Permitted development rights relate to small-scale development which can take place without requiring an application for planning permission. As there are no permitted development rights for flats relating to ground floor or two storey extensions, an application for planning permission has subsequently been submitted for the development.
6. *Concerns regarding privacy.*
An assessment of the proposal on neighbouring privacy has been discussed in the foregoing evaluation: 'Impact on Residential Amenity'.
7. *Concerns regarding the property at No. 2 Whitehills Lane East feeling less open and imposed upon.*
The extension would not project forward of the principal elevation at No. 2 Whitehills Lane East and there are no windows to the south-west; therefore, the extension would not be visible from the front or side of this dwelling. Furthermore, the rear garden is orientated away from the proposed extension; therefore, overall, it is considered that the proposal would have negligible impact on this property.
8. *Will detract from the vernacular design and set a precedent for additional applications.*
The proposal would tie in with the existing building as closely as possible and would not detract from the architectural integrity of the original building, as discussed in the foregoing evaluation: 'Design and Scale'. Every planning application is assessed on its own merits whereby the principle of a rear extension may be acceptable.
9. *The effect the development will have on 'Icandy' below the property – may significantly affect the business by restricting their client services/hours; unclear what impact the construction will have on existing guttering and roof drainage; and the impact of the construction on the existing ventilation system.*
These issues are not a material planning consideration and would be a civil matter.

10. Impact on sunlight at the rear of the property at 'Icandy'.

Any impact on daylight and overshadowing are discussed in the forgoing evaluation: 'Impact on Residential Amenity' whereby it is considered that there would be no adverse impact on neighbouring sunlight as a result of the proposal.

RECOMMENDATION

Approve Unconditionally.

REASON FOR RECOMMENDATION

The proposed extension would be ancillary to the existing property by way of its dimensions, position and overall height, and acceptable in terms of its design and materials, and has been designed with due consideration for the architectural form of the building and the context of the surrounding area. The resultant building would not be at odds with the character of the streetscape given that the extension would match the existing building as closely as possible, and impact on its visual character would be minimal. There would be no significant adverse impact on residential amenity of neighbouring properties in terms of overshadowing, or on loss of daylight and privacy. The proposal would be compliant with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan; Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan; and with the Supplementary Guidance: 'Householder Development Guide'. There are no material planning considerations that would warrant refusal of the application.

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Planning Development Management Committee

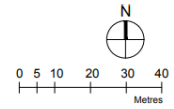
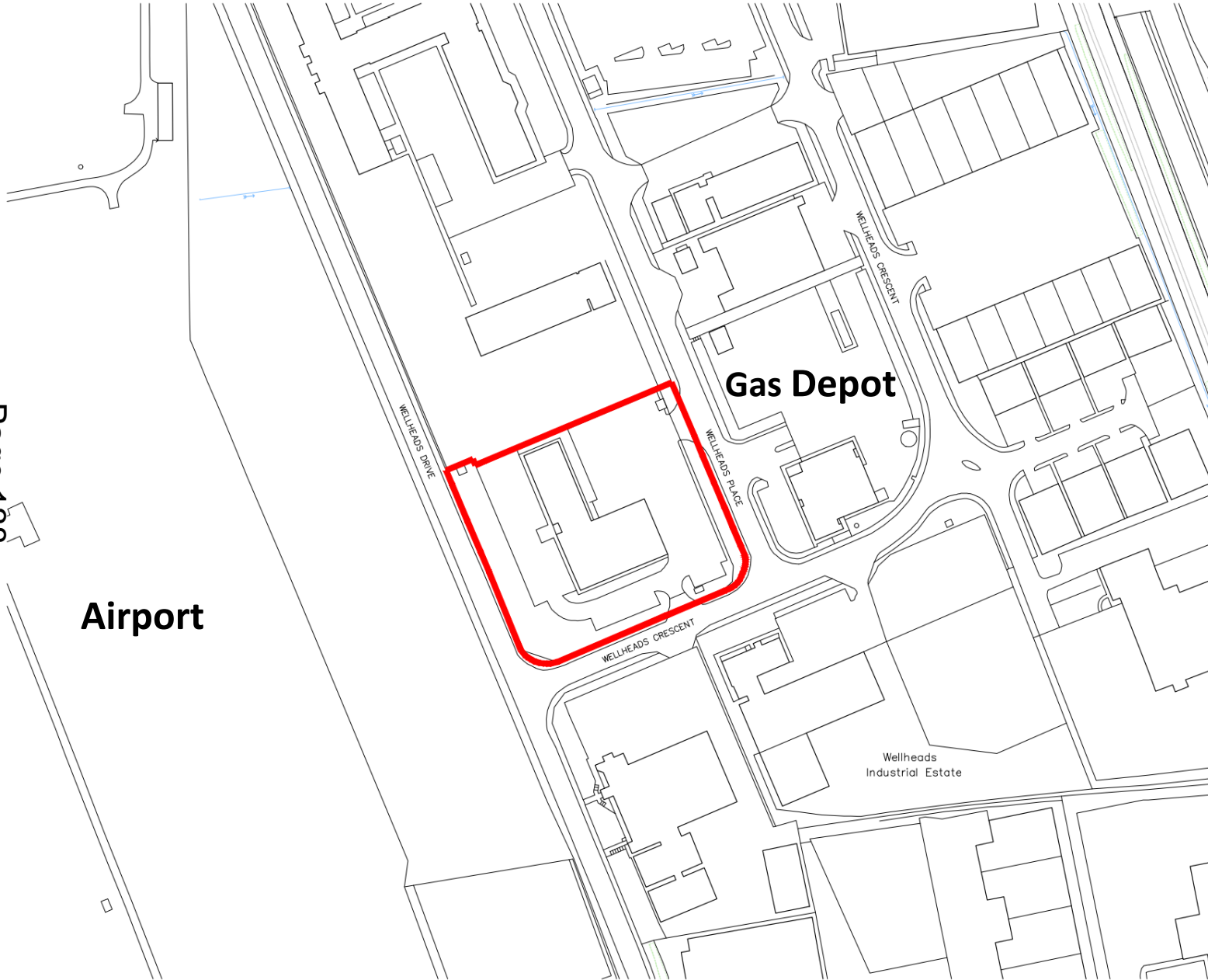


**Change of use from office to private medical
clinic**

**Former Wood Group Building, Wellheads Place,
Dyce**

Detailed Planning Permission (201292/DPP)

Location Plan



PLANNING BOUNDARY

SITE AREA
0.687 HECTARES
(1.70 ACRES)

Page 138

Airport

Rev	Description	Date
A	ADDRESS UPDATED	05.11.20



47 Victoria Street, Aberdeen, AB10 1QA
T: (01224) 636295 F: (01224) 637356
E: mail@mrtarchitects.com W: www.mrtarchitects.com

PRIVATE HOSPITAL
Former Wood Group building,
Wellheads Place, Aberdeen,
AB21 7GB

Drawing
LOCATION PLAN

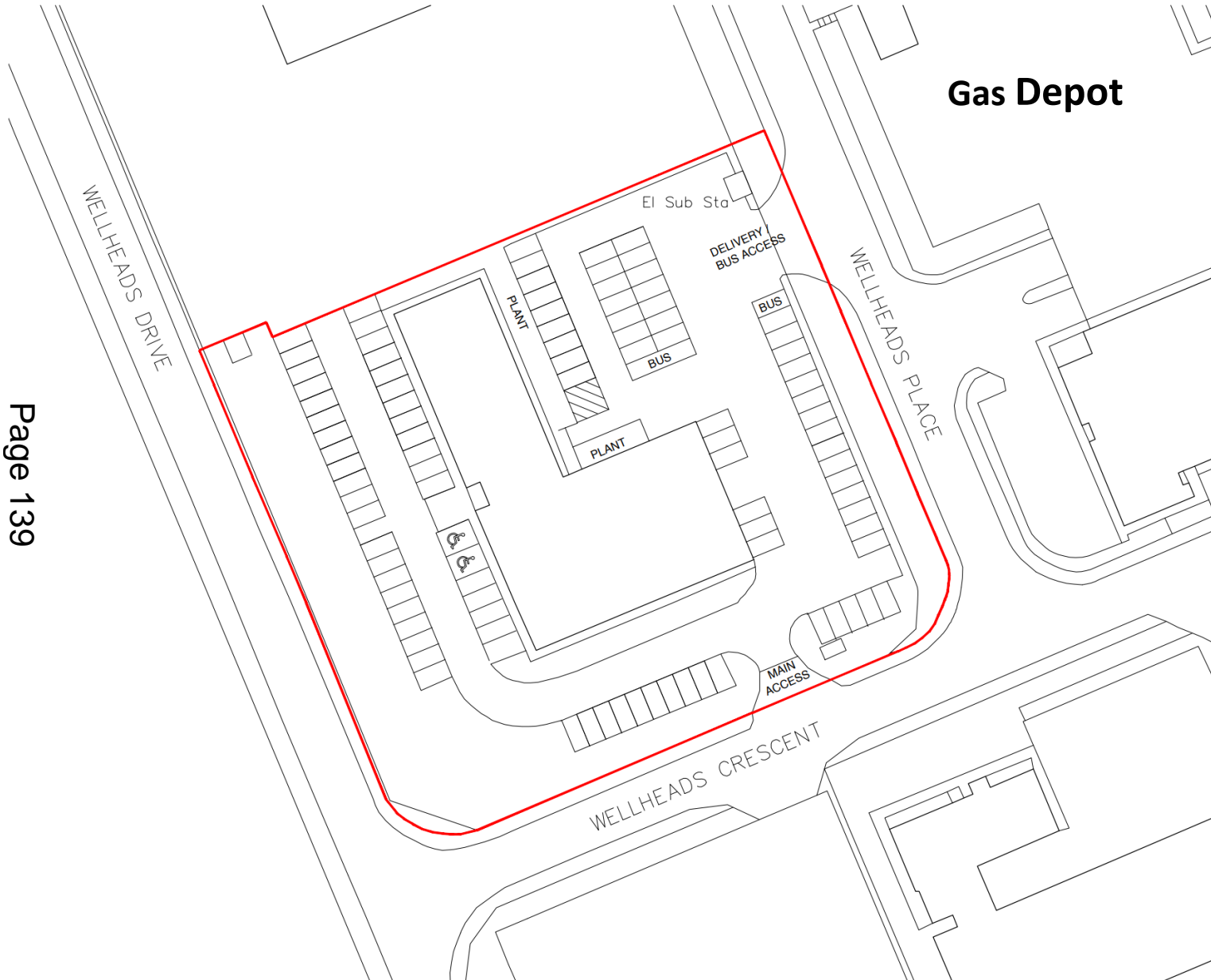
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Status: **INFORMATION**

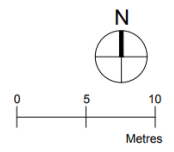
Date: **OCT '20** Drawn By: **bb**

Project No: **2203** Drawing No: **L(00)001**

Site Layout Plan



Gas Depot



— PLANNING BOUNDARY
SITE AREA
 0.687 HECTARES
 (1.70 ACRES)

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A	ADDRESS UPDATED	05.11.20
Rev	Description	Date



47 Victoria Street, Aberdeen, AB10 1QA
 T: (01224) 639295 F: (01224) 637956
 E: mail@mrtarchitects.com W: www.mrtarchitects.com

Project
PRIVATE HOSPITAL
 Former Wood Group building,
 Wellheads Place, Aberdeen,
 AB21 7GB

Drawing
SITE PLAN

Scale
 1:250 (1:1500 @ A3)

Status
 INFORMATION

Date
 OCT '20

Drawn By
 bb

Project No.
 2203

Drawing No.
 L(90)001

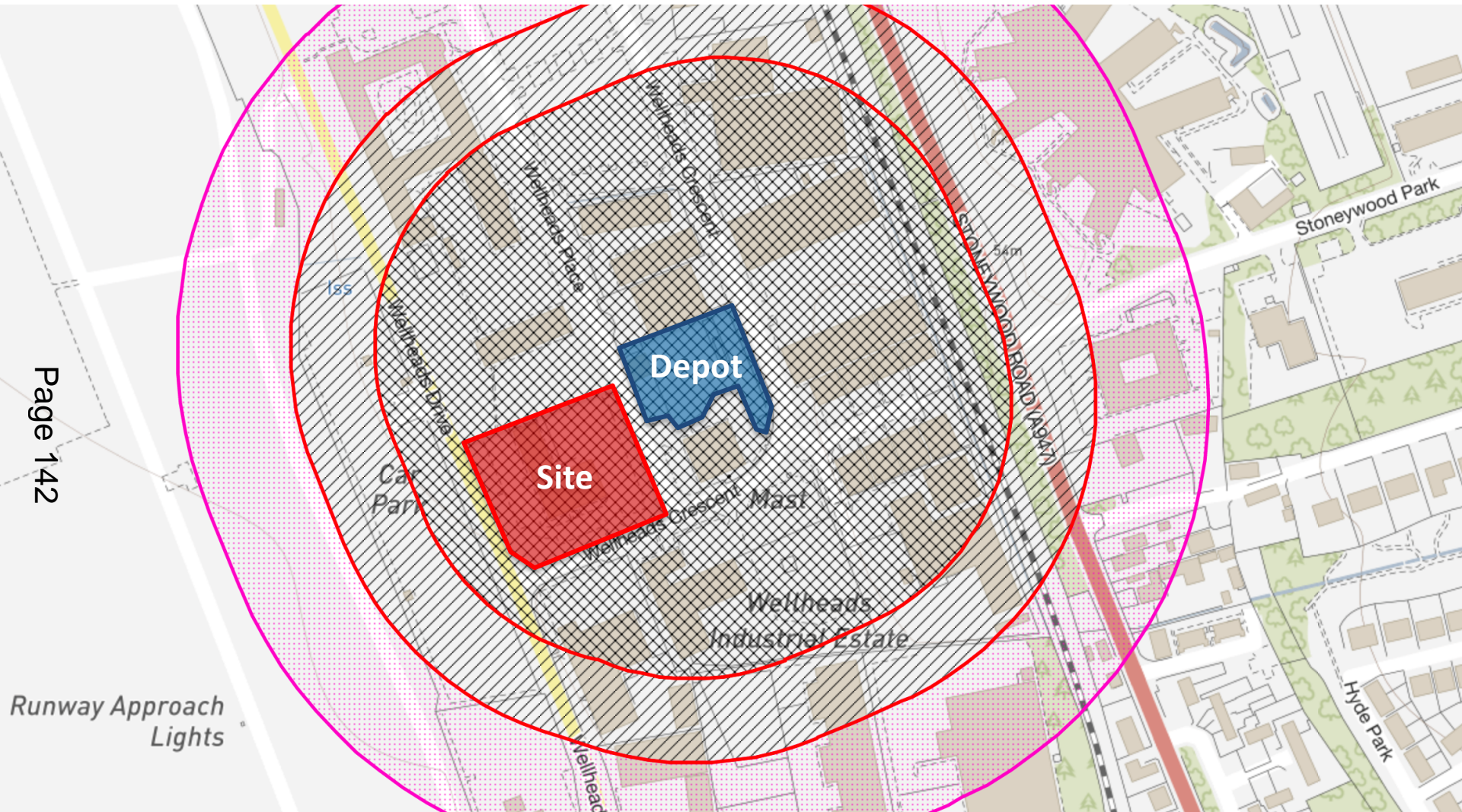
Building viewed from Wellheads Drive



Building viewed from Wellheads Place



Consultation Zones for Gas Depot



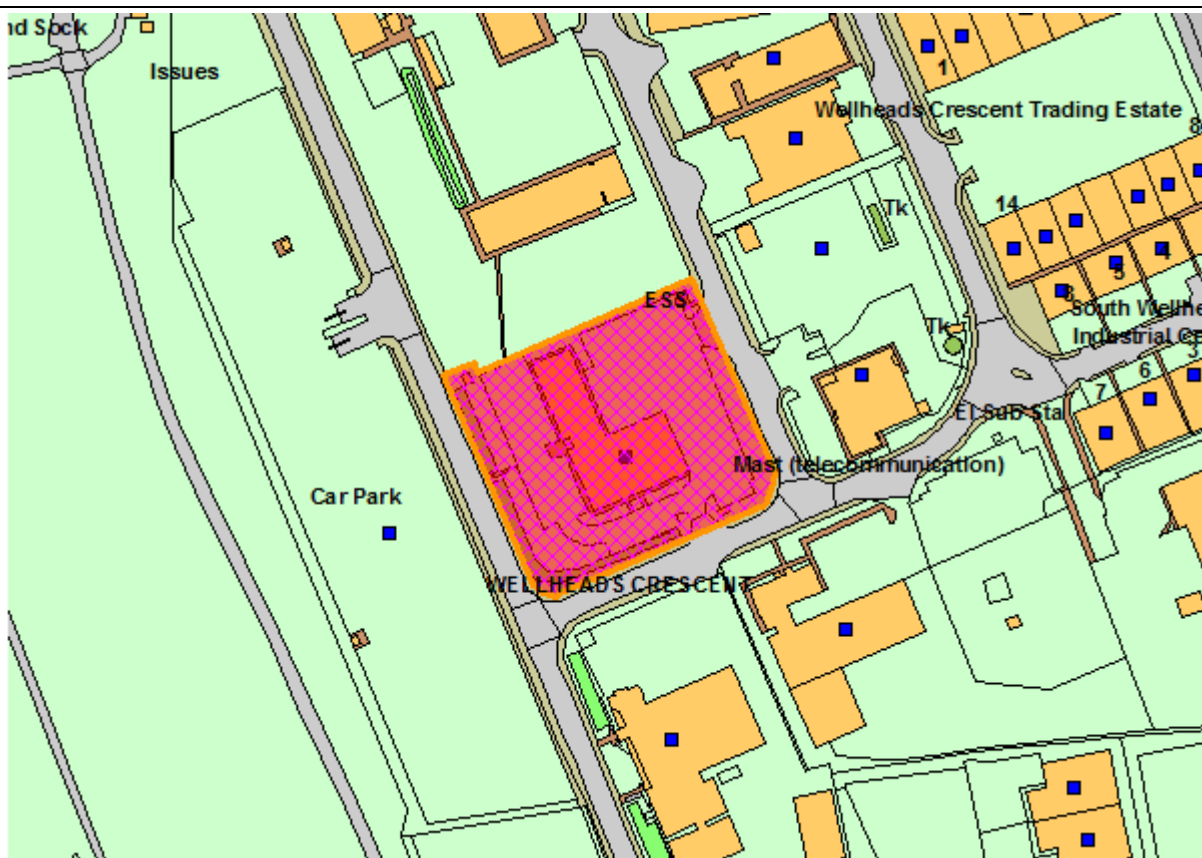


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 June 2021

Site Address:	Former Wood Group Building, Wellheads Place, Aberdeen, AB21 7GB
Application Description:	Change of use from office to private medical clinic
Application Ref:	201292/DPP
Application Type	Detailed Planning Permission
Application Date:	26 October 2020
Applicant:	TAC Healthcare Group Ltd
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Matthew Easton



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RECOMMENDATION

Willingness to approve and notify Scottish Ministers

APPLICATION BACKGROUND

Site Description

The application relates to an existing office building located on Wellheads Place within Wellheads Industrial Estate, Dyce.

The building is an L-shaped office pavilion of two-storeys, likely dating from the 1990s. It is set within a car park accommodating 99 spaces which surrounds it on three sides and features landscaping between it and the surrounding roads. Vehicular access is available from Wellheads Crescent and Wellheads Place.

Since July 2020, around one-third of the building has been occupied by TAC Healthcare Group, which uses it as an administrative base, with the remainder being vacant. Prior to 2020, the building had been entirely vacant since 2014.

To the west across Wellheads Drive, is a long-stay airport carpark, beyond which is the airport itself. Otherwise, the site is surrounded by various business and light industrial premises, including a gas storage depot operated by Calor Gas which is located to the east on the opposite side of Wellheads Place, with a distance of 12m between each site boundary. The application site is located within the inner consultation zone of the gas depot which is identified by the Health and Safety Executive (HSE) as a major hazard site.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use of the building from office (Class 4 business) to a private medical clinic, a Class 2 (financial, professional and other services) use. No external changes to the building or site are proposed through this application. It is understood that the existing office accommodation would be fitted out as a medical centre, although these details do not form part of this application and do not require approval – therefore, only the principle of the change of use is to be considered through the current application.

The applicant has advised that the facility would provide occupational health services to local businesses. Activities which would take place there include diagnostic procedures and tests (X-rays, MRI scans and other tests), various minor procedures, physiotherapy and COVID-19 testing. Procedures are expected to take less than 20 minutes with clients expected to be mobile, self-caring and have no minor or comorbid disease.

Amendments

Since submission, the application has been amended from a proposal for a hospital style facility with patients staying overnight, to a medical clinic with the activities described above and no overnight stays.

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=QISU8WBZLHV00>

- Noise Impact Assessment
- Planning Statement
- Transport Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because if approved it would require to be the subject of formal notification to the Scottish Ministers. The notification is required because, following consultation, the Health and Safety Executive has advised against the granting of planning permission.

CONSULTATIONS

ACC - Environmental Health – No objection. The noise impact assessment report the noise levels over a 16 hour period opposed to the 1 hour period referred to within the noise guidance related to medical facilities (the Department of Health – Special Services - Scottish Health Technical Memorandum HTM 08-01 Acoustics). The report has not demonstrated compliance with the relevant standard namely LAeq,1hr 40 dB for private offices, small treatment rooms, interview rooms, consulting rooms and small meeting rooms.

ACC - Roads Development Management Team – No objection.

- The site is well served in terms of direct public adopted footpath links onto Wellheads Place and Crescent which connects to the wider Dyce area, that includes the nearby rail station and bus stops located on Wellheads Drive.
- It is noted the site shall remain as existing in terms of building footprint and surrounding car parking, therefore retaining the existing 99 spaces. It is proposed to increase the volume of disabled spaces, which is welcomed and acceptable.
- It is proposed to provide secure and covered cycle parking, the proposed location for 11 spaces is acceptable but although adequate provision is provided as per SG it is requested that further provision be provided to promote such use.
- The proposed change of use would be a betterment on the road network with the vehicular in/outs associated with the site being less during the morning and evening peak periods than the current use.

Dyce and Stoneywood Community Council – No response

Health and Safety Executive (HSE) – Object. HSE's assessment indicates that the risk of harm to people at the proposed development site is such that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case. This is based on the change in use from a class 4 office use, considered as a 'workplace' to the medical centre representing an 'indoor use by the public' not being supported by HSE.

REPRESENTATIONS

One representation was received which noted that the initial submission had an error in terms of the address of the site. This error has since been rectified and person who submitted the representation has been advise by e-mail.

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 was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen Local Development Plan (2017)

- Policy B1 (Business and Industrial Land)
- Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites)
- Policy CF2 (New Community Facilities)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility Supplementary Guidance
- Noise Supplementary Guidance

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP.
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

- Policy B1 (Business and Industrial Land)
- Policy B6 Pipelines, Major Hazards and Explosive Storage Sites)
- Policy CF2 (New Community Facilities)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)

Other Material Considerations

- [HSE's Land Use Planning Methodology](#)
- [Planning Circular 3/2015 \(Planning Controls for Hazardous Substances\)](#)

EVALUATION

Principle of Development

Land Use Zoning

The site is located within an area zoned as business and industrial where Policy B1 of the ALDP states that such areas “*shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits.*” It goes on to state that “*facilities that directly support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city’s business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.*”

Although the use would not be within Classes 4, 5 or 6, the proposal would support other businesses by providing occupational health services in the Dyce commercial area. It is acknowledged that the clinic would be serving a larger catchment than the industrial estate itself, however, it is considered to be a suitable alternative use for the building which would otherwise in all likelihood become vacant again should the proposed use not be supported. The applicant’s agents have confirmed the limited chances of success in letting the remaining part of the building as office space to an alternative occupier, due to the current oversupply of office accommodation.

The proposed use is not a disruptive one in terms of the amenity of the area and it would not conflict with the activities of surrounding businesses, or vice versa.

In terms of any impact on the supply of class 4 (business) space in Aberdeen, the size of the premises represents an insignificant proportion of the overall floor space within Wellheads Industrial Estate and its loss from business use would not adversely affect the available supply of such space as there is a significant number of vacancies across the city.

Its therefore considered the proposal is in accordance with Policy B1.

New Community Facilities

As a new community facility, Policy CF2 (New Community Facilities) applies. The policy states that “*Proposals for new community facilities shall be supported, in principle, provided they are in*

locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists.”

The use would have a city-wide catchment and is in a reasonable location, being within the urban area and accessible by walk and cycling. The nearest bus routes would be on Stoneywood Road around 900m away. There are closer bus stops on Wellheads Drive, however they are currently not in use by any services. The railway station is also within a reasonable walking distance (1400m). It is considered that the location is acceptable in terms of Policy CF2.

Major Hazard Site

The neighbouring depot operated by Calor Gas is identified by HSE as a major hazard site and has consent to store up to 198 tonnes of liquified petroleum gas (LPG). HSE sets a consultation distance around major hazard sites after assessing the risks and likely effects of major accidents at the major hazard. The consultation distance is split into outer, middle, and inner zones and in this case the application site is within the inner zone.

Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites) indicates that where certain types of new development are proposed within the consultation zones of major hazards, the Council will be required to consult the Health and Safety Executive (HSE) to determine the potential risk to public safety. The Council will take full account of the advice from the HSE in determining planning applications.

HSE has been consulted and has advised that the risk of harm to people at the proposed application site is such that its advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

HSE's guidance explains that its approach balances the principle of stabilising and not increasing the numbers at risk with a pragmatic awareness of the limited land available for development in the UK. Officers have discussed the objection with HSE further and HSE have confirmed that no weight is given to the existing use rights of the building as office accommodation. With that in mind the development would attract an objection from HSE irrespective of whether an existing building benefiting from consent for an existing use was present on the site. The HSE's justification for their 'advise against' response hinges upon the perceived increased risk in the part of the building being used by 'visiting members of the public', a higher risk use category when compared with office use as a workplace. The Planning Service does, however, seek to be reasonable in its decision making, and a key consideration in any change of use planning application is the existing authorised use of the site.

To assist in assessment of the matter further, the applicant has provided information on the existing authorised use and the proposed use. The notional capacity of the building in its authorised use as an office is 325 people (191 on the ground floor and 134 on the first floor). This is based on the floor space of 2,300m² and the occupancy standards contained in the Building Standards Technical Handbook 2020 (Non-domestic), related to ensuring occupants can escape from fire. For the medical clinic use, it is anticipated that around 120–130 people (approximately 20 admin staff, 5-10 clinical staff 40-80 patients) would be using the building over a day, with a smaller number being present at any one time.

Therefore, on numbers alone, the proposed use would entail less people being present on the site than could occupy the existing office. However, the inherent vulnerability of the exposed population and the associated ease of evacuation or other emergency procedures for the type of development proposed must also be considered. Some categories of development (for example

schools, hospitals or prisons) are regarded as more sensitive than others (for example light industrial or a shop), and HSE's advice is weighed accordingly.

In assessing the matter, HSE's Land Use Planning Methodology attributes sensitivity levels to different uses. The methodology indicates that the existing office use (categorised as a workplace with over 100 people in it – development type DT1.1 x1) would be categorised as a sensitivity level 2 (SL2). This is based on the general public involved in normal activities. Although the building has not been used to its full capacity as an office at present, it could be fully occupied without a further grant of planning permission as that is the authorised use.

The proposed use as a medical clinic (developments for use by the general public where total floor space (of all floors) is from 250m² up to 5000m² – DT2.4) would also be SL2. This is considered the appropriate category to apply to the proposed use as those attending would generally be able-bodied, would be undergoing minor procedures or tests without general anaesthetic, would not be staying overnight and would typically be there for a short period of time.

Initially, the treatment of in-patients was proposed which would categorise the use as a 'hospital' (DT3.1). Such uses have a higher sensitivity level (SL3) as they are places providing an element of care or protection. Because of age, infirmity or state of health, such occupants may be especially vulnerable to injury from hazardous events. Emergency action and evacuation may be very difficult. Acknowledging this, the applicant amended the proposal from hospital to medical clinic, so there would be no vulnerable occupants or overnight stays.

Therefore, to summarise, the sensitivity level of both the existing authorised use and the proposed use is the same in terms of HSE's methodology. When considering a Sensitivity Level 2 use in the Inner Zone of a hazardous installation, the HSE advice is to 'advise against' the granting of planning permission, applying to both office or medical clinic use.

Planning Circular 3/2015 indicates that HSE's advice is provided so that any risks can be given due weight and balanced against other relevant planning considerations by planning authorities in making planning decisions. It goes on to say that in view of its acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development near a major hazard site should not be overridden without the most careful consideration.

Whilst acknowledging the above, the planning authority needs to consider all material considerations. In this case, the authorised office use and physical form of the building would allow more people to be present at the site if it were to continue to operate as an office than would be the case in the proposed use. The existing capacity of the building could be fully utilised without a further grant of planning permission. Taking this into account, together with the identical HSE sensitivity levels of the existing and proposed uses, it is the opinion of the Planning Service that the change of use would not represent an increase in the number of people at risk should an accident occur at the gas depot.

In order to ensure that the situation remains as close to that described by the applicant as possible it is proposed to attach conditions preventing any overnight stays by patients or the undertaking of any procedures which would require a general anaesthetic, and removal of permitted development rights which allow change of use to other uses within class 2 (financial, professional and other services) or a change from class 2 to class 1 (shops).

Should committee members support the recommendation in this regard, the notification requirements explained below would apply.

Noise

Being located adjacent to the airport there is the potential for the proposed new use to be adversely affected by noise from aircraft. Policy T5 (Noise) indicates that noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

A noise impact assessment (NIA) was submitted which considered the initial proposal to have patients staying overnight at the premises. Since the proposal was changed to medical clinic with no overnight stays, that assessment is no longer relevant. The NIA did not however consider medical clinic aspect in terms of the standards contained within the relevant for guidance medical clinics (Department of Health – Special Services - Scottish Health Technical Memorandum HTM 08-01 Acoustics). However, as a medical clinic is not a particularly sensitive use in terms of noise, it is considered reasonable to condition the submission of details demonstrating compliance with the guidance.

Traffic and Parking

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

There are 99 parking spaces (including two accessible spaces) associated with the site at present. Three spaces will be marked as accessible spaces which would result in a drop to a total of 97 spaces, five of which will be accessible. The level of parking is accepted by the Road Development Management Team.

It is proposed to provide 11 secure and covered cycle parking spaces close to the building entrance. A condition is proposed requiring the specification of the stands and enclosure prior to the use commence.

The proposed change of use would be a betterment on the road network with the vehicular traffic spread throughout the day rather than occurring and at morning and evening peak times.

It is considered the proposals are in accordance with Policies T2 and T3.

Proposed Aberdeen Local Development Plan

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

Notification to Scottish Ministers

Should the Committee support the recommendation, due to the objection from HSE, there would be a requirement for the planning authority to notify Scottish Ministers of their intention to grant conditional planning permission. Scottish Ministers will then consider whether to call-in the application for their own determination or clear it back to the authority to decide the matter as it thinks fit.

HSE guidance states that it will normally request a call-in only in cases of exceptional concern. However, if HSE decides not to make such a request this does not mean that it has withdrawn its advice against permission, which remains on file. A decision not to request call-in does not negate HSE's advice.

RECOMMENDATION

Willingness to approve and notify Scottish Ministers

REASON FOR RECOMMENDATION

In terms of Policy B1 (Business and Industrial Land) it is acknowledged that the clinic would serve a wider catchment than solely the business area within which it is located but it is considered a suitable use for a business and industrial area and the impact on the supply of Class 4 (business) space in Aberdeen would be insignificant. The use would take place within the existing building and considered that it would not conflict with the activities of surrounding businesses or vice versa.

The site is in a reasonable location for such a use, being located within the urban area and accessible by sustainable means of transport in accordance with Policy CF2 (New Community Facilities).

In relation to the nearby major hazard site and Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites), HSE advise against the granting of planning permission. It was found however that the authorised use and physical form of the building would allow more people to be present at the site than would be the case in the proposed use and that the sensitivity levels derived from HSE's Land Use Planning Methodology for the existing and proposed uses would be the same. Taking these aspects into account it is therefore considered that the change of use would not represent an increase in the number of people at risk should an accident occur at the nearby gas storage depot. Restrictions are proposed via conditions to ensure that the vulnerability of the population attending the site remains as described in the application.

Otherwise, subject to several planning conditions the proposal is considered to meet relevant technical and design criteria relating to accessibility, traffic and noise.

CONDITIONS**(1) NOISE**

That the medical clinic use hereby approved shall not be implemented unless (i) details of compliance with the noise levels (LAeq,1hr 40 dB) for private offices, small treatment rooms, interview rooms, consulting rooms and small meeting rooms containment within the Department of Health – Special Services - Scottish Health Technical Memorandum HTM 08-01 document and (ii) and any mitigation measures required have been implemented.

Reason – to ensure occupants of the building are protected from any unreasonable levels of noise.

(2) CYCLE PARKING

That the medical clinic use hereby approved shall not be implemented unless (i) details of the location and design of the proposed secure and covered cycle store have been submitted to and approved in writing by the planning authority and (ii) the cycle store has been installed and is available for use.

Reason – to encourage travel to and from the site by cycling.

(3) ACCESSIBLE PARKING

That the medical clinic use hereby approved shall not be implemented unless the parking spaces identified on figure 4 of the Transportation Statement (A/200859 (November 2020) by Cameron + Ross) have been converted to accessible spaces and are available for use.

Reason – to ensure sufficient availability for those requiring an accessible parking space.

(4) RESTRICTED ACTIVITIES

The medical clinic hereby approved shall not be operated unless –

- No patients are permitted to stay at the premises overnight.
- No procedure where any patient is under a general anaesthetic is undertaken at the premises.

Reason – to ensure that the vulnerability of the population attending the site remains as described in the application.

(5) RESTRICTION ON CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER USES) USE

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), this planning permission allows for use as a medical clinic only. No other uses within Class 2 (Financial, Professional and Other Uses) or a change of use to Class 1 (Shops) are permitted.

Reason – to ensure that the vulnerability of the population attending the site remains as described in the application.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Redevelopment of site to form social housing rented accommodation (99 units), comprising a mix of residential development with associated streets, parking and amenity space

Former Craighill Primary School, Hetherwick Road, Aberdeen

Detailed Planning Permission
210038/DPP

Location Plan



Aerial Photo



Site context



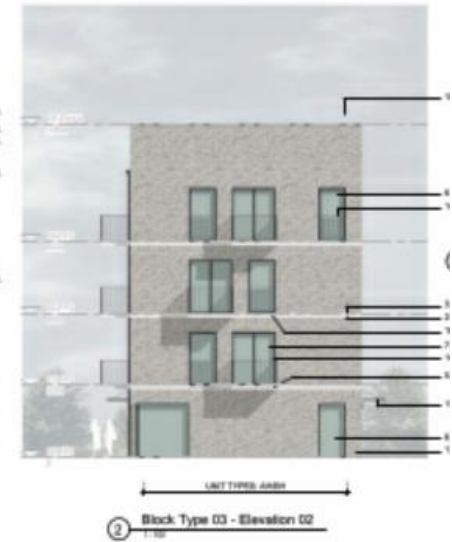
Proposed Site Plan



Proposed landscaping plan



Proposed elevations – 4 storey blocks



Proposed elevations – 3 storey blocks



1 Block Type 04 - Elevation 01
1:100



2 Block Type 04 - Elevation 02
1:100



3 Block Type 04 - Elevation 03
1:100



4 Block Type 04 - Elevation 04
1:100

Proposed elevations – 2 storey terraced houses



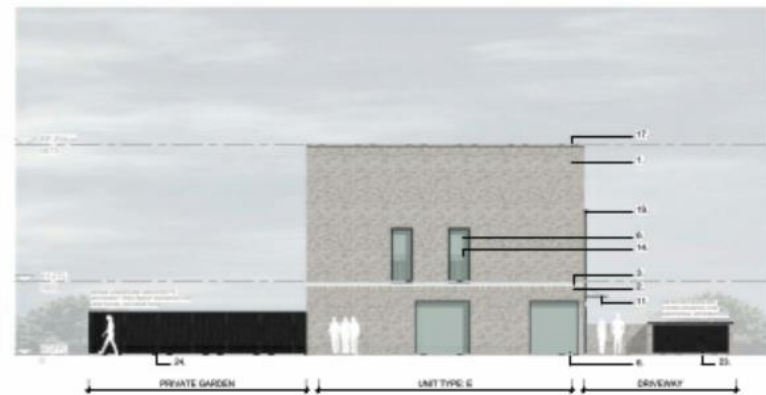
1 Block Type 05 - Elevation 01
1:100



2 Block Type 05 - Elevation 02
1:100



3 Block Type 05 - Elevation 03
1:100



4 Block Type 05 - Elevation 04
1:100

Proposed elevations – 2 storey houses (fully accessible)



1 Block Type 06 - Elevation 01
1:100



2 Block Type 06 - Elevation 02
1:100

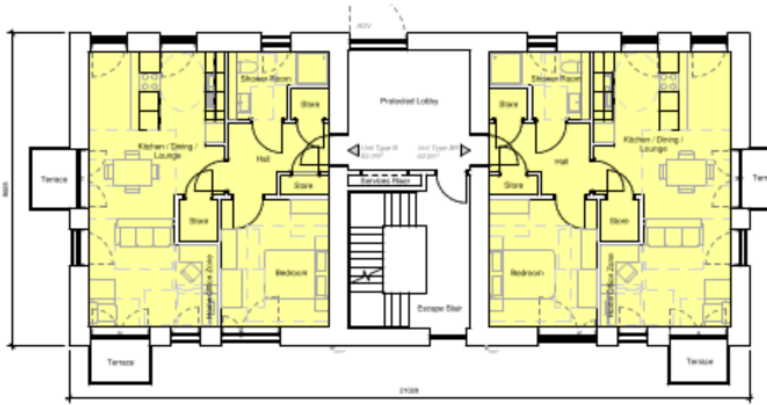


3 Block Type 06 - Elevation 03
1:100



4 Block Type 06 - Elevation 04
1:100

Sample floorplans (1)



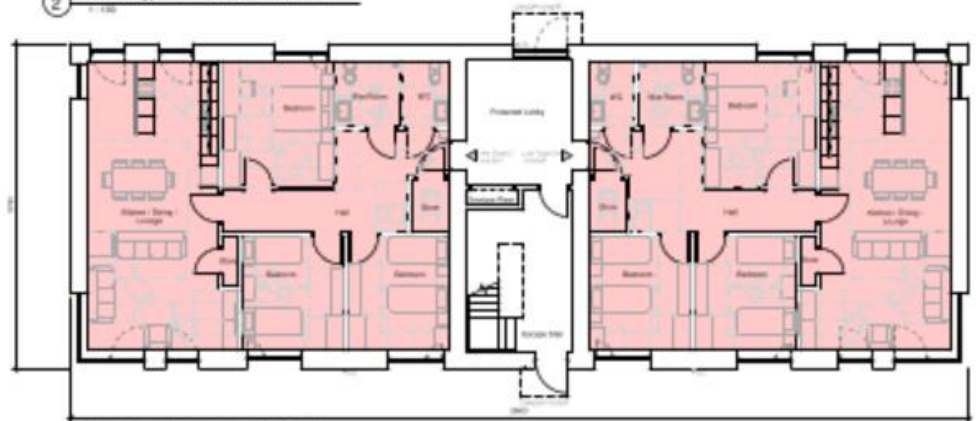
2 Block Type 01 - Level 01 GA Plan
1:100



2 Block Type 04 - Level 01 GA Plan
1:100



1 Block Type 01 - Level 00 GA Plan
1:100



1 Block Type 04 - Level 00 GA Plan
1:100

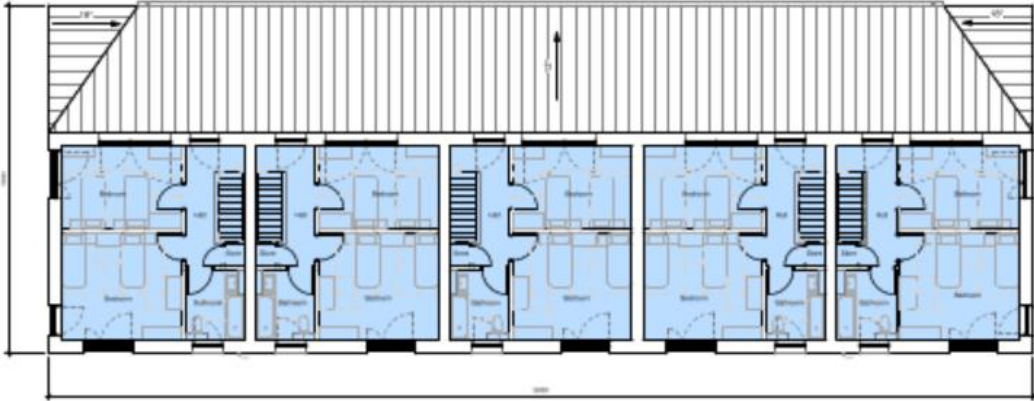
1 bed flats

3 bed flats

Sample floorplans (2)



2 Block Type 05 - Level 01 GA Plan



2 Block Type 06 - Level 01 GA Plan



1 Block Type 05 - Level 00 GA Plan



1 Block Type 06 - Level 00 GA Plan

Page 164

3 bed houses

3 bed houses (fully accessible)

Proposed site sections (1)



NOTES
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.



SECTION 1-3
 SECTION 1-4

PROJECT INFORMATION

DATE: 2022.02.22

SCALE: 1:500

PROJECT NO: 2222

CLIENT: ABC COMPANY

DESIGNER: XYZ ARCHITECTS

ARCHITECT: JOHN DOE

PROJECT LOCATION: 123 STREET, CITY, STATE

PROJECT TYPE: RESIDENTIAL

PROJECT STATUS: PRELIMINARY

PROJECT VALUE: \$4,000,000

PROJECT CONTACT: 123 STREET, CITY, STATE

PROJECT PHONE: (123) 456-7890

PROJECT EMAIL: info@xyz.com

PROJECT WEBSITE: www.xyz.com

Proposed site sections (2)



SECTION 01



SECTION 02



SECTION 03



SECTION 04

1. The proposed development is a multi-story residential building with a total floor area of approximately 100,000 sq. ft. The building will be constructed on a 2-acre site located in the City of Chicago, Illinois. The site is currently vacant and is zoned for residential use. The proposed development will consist of a multi-story residential building with a total of 100 units. The building will be constructed with a mix of brick and concrete. The building will have a flat roof and will be surrounded by landscaping. The proposed development will be a significant addition to the neighborhood and will provide much-needed affordable housing. The building will be constructed in accordance with all applicable codes and regulations. The proposed development will be a positive contribution to the community and will provide a high-quality living environment for its residents. The building will be a landmark in the neighborhood and will be a source of pride for the community. The proposed development will be a model of sustainable and responsible development. The building will be a source of inspiration for other developers and will demonstrate the potential for high-quality, affordable housing. The proposed development will be a positive contribution to the city of Chicago and will provide a high-quality living environment for its residents. The building will be a landmark in the neighborhood and will be a source of pride for the community. The proposed development will be a model of sustainable and responsible development. The building will be a source of inspiration for other developers and will demonstrate the potential for high-quality, affordable housing.

011
 Section 01 - North Side



012
 Section 02 - East Side

013
 Section 03 - West Side

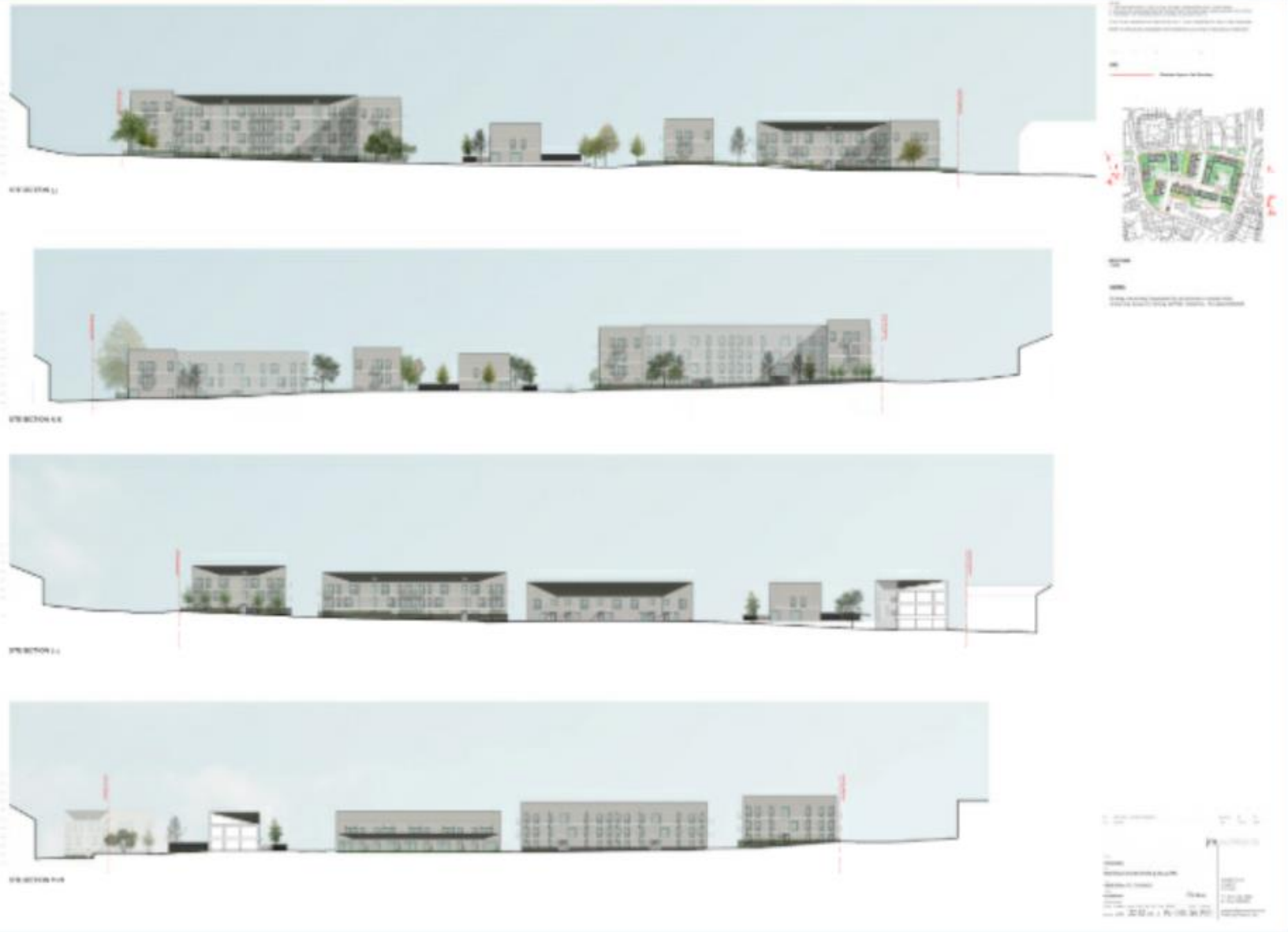
014
 Section 04 - South Side

<p>015 Section 05 - North Side</p> <p>016 Section 06 - East Side</p> <p>017 Section 07 - West Side</p> <p>018 Section 08 - South Side</p>	<p>019 Section 09 - North Side</p> <p>020 Section 10 - East Side</p> <p>021 Section 11 - West Side</p> <p>022 Section 12 - South Side</p>
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jm architects

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 www.jmarchitects.com

Proposed site sections (3)



3d views (1)

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- Notes:
- 1. This drawing should not be scaled, figure dimensions only to be taken
 - 2. should any discrepancies be found with this drawing, please inform the office
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Structural information indicative only. To be confirmed by Structural Engineer.



3d views (2)

Page 169



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Structural information indicative only. To be confirmed by Structural Engineer.



3d views (3)

Page 170



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Structural information is subject to be confirmed by Structural Engineer.





Street view

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Street view

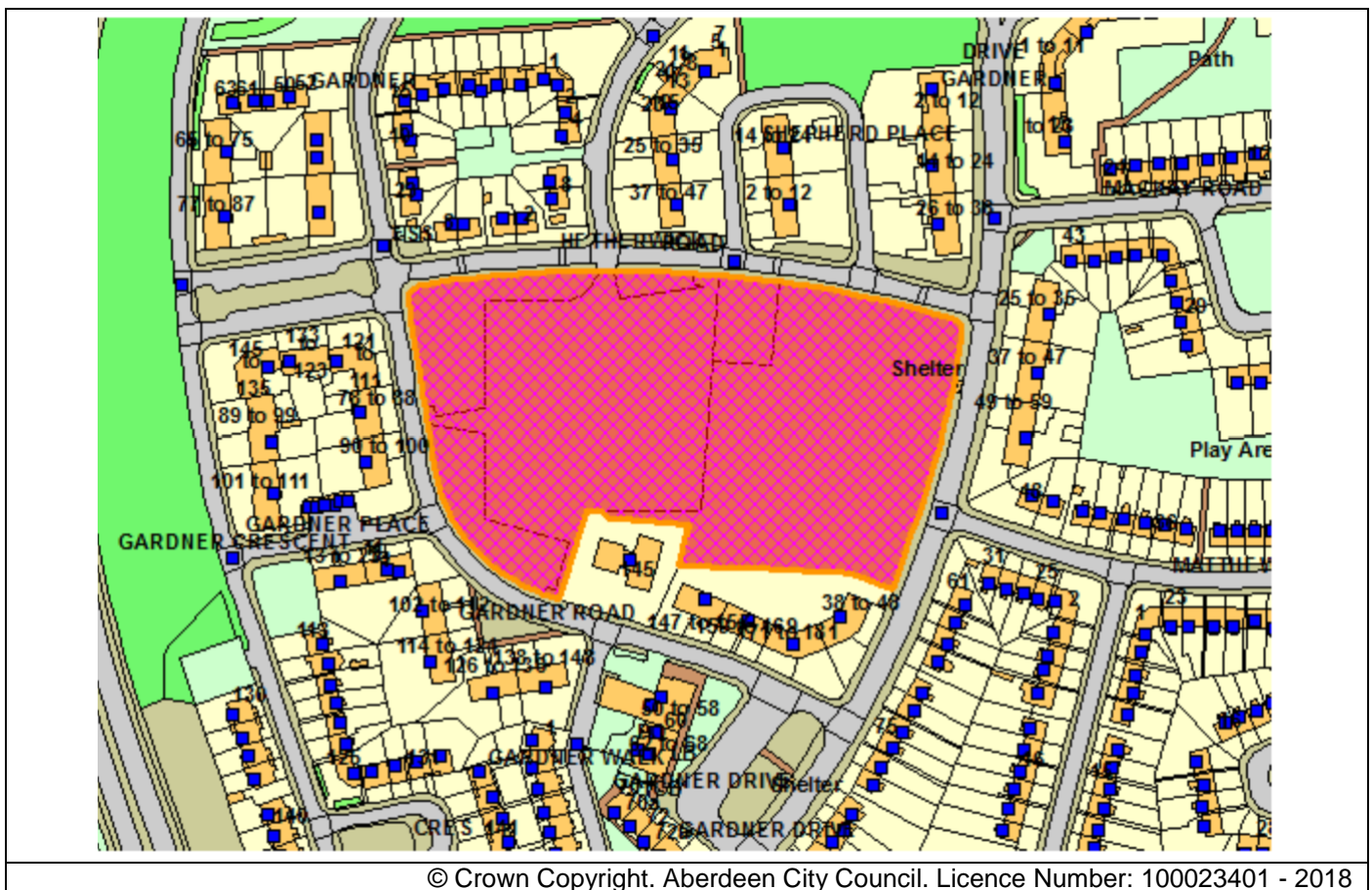


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 June 2021

Site Address:	Former Craighill Primary School, Hetherwick Road, Aberdeen, AB12 5ST
Application Description:	Redevelopment of site to form social housing rented accommodation (99 units), comprising a mix of unit types with associated streets, parking and amenity space
Application Ref:	210038/DPP
Application Type	Detailed Planning Permission
Application Date:	15 January 2021
Applicant:	Aberdeen City Council
Ward:	Kincorth/Nigg/Cove
Community Council:	Kincorth And Leggart
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site is an irregular shaped area extending to c.1.6ha located centrally within the established residential area of Kincorth. It was last occupied by the former (relocated) Beechwood Primary School and associated playing fields. Prior to that it was Craighill Primary School, which closed in 2007. All buildings on the site have been demolished and the site is currently cleared, although overgrown. The site is surrounded by a mix of two storey terraced residential properties and three storey flats and fronts to the north on Hetherwick Road; to the east on Gardner Drive; and to the south and west on Gardner Road, creating the typical residential built form found in Kincorth. Immediately adjacent to the south east corner is a premises operated by Aberlour Childcare Trust and a block of three storey pitched roof flats defining the corner of Gardner Road and Gardner Drive. A bus route runs along Gardner Drive, with a small cluster of commercial units, including a post office and convenience store immediately to the south across Gardner Road.

There is a gradual change in levels of 5m across the site from the north west towards the south east. There is an existing cluster of mature and semi-mature trees in the south west corner with additional semi-mature trees spread over the site. The site is currently surrounded by metal railings and fences.

The western half of the site is allocated as OP57 in the 2017 Aberdeen Local Development Plan, considered suitable for a residential development, with the eastern half (former playing fields) zoned as being part of the residential area.

Relevant Planning History

200850/PAN – Major residential development of approximately 105 units (90 apartments and 15 terraced houses), associated streets, parking and external amenity – Response provided on 31st July 2020

161532/DPP – Proposed residential development of 79 units comprising houses, flats, open space and associated infrastructure – Withdrawn by applicant on 5th June 2020.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the redevelopment of the former primary school site into a residential development consisting of a total 99 residential units, amenity space and associated infrastructure, including parking. The residential units would be spread over three four-storey flatted blocks containing a total of 48no. 1-bed units; two three-storey flatted blocks containing a total of 18no. 1-bed units; three three-storey flatted blocks containing a total of 18no. 3-bed units; and 15no. 3-bed terraced properties.

The proposed site layout would contain a central adopted spine road running in a rough north east to south west direction with a vehicular access onto Hetherwick Road to the north and Gardner Road to the north. The terraced two storey dwellinghouses would be constructed along the spine road in the northern and southern parts of the site. The three and four storey flatted blocks would be located in two clusters of three blocks in the north east and north west corner of the site creating internal communal gardens serving these blocks, with the two remaining blocks located along the south eastern site boundary. The flatted blocks would be served by parking courts coming off the central spine road, whereas parking for the terraced properties would be in-curtilage through driveways to the front. Additional parking bays would be located along the southern end of the spine road.

The proposed design approach and materials palette would be similar for both the flats and houses, and consist of light grey/cream bricks with a mono-pitched roof and dark grey windows and doors. All upper floor flats would have private balconies, with all ground floor flats having access to a small private patio area, and houses having private front and rear gardens.

An external bike store would be located in the north east courtyard serving all one-bed flats, with three bin stores spread through the development serving the flatted properties.

In addition to the spine road, additional pedestrian accesses into the site would be provided from the east; north and west. The cluster of mature and semi-mature trees in the north east and south east corners would be predominantly preserved. Landscaping would include informal play areas in the south west corner; along the northern pedestrian access; and in the north east corner. A sprinkler tank and substation would be located on the southern edge of the site.

Amendments

The application has been amended at the request of the Planning Service. This includes the realignment of the flatted blocks in the north west corner; and alterations to proposed public amenity areas, including introduction of additional play features, and communal spaces serving the flatted blocks; and relocation of the substation/sprinkler tank.

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=QMWZLHBZFXB00>

Additional Statement by JM Architects, dated March 2021;
Design and Access Statement by JM Architects, dated January 2021;
Drainage Impact Assessment by Ramsay and Chalmers, dated 17th December 2020;
Ecological Impact Assessment Report by Atkins, dated December 2020;
Landscape Strategy Report by Rankin Fraser;
Level 1 Flood Risk Assessment by Atkins, dated March 2020;
Open Space Analysis by Rankin Fraser;
Pre-Application Consultation Report by JM Architects, dated January 2021;
Transport Statement by Goodson Associates, dated December 2020; and
Tree Survey by Astell Associates, dated 20th April 2017.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposed development would be classed as a 'Major Development' in terms of the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009.

Pre-Application Consultation

The proposed development was the subject of a pre-application consultation between the applicant and the local community as required for applications falling within the category of 'major developments' as defined in the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009, and the application is supported by a Pre-Application Consultation Report (PAC Report) as required.

Due to Covid-19 restrictions in place at the time, all consultation events were virtual, and included:

- Presentation to the Kincorth Network Group (a body including a wide range of local community groups and leaders); and
- Public consultation website, which was live for a period of 49 days between 4th November and 23rd December 2020. During that period, a total of two live online consultation events were undertaken, the latter as a collaboration with the project team for the nearby proposed development at the Former Kincorth Academy (Ref. 210185/DPP);

The public consultation website and first live consultation event were advertised through an advertisement in the Evening Express and Press and Journal dated 6th November 2020; through the use of social media channels; and posting of details, including paper copies of the display boards in local shops and Community Council notice boards. In addition, the consultation was advertised on the websites and/or social media channels of the Kincorth and Leggart Community Council; Abbotswells and Kirkhill Primary Schools; and the Kincorth Medical Centre.

A further notice of the second public consultation event in December was posted in the Evening Express on 9th December 2020. This was accompanied by a full letter drop of nearby residential properties.

Public feedback was generally positive with comments received in relation to the development of a vacant site, the density and mix of housing proposed and the retention of trees and play areas proposed.

In addition, the applicant presented to the Council's Pre-Application Forum on 24th September 2020. The presentation contained details of the proposed site layout and design of the proposed buildings. Elected Members asked questions regarding the following matters: secured by design, electric vehicle charging points, accessibility to local shops, private amenity space and residents' input into garden spaces.

CONSULTATIONS

ACC - Contaminated Land Team – No objection. Reviewed a Desk Study and Ground Investigation Report (Grontmij, Report Ref: 117018/JAS/180116, Rev2) submitted as part of previous application 161532/DPP. The conclusions and recommendations in that report remain relevant to this application. However, it is recommended that the proposals are updated based on the latest development proposals and most up-to-date knowledge of the site and should include an earthworks strategy setting out proposals for cut/fill, material re-use/disposal, dealing with potential asbestos and protocols for validating the works. This will help ensure that appropriate information is collected and retained to validate the works. In order to secure this, a suitably worded condition to that effect is recommended.

ACC - Developer Obligations – Developer obligations will be required in relation to the following: Core Path Network (£27,007); Healthcare Facilities (£41,890); and Community Facilities (£132,749)

ACC - Environmental Health – No objection subject to conditions on the submission of an 'Air Quality (Dust) Risk Assessment'; a 'Dust Management Plan'; and limitation on hours of working.

ACC - Roads Development Management Team – No objection subject to conditions. The site is located in the outer city within the Kincorth residential area, and there is no controlled form of parking. The site is served by direct links to existing adopted public footpaths and shall connect to the wider community and area. There are various continued connections throughout with multiple pedestrian links out of the site along all boundaries. There is no direct access onto dedicated cycle routes, but given this is an existing residential area with 20mph speed limits, this is not a concern.

The site is well served in relation to public transport.

The proposed number of parking spaces, including those marked for disabled use, is acceptable. The site proposes to provide electric vehicle infrastructure and the provision of electric charging points for 50% of the parking spaces. This is acceptable and welcomed. However, it is expected that the underlying infrastructure for electric vehicles is provided throughout the site (passive provision) and would allow for further future installation of charging points if required. This can be conditioned.

Adequate cycle parking is provided throughout the site as demonstrated in the submitted additional document 'Bicycle Parking Strategy'. This includes additional visitor parking.

The proposed site layout would see two vehicular accesses – one from Hetherwick Road to the north, and one from Gardner Road to the south. The proposed main route through the site is proposed for adoption and shall be required to be built to adoptable ACC standards and shall require a Stage 1 Roads Construction Consent (RCC). A Traffic Regulation Order will need to be promoted to ensure the speed limit within the site would be no more than 20mph.

A 'Safe Route to School' assessment should be conditioned, identifying the most direct route and any missing links or upgrades required. In addition, a Travel Plan framework/ Residential Travel Pack should be submitted for approval prior to occupation of the first unit – this should be conditioned.

A Drainage Impact Assessment (DIA) has been submitted and it is confirmed that this is adequate and appropriate levels of treatments are proposed to serve the site. In terms of roads associated drainage, no water should flow onto the adopted roads extents (i.e. from parking courts, bays, etc). Any alterations to existing roads drainage as part of the new/upgraded vehicular access shall form part of the RCC applications.

An informative is required to recommend that the applicant contacts the Roads Projects Team prior to submission of a S21 Roads Construction Consent procedure, or S56 Roads Construction Consent.

ACC - Waste And Recycling – No objection. Following consultation with the waste operations team it is confirmed that Aberdeen City Council intends to provide refuse collection services for the proposed development. Advisory comments are provided on types of bins to be provided for both the flatted blocks and terraced properties.

Aberdeen International Airport – No objection. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Observation in relation to the use of cranes is included.

Police Scotland – Due consideration has been given to crime reduction measures during the planning phase to ensure that property, goods and materials are not subject to theft. It is understood that the development is aiming to attain the Secured by Design Gold Aware.

The development affords good dual aspect natural surveillance of parking areas and play areas for children. Consideration should be given to ensure that any external bike stores are of a brick construction to the same standard as the main building.

Scottish Water – No objection

Kincorth And Leggart Community Council – None received

REPRESENTATIONS

A single, neutral letter of representation was received, raising the following matters:

Supportive of more housing, however finds the proposal lacking in a number of areas:

1. No site sections or street elevations provided, which makes it difficult to determine levels, and the relationship of buildings to the wider context. Even the roof pitch form/ orientation is difficult to determine from the current set of drawings. No evidence of building forms having been explored in detail in 3D;
2. No convincing urban edge has been created to address the existing streets. Corner definition is poor;
3. Many roof slopes with PVs and balconies seem to face due north;
4. Refuse stores, bike stores and plant are all located outwith the buildings, which leads to a cluttered landscape and negatively impacts on amenity areas. No evidence of 'place making';
5. General lack of clear definition between private/semi-private/public space. Non-defensible no man's land is created;
6. Welcomes some improvements to the scheme.

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 was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen Local Development Plan (2017)

- H1: Residential Areas
- D1: Quality Placemaking by Design
- I1: Infrastructure Delivery and Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage and Water Quality
- R2: Degraded and Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Building and Water Efficiency

CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

Subdivision and Redevelopment of Residential Curtilages
 Transport and Accessibility
 Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Relevant policies in this case are the following:

H1: Residential Areas
 NE2: Green and Blue Infrastructure
 NE5: Trees and Woodland
 D1: Quality Placemaking
 D2: Amenity
 R5: Waste Management Requirements in New Development
 R6: Low and Zero Carbon Building and Water Efficiency
 R8: Heat Networks
 H3: Density
 H4: Housing Mix and Need
 H5: Affordable Housing
 I1: Infrastructure Delivery and Planning Obligations
 T2: Sustainable Transport
 T3: Parking
 CI1: Digital Infrastructure

EVALUATION

Principle of Development

The site is located in a residential area within Kincorth and policy H1 (Residential Areas) applies. This policy sets out that residential development is generally accepted in principle provided it would not result in overdevelopment; would not have a detrimental impact on the appearance and amenity of the surrounding area; would not result in the loss of valuable and valued open space; and would comply with all relevant Supplementary Guidance.

The western half of the site is allocated in the 2017 Aberdeen Local Development Plan as OP57,

and is considered suitable for a residential development subject to compliance with all other relevant policies, supporting the principle of residential development here. The LDP states that the site 'forms part of the Strategic Infrastructure Plan Affordable Housing Programme'.

The eastern half, though covered by the residential designation, was last used as the playing fields serving the former Beechwood Primary School, and Craighill Primary School before that. Policy NE3 (Urban Green Space) sets out that permission will generally not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or other areas of urban green space (including those not identified on the Proposals Map). Given its last use as school playing fields, this policy is considered relevant in this instance. It further sets out that exceptions will be made when an equivalent and equally convenient and accessible area for public space is laid out and made available in the locality for urban green space purposes. In all cases, development will only be acceptable provided that:

1. There is no significant loss of the landscape character and amenity of the site and adjoining area;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. The replacement green space is located in or immediately adjacent to the same community;
6. The development would not detrimentally impact on lochs, ponds, watercourses or wetlands; and
7. Proposals to develop outdoor sports facilities, including playing fields should also be consistent with the terms of Scottish Planning Policy.

The site is currently fenced off, with the former playing fields disused and overgrown. They previously were part of the wider school function of the site, and were seen and used in that context. As such, it is considered that development of the site would not result in a significant loss of landscape character or amenity of the site, in compliance with criterion 1.

The proposed site layout includes two vehicular accesses with accompanying pavement and a further three pedestrian accesses into and through the site. These would allow much greater permeability of the site than during its previous use, integrating the site more in the wider surrounding residential area. It is therefore considered that public access through the site is enhanced in compliance with criterion 2.

The proposal would result in the loss of a number of semi-mature trees on the site. This would create some tension with criterion 3, but is considered acceptable when reviewed in the wider context of the proposed development. A further discussion of this is below in the section '*Trees*'.

The application is accompanied by an Ecological Impact Assessment Report. This sets out that there are no significant ecological or hydrological pathways connecting the application site with any environmentally designated sites. An ecological walkover survey of the site and the immediate surrounding area was undertaken and confirmed no presence of protected species on the site. The site currently offers very limited potential as a habitat for protected species such as bats or hedgehogs due to the existing species-poor vegetation and its location within a relatively dense residential area providing very limited links to more suitable habitats and linear features. A number of trees offer very limited potential roosting features for bats, but again, due to its detachment from more suitable and larger bat habitats it is unlikely that they are used by bats. The site thus carries very limited wildlife or heritage value, in compliance with criterion 4.

The proposed site layout shows a variety of open space uses across the wider development site, including communal gardens, sitting out areas, informal play space and an area with species rich grassland. The previous use of the open space as a school playing field was limited. The context of

the site in the surrounding area is further considered in the Open Space Analysis by Rankin Fraser that forms part of the planning application, which demonstrates that the site is within walking distance of the Kincorth Hill Local Nature Reserve and play spaces on Matthews Road and Kincorth Circle. Colleagues in Environmental Policy set out that at present the settlements of Kincorth and Cove are well catered for in terms of the quantity of open space, but it is noted that the quality of some of these spaces is not good according to the 2010 Open Space Audit. This current proposal, though resulting in a smaller quantity of open space, would result in a better quality of open space provided on the site than the previous school playing fields.

As such, and given the current disused state and very limited accessibility of the open space on the site, the proposed mix of uses, would serve both the dwellings to be created and the existing community, and would thus be considered acceptable in relation to criterion 5.

In this case, there are no nearby lochs, ponds, watercourses or wetlands, and criterion 6 is thus not applicable.

Due to the size of the previous football pitch (less than 0.2ha), it was not necessary to consult with SportScotland in this instance, and criterion 7 is not considered relevant.

Taking account of the above, it is considered that the proposal would adequately meet all the criteria as set out above, and would accordingly comply with policy NE3.

Layout, siting and design

The submitted site layout shows a total of 8 flatted blocks and 15 terraced dwellinghouses. All flatted blocks and terraced dwellings would have a similar mono-pitched design although would vary in height and size. The site would contain a cluster of three flatted blocks, all three storey in the north west corner surrounding a communal open space; a further cluster of three flatted blocks, all four storey, in the north east corner in a similar arrangement; and two more flatted blocks, both three storey, along the southern boundary. The two storey terraced properties would front a central road that runs through the site in a general north east to south west direction creating vehicular accesses onto Hetherwick Road to the north and Gardner Road to the south. A uniform palette of finishing materials is proposed, including light grey/ cream bricks for the walls; mono pitched roofs in standing seam zinc; and upvc aluclad windows and doors.

The site layout further includes bin stores serving the flatted blocks and a large external bike store in the eastern courtyard serving all flats in the eastern half of the site. The bike store would be constructed of brick, and would mimic the design of the flatted blocks. Parking is provided in-curtilage for the terraced properties, with courtyard parking for the flatted blocks and some additional on-street spaces, particularly along the southern end of the spine road. All flatted blocks would be served by communal outdoor areas, providing a mix of uses and landscaping. Additional open space in the centre of the site between the terraced properties and flatted blocks, and along the edges of the site would provide a variety of uses, including informal play equipment and species rich grassland. The main clusters of semi-mature trees in the south west and north west corner would be retained with most other trees, especially along the eastern boundary removed and replaced elsewhere in the development with newly planted trees.

It is considered that the design of the buildings and the proposed site layout have taken due consideration of and respect the characteristics of the surrounding established residential area. This is reflected in the height of the proposed flatted blocks, which is generally similar to that in the surrounding area, and their positioning, with the three storey blocks opposite the existing two storey terraced dwellings on Hetherwick Road, whereas the higher four storey flats would be located opposite existing three storey pitched roofed flatted blocks fronting onto Shepherd Place and Gardner Road to the north. The layout approach of flatted blocks around corners and defining streets with shared courtyards and gardens to the rear is a well-established urban form in Kincorth.

The mono-pitched form of the buildings would set them apart from the generally pitched roof form of the existing development in the surrounding area. However, the use of protruding balconies for the flatted blocks, the proposed tones of the bricks – although precise detailing of materials will be secured through a suitably worded condition; and the relatively long simple elevations of the flatted blocks would ensure that the proposed development would integrate into the surrounding area. The proposed textured brick and introduction of elements such as soldier courses, vertical stack bonds, feature precast stringer courses and large window openings would create interest and an element of variety in the proposed elevations, which would be necessary given the use of one main finishing material for the walls of all buildings on the site. Entrances to the flats would be located to both the front and rear of the buildings, for the perimeter blocks providing direct access from both the existing surrounding streets and the communal open space. The entrances are expressed through fully glazed security doors with a canopy above.

In terms of residential amenity for residents, all flats in the development would be dual aspect, would either have access to a private balcony on the upper floors or private patio on the ground floor, in addition to larger communal outdoor amenity areas immediately adjacent to the flatted blocks. This would create good natural surveillance over the proposed communal areas, and the wider development, including bike and bin stores and parking areas.

Boundary treatment for the terraced properties would consist of a mix of timber fencing and half/half timber fencing on top of brick walls. The latter would be positioned on strategic corners where the side and/or rear boundary of the rear garden would be clearly visible from the public realm, including from the surrounding roads and from the internal spine road. Rear garden gates would be incorporated for all properties with a rear garden looking out over a public footpath. In addition, a combination of post and wire fencing with hedging would be used to demarcate the private patios for all ground floor flats.

All units on the site are designed to meet criteria for 'Housing for Varying Needs', with all ground floor units fully wheelchair accessible, and dementia friendly design is promoted throughout. The 'Housing for Varying Needs' requirements have resulted in relatively larger units and incorporate additional features in the floorplans of each individual unit such as additional storage (including internal bike storage for the 3-bed flats) and circulation space to allow the units to be fully wheelchair accessible. This has resulted in larger building footprints than would typically be found in mainstream housing. In addition, home office areas have been incorporated in the floorspace of each unit. All properties would have access to a private rear garden (terraced units), patio or balcony.

Apart from the proposed spine road, pedestrian access would be provided on all sides of the development, ensuring good permeability through the site. This, again, would assist in integrating the development into the wider existing urban fabric in this part of Kincorth.

Taking together, it is considered that the proposed site layout and design of buildings generally complies with relevant parts of policies D1 and H1.

Density/ Housing mix

The overall site would measure c.1.6ha, and a total of 99 residential units would be provided. This would equate to an overall density of 61.9 dwellings per hectare. Policy H3 (Density) sets out that the City Council will seek an appropriate density of development on all housing allocations, and that all developments exceeding 1ha should have a minimum density of 30 dwellings per hectare. The proposed development clearly exceeds this figure and is thus generally compliant with this policy. However, further consideration should be given to the general characteristics of the development site and the surrounding area. In this case, the surrounding Kincorth area is characterised by a mix of two storey terraced properties and three and four storey flatted blocks set in a spacious pattern. The proposed development replicates the scale and height of existing development and though set

up in a less spacious pattern than the existing residential area, is considered to provide sufficient open amenity space to serve the proposed development. As such, it is considered that the proposal is generally compliant with this policy. This level of density is also in line with the Aberdeen City and Shire Strategic Development Plan 2020 which seeks density of at least 50 dph on suitable sites within Aberdeen.

Policy H4 (Housing Mix) sets out that housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types in sizes, reflecting the accommodation requirements of specific groups. The mix should include smaller one and two bedroom units. In this case, the majority of units would consist of one bed flats (a total of 66 units out of a total of 99); with the mix further comprising of 18no. 3-bed flats and 15no. 3-bed terraced houses, 5 of which are designed to be fully accessible and include a ground floor bedroom and bathroom. It is noted that the proposal is for 100% affordable housing through social rent. A letter of support has been submitted as part of the application by the Council's Senior Housing Officer providing evidence that the proposed mix of house sizes adequately reflects the housing need and demand for homes based on the council house waiting list data for this specific area. As such, and taking consideration of this letter submitted by the Senior Housing Officer, even though a significant proportion of the units would be smaller 1-bed flats, and thus resulting in a generally higher density across the site, it is considered that a sufficiently wide mix of housing would be provided on the site that would meet the identified market requirement and the proposal would be generally compliant with this policy.

Residential Amenity

Neighbouring properties

The site layout would see a combination of three and four storey flats along the southern side of Hetherwick Road. These blocks would be located opposite two storey terraced properties and three storey flatted blocks respectively. The distance between the flatted blocks and the existing dwellings would range between c.18m and c.22m, with the four storey flats sitting generally opposite the open space between the existing flatted blocks to the north. The distance between the three storey blocks facing east onto Gardner Road and the three storey flats opposite would similarly sit at c.18m. The distance between the four storey block looking east over Gardner Drive towards the three storey flatted block opposite would be c.25m; and the distance between the flatted block on the southern site boundary to the rear of the existing flats on the corner of Gardner Road and Gardner Drive would be c.30m. Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages sets out that to ensure an acceptable level of privacy, a minimum window-to-window distance of 18m should be retained. This is achieved in this layout for all flatted blocks, and as such the construction of these blocks is not anticipated to result in an unacceptable loss of privacy for existing properties surrounding the site.

The exception here is the relationship between the existing building in the southern part of the site, and the proposed terraced properties to its north. Due to the T-shaped form of this existing dwelling, it has a rear projection which would sit at a distance of c.12.5m from the rear elevation of two of the proposed terraced units. However, the rear section of the rear gardens slopes up significantly, and the existing bungalow would sit at a higher level than the ground floor of the terraced properties. It is further acknowledged that the existing is a single storey building and that their existing windows would predominantly look out towards the rear fence rather than directly towards the windows of the main living accommodation of the proposed new dwellings. It is further acknowledged that due to the internal design of the proposed dwellings, which would incorporate a ground floor bedroom and bathroom, the ground floor contains a rear projection, with the upper floor set back by c.4.7m. This would ensure that the distance from the upper floor to the rear elevation of the neighbouring building would sit at c.17.3m. Given the above considerations, this proposed relationship is considered acceptable and would not result in undue overlooking or a loss of privacy from or towards this existing building, which is understood to be in use as supported living.

Due to the distance between the proposed units and the existing housing, it is considered that there

would be no significant loss of light to the existing dwellings near the site. The application contains a shadow study, which demonstrates that at the spring equinox the proposal would not result in overshadowing of the existing terraced housing on Hetherwick Road, which are located above road level. It is acknowledged that the proposal could result in some overshadowing of the southern ground floor windows of these existing dwellings during the autumn/winter. However, it should be acknowledged that the mono-pitched roof would face out towards the existing roads, and thus the overall height of the building along Hetherwick Road would be reduced somewhat, which would mitigate this impact. It is therefore considered that this would not result in a significant loss of light, and would not result in an unacceptable adverse impact on the residential amenity of these properties.

Future occupants

All flats would be dual aspect and would be provided with a private garden, patio or balcony. Due to the requirement to incorporate 'Housing for Varying Needs' standards and to construct all dwellings to the building standards 'Gold' standards, floorplans of all individual units are generous, providing a good level of accommodation. Communal external amenity areas would generally be south facing, and receive good levels of sunlight and, taking consideration of the private amenity areas, would be of a satisfactory size.

The relationships between the individual flatted blocks would be acceptable. Again, a shadow study demonstrates that there is some overshadowing of individual units at certain times of the day, but all flats would receive an acceptable level of day and natural sun light, which is further enhanced by the fact that they are all dual aspect, and contain large windows.

The relationship between the northern most terraced houses and the east flatted block in the north west section of the site requires particular consideration. Additional information in drawing ACCCRH-JAM-ZZ-ZZ-DR-A-PL0301/RevP01 shows that the distance between facing windows serving habitable rooms would exceed 18m, and this is accepted. However, given the nature of the three storey buildings and their internal floor layout, habitable rooms and balconies on the upper floors would look out towards the private rear gardens of the terraced houses to their west. The distance to the rear boundary of these gardens would range between c.9m and c.18m, and as such could result in an element of overlooking of these private rear gardens from the upper floors in particular. However, the flatted block has been set an angle to reduce this overlooking impact from the windows of habitable rooms, and, on balance, it is considered that the proposed relationship would not result in an unacceptable level of overlooking of these private rear gardens. Adequate landscape planting is proposed along the rear boundary of the dwelling-houses to further mitigate any impacts.

Landscaping/ open space provision

Policy NE4 (Open Space) sets out that 2.8ha of open space should be provided per 1000 residents. The Open Space Analysis by Rankin Fraser submitted as part of this application sets out that the proposed development is expected to house c.330 people and that thus an open space requirement of c.0.9ha would be required. The proposed landscape drawings show that c.0.6ha of open space would be delivered, resulting in a shortfall of open space of c.0.3ha. Open space is provided throughout the site, and both the detailed landscaping drawing and landscape strategy report by Rankin Fraser set out that a variety of functions of landscaping is provided throughout the site including drying greens, sitting out areas, informal play areas, a linear park and areas planted to improve biodiversity. In addition, all houses would have rear gardens with a minimum length of 9m, all ground floor flats would have private patio areas and upper floor flats would have private balconies.

Comments from colleagues in Environmental Policy set out that the open space currently available on and near the site is of a relatively poor quality, and that improvements to this should be sought. It further considers that the wider area of Kincorth is relatively well catered for in terms of the quantity

of open space, including amenity open space and access to natural/ semi natural green space, but that there is a lack of public parks and gardens and children's play areas. There is an existing play area at Matthews Road in close proximity to the application site, with a further play area at Kincorth Circle, c.550m to the north east, which also includes facilities for older children. The proposed landscaping scheme would supplement these existing facilities through the creation of four small informal play areas, details of which can be secured through a condition. This would be in addition to various sitting out areas and improvements to habitats. A detailed landscaping plan ensuring a high proportion of native species has been submitted as part of the application, and its implementation and a maintenance schedule of the open space can be secured through a suitably worded condition.

Overall, it is considered that this improvement in the quality of open space provided would outweigh the relative shortfall in open space provided on the site.

Trees

Policy NE5 (Trees and Woodlands) sets out that there is a presumption against development that would result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. In this case, the proposed site layout shows that the majority of existing trees on the site would be lost as part of the development. A number of semi-mature trees would be retained in all four corners of the site in addition to a mature tree located centrally along the southern site boundary. It is acknowledged that, even though the trees along the site boundary contribute to the character of the surrounding area, they are still relatively young. The proposed landscaping plan submitted as part of this application sets out that the trees to be removed would be replaced with more trees than the number removed. As such, it is considered that, though the loss of existing trees is regrettable, in order to aid development, their loss and replacement with new trees is accepted in this instance.

The application is accompanied by a detailed planting plan. In general, the proposed species and size are accepted and incorporate a good number of native species. However, a suitable maintenance plan and tree protection measures for trees proposed to be retained should be submitted, which can be secured through a suitably worded condition. As such, it is considered that the proposal is generally compliant with policy NE5 (Trees and Woodlands).

Impact on local roads

Access

Vehicular access to the site would be provided to the north and south boundary and would include a spine-road running through the site in a general north east to south west direction. Both junctions onto Gardner Road to the south and Hetherwick Road to the north are suitable. The southern junction would be more than 15m away from the nearest junction with Gardner Walk, whereas the northern junction would form an off-set crossroads with Shepherd Place. Shepherd Place is a loop road, and only provides access to the existing tenement blocks fronting this street. Colleagues in Roads Development Management acknowledge the location of the proposed junctions in their comments, and do not raise any concerns with their position.

Off this spine road, which is to be adopted, would be two unadopted roads leading to car parking courts serving the proposed flats. Again, apart from some detailed design comments that can be resolved at RCC stage, no concerns are raised in relation to the proposed internal roads layout. As such, this is considered to be acceptable.

Parking

The site would provide 100% affordable housing through social rent. Supplementary Guidance on Transport and Accessibility (SGTA) sets out that units provided through this tenure would have a parking requirement of 0.8 parking space per unit for both flats and houses. However, at pre-application stage, colleagues in Roads Development Management advised that they would be

looking for one parking space per unit for the houses, and 0.8 parking space per unit for the flats, irrelevant of their size. The proposed site layout consists of a total of 84 flats and 15 houses, thus resulting in a parking requirement of 68 spaces for the flats and 15 for the houses. All houses would be served by a single driveway and a total of 68 spaces, 4 of which would be marked up as disabled spaces, would be available for residents of the flats spread equally through the site.

SGTA further sets out that for residential development, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. These electric vehicle charging points are provided for all houses, with a 50% provision for parking spaces serving the flats (active provision). This is considered acceptable, subject to a condition ensuring that the underground infrastructure (passive provision) for electric vehicles is provided throughout the site to allow for further future installation of charging points.

Sustainable transport

A bus route runs along Gardner Drive between Kincorth, the city centre and on towards Dyce, providing easy access to the city centre via public transport.

SGTA sets out that in terms of cycle parking provision, 1 space per flat up to 30 flats, plus 1 space per 3 flats thereafter should be provided. The proposed development would provide a total of 84 flats, resulting in an overall cycle parking requirement of 58 spaces. A large external cycle store is provided in the north east part of the site, providing secure and covered cycle parking for 66 bikes, serving all one bed flats through the development. Sufficient space is allowed in the floorplans of the 3-bed flats to allow for internal bike storage. In addition, all terraced properties would have access to a private rear garden, with sufficient space for bike storage. As such, all units on the site would have access to covered and secure bike storage, in compliance with the requirements as set out in the SGTA. In addition, 36 visitor spaces are provided spread throughout the site.

Taken together, it is considered that the proposal would be well accessible by public transport and would satisfactorily promote the use of sustainable transport modes such as walking and cycling through its site layout, connections to the surrounding area and proposed bike parking.

Safe routes to school

The site contains a total of 33no. 3 bedroom units, which are likely to be used by families, including those with children. As such, it should be ensured that a safe route to school would be available for pupils living on the site. The nearest primary school would be Abbotswell Primary, and nearest secondary school would be Lochside Academy, both of which have capacity for new pupils. No evidence of a safe route to school has been provided. However, given the location of the site within the wider urban fabric of Kincorth, it is considered that this should not give rise to any particular issues, and additional evidence can be provided through a suitably worded condition.

Other Matters

Waste

The flats are served with three external bin stores – one in the western half of the site, and two in the eastern half of the site. The terraced houses would all have access to a bin store in the front garden which would provide sufficient space for all necessary bins which would be presented kerbside on collection days. Colleagues from Waste Management have been consulted on the proposals, and confirmed that the proposed bin storage areas would conform to their requirements. Swept path analyses have been provided, demonstrating that a refuse vehicle can travel through the site and that all required turning movements can be undertaken. The proposal is therefore considered to be in compliance with policy R6 (Waste Management for New Development).

Flooding

Policy NE6 (Flooding, Drainage and Water Quality) sets out that a Drainage Impact Assessment is required for all development exceeding 5 homes. The application is accompanied by a Drainage

Impact Assessment by Ramsay And Chalmers, and a Level 1 Flood Risk Assessment by Atkins. The site is not covered by any of SEPA's flood risk maps, and as such it is assumed that the site is currently at little or no risk of flooding. This is further confirmed by the conclusion from the Level 1 Flood Risk Assessment.

Low and Zero Carbon Building and Water Efficiency

Policy R7 (Low and Zero Carbon Building and Water Efficiency) sets out that all new development must meet at least 20% of the building targets regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. Furthermore, all new buildings are required to use water saving technologies and techniques.

Supporting documentation submitted as part of the application sets out that all residential units would be designed to 'Gold' standards of energy efficiency; would have enhanced energy performance targets; and would include large windows to increase natural light and ventilation to all units. However, no details have been submitted as to how the 'Gold' standards of energy efficiency will be achieved. Also, no information has been submitted in relation to water efficiency measures of the proposed units. It is considered that this can be secured through a suitably worded condition to ensure full compliance of the proposed development with policy R7.

Digital Infrastructure

Policy CI1 (Digital Infrastructure) sets out that all new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The supporting text to this policy sets out that any application for five or more houses should be accompanied by evidence demonstrating that up-to-date high-speed communications infrastructure is available for the proposed development. In this case, this information has not been provided. However, a search on the Ofcom website demonstrates that superfast (80Mbps) and ultrafast (1000Mbps) broadband is available in the general surrounding residential area, and it is anticipated that the proposed development would be connected into this network. The proposed development would thus be compliant with this policy.

Contaminated Land

Policy R2 (Degraded and Contaminated Land) sets out that all land that is degraded or contaminated is either restored, reclaimed or remediated to a level suitable for its proposed use. Comments from the Contaminated Land Unit set out that there might be some historic contamination on the site. The previous application 161532/DPP was accompanied by a Desk Study and Ground Investigation Report and the conclusions and recommendations from that report remain relevant and applicable to this current application. However, it is recommended that this report is updated or amended to incorporate the proposed site layout subject of this application, and this can be secured through a suitably worded condition.

Noise and Dust

As the proposed development is located in an existing residential area, it is considered necessary to ensure that the amenity of existing residents during the construction phase of the development is not significantly adversely affected. To this end, comments from Environmental Health recommend the use of conditions ensuring that a Dust Management Plan and Air Quality (Dust) Risk Assessment is submitted prior to construction. This can be secured through a suitably worded condition.

It is further recommended that a limit on construction hours is imposed. However, this would fall under Environmental Health legislation and cannot be sought as part of a planning condition. It is therefore recommended that an informative to that effect is included in any approval.

Developer Obligations and Affordable Housing

Policy H5 (Affordable Housing) sets out that all housing development of five or more units should

provide at least 25% of the total number of units as affordable housing. In this case, the proposal would fully contribute to the social rented stock of Aberdeen City Council, and all units would come forward as social rented units. This policy requirement is therefore exceeded.

Policy I1 sets out that development must be accompanied by the infrastructure, services and facilities required to support expanded communities and the type and scale of developments proposed. In this case, the Developer Obligations Team was consulted on the application, and determined that the following contributions would be required to offset any impacts of the development:

1. *Core Path*: A contributions will be required towards the delivery of Aspirational Core Path 9 and/or the enhancement of Core Path 79: £27,007;
2. *Health Care Facilities*: A contribution will be required towards internal reconfiguration works to increase capacity at the Cove Bay and Kincorth Medical Practice or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity: £41,890; and
3. *Community Facilities*: A contribution has been identified towards Kincorth Community Centre, which has proposals in place to create additional capacity to accommodate additional users as a result of the development: £132,749.

It is considered that these contributions could be secured through a legal agreement. In addition, the delivery of all units as social rented units should also be secured through a legal agreement as a lower level of parking is accepted compared to a private housing development, in line with current standards as set out in the SGTA.

Matters arising in letter of representation

1. No site sections or street elevations provided, which makes it difficult to determine levels, and the relationship of buildings to the wider context. Even the roof pitch form/ orientation is difficult to determine from the current set of drawings. No evidence of building forms having been explored in detail in 3D – *Additional drawings have been submitted, including 3d views that clearly demonstrate the orientation of mono-pitched roofs, with the lowest part of the roofs on the flats along the perimeter of the site facing out towards the existing surrounding residential streets, and the lowest parts of the internal flatted blocks and the terraced housing facing out onto the internal streets;*
2. No convincing urban edge has been created to address the existing streets. Corner definition is poor – *Amended drawings have been submitted reorientating the flatted blocks in the north west corner to ensure they follow the curvature of Hetherwick Road to the north. An urban edge has been created through the use of a dual frontage for all flatted blocks and through ensuring that these have entrances both facing inwards into the development site, but also out towards the existing residential streets for flatted blocks along the site boundary;*
3. Many roof slopes with PVs and balconies seem to face due north – *The agent confirmed that no PV units are proposed and that the proposed energy efficiency standard can be achieved through other means. All flatted units have a private patio area or balcony facing into the communal amenity space, and thus with an east, west or south facing aspect. It is acknowledged that the gables of the four blocks with a north-south orientation would have a north facing balcony. However, this would be in addition to a further balcony with either an east or west aspect, with these units thus having access to two balconies;*
4. Refuse stores, bike stores and plant are all located outwith the building, which leads to a cluttered landscape and negatively impacts on amenity areas. No evidence of ‘place making’ – *It is acknowledged that the bin and bike stores and additional plant are all ancillary buildings and that these would result in an amount of ‘visual clutter’ across the site. It should be noted that since submission of these comments, the position of the substation/sprinkler tank has been moved from within the open space to a position near the southern vehicular junction reducing the impact this building would have on the usability and appearance of the proposed open spaces;*

5. General lack of clear definition between private/semi-private/public space. Non-defensible no man's land is created – *The submitted 'Landscape layout plan' (drawing no. CH-RF-XX-XX-DR-L-0001/Rev09) shows that there would be hedges demarcating the private patio areas for the ground floor flats from the wider communal amenity areas, thus creating defensible spaces for these properties.*

Proposed Aberdeen Local Development Plan

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

Policy D2 (Amenity) is a new policy that requires new development to achieve a good level of amenity for both future occupiers and neighbouring dwellings. The above evaluation sets out that it is considered that this would be achieved in this instance, and this policy would thus be met.

Policy R8 (Heat Networks) is a new policy that promotes the integration of development into existing heat networks and requires development to explore the potential for development of a heat network. In this case, the applicant has confirmed that it is intended to connect the development into the existing combined heat and power network running through parts of the city. A condition is recommended requesting the applicant to explore this in more detail and to demonstrate that the development can be suitably connected into this existing network to ensure compliance with this policy.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The principle of residential development is considered compatible with the OP57 allocation of the western half of the site and the residential designation of the eastern half of the site, in compliance with policy H1 (Residential Areas). The proposal would result in the loss of an area of open space, however, given the poor quality of the open space currently on the site; the proposed various uses of newly created open space; improved public accessibility and the wide quantity and variety of open space provided in the nearby surrounding area, any tension with policy NE3 (Urban Green Space) is considered acceptable. The proposal would result in a shortfall in terms of quantity of open space when measured against the criteria as set out in policy NE4 (Open Space Provision in New Development). However, given the variety and quality of open space proposed, this tension with this policy is accepted.

The proposed site layout and design, density, positioning, scale and massing of the buildings would respect the character and appearance of the surrounding area. The development would represent an acceptable mix of sizes of residential units, taking consideration of the identified need for 1-bed flats in the immediate area. There would be no adverse impact on the residential amenity of neighbouring properties and a good quality living environment would be provided for future occupiers. Parking provision would be acceptable and sufficient provision for charging of electric vehicles is included. Sufficient space would be made available for bike and bin storage. Although the proposed development would result in the loss of a number of young and semi-mature trees across the site, the proposed landscaping scheme would result in a good level and quality of compensatory replacement planting. The proposed site layout would retain sufficient distance to remaining semi-mature trees in the corners and along the southern boundary of the site.

Subject to conditions and signing of a legal agreement to cover necessary developer obligations,

the proposal is considered to comply with policies D1 (Quality Placemaking by Design), I1 (Infrastructure Delivery and Planning Obligations), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), H1 (Residential Areas), H3 (Density), H4 (Housing Mix), H5 (Affordable Housing), NE6 (Flooding, Drainage and Water Quality), R2 (Contaminated and Degraded Land), R6 (Waste Management Requirements for New Development), R7 (Low and Zero Carbon Building and Water Efficiency) and CI1 (Digital Infrastructure) of the 2017 Aberdeen Local Development Plan, and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages; Transport and Accessibility; and Trees and Woodlands.

Subject to conditions and a legal agreement, the proposed development would also be generally compliant with policies H1 (Residential Areas); NE2 (Green and Blue Infrastructure); NE5 (Trees and Woodland); D1 (Quality Placemaking); D2 (Amenity); R5 (Waste Management Requirements in New Development); R6 (Low and Zero Carbon Building and Water Efficiency); R8 (Heat Networks); H3 (Density); H4 (Housing Mix and Need); H5 (Affordable Housing); I1 (Infrastructure Delivery and Planning Obligations); T2 (Sustainable Transport); T3 (Parking); and CI1 (Digital Infrastructure) of the 2020 Proposed Local Development Plan.

CONDITIONS

1. Materials

That no development shall take place unless a scheme and/or samples detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. Sample panels of the external brick finishes, including mortar, shall be provided. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development.

2. Boundaries (implementation)

Prior to completion of any residential unit to which the boundary relates, the relevant boundary treatments for that plot or block of flats as shown on drawing CH-RF-XX-XX-DR-L-0002/RevP05 shall be implemented in their entirety unless otherwise agreed in writing.

Reason: In the interest of residential amenity and to ensure a satisfactory finish of the development.

3. Play areas

That no development shall take place until a scheme providing additional details on the proposed play spaces has been submitted to and approved in writing. Thereafter, these play spaces shall be incorporated in the approved landscaping scheme, and shall not be implemented other than in accordance with the agreed details.

Reason: In the interest of residential amenity

4. Landscaping (implementation)

That all planting, seeding and turfing as shown on drawing CH-RF-XX-XX-DR-L-0003/RevP08, or any other such drawing submitted to and approved in writing by the Planning Authority, shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to

those originally required to be planted.

Reason: In the interest of visual and residential amenity.

5. Landscaping (maintenance)

That no development shall take place until a scheme for maintenance of the landscaping as shown in drawing CH-RF-XX-XX-DR-L-0003/RevP08 has been submitted and approved in writing. Thereafter, maintenance of the landscaping shall be undertaken in accordance with the approved scheme.

Reason: In the interest of visual and residential amenity.

6. Tree protection measures (1)

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 and any such scheme as may have been approved has been implemented

Reason: To ensure adequate protection for the trees on site during the construction of the development.

7. Tree protection measures (2)

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: To ensure adequate protection for the trees on site during the construction of the development.

8. Dust

That no development shall take place until:

- a. An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant is carried out to predict the likely dust levels resulting from the proposed development and its impact on air quality including a determination of it significant; and
- b. A 'Dust Management Plan', which shall be based on the results of the 'Air Quality (Dust) Risk Assessment'

Have been submitted and approved in writing by the Planning Authority. Any such scheme as has been approved shall subsequently be implemented during the construction works.

Reason: In the interest of public health.

9. Contamination

No building(s) part of the hereby approved development shall be occupied unless:

- a. 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
- b. 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 part of the development hereby approved 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 required under b. as set out above.

Reason: To ensure that the site is fit for human occupation.

10. Bin and bike store (implementation)

That no flat within any individual block shall be occupied unless the relevant bin and bike store as shown on drawing ACCCRH-JMA-ZZ-ZZ-DR-A-PL0102/RevP03 or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority, have been made available for use.

Reason: In the interest of public health and to promote sustainable transport methods.

11. Car parking (implementation)

That no flat within any individual block shall be occupied unless the relevant car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing CRH-RAC-ZZ-XX-DR-C-0100-D of the plans hereby approved or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

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

12. Safe routes to school

That no part of the development shall be occupied until a scheme setting out 'Safe Routes to School' has been submitted and approved in writing by the Planning Authority. This scheme shall identify the most direct route and any missing links or upgrades required towards the nearest schools.

Reason: To promote sustainable transport methods, and to ensure that a safe route to school is available for children living within the hereby approved development.

13. Travel plan

That no part of the development shall be occupied until a Residential Travel Pack has been submitted and approved in writing by the Planning Authority. Such approved packs shall subsequently be issued to the first occupiers of each residential unit.

Reason: To promote sustainable travel methods

14. Electric vehicle charging

That no development shall take place until a scheme detailing underground cabling for future electric charging equipment has been submitted to and approved in writing by the Planning Authority. Subsequently, the development shall not be carried out other than in accordance with the details so agreed.

Reason: To future proof the site to increase the use of electric vehicles

15. Low and zero carbon building and water efficiency

No development shall take place until a scheme detailing compliance with policy R7 (Low and Zero Carbon Building and Water Efficiency) of the 2017 Aberdeen Local Development Plan shall be submitted and approved in writing, and any recommended measures specified in that scheme for the reduction of carbon emissions and water efficiency have been implemented in full.

Reason: To ensure that the development complies with requirements for reductions in carbon emissions and water efficiency as specified in policy R7 (Low and Zero Carbon Building and Water Efficiency) of the 2017 Aberdeen Local Development Plan.

16. Heat networks

No development shall take place until a feasibility study into the use of a district heating system serving the development hereby approved shall be submitted to and approved in writing by the Planning Authority. This feasibility study shall consider the technical feasibility and financial viability of heat network/district heating for the site, identifying sources of heat (either within the site or off-site) and other factors such as where land will be safeguarded for future district heating infrastructure.

Reason: In the interest of promotion of low carbon sources of heat.

17. Digital infrastructure

That no individual flat or house shall be occupied unless satisfactory evidence has been submitted and agreed in writing by the Planning Authority that the development will be connected into the existing digital infrastructure surrounding the site, and subsequently the development shall be implemented in accordance with the agreed details.

Reason: To ensure good digital connectivity for the hereby approved residential units and to ensure compliance with policy C11 (Digital Infrastructure) of the 2017 Aberdeen Local Development Plan

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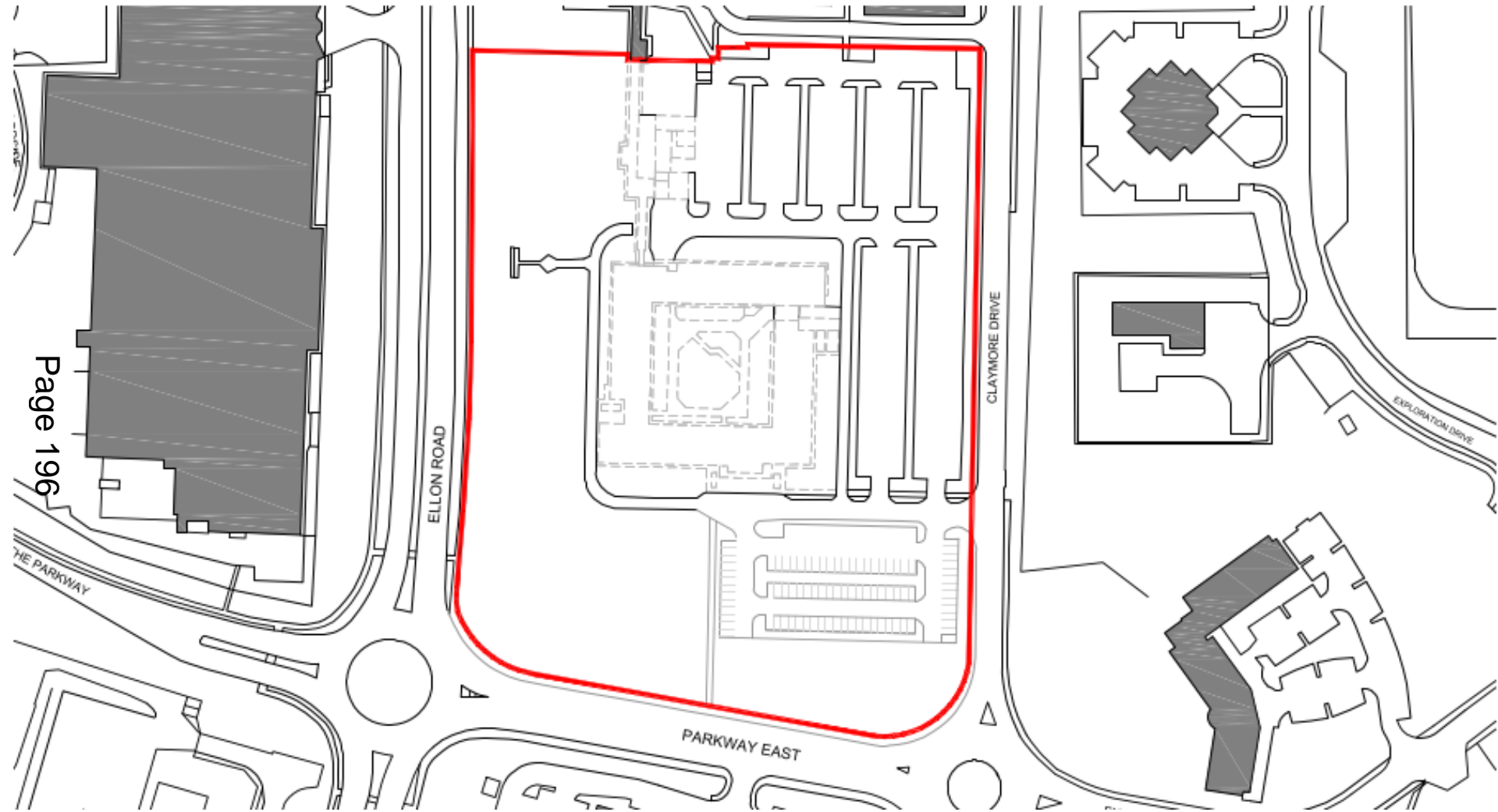
17th June 2021

Erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of up to 500 sqm of commercial floorspace (within classes 1(shops), 2(financial, professional and other services) and/or 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



AERIAL PHOTO

SILVERBURN LODGE

GYMNASTICS CENTRE

BAKER HUGHES, WOODSIDE ROAD

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ELLON ROAD

APPLICATION SITE

CLAYMORE DRIVE

PARKWAY EAST



SITE PHOTOS



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LOOKING SE TOWARDS FORMER AECC SITE

SITE PHOTOS



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LOOKING SOUTH ACROSS PARKWAY EAST

SITE PHOTOS



LOOKING EAST ONTO CLAYMORE DRIVE

SITE PHOTOS



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LOOKING NORTH AT SITE FROM EXHIBITION DRIVE ROUNDABOUT

SITE PHOTOS



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LOOKING SE ACROSS SITE, SHOWING BURN & EXISTING TREES

SITE PHOTOS



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LOOKING EAST ACROSS INTERIOR OF SITE

SITE PHOTOS



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LOOKING EAST ACROSS INTERIOR OF SITE

SITE PHOTOS



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LOOKING NE ACROSS INTERIOR OF SITE

SITE PHOTOS



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FACING NORTH: SILVER BURN

SITE PHOTOS



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LOOKING SOUTH: CULVERT UNDER PARKWAY EAST

SITE PHOTOS

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PROPOSED SITE ACCESS FROM CLAYMORE DRIVE

SITE PHOTOS



LOOKING SW ALONG SITE FRONTAGE TO CLAYMORE DRIVE

SITE PHOTOS



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LOCATION OF NORTHERN ACCESS ROAD

SITE PHOTOS



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GYMNASTICS CENTRE TO NORTH

SITE PHOTOS



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GYMNASTICS CENTRE TO NORTH

SITE PHOTOS



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SILVERBURN LODGE, ADJOINING NW CORNER OF SITE

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

INDICATIVE SITE PLAN



Pedestrian Crossing
(re-allocation of lane markings + inclusion of central island)

Children's Nursery

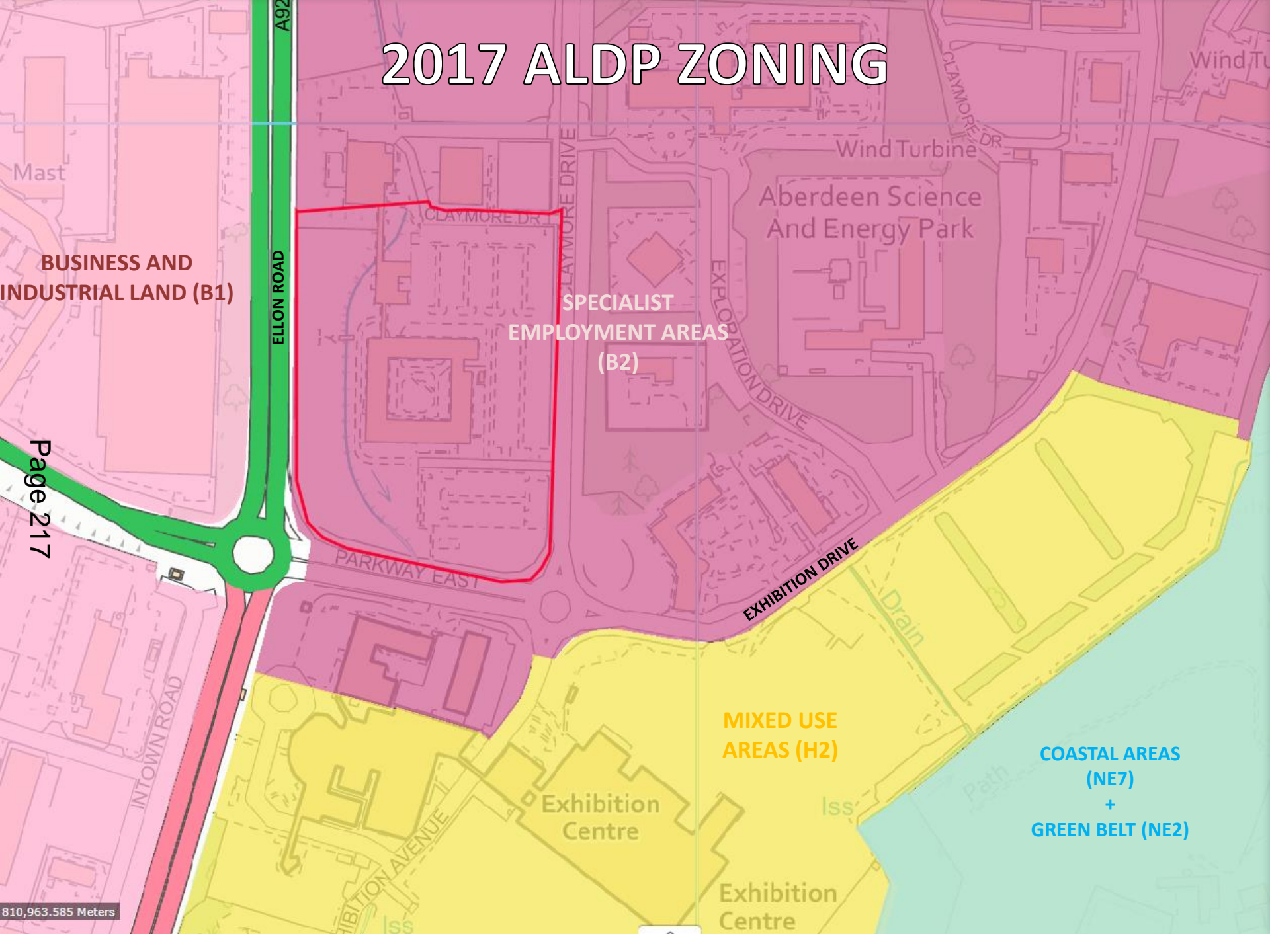
Gymnastics Centre

Claymore Drive

Access (repositioned further from roundabout)

Existing Access Retained

2017 ALDP ZONING



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 – PDMC meeting of June 2020 established that this hearing would be before PDMC, rather than FC.

OP75

PROPOSED ALDP ZONING

ELLON ROAD

SPECIALIST
EMPLOYMENT AREAS
(B2)

OP12

RESIDENTIAL
AREAS (H1)

EXHIBITION DRIVE

BUSINESS AND
INDUSTRIAL LAND (B1)

MIXED USE
AREAS (H2)

OP13

COASTAL AREAS
(NE7)

GREEN BELT (NE2)

PROPOSED ALDP

- Approved by Council March 2020.
- Represents the 'settled view' of the Council on what the next LDP should contain
- Proposes re-zoning of the Silverburn House site for residential use
- Statutory consultation on Proposed Plan from May-Aug 2020
- Responses currently being reviewed and processed
- 5 reps in relation to Silverburn House site, both for and against re-zoning

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 and realignment of watercourse now withdrawn and conditions requested, securing further information on these matters
- ACC Roads response notes no objection. Conditions will be required to secure various matters for further assessment/agreement
- 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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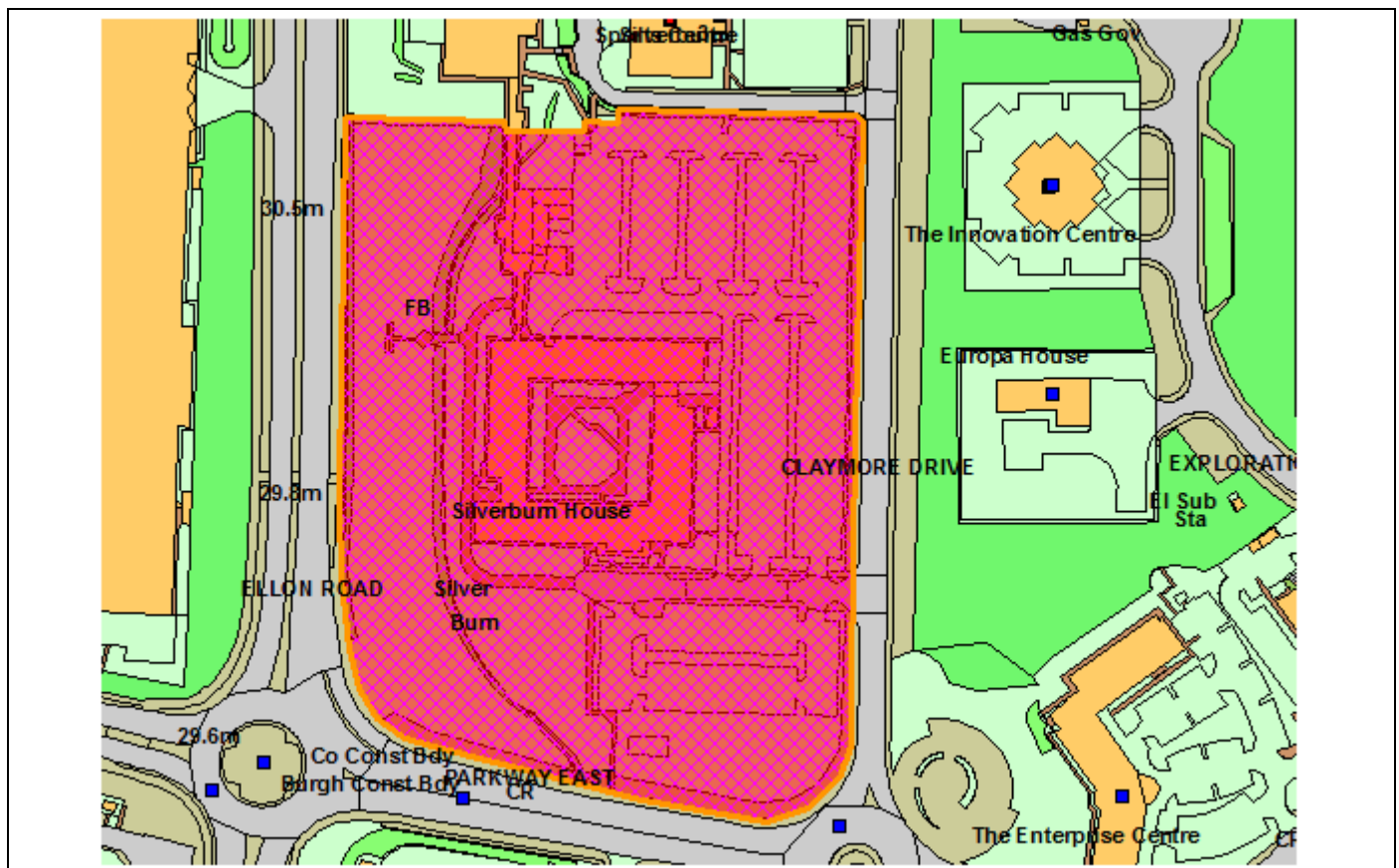


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17th June 2021

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 up to 500 sqm of commercial floorspace (within classes 1(shops), 2(financial, professional and other services) and/or 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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RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and ensuring that the development delivers a minimum of 25% as affordable housing.

APPLICATION BACKGROUND

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 the 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 former 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 2017 (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 supporting text states that the site needs to link into sites OP2 and OP13. The PLDP content was agreed by Full Council on 2nd March 2020 and was subject to a period of public consultation that ended on 31st August 2020.

To the south of the site lies the former 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. The related planning agreement has since been concluded and planning permission was issued on 16th November 2020.

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

APPLICATION DESCRIPTION

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 up to 500sqm 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 associated works such as landscaping and formation of site access and internal roads.

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.

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

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because, the proposal constitutes a major development, it is a significant departure from the adopted

local development plan and the local Bridge of Don Community Council has stated its objection to the application. Consequently, the proposal falls out with the approved Scheme of Delegation.

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 applicant undertook statutory pre-application consultation which included a 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 that year, 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.

The applicant presented to the Council's Pre-Application Forum on 19th September 2019.

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.

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 area identified for principally business and industrial development along with associated supporting uses, wherein Policy B2 'Specialist Employment Areas' of the Aberdeen Local Development Plan applies, but does not allow for development of the type proposed.

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. As of 1st March 2020, the earlier requirement that such applications be determined by Full Council no longer applies.

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. A Hearing was held on Thursday 25th February 2021, and is discussed further in a later part of this report.

The Planning (Scotland) Act 2019 (Commencement No. 1) Regulations 2019 specify that from 1st March 2020 any planning application which has been made the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act no longer requires to be determined by Full Council.

CONSULTATIONS

Scottish Environment Protection Agency – SEPA has withdrawn an earlier objection and requested that planning conditions be attached to any grant of permission to address the following matters:

- Details of any proposed realignment to the watercourse, including demonstration that environmental betterment would be achieved, with more natural alignment and appropriate buffer strips;
- Further information relating to flood risk and the finalised development layout;
- Further information relating to proposals for the sealing/abandonment of existing/historic drainage infrastructure;
- Incorporation of environmental enhancements within the proposals, as set out in section 5.2-5.4 or SEPA's earlier response (Feb 2020).

Aberdeen City Shire Strategic Development Planning Authority – No response.

Scottish Water – No objection. Note that there is currently capacity at Invercannie Water Treatment Works and Nigg Waste Water Treatment Works for water and waste water connections respectively. Capacity cannot be reserved, and there will be a requirement for a separate application to Scottish Water for connection once planning permission has been obtained.

ACC - Roads Development Management (RDM) Team – No objection. Note that there are a range of matters which will require further assessment and agreement via future applications for the approval of matters specified in conditions, but RDM colleagues are satisfied that engineering solutions are possible for those matters.

The proposed development will require provision of a new pedestrian crossing over the Parkway East and a widening of the footway along the site frontage to Ellon Road (A92) and northwards, to allow for shared footway/cycleway use and safe pedestrian movement. The applicants' Masterplan document now reflects this requirement. Indicative proposals also now demonstrate pedestrian connections from the development westwards, connecting to Ellon Road and nearby bus stops. An existing bus stop on the south side of Parkway East requires to be upgraded to provide a shelter.

Provision of the above crossing point and connections to existing pedestrian infrastructure provides for safe access to schools (Scotstown Primary and Bridge of Don Academy).

Requirements for on-site parking provision would be met through future applications, however the

applicant has committed to provision in line with ACC's standards, including provision of Electric Vehicle charging points. The principle of two site accesses is acceptable, and the final location and design of those access junctions would be controlled by use of planning conditions and subject to further assessment via future applications, along with assessment of the internal road layout. The indicative layout provided is based around the main access route being designed to adoptable standard and parking courts designed to a 'Designing Streets' compliant specification, with use of shared surfaces.

The submitted Transport Assessment highlights a net reduction in trips within the AM (-197) and PM (-173) peaks when this development is compared with the authorised former office use. On that basis, no further traffic impact assessments are required.

Other consented developments in the area (Berryhill / The Core and Cloverhill sites) include a requirement to reduce the speed limit on the 70mph stretch of the A92 to 40mph, with a temporary 20mph limit during school hours. A similar requirement would be required for this development in order to facilitate pedestrian access and safe routes to school.

Detail of waste collection arrangements will form part of subsequent applications. Swept-path plans based on the current indicative layout show only a few minor areas of overrunning, which can be amended through the detailed design process as required. A condition relating to provision of a Residential Travel Pack is also required.

Two levels of sustainable drainage treatment are required. Full details of drainage treatment can be secured by condition(s) for further consideration via future applications.

ACC - Structures, Flooding and Coastal Engineering – No objection to the principle of development but recommend that a requirement for a level 2 Flood Risk Assessment (at MSC application stage) is secured via planning condition.

ACC - Environmental Health – No objection. Recommend that further information on the following matters be secured at MSC application stage via planning conditions.

Noise

The submitted noise impact assessment includes modelling which found that external and internal noise levels within the development, arising from traffic and industrial noise, would exceed agreed criteria unless mitigation measures are incorporated within the proposed development. The mitigation proposed includes a combination of acoustic barriers and enhanced façade design. With this mitigation, noise levels would meet the agreed criteria for almost all sensitive receptors. Impacts at the remaining receptors are assessed as being only 'slight' in their significance. Full details of necessary mitigation will be influenced by the detailed design of buildings, but implementation of mitigation is essential and must be secured by appropriate planning conditions.

Odour and Noise Control from Food and Drink Premises

It is recommended that conditions secure details of a suitable extract ventilation assessment for food and drink premises within the development, to ensure that any odour impacts are adequately controlled. In addition, a noise impact assessment related to any necessary extraction ventilation system would also be required, including implementation of any necessary mitigation to protect the amenity of neighbouring residential premises.

Dust Management and Control

In order to protect nearby existing residences during construction works, it is recommended that an Air Quality (Dust) Risk Assessment is undertaken, with a site-specific Dust Management Plan based upon its findings. These submissions should be secured by conditions, requiring submission and agreement with the planning authority prior to commencement, and should include details of any

necessary control measures to be implemented for each phase of development (earthworks, construction and any other associated works), details of a monitoring protocol and a responsible person for dust control on site.

Noise from Site Construction Works

It is recommended that an informative note be applied to any permission, reflecting recommended construction hours.

ACC - Waste and Recycling – Response provides general advice on facilities for waste storage and collection points, as well as accessibility of the road layout for refuse vehicles. It will be necessary to use an appropriately worded planning condition to secure this information as part of further application(s) for the approval of matters specified in conditions.

ACC - City Growth – No response.

ACC - Contaminated Land Team – No objection to the approval of this application. However, as this site is in an industrial area, there is the potential for some contamination, and it is recommended that conditions are attached to any approval. These conditions relate to the investigation, risk assessment and remediation of any contamination, along with verification and monitoring thereafter as required.

ACC - Developer Obligations – Assessment undertaken on the basis of 150 standard 3-bed units, however it is recognised that the final composition of the development may be subject to change via subsequent applications for the approval of matters specified in conditions. Initial assessment identifies requirements for the following obligations:

Core Paths

£55,800 payable for towards the delivery of Aspirational Core Path 1.

Primary Education

The application site is within the catchment area for Scotstown Primary School. Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Secondary Education

The application site is within the catchment area for Bridge of Don Academy.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Healthcare Facilities

£153,536 payable towards the provision of additional capacity at the Scotstown Medical Practice or other such facilities serving the development.

Open Space

As the proposed development would result in the loss of existing public space, as identified in the Open Space Audit, a contribution of £27,450 is required towards the enhancement of existing open spaces in the locale.

Community Facilities

£274,275 payable towards the provision of additional capacity at Bridge of Don Community Learning Centre and/or Balgownie Community Centre, which have proposals in place to increase capacity to accommodate additional users as a consequence of development.

Sports and Recreation

£144,600 payable a new 3G sports pitch at the closest publicly available facilities, at the Alex Collie Sports Centre.

Affordable Housing

Policy H5 of the ALDP seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing. The affordable housing requirement for a 150 unit development would equate to 37.5 units, with an expectation for on-site delivery in accordance with the preferred hierarchy set out in section 4.1 of the Council's Affordable Housing Supplementary Guidance.

ACC - Education – No objection. The application site is zoned to Scotstown School and Bridge of Don Academy. Latest forecasts indicate that there is sufficient capacity at both schools to accommodate the number of pupils anticipated from a development of this scale.

ACC - Housing – As per affordable housing policy, 25% of the development requires to be provided as affordable housing. The affordable housing units should be reflective of the development as a whole and provide a mix of houses and flats, with a preference for social rented housing.

Police Scotland – No objection to the development, but make the following points for consideration in detailed design:

- Site is in a currently low crime area.
- Recommend the use of varied surface treatments to act as traffic calming measures and signify a transition from 'public' to 'private' spaces.
- Vehicular and pedestrian routes should be visually open and direct.
- Dwellings should be positioned to face each other to provide for passive surveillance.
- Footpaths should be straight, wide, well-lit and free from potential hiding places.
- Narrow footpaths between buildings should be avoided.
- Car parking areas should be within view of active rooms (e.g. kitchens, living rooms)
- Communal areas should be designed to allow natural surveillance from nearby buildings, and boundaries between public and private spaces should be well defined.
- Good quality white lighting of uniform coverage should be utilised.
- Recommends that consideration is given to crime reduction measures during construction to protect goods and materials from theft.
- Recommends that the developer liaise with Police Scotland Designing Out Crime service at each stage for more detailed advice.
- Encourage the applicant to attain the 'Secured by Design' award.

Bridge of Don Community Council – Objects to the application and considers that the existing business and industrial use should be maintained. Raises the following concerns:

- The proposal does not accord with the Aberdeen Local Development Plan, which was adopted following extensive consultation and stakeholder involvement.
- Suggests that granting planning permission contrary to the Council's own LDP undermines the integrity of the planning process.
- Highlights that the Main Issues Report refers to prioritising brownfield sites and any greenfield housing allocations being small-scale, with limited impact on the environment and infrastructure.
- Contends that there are more than enough new homes committed in the Bridge of Don area.
- The local housing market is not buoyant, with more than 5000 homes currently for sale on ASPC and house prices having fallen considerably in recent years.
- Highlights that children would be required to walk approximately 1.3 miles to the nearest

secondary school, crossing some of the busiest roads in the city.

- Expresses major concern for the safety of children going to or from schools.
- Argues that, even with some form of crossing provided, primary-age children would still be required to cross an extremely busy road at peak times, when air quality is at its worst.
- Existing bus services are insufficient to support school travel or to serve the development generally, such that residents would be more likely to make journeys by private car, increasing congestion and carbon emissions.
- Considers that the proposed development would result in school capacity being exceeded, particularly when considered along with other committed developments at Grandhome and Shielhill/Dubford and apparent delays in the delivery of schools at Grandhome.
- Existing healthcare facilities are at their limits, with long waits for appointments.
- BoD CC queries whether the any or all of the proposed community facilities will be delivered, and notes that with other previous developments the planning gain/developer contribution has been either reduced, delivered late or not delivered at all.
- Highlights that this development, in conjunction with another consented scheme at Cloverhill to the north, would affect traffic flow on the A92 by reducing speed limits to 40mph (20 mph at peak school travel times). The associated stationary traffic and congestion would give rise to increased pollution, contrary to the Council's Local Transport Strategy.

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 shop 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.

Pre-Determination Hearing

Under Regulation 27 of The Town and Country Planning (Development Management Procedure)

(Scotland) Regulations 2013 there was a requirement to hold a Pre-determination Hearing.

A Hearing was held on Thursday 25th February 2021. In lieu of the usual site visit, a presentation included photographs and street-view images to familiarise members with geographical context of the site and the positioning, appearance and scale of, and means of access to, the proposed development (based on an indicative layout provided in support of this application for Planning Permission in Principle).

The Hearing afforded the applicant and those people who submitted written representations on the proposed development the opportunity to present verbally their arguments/case directly to the Planning Development Management Committee. The minute from that hearing can be found on the Council website along with the agenda pack –

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=7824&Ver=4>

The hearing was addressed by:

- officers from the City Council on the planning and roads considerations pertinent to deciding the planning application.
- the applicants' architect and planning consultant in terms of the merits of the proposed development.
- a representative of the Bridge of Don Community Council, which has expressed its objection to the application (issues raised summarised in 'representations' section).
- a representative of the Bon Accord Centre, which has no objection to the application subject to limitations on the size and nature of the retail/commercial uses proposed.
- a representative of BOC Gases, who reiterated concerns regarding the potential for noise arising from their existing business operations to be a source of complaint from residents of the proposed development in future.
- the applicants' acoustic consultant, responding to the concerns raised on behalf of BOC Gases.

Members asked questions of many of the speakers.

The minute of the hearing has been scrutinised to make sure that any material planning issues and points raised in the hearing have been addressed in the evaluation of the application.

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

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is

a relevant consideration in the determination of all planning applications.

National Planning Framework 3 (NPF3) 2014

NPF3 is a long-term strategy for Scotland - the spatial expression of the Government's 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.

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.

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments. The SDP also sets out Housing Supply Targets for both Council areas, to be detailed through allocations in the Local Development Plans.

Aberdeen Local Development Plan (2017)

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape
 Policy NC4 – Sequential Approach and Impact
 Policy NC5 – Out of Centre Proposals
 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

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

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

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

The application 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 offers support for the principle of residential development on the Silverburn House site, albeit at the lower end of the scale of residential development described in this 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.

Consultation on the Proposed ALDP during 2020 resulted in a further five representations being received in relation to this site (refs. 137, 248, 772, 888 & 892). These include: representations from SEPA and NatureScot in relation to the Environmental Report for the PALDP, highlighting a requirement for a Flood Risk Assessment to assess potential risk from the existing watercourse on this site and drawing attention to SEPA's earlier response to that effect in relation to the current application; a further submission on behalf of the applicants in support of the proposed re-zoning for residential use; an objection from the local Bridge of Don Community Council; and an objection from Royal Aberdeen Golf Club.

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.

Strategic Infrastructure Plan

Aberdeen City Council's Strategic Infrastructure Plan (SIP) focuses on the delivery of Strategic and Local Development Plans and also identifies five key infrastructure goals, as follows:

1. A step change in the supply of housing;
2. High quality digital connectivity at home and at work;
3. Better local transport;
4. The skills and labour that Aberdeen needs to thrive;
5. A better image for Aberdeen.

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.

Regional Economic Strategy – Aberdeen City & Aberdeenshire Councils with Opportunity North East (ONE), December 2015

Sets out the following four key programmes which will contribute to achieving the strategy's vision:

- A. Investment in Infrastructure
- B. Innovation
- C. Inclusive Economic Growth
- D. Internationalisation

EVALUATION

Principle of Development

The planning authority is required to determine this application in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan (2020) and the Aberdeen Local Development Plan (2017). The emerging policy context, as set out in the Proposed Aberdeen Local Development Plan (approved by Council on 2nd March 2020 and representing the 'settled view' of the Council) are also relevant material considerations.

Having regard to the provisions of the development plan the key issues in considering the principle of development are:

- the zoning of the land in the current Aberdeen Local Development Plan and the relevant policy B2 - Specialist Employment Areas.
- the adequacy of the existing employment land supply and the implications of developing this site for an alternative use.
- the adequacy of the housing land supply.
- the extent to which existing and future planned business and industrial uses might be prejudiced by noise-sensitive residential development in this location.
- whether the development would provide a quality residential environment that is suitably accessible to schools, public transport services and local facilities.
- whether the development would contribute to sustainable development.

Notable material considerations include Scottish Planning Policy (SPP) and the emerging policy context presented by the Proposed Local Development Plan following its approval by Council in early March 2020, which re-zones the application site and supports the principle of residential

development.

Zoning

The application site lies within an area zoned as B2 – Specialist Employment Areas in the Aberdeen Local Development Plan 2017 (ALDP). The corresponding policy B1 states that the business and industrial allocations set out in the plan will be supported in principle in such locations, and “safeguarded from other conflicting development types”. In this regard, policy B1 does not provide for residential use in this location and recognises that permitting other use types in areas zoned for business and industrial use may result in conflict between the respective uses. In the context of this proposal for residential development, a portion of the allocated employment land (22.5ha in the south western portion of the larger 68.4ha OP2 allocation – approximately 33%) would be lost to accommodate the residential development, meaning that the full allocation would not be realised. The implications of this will be discussed separately, below. Furthermore, there is scope for the proposed new residential use to preclude or restrict the effective operation of business/industrial uses on the remaining business/employment land and/or for the amenity afforded to residents of any new homes to be adversely affected by operations associated with existing/future business and employment uses. The relationship between the proposed residential development and neighbouring uses, both existing and planned/consented, is therefore important and will be explored in more detail later in this report.

Environmental Impacts

There are no site-specific environmental designations applicable to the site, however it is noted that it includes an existing watercourse and a number of existing trees. Existing trees are primarily located to the western portion of the site, beyond the route of the Silver Burn watercourse, however there are also small clusters of trees within the interior portion of the site (formerly part of the landscaping within the site car park). In addition, there are regularly spaced ‘avenue’ trees along the southern and eastern boundaries of the site. The submitted Arboricultural Report concludes that there are a total of 56 such ‘avenue’ trees, all of which would be retained. A further 43 trees are identified within the interior of the site, though it is noted that these trees are estimated to be in the early stages of their life span, not yet a quarter of their mature size, and it is noted that many are already in decline or damaged in such a way that removal is recommended. A total of 25 of those 43 specimens are recommended for removal for reasons of poor health or structural decline, with a further 7 to be removed in order to facilitate the indicative road layout and development proposal. As this is an application for PPIP, further information relating to arboricultural impact will be required based on any detailed design scheme. Nevertheless, the current submission gives a useful overview of existing trees and the Planning Service considers that this offers comfort that the indicative proposals would safeguard the more important arboricultural features that are present. It is noted also that extensive landscaping is proposed throughout the development, which would adequately compensate for any tree loss and is likely to result in a net increase/gain. Further submissions based on the finalised layout, including a tree survey, arboricultural impact assessment and tree protection plan (undertaken to BS5837:2012) should be secured through use of appropriate planning conditions. These should include details relating to any ground level changes and realignment of the Silver Burn watercourse, as well as specific details to show how trees would be planted next to and within hard landscaped areas. Subject to further assessment of those details relating to a finalised scheme, it is considered that the proposal demonstrates due regard for the retention of existing trees and for new tree planting, consistent with policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

The application is accompanied by a Drainage Strategy Assessment document, which outlines an intention to divert the Silver Burn around the western boundary of the site as part of the proposed redevelopment. SEPA’s initial consultation response noted the route of the burn appears to have been previously modified, so there may be opportunities to restore a more natural alignment, however SEPA was not supportive of watercourse realignment solely for land gain purposes. The applicants have since provided further information, contained within the revised Masterplan

document, which sets out the aspiration and rationale for alterations to the Silver Burn. SEPA has reviewed this information and is now satisfied that its objection can be withdrawn, but requests that conditions are attached to any permission, securing full details of any proposed realignment and evidence that this would result in environmental betterment. By securing further survey work and identifying areas for potential ecological enhancements, such as the de-culverting of the existing watercourse and establishment of appropriately planted buffer strips incorporating a variety of native species, the proposal can ensure compliance with policy NE8 (Natural Heritage) of the ALDP and the associated 'Natural Heritage' Supplementary Guidance.

A high-level Landscape Statement is also included within the supporting documentation, highlighting that there are long views from the A92 Ellon Road across the landscaped portion of the site and over the lower-lying southern part of the site. Ellon Road sits approximately 4.5m above the flat central part of the site which contained the former Silverburn House office building and its associated car parking. Views across the site from Ellon Road, towards the coast, are partially screened by the existing tree belts within the Aberdeen Energy Park and at the former AECC site. As noted previously, existing 'avenue' tree planting along Parkway East and Claymore drive would be retained and supplemented by extensive new planting to the western portion of the site. The scale and height of buildings indicatively shown, given the topography of the site and its relationship with the A92, would not appear to fundamentally obscure views to the coast, and the scale of buildings proposed is not incongruous in the local context. The submitted Masterplan document refers to low-level hedging at the front of properties and use of undulating landforms to attenuate noise, rather than solid acoustic barrier fencing. The western portion of the site is also identified as 'Character Area 1', which places emphasis on an 'open parkland aspect' to this part of the site. These principles provide some comfort at the PPIp stage, but will need to be integrated into the detailed design of the scheme for further assessment via future applications for the approval of matters specified in conditions. The development is relatively low-rise, and its visual impacts can be further mitigated as necessary through a robust landscape framework which seeks to soften the appearance of new buildings through tree planting and establishment of high-quality landscaped open spaces. In this regard, the proposal is considered to accord with the aims of policy D2 (Landscape) of the ALDP.

Matters relating to any historic site contamination can be overcome through the use of conditions requiring site investigations and mitigation as necessary, consistent with the consultation response from ACC's Environmental Health service.

Accessibility

The application site lies immediately to the west of the main A92 Ellon Road dual carriageway, which is presently a 70mph road, carries large volumes of traffic into Aberdeen and also affords connection to the AWPR to the north via the Blackdog interchange. The A92 slows to 40mph on approach to the Aberdeen Energy Park roundabout junction, with the A956 Ellon Road A92 Parkway continuing south and west respectively.

Site accesses

Vehicular access to the site would be obtained via Claymore Drive. An existing access to the north of the site, adjacent to the gymnastics centre, would be retained and a new access would be formed mid-way along the Claymore Drive frontage. A second existing access point would be closed off. The indicative site layout indicates various pedestrian connections onto Claymore Drive and Parkway East and has recently been revised to also include pedestrian connections onto Ellon Road, to the west. ACC's Roads Development Management (RDM) Team has expressed satisfaction with the location of the proposed access junctions, but note that agreement of detailed junction designs would be established via the approval of matter specified in conditions. Roads colleagues are satisfied that engineering solutions are possible, so express no objection in principle.

Speed Limits

A 70mph speed limit currently applies to the section of the A92 immediately to the west of the site,

with a 40mph limit applying on approach to the roundabout junction at Aberdeen Energy Park and the A956 Ellon Road south of that point. The speed limit further reduces to 30mph on approach to the Ellon Road / North Donside Road roundabout. It is proposed that the speed limit on the A92 adjacent to the site be reduced to 40mph, with a Traffic Regulation Order required to achieve this. This is consistent with the approach taken to previously consented developments at Cloverhill (residential) and Berryhill / The Core (business/industrial), and appropriately worded planning conditions can ensure that responsibility for implementation would rest with whichever development comes forward and reaches a specified trigger point first. On that basis, the speed reduction on this section has been previously established, and the proposed 40mph limit is appropriate in the context of the proposed residential development and the increased pedestrian traffic over the A92 towards the local shops and services in the surrounding area. Also consistent with the proposals for Cloverhill, to the north, is a requirement for a temporary 20mph speed limit to facilitate safe routes to schools, with flashing 20mph signs during times when pupils would be travelling to and from school. This requirement has been highlighted by ACC's RDM Team, who note that this would also be subject to a Traffic Regulation Order. This also can be secured through appropriately worded planning conditions.

Internal roads layout

Roads colleagues have not undertaken a detailed assessment of the internal roads layout, on the basis that this application seeks Planning Permission in Principle and therefore it will be a matter for subsequent applications relating to the approval of matters specified in conditions to demonstrate a satisfactory detailed design, should permission be granted. Such applications would be required to include a greater level of detail in relation to road dimensions, gradients, materials etc., as well as visibility splays for junctions. Traffic calming measures will also be required for any longer sections of straight road, exceeding 60m in length. General discussions around the indicative layout have taken place, and ACC's Roads DM team agreed that the main access route around the outer edges of the site would be to an adoptable standard and the parking courts following 'Designing Streets' guidance may be accessed off that. Swept path analysis including a required 250mm buffer have been submitted to demonstrate this indicative layout is feasible, and adjustments to radiuses at junction corners were revised to comply in the amended layout and Masterplan.

Local Road Network

A Transport Statement has been provided in support of the application. This sets out that, when comparing the proposed residential use to the historic office use, there would be a net reduction in trips within both the AM and PM peaks. On that basis, ACC's RDM Team has expressed satisfaction that no further traffic impact assessment is required. Earlier RDM comments, highlighting a requirement for a safe means of crossing Parkway East have now been addressed, and planning conditions can be used to secure details of a crossing specification and delivery prior to first occupation thereafter. A crossing over Parkway east allows for residents to access existing crossings over Ellon Road, to the south of the site. A new crossing over Ellon Road, to the north of the site, is to be delivered as part of the Murcar commercial development known as 'The Core' and the consented residential development for land at Cloverhill.

Public Transport

Existing bus services operate along the A92, immediately to the west of the site, and there are also bus stops on both sides of Parkway East, directly to the south of the site. The Bridge of Don Park and Ride site is located approximately 300m to the south. At present, there is no crossing point between the site and the bus stops south of the site. The applicants have agreed that a crossing point is required in order that residents can access public transport and indicative proposals for a staggered 'puffin' crossing have been provided. ACC's RDM Team advises that agreement of a detailed specification for and delivery of an appropriate crossing can be secured through use of planning conditions, noting that it may be appropriate for this to be a 'toucan' crossing given the presence of footway/cycleways.

The existing bus stops on Parkway East lack raised kerbs and shelters. ACC's Public Transport Team have advised that a shelter would be required on the southern side, with a standalone pole being sufficient on the northern side. These upgrades can be secured through use of planning conditions.

Section 6 of the submitted Transport Statement sets out a Travel Plan Framework, setting out broad principles for the production of a Residential Travel Pack to promote awareness of the sustainable travel options available in the local area. Roads colleagues have accepted the framework put forward and will provide further comment on submission of a detailed Residential Travel Pack as part of a later application for the approval of matters specified in conditions. On that basis, a condition will be required to secure such submissions and ensure compliance with policy T2 and the associated 'Transport and Accessibility' SG.

Car Parking

A detailed assessment of car parking provision has not been undertaken at this stage, as the layout shown is merely indicative of how development might be accommodated on the site. Subsequent AMSC applications would be required to demonstrate that development is accompanied by appropriate on-site parking for residential and commercial uses, with regard for the parking standards set out in the Council's 'Transport and Accessibility' Supplementary Guidance. The site lies within the 'outer city' parking zone, where parking standards are higher to reflect the suburban location, and there is not presently any controlled parking zone (CPZ) in operation. The applicants' submissions state that parking provision will be made in accordance with ACC standards, including provision for Electric Vehicle charging points, and will be demonstrated in subsequent applications. This is considered to be satisfactory at this PPIP stage, and there has been no adverse comment from ACC's RDM Team.

Pedestrian Infrastructure

As noted previously, the applicants have agreed that a crossing point is required on Parkway East in order that residents can access bus stops and the connect to the surrounding network of footways. To that end, indicative proposals for a staggered 'puffin' crossing have been provided. ACC's RDM Team advises that agreement of a detailed specification for and delivery of an appropriate crossing can be secured through use of planning conditions, noting that it may be appropriate for this to be a 'toucan' crossing given the presence of footway/cycleways. A crossing in this location would aid pedestrian movement across the A92 by allowing residents to access existing crossing points. In addition, new crossings planned for the A92 in connection with other consented developments would facilitate access across the A92 to the north of the site. It is essential that a suitable crossing over Parkway East is available for use prior to first occupation of units within the development, so planning conditions will specify first occupation as the trigger for delivery.

The applicants have also agreed to necessary widening/upgrading of the footway along the site frontage to Ellon Road (A92) and northwards, to allow for shared footway/cycleway use and safe pedestrian movement. The applicants' Masterplan document now reflects this requirement, however a condition will also be used to secure delivery. The indicative site layout plan also now incorporates pedestrian connections from the development westwards, onto to Ellon Road/A92. Full details of the pedestrian and cycle infrastructure within the internal site layout would be provided and assessed through consideration of further applications, however the indicative layout appears to show a number of segregated footway/cycleways, which is welcomed and consistent with the aims of policy T3 (Sustainable and Active Travel) of the ALDP.

Safe Routes to School

The application site is zoned to Scotstown Primary and Bridge of Don Academy. There is currently no crossing point on Parkway East, and it was agreed that a crossing in this location would allow safe crossing and enable access to the existing crossing point over the Ellon Road (A956) opposite the former AECC. In addition to the provision of this additional crossing, the reduction in speed limits

previously mentioned would include a temporary 20mph speed limit, which would be in effect during school travel times. Subject to implementation of these additional measures, Roads colleagues are satisfied and it is considered that safe routes to the zoned schools can be delivered. Further details can be obtained, based on the finalised design and layout, via the consideration of applications for the approval of matters specified in conditions.

Design, Layout & Density

As this application seeks Planning Permission in Principle, the layout that is before the planning authority is indicative and is intended to demonstrate how residential led development at this scale might be accommodated within the site, rather than representing a finalised proposal. If PPiP is granted, it will be for subsequent AMSC applications to set out the finer details of the proposal and establish a finalised design.

The ALDP, through policies D1 (Quality Placemaking by Design) and H4 (Housing Mix) and the associated Aberdeen Masterplanning Process TAN, requires that larger developments of more than 50 units be subject to a masterplan, setting out key design principles for that development. For allocated sites, a site would ordinarily be prepared separately from, and in advance of, a planning application. Where applications propose a departure from the Development Plan, such documents are generally lodged alongside a specific proposal and refined prior to determination of the application in question. In this case the applicants have prepared a supporting Masterplan document that is considered to include the necessary content equivalent to a masterplan e.g. on design principles, landscape strategy, density, open space, phasing etc. In the event that PPiP is granted, this document would be a material consideration in the planning authority's determination of subsequent AMSC applications, acting as a point of reference for detailed assessment based on the design principles it establishes.

The submitted Masterplan document provides an analysis of the local context and sets out how the proposal will respond to the relationships with the A92 and the surrounding industrial/commercial uses. The document sets out a vision for the creation of a high quality residential development which redevelops a prominent and vacant brownfield site on a busy approach to the city, enhances the setting of the Silver Burn and provides new and attractive open spaces to successfully integrate development into the surrounding landscape. The Masterplan document identifies proposals for residential development at Cloverhill and the redevelopment of the former AECC site as offering opportunities for improved connections between these areas.

The western edge of the site would incorporate significant new tree planting, focused around the retained and realigned Silver Burn watercourse, which would be set within a natural greenspace corridor, offering an attractive frontage onto the busy A92 route. The Masterplan document highlights a range of green spaces within the site, as well as a main square which serves as a focal point for the development and a location for retail/commercial floorspace. The intention is that these commercial units would be occupied by small-scale retailers or coffee shop uses. The eastern edge of the site would be defined by a 'landscaped boulevard' incorporating additional tree planting and addressed by regular terraced blocks. Smaller 'pocket park' spaces are identified within the interior of the site, with opportunities for safe play spaces which are subject to passive surveillance from surrounding homes. In terms of scale and built form, the indicative layout and Masterplan document refer to predominantly terraced and semi-detached houses, with a larger mixed-use block of 3-4 storeys located centrally in the western portion of the site, addressing the busy A92 route. This building also addresses the 'main square' and on its eastern side and contains commercial units at ground floor with flats above. The 'main square' space is also shown as incorporating community growing space. Design commentary refers to simple pitched-roof forms with some variation in heights and rooflines through use of projecting bay windows and pitched gables. The indicative layout demonstrates variation in street surfacing materials, with references made to 'Designing Streets' compatible shared surfaces and tight road geometry where appropriate to slow vehicle speeds and promote pedestrian priority spaces. Specific character areas within the site are

identified, with key design principles established. The intention is that these would be distinct from each other, but unified by a consistent pallet of materials so as to give a coherence to the development as a whole. Car parking is generally contained within courtyards, away from street frontages, and pedestrian linkages to surrounding streets/footways are included to the south, east and west.

The Local Development Plan, via policy NC8: Retail Development Serving New Development Areas, sets out an expectation that retail and related uses will be at an appropriate scale to serve the convenience shopping needs of the expanded local community. Policy NC8, though primarily aimed at sites allocated for residential development, is arguably equally relevant to any large-scale residential Departure from the Plan. This policy requires proposals to identify the intended location of retail uses serving new communities, along with an appropriate delivery mechanism and timescale for delivery. The commercial element of the proposal would not exceed 500sqm, so does not trigger any requirement for Retail Impact Assessment, and is not considered to be of a scale that would generate significant footfall for the purposes of sequential testing. At this PPIp stage, appropriately framed conditions will be required to secure the necessary details of any retail uses and limit floorspace accordingly, along with details of delivery mechanism and timescale for delivery.

The proposal does not yet contain sufficient detail to allow for detailed assessment of development density, however consideration of future applications for the approval of matters specified in conditions will allow for further scrutiny against policy H3 (Density), which presently requires developments to achieve a net density of 30 dwellings/hectare, but to balance this alongside ensuring that development is appropriate to its context. In this instance, the nearest residential areas of Bridge of Don are generally relatively suburban in their density, however the scale and location of the site is such that higher density could be accommodated without appearing incongruous. The submitted Masterplan document, in its commentary on the respective character areas, refers to generally medium-density layouts comprising primarily terraced and semi-detached units, with higher density in a landmark 3-4 storey mixed use block comprising commercial floorspace with flats above. 100-150 units on this 3.7ha site equates to a gross density of between 27 and 40 units per hectare. The corresponding net figure would generally exclude non-developable areas such as significant landscape buffers, so is likely to be materially higher. The indicative layout provided offers comfort that the requirements of policy H3 (Density) can be achieved in the final layout. Indicative phasing proposals are also contained within the Masterplan document, with the initial focus on the southern portion of the site, including formation of the main access from Claymore Drive and central 'village green' open space. The second phase involves development of the main square and commercial floorspace, along with approximately 46 units, including terraced houses, flats and affordable units. The third and last phase shown involved the northern section of the site and the remaining frontage to Claymore Drive, extending to approximately 33 terraced and semi-detached houses and a link to the second access point from Claymore Drive. This is an indicative programme, and a detailed scheme of phasing would be required by condition.

Residential Amenity and Noise

Whilst recognising that the present zoning of this site does not allow for residential development, it is nevertheless necessary to consider whether, as a departure from the ALDP's land use zoning, the proposal is capable of offering adequate amenity for future residents. The site extends to approximately 3.7ha and does not contain steep slopes that would present an obstacle to residential street layouts. Trees are generally located to the edges of the site. The main factors that might present a threat to residential amenity are the proximity to the busy A92 road to the west and the existing and consented/allocated employment land uses to the north and east.

A Noise Impact Assessment has been submitted in support of the application and has been vetted by ACC's Environmental Health (EH) service. EH colleagues note that this assessment found that noise levels from both traffic and industrial noise would exceed the relevant thresholds without appropriate mitigation. Mitigation measures proposed include a combination of acoustic barriers and

enhanced façade design. With these measures in place, noise levels would achieve the required reductions in almost all instances, with a small number of 'slight' impacts remaining. As this application seeks PPIp, it will be necessary to revisit noise assessment once a finalised layout and design has been established. To that end, it is appropriate to attach conditions to any approval requiring such further assessment, details of any required mitigation and implementation of mitigation measures thereafter. It is recognised that a nearby industrial operator (BOC gases) has raised concerns about the potential for residential use in this location to affect its ongoing operations. The Planning Service is satisfied that the submitted noise assessment gives comfort regarding the anticipated noise levels within the development and the feasibility of mitigation where required within the new development. Section 41A of the Town and Country Planning (Scotland) Act 1997 restricts the ability to impose on an existing noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise to protect occupants of a new development.

It should be noted that there will be further opportunity for scrutiny of noise assessments based on the final layout as via the approval of matters specified in conditions process, which offers a further opportunity for public comment and review by the Environmental Health Service. Subject to that further assessment and appropriate controls, it is considered that adverse noise impact can be avoided and the final detailed proposal can demonstrate due regard for the provisions of policy T5 (Noise) and the associated Supplementary Guidance.

Flooding and Drainage

Policy NE6 (Flooding, Drainage and Water Quality) sets out requirements on flood risk and drainage. SEPA had previously objected to the application on the basis of a lack of information on the proposed realignment of the burn and potential for flooding risk. Having reviewed that position in light of further clarifications from the applicants, SEPA has now withdrawn its objection and advised that it is content for matters raised in earlier responses to be addressed by conditions attached to a grant of planning permission and the related further applications. The requested conditions will include a requirement for details of any burn realignment and demonstration that there is no increased risk of flooding off-site as a result of any such realignments. ACC's Structures, Flooding and Coastal Engineering Team states no objection to the proposal, requesting that a level 2 Flood Risk Assessment be secured via a planning condition. On this basis, the Planning Service is satisfied that there is no obstacle to granting Planning Permission in Principle, and that detailed assessment of flood risk based on a fully designed scheme can be undertaken via consideration of further applications, provided appropriate conditions are applied at this stage.

ACC's Roads Development Management Team has highlighted that surface water must be subject to two levels of treatment before it may enter any existing watercourse, in order to safeguard water quality. The submitted Drainage Impact Assessment suggests that parking areas would drain via porous paving to stone-filled trenches, which in turn flow to a detention basin before leaving the site. This is considered to be acceptable, however there may be a requirement for drains depending on specific design. Roads appear to be subject to only one form of treatment, so further information will be required to demonstrate a second level of treatment for road drainage. At this stage, RDM are satisfied that engineering solutions are possible and the specific details of a detailed drainage scheme, based on the final site layout, will be required at a later stage. SEPA has expressed some concern about the Drainage Strategy Assessment's reference to existing drains within the development site that would be 'removed or abandoned' as part of the demolition works, on the basis that this has potential to result in pollution. With that in mind, SEPA has requested that a condition be used to secure further details of how historic site drainage will be dealt with and decommissioned. In addition, a detailed drainage scheme based on the final site layout can be secured using suitable planning condition(s), allowing for further review to ensure compliance with the requirements of the development plan. On that basis, it is considered that the proposal adequately addresses matters of flood risk, site drainage and SEPA's interest in the proposals for

historic site drainage at this PPIp stage, consistent with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Affordable Housing and Developer Obligations

Policy H5 (Affordable Housing) of the ALDP requires that housing developments of five or more units contribute no less than 25% of the total number of units as affordable housing. A Developer Obligations assessment has been undertaken on the basis of that 25% requirement, which for a proposal of 150 units would equate to 37.5 affordable units. The Council's relevant 'Affordable Housing' Supplementary Guidance sets out that there are a number of ways in which this can be delivered but states an expectation that the affordable component arising from developments of 20 or more units will be delivered on-site. A section 75 planning obligation is the usual means of securing affordable housing obligations, and this can be framed in such a way that the obligations reflect any change to the ultimate number of units consented via the AMSC process and delivered on site. ACC Housing Strategy colleagues reiterate the requirement for 25% provision, and state that the affordable units should be reflective of the development as a whole and provide a mix of houses and flats, with a preference for social rented housing. This is consistent with ACC's Affordable Housing SG.

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP sets out that development must be accompanied by the necessary infrastructure, services and facilities required to support expanded communities. ACC's 'Planning Obligations' SG sets out the methodology for calculating developer contributions and the mechanism by which they will be secured. The Council's Developer Obligations team has assessed this proposal on the basis of up to 150 standard 3-bedroom units, but it is recognised that the final mix of unit types and sizes has yet to be determined so any legal agreement securing developer obligations requires to be account for changes to the development's composition. The detail of the relevant obligations is summarised in the 'consultations' section of this report. Financial contributions are identified towards increasing capacity at Scotstown Medical Practice (or other such facility serving the development); delivery of an aspirational Core Path route; enhancement of nearby open space: provision of additional capacity at Bridge of Don Community Learning Centre and/or Balgownie Community Centre; and a contribution towards delivery of a 3G sports pitch at the Alex Collie Sports Centre. As the primary and secondary schools to which the development is zoned have capacity to accommodate additional pupils, based on the most up-to-date School Roll Forecasts, no contributions are payable towards increasing school capacities. By utilising a planning obligation to secure these contributions, compliance with policy I1 of the ALDP and its associated 'Planning Obligations' SG can be ensured, and the impacts of the development can be offset.

Refuse/Recycling

Policy R6 (Waste Management Requirements for New Development) of the ALDP sets out that all new development should have sufficient space for the storage of general waste, recyclable materials and compostable wastes, including provision for bins to be presented on collection days. In this regard, the detailed layout, its adequacy for refuse vehicle access and bin collection, and the inclusion of necessary bin stores for flatted blocks and commercial uses will be established by consideration of further applications for the approval of matters specified in conditions, however it is noted that a proposed waste collection strategy plan for the indicative layout offers some comfort that a solution is achievable, showing appropriate access/egress and turning points for refuse vehicles. Conditions attached to any Planning Permission in Principle must secure the necessary information on any finalised layout. Subject to appropriate conditions, compliance with policy R6 of the ALDP, along with Part B of the associated 'Resources for New Developments' SG, can be ensured.

Resources for New Development

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings be constructed to achieve specified reductions in carbon emissions through the use of low and zero

carbon generating technologies. The associated Supplementary Guidance provides that compliance may also be achieved through efficiencies in the building fabric. At this Permission in Principle stage, the detailed design specification of buildings is not yet known, however planning conditions can secure the submission of appropriate submissions to demonstrate the measures to be taken to ensure compliance with the requirements of policy R7 and its associated Supplementary Guidance. Similarly, a statement setting out water-saving measures to reduce pressure for abstraction from the River Dee, which is designated as a Special Area of Conservation. Such measures may include rainwater harvesting, low-flow and/or dual flush toilets, etc. The applicants have demonstrated some commitment to this process through the inclusion of a section on 'resource efficiency', which refers to the use of measures such as low carbon generating technologies. Further technical submissions will be required to establish the exact nature of the measures employed to demonstrate compliance with policy R7 and the associated SG – this can be achieved through use of a planning condition.

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

As noted above in the discussion of housing land supply, the recently approved Strategic Development Plan sets the housing land requirements for the respective Local Development Plans within the SDPA area. The requisite examination process led to the reporter's recommendation that housing numbers be increased in the period 2020-2032 from the figures initially included at the Proposed Plan stage. In this context, it is considered that the SDP both supports residential development in this location as a means of meeting its housing supply target and carries significant weight as a material consideration in the decision-making process due to its more up-to-date picture of housing land requirements in the City.

Development Plan Summary

Whilst the proposed development is considered to adequately demonstrate its compliance with the environmental, placemaking and technical requirements of the Development Plan, it nevertheless concerns a site which is allocated by the 2017 ALDP for specialist employment uses and fundamentally does not provide for residential use. On that basis, it must be concluded that the proposal fails to accord with the provisions of the extant plan in terms of Policy B2 (Specialist Employment Areas), and what requires to be determined is whether there are any other material considerations which would warrant the granting of planning permission as a Departure from the provision of the Development Plan. This report will now address other material considerations in turn.

Matters Raised in Representations

It is noted that the level of representation made in connection with this application, comprising two letters of objection, is notably low given the scale of the proposed development. That the proposal represents a departure from the 2017 ALDP is recognised, and the adequacy of the housing and employment land supplies are discussed in detail elsewhere in this report, along with the current position in the process for the preparation of a new Local Development Plan.

As regards the scale and nature of any commercial uses, it is acknowledged that the ALDP places limits on the development of new significant footfall generating uses outwith the identified network of designated centres. It is recognised that policy B2 does not specifically provide for retail uses however the Planning Service is of the view that, if a departure from the development plan for residential use is considered appropriate, then it is reasonable to ensure that any such residential use is served by shops and services of an appropriate local scale, consistent with the approach set out by policy NE8 (Retail Development Serving New Development Areas) for sites allocated in the ALDP. It is recognised that a cap on retail floorspace may be appropriate in order to ensure that retail uses are serving a principally local need, rather being of a scale to serve a city-wide catchment. This also ensures that the integrity of the existing network of designated centres and the ALDP's approach to retail and footfall generating uses generally is not undermined. It is noted that the representations stated no objection to modestly scaled retail/commercial use and expressed support for the scale and nature of any such uses being regulated through use of planning conditions. In

terms of commercial uses the application description has been amended since the initial submission, reducing commercial floorspace from 1,000 – 3,000 sqm to no more than 500 sqm.

Concerns raised by British Oxygen Co. (BOC) are addressed in the 'Residential Amenity and Noise' section of this report.

Matters Raised by Community Council

That the proposal represents a departure from the 2017 ALDP is recognised, and the adequacy of the housing and employment land supplies are discussed in detail elsewhere in this report, along with the current position in the process for the preparation of a new Local Development Plan. It is highlighted that the planning system provides for decisions to be taken which depart from the applicable Development Plan where the planning authority is satisfied that there is a strong justification for doing so. It is highlighted also that this site, formerly developed as the Silverburn House office complex, is a 'brownfield' site, and therefore does not represent the release of greenfield land for housing.

Accessibility, Safe Routes to School and public transport connections are discussed in preceding sections of this report and have been assessed by ACC's Roads Development Management as being acceptable in principle. It is recognised that new development brings increased pressure on local community and healthcare facilities. As noted in the 'Affordable Housing and Developer Obligations' section of this report and the related Developer Obligations consultation response, the developer is required to make financial contributions towards increasing capacity to offset the impacts of the development, including funding increased healthcare capacity. The framework for assessing such impacts is set out in the Council's adopted 'Planning Obligations' SG.

Consultation with ACC's Education service and the ACC Developer Obligations Team has highlighted that there is existing capacity at both primary and secondary level to accommodate pupils from the proposed development, based on the established methodology and having regard to the most up-to-date school roll forecasts.

The traffic and air quality impact of the proposal have been considered by Roads and Environmental Health colleagues, and no concerns have been raised. The reduction in the speed limit to 40mph (with temporary 20mph at school travel times) is consistent with other roads in the city and is essential to support safe routes to school.

Employment Land Supply

The Aberdeen City and Shire Employment Land Audit (ELA) is prepared annually, with the aim of providing up-to-date and accurate information on the supply and availability of employment land in the region. The most recently prepared audit (for the 2018/19 period, with a base date of 1st April 2019) was published in December 2019. The SDP sets a requirement for at least 60ha of marketable land available to businesses, at all times, in a range of places in Aberdeen City. The 18/19 ELA identified an 'established' employment land supply of 274ha, of which 210ha was identified as 'marketable'. The former Silverburn House site that is the subject of this application extends to approximately 3.7ha and did not form part of the 274ha marketable supply identified in the 2018/19 Audit. This indicates that residential development in this location would not result in any shortage of available employment land, with a significant surplus being maintained over and above the target set in both the current SDP and the Proposed SDP.

Housing Land Supply

The Aberdeen City and Shire Housing Land Audit (HLA), like the ELA described above, is prepared on an annual basis. Its purpose is to illustrate the scale and characteristics of the current housing land supply in Aberdeen and Aberdeenshire. The most recently prepared audit, with a base date of 1st January 2020, was published in December 2020. The Strategic Development Plan (SDP) sets a 'housing requirement', and Scottish Planning Policy (SPP) requires planning authorities to

maintain enough 'effective' housing land for at least five years. Effective sites are those which are either allocated for development or previously consented, and considered to be free from constraints, and which are therefore expected to be available for housing development.

This most recent HLA identified an effective supply of 7.1 years for the Aberdeen Housing Market Area (AHMA), however it is recognised that the 2020 HLA was based on the housing requirement contained within the now superseded Aberdeen City and Shire Strategic Development Plan 2014. Members will be aware that the Aberdeen City and Shire Strategic Development Plan 2020 has recently been reviewed and this actually increased the housing requirement for the Aberdeen Housing Market Area, which in turn led to the identification of new housing opportunity sites in the PALDP, including the current Silverburn House site. The re-zoning of this site from 'specialist employment' to residential, (and inclusion of some others, in the Proposed ALDP) is a response to the requirements of the SDP following examination. In this regard, whilst the annual Housing Land Audit shows a generous supply of available housing land, that audit is carried out on the housing requirements of the current 2014 SDP, which is no longer in effect and was acknowledged as being beyond its review period since 29 March 2019. The SDP's increasing of the housing land supply in the 2020-2032 period therefore appears to contradict the conclusions of the HLA. In this regard, the conclusions of the HLA should not be taken in isolation and should be treated with some caution given their basis on an outdated housing requirement. If we look to the most recently available information, it can be said that the newly approved SDP has set a higher bar for housing supply in Aberdeen, and that the re-zoning of the former Silverburn House site in the Proposed ALDP contributes to meeting that more ambitious target requirement. This provides a strong set of material considerations through which to support this application as a justifiable Departure from the extant Development Plan.

Proposed Aberdeen Local Development Plan

As part of the process of preparing a new Local Development Plan, a 'call for sites' seeks nominations from developers and landowners for sites to be included in the next plan. This formed part of a non-statutory pre-main-issues consultation, which ran from 19th March to 28th May 2018. The former Silverburn House site was submitted at that time as a development bid, ref B02/32. Officers' assessment of development bids was included as an appendix to the Main Issues Report, which was published in Spring 2019 and subject to a 10-week consultation from 4th March to 13th May 2019. At that time, Officers concluded that the former Silverburn House site was 'undesirable' for inclusion in the Proposed Plan. Officers recognised that potential residential use would not necessarily conflict with the surrounding employment uses, but noted that there would be potential for erosion of the specialist nature of the employment area and identified that as a land use conflict. That assessment was carried out prior to publication of the SDP report of examination, and therefore found no pressing need for additional greenfield housing sites, concluding that the requirements of the Proposed SDP (prior to recommendations arising from examination) could be adequately met through previously developed brownfield sites. The updated SDP 2020 context has changed since that time, and that is reflected in the Proposed LDP's re-zoning of the former Silverburn House site as a residential opportunity site (ref OP12) for approximately 100 homes, as a suitable brownfield site that can contribute to the increased housing numbers set in the SDP. The Proposed LDP was agreed by Council on 2nd March 2020. In that regard, the principle of residential development in this location is fully supported by the Proposed LDP, which carries significant weight as it represents the most up to date 'settled view' of the Council. It is noted also that the residential re-zoning of land at Cloverhill (as OP2), to the north, and the subsequent granting of Planning Permission in Principle 191171 also serves to remove earlier potential for conflict between residential and commercial land uses.

In terms of the policies contained within the Proposed Plan, many of these are not materially altered in their requirements and aims from those contained in the current LDP. The most significant changes in policy have been that details previously contained within a suite of supplementary guidance documents have are now in many cases contained within the policies of the plan itself,

reflecting changes in legislation that will mean that supplementary guidance no longer has a statutory basis and equal footing to the plan itself. Nevertheless, the general approach to residential development on sites so zoned/allocated is largely unchanged, with requirements for affordable housing provision, a mix of unit types and sizes, and retail/local facilities to serve new or expanded communities. More challenging density targets are introduced via policy H3, with an aim for 50 units per hectare instead of the current 30. As this application seeks planning permission in principle, the detail of layouts and unit mix will be established through future applications for the approval of matters specified in conditions. Any such applications will be assessed against the development plan in effect at that time, however as the Proposed ALDP progresses towards adoption it will gain increasing weight as a material consideration in the decision-making process. In summary, it is considered that the proposed development is consistent with the main policies applicable from the Proposed ALDP, and that further AMSC applications will allow for additional scrutiny of the proposals in detail. Taking into account the policy support and the residential re-zoning of the former Silverburn House site, it is considered that the Proposed Plan represents a significant material consideration which weights in favour of residential development in this location.

Heads of Terms of any Legal Agreement

A legal agreement will be required in order to secure the financial contributions identified by ACC's Developer Obligations Team. Such an agreement would also provide the mechanism for ensuring the development delivers a recognised form of affordable housing, at a minimum of 25% of the total number of units, to be retained as such thereafter. Should members be minded to approve this application, the conclusion of an appropriate legal agreement would be delegated to officers, working in conjunction with colleagues from ACC Legal Services.

Time Limit Direction

n/a

RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and ensuring that the development delivers a minimum of 25% as affordable housing.

REASON FOR RECOMMENDATION

This application represents a departure from the 2017 Aberdeen Local Development Plan (ALDP), specifically in relation to policy B2's limitation to uses compatible with 'specialist employment' zoning. Nevertheless, the proposal is able to satisfy many of the other requirements of the plan in relation to the provision of an appropriate residential environment and mitigating the impacts of the development.

It is evident that Aberdeen has an abundant supply of available employment land, such that it is possible to develop this site for residential use whilst still maintaining a generous supply of employment land for future use. The emerging policy context provided by the Proposed Local Development Plan (PLDP), supports residential development in this location, with the PDLP re-zoning the former Silverburn House site in order to contribute towards meeting an increased housing requirement. The PLDP, having been approved by Aberdeen City Council, now represents the settled view of the Council and has significant weight as a material consideration in favour of the proposed development. On balance, whilst it is recognised that the proposal represents a departure from the current Development Plan, the significance of that departure is not considered to result in significant harm in planning terms. The proposal's compliance with the Development Plan in all other respects, when considered in conjunction with the support offered by the PLDP, is considered to provide sufficient justification for departing from the Development Plan in this specific instance.

CONDITIONS

1. Phasing

No development pursuant to this grant of planning permission shall be undertaken 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 and/or commercial use to meet the local need generated by the new residential development.

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, including junction design and trigger points for delivery;
- 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) 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;
- k) Details of the layout, siting, design, materials and finishes of all residential and non-residential buildings; and,
- m) Details of waste/recycling collection points, for residential and non-residential properties, including swept-path analysis of refuse collection vehicles.

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, arboricultural impact assessment and tree protection plan (undertaken to BS5837:2012);
- 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 Management Plan detailing appropriate management measures for all watercourse buffer strips;
- j) A programme for the completion and subsequent maintenance of the proposed landscaping.
- k) Specific details for the planting of trees within and adjacent to hard 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 which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted

Reason: in the interests of protecting trees and ensuring a satisfactory quality of environment.

4. 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.

5. 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.

6. Historic drainage infrastructure

No development pursuant to this grant of planning permission shall commence unless a scheme for the treatment/decommissioning/removal of historic site drainage infrastructure has first been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Thereafter, development shall not be undertaken other than in full accordance with the scheme so agreed.

Reason: to prevent the abandonment of waste on site and pollution of the environment.

7. 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 watercourses within the site. 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.

8. De-culverting and realignment of Silver Burn

No development pursuant to this grant of planning permission shall be undertaken unless a detailed scheme for the protection and enhancement of the water environment has first been 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 and enhance the water environment and to prevent an increase in flood risk.

9. Flood Risk Assessment

No development pursuant to this grant of planning permission shall be undertaken unless a Level 2 Flood Risk Assessment has been submitted to and approved in writing by the planning authority, in consultation with SEPA.

Any such submission shall include the following information:

- a) confirmation of the functional floodplain, including with the addition of climate change, of the (realigned) burn (illustrated on a Site Plan);
- b) a development layout which avoids the functional floodplain, including with the addition of climate change;
- c) demonstration that there is no increased flood risk off-site resulting from the realigned channel compared to the existing (baseline) scenario to be agreed by the Planning Authority in consultation with SEPA.

Thereafter, development shall not be undertaken other than in accordance with any agreed submissions.

Reason: In order to protect people and buildings from flooding.

10. Environmental Enhancements

No development pursuant to this grant of planning permission shall be undertaken unless a scheme of environmental enhancements, including reference to those listed in paras 5.2 and 5.3 of SEPA's consultation response dated 11th Feb 2020, has been submitted to and approved in writing by the

planning authority in consultation with the Scottish Environment 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.

11. 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.

12. Street Design, Car Parking etc.

No development pursuant to this grant of planning permission shall be undertaken unless details of the proposed street design, which shall contain but not be limited to: a parking strategy (including provision for accessible spaces, motorcycle and bicycle spaces and Electric Vehicle charging points and infrastructure); road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; footway and 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.

13. Pedestrian Crossing at Parkway East

No buildings within the development may be occupied unless a 'toucan' crossing has been provided across Parkway East, in accordance with a scheme which has first been submitted to and approved in writing by the planning authority.

Reason: to ensure that the site has appropriate pedestrian infrastructure to allow connection to local schools, 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.

14. Traffic Regulation Orders

No buildings within the development hereby approved shall be occupied unless 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 during school travel times.

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

15. Bus Stops

That no residential units shall be occupied unless existing bus stops on Parkway East have been upgraded 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.

16. 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.

17. 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 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.

18. Noise Assessment and Mitigation Measures

No development pursuant to this grant of planning permission shall be undertaken unless a further noise assessment, based on the final design and layout approved 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 the development shall be occupied unless the approved mitigation measures for that unit have been implemented in full.

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

19. Dust Risk Assessment and Management Plan

No development pursuant to this grant of planning permission shall be undertaken unless:

- (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.

20. Commercial floorspace

The commercial units hereby approved shall not exceed a total of 500sqm in gross floor area, and shall be used not be used for purposes other than those falling within classes 1 (shops), 2 (financial and professional services) or 3 (food and drink).

No unit shall be occupied for purposes within Class 3 (food and drink) unless a scheme comprising the following has been submitted to and approved in writing by the planning authority:

- a) A suitable extract ventilation assessment in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent) and associated references, by a competent person must be carried out. This assessment must ascertain the predicted impacts of odour associated with the specific type and level of cooking activities to be undertaken and fully demonstrate the effectiveness of any proposed mitigation measures to; filter, neutralise, extract and disperse cooking fumes produced at the premises. A suitable report detailing this assessment and its findings must be submitted and approved by the Environmental Health Service.
- b) A Noise Impact Assessment by a suitably qualified noise consultant to ascertain the predicted impacts of noise associated with the system and fully demonstrate the effectiveness of any noise controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment and its findings must be submitted for review, in the form of a suitable report to the satisfaction of this Service. This assessment should:
 - (i) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
 - (ii) Identify the noise sources associated with the proposed development and their impact on neighbouring properties.
 - (iii) Detail the noise mitigation measures to reduce noise from the proposed noise sources to an acceptable level to reasonably protect the amenity of the occupants of neighbouring properties.

Reason: In order to ensure that retail and commercial floorspace is of a local scale and to safeguard amenity within upper floor residential units.

21. Contaminated Land (A)

No development pursuant to this grant of planning permission shall be undertaken 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 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.

22. Contaminated Land (B)

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 approval 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

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.

ADVISORY NOTES FOR APPLICANT

Applications for the approval of matters specified in conditions (AMSC)

The applicant's attention is drawn to Annex H of Scottish Government Circular 3/2013: Development Management Procedures, which sets out that applications for the approval of matters specified in conditions (AMSC) which require submissions to be made prior to commencement of development must be made within a period of 3 years from the date on which Planning Permission in Principle is granted. Other conditions which require submissions post-commencement are not subject to that 3 year period, but must still be made via a formal application for AMSC.

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2015/09/planning-series-circular-3-2013-development-management-procedures%5B2%5D/documents/00485277-pdf/00485277-pdf/govscot%3Adocument/00485277.pdf>

SEPA Authorisation

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. It is the applicant's responsibility to determine if any engineering works proposed will receive authorisation from SEPA.

Hours of construction work

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance caused by site conversion works, it is recommended that such operations should not occur:

- Outwith the hours of 07:00 to 19:00 Monday to Friday and
- Outwith the hours of 08:00 to 13:00 on Saturdays so that no noise is audible at the site boundary outwith these times.

Secured by Design Award

Attention is drawn to the consultation response from Police Scotland's Architectural Liaison Officer, which strongly encourages the applicants to seek the 'Secured by Design' award in order to demonstrate that safety and security have been proactively considered and that the development will achieve high standards in these respects.

'Secured by Design' (SBD) is a police initiative to encourage the building industry to adopt crime prevention measures in development design to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. 'Secured by Design' is endorsed by the Association of Chief Police Officers (ACPO) and has the backing of the Home Office Crime Reduction Unit. It has been drawn up in consultation with the Department of Transport, Local Government and the Regions (DTLR, formerly DTLR).



PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

17th June 2021

Installation of fence to side (part retrospective)

11 Earn's Heugh Crescent, Aberdeen, AB12 3RU

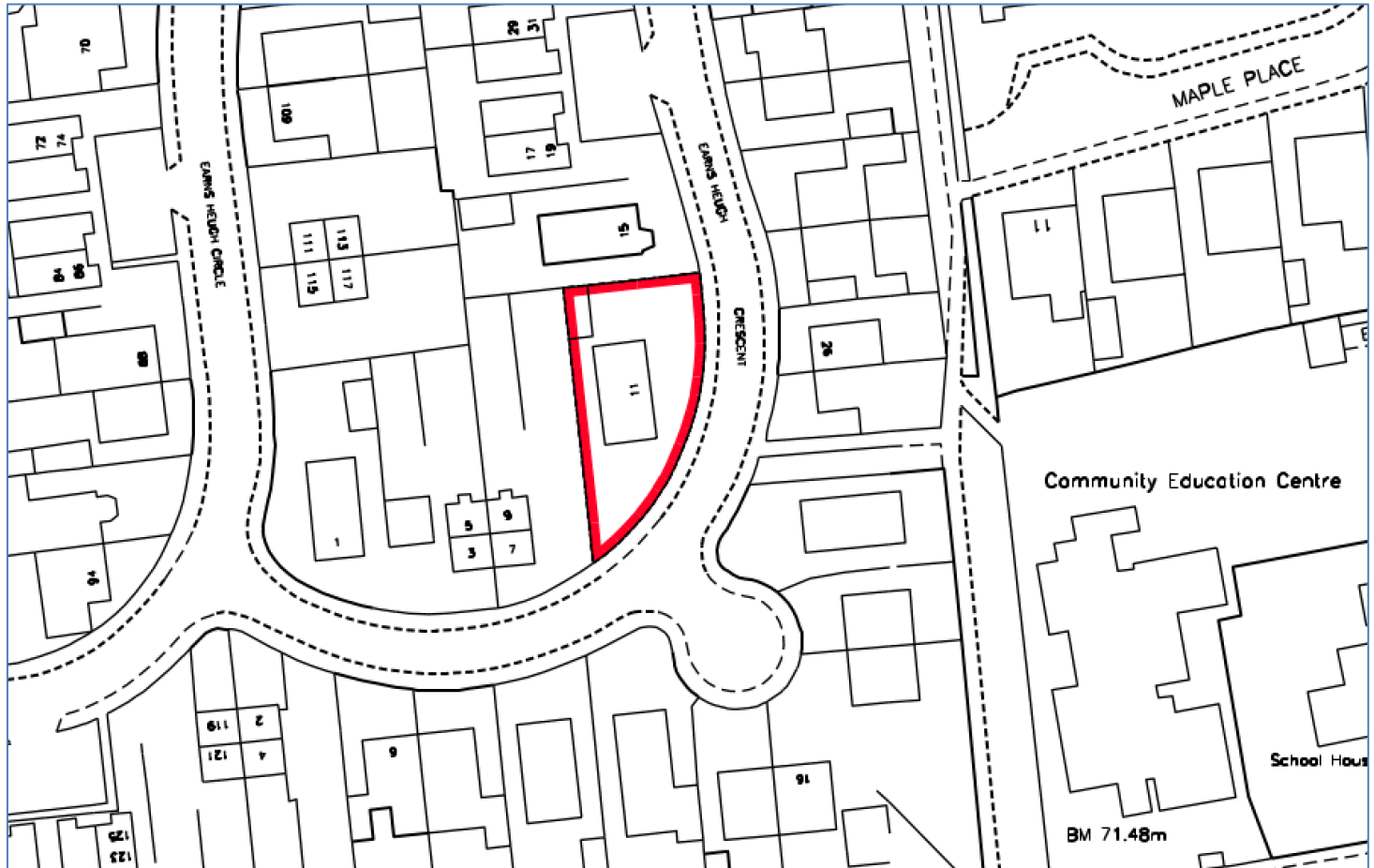
Application Ref: 210427/DPP

Location Plan – Cove Context

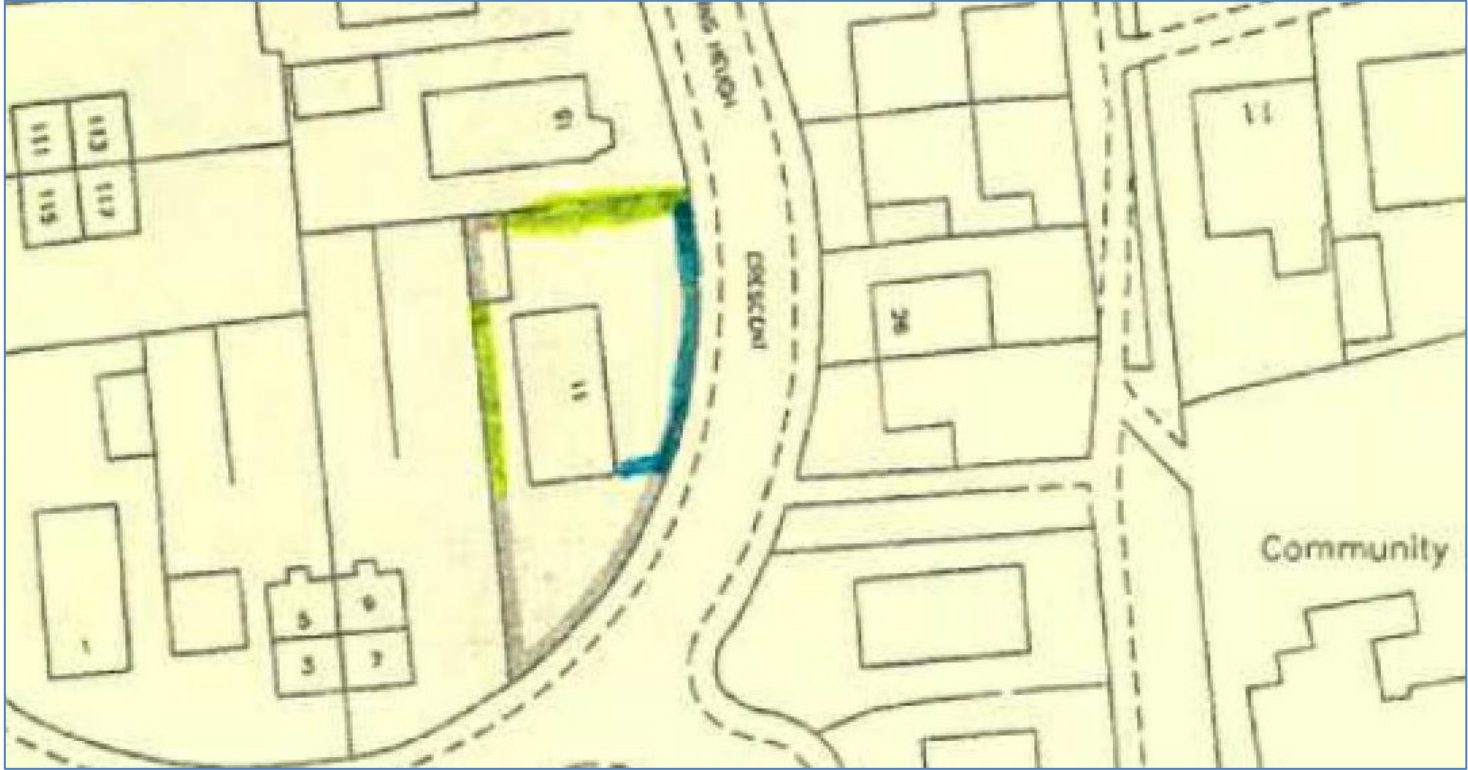


Application Site

Location Plan



Proposed Site Plan



Proposed Site Plan



-  Proposed Fence
-  Existing Unauthorised Fence (included in application)



Proposed Elevations

South Elevation

Front fence

4260mm



1855mm

North Elevation

Back fence

8400mm



1855mm

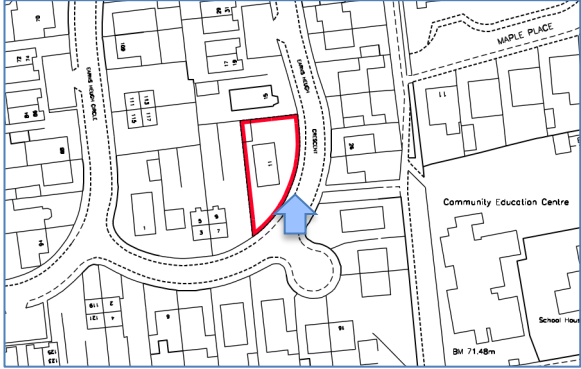
East/Southeast Elevation

22000mm

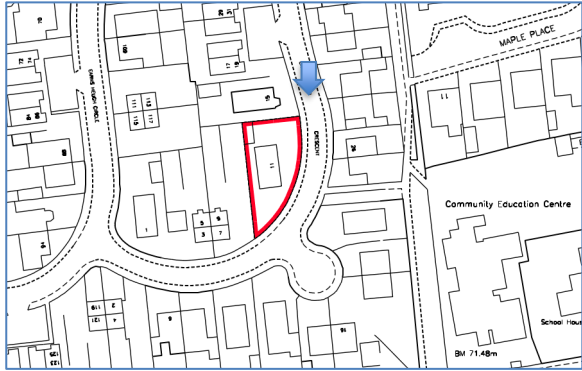


1855mm

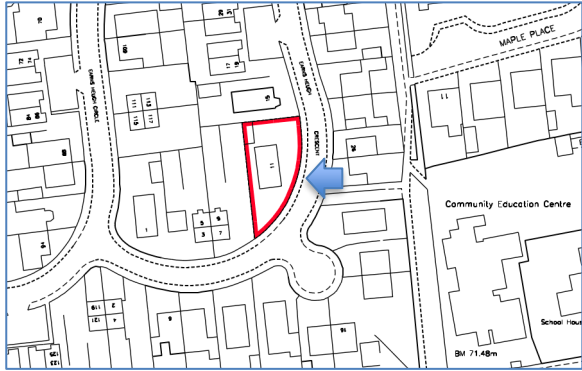
Site Prior to Development



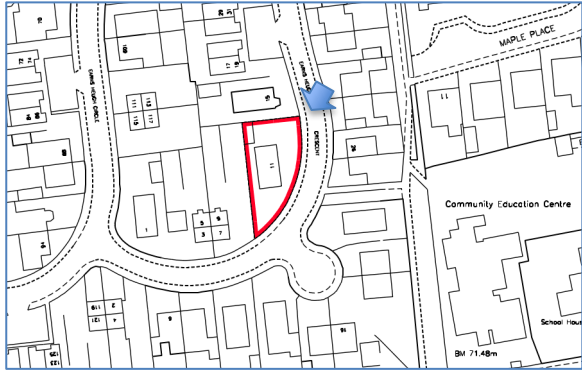
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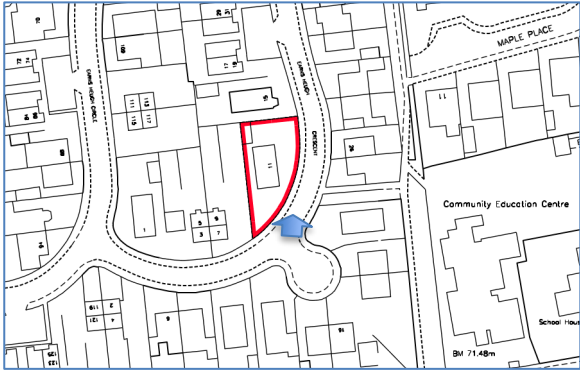
Site Prior to Development



Site Prior to Development

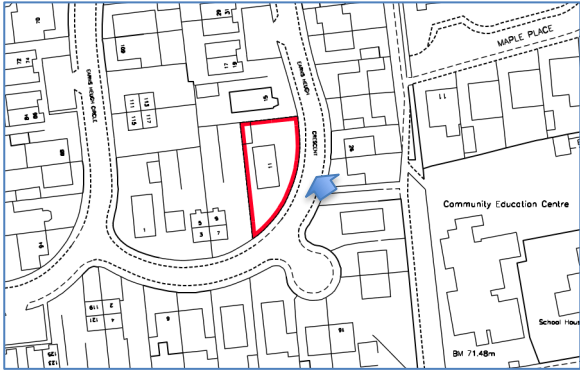


Site Visit Photos

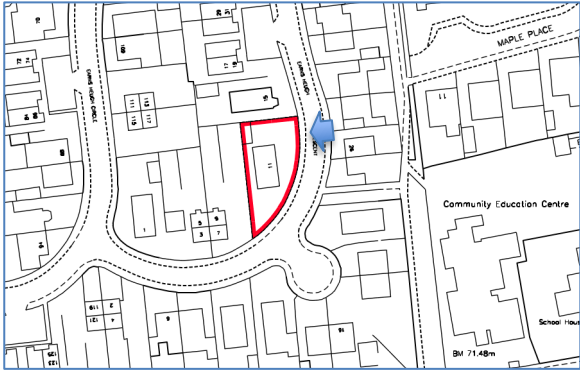




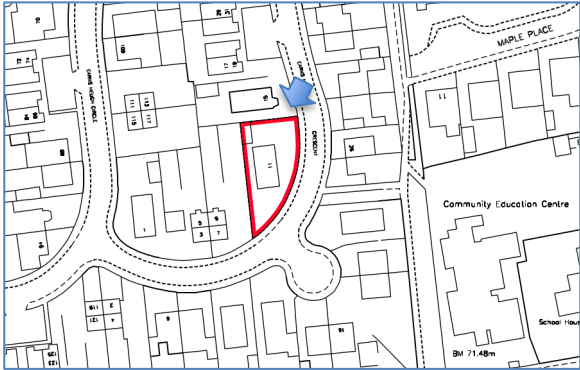
Site Visit Photos



Site Visit Photos

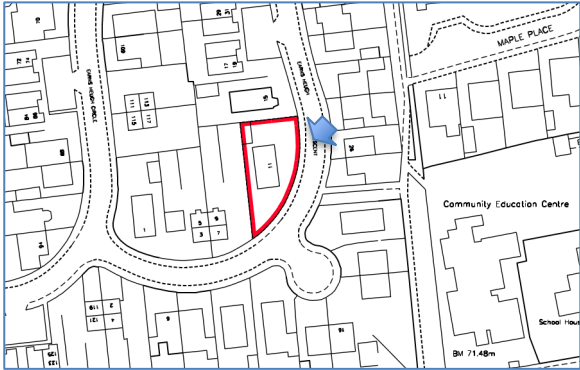


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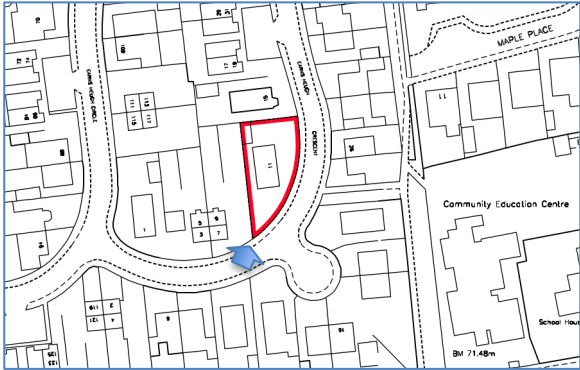


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Site Visit Photos



Site Visit Photos





Planning Development Management Committee

Report by Development Management Manager

Committee Date: 17 June 2021

Site Address:	11 Earn's Heugh Crescent, Aberdeen, AB12 3RU,
Application Description:	Installation of fence to side (part retrospective)
Application Ref:	210427/DPP
Application Type	Detailed Planning Permission
Application Date:	26 March 2021
Applicant:	Mr Shaun Archibald
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove and Altens
Case Officer:	Roy Brown



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a modern single storey detached bungalow and its front and rear curtilage in a suburban residential area in Cove. The dwelling has a southern facing principal elevation.

Earn's Heugh Crescent wraps around the application site to the east, southeast and south. The application site is bounded by 15 Earn's Heugh Crescent to the north and 9 and 7 Earn's Heugh Crescent to the west. A public footpath is located directly to the east of the site beyond Earn's Heugh Crescent, which provides a pedestrian route from this street and the wider area to the Loirston Annexe and beyond.

A garage is located in the northwest corner of the rear curtilage and the curtilage has driveways to its south and northeast. A c.1.9m high fence has been erected on the east boundary (fronting Earn's Heugh Crescent) and as a return between the principal elevation and this boundary. It does not have planning permission and is currently unauthorised.

Relevant Planning History

Planning permission was refused for the installation of the fence to the side of the property (retrospective) on the 17th December 2020 (Ref: 200756/DPP) because it was considered that:

- Because of its height, siting on, and length around the vast majority of the public boundaries of the site, and the fact that there are no similar boundary treatments bounding the public facing curtilage on Earn's Heugh Crescent, the fence appears unduly prominent on the streetscape to the detriment of the character and amenity of the surrounding area.
- The fence adversely affects public safety by adversely affecting the visibility between vehicles on Earn's Heugh Crescent, driveways accessing Earn's Heugh Crescent; and pedestrians crossing the road to access the public footpath to the east.
- Approval could set an unwelcome precedent for similar boundary enclosures in the surrounding area, which would be significantly detrimental to the character and amenity of the surrounding area and public safety.
- It conflicts with the relevant policies of the Aberdeen Local Development Plan and its Supplementary Guidance.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the erection of the existing c.1.9m closed panelled timber fence in the curtilage of the dwelling. The previous c.1m high boundary wall was removed to facilitate the development.

The fence extends c.22m in length along the east boundary and c.4.3m in length on its return which aligns with the building line of the south facing principal elevation. Planning permission is sought for the erection of a further c.8.3m long, c.1.9m high fence along the northern boundary of

the plot between the building line of the east elevation of the dwellinghouse and the eastern boundary.

The plans indicate that c.1.9m high fences would be located on the northern and western boundaries of the site behind the building lines of the south facing principal elevation and east facing side elevation. These would not require planning permission as they would be permitted development within the provisions of Class 3E of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. They are therefore not included in this application.

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=QQL0CVBZI1D00>

Supporting Statement (Prepared by Aurora Planning)

Describes the site; the planning / site history; discusses why the development should be supported; and includes photographs of the site and other fences.

Supporting Correspondence (Prepared by Aurora Planning)

Further correspondence justifying the proposal further with respect to character and visual amenity, arguing that there is a precedent for such development in the surrounding area.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because the application has been the subject of six or more timeous letters of representation (following notification) that express objection or concern about the proposal.

CONSULTATIONS

Roads Development Management (RDM) Team – No objection – Following an initial consultation, further consultation was undertaken which answers matters specifically raised by the local Community Council and representations. Approximate visibility splays created using the GIS System demonstrate that the proposal would not adversely affect visibility and, in the context of the street, whereby vehicles would be driving slowly, the fence is considered to not adversely affect road safety. RDM carried out a site visit and a video from this has been provided in their response.

It is noted that the footway crossing adjacent to the removed driveway at the northeast of the site must be reinstated to a standard footway at the expense of the applicant. This should be discussed with the Footway Crossing team.

Cove and Altens Community Council (CACC) – Objection – Undertook a site visit, which identified their road safety concerns.

Request PDMC to consider the significant negative impact of the height and length of the fence on road and public safety raised to them by the local residents most affected by this application (and the previous application). The roundabout at the end of Earn's Heugh Crescent is described as a 'natural traffic calming measure' by RDM. The fence poses an increased risk, on the bend, to public and road safety; it adversely affects visibility for pedestrians and drivers and vehicles exiting the driveway of 15 Earn's Heugh Crescent of the road and the footpath to the south.

Concern raised regarding the two differing positions by Roads officers with respect to the application. They concord with the position of the first assessment by Roads Development Management (RDM). CACC ask if officers have undertaken a site visit.

Photographs of the fence have not been submitted. The supporting evidence of other fences in the area do not pose similar road safety risks. They request photographs of the fence to be provided to PDMC.

CACC agrees with the reasons to refuse the previous application (Ref: 200756/DPP) in that it was considered detrimental to the character and amenity of the surrounding area and it could set an unwelcome precedent for boundary enclosures of a similar scale, height and design in the surrounding area, which would have a significantly impact on the character and amenity of the surrounding area and public safety.

REPRESENTATIONS

14 representations have been received. 9 of these are objections / representations expressing concern and 5 of these are in support. The matters raised can be summarised as:

Matters of Concern

- Given its height, length and visual prominence, the fence would be inconsistent with policies H1 and D1 of the Aberdeen Local Development Plan (ALDP) and the Supplementary Guidance (SG), in terms of impact on neighbouring residential amenity and the scale and form of the fence being appropriate to its context and not detracting from the street scene.
- The fence affects the appearance of the corner and is not in-keeping with the character and amenity of the immediate surrounding area.
- The claim in the supporting statement that the proposal would not be overbearing to 15 Earn's Heugh Crescent is refuted by 15 Earn's Heugh Crescent because of its height and it would be beyond the front of that dwellinghouse.
- The height and siting of the fence introduces a safety risk as it adversely impacts the visibility between vehicles, cyclists, pedestrians, and children. Disagreement is made with the RDM response in that the road bend and the roundabout are considered by RDM to be traffic calming measures and there is no instruction for drivers to reduce their speed from 30mph. The representations in support are not from neighbours to the west of Earn's Heugh Crescent, where the fence impacts visibility.
- It is largely a resubmission of a previous refusal, and no changes have been made to alleviate these road safety concerns.
- It would set an unwelcome precedent for similar boundary treatment in the surrounding area.
- Clarity is sought regarding why the fence has not been removed, having been refused.
- The examples of other fences in the supporting statement are not consistent with the proposal in construction and do not affect road visibility. They do not justify an increased road safety risk.

- There are likely to be alternative means of improving the privacy and security of the property, as specified in the previous decision.

Matters Raised in Support

- The height and positioning of the fence does not adversely affect road safety because the street is a no-through road where vehicles drive slowly.
- The fence is necessary to afford the property privacy and safe play space for children.
- The fence is in-keeping with other fences in the surrounding streets and is built to a good standard.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (ALDP)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

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. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application:

Policy D1 - Quality Placemaking

Policy D2 - Amenity

Policy H1 - Residential Areas

Other Material Considerations

Designing Streets

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG). Given this proposal solely relates to a domestic boundary fence, and it would thus not impact on the intensity of use of the site, or built footprint, the proposal would not constitute over development. The other issues are assessed in the below evaluation.

Impact on the Character and Visual Amenity of the Surrounding Area

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The HDG states that *'in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.'*

Given the application is partially retrospective, this assessment must consider what existed on the site prior to the erection of the existing fence. Earn's Heugh Crescent is largely characterised by the boundaries of curtilage which front the road as having c.1m boundary walls or no boundary treatment. The site previously had a low c.1m high boundary wall along its east/southeast boundary. The scale, siting and form of the previous boundary treatment was compatible with the surrounding suburban residential area and was an appropriate method of boundary treatment for the public facing boundaries of this property on a corner location. It did not have a detrimental impact on the visual amenity of the street scene.

Notwithstanding a timber fence design would be a compatible boundary treatment in principle in a domestic context, the c.1.9m height of the fences would not be compatible in this suburban context whereby they bound immediately onto the pavement of a public road. They extend forward of the building line of the principal elevation of 15 Earn's Heugh Crescent to the north, which detracts from the appearance of the streetscape. The height and siting of the boundary treatment detracts from the open and inclusive urban form of the streetscape of Earn's Heugh Crescent. Because of its height, siting on and length around the vast majority of the public boundaries of the site, the proposed fence appears unduly prominent on the streetscape, to the detriment of the character and visual amenity of the surrounding area, in conflict with the Supplementary Guidance: 'The Householder Development Guide' and the character of the surrounding area, in conflict with Policies H1 and D1 of the ALDP.

The Planning Statement counters the statement in the report of handling for the previous application (Ref: 200756/DPP), which stated that *'there are no fences of a similar height or on equivalent locations fronting the road in the immediate surrounding area'*, arguing that the proposal would be consistent with the character of the surrounding area as there are numerous similar fences on the street and in the immediate surrounding streets, and examples have been provided to demonstrate this. It is therefore argued that the proposed fence should also be supported, given one of the aims of the Supplementary Guidance is to foster greater consistency in decision making.

Notwithstanding every planning application is assessed on its own merits, it must be highlighted there are no examples of fences of such a height along the boundaries which front a road in the

surrounding area having been granted planning permission under current policies and guidance. As a general principle, the Supplementary Guidance: 'The Householder Development Guide' states the following:

'No existing ... alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.'

The examples that have been included in the planning statements are long-standing examples with no record of planning permission having been granted. They therefore cannot be used to justify this development, which would conflict with the Householder Development Guide.

Nevertheless, most of the examples included are of a significantly different context to the application site, whereby the properties are of a different built form and orientation to the road, and many are of varying design, scale, height, and length. The majority are not visible in the context of the site and are not viewed in the same context in terms of their appearance on the streetscape. The streetscape of Earn's Heugh Road, an example provided in the Planning Statement, is of a significantly different context and urban form whereby the rear elevations of the properties and their rear curtilage are orientated towards Earn's Heugh Road. 1 Earn's Heugh Crescent is similar to the application property in terms of its orientation to the road on a corner and the detached bungalow form of the property, and it has a c.1.8m high fence along its public boundary. However, unlike the fence in this application, its fence only extends along part of the public facing boundary – approximately up to the rear elevation of the property, does not extend round the bend in the road and the fence does not interfere with the open setting of the road around the junction and the position of the dwelling in the street scene. The boundary wall of 94 Earn's Heugh Circle is significantly lesser in height than the development proposed.

Whilst there are indeed some examples of properties which have long-standing fences fronting the roads in the wider area, the vast majority of residential properties in the surrounding area do not. There are no other examples of fences of such a height fronting Earn's Heugh Crescent itself as the boundary treatment primarily comprises no boundary walls or c.1m walls and railings. This provides a residential streetscape with an open and inclusive setting. The completed fence would detract from this character and visual amenity of the surrounding area and would not reinforce the established pattern of development in the surrounding area, nor reflect local urban form, in conflict with the Supplementary Guidance: 'The Householder Development Guide' and the Policies H1 and D1 of the ALDP.

Notwithstanding every application is assessed on its own merits, the grant of planning permission in this application could set an unwelcome precedent for boundary enclosures of a similar scale, height and design in the surrounding area, which would have a significant detrimental impact on the street scene, and thus the character of the surrounding area, in conflict with Policies D1 and H1 of the ALDP.

Residential Amenity

The HDG states that *'proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.'*

The presence of the fence proposed on the north boundary would be overbearing to 15 Earn's Heugh Crescent, to the detriment of the residential amenity afforded to that residential property. This is because of its significant c.1.9m height; its close proximity, c.3m, to that dwellinghouse; its length along the entirety of the southern boundary of its front curtilage and because it would be located forward of the principal elevation of 15 Earn's Heugh Crescent, which was previously afforded an open outlook onto the public road.

It is recognised that the fences would not be of a height or siting that would adversely affect the privacy, sunlight and background daylight afforded to the neighbouring properties. The fences along the other boundaries would not be overbearing to any neighbouring property by any significant degree. However, for the reasons above, the proposed fence on the north boundary would be overbearing and thus adversely affect the residential amenity afforded to 15 Earn's Heugh Crescent, in conflict with the HDG, and Policies D1 and H1 of the ALDP.

Road Safety

The previous application (Ref: 200756/DPP) was refused on the basis that the development was considered to adversely affect public safety. Roads Development Management (RDM) objected to that application on the grounds that the fence could cause a road safety hazard. Notwithstanding this is a separate application, and is thus considered on its own merits, the previous decision is a material consideration in the assessment of this planning application.

To inform the assessment of the impact of the proposed fence on road safety, RDM have been consulted twice. They were firstly consulted when the application was submitted and raised no objection. They were thereafter consulted regarding the specific road safety issues raised by the representations and by CACC. RDM consider the development to not adversely affect road safety by any significant degree and have not objected following a site visit.

Particular consideration has been made of the impact on the visibility between vehicles and pedestrians on Earn's Heugh Crescent, particularly where parked vehicles are being overtaken on the bend; of vehicles accessing Earn's Heugh Crescent from the driveway of 15 Earn's Heugh Crescent and the parking area beyond to the north; and between pedestrians crossing the footway and vehicles on Earn's Heugh Crescent, particularly pedestrians that are crossing the road to access the public footpath to the east of the site on Earn's Heugh Crescent, which is used for accessing the Loirston Annexe (c.50m to the east of the site), other areas of Cove, and other public amenities beyond.

RDM measured approximate visibility splays using the GIS mapping system which found that, notwithstanding that the level of visibility between vehicles would be reduced, pedestrians crossing the road from the west from the public footpath are afforded sufficient c.25m of visibility to oncoming vehicles and the driveway of 15 Earn's Heugh Crescent would be afforded sufficient visibility. As such, the completed fence would not adversely affect road safety in such situations.

Earn's Heugh Crescent is a no-through road and there is signage informing vehicles of this upon entering the road. Notwithstanding its speed limit is 30mph, there is a curve in the road, it is of a residential character and 6m width with multiple accesses / driveways onto the road, there is a roundabout to its north, and it immediately curves after its junction with Earn's Heugh Circle. Vehicles are therefore likely to drive slowly and significantly less than 30mph.

Whilst the fence results in a reduction in forward visibility, albeit not to a significant degree that it would result in a significant safety risk, Designing Streets suggests that the reduction in forward visibility encourages an even lesser speed. In the context of the likely vehicle travel speed, the level of forward visibility is considered sufficient to not be a significant road safety risk. It is considered that drivers of vehicles would be afforded acceptable levels of visibility for the speed they would travel to overtake parked vehicles.

Notwithstanding it was determined in the previous application that the fence on the east boundary would cause a significant road safety risk and the proposal would reduce the visibility of vehicles on the road, in light of the approximate visibility splays, the information regarding the likely speed of vehicles evidenced by a site visit provided by RDM, the fence is not considered to adversely affect road safety to a significant degree that would warrant the refusal of planning permission.

Proposed Aberdeen Local Development Plan

Policy D2 of the Proposed ALDP requires development to ensure the provision of amenity, defined within the Proposed ALDP as ‘the attributes which create and influence the quality of life of individuals or communities’. Paragraph 7.6 of the Proposed ALDP states that ‘*poor amenity can have detrimental impacts on health and wellbeing*’.

It is recognised that the proposal would enclose a substantial area of garden ground for the application property, which would be to the benefit of the privacy of that property, and thus their amenity.

However, it would equally adversely affect the immediate outlook, and thus amenity afforded to 15 Earn’s Heugh Crescent. The enclosure of the public facing eastern boundary with such a high fence would also conflict with the aims of this policy, which states that development will be designed to ‘*have a public face to the street to ensure natural surveillance, and active street frontages*’. It is therefore considered that the proposal would, on balance, conflict with Policy D2 of the Proposed ALDP given the detrimental impact it would have on the residential amenity of the neighbouring property and the reduction in the natural surveillance of the street and its active street frontage.

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

Matters Raised in the Planning Statement

Given the nature of the site on a corner, it is recognised that the application site has a significantly larger proportion of public facing curtilage relative to private enclosed garden ground to the rear, which is primarily used as a driveway, and the fences in this application enclose a substantial area of the usable garden ground, which is to benefit the residential amenity of the application property.

It was noted in the report of handling for the previous application (Ref: 200756/DPP) that planting in the curtilage could be an alternative means of enclosure which could facilitate a greater degree of privacy and perceived security for the property, would not require planning permission and could have a significantly lesser impact to public safety and the amenity of the street scene.

It is suggested in the Planning Statement that there are no practical alternatives for the fence on the eastern boundary and that planting would require undue time to grow. It must be highlighted that there is no evidence to suggest that mature planting, which would provide the immediate benefits to the application property, cannot be planted instead of a fence.

Given the proposal would adversely from the character and amenity of the surrounding area, and there are alternative means of improving the privacy and security of the property, this reason does not provide sufficient justification to warrant approval.

Matters Raised by Cove and Altens Community Council (CACC)

The PDMC is provided with all relevant details and information regarding the proposal, including this report of handling on the merits of the proposal, the written representations, consultation responses and the Officer recommendation. The PDMC will also have access to photographs of the site. It is for the PDMC to satisfy itself that it has sufficient information to make a decision on the application. PDMC cannot consider representations submitted for the previous application.

The matters raised with respect to the impact on the character, amenity and precedent have been addressed in the above evaluation and in the recommendation to refuse the application.

The matters raised in relation to road safety are detailed in the above evaluation under the heading, 'Road Safety' and through further consultation with RDM.

With respect to concern that there are two different opinions on this application by RDM, they are an independent consultee and the planning authority has no role in their consideration of whether to object to an application. However, it must be stated that RDM do not object to this application. They have addressed this matter in their consultation response and explained that their conclusion that the development does not adversely road safety was also agreed with the Traffic Management and Roads Operations teams. RDM also undertook a site visit in advance of their second consultation response.

Matters Raised in the Letters of Representation

The matters raised with respect to character and visual amenity of the surrounding area, the residential amenity of neighbouring properties, conflict with the relevant policies of the Development Plan, and precedent are addressed in the above evaluation and in the recommendation to refuse the application. Consideration of the alternative means of enclosure are included in the above evaluation.

The matters raised in relation to road safety are detailed in the above evaluation under the heading, 'Road Safety' and through further consultation with RDM. RDM have highlighted that they would never advise that children should play on the public road, even if the fence did not exist.

In terms of seeking to ascertain why the development has not been removed, the decision of the planning authority to take formal planning enforcement action is a separate matter that is not considered in this application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Because of its height, siting on, and length around the vast majority of the public boundaries of the site, and the fact that there are no similar boundary treatments bounding the public facing curtilage on Earn's Heugh Crescent, the fence appears unduly prominent on the streetscape to the detriment of the character and amenity of the surrounding area.

Given its proximity to the dwellinghouse of 15 Earn's Heugh Crescent, the height of the fence, and its length along the entirety of the southern boundary of its front curtilage, the proposed fence on the north boundary would be overbearing on, and thus adversely affect the residential amenity afforded to 15 Earn's Heugh Crescent.

Notwithstanding every planning application is assessed on its own merits, the grant of planning permission in this application could set an unwelcome precedent for boundary enclosures of a similar scale, height and design in the surrounding area, which would have a significantly detrimental impact on the character and amenity of the surrounding area.

The proposal therefore conflicts with policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; Policy D1 – Quality Placemaking, D2 - Amenity and H1 – Residential Areas of the proposed Aberdeen Local Development Plan 2020; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant approval in this instance.