

# Public Document Pack



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

Town House,  
ABERDEEN 23 September 2021

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 30 SEPTEMBER 2021 at 10.00 am.**

The meeting will be webcast and a live stream can be viewed on the Council's website. Aberdeen City Council webcasts.

[Home - Aberdeen City Council webcasts \(public-i.tv\)](#)

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 19 August 2021 - for approval (Pages 11 - 26)

**COMMITTEE PLANNER**

5.1 Committee Planner (Pages 27 - 30)

**GENERAL BUSINESS**

**WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

6.1 Detailed Planning Permission for the erection of energy storage facility with associated works - site At Farburn Place, Dyce, Aberdeen (Pages 31 - 54)  
Planning Reference – 210665

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

[Link.](#)

Planning Officer: Gavin Clark

6.2 Detailed Planning Permission 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 - Former Cults Railway Station, Station Road, Cults Aberdeen (Pages 55 - 94)

Planning Reference – 210140

All documents associated with this application can be found at the following link:-

[Link.](#)

Planning Officer: Jane Forbes

- 6.3 Detailed Planning Permission for the redevelopment of an existing site, including change of use to class 3 (food and drink) with erection of 2 drive thru restaurants (sui generis) with associated infrastructure and car parking - Craigshaw House, Craigshaw Road, Aberdeen (Pages 95 - 120)

Planning Reference – 210015

All documents associated with this application can be found at the following link:-

[Link.](#)

Planning Officer: Gavin Clark

- 6.4 Approval of Matters Specified in Condition - Approval of matters specified in conditions: 1(phasing) 2(detailed design) 3(landscaping) 4(drainage) 5(archaeology) 6(contaminated land(i)) 8(safe routes to school) 9(residential travel pack) 15(noise) 16(dust) 17(species surveys) 18(water) 19(watercourses) 20(SUDS) 21(trees) 22(tree care) 23(carbon reduction and water efficiency) 25(sports pitch) 26(street design, parking) 27(CEMP)28(flood risk) of 191171/PPP in relation to the erection of 536 homes with associated landscaping, open space and infrastructure - Land At East Of A92 Ellon Road At Cloverhill, Murcar, Bridge Of Don, Aberdeen (Pages 121 - 162)

Planning Reference – 210884

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 the erection of residential development comprising 35 flats/apartments over 3 and 4 storeys, including erection of ancillary structures and demolition of existing redundant building; formation of car parking area, landscaping works and alterations to site access - Forestgait, 22 King's Gate, Aberdeen (Pages 163 - 200)

Planning Reference – 210592

All documents associated with this application can be found at the following link:-

[Link.](#)

Planning Officer: Jamie Leadbeater

- 7.2 Detailed Planning Permission for change of use of land for siting of 2 caravans for temporary period (retrospective) - Baads Farm, Anguston Road, Peterculter, Aberdeen (Pages 201 - 222)

Planning Reference – 210998

All documents associated with this application can be found at the following link:-

[Link.](#)

Planning Officer: Jane Forbes

### **DATE OF NEXT MEETING**

- 8.1 Thursday 4 November 2021 at 10am

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



## MOTIONS AGAINST RECOMMENDATION

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

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

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

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

This page is intentionally left blank

## **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, 19 August 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener; Councillor Crockett, the Lord Provost (as substitute for Councillor Malik) and Councillors Allan, Cooke, Copland (for all items except item 7), Cormie, , Greig, MacKenzie and Radley (as substitute for Councillor Copland for item 7 only).

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 7.2 on the agenda (article 9), a Guide to Planning Consents for the Aberdeen Inner-City Multis - Public Consultation Results, due to previously stating his view on the proposed listing of multi storey buildings in Aberdeen from Historic Environment Scotland. Councillor Cooke did not feel it was necessary to withdraw from the meeting during consideration of the item.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 17 JUNE 2021

2. The Committee had before it the minute of the previous meeting of 17 June 2021, for approval.

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

to approve the minute as a correct record.

### COMMITTEE PLANNER

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

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

to note the information contained in the Committee business planner.

### 9, 11 AND 11A WHITEHOUSE STREET ABERDEEN - 210540

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

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

That the application for detailed planning permission to form a new vehicular access with remote gate, erection of fences, walls and three off-street car parking spaces at 9, 11 and 11A Whitehouse Street Aberdeen, be approved unconditionally.

The Committee heard from Aoife Murphy, Senior Planner, who spoke in furtherance of the application.

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

to approve the application unconditionally.

### **CITY GATE, ALTENS FARM ROAD, ABERDEEN - 210114**

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

That the application for detailed planning permission for the erection of class 1 (shops), retail unit with associated car parking, access, landscaping and associated works at City Gate, Altens Farm Road Aberdeen, be approved subject to the following conditions:-

### **Conditions**

#### **1. Materials/Finishes**

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved (including a physical sample board) has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: in the interests of visual amenity and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

#### **2. Convenience Floorspace**

No more than 25% of the net sales floorspace of the store hereby approved shall be dedicated to the sale and display of comparison goods.

Reason: In order to ensure that the store is principally meeting the convenience needs of the local community and to ensure compliance with policy NC4 (Sequential Approach and Impact) of the Aberdeen Local Development Plan.

#### **3. Surface Water Drainage**

The development hereby approved shall not be brought into use or first occupied unless provision has been made within the site for surface water drainage, in

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

accordance with the approved drainage layout (3E Consulting Engineers drawing Ro\_50\_20\_11-1000-Rev P01) or such other drawing has been approved in writing by the planning authority for this purpose.

Reason: in order to safeguard water qualities and to ensure that the development can be adequately drained, in accordance with policy NE6: Flooding, Drainage & Water Quality of the Aberdeen Local Development Plan.

### 4. Tree Protection

No development shall take place other than in accordance with the hereby approved scheme of tree protection (Donald Rodger Associates Ltd., Arboricultural Implication Assessment and Tree Protection Proposals within report dated July 2021) or such other TPP as has been submitted to and approved by the planning authority prior to commencement of works.

Reason: In order to secure adequate protection for all trees to be retained on the site during construction works and to ensure compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

### 5. Landscaping Works

That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason: In order to ensure that the approved landscaping works are carried out at an appropriate time and to offset the impact of tree losses necessary for development to occur.

### 6. Further Arboricultural Works

Any tree work not specified in the submitted '*Arboricultural Implication Assessment and Tree Protection Proposals*', dated July 2021, which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

Reason: In order to ensure that existing trees are appropriately retained and protected where practicable.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

**7. Boundary Enclosures**

That the store hereby approved shall not be brought into use unless the boundary treatments shown on drawing SS\_45\_35\_00-0001 REV P03 have been delivered in full accordance with that plan, or any such substitute as has been submitted to and approved in writing by the planning authority for that purpose.

Reason: To ensure that boundary enclosures of an appropriate design, scale and materials to the local context are provided prior to first occupation, and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

**8. External Lighting**

No development pursuant to this grant of planning permission shall be undertaken unless a scheme of external lighting for the building and car park has first been submitted to and approved in writing by the planning authority. Thereafter, development shall be carried out in full accordance with the scheme so agreed.

Reason: In order to ensure that lighting for the development does not result in significant impact on the amenity afforded to neighbouring residents.

**9. Car Parking**

That the store hereby approved shall not be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. Zz\_70\_60\_00 0002 Rev-P04 of the plans hereby approved or such other drawing as may subsequently be submitted 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, and to ensure compliance with policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

**10. Electric Vehicle (EV) spaces and infrastructure**

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. Zz\_70\_60\_00 0002 Rev-P04.

Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

### 11. Cycle Parking (Short and Long Stay)

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. Zz\_70\_60\_00 0002 Rev-P04 have been fully installed and made available for use.

Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

### 12. Carbon Reduction and Water Efficiency

The building hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

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

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved.

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.

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

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

to approve the application conditionally.

### **SITE AT HAZLEHEAD AVENUE/ HAZLEDENE ROAD TO THE WEST OF QUEENS GROVE - 210688**

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

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

That the application for detailed planning permission for the installation of a modular unit to provide nursery accommodation including forming an access road with associated parking and landscaping work the site at Hazlehead Avenue/Hazledene Road to the west of Queens Grove, be approved subject to the following conditions:-

### **Conditions**

#### **1. Tree Protection Fencing**

No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.

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

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

#### **2. Cladding**

Prior to the development hereby approved being brought into use, the modular unit shall be finished externally in the approved material, Slate Grey Cedral Lap cladding, unless otherwise agreed in writing by the planning authority.

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

#### **3. Travel Plan**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

Within 6 months of the date of the building hereby approved being brought into use a Travel Plan for that building shall be submitted to and approved in writing by the planning authority in consultation with the Roads Development Management Team. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. Once approved the measures set out in the approved Travel Plan shall be implemented in full.

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

**4. Landscaping Scheme**

The building hereby approved shall not be brought into use unless details of landscaping within the site, have been submitted to and approved in writing by the Planning Authority.

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

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

**5. Compensatory Planting**

Within 6 months of the date of this permission a scheme of compensatory tree planting shall be submitted to and approved in writing by the planning authority. Details of the scheme shall include:

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

Once approved the compensatory tree planting shall be carried out in complete accordance with the scheme and any planting which, within a period of 5 years from the completion of the compensatory tree planting, in the opinion of the planning authority is dying, being severely damaged or becoming seriously

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

### **6. Electric Vehicle Charge Points**

The building hereby approved shall not be brought into use unless the underlying infrastructure for the required Electric Vehicle Charge Points have been provided. Once installed the infrastructure shall be retained in perpetuity.

Reason: In order to provide the appropriate provision for sustainable means of travel.

### **7. Foul and Surface Water Drainage System**

The building hereby approved shall not be brought into use unless the proposed foul and surface water drainage arrangements have been provided in accordance with the approved Drainage Assessment, prepared by Fairhurst, dated June 2021. 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.

### **8. Water Efficiency**

The building hereby approved shall not be erected unless details of all water saving technologies and techniques within the proposed development have been submitted to and approved in writing by the planning authority. Thereafter, the development shall not be occupied unless all 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.

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

The Convener moved, seconded by Councillor Copland:-  
that the application be approved in line with the recommendation.

Councillor Greig moved as an amendment, seconded by Councillor Cooke:-  
(i) that the proposal would be contrary to the wording of the Opportunity site allocation for the site (OP49) in the adopted local development plan which

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

- envisages horticultural use and social enterprises specialising in nursery, horticulture and/or allotments and other associated uses;
- (ii) that the proposal would be contrary to Policy T2 in that the application had not demonstrated that sufficient measures have been taken to alleviate the adverse impacts of development and would have an adverse impact in term traffic safety and congestion on Hazlehead Avenue; and
- (iii) that the proposal would be contrary to policy D2 in that the design and materials were not considered to be compatible with the surrounding environment.

On a division, there voted – for the motion (7) – the Convener, the Vice Convener, the Lord Provost and Councillors Allan, Copland, Cormie and MacKenzie – for the amendment (2) – Councillors Cooke and Greig.

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

to adopt the motion and therefore approve the application conditionally.

## **FORMER KINCORTH ACADEMY SITE ABERDEEN - 210185**

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

That there be a willingness to approve the application conditionally with a legal agreement and to notify Scottish Ministers, for an application for detailed planning permission for a residential development of 212 social rented accommodation comprising a mix of unit types with associated roads, shared residential streets, parking, landscaping and external amenity at the former Kincorth Academy site Aberdeen.

### **Conditions**

#### **1. Materials**

That no development pursuant to an individual building shall take place unless a scheme and/or samples detailing all external finishing materials to the roof and walls of that individual building 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 (details)**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

That no development shall take place until a detailed scheme of plot and boundary enclosures for the entire development, including the perimeter surrounding the development site, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual and 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 by the Planning Authority. 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 (details)**

That no development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Planning Authority. Thereafter, all planting, seeding and turfing of the agreed detailed landscaping scheme 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 agreed detailed landscaping scheme 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 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. Thereafter, the agreed scheme shall be implemented.

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

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. Cycle storage (details)**

That no development shall take place until detailed drawings of the proposed cycle storage have been submitted and agreed in writing by the Planning Authority. Thereafter, the agreed scheme shall be implemented.

Reason: In the interest of visual amenity and to promote sustainable transport methods.

### **9. Bin stores (implementation)**

That no flat within any individual block shall be occupied unless the relevant bin store as shown on drawing ACCKIN-ATK-ZZ-ZZ-DR-AR-110001/RevT03 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.

### **10. 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 ACCKIN-ATK-ZZ-ZZ-DR-AR-110001/RevT03 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 than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

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

### **11. Safe routes to school**

That no part of the development shall be occupied until a scheme setting out 'Safe

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

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.

### **12. Travel Plan**

That no part of the development hereby approved 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.

### **13. 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.

### **14. Bus stops**

That no development shall take place until a scheme detailing relocation of the existing bus stops on Cairngorm Drive has been submitted to and approved in writing by the Planning Authority. Subsequently, the development shall not be occupied until the approved scheme has been implemented.

Reason: In the interest of public safety.

### **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 has been submitted to and approved in writing by the Planning Authority. Thereafter, 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. Digital Infrastructure**



## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

19 August 2021

That no individual flat or house shall be occupied unless satisfactory evidence has been submitted to and approved in writing by the Planning Authority that the development will be connected into the existing digital infrastructure surrounding the site, with the preferred option being fibre optic cabling to the premises where available, 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 CI1 (Digital Infrastructure) of the 2017 Aberdeen Local Development Plan.

### **17. Earth Works/ Foundation Strategy**

That no development shall take place until an earth works/ foundation strategy has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this earth works/ foundation strategy shall include details of any plans to excavate, process and rework the made ground, and a soil testing regime for the purpose of verifying the suitability of processed materials on-site.

Reason: To ensure the site is suitable for human occupation.

### **18. Gas Protection Measures**

That no building shall be occupied until all gas protection measures have been inspected by a suitably qualified engineer and a validation report has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this Validation Report shall detail the gas protection measures that have been installed and should provide adequate verification.

Reason: To ensure the site is suitable for human occupation.

### **19. Noise Mitigation Measures**

That no building shall be occupied until noise mitigation measures as specified in section 7 'Mitigation' of the Noise Impact Assessment by CSP Acoustics and dated 14<sup>th</sup> July 2021 have been implemented.

Reason: In the interest of residential amenity.

### **20. Air Quality Assessment**

That no development shall take place until an Air Quality Assessment has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this assessment shall include:

- a. An assessment of the impact of emissions to air from or associated with the development, carried out in accordance with the IAQM land-use

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

Planning and Development Control: planning for Air Quality Guidance 2017 with a method agreed by the Environmental Health Service. The assessment shall consider the potential impact of road traffic associated with the proposed development itself and other permitted/committed developments in the area on air quality within the nearby AQMAs and adjacent areas; and

- b. Other developments to be considered shall include, but are not limited to: planned housing developments at Heatherwick Road and Leggart Brae; and significant residential developments constructed and nearing construction on Abbotswells Road.

Reason: In the interest of public health.

### **21. Construction Environment Management Plan**

That no development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. As a minimum, this should cover:

- (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'
- (c) A 'Construction Noise Impact Assessment', which should:
  - i. Be undertaken by a suitably qualified noise consultant
  - ii. Demonstrate adherence to the guidance contained within: BS8228 - 1:2009+A1:2014 Code of practice for noise and vibration control on construction sites and open sites - Part 1 Noise and Part 2: Vibration
  - iii. Identify the sources of construction noise likely to impact on the existing residences.
  - iv. predict the impacts of the noise sources on the proposed residential development
  - v. Detail the noise mitigation measures to reduce noise from the construction noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences.
  - vi. The methodology for the noise assessment should be submitted and agreed in writing with the Environmental Protection Team in advance of the assessment.

Any such scheme as has been approved shall subsequently be implemented during the construction works.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

Reason: In the interest of public health.

### **22. Occupation**

The development hereby approved shall not be occupied other than as social rented housing (as defined in Aberdeen City Council's 'Affordable Housing' Supplementary Guidance), managed and operated by either Aberdeen City Council or by a Registered Social Landlord (RSL).

Reason: In order to ensure compliance with local plan policy H5 and Aberdeen City Council's 'Affordable Housing' Supplementary Guidance and because the level of car parking provision within the approved development is based on standards for social rented housing specifically, as opposed to other forms of affordable housing.

### **23. Deevale Gardens Access**

That prior to the commencement of development, and notwithstanding any information contained within the hereby approved drawings, further details of the Deevale Gardens access shall be submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the agreed details thereafter.

Reason: In the interest of public safety.

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

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

to approve the recommendation.

## **CITY CENTRE CONSERVATION AREA CHARACTER APPRAISAL - PLA/21/157**

8. With reference to article 5 of the minute of this Committee of 21 January 2021, the Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which presented an updated City Centre Conservation Area Character Appraisal, the findings of the recent public consultation period, and sought approval to adopt the document as Aberdeen Planning Guidance (non-statutory planning guidance).

#### **The report recommended:-**

that the Committee –

- (a) approves the responses proposed by Officers to those consultation responses that were received on the City Centre Conservation Area Character Appraisal, as approved for public consultation by the Planning and Development Management Committee on 21st January 2021 (Appendix 2);

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2021

- (b) approves the content of the updated City Centre Conservation Area Character Appraisal (Appendix 1) as Aberdeen Planning Guidance (non-statutory planning guidance);
- (c) approves the change in name from Union Street Conservation Area to City Centre Conservation Area to better reflect the geographical extent of the area; and
- (d) instructs the Interim Chief Officer – Strategic Place Planning to make an application for a Regulation 11 Direction representation to the Scottish Government for the removal of deemed consent for Class 3 (1) ‘advertisements relating to the availability for sale or letting of the land on which they are displayed’ - specifically large projecting ‘To Let / For Sale’ signs in the City Centre Conservation Area.

**The Committee resolved:-**

to approve the recommendations.

### **A GUIDE TO PLANNING CONSENTS FOR THE ABERDEEN INNER-CITY MULTIS - PUBLIC CONSULTATION RESULTS - PLA/21/162**

9. With reference to article 3 of the minute of this Committee of 18 March 2021, the Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which presented an updated “A Guide to Planning Consents for the Aberdeen Inner-City Multis” and presented the findings of the recent public consultation, and sought approval to adopt the document as Aberdeen Planning Guidance (non-statutory planning guidance).

**The report recommended:-**

that the Committee –

- (a) notes and consider the comments from the consultation on ‘A Guide to Planning Consents for the Aberdeen Multis’, as detailed in Appendix 3;
- (b) notes and consider the responses of officers to the comments received in the consultation, as detailed in Appendix 2; and
- (c) approves the change to the title of the guidance to ‘A Guide to Planning Consents for the Aberdeen Inner-City Multis’, but otherwise approve the adoption of the guidance unchanged as Aberdeen Planning Guidance (non-statutory planning guidance), as contained in Appendix 1.

**The Committee resolved:-**

to approve the recommendations.

- **Councillor Marie Boulton, Convener**

	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>30 September 2021</b>						
4	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	On agenda	Jamie Leadbeater	Strategic Place Planning	Place	1		
5	Baads Farm - 210998 (likely to be September)	To approve or refuse the application for change of use of land for siting of 2 caravans for temporary period (retrospective)	On agenda	Jane Forbes	Strategic Place Planning	Place	1		
6	Former Cults Railway Station - 210140 (September at earliest)	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	On agenda	Jane Forbes	Strategic Place Planning	Place	1		
7	Site at Farburn Place Dyce	To approve or refuse the application for erection of energy storage facility with associated works	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
8	Cloverhill - 210884	To approve or refuse the application for MSC for the erection of 536 homes with associated landscaping, open space and infrastructure	On agenda	Gavin Evans	Strategic Place Planning	Place	1		
9	<b>PRE APP FORUM</b> - Land At Tillyoch Peterculter	To hear from the applicant in relation to the application for major residential development (approximately 250 units) of affordable and private housing with associated infrastructure, open space, landscaping, community facilities and energy centre		Aoife Murphy	Strategic Place Planning	Place			
10	<b>PRE APP FORUM</b> - land at Raiths Industrial estate	To hear from the applicant in relation to an application for major development for the erection of battery based energy storage facility.		Lucy Greene	Strategic Place Planning	Place			
11			<b>04 November 2021</b>						
12	Anchorage, 4 Milltimber Brae East - 210717	To approve or refuse the application for Splitting of feu and erection of 2 storey dwelling house with garage and canopy, including access and car parking with associated works		Jemma Tasker	Strategic Place Planning	Place	1		
13	Leggart Brae - 201558	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		

	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									
14	Birchwood House - 211031	To approve or refuse the erection of garden room/office, erection of pergola and formation of decking to rear		Jemma Tasker	Strategic Place Planning	Place	1		
15	124 South College Street - 210905	To approve or refuse the application for change of use to class 3 (food and drink) with hot food takeaway (sui generis)		Dineke Brasier	Strategic Place Planning	Place	1		
16	33 Holburn Street - 201409	To approve or refuse the change of use to from class 1 (shops) to class 3 (food and drink) with hot food take away (sui generis) including installation of vents and 3no. wall mounted air condition units with associated works		Gavin Clark	Strategic Place Planning	Place	1		
17	Braehead Cottage, 68 Balgownie Road - 211065	To approve or refuse the formation of access off Balgownie Road (retrospective)		Roy Brown	Strategic Place Planning	Place	1		
18	36 Raeden Crescent 210972	To approve or refuse the application for the proposed 2 storey extension to the rear		Roy Brown	Strategic Place Planning	Place	1		
19	15 Maberly Street - 210697	To approve or refuse the application for the erection of 17 flats.		Robert Forbes	Strategic Place Planning	Place	1		
20	Committee Annual Effectiveness Report	To report on the committee annual effectiveness report		Lynsey McBain	Governance	Commissioning	GD 8.5		
21			09 December 2021						
22	Prime Four Development Framework	Updated DF for the remaining part of Prime 4 Business Park		Laura Robertson	Strategic Place Planning	Place	4		
23			Future applications to PDMC (date of meeting yet to be finalised.						
24	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		
25	Orchard Cottage, 1 The Orchard	To approve or refuse the application for replacement windows		Dineke Brasier	Strategic Place Planning	Place	1		
26	Former Kaimhill Sports Centre - 210843	To approve or refuse the application for erection of residential development for 35 no. units of 3 and 4 bed semi detached houses and 3 and 4 bed bungalows		Dineke Brasier	Strategic Place Planning	Place	1		
27	58 Victoria Street Dyce - 210815 - possibly November	To approve or refuse the application for partial change of Use to class 3 (food and drink)		Aoife Murphy	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									
28	Quattro House Wellington Circle - 210973 (November at the earliest)	To approve or refuse the application for residential redevelopment of site to form 96 flats with associated car parking and open space		Alex Ferguson	Strategic Place Planning	Place	1		
29	Wellington Road Cove - 211072 - likely November	To approve or refuse the application for residential development (27 units)		Robert Forbes	Strategic Place Planning	Place	1		
30	56 Park Road - 211224 - likely December	To approve or refuse the application for erection of 47 flats		Robert Forbes	Strategic Place Planning	Place	1		
31	31 St Andrews Street - 211263 - November or December	To approve or refuse the application for change of use to student accommodation.		Aoife Murphy	Strategic Place Planning	Place	1		
32	Albyn Hospital - 211019/DPP and 211020/LBC - likely to be November	To approve or refuse the erection of two storey extension with plant room to rear; erection of entrance extension with ramp to front and side; alterations to car parking and landscaping and other associated works		Matthew Easton	Strategic Place Planning	Place	1		
33	<b>PRE APPLICATION FORUM</b> - Causewayend Bridge of Don - 201365 - date to be confirmed.	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			

This page is intentionally left blank



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

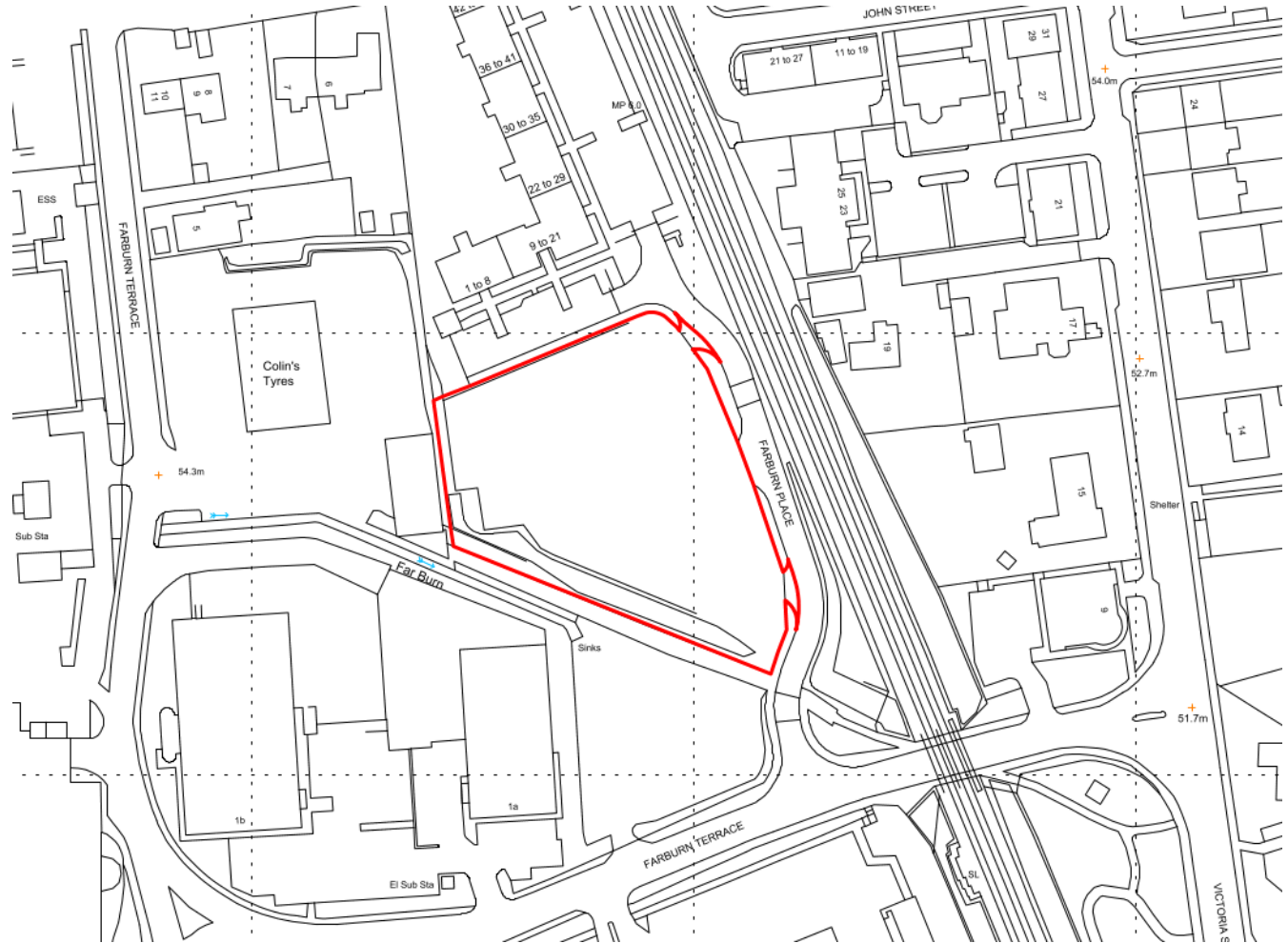
**30<sup>th</sup> September 2021**

**Erection of energy storage facility with associated works**

**Site at Farburn Place, Dyce, AB21 7GP**

**Application Ref: 210665/DPP**

# Location Plan



# Site Plan (Proposed)





## A decorative graphic in the bottom right corner consisting of three overlapping geometric shapes: a purple parallelogram, an orange parallelogram, and a brown triangle.

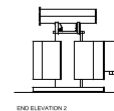
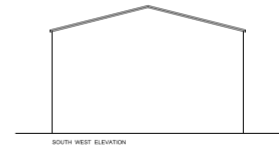
Page 32



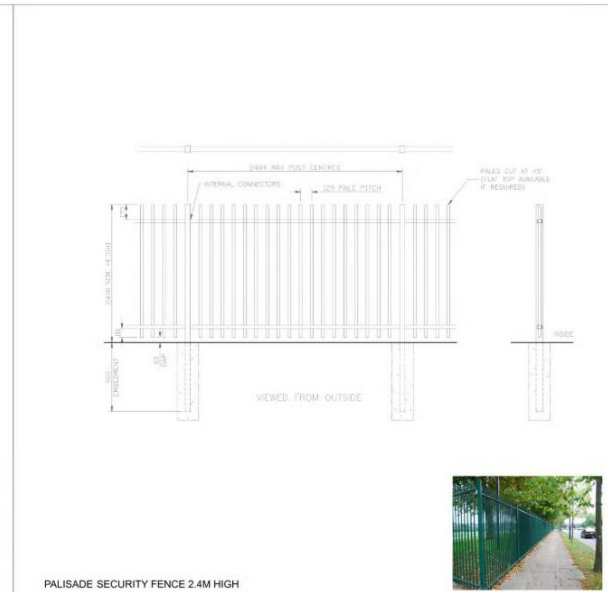
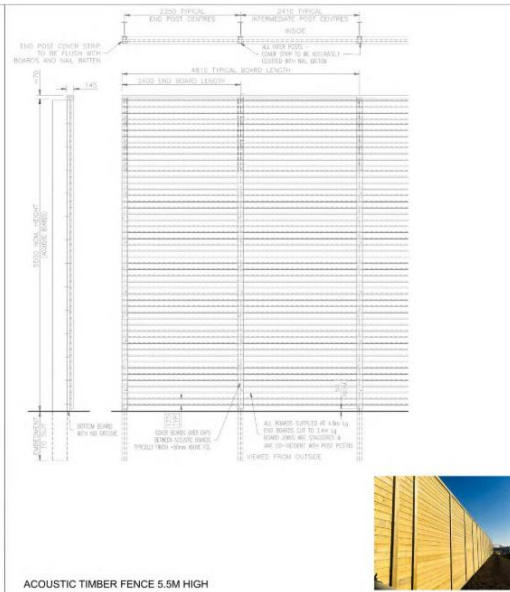
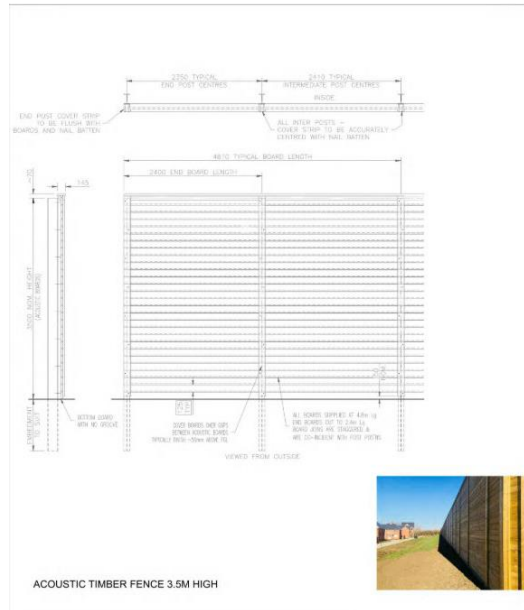
## A decorative graphic consisting of three overlapping geometric shapes: a purple parallelogram at the top left, an orange parallelogram at the bottom left, and a brown triangle on the right side, all pointing towards the center.



## A decorative graphic consisting of three overlapping geometric shapes: a purple parallelogram at the top left, an orange parallelogram at the bottom left, and a brown triangle on the right side, all set against a white background.



# Boundary Treatments/ Acoustic Fencing





# 3D Visuals (Proposed)





# Site Photos



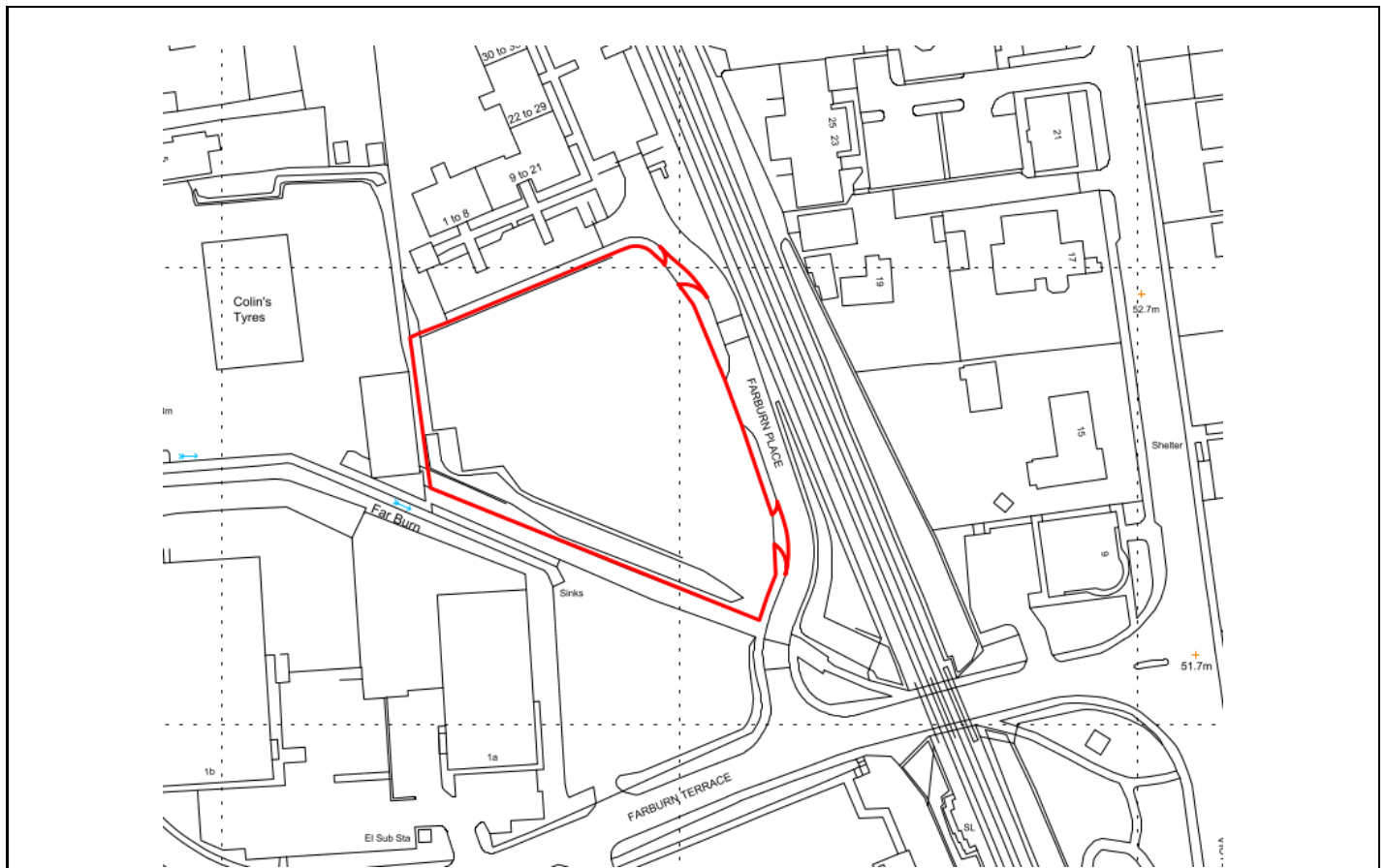
This page is intentionally left blank

# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 30<sup>th</sup> September 2021**

<b>Site Address:</b>	Site At Farburn Place, Dyce, Aberdeen, AB21 7GP
<b>Application Description:</b>	Erection of energy storage facility with associated works
<b>Application Ref:</b>	210665/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	13 May 2021
<b>Applicant:</b>	Cragside Energy Limited
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce and Stoneywood
<b>Case Officer:</b>	Gavin Clark



## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises an area of vacant land extending to approximately 0.4ha located adjacent to the main Aberdeen-Inverness rail line and approximately 0.5km to the south of Dyce Railway Station. The site comprises vacant, flat land with access taken from Farburn Place to the east. The site has most recently been used as an ad-hoc parking area without the benefit of planning permission. The Far Burn runs along the southern boundary of the site within a culvert.

The site lies to the east of Aberdeen Airport. The land to the north is occupied by residential flats with associated parking areas. These are 4-storeys in height and overlook the application site. There are existing residential properties to the east of the railway line and a mixture of business and industrial properties within the wider surrounding area.

### **Relevant Planning History**

Planning permission (Ref: 200121/DPP) was refused in June 2020 for a change of use from amenity land to form temporary car parking with associated car parking, paths and works. Planning permission (Ref: 130326) for the erection of 4 storey office accommodation (4345 sqm office space), formation of associated car parking and ancillary structures and opening section of the culvert of the Far Burn crossing the site and re-directing to the west was withdrawn in April 2015.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal seeks detailed planning permission for the formation of a battery storage facility with associated works. The proposed energy storage facility would take the form of a series of modular units containing batteries, each with a power output of between 2MWhr and 5MWhr.

The principal aim of the facility would be to store surplus electricity from the National Grid at peak times during productions. At times of peak demand, or when there is a reduction in energy generated from weather dependant sources such as wind and solar, the stored electricity can then be fed back to the Grid when it is needed the most. The proposed facility would also play a role in controlling the “quality” of electricity transmitted, mitigating the potential for system trips by helping control the frequency of the network and would also provide associated ancillary equipment housing, including transformers, inverters, switchgear and basic welfare facilities. The batteries are prefabricated and pre-assembled modular units.

The facility would be connected to the grid via the existing large substation at Cothal View at the north end of Dyce by an underground cable. The facility is proposed to be ‘unmanned’ with the facility being controlled and monitored remotely and maintenance staff visiting on a weekly basis. It is envisaged the proposal would have an operational lifespan of around 25 years.

Access to the site would be taken from Farburn Place to the east, with two parking spaces contained within the north-east corner of the site. A mixture of fencing types is proposed including a 2.4m high security palisade fence, 3.5m high and 5.5m high timber acoustic fencing and 2.4m high masonry walling. There would be 14 containers on the site, 7 transformer units and 14 inverter units. Landscaping is also proposed around the periphery of the site.

The proposal has been amended since the original submission. The secondary access location has been amended slightly following discussions with colleagues in Roads Development Management, revised landscaping plans were submitted, further justification was submitted for the required acoustic fencing and a supporting statement was submitted to address the matters raised in representation.

## **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=QT01P9BZJLZ00>

- Noise Impact Assessment
- Flood Risk Assessment
- Transport Statement
- Landscape Management Plan
- Energy and Sustainability Statement
- Planning, Design and Access Statement
- Pre-Application Consultation Report
- Preliminary Ecological Assessment
- Drainage Impact Assessment
- Phase 1 Preliminary Risk Assessment

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal relates to a major development and has been subject to an objection from Dyce and Stoneywood Community Council, subsequently the proposal falls out with the Scheme of Delegation.

## **Pre-Application Consultation**

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

The applicants held a virtual statutory pre-application consultation event on the 29<sup>th</sup> March 2021. An advertisement was placed in the Evening Express on the 22<sup>nd</sup> March 2021 giving notice of the public consultation event. Notice was also sent to Dyce and Stoneywood Community Council, the local ward councillors, residents of Farburn Place and Network Rail (which was the level of consultation agreed with the Planning Service). These notices included details of the location, date, and timing of the event as well as a short description of the development and details of how to obtain further information about the proposals.

A dedicated website was also set up to provide details of the applicant along with a link to the live consultation event. A recording of the live event was also able to view on the website. A consultation room was also set up where it was possible to enter and view presentation boards which offered links to book into any of the live consultation events.

The Pre-Application Consultation Report advises that a limited number of responses (two) had been received but from those submitted consideration has been given to these comments and the project has evolved to take specific account of key environmental considerations and likely issues associated with local amenity. In particular, careful consideration has been given to the design and layout in respect of noise and visual amenity, with appropriate assessments undertaken and mitigation measures proposed.

On the 22<sup>nd</sup> April 2021, the applicant gave a presentation of the proposal to the Council's Pre-Application Forum. A Power-Point presentation was given to members based on the live consultation event. This was followed by the opportunity for members to make comment and ask questions in relation to the proposed development. Issues were raised in relation to planning policy compliance in relation to mixed use, measures provided for planting and visual amenity, fire risk, noise and acoustic fencing, lighting, operational capacity, consideration of health and

emissions, airport safeguarding, choice of location, security, land contamination and grid connection.

## **CONSULTATIONS**

**Network Rail Infrastructure Ltd.** – no objection to the principle of development. They have suggested the insertion of an informative in relation to roof water.

**ACC - Roads Development Management Team** – no objection following the submission of amended plans relating to the relocation of the secondary access.

**ACC - Environmental Health** – have reviewed the proposal and have no objection to the application. Their response will be discussed in greater detail in the evaluation section of this report.

**Aberdeen International Airport** – initially raised some concerns about the types of landscaping proposed, as it included a large proportion of species that may attract birds and increase bird strike risk at the airport. Amended landscaping plans were submitted by the applicants and the airport were re-consulted on the proposals and noted that the revisions do not conflict with safeguarding criteria.

**ACC - Waste and Recycling** – advised of the waste management requirements for the proposed development.

**ACC - Structures, Flooding and Coastal Engineering** – have reviewed the submitted Flood Risk Assessment and have no objection.

**ACC - Contaminated Land Team** – no objection, their response will be discussed in greater detail in the evaluation section of this report. They have requested the insertion of a condition relating to the submission of a further contaminated land assessment.

**Dyce and Stoneywood Community Council** – object to the application. They consider that insufficient information has been submitted in relation to the nature and operation of the “energy storage units” and the application therefore fails to comply with Policy R8 (Renewable and Low Carbon Energy Developments) of the ALDP with respect to its effect on residential amenity and safety.

**SEPA** – advised that the case officer should consider whether there are fluvial flood risk issues, and if so, seek further consultation with SEPA.

## **REPRESENTATIONS**

The proposal has been subject to two letters of representation (objection). The matters raised can be summarised as follows:

1. The ground on which the proposed energy site is not fit for purpose to hold any weight of machinery as the walls of the current embankment are currently subsiding due to the weight of vehicles sitting on it at present.
2. Part of the site is not owned by the proposed development and is owned by another party.
3. No Safety Risk Assessment has been undertaken based on the type of battery to be used. The inherent risk of potential fires in lithium batteries is well known and documented. A full independent risk assessment should be commissioned based on the battery type as a facility such as that proposed next to business and industrial uses poses a fire risk with



subsequent release of toxic gas. They had no objection to the principal of energy storage but believed that this was not the correct location for such a system.

## **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.

### **Scottish Planning Policy (2014)**

Scottish Planning Policy was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place. Paragraph 80 of SPP supports the generation of energy from a renewable source where it accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

Paragraph 169 also provides guidance for energy infrastructure developments and matters that should be taken into consideration. Paragraph 172 also advises that where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

### **Aberdeen City and Shire Strategic Development Plan 2020**

The SDP also discussed renewable energy and notes the requirement to supply heat and power from renewable sources, as well as supporting reduced emissions from existing power stations. A more diverse mix of renewable energy sources, along with storage, will be needed if we are to meet Scottish Government renewables targets, make best use of the resources available, and ensure continuity of supply to serve communities and businesses across the City Region.

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

- Policy H2: Mixed Use Areas
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy B4: Aberdeen Airport
- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE8: Natural Heritage
- Policy R2: Degraded and Contaminated Land
- Policy R6: Waste Management Requirements for New Development
- Policy R8: Renewable and Low Carbon Energy Development

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

- Landscape
- Transport and Accessibility
- Noise
- Natural Heritage
- Flooding, Drainage and Water Quality
- Resources for New Development

## **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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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; and 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 are considered to be of relevance: Policies WB3: Noise, NE3: Our Natural Heritage, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R6: Renewable and Low Carbon Energy Developments, R7: Renewable and Low Carbon Energy Developments, H2: Mixed Use Areas, T2: Sustainable Transport, T3: Parking and B3: Aberdeen International Airport and Perwinnes Radar of the Proposed Aberdeen Local Development Plan.

## **EVALUATION**

### **Principle of Development**

Policy H2 “Mixed Use Areas” of the ALDP advises that *“applications for development or change of use within Mixed Use Areas must take into account the existing uses and the character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity.... where new industrial business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area”*.

Policy R8 “Renewable and Low Carbon Developments” is also considered to be of relevance, this advises that the *“development of renewable and low carbon energy schemes where the technology can operate efficiently and the environmental and cumulative impacts can be satisfactorily addressed will be supported in principle if proposals (i) do not cause significant harm to the local environment, including landscape character and appearance of listed buildings and conversation areas, do not negatively impact on air quality, do not negatively impact on tourism and do not have a significant adverse impact on the amenity of dwelling houses”*.

In terms of an assessment against Policy H2, the proposed facility would be located adjacent to business and industrial uses, although it is noted that residential properties are present to the north. Supporting information, by way of a Noise Impact Assessment and other associated documents indicate that the proposed facility can be accommodated in this location without having an adverse impact on the character and amenity of the surrounding area. Whilst the noise mitigation measures required, including 5.5m high acoustic fencing may be particularly high, these could be reduced (as discussed below) to lessen the overall impact on the development. The proposed use and associated mitigation measures therefore meet the requirements of Policy H2 (Mixed Use Areas) of the ALDP.

In terms of an assessment against Policy R8, the proposal is associated with the ongoing operation of renewable energy schemes, and the applicants have submitted supporting information which indicates that the proposal would have no adverse impact on the surrounding environment, given the nature of the proposals and the fact that Environmental Health have raised no adverse comment the proposal would have no adverse impact in terms of air quality, the proposal would have no impact on tourism and the supporting information also indicates that the



proposed development would have no adverse impact on the amenity of dwellinghouses. The proposal would therefore comply with Policy R8 (Renewable and Low Carbon Developments) of the ALDP.

The proposal is envisaged to have an operational lifespan of around 25 years. Conditions are proposed to be applied to any approval that would require the batteries to be replaced should they become redundant, and the overall use to cease and site restored in the event that less than 50% of the batteries are operational for a period of more than 12 months.

### **Layout, Siting and Design**

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.

It is noted that the majority of the works, including the modular buildings and associated infrastructure have been designed with due consideration for their context, and would have no adverse impact on the character or amenity of the surrounding area. The proposal would have the appearance of an industrial site, screened behind acoustic fencing and soft landscape planting.

The “resource efficient” criteria set within the six qualities of successful placemaking advised in Policy D1 encourage the use of existing buildings and brownfield sites, maximises efficiency of use of resources through natural or technological means, minimises energy use and loss and makes use of available sources of heat and power. The proposed development is considered to comply with the above criteria.

The Planning Service raised concerns in relation to the height of the acoustic barriers, which varied between 3.5m and 5.5m in height. The height of the proposed acoustic barriers is as recommended in the NIA, although the applicants note that these may be reduced depending upon the final technology provider to be used. It should be noted that a revised NIA and amended plans may be required in this regard. Should it be demonstrated that reduced acoustic barriers can be used, this could be dealt with as a variation, given that it is a ‘worst case scenario’ that is being assessed through this application. The applicant has sought to lessen the overall visual impact of the development through appropriate landscaping and the positioning of such in relation to sensitive receptors. This includes the barriers being located directly adjacent to the units, allowing the site boundary walls to be constructed at a lower height. The acoustic fencing will be of solid timber construction and can be finished in appropriate tone to assimilate with the surroundings. The applicants also submitted 3D visualisations in support of the proposal. On balance, whilst the height of these features would be significant at up to 5.5m – particularly on the eastern elevation, they are required to lessen the noise impact of the development, and the applicant’s mitigation measures of landscaping and appropriate colouring are considered to be acceptable to minimise the visual impact of these works. A suspensive condition will be applied to require submission of the boundary treatment details.

In conclusion, considering the foregoing evaluation, it is considered that the proposal would comply with D1 (Quality Placemaking by Design) of the ALDP.

### **Noise**

It is acknowledged that such a proposal may have the potential to adversely impact on residential amenity, given the flats to the north. As a result, a Noise Impact Assessment was required to be submitted in support of the planning application. Policy T5 (Noise) of the ALDP advises that *“there will be a presumption against noise generating developments, as identified by an NIA, being located close to noise sensitive developments, such as existing or proposed housing”*.

The submitted NIA has been reviewed by colleagues in the Environmental Health Service, who consider the findings and proposed mitigation measures to be acceptable. This is on the basis that the proposal applies the critical noise mitigation measures achieving at least an equivalent effect of those measures contained within the assessment (or other measure demonstrated as appropriate and accepted by Environmental Health) and note that this must include:

- Application of noise barriers as detailed within Section 6.04 including 3.5m high and 5.5m high barriers as demonstrated in figure 5 of the NIA; and
- The noise barrier complying with the specification detailed within Section 6.10 of the NIA namely, having a surface was of at least 15kg/ m2 and has an acoustically absorbent inner surface.

In terms of the above, from a planning perspective, the issues relating to the acoustic fencing have been discussed elsewhere in this report, noting that the size of the fencing on balance is considered acceptable and a worst-case scenario to ensure that the proposed development would not adversely impact on the residential amenity of properties in the surrounding area. Compliance with the NIA will be controlled via an appropriately worded planning condition which, in turn, would ensure compliance with Policy T5 (Noise) and the associated SG: Noise of the ALDP.

### **Landscaping and Natural Heritage**

The proposal has been subject to consultation with colleagues in Environmental Policy (EP), who looked at various aspects including natural heritage and the landscaping proposed as part of the application. They consider the findings of the Preliminary Ecological Assessment to be acceptable but note that the mitigation and further surveys in relation to nesting birds must be adhered to in order to avoid any offences. This matter can be controlled via condition and the proposed development would comply with the general principles of Policy NE8 (Natural Heritage) of the ALDP.

In terms of landscaping, it is noted that the proposal has been amended since the original submission to take account of comments raised by Aberdeen International Airport, with the landscaping taking place around the periphery of the site to minimise the visual impact of the boundary treatments proposed. Colleagues in EP consider the landscaping proposals to be generally acceptable, noting the use of mixed native species. Clarification was sought on some aspects including the use of tree protection measures, and what was proposed on the sloping ground to the south. The revised plans now show landscaping within the southern area, to ensure that the site is bound via appropriate landscaping. Whilst these details are generally acceptable, a further condition will be added to ensure that the finalised landscaping scheme is submitted to and approved in writing by the Planning Authority. Subject to this, it is considered that the development would comply with the general provisions of Policy D2: Landscape of the ALDP.

Colleagues in EP also noted that there is a path running to the south of the site along the Far Burn from Farburn Place to Farburn Terrace. They note that the path is out with the application site, but the developer would need to ensure that the development does not encroach of this through any landscaping schemes. In response to this, the applicant confirmed that the footpath to the site is no longer operational and has been closed off in cooperation with the Council. The landowner has also agreed a wider cycle path to the south.

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

Policy NE6 of the ALDP advises that *“development will not be permitted if it would increase the risk of flooding, would be at itself at risk of flooding, adequate provision is not made for access to waterbodies, or it would require the construction of new or strengthened flood defences”*. The proposal has been subject to consultation with colleagues in both Flooding and with SEPA, neither of whom have raised any concerns with the proposal, and both of whom are content with the

recommendations as contained within the Flood Risk Assessment. The proposal is therefore not considered to be at risk of flooding and would not increase flood risk in the surrounding area and is therefore considered to comply with the provisions of Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP, as well as with its associated SG.

### **Roads/ Transportation**

Policy T2 of the ALDP advises that *“new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*. The proposal has been subject to consultation with colleagues in Roads Development Management, who initially raised concerns about the proposal for two junctions. They also requested the submission of suitable swept path analysis. The proposal was amended to alter the location of the secondary access and to provide suitable turning areas and RDM subsequently confirmed that they had no further objection to this aspect of the proposal. They were content with the two parking spaces proposed. They also advised that an RCC would be required for the new access road and an informative will be added in this regard. The proposed development, as a result of the amended plans, is considered to comply with Policy T2 (Managing the Transport Impact of Development) and its associated SG: Transport and Accessibility of the ALDP.

In terms of waste arrangements for the proposed development, colleagues in waste management have advised of the waste requirement for the development, noting that the proposal is classed as commercial and would receive a commercial waste collection. Suitable swept path has also been submitted to the acceptance of colleagues in RDM. The proposal would not conflict with the provisions of Policy R6 (Waste Management Requirements for New Development) and its associated SG: Resources for New Development of the ALDP.

### **Degraded and Contaminated Land**

Policy R2 of the ALDP advises that *“the City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use”*. The proposal has been subject to consultation with the Council’s Contaminated Land Team, who have noted that the development is located on former railway land and there is potential for land contamination. The Phase 1 Preliminary Assessment submitted in support of the application acknowledges the potential for contamination and recommends that a Phase 2 intrusive ground assessment is carried out. They have suggested that this matter could be controlled via condition. Subject to the above being carried out, the application site could be restored to a level suitable for the proposed use and the application would therefore comply with Policy R2 (Degraded and Contaminated Land) of the ALDP.

### **Aberdeen Airport**

The proposal has been subject to consultation with Aberdeen International Airport, the boundary of which is located approximately 120m the west of the application site boundary. The airport initially raised some concerns about the types of landscaping proposed, as it included a large proportion of species that may attract birds and increase bird strike risk at the airport. Amended landscaping plans were submitted by the applicants and the airport were re-consulted on the proposals and noted that the revisions do not conflict with safeguarding criteria. They therefore have no objection to the proposals. They have, however, suggested the insertion of an informative regarding the use of cranes. The proposal would comply with the general provision of Policy B4 (Aberdeen Airport) of the ALDP.

### **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.

## **Matters Raised by Community Council**

An assessment of the proposal against Policy R8 has taken place in the above evaluation, the applicants have submitted appropriate information in support of the application to ensure there would be no adverse impact on residential amenity, and a further supporting statement was submitted in regard to the safety aspects of the proposal, which is discussed in the “matters raised in representation” section below.

## **Matters Raised in Representation**

1. The ground on which the proposed energy site is not fit for purpose to hold any weight of machinery as the walls of the current embankment are currently subsiding due to the weight of vehicles sitting on it at present. *Response: in relation to the first two points, the applicants have submitted a response/ further information. They have advised that, with regards to land stability, as with most developments, the proposed scheme cannot tolerate unintended movement of infrastructure and therefore the final design will evaluate the requirement for stabilisation and appropriate foundation requirements. To the extent necessary, the executed scheme may include further retaining wall construction or slope stability measures. From the Planning Service’s perspective, a further application may be required for such a retaining wall or could potentially be undertaken as a variation to the original permission.*
2. Part of the site is not owned by the proposed development and is owned by another party. *Response: from the Planning Service’s perspective this would be a civil matter between the relevant parties. The applicant has provided a response noting that they did seek to clarify this with the neighbour, but no response was received. The red line boundary was based upon the most up-to-date legal title plans and is therefore acceptable from the point of view of the Planning Service.*
3. No Safety Risk Assessment has been undertaken based on the type of battery to be used. The inherent risk of potential fires in lithium batteries is well known and documented. A full independent risk assessment should be commissioned based on the battery type as a facility such as that proposed next to business and industrial uses poses a fire risk with subsequent release of toxic gas. No objection to the principal of energy storage but believe that this was not the correct location for such a system. *Response: the applicants also provided a response to the above and noted that the supplier and site operator (maintenance and servicing provider) will align to all relevant and current legislation and best practice for the design, construction and operation of the facility. This would include matters in relation to fire safety, including management systems, monitoring control, isolation, detection and suppression systems. A Fire Safety Management Procedure will be drawn up for the site. This could be submitted to and agreed in writing by the Planning Service by way of an appropriately worded planning condition.*

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

Information has been provided confirming that the proposed development would have no adverse impact on the character and amenity of the surrounding area, subject to appropriate mitigation measures controlled via planning condition. The proposed development would therefore comply with Policy H2 (Mixed Use Areas) of the ALDP.

Whilst the height of the acoustic fencing proposed is not ideal, the applicants have submitted sufficient justification to warrant its siting, and subject to the implementation of appropriate landscaping and colouring of the boundary treatments it is considered that the proposal would comply with Policy R8 (Renewable and Low Carbon Developments) of the ALDP in that the development will contribute to the development of renewable and low carbon energy schemes without any adverse environmental or cumulative impacts.

All other technical issues have been resolved or can be controlled via appropriately worded planning conditions. The proposal would therefore comply with Policies T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T5: Noise, B4: Aberdeen Airport, D2: Landscape, NE6: Flooding, Drainage and Water Quality, NE8: Natural Heritage, R2: Degraded and Contaminated Land and R6: Waste Management Requirements for New Development as well as with the associated Supplementary Guidance in relation to Landscape, Transport and Accessibility, Noise, Natural Heritage and Flooding, Drainage and Water Quality.

For similar reasons the proposal would also comply with Policies WB3: Noise, NE3: Our Natural Heritage, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R6: Renewable and Low Carbon Energy Developments, R7: Renewable and Low Carbon Energy Developments, H2: Mixed Use Areas, T2: Sustainable Transport, T3: Parking and B3: Aberdeen International Airport and Perwinnes Radar of the Proposed Aberdeen Local Development Plan.

There are no material planning considerations that would warrant refusal of planning permission in this instance.

## **CONDITIONS**

1. That in the event that any battery installed and commissioned fails to commercially operate as intended for a continuous period of six-months and there is no plan in place to bring the battery in to operation within a further period of six-months, then unless agreed in writing with the Planning Authority, the facility will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the cells being appropriately disposed and/ or recycled/ re-purposed, and the ground being re-instated to the specification and satisfaction of the Planning Authority by the operator within the following three-month period. Reason: to ensure that any redundant facilities are removed from the site, in the interests of safety, amenity and environmental protection.
2. That in the event of the development hereby approved not operating on a commercial basis to the grid network for a continuous period of 12 months, the company must immediately notify the Planning Authority in writing of the situation and shall, if directed by the Planning Authority decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity. Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.
3. No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include: (a) design, power rating, sound power level modelled at the most sensitive receptor (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be

installed' and (b) the external colour and/ or finish of the battery storage containers (and ancillary infrastructure). Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details and maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground. Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

4. That no development shall commence until details of the final drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity. Reason: in order to ensure that the site is adequately drained.
5. That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the Planning Authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:
  - a) an investigation to determine the nature and extent of contamination,
  - b) a site-specific risk assessment,
  - c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

The development hereby approved shall not be brought into use 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 development hereby approved shall not be brought into use unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation. Reason: in order to ensure that the site is fit for human occupation.

6. That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (CSP Acoustics Ref: 1584 001 JT V1.1 dated 7th May 2021), unless otherwise agreed in writing with the Planning Authority on the basis of an updated assessment. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing by the Planning Authority. Reason: in the interests of residential amenity.
7. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new [trees, shrubs, hedges, grassed areas and water features]. - Delete as appropriate.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including [walls, fences, gates, street furniture and play equipment].
- (v) An indication of existing trees, shrubs and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme."

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

- 8. That prior to the commencement of development, the Fire Safety Management Procedure shall be submitted to, and agreed in writing by the Planning Authority. Thereafter the plan shall be implemented and retained in perpetuity, unless otherwise agreed in writing by the Planning Authority. Reason: in the interests of fire safety and in the amenity of the surrounding area.
- 9. That no development to which this planning permission relates shall take place unless a scheme in relation to the specification and colouring and final details of the proposed boundary treatments, including the proposed acoustic fencing has been submitted to and approved in writing by the Planning Authority and the development shall not be occupied unless the approved scheme has been implemented in its entirety. Reason: In order to preserve the amenity of the area.
- 10. That the development hereby approved shall not be occupied unless the car parking areas, accesses and associated areas of hardstanding hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 11641-0009-09 of the plans hereby approved or such other drawing as may subsequently be submitted 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 - in the interests of public safety and the free flow of traffic.

1. Roof water should be considered for the containers and other structures to ensure it does not impact on the drainage capacity of Farburn Road adjacent to the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [http://www.aoa.org.uk/policy\\_safeguarding.htm](http://www.aoa.org.uk/policy_safeguarding.htm))



# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



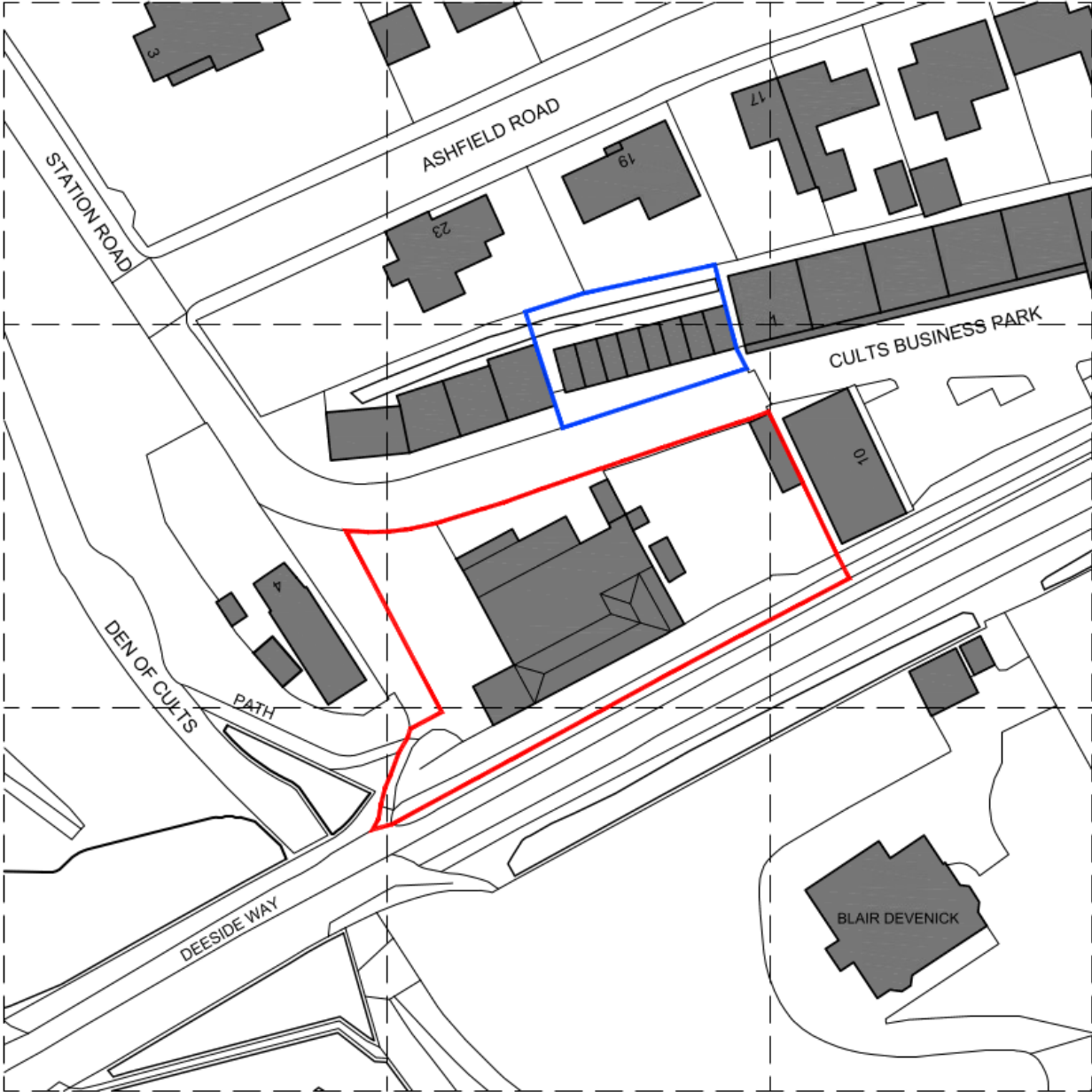
30 September 2021

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

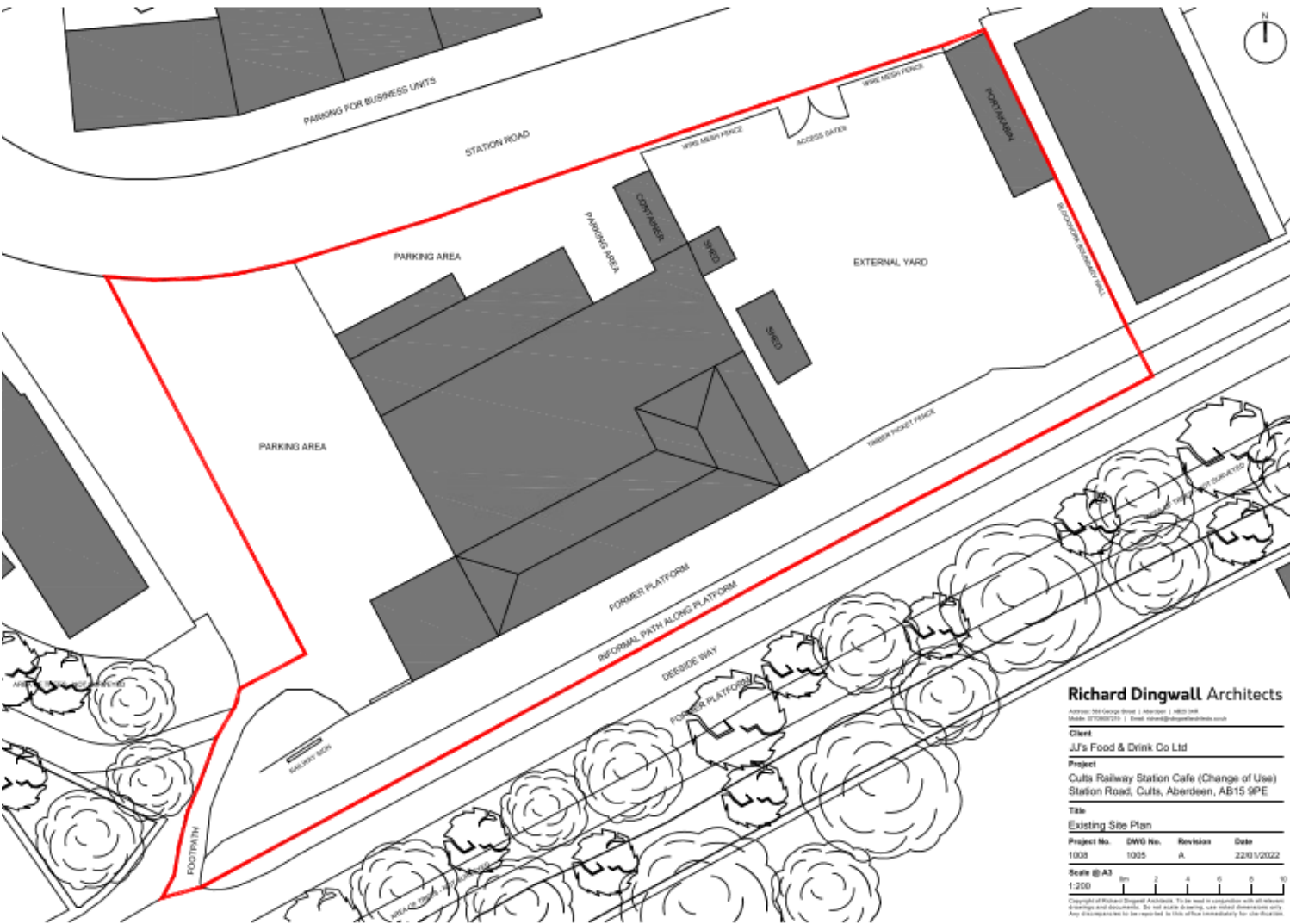
Former Cults Railway Station, Station Road

Detailed Planning Permission  
210140/DPP

# Site Location



# Site Layout Plan



## Richard Dingwall Architects

Address: 56 George Street | Aberdeen | AB11 9BE  
Mobile: 0770002375 | Email: rdingwall@richarddingwall.co.uk

### Client

JJ's Food & Drink Co Ltd

### Project

Cults Railway Station Cafe (Change of Use)  
Station Road, Cults, Aberdeen, AB15 9PE

### Title

Existing Site Plan

Project No.	DWG No.	Revision	Date
1003	1005	A	22/01/2022

Scale @ A3

1:200

Copyright of Richard Dingwall Architects. To be read in conjunction with all relevant drawings and documents. Do not scale drawings, use noted dimensions only. Any discrepancies to be reported in this office immediately for site discussion.



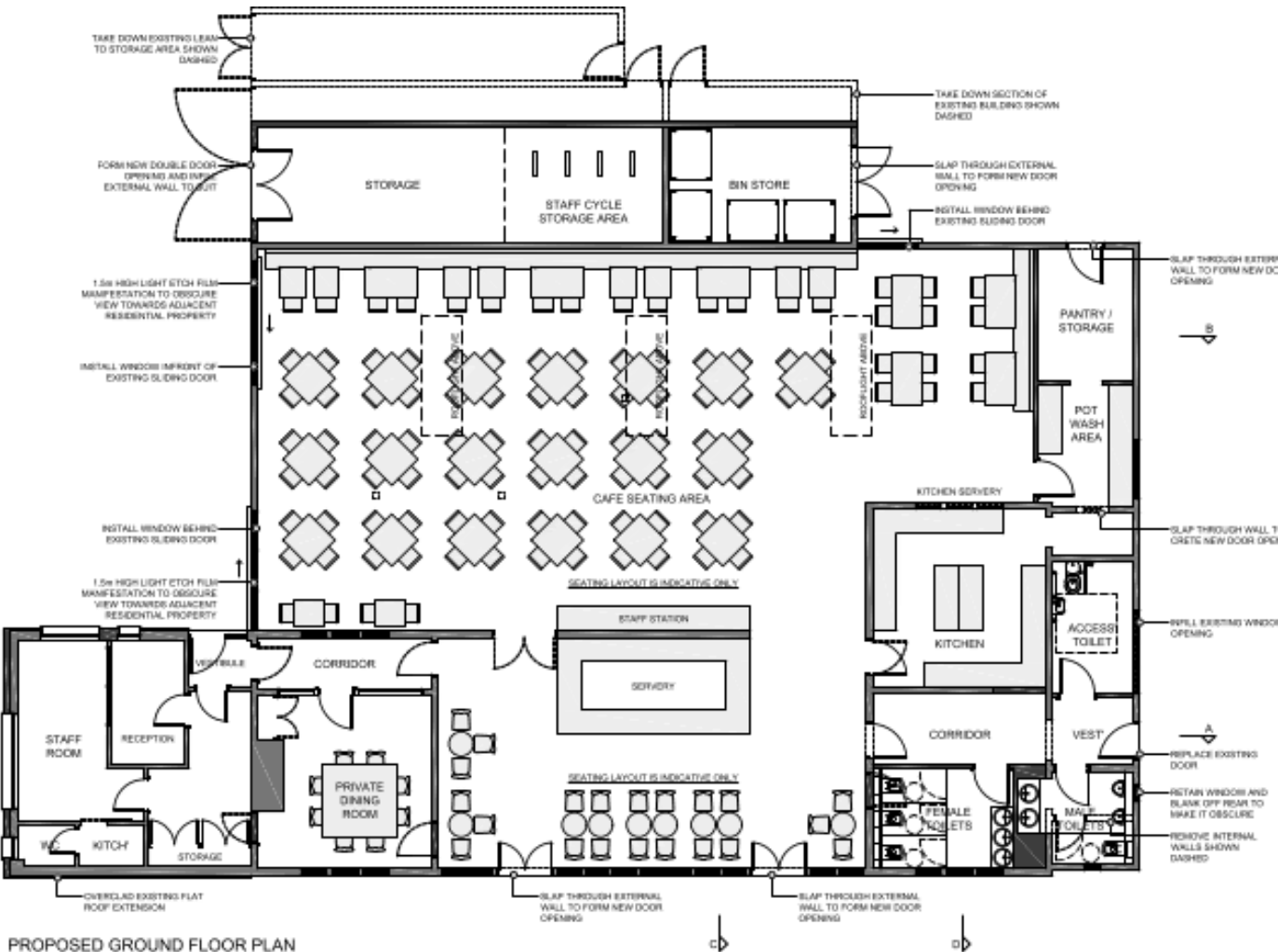
# Aerial Photo



## Page 57



# Proposed Floor Plan



# Proposed Elevations



PROPOSED SOUTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION

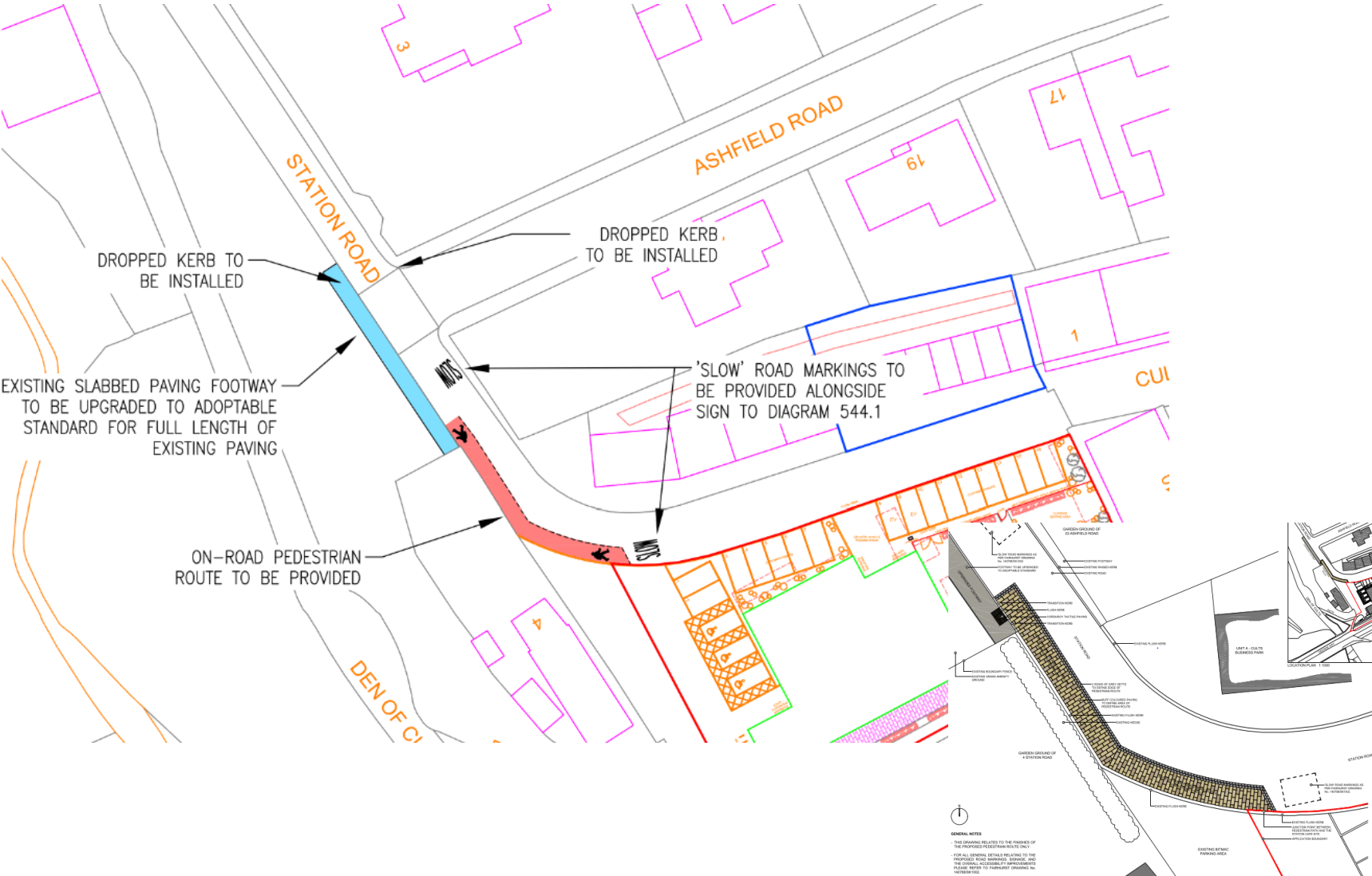


PROPOSED WEST ELEVATION

[illegible]



# Proposed Access Improvements



# Site Photos (Google Maps – 2008 & 2018)



## Site Photo – September 2021





# Site Photos – September 2021



# Site Photos – September 2021





# Site Photos – September 2021

Page 66



# Site Photo – September 2021



# Ashfield Road/Station Road





# Station Road

Page 69



# Westerton Road/Ashfield Road junction





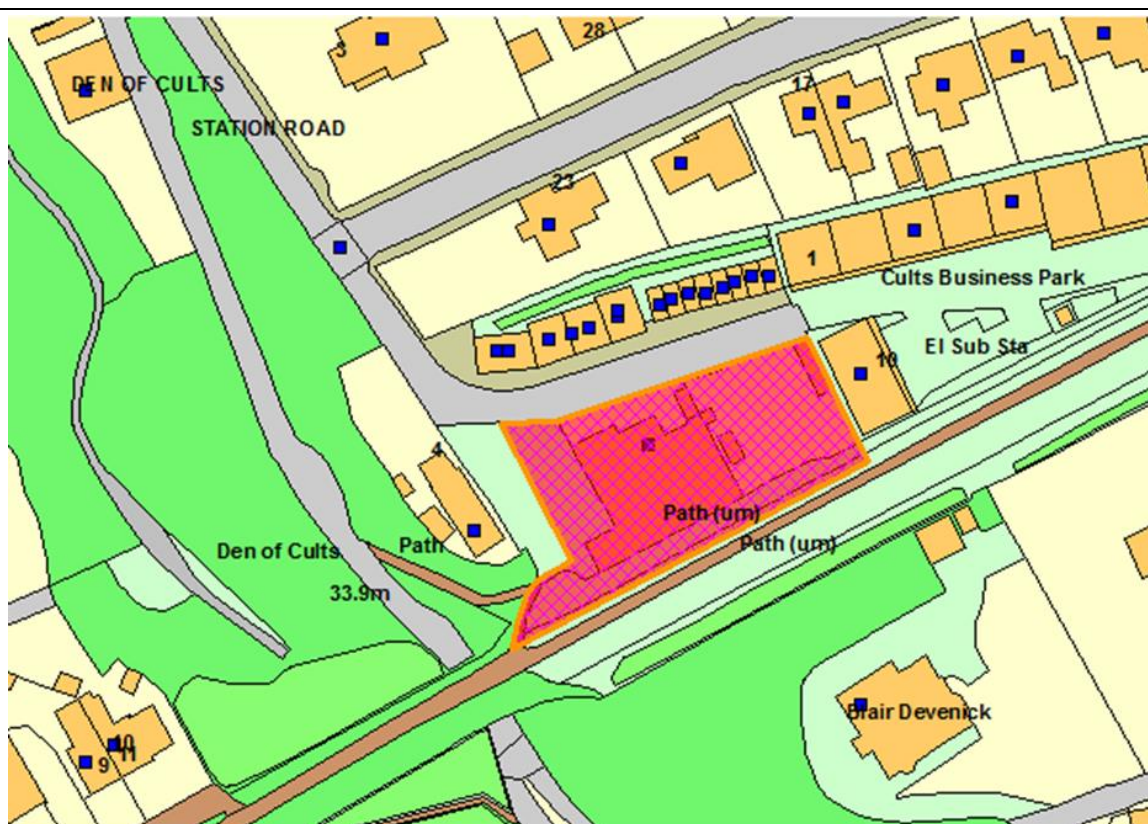


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 30 September 2021

<b>Site Address:</b>	Former Cults Railway Station, Station Road, Cults, Aberdeen AB15 9NP
<b>Application Description:</b>	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
<b>Application Ref:</b>	210140/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 February 2021
<b>Applicant:</b>	JJ's Food & Drink Co Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Jane Forbes



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site, extending to an area of some 1700m<sup>2</sup>, is the former Cults Railway Station, located on the southern side of Station Road, at a distance of some 125m south of North Deeside Road. The site most recently operated as a joinery business and comprises the original late 19<sup>th</sup> century single storey station building (which has seen a number of extensions over the years and a resulting footprint of some 380m<sup>2</sup>), the station platform, an external semi-enclosed yard and an area of hardstanding which provides parking space.

The original station building design is typical of the standard station style of the late 1800's, with timber cladding and a hipped slated roof, with the more recent development to the rear (north) in the form of a lean-to extension which has served as workshop space for the joinery business and is largely finished in timber cladding with metal sheet roofing.

The site is bound to the south by the Deeside Way, and to the south of this by mature trees lining the rear curtilage of a residential property which forms part of the boundary of the Pitfodels Conservation Area. To the west and at a distance of some 7.5m from the site boundary is a residential property (No 4 Station Road), whilst to the east and beyond the station yard is the Cults Business Park. To the north the site faces across Station Road towards a number of commercial properties and lock-up garages, beyond which are the rear gardens of residential properties along Ashfield Road.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the re-development of the site including the change of use and refurbishment of the existing former Cults Railway Station building to form a café (Class 3) with outdoor seating, along with associated works to provide 19 car parking spaces (16 x standard, 3 x accessible), 48 cycle parking spaces (16 x long stay, including 8 internal), hard and soft landscaping, and boundary treatment.

With the exception of a section of the rear lean-to extension lying along the northern elevation of the building which would be removed, the existing building, as extended, would be retained to accommodate a large open seating area for the café, private dining space, kitchen and storage areas, customer toilets, staff facilities, a bin store and secure cycle parking for staff (8 x long stay).

The main customer access to the proposed café would be provided via the front (south) elevation of the original station building, with two new sets of timber framed doors being introduced which would open onto the former platform area. A further access point for customers is proposed to the east elevation which opens onto the yard area, whilst staff access to the building would be provided via the single storey flat-roofed extension which lies to the west of the main station building. The yard would be enclosed by means of a timber picket fence with gate openings, with this external space delivering the main outdoor seating area and accommodating a food van serving station and small children's play area. A further area of informal outdoor seating is proposed along part of the aforementioned platform, to the front (south) of the building.

The proposed refurbishment of the building includes repair/replacement of the timber cladding, with horizontal cladding to match that of the original building and vertical cladding on the existing extensions, all of which would be painted in off-white to match existing; installation of solid timber and timber framed glazed doors, finished in off-white for the west elevation of the original station building and in blue for all remaining external doors; installation of full height blue coloured aluminium framed windows on east and west elevations of the building, with the existing timber sliding doors being retained and repainted in blue, and a 1.5m high etched privacy film cover to be fitted to the windows on the west elevation; replacement roof to rear extension incorporating 3 rooflights and finished in wavy profile blue coloured steel with metal flashing.

Areas of hard and soft landscaping are proposed, mainly focussed along the former platform and within the yard where the outdoor seating would be located and include a stone paved area, part of which would accommodate the informal seating to the front (south) of the building whilst also serving as a footpath linking the yard to the east with the existing public footpath to the west which serves as the access point from Station Road onto the Deeside Way. Landscaping of the site is proposed in the form of tree planting, with a mix of native species, shrub beds, hedging and wildflower and grass beds.

### **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=QO0KLOBZGJ000>

- Design and Access Statement
- Technical Note on Access & Parking including TRICS and Swept Path Analysis
- Bat Survey Report
- Noise and Odour Impact Assessment (Ref: Proposal No: TTG 151120b, Rev 2, Dated 22/1/21)
- External Lighting Report
- Natural Heritage and Landscaping Report
- Document submitted by the agent, on behalf of the applicant (dated 24 May 2021), addressing points raised in letters of representation
- Correspondence from the agent, on behalf of the applicant (dated 5 April 2021), responding to ACC Roads DM consultation comments of 17 March 2021

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

The application has been referred to the Planning Development Management Committee because more than six letters stating objection to the proposal were received (a total of 77) and the Cults, Bieldside and Milltimber Community Council lodged an objection to the proposal.

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – The proposal has been reviewed including in terms of access, parking, servicing, the local roads network and a travel plan framework. Roads Development Management (DM) raise no objection to the development proposal subject to conditions and access improvements being delivered. Further detail on the consultation response is covered in the evaluation section of this report.

**ACC - Environmental Health** – A Noise and Odour Impact Assessment submitted in support of the proposed development was reviewed and the findings considered acceptable. Environmental Health officers raise no objection to the proposed development provided the critical noise and odour mitigation measures outlined within the aforementioned assessment are implemented and an

equivalent effect of those measures achieved. These measures include the installation of wall and roof insulation, a kitchen extraction system being installed and a restriction on the operating hours. They also recommended that there should be a strict adherence to the managerial controls detailed within the assessment to reduce the risk of malodour and statutory nuisance going forward.

**ACC - Waste And Recycling** – No objection. Confirmed that the proposed development would be classified as commercial and would therefore receive business waste collection. Whilst Aberdeen City Council is not the sole waste service contractor in the city, general comments and guidance are provided for the applicant, included as an advisory note.

**Cults, Bieldside And Milltimber Community Council** – Object to the proposal. Confirm that a proposal to secure the future of the Cults Station building would be welcome, and the Community Council would be supportive of a small café to serve mainly Deeside Way users. Raise the following issues:

#### General points

- Voice regret that the Community Council were not invited to be involved in discussions at an earlier stage and given the opportunity to contribute towards a community viewpoint.
- Highlight that the large number of submissions from a wide area which are in support of the proposed change of use to café are without comment on the detail of the application.
- Highlight the extent of strongly argued concerns which have been raised by residents in neighbouring properties along Station Road, Ashfield Road and Westerton Road and Place, with particular reference to traffic generation, parking problems in narrow residential roads and loss of amenity.

#### Seating and Opening Hours:

- Highlight that the proposed plans suggest the total seating could be over 250 with much of this outdoors, with this indicating catering on a much larger scale than a “café” and similar to what is provided by the Cults Hotel.
- Raise concerns that the amount of seating proposed combined with long evening opening hours and availability of alcohol could lead to unacceptable noise disturbance as well as traffic generation and parking issues.
- State a preference for a much reduced number of seats to serve the Deeside Way footfall, with opening hours restricted to widely-accepted “café” hours with no alcohol license or late-evening opening granted.

#### Traffic and Parking

- Note that the number of parking spaces appears to be based on the floor area of the property in accordance with Supplementary Guidance but does not reflect the amount of seating suggested or the likely car usage of many customers especially if evening opening were granted.
- Concerned and raising some doubt with the findings of the Fairhurst TRICS analysis which suggests that “the café is anticipated to attract the bulk of its clientele from the Deeside Way rather than by car trips from the surrounding area” (para 1.4).
- Believe that the available parking spaces would be swamped by evening clientele arriving by car. Surrounding roads are narrow and already under parking and traffic pressure. The spill-over of parked vehicles onto these roads would create problems for residents and possibly restrict access for emergency vehicles to Station Road and Den of Cults.

#### Heritage

- State a preference for the platform (South) façade to be restored to its original condition and had hoped to see the removal of existing extensions to North and West, with recladding of these buildings unacceptable.

- Highlight that any new extension should reflect the original design of the building.
- State that photos included within the Design and Access Statement suggest the recently restored Ballater Station is seen as a model and would welcome this approach.

## **REPRESENTATIONS**

A total of 339 valid and timeously made representations have been received in relation to this application, 73 expressing objection or concern about the proposal, 264 expressing support, and 2 of which are neutral. These submissions raise the following points:

### **Support**

- Great asset to the local area;
- Would add value to and help preserve part of the old railway line;
- Real lack of family friendly venues in Cults with outdoor space and easy access for walkers, runners and cyclists;
- Important to support local community with projects that bring people together;
- Welcome addition to local amenities in Cults;
- Should support local entrepreneurship and creative ideas in local community;
- Great for pedestrians and cyclists using the old railway line;
- New business would be good for the area at this time;
- Perfect location;
- Would bring a new lease of life to an empty building and provide better facilities to the area;
- Would encourage more people to use the Deeside Way for exercise;
- Would create a new business and support the local economy;
- Job creation for the local area;
- Much residential development has taken place in the local area but with a lack of supporting amenity facilities;
- Would provide a venue which is not on a busy pavement or on a road with queuing traffic and fumes – the outdoor area would be safe and clean;
- Local residents would be more inclined to walk or cycle to the venue, rather than travel by car;
- Would benefit both the local and wider community;
- Would encourage sympathetic restoration and repurposing of the former railway station building and provide a use for the building which would serve the local area;
- Possible opportunity for local railway heritage to be displayed;
- Would bring back some local heritage to Cults;
- Location adjacent to the old railway line would help alleviate any anti-social behaviour;
- The area needs more independent businesses rather than national/international franchises;
- Not many of these types of establishments on the Deeside Way and nothing between Duthie Park and Cults providing refreshment and toilet facilities;
- Would enhance the area and improve a run down space;
- Provides a destination that would encourage community spirit, exercise and friendship;

### **Neutral**

- Good resource provided customers are not affecting access along the Deeside Way;
- Takeaway hatch required so that dog walkers and cyclists can use the facility;
- Benefit could be gained and the ecological value of the green corridor of the Deeside Way supported if native plant species were included in planting;

### **Objection**

#### **Scale/Impact on Area**

- Overdevelopment of the site;

- Unacceptable scale & nature of development which does not reflect that of a café, rather a restaurant/bar;
- Wrong location. Site is surrounded by housing and on the edge of a conservation area;
- Would create a facility which is not in-keeping with the conservation area nor the size of the site;
- Would reduce quality of life and amenity in the village of Cults;
- Adverse impact on existing businesses and detrimental economic impact on town centre;
- Would set precedent leading to proliferation of similar applications, including for the business park;
- Ample facilities for refreshment in the surrounding area;
- Surrounding area already experiencing more frequent flooding as a result of overdevelopment on the north side of Cults & more development without improving flood protection would only exacerbate the situation;
- Unacceptable to convert a business premises for hospitality use in an area zoned as residential and commercial;

### Design

- Original features of the building have already been altered with no sensitivity for the original style and history of the site;
- Retention and conversion of the lean-to shed extensions is not appropriate. Unlikely these extensions are habitable, they are not in-keeping with the building heritage and may not have planning permission. The proposed elevations do not correspond with what is expected for a conservation area;
- Parts of the building require substantial modification to meet modern standards of sound protection, thermal insulation, lighting, etc;
- Proposed kitchen layout does not appear appropriate for scale of development;
- Utilising the platform for seating is a significant change from its historic or current use and no fencing is proposed to prevent customers falling onto the railway line;
- Proposed glazing on west elevation would adversely affect existing privacy of existing residential property to west of site, including bedrooms situated to the front of the property. Blanking out windows using etched film is not sufficient to address this concern.

### Traffic/Access/Parking

- TRICS and Swept Path Studies are not fit for purpose, using inaccurate information and models reference, eg Den of Cults is incorrectly referred to as cul-de-sac, a drive-thru coffee shop used as a comparison;
- Local road network is not capable of accommodating the additional traffic. The proposal would see an increase in cars, large vehicles and commercial traffic in the area;
- Station Road is a private road where neighbours pay for the upkeep;
- There are existing road safety issues for cars and pedestrians in the area;
- Pedestrian access is unacceptable with narrow/inadequate pavements and completely inadequate for disabled access;
- Proposal does not include sufficient parking for staff and customers. Scale of development would result in overflow into surrounding streets, affect local residents & exacerbate existing parking issues;
- The majority of proposed car parking spaces are situated in close proximity to a residential property with no barrier which would cause a lot of disturbance. A boundary or wall should be erected to protect privacy and prevent vehicle movement or parking next to the property;
- Increased traffic & parking would impact on safety of families, with children and elderly living in surrounding area;
- The former station platform is a public walkway and has been for many years and should not be used for outdoor seating;



- Would cause congestion on the former railway line during busy periods;
- After the hours of dark, the majority of customers would access the venue via Station Road as the old railway line is not lit;
- Evening customers would likely drive to the venue;
- The proposal only refers to the passive provision of EV charging points when EV charging points are readily available;

#### Natural Environment

- Impact on wildlife & habitat within a conservation area — adverse effect due to increased traffic, noise, light & air pollution;
- The opening up of doors to the platform would lead to public noise nuisance on the railway line;
- Would cause congestion on the Deeside Way during busy periods;
- Importance of retaining quiet outdoor space for wellbeing and residential amenity;
- Would cause significant disruption to wildlife, natural beauty and rural tranquillity of the walkway and surrounding area;
- The applicant has already had heavy machines on site, caused damage to the railway platform and loss of fauna and wildlife, removed community planter and lit bonfires;
- Potential of setting a dangerous precedent by eroding the current status of the railway line as a public green space;
- Bat survey does not appear acceptable with inadequate period of observation;
- Habitats Regulations Assessment has not been carried out;

#### Noise/Amenity

- Noise and Odour Impact Statement – contains insufficient information;
- No clear indication on hours of operation or whether the venue will have an alcohol licence;
- Hours of operation proposed for the café (Monday-Thursday 08:00-23:00 and Friday-Sunday 08:00-23:30) are inappropriate for a quiet street surrounded by residential properties;
- Risk of adverse noise from delivery vehicles;
- Would result in light, noise & odour pollution, all affecting local residents;
- Impact on residents in area due to volume of customers this would attract;
- Noise assessment does not appear to take into account additional traffic or use of play area;
- Licensed premises would encourage noise and litter pollution, parking and traffic congestion and access problems for pedestrians and wheelchair users;
- Potential for anti-social behaviour during and after opening hours;
- The applicant has confirmed the intention of applying for an alcohol licence. The site is totally inappropriate for a licensed premises and would raise concerns with safety, noise disturbance & anti-social behaviour including an increase in drink-driving and drink-cycling;
- Existing litter issues in the area with overflowing bins on the cycle track would increase due to additional visitors and takeaway facility;
- No provision in the current plans for ensuring excess waste and litter are dealt with;
- The council currently empties bins on the Deeside Way once a week;
- Environmentally another takeaway facility is not good practice and if permission were to be granted the owners should supply cups that are 100% recyclable or clientele provide their own;
- Cycle storage and a cycle repair stand are proposed to the west of the building and close to an existing residential property with no consideration for adverse impact from noise and activity;

#### Procedural

- Works already started on site;
- Inappropriate and excessive use of social media to encourage support for the project;

- Significant amount of support from people not living within the area or in the city;
- Neighbour notification was hand delivered to local business units, but due to Covid-19 mail may not be collected so the businesses may not be aware of the development;
- Lack of prior discussion with the local community about the proposal;
- Queries raised whether interested parties will be consulted on the application, ie Nestrans, Historic Scotland, Local Community Council, etc

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

Scottish Planning Policy (SPP)

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

Policy H1 (Residential Areas)

Policy NE1 (Green Space Network)

Policy NE3 (Urban Green Space)

Policy NE8 (Natural Heritage)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy T3 (Sustainable and Active Travel)

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

Transport and Accessibility

Natural Heritage

### **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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 are relevant to this proposal:

Policy H1 (Residential Areas)

Policy NE2 (Green and Blue Infrastructure)

Policy NE3 (Our Natural Heritage)  
 Policy D1 (Quality Placemaking)  
 Policy D2 (Amenity)  
 Policy T2 (Sustainable Transport)  
 Policy T3 (Parking)

## **EVALUATION**

### **Principle of Development**

The application site is located within a residential area in Cults and is zoned accordingly in the Aberdeen Local Development Plan 2017 (ALDP). Policy H1 (Residential Areas) applies and states that within such areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use; or
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Consideration must therefore be given to the potential impact of the proposed change of use with a view to establishing whether the operation of a café with outdoor seating from the site would be deemed complementary to the existing residential use of the area or whether it can be demonstrated that it would have no adverse impact on existing residential amenity.

In addition to the above residential zoning, the application site incorporates an area of some 295m<sup>2</sup> which lies immediately south of the station building and includes the former station platform. This particular section of the site is zoned as both Green Space Network (Policy NE1) and Urban Green Space (Policy NE3) in the ALDP, whilst also forming part of the Deeside Old Railway Local Nature Conservation Site.

Policy NE8 (Natural Heritage) of the ALDP states that direct and indirect effects on sites protected by natural heritage designations, be they international, national or local, are important considerations in the planning process. Policy NE3 (Urban Green Space) restricts the redevelopment of areas of urban green space for any use other than for recreation and sport, and beyond this applies further general restrictions. Scottish Planning Policy outlines the importance of protecting and enhancing green infrastructure networks in and around cities and Policy NE1 (Green Space Network) supports this by seeking to protect the character and function of such areas and ensuring proposals do not result in their destruction or erosion. These relevant policy implications are discussed in detail below.

### **Residential Amenity**

The proposed use of the site as a café is deemed broadly compatible with the residential zoning of the area, albeit given the context of the site and its location and prominence on the edge of the Deeside Way, it would appear likely that the café would cater for both the local and wider community, with the former railway line serving as a well-recognised and popular route for walkers and cyclists, including commuters. It is considered that the proposed change of use would undoubtedly result in an intensification in the use of the site and with this, the potential to introduce additional noise and disturbance to the area, including in relation to the introduction of outdoor seating, food serving van and play area within the yard which lies to the east of the station building. The proposed café use would introduce cooking activity to the site and with this, the potential for odour issues which may affect the surrounding area. There is therefore the potential for both noise and odour issues to arise as a result of the proposal, both of which could impact on residential amenity. With the foregoing in mind a Noise and Odour Impact Assessment (NOIA) report was submitted in support of the application.

The NOIA report recommends specific measures be implemented in association with the proposed use including appropriate noise and roof insulation, with the rear extension roof being replaced to allow for an acceptable level of insulation to be fitted and the timber frame walls insulated and lined internally, along with the installation of a kitchen extraction system with associated managerial controls for ongoing maintenance and cleaning. The NOIA report is based on specific opening hours for the café, with the internal space opening Sunday to Thursday from 8:00 to 23:00 hours and Friday to Saturday from 08:00 to 23:30 hours and the outdoor seating area opening Sunday to Thursday from 8:00 to 20:00 hours and Friday to Saturday from 08:00 to 22:00 hours, with a maximum capacity for the outdoor area of 68 people. The report also states that refuse collection and food deliveries shall be restricted to Monday to Friday from 07:00 to 19:00 and Saturday from 08:00 to 13:00, with none on a Sunday.

The NOIA report was reviewed by the Council's Environmental Health team and the findings of the report are considered acceptable, with no concerns raised regarding the proposed development, including with regards the resulting impact on neighbouring residential properties, provided the noise and odour mitigation measures detailed within the NOIA and as outlined above are fully implemented to achieve their required effect.

Notwithstanding that the proposed hours of operation were clearly identified and considered as part of the NOIA report and its findings, and this included the likely impact of noise from those customers of the proposed café occupying the outdoor seating area, quite significant concerns have been raised in representations regarding the adverse impact which the extended opening hours would have on existing residential amenity. These concerns include potential noise issues that have been fully considered by Environmental Health officers in their review of the NOIA report, and the findings of that report were deemed acceptable provided specific mitigation measures are implemented as outlined above. Nevertheless, it is acknowledged that the proposal would likely result in some change to the character of the area immediately surrounding the site and this would potentially be more noticeable in the evenings and during hours of darkness, given that under normal circumstances and outwith business hours when the neighbouring business units are not occupied, there would be limited noise or general activity at this southern end of Station Road.

It is not unreasonable to assume that weather conditions will to some extent limit the day to day and year round use of an outdoor seating area, however it is accepted that the introduction of such an area which would be lit during hours of darkness and where customers could be served until 22:00 hours on a Friday or Saturday, and until 20:00 for the remainder of the week could have some impact on those residents of properties lying at the westernmost end of Ashfield Road to the north of the site and on Station Road immediately to the west of the site, on the basis that these properties either back onto or overlook the site, albeit at a distance of some 30m for those lying to the north and 14m to the west. Whilst it is deemed unlikely that any resulting impact on the existing amenity of these properties would be significant, and this is clearly reflected in the findings of the NOIA report which have been fully considered and accepted by Environmental Health officers, on balance it is considered reasonable that the use of the outdoor seating area with its associated lighting be limited to no later than 21:30 on a Friday and Saturday, and 20:00 from Sunday to Thursday, with a condition having been applied to this effect. This will ensure that there is no night-time noise from customers conversing etc in the outdoor areas that might adversely affect the amenity currently enjoyed by the closest residential properties.

Concerns have been raised with regards the proposed full height glazing within the two window openings on the western elevation of the rear extension of the station building. The front elevation of the neighbouring property to the west of the application site at No 4 Station Road lies at a distance of 18 metres from that elevation and the concerns raised relate to the potential impact on privacy and potential for overlooking which these windows would introduce. Whilst the proposal has included a 1.5m high light etched film across the full width of both windows with a view to delivering

privacy screening, it is considered that the introduction of full height obscure glazing to these windows would be a more appropriate solution in this instance, thus addressing any potential overlooking issues, and a condition has been applied to this effect.

Taking the above into account it is considered that the proposed change of use to café would suitably complement the residential use of the area and wider neighbourhood, and whilst minor amendments to the proposal concerning the opening hours for the outdoor seating area and window treatment have been deemed appropriate, it is felt that overall the activity associated with a café would not have an unacceptable effect on the existing character of the residential area, nor would such a use introduce a level of conflict or nuisance which would have a significant adverse impact on existing amenity. With this in mind it is considered that the proposed change of use would suitably address the requirements of Policy H1 (Residential Areas) of the ALDP.

### **Impact on Natural Environment**

As previously highlighted a section of the site immediately south of the former station building and which incorporates the station platform lies outwith the residential allocation and is zoned as Urban Green Space (Policy NE3), whilst also forming part of the Green Space Network (Policy NE1) and the Deeside Old Railway Local Nature Conservation Site (LNCS). In this area of the site the proposal would see the introduction of hard and soft landscaping to include stone paving which would extend along the front of the building and provide a formal access link to the two main customer entrance/exit points whilst also accommodating an informal seating area. The proposal also includes the formation of a new footpath which would connect the outdoor seating in the yard with the main entrance to the building, the retention of an existing informal footpath and landscaping in the form of tree planting, with a mix of native species, shrub beds, hedging and wildflower and grass beds.

The proposal has been assessed from a natural heritage perspective by colleagues in Environmental Policy who had previously been involved in pre-application discussion on the proposed change of use with a representative of the applicant. The relationship of the site within the LNCS had been raised during the pre-application discussions, including the importance of minimal impact on the vegetated strip along the platform, however this area had been cleared prior to the planning application being submitted. In considering this planning application a number of concerns were raised by Environmental Policy colleagues with regards the works which had been carried out and the potential impact which this may have had on the natural environment. It was also noted that work outwith the footprint of the former station building and yard and within the platform area had started prior to any consultation with the land managers of the Deeside Way (ACC Environmental Services/Corporate Landlord). As a result of there having been no appropriate survey work undertaken prior to the clearing of the platform and subsequent submission of the planning application, Environmental Policy colleagues advised there was no baseline for a habitats survey.

The Environmental Policy team provided initial comment on the proposed change of use, including on a bat survey submitted in support of the application. They did note that the survey work had been undertaken outwith the recommended season for bat activity surveys, with the Council's Supplementary Guidance on Natural Heritage advising the best time as being between mid May to mid August. The survey confirmed the Deeside Way as a commuting/foraging route for bats, and whilst the findings for the building roost potential were deemed satisfactory, it was considered that there was some risk of the activity element of the survey being unreliable due to the timing, despite the environmental conditions during the surveys. Overall, the findings of the bat survey were deemed acceptable by the Environmental Policy team who advised that appropriate mitigation should take place in the form of pre-work checks and the presence of an ecological clerk of works or consultant on site during construction work, thus ensuring no impact on bats during works to the building, and this is addressed by means of an advisory.

It was established that the main potential impact on bats from the proposed development would result from lighting as the Deeside Way is currently unlit. A lighting report submitted in support of the application was considered by the Environmental Policy team and deemed acceptable. It addressed concerns relating to the potential impact on wildlife and proposed suitable lighting options and measures to mitigate light spill across the site and beyond, through the use of downlighting on the building and fencing, the use of sliding doors and blinds for the windows and the introduction of natural and built physical screening in the form of fencing, tree and shrub planting, in accordance with the Institution of Lighting Professionals/Bat Conservation Trust (ILP/BCT) guidance on artificial lighting.

In assessing the proposal the Environmental Policy team advised that full consideration needed to be given to the LNCS designation both in terms of landscaping and access for the site, and a full landscaping plan with maintenance scheme to provide suitable biodiversity enhancements was requested. It was highlighted that there was a clear opportunity for the landscaping to provide enhancements for both insects and pollinators. It was also noted that any boundary treatment should be raised off the ground or provide gaps to allow movement of small mammals through the habitat corridor. A detailed Natural Heritage and Landscaping report with Landscaping and Maintenance Plan was subsequently submitted in support of the application and fully assessed by the Environmental Policy team who confirmed they were satisfied with the detail and information provided. The proposed landscaping plan includes areas of hard and soft landscaping along the former platform with a stone paved area to accommodate an area of informal seating to the front (south) of the building and extending beyond this to serve as a footpath link with the existing public footpaths to the east and west of the site which already serve as access points for the Deeside Way. Landscaping of the site includes tree planting, with a mix of native species, shrub beds, hedging and wildflower and grass beds, all of which is acknowledged as a welcome feature.

The proposed use of the former station platform to provide the main access to the proposed café and deliver an informal outdoor seating area with access links to the Deeside Way does not in itself provide a recreational facility in terms of addressing the expectations of Policy NE3 (Urban Green Space) of the ALDP. However, given the proximity and current relationship of the platform to the Deeside Way, and with public access along the length of the platform being maintained, the proposed use would undoubtedly serve to support the existing recreational use of the former railway line, with no significant limitations in the continued use of the platform as part of the wider green space. In assessing the proposal against the requirements of Policy NE3 there are further general criteria to be considered. This includes that the development of such space should not result in significant loss to the landscape character and amenity of the site and adjoining area; that public access should be either maintained or enhanced; that the site is of no significant wildlife or heritage value; there is no loss of established trees; that replacement green space of similar or better quality is located in or immediately adjacent to the same community; and that the proposal would not result in any adverse impact on watercourses or wetlands.

In this regard, it is noted that there would be no loss of trees or mature landscape features as a result of the proposal, nor would it impact on watercourses or wetlands. The proposed development of the platform would not see the introduction of any formal enclosure or physical barriers to this part of the site, and an existing unsurfaced path extending close to the edge of the platform which appears to be in use by those accessing this section of the Deeside Way would be retained, therefore public access would be maintained, and there would be no direct loss of the existing space. It has already been established that (with clearing works having taken place across the platform) any particular landscape character and wildlife value of this part of the site that may have existed has likely been lost. However, as outlined above the Environmental Policy team considers the landscaping plan submitted in support of the application to be acceptable and capable of delivering a new habitat which would be of value to wildlife and compensate for any loss due to clearance of the platform area. The EP Team recognises that the proposal has incorporated, as requested, a suitable level of biodiversity enhancement in support of the area of site zoned as Urban Green

Space and forming part of the Deeside Old Railway Local Nature Conservation Site (LNCS).

It is accepted that as a result of the change of use of the former station platform the general character of this part of the site would change. However, this area of land had become overgrown over recent years, and therefore its value and general contribution to the character of the LNCS and green space in general appeared somewhat limited as a result. Furthermore, in the context of the Deeside Way which runs some 12 km within the city boundary and to 66 km in total this proposal would directly affect an area of land which extends to no more than 67 metres in length.

The proposed change of use would see a more formal landscape established within the area of the former platform, but this would include the retention and upgrading of access arrangements and improved biodiversity through the introduction of planting with native species and wildflower grass beds, acknowledged as a welcome feature of the proposal by the Environmental Policy team. So whilst accepting that the character of this area of the site would change as a result of the proposal, it would not be destroyed and the changes which are being proposed could not reasonably be deemed as significant. On the basis that the proposed change of use would arguably deliver an improvement in the quality of the existing space, including in terms of improved access, the proposal would ultimately support and bring greater value to the recreational use of the Deeside Way. The function of the green space network, urban green space and Deeside Old Railway Local Nature Conservation Site (LNCS) would not be diminished as a result of the proposal, rather a higher quality amenity would be delivered.

Taking all of the above into account it is considered that the proposal addresses the requirements of Policy NE1 (Green Space Network) and is deemed suitably compliant with the expectations of Policy NE3 (Urban Green Space) and Policy NE8 (Natural Heritage) of the ALDP.

## **Design**

Policy D1 (Quality Placemaking by Design) of the ALDP requires all development to ensure high standards of design and to have a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. It is acknowledged that not all development will be of a scale that makes a significant placemaking impact, but that good design and detail does add to the attractiveness of the built environment.

The proposal would see the refurbishment of the former Cults Railway Station building, which comprises the original building dating from the late 1800's which fronts south onto the Deeside Way, and the more recent flat roof extensions to the rear (north) and west. It is fully acknowledged that the traditional character and finish of the original station building in particular, including vertical and horizontal timber cladding and a slated roof, are important features which reflect the history of the site and these are clearly worthy of retention. It is also of relevance that the physical works which are being proposed in this instance are not considered to be extensive. Whilst concerns have been raised regarding the impact which the proposal would have on the original features of the building and the lack of sensitivity to its history and style, it should be noted at this stage that the building is neither listed, nor is it located within a Conservation Area.

The proposed refurbishment of the building includes the repair/replacement of the existing timber cladding to match that of the existing station building, whilst also incorporating a number of interventions to better support the servicing/operation of the building and ensure the building is suitably insulated. Bearing in mind the most recent long-term use of the site as a joinery workshop, there are aspects of the building, including the rear extensions, which will require upgrading to address current standards, and appropriate measures have been identified for example in terms of wall and roof insulation within the Noise and Odour Impact Assessment report submitted in support of the application. The proposed development works would include the introduction of 2 timber framed glazed double doors to the south elevation, forming the main customer entrance to the café via the existing platform, the formation of 3 new timber door openings to the remaining elevations,

the introduction of full height aluminium framed windows on both east and west elevations of the building, and replacement of the roof of the rear extension with a steel profile roof incorporating 3 rooflights.

Taking into account the overall design, detail and finish of the proposed works associated with the refurbishment of the former station building it has been demonstrated that there is a clear understanding and recognition of its context and original character. As a result of the proposed refurbishment and external alterations it is considered that the design features and overall character of the building would be preserved, and its proposed adaptation and upgrading would not only provide a visual improvement to the surrounding area but also support the delivery of sustainable development in terms of retaining the building in the long-term through the introduction of an alternative use. Taking all of the above into account, it is considered that the proposal suitably addresses the requirements of Policy D1 (Quality Placemaking by Design) of the ALDP.

### **Transport and Accessibility**

The Roads DM team reviewed the proposal, fully considering the Technical Note on Access & Parking with TRICS and Swept Path Analysis submitted in support of the application and provided comment including in terms of access, parking, servicing and impact on the local roads network.

#### Access

The Roads DM team considered the proposed change of use in the context of the application site. They took into account that the site is readily accessible by foot or cycle from the Deeside Way, and anticipated that a significant number of trips would stem from what is a well-used shared path. Concerns have been raised regarding pedestrian access to the site via Station Road and the safety issues resulting from the inadequacy of existing pavements. The Roads DM team acknowledged that the existing pedestrian and cycle access via Station Road is below current standards and accepted that there is limited scope for improvements because of physical constraints. With this in mind a number of improvements have been identified in consultation with the Transport Strategy and Traffic Management teams, including the introduction of dropped kerbs along Station Road for pedestrian crossing, signage to the road indicating "Pedestrians in road ahead", "Slow" markings on road bends, the upgrading of a section of footway on the west of Station Road (between house No's 2 and 4) to an adoptable standard, and a change in surface material to the south of the upgraded footway to clearly identify and delineate the crossing point/pedestrian route. The Roads DM team are satisfied that through the delivery of such road/footway improvements, concerns regarding pedestrian/cycle access to the site via Station Road have been suitably addressed, including improvements for those who may be seeking to access the site by public transport, with bus stops located less than 200m from the site on North Deeside Road. A suitable condition to deliver these improvements should be attached to any planning approval.

#### Impact on the road network

In their consideration of the Technical Note on Access & Parking the Roads DM team acknowledged that the available TRICS software does not provide adequate information on cafes, and accepted that the comparison of the proposed use of the site with that of a restaurant and pub/restaurant rather than with a drive-thru coffee shop is appropriate in the absence of more meaningful data. With this in mind, they noted that it had been established that between 14 and 30 vehicles could be expected in the peak hour for the site, with significantly less traffic expected at other times.

Following on from this and due to the aforementioned level of traffic generation expected to result from the proposed change of use, and having taken into account that the proposal relates to a brownfield site, the Roads DM team considered that the introduction of any additional road/footway improvements beyond those outlined above would be overly onerous and would be neither necessary nor appropriate in terms of the proposed change of use application for the site. They found that the Technical Note suitably demonstrated that trip generation associated with the proposed development could be accommodated across the local road network and would not result



in an adverse impact on any road junction that would warrant mitigation works to increase capacity on the road network.

Notwithstanding the above, the Roads DM team did identify further measures which could be implemented retrospectively by the Traffic Management team, in the event that these be deemed necessary in the future, such as the expansion of double yellow lines, or the introduction of speed bumps to enforce speed reduction, but stated that the introduction of such measures would be premature at this stage on the basis that they would not currently be warranted and would disproportionately affect existing residents.

### Parking

The Roads DM team confirmed they were satisfied with the cycle and vehicle parking allocation for the site. No concerns were raised with the level of vehicle parking as proposed, noting that the allocation of 19 spaces, which includes 3 no spaces identified for disabled use was only 1 space short of the maximum of 20 spaces applicable under the Council's Transport and Accessibility SG, and this shortfall of 1 space was deemed acceptable given the accessibility of the site by a range of more sustainable modes of travel. It was noted that 2 no passive EV charging spaces have been included within the total of the 19 parking spaces, and this provision was deemed to be in line with relevant standards and Council guidance.

The Roads DM team advised that the proposal would require 6 cycle parking spaces. An overprovision in the form of 40 cycle parking spaces is proposed and this has been welcomed given the location of the site, with an appropriate provision of both short stay and covered long stay secure spaces, for customers and staff use. A cycle repair stand has been included within the proposal and is noted as a welcome addition to the site.

The Roads DM team advised that a staff travel plan should be produced, highlighting the accessibility of the site in terms of walking, cycling, and via public transport, with a view to encouraging staff to travel to work by means other than private car. A condition is recommended which would require prior approval of the plan by ACC and that it be introduced prior to the café opening.

Taking all of the above into account the proposal is deemed suitably compliant with the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP, along with the associated 'Transport and Accessibility' Supplementary Guidance.

### **Other Considerations**

The Roads DM Team noted that drainage information was not included as part of the submission, and advised that this raised no concerns on the basis that the proposed change of use relates to a brownfield site with no material change which would affect existing site drainage.

The Council's Waste Strategy Team has raised no objection to the proposal and has noted that a commercial waste collection service may be provided by commercial contractors, rather than the Council. A secure waste bin store is proposed to the rear of the building and adequate space is available for waste collection within the application site. A condition has been applied which requires the submission of a waste management plan to include detail on arrangements for dealing with customer waste during hours of operation.

### **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. Whilst Policy D2

(Amenity) is a new policy which seeks to ensure that buildings are fit for purpose and meet the needs of users and occupiers, with consideration given to neighbouring properties to ensure there are no unreasonable impacts on daylight, sunlight, noise, air quality and outlook, in this respect, and as previously outlined, it is considered that the proposal would not have an unacceptable adverse impact on the amenity of neighbouring properties.

### **Matters arising from Community Council objection**

Matters raised in the objection from the Cults, Bieldside and Milltimber Community Council are largely addressed in the evaluation above. Those matters which remain outstanding are addressed below:

- *Voice regret that the Community Council were not invited to be involved in discussions at an earlier stage as the community viewpoint could earlier as we could have contributed a community viewpoint as to how a suitable proposal could be developed.* There is no statutory requirement for pre-application discussion to have taken place in this instance.
- *Highlight that the large number of submissions from a wide area supporting the proposed change of use to café beside the Deeside Way are without comment on the detail of the application.* This is not a material planning consideration.
- *Highlight that the proposed plans suggest the total seating could be over 250 with much of this outdoors, with this indicating catering on a much larger scale than a “café” and similar to what is provided by the Cults Hotel.* The resulting scale of development has been considered as part of the overall evaluation of the application, and this has included consideration of all relevant plans including the proposed site plan, ground floor plan and indicative seating arrangements.
- *Raise concerns that the amount of seating proposed combined with long evening opening hours and availability of alcohol could lead to unacceptable noise disturbance as well as traffic generation and parking issues.* The impact of the proposed change of use has been fully considered in terms of noise, traffic generation and parking, including by Environmental Health and Roads DM officers, as detailed in the foregoing evaluation, and subject to appropriate conditions, no objections were raised by either service.

### **Matters raised in letters of objection**

The majority of matters raised in letters of objection as summarised at the start of this Committee Report have been addressed in the evaluation above. Those matters which remain outstanding are addressed as follows:

- *Adverse impact on existing businesses and detrimental economic impact on town centre;* This is not a material planning consideration.
- *Would set precedent leading to proliferation of similar applications, including for the business park;* Each application is determined on their own merits
- *Ample facilities for refreshment in the surrounding area;* This is not a material planning consideration.
- *Unacceptable to convert a business premises for hospitality use in an area zoned as residential and commercial;* The impact of the proposed development on existing amenity has been considered as part of the evaluation of the application.
- *Retention and conversion of the lean-to shed extensions is not appropriate. Unlikely these extensions are habitable.* Current building regulation requirements would need to be satisfied as part of any proposed refurbishment of the building.
- *Parts of the building require substantial modification to meet modern standards of sound protection, thermal insulation, lighting, etc;* The application has provided sufficient detail on the proposed alterations to the building and these have been fully considered. As highlighted above, building regulation requirements would need to be satisfied regarding refurbishment works to the building.
- *Proposed kitchen layout does not appear appropriate for scale of development;* This is not a

material planning consideration. The planning authority has no reason to doubt the extent of kitchen facility being proposed does not meet the applicants' requirements.

- *TRICS and Swept Path Studies are not fit for purpose, using inaccurate information and models reference, eg Den of Cults is incorrectly referred to as cul-de-sac, a drive-thru coffee shop used as a comparison;* Officers in Roads Development Management have assessed the application and were satisfied with the findings of the Technical Note on Access & Parking which included TRICS and Swept Path Analysis
- *The majority of proposed car parking spaces are situated in close proximity to a residential property with no barrier which would cause a lot of disturbance. A boundary or wall should be erected to protect privacy and prevent vehicle movement or parking next to the property;* The proposed parking layout has been fully considered by the Roads DM team who raised no concerns with the proposal. A separation distance of no less than 10m would remain between the western edge of the area allocated for 3 disabled parking spaces and the boundary of the property at No 4 Station Road. This relationship of car parking to No 4 Station Road is no different from the existing situation with vehicles currently parking in this location and over many years previously when the property operated as a joinery business. The Roads DM team raised no concerns with regards potential disturbance of vehicles accessing/exiting from the parking spaces as proposed.
- *Habitats Regulations Assessment has not been carried out;* There was no requirement for such an assessment.
- *Noise and Odour Impact Assessment – contains insufficient information;* Environmental Health officers considered the content and findings of the Noise and Odour Impact Assessment, and these were deemed to be acceptable.
- *Potential for anti-social behaviour during and after opening hours;* Any anti-social behaviour would be controlled via separate legislation and is not a material planning consideration.
- *The applicant has confirmed the intention of applying for an alcohol licence. The site is totally inappropriate for a licensed premises and would raise concerns with safety, noise disturbance & anti-social behaviour including an increase in drink-driving and drink-cycling;* The sale of alcohol would be dependent on the premises being licensed, and this is part of a separate legislative process to that of planning.
- *No provision in the current plans for ensuring excess waste and litter are dealt with;* A condition has been applied which requires submission and approval of a waste management plan for the site prior to operation.
- *Environmentally another takeaway facility in the area is not good practice;* Neither planning policy or supplementary guidance restricts the type of use being proposed within an area.
- *Works already started on site;* Enforcement officers were made aware of works taking place on site and, having visited the site, established that these works fell within the remit of permitted development.
- *Inappropriate and excessive use of social media to encourage support for the project;* This is not a material consideration.
- *Significant amount of support from people not living within the area or in the city;* This is not a material consideration.
- *Neighbour notification was hand delivered to local business units, but due to Covid-19 mail may not be collected so the businesses may not be aware of the development;* Neighbour notification has been completed to the satisfaction of the planning authority.
- *Lack of prior discussion with the local community about the proposal;* There is no statutory requirement for such a proposal to be discussed with the local community prior to submission of a formal planning application.
- *Queries raised whether interested parties will be consulted on the application, ie Nestrans, Historic Scotland, Local Community Council, etc.* All statutory consultees were consulted on the current application as required.

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

Subject to a number of appropriate conditions the proposal is deemed suitably accessible by a range of means and well placed to support sustainable travel. An acceptable level of on-site car and cycle parking has been proposed, and it is considered that the local road network is capable of accommodating the trips generated. The application is considered to accord with the aims of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP, and the associated 'Transport and Accessibility' Supplementary Guidance.

The proposed change of use to café would suitably complement the residential use of the area and wider neighbourhood. Subject to some amendment to the proposal, including in relation to the opening hours for the outdoor seating area, the introduction of obscure glazing to the west elevation of the building, and appropriate mitigation measures to address noise and odour matters, it is felt that, overall, the activity associated with a café would not have an unacceptable effect on the existing character of the residential area, nor would such a use introduce a level of conflict or nuisance which would have a significant adverse impact on existing amenity. With this in mind it is considered that the proposed change of use would suitably address the requirements of Policy H1 (Residential Areas) of the ALDP.

The proposal would see a more formal landscape established within the area of the former platform and it is accepted that the character of this area of the site would change as a result of the proposed development. The introduction of native tree and shrub planting and wildflower grass beds in this area would, however, deliver an appropriate and suitably sensitive level of landscaping and improved biodiversity. The proposal would see some improved accessibility across this area of the site whilst retaining existing access routes, thereby ensuring its role within the context of the green space network and urban green space is secured. The proposal is considered to deliver a higher quality amenity which would support the continued function of the green space network and urban green space and as a result enhance the recreational value of the Deeside Way, whilst having no detrimental effect on the urban green space or Deeside Old Railway Local Nature Conservation Site (LNCS). Taking all of the above into account it is considered that the proposal accords with the requirements of Policy NE1 (Green Space Network) and is deemed suitably compliant with Policy NE3 (Urban Green Space) and Policy NE8 (Natural Heritage) of the ALDP.

The development works associated with the proposed change of use have been designed with due consideration for the context of the site and demonstrate a clear understanding of the original character and design features of the former station building. The proposal, including the refurbishment and external alterations to the building, would support the delivery of sustainable development through the long-term retention of the building and introduction of an alternative use, thereby ensuring a positive contribution towards the character and appearance of the surrounding area, all in accordance with Policy D1 (Quality Placemaking by Design).

The majority of the policies in the Proposed Aberdeen Local Development Plan (PALDP) 2020 reflect those of the adopted Local Development Plan with which the proposal is in accordance for the reasons noted above. The PALDP does introduce Policy D2 (Amenity), and whilst there is no direct equivalent in the adopted ALDP, the proposal introduces no tension with the requirements of Policy D2. There are no material planning considerations that would warrant the refusal of consent in this instance.

## **CONDITIONS**

### **1. NOISE & ODOUR MITIGATION**

That the use hereby approved shall not take place unless all mitigation measures recommended in the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21) have been implemented in full. These must include:

1. The noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’
2. The noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’
3. That the outdoor customer seating areas as identified on approved drawing Site Plan 1008 – 1010 Rev C shall have a maximum capacity of 68 people as detailed within section 4.11 of the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21), and at no time shall that capacity be exceeded

Thereafter the mitigation measures, or similar as may be agreed in writing with the Planning Authority, shall remain in place for the duration of the use.

Reason: In order to preserve the amenity of neighbouring properties from noise and odour emissions associated to the proposed use.

### **2. OPERATIONAL HOURS**

That the use hereby approved shall not operate outwith the hours of Sunday to Thursday from 08:00 to 23:00 hours and Friday to Saturday from 08:00 to 23:30 hours for the internal space, and outwith the hours of Sunday to Thursday from 8:00 to 20:00 hours and Friday to Saturday from 08:00 to 21:30 hours for the outdoor space.

Reason: In order to preserve the amenity of neighbouring properties.

### **3. WASTE MANAGEMENT**

That the use hereby approved shall not take place unless a waste management plan for the site has been submitted to and agreed in writing by the planning authority, including detail on the provision of external litter bins for customer waste during hours of operation, and the approved waste management plan fully implemented in accordance with the agreed details and remaining in place for the duration of the use.

Reason - In order to ensure suitable waste storage and collection arrangements are in place, including appropriate facilities for customers and to protect public health and the amenity of the area.

### **4. ELECTRIC VEHICLE CHARGING POINTS**

That prior to development commencing on site, details of the type of electric vehicle charging station to be installed in association with the 2 EV car parking spaces identified on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and approved in writing by the planning authority, and thereafter the charging station is installed in accordance with the agreed detail prior to the use hereby approved commencing.

Reason: In order to encourage the use of electric vehicles.

### **5. BUS STOP UPGRADE**

That the use hereby approved shall not take place unless works for the upgrading of the

westbound bus stop nearest to the site on North Deeside Road as detailed on approved drawing no 140788/SK1002 Rev B (Fairhurst), or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority, have been implemented in full and in accordance with the agreed scheme.

Reason: In order to upgrade the existing sub-standard bus stop to an acceptable standard and encourage the use of public transport as a sustainable mode of travel.

## **6. PEDESTRIAN/VEHICLE ACCESS UPGRADES**

That the use hereby approved shall not take place unless works for the upgrading of the pedestrian and vehicle access to the site along Station Road as detailed on approved drawings no 140788/SK1002 Rev B (Fairhurst) and 1008-1011 Rev A, or such other drawings as may subsequently be submitted to and agreed in writing by the planning authority, have been implemented in full and in accordance with the agreed scheme.

Reason: In order to provide an appropriate standard of pedestrian access to the site and encourage the use of alternative and sustainable modes of travel.

## **7. CAR PARKING**

That the use hereby approved shall not take place unless all car parking has been constructed, drained, laid-out and demarcated and is available for use in accordance with approved drawing Site Plan 1008 – 1010 Rev C, or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority.

Reason: In the interests of public safety and provision of adequate car parking and the free flow of traffic.

## **8. CYCLE PARKING**

That the use hereby approved shall not take place unless full details of all cycle parking facilities indicated on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and agreed in writing by the Council as planning authority and thereafter constructed and available for use in full accordance with such approved details.

Reason: In order to encourage cycling as an alternative and sustainable mode of travel.

## **9. STAFF TRAVEL PLAN**

That the use hereby approved shall not take place unless full details of a staff travel plan to include information on the accessibility of the site in terms of walking, cycling, and public transport have been submitted to and agreed in writing by the planning authority and thereafter the travel plan is displayed/distributed to all staff members in accordance with the approved details.

Reason: In order to encourage the use of alternative and sustainable modes of travel.

## **10. EXTERNAL LIGHTING**

That no development shall take place unless full details of all new external lighting proposed for the site has been submitted to and approved in writing by the planning authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the site would be adequately lit at night in the interest of safety, and without detriment to the amenity of any existing or proposed residential properties.

## **11. LANDSCAPING SCHEME**

All landscaping shall be carried out in accordance with the approved scheme (as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21) 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.

The use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21, is being implemented.

Reason: To ensure a satisfactory scheme of landscaping which integrates with the proposed development and local landscape in the interests of the visual amenity of the area.

## **12. GLAZING**

That the use hereby approved shall not take place unless the full height windows on the west elevation of the property are fitted with full height obscure glazing, at a minimum obscuration rating of 3.

Reason: In the interests of protecting the privacy of neighbouring properties.

## **ADVISORY NOTES FOR APPLICANT**

### **1. NOISE FROM CONSTRUCTION WORKS**

In order to protect the amenity of the occupants of neighbouring residential properties from noise resulting from development works, operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays, or at any time on Sundays.

### **2. SERVICING**

That service deliveries/uplifts to and from the property and refuse collection be restricted to occur only Monday to Friday between the hours of 07:00 to 19:00 and Saturday between 08:00 to 13:00, with none on a Sunday.

### **3. ODOUR MANAGEMENT**

ACC Environmental Health officers recommend strict adherence to the managerial controls detailed within section 4.14 and 6.3 and Appendix K – 'Maintenance and Cleaning' of the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21) to reduce risk of malodour and statutory nuisance going forward.

### **4. ROADS CONSTRUCTION CONSENT**

It should be noted that proposed works to alter and upgrade pedestrian access along Station Road will require to be designed to Aberdeen City Council standards and subject to a Section 56 Roads Construction Consent procedure.



This page is intentionally left blank

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

30<sup>th</sup> September 2021

**Redevelopment of an existing site, including change of use to class 3 (food and drink) with erection of 2no. drive thru restaurants (sui generis) with associated infrastructure and car parking**

**Craigshaw House, Craigshaw Road, Aberdeen, AB12 3AS**

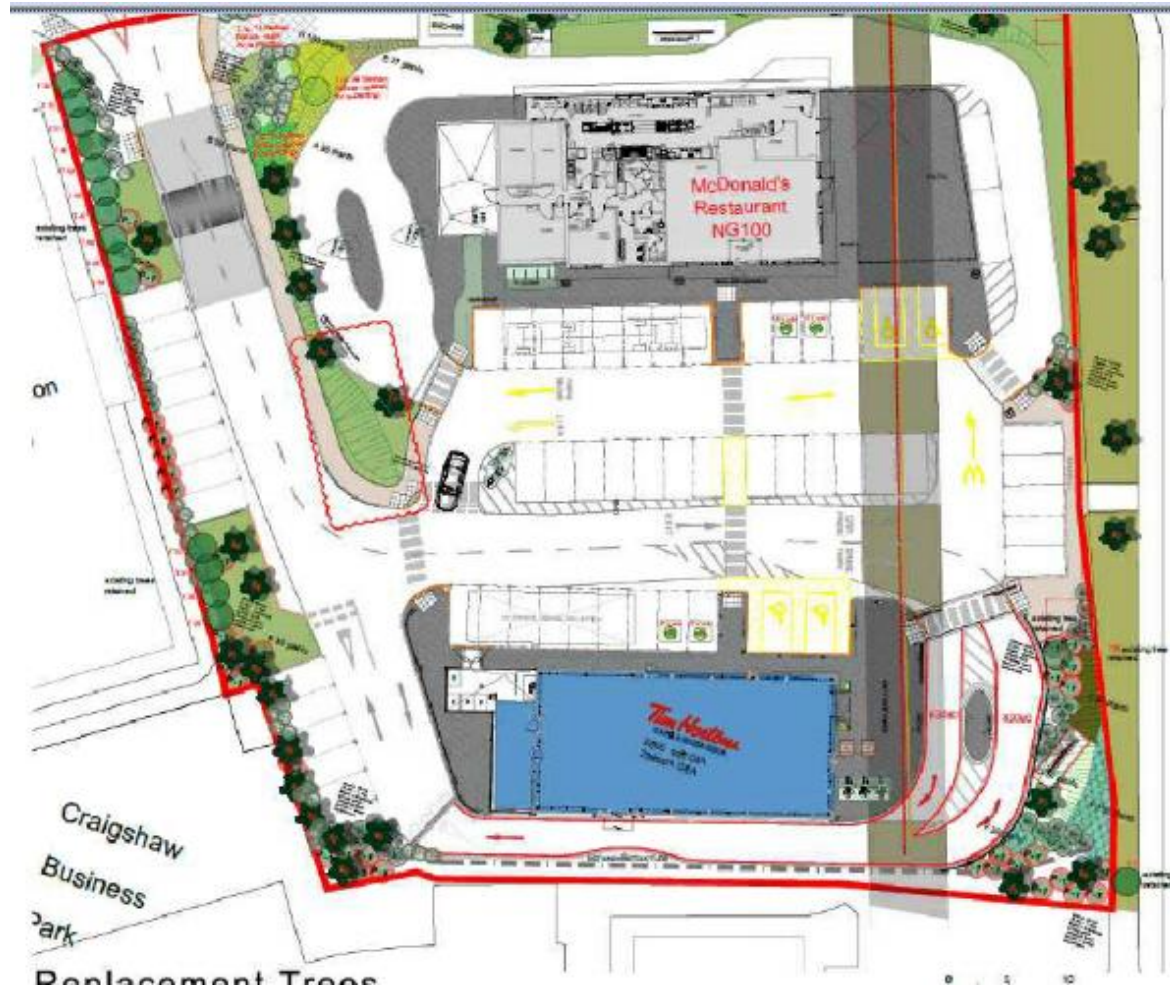
**Application Ref: 210015/DPP**

# Location Plan





# Landscaping Plan (Proposed)

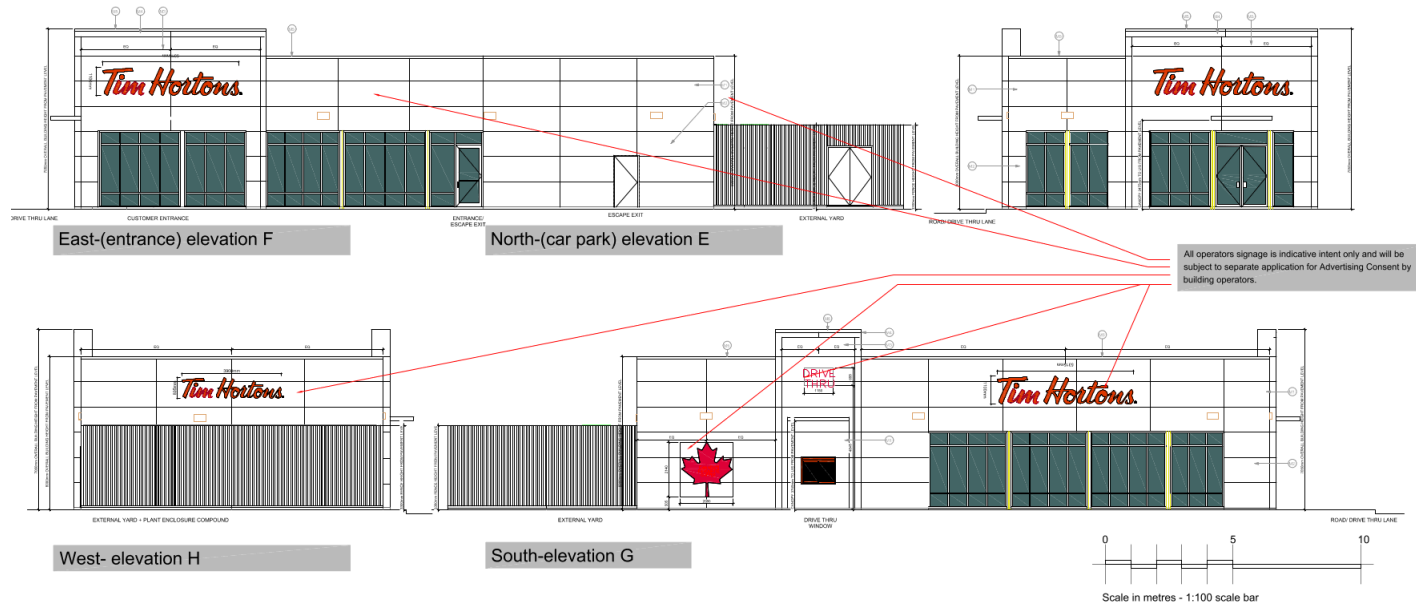


# Elevational Details (Proposed – Northern Unit)



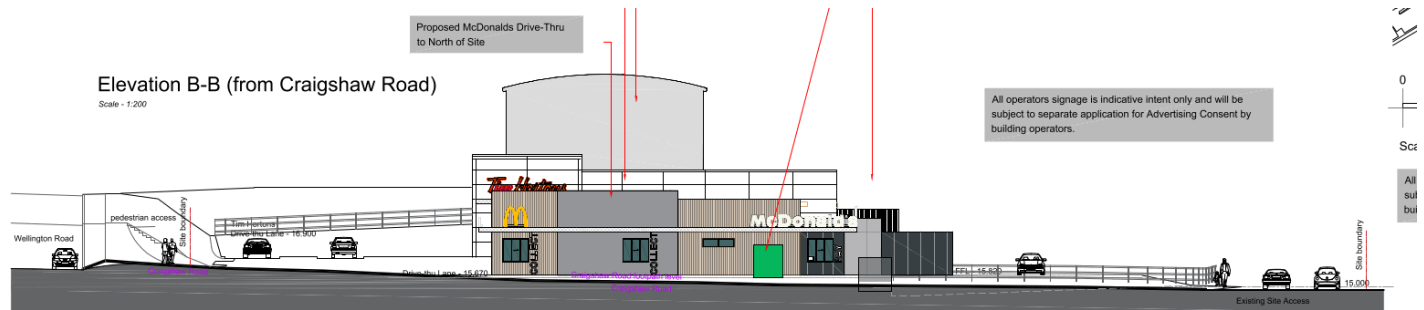


# Elevational Details – Southern Unit



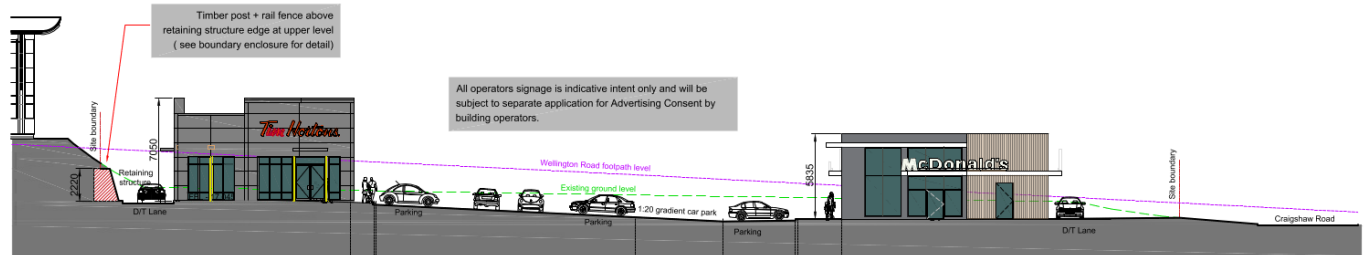


# Site Cross Sections



Sectional Elevation A-A (from Wellington Road)

Scale - 1:200



# Site Overview – Google Maps (Pre-Demolition)



## Site Photos – South-East and North-East





# Site Photos – North-East Corner of Site and Central from Existing Pedestrian Access





# Site Photos – from Northern boundary





## Site Photo - Access







## **APPLICATION BACKGROUND**

### **Site Description**

The application site, which extends to approximately 5550 sqm, is located adjacent to Wellington Road, at its junction with Craigshaw Road. The site was most recently occupied by a vacant office building (vacant since November 2015) with associated parking and landscaping, known as Craigshaw House, which was constructed in the mid-2000s and has recently been demolished and the site is currently cleared. The interior of the site is relatively flat, with landscaped embankments to Wellington Road and the offices to the north, which sit at a higher level than the application site to the east. A belt of trees exists on the western boundary. Access to the site is taken from Craigshaw Road to the north, with the access being 75m from the junction with Wellington Road. The surrounding area is mixed use in nature and includes office accommodation and car showrooms. Residential use is found on Abbotswell Road 230m to the northeast, Wellington Road 70m to the south-east and on Girdleness Road 320m to the north. The recently constructed Lidl supermarket is located to the north-east and a Costa drive thru is located north of the Arnold Clark showroom opposite the site (also located to the north).

### **Relevant Planning History**

Planning permission (Ref: A6/2030) was approved in June 2007 for the erection of a three-storey office building with associated car parking. This permission was subsequently implemented, and the building has since been demolished.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The application seeks detailed planning permission for the redevelopment of the vacant brownfield site, including change of use to class 3 (food and drink) and the erection of two drive thru restaurants (sui generis) with associated means of access, car parking, cycle parking and hard and soft landscaping. Supporting information suggests that the units would be occupied by chains 'McDonalds' and 'Tim Hortons'.

An existing access to the site from Craigshaw Road would be upgraded and utilised for access and egress for both pedestrians and vehicles. The single storey buildings would be positioned at the northern and southern ends of the site with associated parking facilities located between. The 'drive thru' order roads would be positioned between the rear of the buildings and the site boundaries, north and south respectively. The southern building would be single storey in appearance with glazing on the eastern, southern and northern elevations. The northern building would similarly be single storey in appearance and would include glazing on the southern, western and eastern elevations.

The site layout retains and alters area of existing soft landscaping on the Wellington Road and Craigshaw Road frontages, with additional areas of landscaping also proposed throughout the site. An existing pedestrian only access would be utilised from Wellington Road. The proposal also includes the provision of 61 parking spaces, which would include 4 EV charging spaces, 4 disabled parking spaces and 2 motorcycle parking spaces. Cycle parking would also be provided at each unit. Other facilities associated with each drive thru, including barriers, and ordering facilities are also proposed.

There would be a mix of boundary treatments including a 2.4m high retaining wall on the southern boundary and a 1.2m high timber fence along the same boundary would be installed atop of this retaining structure. The 1.8m high timber fence on the western elevation would be removed, and the existing chain-link fences on the northern and eastern elevations would be removed, with each of these elevations remaining open.

## 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=QMMF29BZFTL00>

- Planning Statement
- Phase 1 Desk Study – Contaminated Land
- Transport Assessment (Updated April 2021)
- Arboricultural Report
- McDonalds Delivery Information
- Noise Impact Assessment
- Air Quality Assessment
- Odour Assessment

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and is considered to be contrary to the adopted development plan strategy.

## CONSULTATIONS

**ACC - Roads Development Management Team** – have no objection to the proposal following the submission of amended/ revised plans. Their response will be discussed in greater detail in the evaluation section of this report.

**ACC - Waste and Recycling** – have advised of the waste management requirements for the proposed development, noting that they can only provide a general response due to ACC not being the only waste service contractor available in the city.

**ACC - Environmental Health** – noted that the proposal has potential to cause odour and noise impact on existing properties both on their own or due to a cumulative effect, as a result they required the submission of an Odour Assessment and Noise Impact Assessment. Both of these documents were submitted, and their findings were considered to be acceptable.

In terms of air quality, they noted that the site was located in close proximity to an AQMA, and that the development is likely to increase vehicle usage in the surrounding area. They therefore requested the submission of an Air Quality Assessment. This document was also submitted, with the findings considered to be acceptable.

Both of these reports will be discussed in greater detail in the evaluation section of this report.

**ACC - Contaminated Land Team** – reviewed the submitted desk study and are in agreement with the conclusions and recommendations. Note that an intrusive site investigation will be required in due course – this matter to be controlled via an appropriately worded planning condition. Their response will be discussed in greater detail in the evaluation section of this report.

**Torry Community Council** – no response received.

## REPRESENTATIONS

Two valid and timeously made representations have been received in relation to this application. This includes one letter of objection and one neutral comment. The matters can be summarised as follows:

1. The number of trees proposed versus those being removed is unacceptable and there should be a requirement to not only replace the number of trees taken down but add more (objection).
2. The development requires a higher number of EV chargers than just one (undefined) charging post and bay). The site is the ideal location for 2 rapid or faster bays (i.e., 4 bays), which should be the default position for drive thru restaurants (neutral comment).

## **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 in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place.

### **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. Aberdeen City is designated as a Strategic Growth Area. 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 number 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.

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

- D1: Quality Placemaking by Design
- D2: Landscape
- NC5: Out of Centre Proposals
- NE5: Trees and Woodland
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings & Water Efficiency
- B1: Business and Industrial Land
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise

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

- Flooding, Drainage and Water Quality
- Noise
- Air Quality
- Resources for New Development

- 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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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. In this case, the following policies within the PALDP are of relevance, however it is noted that there is no fundamental change in the zoning of the land.

- D1: Quality Placemaking
- D2: Amenity
- D5: Landscape Design
- B1: Business and Industrial Land
- NE4: Our Water Environment
- NE5: Trees and Woodland
- R5: Waste Management Requirements for New Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- WB3: Noise
- WB4: Air Quality
- T2: Sustainable Transport
- T3: Parking

## **EVALUATION**

### **Principle of Development**

The application site lies within an area designated in the Aberdeen Local Development Plan (ALDP) as Business and Industrial Land, where Policy B1 of the ALDP applies. This policy promotes the retention of business and industrial land identified in the ALDP for uses within Class 4 (Business), Class 5 (General Industrial) or Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order and its safeguarding from other development types. It also advises that other uses which may be suited to a business and industrial location, such as car showrooms and bus depots will be considered on their own merits. Facilities that directly support businesses 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.

The proposed Class 3 uses with associated drive thru restaurants do not fall within Class 4, 5 or 6 of the Use Classes Order, nor is it considered that the proposed use is of a type comparable to car showrooms or bus depots in terms of appropriateness for location in a predominantly business and industrial area. It is noted that some of the custom for the facilities would be drawn from those

employed in the surrounding business and industrial land, however it would serve a much larger catchment area being located on one of the main thoroughfares into Aberdeen (Wellington Road). It is therefore considered that the proposed uses could not be reasonably characterised as *“aimed primarily at meeting the needs of businesses and employees within the business and industrial area”* for the purposes of consideration against Policy B1.

On the basis of the above evaluation, the proposal represents a departure from the Development Plan, specifically in terms of the food and drink and sui generis drive thru facilities not being in line with the relevant zoning policy, B1 (Business and Industrial Land).

What therefore needs to be considered is whether there are any material planning considerations that would justify the granting of planning permission as a departure from the adopted Local Development Plan.

The applicant's supporting Planning Statement indicates that the office building previously on the site (which has since been demolished) had lain vacant since November 2015. The demolition was instigated because the owners found it no longer viable to be retained as vacant office accommodation with little prospect of occupation. The applicants also noted the over supply of office accommodation in Aberdeen, along with the current market conditions, which made office accommodation and buildings such as Craigshaw House unviable. Supporting information also suggests that the only viable option was redevelopment along the lines of what is proposed in the current application.

On the basis of the above information, along with the supporting letter from the marketing agent, it is considered unlikely that a new Class 4, 5 or 6 occupiers would be identified for this relatively compact site in the near future given the current economic climate and the current supply of other, larger and therefore more desirable, sites presently found in business and industrial land throughout the city.

As a brownfield opportunity, the site could in theory be developed for a new Class, 5 or 6 use in line with Policy B1. Such development would align with the desires of Scottish Planning Policy for sustainable development, and the use of brownfield land. However, given the statements provided above, there is already a significant supply of marketable and available business land available in the city at present. A site of 5550 sqm, which is bound by a variety of uses including car showrooms, a supermarket and office accommodation is not desirable for business and industrial occupants, given larger, more flexible sites can be found elsewhere in more attractive locations. In addition, and from an economic perspective, the financial viability of a new office development would also be debatable on this corner site, which is already surrounded by a number non-business/industrial uses, including a recently constructed Costa Coffee drive thru to the north.

The character of the area is already undergoing significant change and whether the proposed use would conflict with surrounding business and industrial uses has to be considered against this evolving context. The application site is in an extremely accessible location adjacent to Wellington Road, which is generally characterised by car showrooms, a supermarket and business/ office accommodation, residential properties/ guest houses, along with a similar drive thru facility located to the north (Costa Coffee). There are also established residential areas found within walking distance of the application site boundary (as mentioned in the description of development). As such, the area is considered to be transforming towards a mixture of uses, and away from being an exclusively business and industrial environment. The proposed drive thrus, are, therefore, considered to be complementary to, rather than conflicting with, the range of surrounding uses.

The ALDP also states at Para 2.2 that *“regeneration of city centre and other brownfield sites throughout the existing built-up area for appropriate uses will be encouraged”*. It is considered through the above evaluation that such a proposal would be acceptable on this brownfield site. In



terms of Para 2.3, the proposed development could also be seen to *“make a significant contribution to the overall sustainability aims of the plan”* and such a development could also be supported by Para 2.9 of the plan where *“redeveloping the urban area can regenerate areas, maintain local services, removal local areas and bring land and buildings back into an effective use”*.

As a result of the above assessment and considerations, it is considered that there are sufficient material considerations that would warrant a departure from the business and industrial zoning of the site in this instance.

### **Retail Impact and Sequential Approach**

In terms of a review of the proposal against Policy NC5 (Out of Centre Proposals), it is considered that such a development would primarily focus on serving the needs of the local area, whilst also acknowledging as having trade from one of the adjacent main thoroughfares into Aberdeen from the south. The size of the two facilities, at 260sqm and 350sqm would be unlikely to cater for any significant numbers of users – therefore it is not anticipated that they would be a significant footfall generating development. In terms of a sequential approach, it is considered that there are no other sites within existing centres, such as the defined Torry Town Centre on Victoria Road, which could accommodate the format of the development proposed. There are also no other sites in the immediate surrounding area (other than those vacant and under a similar use class) available to facilitate such a development. None of the other vacant sites would benefit from a location so close to the main arterial route that would make them viable as sites for drive thru use. Due to their modest scale and the fact that they would mainly cater for employees on the adjoining industrial estate and passing traffic it is not anticipated that the developments would have a detrimental impact to the wider vitality and viability of the existing retail centres in either the immediate surrounding area (Torry and Kincorth), or the city centre.

As noted above, the wider site already supports retail and mixed uses. The provision of such a small area of floorspace (510 sqm combined) is considered not to have any significant adverse effect on the vitality or viability of any identified retail location in the City.

### **Layout, Siting and Design**

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.

In this instance, it is noted that both buildings would be single storey in height and would be of a scale and appearance which would generally comply with the surrounding context, which includes buildings of a similar scale (including a single storey supermarket, single storey garages and two/ three storey office accommodation). The designs would also be typical of such restaurants and are found throughout the city and country. The proposal has been designed with due consideration for its context and would have no adverse impact on the character or amenity of the surrounding area. As a result, it is considered that the layout, siting and design of the development would comply with Policy D1 (Quality Placemaking by Design) of the ALDP.

### **Landscaping/ Trees**

Policy D2 states that *“developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development”*, whereas Policy NE5 states *“there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaption or mitigation.”*

The landscaping proposal has been amended since the original submission, following receipt of comments from colleagues in Environmental Policy (EP). The revised layout is a reasonable compromise and would result in a significant amount of the existing arboricultural features being retained – although noting that a number of the trees on the western elevation would be removed to facilitate additional parking. Concerns were raised that the replacement tree planting was utilising particularly small stock and it is necessary to use heavy standard trees to ensure immediate impact. A tree planting methodology and associated updated landscaping plan to accommodate the above suggestions would be controlled via condition. This would ensure that tree stock would be replaced in greater numbers of site, and further additional landscaping would be provided to enhance the attraction of the site. It is considered that subject to these works taking place the proposed development would comply with Policies D2 (Landscape) and NE5 (Trees and Woodlands) of the ALDP, along with the associated SG: Trees and Woodlands.

### **Noise and Air Quality**

Policy T5 advises that *“there will be a presumption against noise generating developments, identified by an NIA, being located close to noise sensitive developments”*. Whereas Policy T4 advises that *“development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority”*.

In this instance the proposal has been subject to consultation with colleagues in Environmental Health (EH). In their initial response they noted that the proposal for two restaurants has the potential to cause odour and noise impact on existing properties both on their own and due to the cumulative impact. They therefore requested the submission of a Noise Impact Assessment (NIA) and the submission of an extract ventilation assessment (including an odour impact assessment) to assess the impact of the proposed development.

The requested assessments were subsequently submitted and reviewed by colleagues in EH. In terms of Noise, the NIA was submitted and reviewed by colleagues in Environmental Health. They were content with the findings of the report provided the plant installed does not exceed the emissions levels used within the noise modelling and the octave band sound pressure does not exceed those contained within the assessment. These matters can be controlled via an appropriately worded planning condition.

In terms of odour, the submitted assessments have also been reviewed. In terms of the proposed “McDonalds” northern unit colleagues in EH accept the development provided the application of critical odour mitigation measures achieving at least an equivalent effect of those measures contained within the assessment take place. This matter can be controlled via condition. They have also suggested the insertion of an advisory note requiring the operator to establish a written Odour Management Plan including cleaning and maintenance procedures for the plant, to reduce risk of malodour and statutory nuisance.

In relation to the proposed “Tim Hortons” southern unit and odour control, the submitted assessment advises there will be no kitchen extract fans and the facility will have two internal ovens for baked goods. Such operation is acceptable however, due to the absence of a suitable Local Extract Ventilation system, the premises are considered unsuitable for unrestricted Class 3 uses and colleagues in EH have requested a suitably worded condition to restrict cooking activities which are more likely to give rise to odour emissions, to control this aspect of the proposal.

In terms of air quality, although the site is not within an Air Quality Management Area (AQMA), one exists in close proximity to the site. EH noted that the development, and the associated increase vehicle movements has the potential to increase traffic volumes on the surrounding network and AQMA, the cumulative impact of this development, along with residential developments in the surrounding area, may be significant and as a result they requested an air quality assessment to

consider the overall impact of all developments. The air quality impact assessment was subsequently submitted and reviewed by colleagues in EH. In relation to traffic pollutant levels at sensitive receptors the findings of the report are accepted including the conclusion that no significant impact is predicted on existing residents as a result of the development.

As a result of the above evaluation, and subject to the insertion of suitably worded planning conditions it is considered that the proposed development would comply with the aspirations of Policies T4 (Air Quality) and T5 (Noise) of the ALDP along with its associated SG.

## Transport

Policy T2 advises that *“new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*. In addition, Policy T3 advises *“new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport”*.

The proposal has been assessed by colleagues in Roads Development Management (RDM). In terms of walking and cycling, they acknowledge that the site has good accessibility for pedestrians and cyclist and note that the upgraded access road will provide dropped kerbs and tactile paving at the junction with Craigshaw Road. They have also noted that tactile paving will be provided at all crossings within the site. The plans have been amended to include an easier walking route through the site and colleagues in RDM have raised no further objection to this aspect of the proposal.

In terms of public transport, they note that there are regularly serviced bus stops on both sides of Wellington Road, within 150m of the site, and as such, the site is considered to be easily accessible by public transport.

In terms of parking, the overall provision within the site has been reduced from 68 to 61 in order to provide a more attractive site layout, allowing for the provision of additional tree planting and the retention of landscaping (which will be discussed elsewhere in this report. The provision will include 4 EV charging spaces, 4 disabled parking spaces and 4 motorcycle parking spaces, which would comply with the criteria set out in the SG: Transport and Accessibility. Colleagues in RDM accept the shortfall in parking (relative to the maximum parking standard), as it is outweighed by the betterment to the site brought about by the reduction in car parking.

In terms of the internal road layout, the applicants have advised that this has been developed with the operator's participation to minimise potential vehicle stacking with the internally access roads and to allow safe transition of vehicles to the drive thru lanes. Both operators have standard layouts and set requirements, and the current layout is favoured by both operators for the functioning of each unit. The layout and justification for the internal road layout has been accepted by RDM. The applicants have also revised the proposal to provide an updated site layout, which provides traffic calming on approach to the internal bends and junctions. This is also considered to be acceptable.

The applicant was also asked to investigate the impact on the adjacent A956 Wellington Road/ Craigshaw Road junction, as it is noted that this is a concern with a number of similar type restaurants/ drive thrus throughout the country with regards to the potential stacking of traffic outwith the site. RDM have confirmed that the applicant has adequately justified that there will be no notable impact from the development on the road network, and there is no requirement for any further junction analysis. It should also be noted that Craigshaw Road has double yellow lines for its length.

RDM have also requested the submission of separate Staff Travel Plans for each unit. This aspect could be controlled via appropriate conditions.

Following the submission of amended plans, colleagues in RDM are content with the proposal and note an acceptable parking layout, servicing arrangement and access amongst other aspects. The proposal is therefore considered to comply with the general aspirations of Policies T2 (Managing the Transport Impact of Development and T3 (Sustainable and Active Travel) of the ALDP, as well as its associated SG in relation to Transport and Accessibility.

Colleagues in RDM also reviewed the submitted drainage information, which shows that the mitigation indices exceed the pollution indices. They have indicated that they were unfamiliar with porous tar being used as a drainage feature and would request that a raised gully is placed to the rear of any parking area, where the contours slope towards the rear, as such surfaces are often overwhelmed, leading to pooling water and flooding. It is considered that their use, and provision of such gullies could be controlled via condition. As no further objections/ observations have been received regarding the drainage information, the proposal is considered to comply with Policy NE6 (Flooding Drainage and Water Quality) of the ALDP, along with its associated SG.

### **Waste and Servicing**

In terms of servicing, this element of the proposal has also been reviewed by colleagues in RDM. The layout of the roads has been slightly revised, and swept path has been submitted so show that the site can be adequately serviced. RDM noted that servicing of one of the units involves overrunning of a number of parking spaces (approximately 33%). They asked the applicant to submit examples of where this servicing strategy has previously been utilised, and following consultation with other Councils, where it was noted that there was no noticeable detriment, colleagues in RDM confirmed their satisfaction with the servicing arrangements proposed. They also noted that this element of the proposal would be monitored. Colleagues in Waste Management also confirmed that they had no objection to the application and advised of the required waste management requirements and the proposal would therefore comply with Policy R6: Waste Management Requirements for New Developments of the ALDP.

### **Contaminated Land**

Policy R2 advises that the *“City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use”*. In this instance, the previous uses of the site are noted, and a desk study was submitted in support of the application. This was reviewed by colleagues in Contaminated Land who were content with the findings of the report and noted that a further site investigation would be required (and which could be controlled via condition). The proposal would therefore not conflict with Policy RE2 (Degraded and Contaminated Land) of the ALDP.

### **Carbon Emissions and Water Efficiency**

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

### **Matters Raised in Representation**

The matters raised in representation, which related to landscaping and loss of trees (which has been amended since the original submission) and the provision of EV charging facilities (which has been amended to comply with SG) have been discussed elsewhere in this report.

### **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**

That the proposal to erect two Class 3 (Food and Drink) units with associated drive thru facilities (sui generis), on a brownfield site which has been vacant for a significant period of time is considered to complement the existing range of uses found within the surrounding area. The likelihood of the site being re-used for mainstream business use or being financially viable for a new office development is limited, given the size, nature and location of the site. Whilst not being solely for the needs of employees or occupants of the surrounding area, it is considered that the proposal could largely serve the needs of the mix of uses found in the surrounding area, in the spirit of Policy B1. It is also acknowledged that the site will benefit from trade from one of the adjacent main thoroughfares into Aberdeen from the south. It is therefore considered that the proposed development would be acceptable as a departure from Policy B1 (Business and Industrial Areas) of the Aberdeen Local Development Plan.

Furthermore, in relation to Policy NC5 (Out of Centre Proposals), the proposal would not have a detrimental impact on the vitality and viability of existing shopping centres/ locations in the Hierarchy of Retail Centres. The size of the two facilities is unlikely to result in significant numbers of users. In terms of a sequential approach, it is considered that there are no suitable sites within existing centres. Due to their modest scale and the fact that they would mainly cater for employees on the adjoining industrial estate and passing traffic it is not anticipated that the developments would have a detrimental impact to the wider vitality and viability of the existing retail centres in either the immediate surrounding area (Torry and Kincorth), or the city centre. The proposal has been designed with due consideration for its context and all other technical matters have been resolved or can be controlled via an appropriately worded planning condition. The proposal is therefore considered to comply with Policies D1: Quality Placemaking by Design, D2: Landscape, NE5: Trees and Woodland, NE6: Flooding, Drainage and Water Quality, R6: Waste Management Requirements for New Development, R7: Low and Zero Carbon Buildings & Water Efficiency, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T4: Air Quality and T5: Noise of the adopted Aberdeen Local Development Plan, as well as its associated Supplementary Guidance relating to Flooding, Drainage and Water Quality, Noise, Air Quality, Resources for New Development, Transport and Accessibility and Trees and Woodlands.

For similar reasons the proposal would also comply with Policies D1: Quality Placemaking, D2: Amenity, D5: Landscape Design, NE4: Our Water Environment, NE5: Trees and Woodland, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, WB3: Noise, WB4: Air Quality, T2: Sustainable Transport and T3: Parking of the Proposed Aberdeen Local Development Plan 2020. A departure from Policy B1: Business and Industrial Land can be justified for similar reasons as set out above.

## **CONDITIONS**

### **1. Land Contamination**

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

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

- a) an investigation to determine the nature and extent of contamination
- b) a site-specific risk assessment
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
- d) verification protocols to demonstrate compliance with the remediation plan

No building(s) on the development site shall be occupied unless: 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; an 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(s) 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 fit for human occupation.

## **2. Car Parking**

That neither of the units hereby approved shall be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. A-218848-PRO L001 T of the plans hereby approved or such other drawing as may subsequently be submitted 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, and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

## **3. Electric Vehicle (EV) Spaces and Infrastructure**

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. A-218848-PRO L001 T. Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

## **4. Cycle Parking (Short and Long Stay)**

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. A-218848-PRO L001 T have been fully installed and made available for use. Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

## **5. Carbon Reduction and Water Efficiency**

The building(s) hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and



- Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved. 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.

## **6. Noise Impact Assessment Compliance**

That the units hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Envirocentre Ltd Reference: Document Number: 9658, project Number: 374689, 30 July 2021) These shall include, but not be restricted to the following measures contained within the Noise Impact Assessment:

- A) The plant installed does not exceed the noise emission levels used within the noise modelling, specifically the A Weighted Sound Power Levels detailed within Tables 5-1 and 5-2; and
- B) The octave band sound pressure levels from the plant do not exceed the 'Proposed Specific Noise Level (internal)' detailed within Figure 6-1 Night-time NR Assessment.

Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority. Reason: in the interests of amenity.

## **7. Odour Impact Assessment Compliance**

That the units hereby approved shall not be occupied unless the odour mitigation measures have been installed in accordance with the conclusion and recommendations set out in the Odour Impact Assessment (Envirocentre Ltd Reference: Document Number: 9657, project Number: 374689, 30 August 2021). These shall include, but not be restricted to the following measures contained within the Odour Impact Assessment:

- A) Discharge of the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen; and
- B) Application of any one of the four recommended odour mitigation solutions for high level odour control: 1) Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time). 2. Fine filtration or ESP followed by carbon filtration and by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1. 3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1; or Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1."

Reason: in the interests of the amenity of the surrounding area.

## **8. Restricted Use – Southern Unit**

In relation to the southernmost hereby granted planning permission (as shown on drawing no: A-218848-PRO L001 T), no cooking/frying operations or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven, unless the planning authority has given prior written approval for a variation. Reason: due to the absence of a suitable Local Extract Ventilation (LEV system) the premises are considered unsuitable for unrestricted Class 3 uses.

## **9. Landscaping Scheme**

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. For avoidance of doubt this should include heavy standard trees and greater numbers than shown in the previous submissions to ensure an immediate impact. Reason: in the interests of the amenity of the area.

#### **10. Tree Protection Measures**

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

#### **11. Storage of Materials**

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

#### **12. Green Travel Plan**

That neither of the units hereby granted planning permission shall be occupied unless there has been submitted to and approved in writing a detailed Green Travel Plan for staff, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets. Reason in order to encourage more sustainable forms of travel to the development.

#### **13. Gullies**

That the development hereby granted planning permission shall not be brought in to use unless gullies are installed to the rear of any parking areas where the contours slope towards the rear. Details of such a scheme shall be submitted to, and approved in writing by the Planning Authority, and thereafter installed in accordance with the approved scheme. Reason: to ensure that the site can be adequately drained.

### **ADVISORY NOTES FOR APPLICANT**

1. Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
2. The access junction improvements are to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent application and the applicant should contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

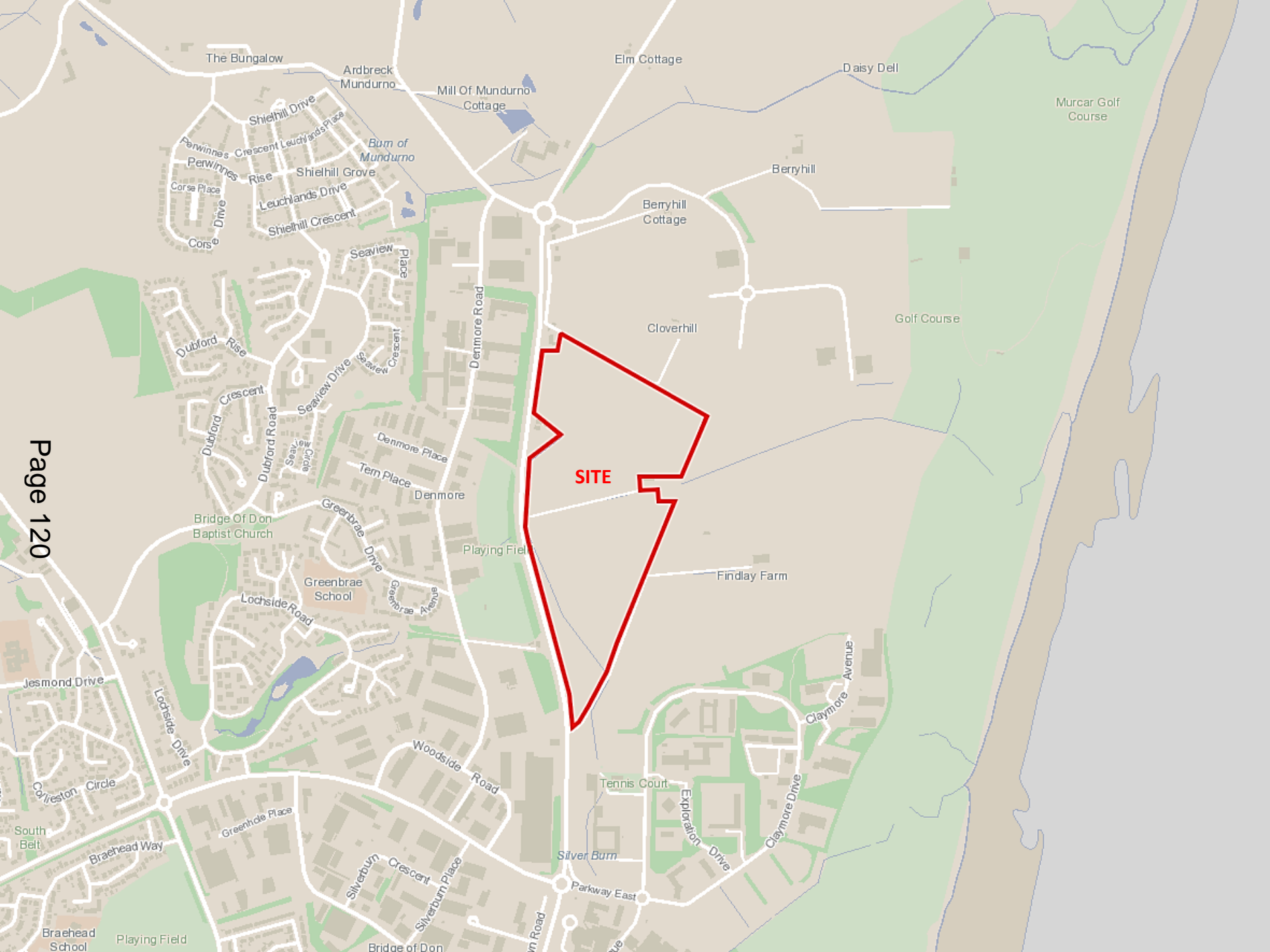
# Planning Development Management Committee

Thursday 30<sup>th</sup> September 2021



*Approval of matters specified in conditions: 1(phasing) 2(detailed design) 3(landscaping) 4(drainage) 5(archaeology) 6(contaminated land(i)) 8(safe routes to school) 9(residential travel pack) 15(noise) 16(dust) 17(species surveys) 18(water) 19(watercourses) 20(SUDS) 21(trees) 22(tree care) 23(carbon reduction and water efficiency) 25(sports pitch) 26(street design, parking) 27(CEMP)28(flood risk) of 191171/PPP in relation to the erection of 536 homes with associated landscaping, open space and infrastructure*

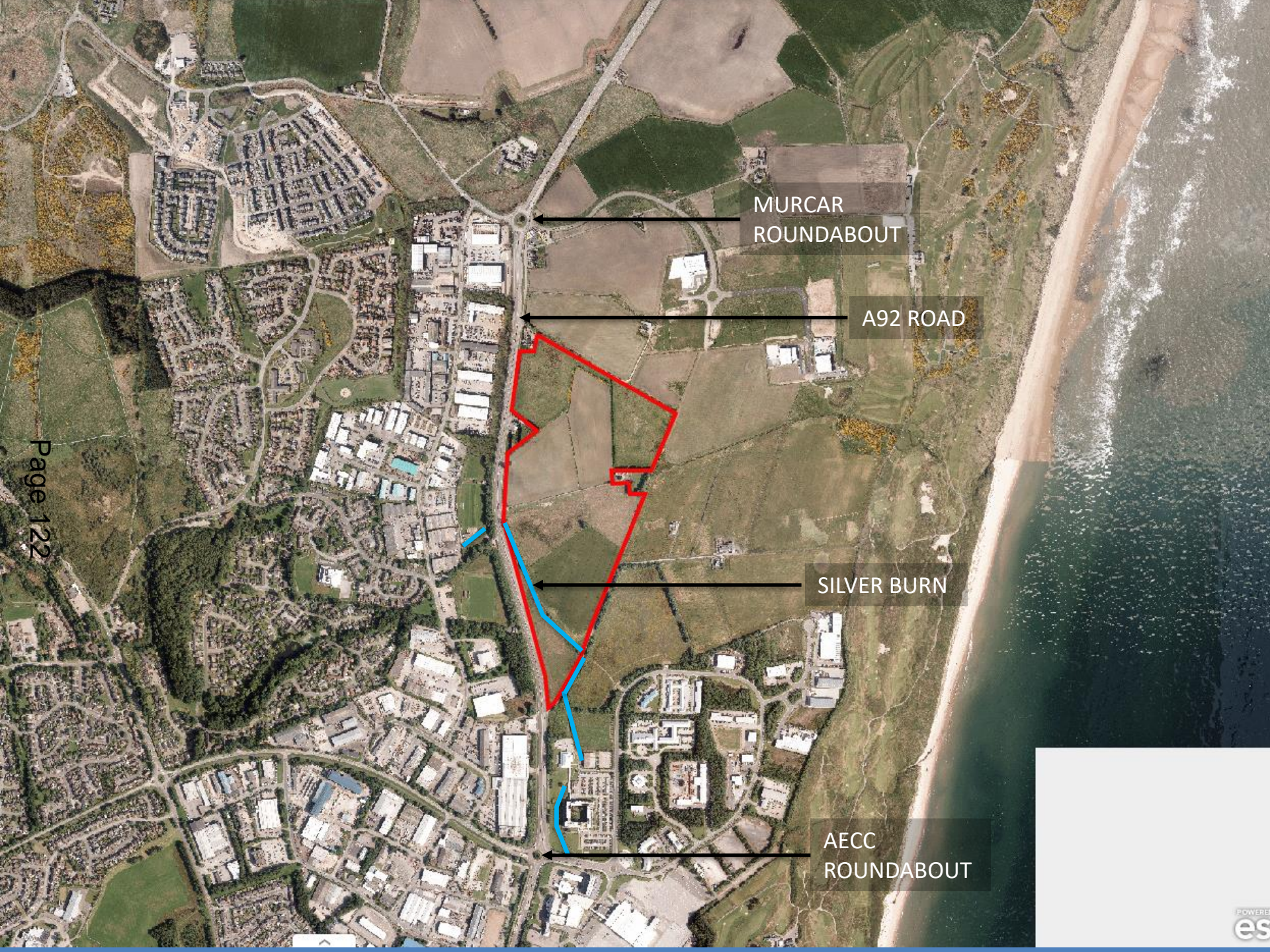
Land At East Of A92 Ellon Road At Cloverhill Murcar Bridge Of Don Aberdeen











MURCAR  
ROUNDAABOUT

A92 ROAD

SILVER BURN

AECC  
ROUNDAABOUT





BOD RETAIL PARK

GOLF COURSES

DEMORE /  
MURCAR  
INDUSTRIAL  
ESTATE

ABERDEEN  
ENERGY PARK

BOD  
INDUSTRIAL  
ESTATE

FORMER A.E.C.C.



# Indicative Masterplan (PPiP)

Page 124

'MAIN SQUARE' AS FOCAL POINT

OPEN SPACE / LINEAR PARK INC. SUDS  
& EAST / WEST CORE PATH ROUTE





SPORTS PITCH

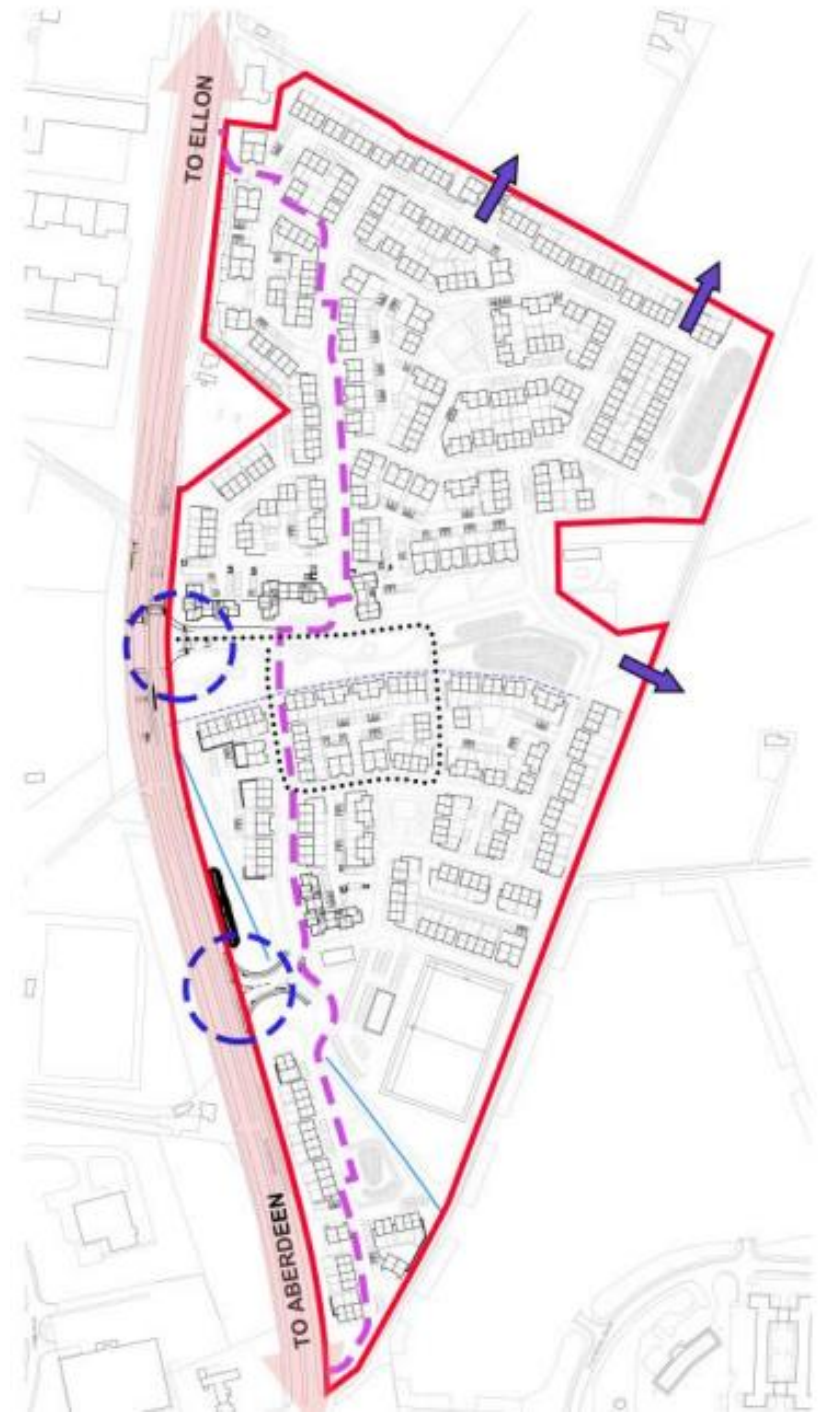
MAIN ACCESS

SECONDARY ACCESS

# Access

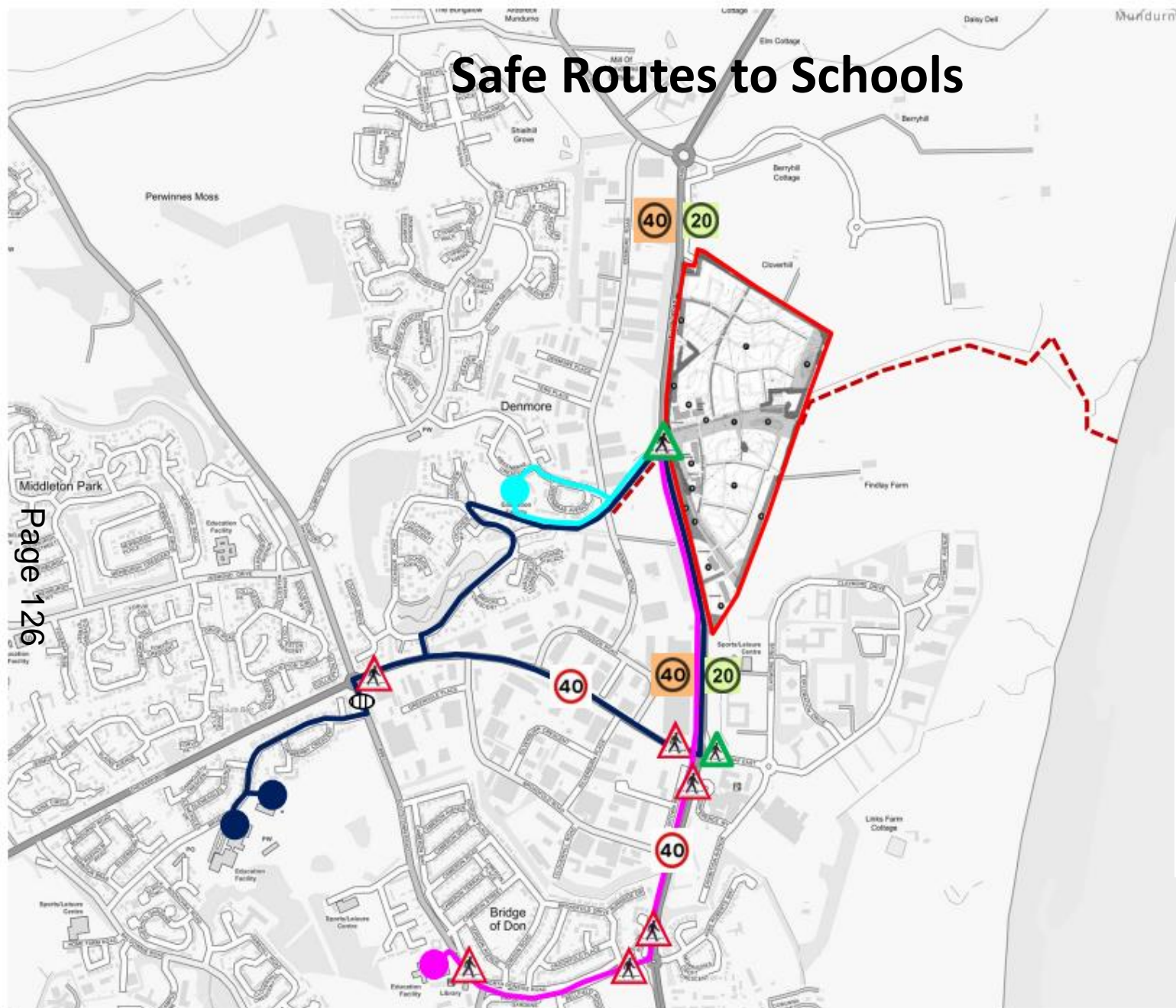
## Key

-  Access Points
-  Proposed Cycleway
-  Proposed Bus Route
-  Future Access Points





# Safe Routes to Schools



## KEY:



Cloverhill Site



Aspirational Core Path



Existing Signalised Crossing



Proposed Signalised Crossing



Existing Zebra Crossing



Existing 40mph



Proposed 40mph



Proposed Part Time 20mph during school crossing times

Route to Scotstown  
Primary School (2km)

Route to Bridge of Don Academy /  
Braehead Primary School (2.5km)

Route to Greenbrae  
Primary School (600m)

# Proposed Street Hierarchy

## Key

-  Primary Street
-  Secondary Street
-  Tertiary Street
-  Lanes
-  Potential Bus Route





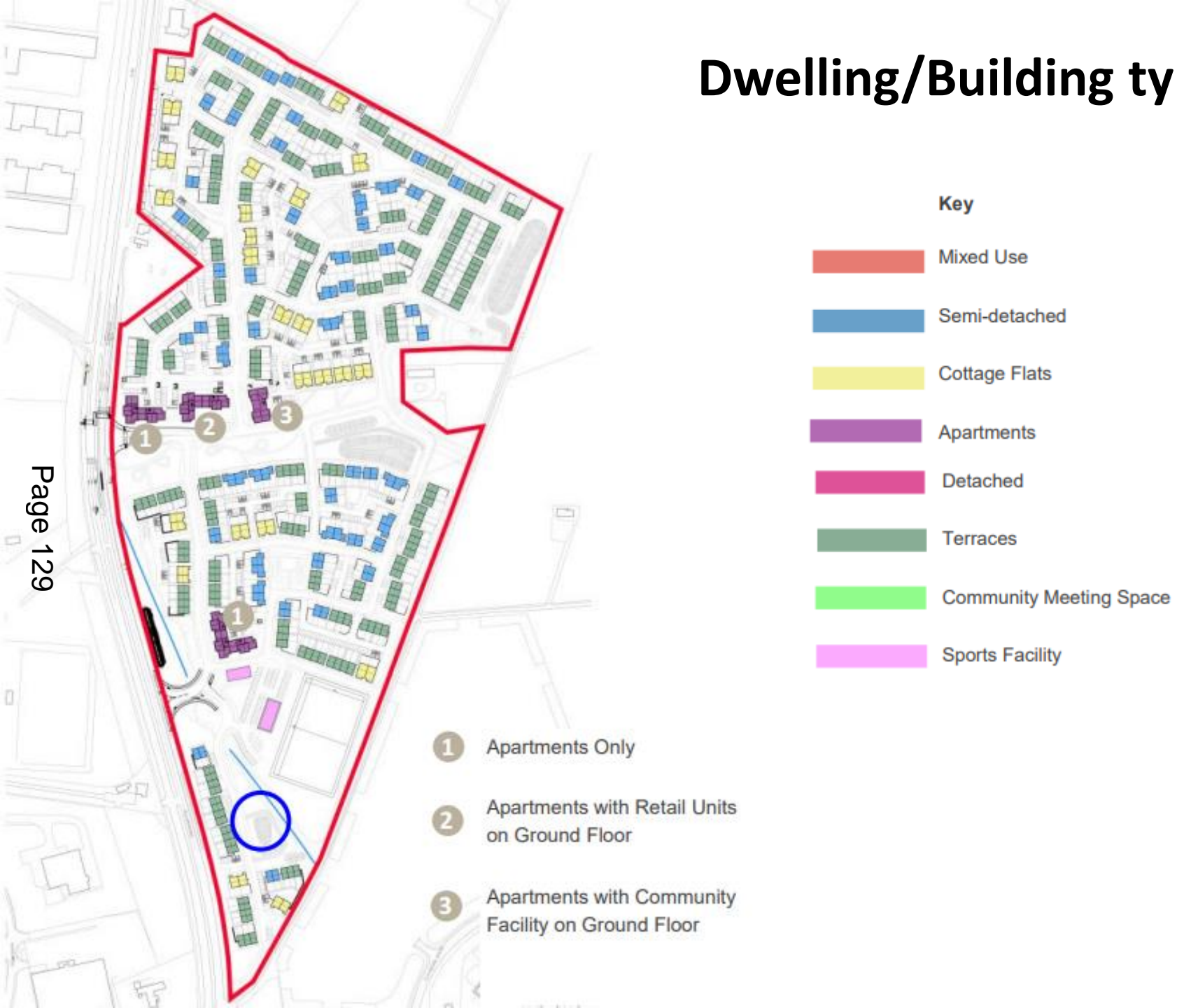
# Building Heights and Massing



## Key



- Site Boundary
- Higher Rise Landmark Buildings
- Lower Rise Buildings

# Dwelling/Building types



# Character Areas

## Key

-  Cloverhill North
-  Main Arrival Area / Neighbourhood Centre and Linear Park
-  Silverburn and Cloverhill South







# Housing Mix

1 Bedroom Flats	= 23 units
1 Bedroom Cottage Flats	= 20 units
2 Bedroom Flats	= 47 units
2 Bedroom Cottage Flats	= 76 units
2 Bedroom House	= 110 units
3 Bedroom House	= 234 units
4 Bedroom House	= 26 units
<b>Totals</b>	<b>= 536 units</b>

# Proposed Street Sections





# Proposed Street Sections



Section C: Southern area, facing East

Page 153

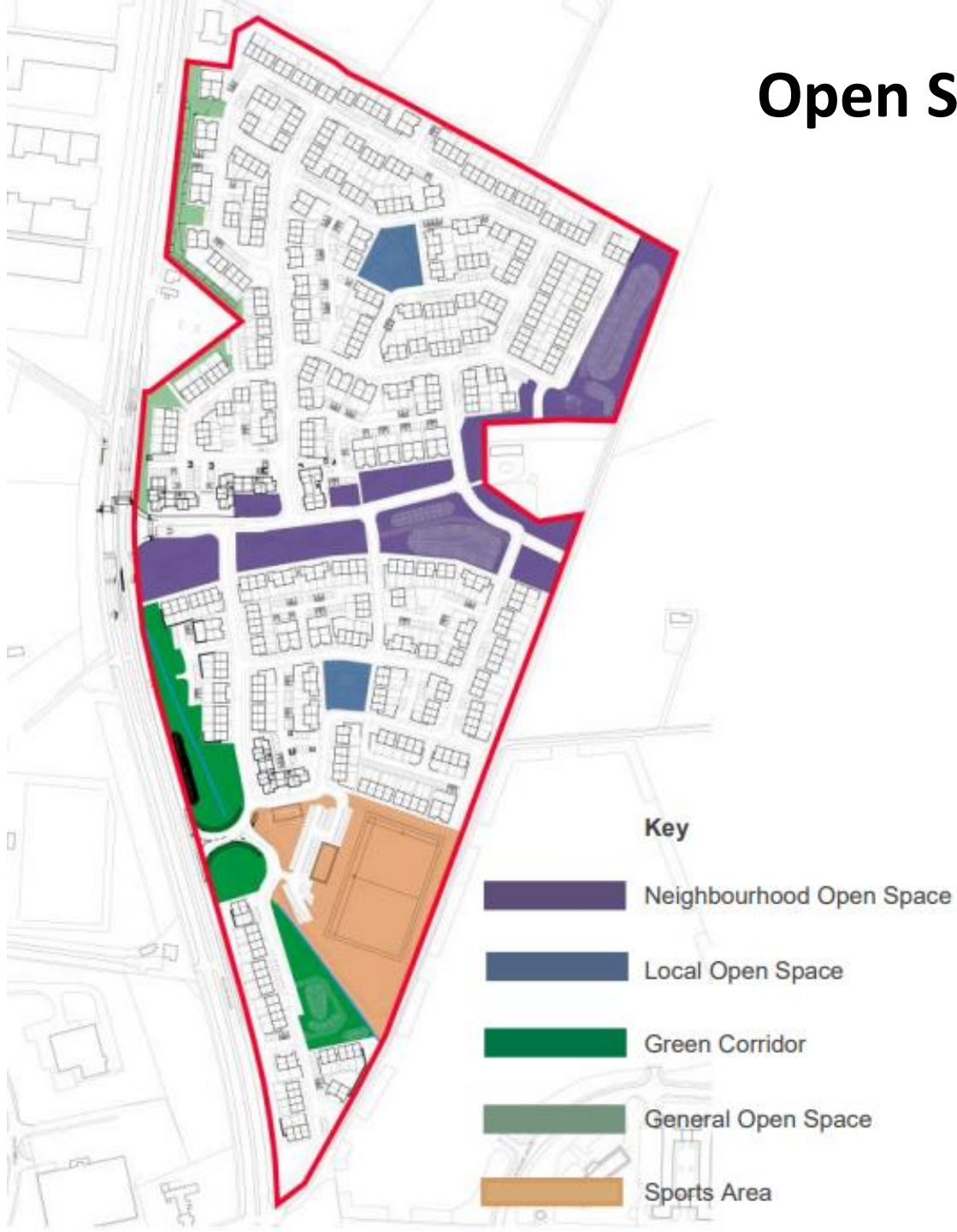


Section D: Southern area, facing West





# Open Space Provision



# Open Space

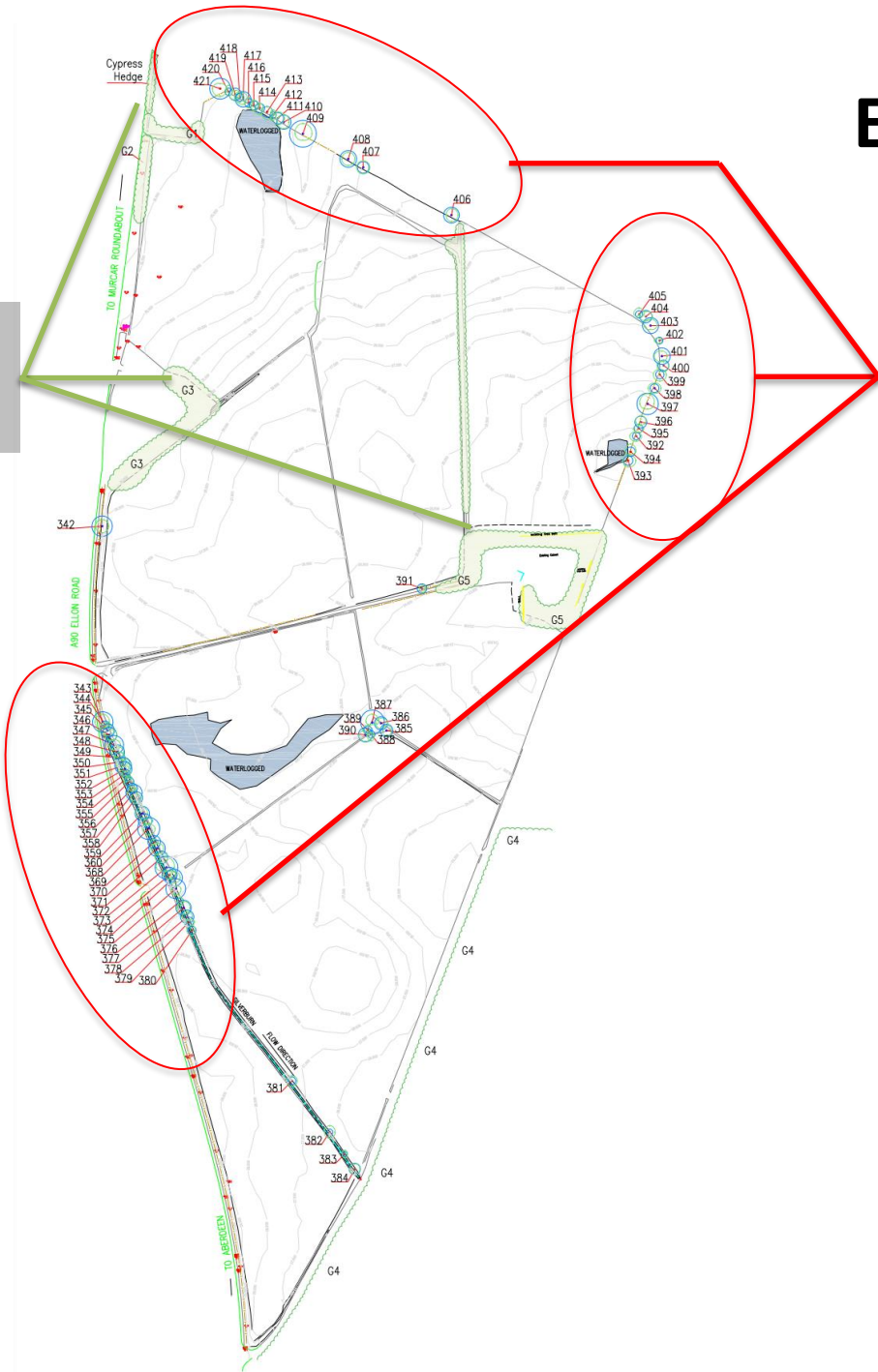




# Existing Trees

DENSE SHELTER  
PLANTING AROUND  
EXISTING DWELLINGS

3no MAIN CLUSTERS  
OF EXISTING TREES





# Tree Survey Photos



Photo 1 – Mature sycamore 342 at site boundary adjacent to A90.



Photo 2 – Northern end of row of trees lining Silver Burn adjacent to A90 at western site boundary.



Photo 3 – Southern end of row of trees lining Silver Burn at western boundary.



Photo 4 – Clump of beech, sycamore, ash and elm tagged 384 to 390 at field boundary within site.



Photo 5 – 3 sycamore occur within neighbouring property and overhanging site boundary. Untagged and identified as OS1 to OS3 (out of site).



Photo 6 – Hawthorn hedge G6.



# Tree Survey Photos



Photo 7 – Group of trees in north eastern corner of site.



Photo 8 – Windswept trees at northern boundary.



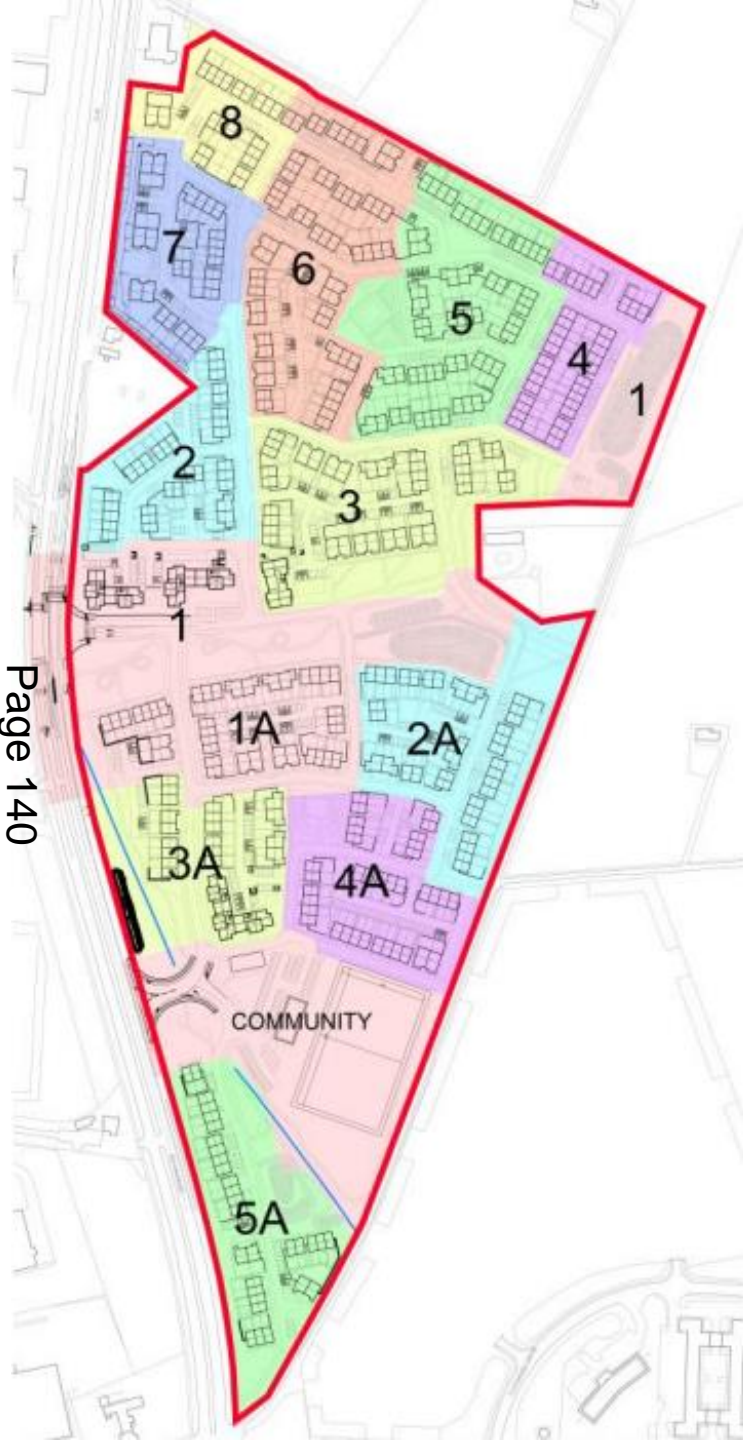
Photo 9 – Leyland cypress hedge G3 in neighbouring property.



Photo 10 – Ash and sycamore at boundary at western end of G3.

# Phasing

Phase	Works	Start Date	Completion Date
1	Signal Junction 36 Flats + 3 Retail NE SUDS Pumping Station	25/10/2021	25/11/2022
2	31 Houses	24/01/2022	27/01/2023
3	34 Flats 24 Houses 1 No Community	18/04/2022	04/08/2023
4	35 Houses	28/11/2022	12/01/2024
5	4 Flats 54 Houses	19/06/2023	25/10/2024
6	24 Flats 46 Houses	02/10/2023	23/05/2025
7	12 Flats 18 Houses	21/10/2024	24/10/2025
8	4 Flats 19 Houses	03/03/2025	16/01/2026
1A	12 Flats 31 Houses Central SUDS	30/05/2022	21/07/2023
Left in left out Junction			21/07/2023
2A	36 Houses	13/02/2023	29/03/2024
3A	28 Flats 17 Houses	24/07/2023	01/11/2024
4A	4 Flats 33 Houses	15/04/2024	20/06/2025
5A	8 Flats 26 Houses South SUDS	23/09/2024	21/11/2025
Community	Sports Facility		25/11/2024



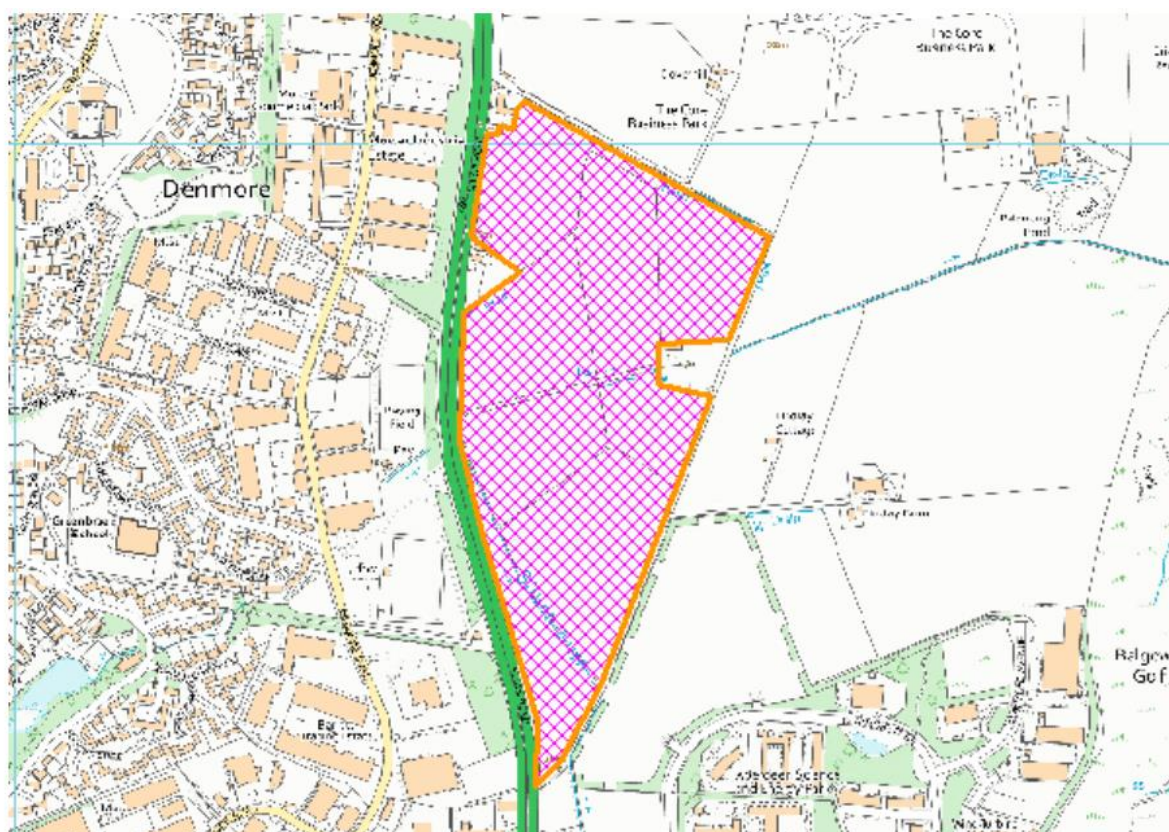


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 30 September 2021

<b>Site Address:</b>	Land At East Of A92 Ellon Road At Cloverhill, Murcar, Bridge Of Don, Aberdeen
<b>Application Description:</b>	Approval of matters specified in conditions: 1(phasing) 2(detailed design) 3(landscaping) 4(drainage) 5(archaeology) 6(contaminated land(i)) 8(safe routes to school) 9(residential travel pack) 15(noise) 16(dust) 17(species surveys) 18(water) 19(watercourses) 20(SUDS) 21(trees) 22(tree care) 23(carbon reduction and water efficiency) 25(sports pitch) 26(street design, parking) 27(CEMP)28(flood risk) of 191171/PPP in relation to the erection of 536 homes with associated landscaping, open space and infrastructure
<b>Application Ref:</b>	210884/MSC
<b>Application Type</b>	Approval of Matters Specified in Cond.
<b>Application Date:</b>	18 June 2021
<b>Applicant:</b>	Bancon Homes Ltd
<b>Ward:</b>	Bridge Of Don
<b>Community Council:</b>	Bridge Of Don
<b>Case Officer:</b>	Gavin Evans



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site extends to 22.5ha and forms part of a large Business and Industrial land allocation in the adopted Aberdeen Local Development Plan (ALDP), further identified as an opportunity site (OP2 Berryhill, Murcar), with a flood risk being noted in the allocation text. A Green Space Network (GSN) designation covers a large swathe of land running from east to west through the central part of the site.

Immediately to the west are the four lanes of the now de-trunked A92 Ellon Road, with the exception of a small number of dwellings in two pockets of development which lie between this site and the road. Beyond the A92 is the Denmore industrial area.

To the north and east is land presently in agricultural use, although this is allocated for business/industrial development in the ALDP. Indeed, the area to the north-east has seen various planning permissions granted for such development, with a number of plots further to the north-east and north already developed along with various elements of related infrastructure, collectively known as 'The Core' business park. The northern allocation is also an opportunity site (OP1 Murcar) and has a flooding potential. The associated policy (LR1 Land Release Policy) indicates that this area is not likely to see development until post 2027.

To the south and east is again agricultural land allocated for business and industrial use, with a residential property towards the northern end, access to which is taken from Ellon Road. The southern portion of the eastern boundary is adjoined by land which is subject to an extant planning permission in principle (PPiP - P160107) for an extension (Class 4, 5 and 6 use) to the Aberdeen Energy Park, the existing developed extent of which is a short distance further south-east.

Further east is the coastline of the North Sea, towards which the land generally falls. The existing landscape comprises open agricultural fields enclosed by fences/ dry stone walls/ hedgerows and several trees at various points along these divisions. The Silver Burn passes through the southern extent of the application site.

The site is allocated in the Proposed Aberdeen Local Development Plan 2020 as OP2 Cloverhill as an opportunity for 550 homes on former employment land. The site is subject to Planning Permission in Principle 191171/PPP.

### **Relevant Planning History**

Application Ref.	Proposal	Decision Date
190136/PAN	Proposal of Application Notice	18.02.2019
190162/ESC	Request for an Environmental Impact Assessment (EIA) Screening Opinion	20.02.2019
191171/PPP	Planning Permission in Principle for the <i>'Erection of residential led, mixed use development of approximately 550 homes, community and sports facilities, retail (Classes 1, 2, 3 and Sui Generis) with associated landscaping, open space and infrastructure'</i>	16.11.2020



## **APPLICATION DESCRIPTION**

### **Description of Proposal**

This application seeks approval of various matters specified in conditions attached to an earlier Planning Permission in Principle (ref 191171/PPP). The overall proposal presented in this application is for the erection of 536 homes with associated landscaping, open space and infrastructure.

The PPiP conditions against which approval is sought are as follows:

1 (phasing); 2 (detailed design); 3 (landscaping); 4 (drainage); 5 (archaeology); 6 (contaminated land(i)); 8 (safe routes to school); 9 (residential travel pack); 15 (noise); 16 (dust); 17 (species surveys); 18 (water); 19 (watercourses); 20 (SUDS); 21 (trees); 22 (tree care); 23 (carbon reduction and water efficiency); 25 (sports pitch); 26 (street design, parking); 27 (CEMP) and 28 (flood risk).

### **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=QUSXULBZKVC00>

These include:

- Acoustic Boundary Conditions plan
- Air Quality Dust Risk Assessment
- Archaeological Date Structure Report
- Biodiversity Action Plan Report
- Construction Environment Management Plan (CEMP)
- Concept Drainage Layout Plan
- Contaminated Land Report
- Cut/Fill Contours and Volumes
- Design Statement rev P03
- Drainage Assessment
- Dust Management Plan
- Pre-Construction Protected Species Report
- Energy Design Analysis Report
- Existing Services Report
- Footway and Cycleway Linkages Plan
- Foul Drainage Strategy Plan
- Landscape Maintenance Schedule
- Noise Impact Assessment
- Phasing Layout
- Planning Statement
- Pollution Prevention Plan
- Landscape Layout and schedule
- Residential Travel Pack
- Safe Routes to Schools Assessment
- Swept Path Analysis
- Watercourse Management Plan

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee due to an objection from the local Bridge of Don Community Council. Accordingly, the application does not fall within the scope of the scheme of delegation for determination of planning applications.

## **CONSULTATIONS**

**Archaeology Service (Aberdeenshire Council)** – No objection. Content for condition 5 to be discharged.

**ACC - Contaminated Land Team** – ACC's Contaminated Land Team recommended contamination conditions be applied to the PPiP approval due to the historic presence of a petrol station immediately to the south of the site, with potential for contamination to have migrated onto the development site. A submitted Geo-Environmental Interpretative Report has been reviewed, and necessary groundwater sampling and analysis has been undertaken to demonstrate that the historic use does not pose a risk. On that basis, the Contaminated Land Team is content to recommend discharge of condition 6.

**ACC - Environmental Health** – No objection. The submitted noise assessment (PPiP conditions 15 & 25) has been reviewed and found acceptable, subject to a restriction on hours of use of the sports pitch (already secured via PPiP condition 24). Submissions relating to dust management and mitigation (PPiP condition 16) have also been reviewed and accepted. The submitted Construction Environment Management Plan is acceptable from an Environmental Health perspective.

**ACC - Structures, Flooding and Coastal Engineering** – No objection, having reviewed the revised Drainage Impact Assessment and associated documents.

**ACC - Housing** – No objection. Notes that this development forms part of the Aberdeen City Council new build programme and will be 100% affordable. Satisfied with the mix of units proposed, based on an anticipated future shift away from Council tenant high rise living and knock-on effect this may have on the citywide housing mix.

**Police Scotland** – No objection. It is noted that the site is in a low crime area. Variation in surfacing materials for roads, paths is recommended to highlight the transition from 'public' to 'private' spaces. Vehicular and pedestrian routes should also be designed to be visually open and direct, with dwellings positioned to offer passive surveillance of open space/car parking areas and discourage crime. Footpaths should be wide and well-lit.

Communal areas such as playgrounds and seating areas should be designed to allow natural surveillance from nearby dwellings, with safe and accessible access routes. General advice on lighting, windows and entry door specification is offered. The applicant is encouraged to attain the 'Secured by Design' award – an informative with details has been recommended.

**ACC - Roads Development Management Team** – No objection. Notes the submission of additional information/revised plans to address earlier comments.

### Access/general

The two access junctions proposed onto the A92 are largely acceptable in their principle and general design, and the Roads Construction Consent (RCC) process will deal with detailed junction design separately. It is further noted that a footpath is shown crossing a turning head to the rear of plot 355 – it is recommended that the path be re-routed around the turning head, however this can be considered further as part of the detailed roads design at RCC stage.

The site layout includes adequate traffic calming and footpaths are designed in accordance with 'Housing for Varying Needs', which is beneficial. The submitted waste collection strategy is acceptable for both residential and retail/commercial/community uses.

As regards delivery of a Toucan crossing south of the Murcar roundabout (per PPIp condition 12), the applicants have given reassurance that this will be delivered at roughly the same time as the main access junction, such that the revised phasing strategy does not give rise to any conflict with condition 12.

### Drainage

The applicant is proposing that new gravity surface water sewers and road drains will be provided within the access roads, shared driveways and areas of open space. These will shed into trapped gullies, which in turn will gravitate into one of four attenuation structures – 3no SUDS basins and 1no cellular storage area. Flows from these attenuation features will be restricted to values not exceeding the greenfield runoff value. These will then gravitate to grass conveyance swales, and then into natural watercourses. All of the above will be designed in accordance with Sewers for Scotland and the SUDS manual. This is acceptable. It has also been demonstrated that water would be adequately treated prior to leaving the site to protect the water environment from pollution.

The proposed sports pitch will have drains built underneath it, which will drain to a stone filled filter trench, before flowing to the surface water sewer, joining the rest of the surface water from the development for treatment. This is acceptable.

The general principles of the drainage proposed are acceptable. Spacing of gullies and their position will be assessed during the corresponding RCC. It is noted that access tracks/roads have been provided for the maintenance of SUDS ponds, which is welcomed.

### Safe Routes to Schools

Notes that the proposed site layout provides a good range of pedestrian infrastructure to allow travel throughout the site, including a 3m wide footway/cycleway which runs from North to South through the entire length of the site. As this is set back off the A92, this is considered to be safer and better suited to children travelling to school. It is noted traffic along the A92 is to be restricted to 40mph, with a temporary 20mph limit applying during school travel times and indicated via flashing 20mph signs. A Traffic Regulation Order (TRO) will be required for this (secured by PPIp condition 11). It is noted that crossing points will be delivered over the A92 at the main access junction and to the north, close to the Murcar roundabout.

The combined footway/cycleway will connect to another development site to the south at the former Silverburn House, should that proceed, potentially giving access to an additional crossing point over Parkway East and offering an alternative route for school travel. RDM conclude that the site is highly accessible internally and well connected externally to existing pedestrian routes, facilitating safe travel to school.

### Residential Travel Pack

The travel plan submitted includes information about walking, cycling, bus facilities/routes and associated health benefits of active travel. This is considered to be acceptable, having been updated to include further information on the location of bus stops/services serving the Cloverhill site – it is noted that this will be updated again to include details of new bus stop locations once routing through the site has been agreed. The RTP now also includes information on the car club provision to be made within the site. This is noted and accepted.

Street Design/Parking

Parking has been incorporated within the layout, to include 81 wheelchair accessible spaces, 364 general spaces and 91 visitor parking spaces, for a total of 536 spaces serving the residential units. In addition, a further 82 car parking spaces and 2no bus parking spaces are proposed to serve the commercial/community/sports facilities. 2no Car Club spaces are also identified in a central location. 9no motorcycle spaces and 70 cycle spaces are also provided, with cycle stores suitable secure and sheltered for long-stay use. 158 active Electric Vehicle (EV) spaces are proposed, and every other space would have passive provision, which is welcomed. Swept path analysis drawings have been provided to demonstrate the adequacy of the roads layout for vehicle manoeuvres. These are accepted, and will be subject to further assessment as part of the RCC process.

Construction Environment Management Plan (CEMP)

The content of the CEMP is robust and acceptable from a RDM perspective.

**Scottish Environment Protection Agency – No objection.**

Information was provided to justify the proposal for an 82m section of arched culvert along the Silver Burn. Details were included to demonstrate that the preferred option of two separate culverts in close proximity would not be feasible. Updated drawings propose use of an arched culvert, providing a bottomless culvert solution. Further information relating to options for de-culverting of the Glashieburn and the 525m section of culvert to the south have been provided, demonstrating that de-culverting of the Glashieburn based on the current proposed layout is not feasible and may be of little benefit to the development or provision of environmental enhancement. It has been demonstrated that Scottish Water is responsible for the 525m culvert and de-culverting

Information has been provided on works within buffer strips around watercourses, including justification in terms of site layout and cut/fill works. The internal road layout has been altered to avoid conflict between the position of roads and the culverted Glashieburn, minimising the extent of road over the watercourse.

Construction details have been provided to illustrate the relationship between an existing spring/groundwater and the proposed detention basin to the NE corner of the site. This demonstrates that groundwater would be collected underground and discharged via pipe into culvert, with the proposed detention basin above to be lined to prevent groundwater entering the detention basin. The applicants have advised that although a detention basin is proposed there would be some water retention for the purposes of habitat enhancement, rather than utilising the groundwater/spring to provide separate environmental enhancement.

As regards flood risk, SEPA notes that there is no land raising or built development within the floodplain. The site plan previously indicated allotments in the identified floodplain, and SEPA had advised that it would be for the planning authority to determine whether the increased risk of flooding would be acceptable, suggesting that this area might instead be appropriate for the creation of a new wetland, with environmental enhancement. The site plan has since been revised to re-site the proposed allotments outwith the area identified as being at risk of flooding.

**Scottish Water – No objection.** Confirm that the development would be fed from Invercarnie Water Treatment Works, but a separate formal submission to Scottish Water will be required to obtain a full appraisal. There is currently sufficient capacity for a foul only connection at Nigg Waste Water Treatment works, however a formal application will be required for this also. It is highlighted that capacity cannot be reserved, and availability will be reviewed once full planning permission has been granted and a formal connection application submitted to Scottish Water.

**ACC - Waste And Recycling** – No objection. General information is provided on the cost, size and specification of general waste, recycling, garden waste containers etc. for flats and dwellings. The location of bin stores has been agreed. It is noted that the access road serving plots 503-536 ends in a turning head and if used for parking this may necessitate a very long reversing manoeuvre. Roads colleagues have confirmed that parking has been provided in line with approved Supplementary Guidance rates and, in the event that there is an issue with parking in the turning head obstructing waste vehicles, traffic management measures can be considered.

Advice is offered on the location of refuse storage points relative to dwellings/flats and to the route used by refuse collection vehicles. Detailed swept path analysis has been provided as requested.

**Bridge Of Don Community Council** – Objects to the proposal, raising the following concerns:

- Medical facilities in Bridge of Don are currently at capacity and the proposed development will increase demands on already stretched services;
- Local schools will struggle to cope with additional demands;
- Notes that some parts of the development would be more than 2 miles from Scotstown School, contending that this is likely to mean more parents driving and additional congestion;
- Considers that the site is currently not well served by public transport, so will be reliant on travel by car;
- Development would add to congestion on the A92, with a negative impact on air quality;
- A temporary 20mph speed limit on the A92 is totally impractical and would reverse the benefits seen from the AWPR and Diamond Bridge. This temporary speed limit will encourage car users to use alternative routes, creating problems elsewhere;
- Encourages further traffic modelling to assess the impact of the development given the inadequate local roads infrastructure;
- Questions whether the shops and community facilities will ever be delivered.

## **REPRESENTATIONS**

None.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

#### Scottish Planning Policy (2014)

Scottish Planning Policy was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place. Sections relating to *'enabling delivery of new homes'*, *'valuing the natural environment'*, *'maximising the benefits of green infrastructure'*, *'managing flood risk and drainage'* and *'promoting sustainable transport and active travel'* are relevant to this application.



### **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. Aberdeen City is designated as a Strategic Growth Area. 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 LR1 – Land Release Policy  
 Policy LR2 – Delivery of Mixed Use Communities  
 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 T5 – Noise  
 Policy B1 – Business and Industrial Land  
 Policy B4 – Aberdeen Airport  
 Policy H3 – Density  
 Policy H4 – Housing Mix  
 Policy H5 – Affordable Housing  
 Policy CF2 – New Community Facilities  
 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**

- Master Plans;
- Energetica;
- Transport and Accessibility;
- Noise;
- Planning Obligations;
- Affordable Housing;
- Landscape;
- Children’s Nurseries;
- Natural Heritage;
- Open Space;
- Trees and Woodland;
- Flooding and Drainage.

### **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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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.

### **EVALUATION**

#### **Principle of Development**

The principle of development of the type and scale proposed was established through the earlier granting of Planning Permission in Principle (PPiP) in November of 2020, following the Planning Development Management Committee’s expression of its willingness to approve subject to conditions and successful conclusion of a legal agreement concerning matters including affordable housing provision and payment of developer obligations. This application seeks to address many of the conditions which were attached to that grant of PPiP, to allow development to commence. These are detailed below.

**Condition 6: Contaminated land**

Policy R2 (Degraded and Contaminated Land) requires that all land that is degraded or contaminated, including visually, is either restored, reclaimed, or remediated to a level suitable for its proposed use.

ACC's Contaminated Land Team has reviewed the submitted Geo-Environmental Interpretative Report, and advised that groundwater sampling and analysis should be undertaken to adequately assess the risks from contamination related to the historic presence of a petrol station immediately to the south of the site. Additional information has now been provided and ACC's Contaminated Land Team advises that this provides comfort that the former petrol station located close to the site does not pose a risk. On that basis, the Council's Environmental Health Service recommends that condition 6 is discharged. The Planning Service is satisfied that the proposals are consistent with the requirements of policy R2 (Degraded and Contaminated Land).

**Condition 5: Archaeology**

An Archaeological Data Structure Report has been prepared by Cameron Archaeology Ltd and reviewed by Aberdeenshire Council's Archaeology Service on ACC's behalf. This report details archaeological evaluation incorporating 161 trenches across the site, with a concentration of stone artefacts (lithics) found in the NE part of the site, along with 3 flints. The report recommends that a Post-Excavation Research Design (PERD) is compiled, which is consistent with the requirements of PPiP condition 5, but concludes that no further fieldwork is required. Aberdeenshire Council's Archaeology Service has advised that this report is acceptable, and the provisions of PPiP condition 5 require that details of that PERD for the analysis, publication and dissemination of results must be submitted to and agreed in writing by the planning authority prior to first occupation.

**Condition 17: Species Surveys**

A report detailing pre-construction surveys for protected species has been submitted and reviewed with input from Environmental Policy colleagues within the Planning Service. Surveys indicated no signs of badger, water vole, reptiles or red squirrel within the site. Earlier PPiP submissions noted that some existing trees with cavities could provide roosting spaces for bats and therefore any such trees to be removed should first be checked for possible bat roosting features. As regards birds, skylark and reed bunting were recorded within the site. Roe deer and signs of their activity were also frequently observed. Recommendations include standard protective measures and it is also noted that the presence of roe deer and rabbits will necessitate protection of new saplings as part of any landscaping scheme. As there is potential for nesting birds, any site clearance works within the bird breeding season (April to end July) should not be undertaken until affected habitats have first been checked for signs of breeding birds being present. The report also recommends that giant hogweed is subject to a programme of eradication, with site staff made aware of its health implications. The Planning Service is satisfied that the submitted report meets the requirements of PPiP condition 17 and that the recommended mitigation measures will provide appropriate safeguards for wildlife within the site, consistent with policy NE8 (Natural Heritage) of the ALDP.

**Conditions 2 (Detailed Design) and 26 (Street Design/Parking)**

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

This application is accompanied by an updated Design and Access Statement, which sets out the key design principles underpinning the proposed development of the site. The scheme remains faithful to the key principles of an earlier Design and Access Statement lodged as part of the PPiP

application. The site layout incorporates a central signalised access junction and a secondary 'left-in, left-out' junction to the south. The new central signalised junction offers the main point of arrival to the site and acts as the focal point, with retail and community uses, higher density flatted blocks and a central linear open space delivering an aspirational core path route from west to east. The central linear park reflects the location of a Green Space Network designation which applies to a central portion of the site, along the route of the aspirational core path. Other areas of open space of differing types are provided throughout the site, with a landscaped corridor along the route of the Silver Burn in the southern portion of the site, north and south 'pocket parks' which include play equipment, a sports pitch and an area set aside for allotments to the south of the site. Drainage infrastructure has been integrated within open spaces at the central linear park, at the north-eastern corner of the site and at the south of the site, adjacent to the Silver Burn. These detention basins would allow for the treatment and slow release of surface water from the site at a controlled rate, but would often be dry so do not need to be fenced off and can also act as recreational space within the development.

The internal road layout has been reviewed by the Council's RDM Team and is considered to be acceptable, with a clear roads hierarchy which provides access and circulation routes suitable for buses and refuse vehicles. It is noted that the earlier PPiP envisaged bus stops being provided on the A92 to serve the development, however the layout has been designed in such a way that buses can in future utilise the interior street network.

The proposed development includes a mix of flats and houses (370 houses and 166 flats), and a range of dwelling types which includes, detached, semi-detached and terraced house types. Units range from 1 to 4 bedrooms and include 81 wheelchair adaptable units of varying sizes. This mix of unit types and sizes is considered to be consistent with the aims of policy H4 (Housing Mix) of the ALDP. Small-scale retail/commercial units are included at ground floor level in flatted block 2, adjacent to the proposed 'village square' space. Such units would provide for local shops or services, within use classes 1, 2, 3 or 10 – these use classes would allow for uses such as retail, hairdresser, café, professional services (e.g. dentist, estate agent) or nursery. Also located at this central portion of the site would be a new community facility at ground floor level within block 3. To the southern portion of the site, a new sports pitch would be provided, with land set aside for a changing pavilion to be delivered at a later date, subject to permission being obtained by others. Members should note that the legal agreement related to the earlier PPiP consent regulates the transfer of the sports pitch and changing facilities to an approved community body if agreement can be reached, with payment of a financial contribution required in the event that it is not possible to reach agreement with an appropriate community body. In addition to the main housing areas, the combination of flats in the higher density village core, commercial uses, sports facilities and allotments is appropriate for a development of this scale and meets placemaking requirements.

The main difference from the PPiP stage is that the 536 residential units proposed would be delivered as 100% affordable housing, exceeding the 25% requirement set out by policy H5 (Affordable Housing) and which was secured via a planning agreement at the PPiP stage. As a result, reduced residential car parking standards apply and this is reflected in the development layout. As mainstream residential development would require a higher provision of on-site car parking which is not compatible with the proposed layout, it will be necessary to apply a condition which restricts the development to social housing only. This approach has been used in other cases where a development of exclusively affordable housing is reliant on the reduced parking rate provided for by Supplementary Guidance to the ALDP. An adequate supply of wheelchair accessible and visitor spaces is also included within the overall provision, with wheelchair accessible spaces located alongside accessible dwelling types. Provision has been made on site for 2no Car Club spaces, 9no motorcycle spaces and 70no cycle spaces. Electric Vehicle charging infrastructure is incorporated by way of 158 'active' charging points, with every other space served by 'passive' provision which allows for new charging points to be easily installed in future in line with increased demand.

The Design and Access statement identifies three 'character areas' within the proposed development, roughly corresponding to the north, central and south portions of the site. These character areas are partially defined by the presence of various formal and informal open spaces, commercial and community uses, however there is also variation in the built form and landscaping, including differences in drydash render specifications, window and external cladding colours and use of facing blockwork within the central character area. It is considered that the materials palette is appropriate to its context and offers subtle variations which reflect different character areas within the development whilst still retaining a consistent overall tone. Boundary treatments include the re-use of stone from existing field boundaries as feature dry stone walls in open spaces around SUDS features, which serves to enhance biodiversity value. Rear plot boundaries are generally 1.8m high and are formed in timber fencing, or rendered blockwork walls and a 900mm wall with 900mm fence top. The use of walling is generally focused on corner plots or more prominent ends of rows/terraces where there is an interface between open spaces and private plots. To the front, boundaries are generally defined by hedging and soft landscaping to provide a visually softer appearance whilst still denoting the extent of public and private spaces.

In terms of hard landscaping and road surfacing, the Design and Access Statement identifies a clear street hierarchy, with primary, secondary and tertiary streets differing in their geometry, materials and landscaping. Primary streets are focused around the site accesses and higher density core with commercial uses to the central portion of the site, and are designed to be capable of accommodating bus services in future. A combined 3m wide cycle/footway would also be included in the primary street layout, along with the inclusion of street tree planting. Secondary streets facilitate access and accommodate some driveways and traffic calming measures, whilst tertiary streets and lanes are designed for lower traffic and include shared surfaces and give access to parking courts which allow for vehicles to be kept away from main street frontages, enhancing the character of those areas. Road surfaces on tertiary streets would also be formed using asphalt with red chippings to provide variation and also signify a change in the character of these spaces, where road users would share the surface.

It is considered that the layout and design of the development takes account of the provisions of Policy D1 (Quality Placemaking by Design). The updated Design and Access Statement maintains the key principles of the earlier PPIp decision and expresses these through a high-quality development which includes a range of residential unit types and sizes alongside appropriate local commercial and community uses, open spaces and landscaping, accompanied by appropriate pedestrian and cycle infrastructure to connect within the surrounding networks of paths and other routes. Appropriate provision is made within the development for the storage and collection of refuse and recycling, with a roads layout which can accommodate refuse vehicles and allows for collection points in convenient locations for both residents and refuse operatives. In this regard, the proposal is consistent with policies NE1 (Green Space Network), NC8 (Retail Development Serving New Development Areas), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) NE4 (Open Space Provision in New Development) and NE9 (Access and Informal Recreation). Development is provided at an appropriate net density of 32 dwellings per hectare, which satisfies the ALDP policy H4 (Density) requirement for all new developments to achieve a minimum of 30 dwellings per hectare. With this in mind, it is considered that the proposal satisfies the requirements of PPIp conditions 2 (Detailed Design) and 26 (Street Design, Car Parking, etc).

### **Condition 8: Safe Routes to School**

The application submissions include a Safe Routes to School Assessment, which highlights that the site lies within the catchment areas for Scotstown Primary and Bridge of Don Academy. It is noted that Greenbrae Primary and Braehead Primary area also located nearby, so are included in the assessment. This submission notes that access to all schools will require crossing of the A92/A956 dual carriageway. For those travelling from the northern and central sections of the



development, this would utilise the Toucan crossing which forms part of the main new access junction serving the development. For pupils travelling from the southern part of the site, they would have to either travel north to access that same Toucan crossing or alternatively use a new foot/cycle path provided as part of this development to reach a new Toucan crossing on Parkway East which is to be provided as part of a separate development at the former Silverburn House site.

ACC's Roads Development Management Team has reviewed the proposal and noted that the internal site layout provides a range of pedestrian infrastructure, including a 3m wide footway/cycleway, running north to south through the site and set back off the busy main road. In conjunction with the delivery of a new crossing at the main site access, this is considered to facilitate safe travel to schools, and would be further aided by a temporary 20mph speed limit on the A92 Ellon Road, which is secured by other conditions on the PPiP. The provision of an additional crossing on Parkway East in connection with a separate planning proposal at the former Silverburn House site will, if that development goes ahead, provide a further option for safe school travel. Taking these matters into account, the proposal is considered to meet the requirements of condition 8 of the PPiP and is consistent with policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP.

### **Condition 9: Residential Travel Pack**

Condition 9 requires submission and agreement of a Residential Travel Pack, the aim of which is to promote sustainable travel choices to and from the site, with an emphasis on reducing reliance on the private car, thereby lessening the impact of the development on the surrounding road network. A Residential Travel Pack has been submitted and, following feedback from the Council's Roads Development Management Team, will include a map of local bus stops serving the development site to accompany a bus map of city centre services/stops. The revised RTP also includes information on bus and cycle routes, as well as indicative information on the location of Car Club spaces within the development which will be updated with full details prior to being issued to residents on first occupation of residential units. The Council's RDM Team has expressed its satisfaction with the revised submission, which is considered to meet the requirements of PPiP condition 9 and is consistent with the relevant 'Transport and Accessibility' Supplementary Guidance commentary on Travel Plans/Packs, as well as the overarching aims of policy T3 (Sustainable and Active Travel) of the ALDP.

### **Conditions 3 (Landscaping) and 21 (tree survey and protection measures)**

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

A tree survey accompanying this application identifies existing trees, along with tree and shrub groups. 36 mature and semi-mature specimens are arranged along the route of the Silver Burn, with a central cluster of 7 at existing field boundaries and two distinct rows of 14 and 16 trees along the northern site boundary. The most common species are ash, sycamore and wych elm, with smaller numbers of beech, alder and hawthorn. Hawthorn hedgerows are also present along field boundaries.

15 individual trees are identified for removal to facilitate the proposals, along with two groups of shrubs. Of those fifteen, the tree survey notes that six would be removed to accommodate construction, five to accommodate new landscaping and four to accommodate earthworks/level changes. There are some localised areas of encroachment into root protection areas to facilitate level changes and path construction, however the trees are still capable of retention subject to use of no-dig construction methodology. Some houses at the north-western corner of the site have been repositioned to provide greater space around existing trees, allow for future growth and reduce encroachment on these trees' zone of influence. The arboricultural submission includes

specifications and an accompanying plan demonstrating the form and location of tree protection barriers, designed to safeguard the health of retained trees during construction. This specification is sufficient to address the requirements of PPIp condition 21 (tree survey and protection measures), which secures ongoing compliance with any approved scheme.

In terms of new landscaping, section 4 of the revised Design and Access Statement sets out the type and extent of landscaping across the site, including the various areas of open space. The mix of soft landscaping and plant species proposed across the site is acceptable, including provision for habitat of ecological value and a high proportion of native species. Mixed native hedges and areas of scrub are also welcome as these provide habitat for birds and other wildlife. Landscape planting is also shown within SUDS areas, and it is noted that these also incorporate dry-stone walls which would be an attractive feature which contributes to the character of the new development. Bench seating is provided throughout the development's open spaces, with play equipment provided in open spaces at the north and south of the site. Cut and fill contour plans and sections showing the development alongside existing ground levels show that earthworks would not result in excessive level changes, but would allow more even levels to accommodate new roads construction. Boundary treatments are discussed elsewhere in this report under condition 2 (Detailed Design), and the application submissions include a management plan for buffer strips along water courses which has been reviewed and found acceptable by Environmental Policy colleagues within the Planning Service. As noted under condition 22, below, landscaped areas will be maintained by an appointed factor (or by ACC itself), with an acceptable schedule of regular maintenance set out. Taking these matters into account, the proposal is considered to satisfy the requirements of PPIp condition 3 (Landscaping) and accord with the provisions of ALDO policies D2 (Landscape), NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE8 (Natural Heritage).

### **Condition 22: Tree Care**

Submissions relating to condition 22 include a schedule for the maintenance of soft landscaping for years 1 to 5, along with maintenance proposals contained within a Biodiversity Action Plan. These have been reviewed by Environmental Policy colleagues within the Planning Service and are considered to be acceptable. As highlighted in the submitted pre-construction species surveys, the presence of roe deer in the local area necessitates the use of measures to protect new tree specimens as they become established. Hard and soft landscaped areas will be maintained by an appointed factor, with regular grass cutting, pruning, watering, weeding and replacement of any dead or dying trees and plants. These proposals are considered to satisfy the requirements of PPIp condition 22, subject to compliance with the agreed schedule, consistent with ALDP policies D2 (Landscape), NE4 (Open Space Provision in New Development) and NE5 (Trees and Woodlands).

### **Condition 1: Phasing**

Condition 1 requires all development to take place in accordance with an agreed phasing programme. Indicative phasing had been shown within the Design and Access statement provided in support of the earlier PPIp application, however condition 1 provides for alternative phasing to be agreed via this approval of matters specified in conditions process. A phasing layout plan has been provided, which illustrates development commencing at the central part of the site containing the main new access junction, before proceeding simultaneously both north and south. This provides for a rational progression of the development and allows for early delivery of the main access junction, retail units and central linear park open space, along with SUDS infrastructure to the site's north-eastern corner. The last parts of the development to be delivered would be flats and houses in phases 6, 7 and 8 in the north-western corner of the site. Indicative dates suggest a target for completion of the final phases by Jan 2026, however members should note that the pace of construction is not controlled by the planning consent.

The 'indicative' phasing set out at the PPiP stage had also involved development commencing in the central portion of the site, with the northern portion of the site in phase 2 and a smaller phase 3 at the southern tip of the site. It is noted that condition 12 prohibits occupation of units in the northern portion of the site until a pedestrian crossing has been provided south of the Murcar roundabout. The applicants have confirmed that discussions are ongoing regarding the design and specification of that crossing, and their intention is that this would be delivered at roughly the same time as the main signalised site access junction, such that the Murcar Toucan would be installed and available for use prior to occupation of first units in phase 1, ahead of the trigger point set out by PPiP condition 12. It is considered that the proposed phasing is acceptable and meets the requirements of PPiP condition 1 (Phasing), presenting no conflict with the requirements of PPiP condition 12 in relation to the delivery of necessary roads/pedestrian infrastructure and consistent with the aims of policy T3 (Sustainable and Active Travel).

### **Conditions 4 (Drainage Connections), 18 (Private water supplies), 19 (Watercourses and de-culverting) and 20 (Sustainable Urban Drainage Systems)**

#### Drainage Connections and SuDS

Policy NE6 requires that a Drainage Impact Assessment should detail how surface water and wastewater will be managed. Connection to the public sewer will be a prerequisite of all development where this is not already provided. PPiP condition 4 (Drainage Connections) requires that proposals include details of the means of disposal of foul and surface water from any given phase of the development as part of a Sustainable Urban Drainage System (SuDS). Condition 4 reiterates policy NE6's requirement for connection to the public sewer. PPiP condition 20 requires submission of a detailed scheme of sustainable drainage, to include details of any proposals to de-culvert existing watercourses and measures to minimise impacts on an existing spring in the north-east of the site.

The submission includes a Drainage Assessment which confirms that there are no existing adopted foul or combined sewers within the application site itself. There is an existing 525mm diameter surface water sewer located at the southernmost part of the site, which discharges into the Silver Burn. Existing foul, combined and surface water sewers are located to the west site of the A92. These existing sewers will serve as the discharge point for foul water flows from the proposed development, with new gravity foul sewers provided within access roads, shared driveways and areas of open space, ensuring connection for each individual plot. These will shed into trapped gullies, which in turn will gravitate into one of four attenuation structures – 3 SUDS basins and 1 cellular storage area. Flows from these attenuation features will be restricted to values not exceeding the greenfield runoff value. These will then gravitate to grass conveyance swales, and then into natural watercourses after treatment. The sports pitch would have drains beneath it, which would drain to a stone filled filter trench before flowing to the surface water sewer along with surface water flows from the rest of the development. ACC's RDM team has reviewed these arrangements and confirmed them to be acceptable in terms of the requirements of policy NE6 (Flooding, Drainage and Water Quality).

The submission advises that it is assumed that the site is currently drained by a network of field drains, which will be investigated as part of initial construction works and any existing field drains will be diverted to suit the development layout and routes to existing outfalls or a similar alternative. The submitted information confirms that the proposal satisfies the terms of PPiP conditions 4 (Drainage Connections) and 20 (Sustainable Urban Drainage Systems) as regards the drainage connections and a scheme of sustainable drainage.

As regards the relationship between drainage infrastructure and an existing groundwater spring to the north-eastern corner of the site, the submitted Drainage Assessment advises that flows from that spring would be collected underground and discharged via pipe into an existing culvert, with the detention basin above to be lined to prevent any groundwater from the spring entering the

detention basin. This arrangement has been reviewed and accepted following consultation with SEPA, and is therefore considered to satisfy the requirements of PPIP condition 20 as regards the existing groundwater spring.

#### Private Water Supplies

PPIP condition 18 (Private Water Supplies) restricts commencement of development until it has been demonstrated that any wells in the vicinity are avoided through appropriate buffers, per SEPA guidance. The applicants have provided correspondence with ACC (which maintains a register of private water supplies) which confirms that there are no records of any existing private water supplies within 100m of the site boundary. This evidence is considered to be sufficient to demonstrate that there would be no adverse impact on existing private water supplies as a result of the development proposal, satisfying the requirements of PPIP condition c18 and consistent with ALDP policy NE6 (Flooding, Drainage and Water Quality) as regards private water supplies.

#### Treatment of Watercourses

Policy NE6 (Flooding, Drainage and Water Quality) sets out a presumption against excessive engineering and culverting of waterbodies, highlighting that natural treatment of floodplains and other water storage features will be preferred wherever possible. In addition, there will be a requirement to restore currently culverted or canalised water bodies to a naturalised state where this is possible. It is recognised that in some instances culverts are unavoidable for technical reasons, and in such instances they should be designed to maintain existing flow conditions. Proposals for new culverts should have a *'demonstrably neutral impact on flood risk'*.

PPIP Conditions 19 and 20 both require details of any proposals for de-culverting of existing watercourses within the site. In addition, condition 19 requires related information on how watercourses have been accommodated within the proposed site layout, including any realignments and the incorporation of appropriate buffer strips.

Application submissions include a Watercourse Report (Fairhurst Consulting Engineers), Watercourse Management Plan and Channel, Culvert, Surface Water Flows and Flood Assessment Report documents. These documents outline that a section of the Silver Burn which is currently in an open channel would require to be culverted in order to accommodate the two new site access junctions and related roads geometry. Following initial consultation with SEPA, further information has been provided to incorporate a bottomless arched culvert design and demonstrating that the site levels are such that the provision of two separate culverts/watercourse crossings in close proximity would not be feasible as this would leave a steep embankment on each side of the burn, which would not offer useable green space or biodiversity enhancement. It is further noted that one longer section of culvert in this location is preferable for long-term maintenance and avoidance of increased flood risk resulting from obstruction to culverts. This justification and revised culvert specification for the Silver Burn has been reviewed and accepted in the latest SEPA consultation response. Options for de-culverting the Glashieburn, which runs west to east through the central portion of the site within an existing culvert, have also been explored, however the site levels, maximum gradients for slopes and generally very low flow rates within this culvert mean that opening up the culvert through the central open space would provide negligible ecological benefit, but would effectively undermine the value and success of this central open space. For these reasons, the Planning Service is satisfied that the location and extent of new culverting is necessary to facilitate the development and would not result in increased flood risk. The Council's Structures, Flooding and Coastal Engineering team has confirmed that it has no objections to the proposal. The Planning Service also considers that the submissions provide appropriate justification for retaining the Glashieburn within its existing culvert, consistent with the requirements of policy NE6 (Flooding, Drainage and Water Quality) and addressing the requirements of PPIP conditions 19 and 20.

#### **Condition 28: Flood Risk**

PPiP condition 28 requires submission and approval of a Flood Risk Assessment based on the final proposed site layout and including consideration of flood risk from all sources likely to affect the development. The potential for flooding to affect the site is considered in the submitted 'Channel, Culvert, Surface Water Flows and Flood Risk Assessment Report' by Fairhurst Consulting Engineers. The planning service has sought input on the content of this report from both ACC's Structures, Flooding and Coastal Engineering Team and SEPA. Following initial feedback, the site layout has been revised to relocate allotments outwith an area that is currently affected by flooding as a result of flows being carried along an existing track (outwith the application site) before settling at a low point within the site. Following that change, SEPA has confirmed that no land raising or built development would take place within the floodplain. In terms of assessment against the relevant policy NE6 (Flooding, Drainage and Water Quality), these submissions demonstrate that the proposed development would not itself be at risk of flooding, nor would it increase the risk of flooding elsewhere by virtue of reducing the ability of the functional floodplain to store and convey water. No existing flood defences would be affected by the proposal, and the submissions demonstrate that surface water flows will be discharged at a controlled rate which does not exceed the pre-development greenfield runoff rate, with surface water having been subject to appropriate treatment prior to entering any watercourse. Other aspects of policy NE6, such as measures to prevent pollution during construction, the extent of any culverting and assessment of impact on any private water supplies are addressed separately in this report in connection with PPiP conditions 18, 19, 20 and 27 respectively. The Council's Flooding Team and SEPA have confirmed in their most recent responses that issues relating to flood risk have been appropriately addressed and there is no outstanding objection from either party. Taking these matters into account, it is considered that the proposals satisfy the requirements of PPiP condition 28 (Flood Risk) and accord with policy NE6 (Flooding, Drainage and Water Quality) in relation to flood risk.

### **Conditions 15 and 25: Noise, including from proposed sports pitch**

A Noise Impact Assessment (NIA) was carried out at the PPiP stage, based on an indicative layout, in order to demonstrate the feasibility of addressing impacts from various noise sources in principle. These sources of noise included the busy A92 road, existing industrial uses on neighbouring land and the sports pitch proposed as part of the development. PPiP condition 15 requires submission and agreement of a further noise assessment, based on the finalised development layout, including details of any necessary mitigation measures. PPiP condition 25 is specific to the proposed sports pitch, requiring a further noise assessment which demonstrates adherence to SportScotland guidance on the siting and design of synthetic pitches. Both conditions require development to be carried out in full accordance with any submissions so agreed. These conditions reflect the requirements of ALDP policy T5 (Noise), which requires submission of noise impact assessments where significant exposure to noise is likely to arise as a result of development and notes that housing and other noise sensitive developments will not generally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

The current application includes a NIA (by RMP – Robin McKenzie Partnership acoustic consultants) which addresses both conditions, including a separate assessment of noise relating to the sports pitch. This assessment also takes account of road traffic noise from the A92, existing business and industrial uses and consented business and industrial proposals on neighbouring land at Aberdeen Energy Park and Berryhill Business Park (also known as 'The Core'). The NIA identifies a requirement for mitigation along the western boundary of the development, onto the A92. Initially a 1.5m acoustic fence was proposed, however following discussion with the applicants this has been revised to comprise a mix of fencing and acoustic bund, in order that its overall length appears broken up and the visual impact at the site frontage is reduced. The location of the road is such that noise mitigation measures were always anticipated along this boundary, and this proposal integrates these into areas of landscaping and tree planting along the western edge of the site in an appropriate manner whilst also ensuring that appropriate conditions



are achieved for residents of the proposed development. The combination of fencing and bunds will adequately reduce noise levels to gardens and ground floors within buildings, however further mitigation is required for some properties at upper floors. The NIA recommends the use of laminated double glazing, which has enhanced acoustic properties, for those properties closest to the A92, along with acoustic ventilation. As regards noise from consented business/industrial development on neighbouring land, section 6 of the NIA recommends use of a 3.2m high acoustic barrier along the eastern boundary of the proposed Cloverhill development. With this in place, the assessment concludes that adverse noise impact affecting residential properties is unlikely. An accompanying plan demonstrates that this would be achieved via a 2.0m acoustic fence, set upon a 1.2m high bund. At upper floors, laminated glazing and appropriate ventilation are recommended for properties facing onto adjoining commercial land.

Subject to implementation of these measures, the proposed development offers suitable mitigation of noise and provides a satisfactory residential living environment. The noise assessment relating to the proposed sports pitch recommends that a 2.5m acoustic barrier is sited alongside the pitch in order to offer screening for the closest houses. With that barrier in place, noise levels would be comfortably below the required noise threshold at ground level. At upper floor level, the NIA recommends that the nearest affected properties (north of the pitch) have double glazing and acoustic ventilators installed. The report also recommends appropriate time restrictions for use of the sports pitch in order to maintain good neighbour relations. A separate condition on the PPiP (condition 24) already addresses this, with use prohibited outwith the hours between 9am and 10pm.

The submitted NIA has been reviewed by ACC's Environmental Health Service and found to be acceptable, with no objections raised. Implementation of the recommended mitigation measures, if approved, would be secured by the existing PPiP conditions. These measures are considered to adequately mitigate noise from existing and proposed noise sources, both within the site and on neighbouring land, as required by ALDP policy T5 (Noise), and also to satisfy the requirements of PPiP conditions 15 and 25.

#### **Condition 16: Dust Risk Assessment and Management Plan**

PPiP condition 16 requires submission and agreement of an Air Quality (Dust) Risk Assessment, along with a related site-specific Dust Management Plan intended to set out control measures to be implemented during the proposed works. The requisite documents have been submitted and reviewed by the Environmental Health service and their findings accepted. Condition 16 requires that the development be undertaken in accordance with the approved control measures.

#### **Condition 27: Construction Environment Management Plan**

The submitted construction environmental management plan has been reviewed by ACC's Environmental Health service, along with Roads Development Management and Environmental Policy Teams, with no objections raised. Environmental Health colleagues have highlighted that any applications for any crucial out-of-hours noisy works should be made via the Environmental Health service in advance. It is recommended that an informative note is applied to any approval with details of this process. The proposed CEMP is therefore considered to be acceptable in meeting the requirements of PPiP condition 27. It is noted that PPiP condition 27 requires that development on site is carried out in full accordance with the approved CEMP.

#### **Condition 23: Carbon reduction/water efficiency**

PPiP condition 23 requires submission of information to demonstrate compliance with ACC's 'Resources for New Development' Supplementary Guidance, including energy efficiency/carbon emissions and water efficiency measures. Members may recall that at the PPiP stage the applicants had outlined an intention to integrate micro-CHP (Combined Heat and Power) fuel cell technology into 30 homes within the first phase of development as a pilot scheme, however the developer has removed this element from the MSC application due to concerns about the

technology currently available, instead opting to demonstrate compliance with the relevant ALDP policy by alternative means. An Energy Design Analysis report has been submitted as part of the current application, setting out a 'whole dwelling approach' which initially focuses on improved building fabric performance before subsequently turning to additional measures such as Low and Zero Carbon Generating Technologies (LZCGT). This document confirms that the proposed dwellings would achieve the 'Gold' sustainability label under current Building Regulations, with a 27% saving in carbon emissions when compared to the baseline rate set by the 2015 standards. This would be achieved by a combination of improved performance in building fabric and the use of air source heat pumps, which are acceptable alternatives to that outlined at the PPiP stage and which achieve the stipulated reduction in carbon emissions. Water meters and lower flow toilets, showers and taps would ensure reduced water usage, consistent with the requirements of PPiP condition 23, ALDP policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) and the associated Supplementary Guidance. These measures are acceptable to the Planning Service in addressing the requirements of condition 23 and the associated ALDP policy.

### **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, however in relation to this site the PALDP identifies Cloverhill as a residential opportunity site (ref OP2) for approximately 550 homes. The PALDP carries significant weight as it represents the most up to date 'settled view' of the Council and the principle of residential development at this scale has already been established through the granting of PPiP. With that in mind, the proposal is considered to be acceptable in terms of both Plans for the reasons previously given.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The principle of residential development has been established by the earlier granting of Planning Permission in Principle. Satisfactory information has been submitted to address each of the respective conditions within the scope of the application, satisfying the requirements of these conditions and demonstrating accordance with the relevant provisions of the Aberdeen Local Development Plan. The proposal remains consistent with the key principles established by the earlier PPiP approval. Conditions have been attached where further restriction controls are required to establish which use classes may operate from the approved commercial units, to ensure restricted access to rear lane areas and to control the tenure of residential units.

### **CONDITIONS**

#### **1. Use as Social Rented Housing**

The development hereby approved shall not be used other than as social rented housing (as defined in Aberdeen City Council's 'Affordable Housing' Supplementary Guidance), managed and operated by either Aberdeen City Council or by a Registered Social Landlord (RSL).

Reason: To ensure compliance with Aberdeen City Council's 'Affordable Housing' Supplementary Guidance and because the level of car parking provision within the approved development is based on standards for social rented housing specifically, as opposed to other forms of affordable housing.

#### **2. Commercial Units – Use Classes**

The ground floor commercial units hereby approved shall not be used for purposes other than those falling within classes 1 (shops), 2 (financial and professional services), 3 (food and drink) or 10 (non-residential institutions – including nursery).

Reason; In order to ensure that the development is served by facilities to meet the needs of residents and to allow for facilitate first occupation within acceptable use classes.

### **3. Rear Lane Access**

No unit within the development hereby approved shall be occupied unless any path with no destination other than access to multiple rear gardens has been restricted through the use of lockable gates or other such equivalent measures to prevent access by non-residents. For the avoidance of doubt this requirement does not apply to paths fronting open space.

Reason: In order to restrict inappropriate access to rear lanes by non-residents and to 'design out' crime where practicable.

## **ADVISORY NOTES FOR APPLICANT**

### **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.

### **Noisy out-of-hours works**

Should there be occasion that noisy work is required outwith the hours noted above due to critical operations, for example, works giving rise to road traffic controls, application of out of hour work (OOH) should be made to the Environmental Health Service at least 5 days in advance. Application can be made by email to [poll@aberdeencity.gov.uk](mailto:poll@aberdeencity.gov.uk).

### **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



**Description:** Demolition of vacant care facility and erection of 35 flats with associated works, including alterations to access and ancillary buildings

**Address:** Former Forest Grove care home, 22 Kings Gate

**Type of application:** Detailed Planning Permission

**Application number:** 210592/DPP

## A decorative graphic consisting of three overlapping geometric shapes: a purple parallelogram at the top left, an orange parallelogram at the bottom left, and a brown triangle on the right side, all pointing towards the center.

Page 162

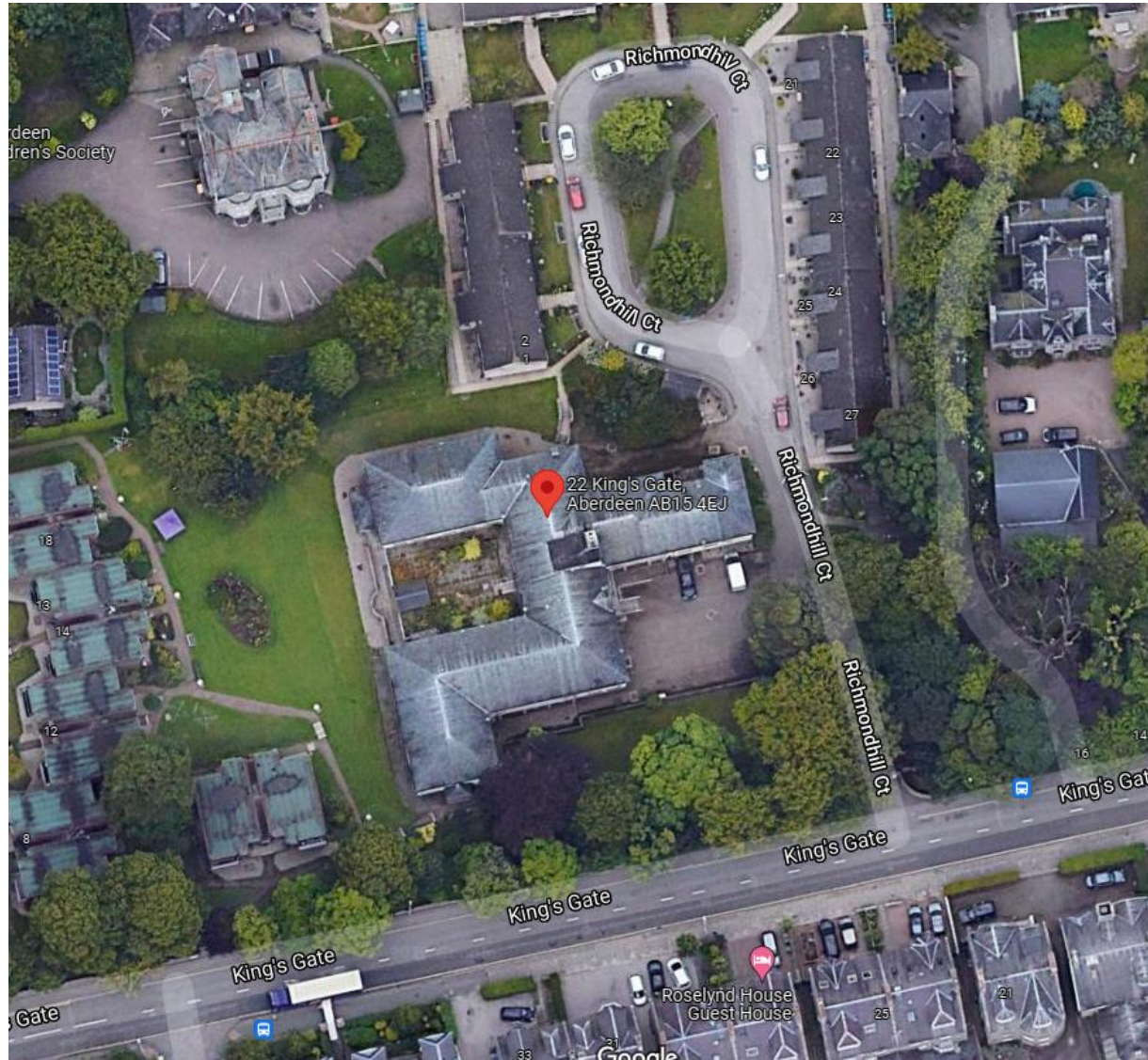


The logo of Aberdeen City Council features a shield supported by two lions. Above the shield is a banner with the motto "BON ACCORD". The shield itself is divided into four quarters, each containing a different heraldic symbol. Below the shield, the words "ABERDEEN" and "CITY COUNCIL" are written in a bold, sans-serif font.





## Existing Site Arrangement (2)



Page 163  
Source:  
Google Maps



# Site entrance/Listed Wall (1)



Source: Google Maps (October 2020)



## Richmondhill Court





## Existing building (1)





## Existing building (2)





## Existing Trees



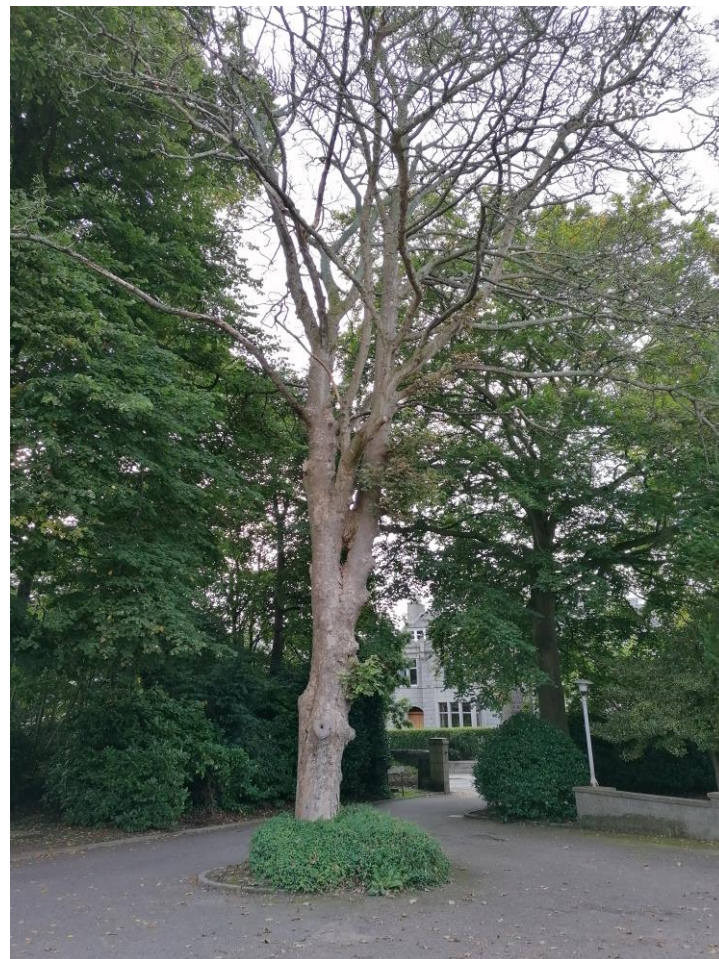


# Proposed Site Layout





## Trees to be removed/lost



## Proposed front and rear elevations



## Proposed Elevations (2)



4 | Proposed Side Elevation 2  
1:100



3 | Proposed Side Elevation 1  
1:100



# Proposed Floor Plans (1)



# Proposed Floor Plan (2)



Proposed First - Second Floor Plan



Proposed Third Floor Plan

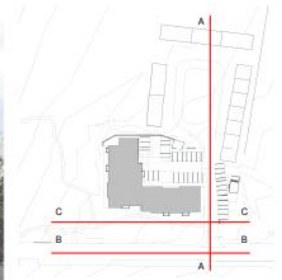
# Indicative Site Sections (excluding some trees)



Site Section A-A  
1:200



2 Site Section B-B - View from King's Gate  
1:200



Site Section C-C  
1:200

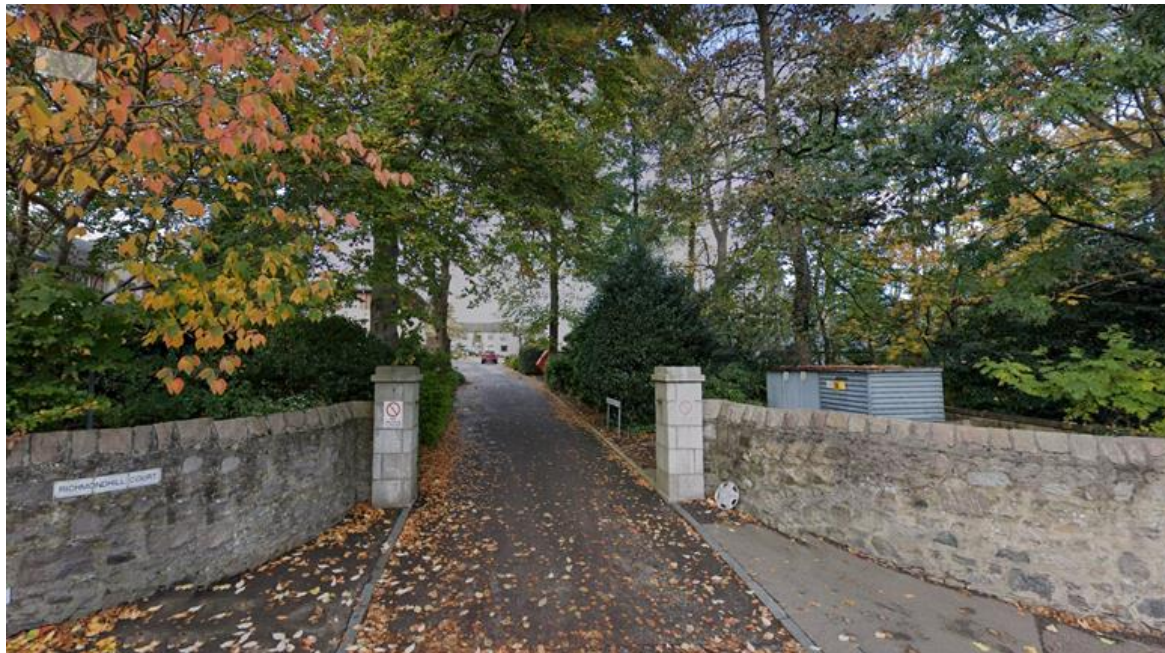


## Indicative western boundary – Privacy and daylighting issues





## Indicative site entrance – Impact on Conservation Area







## Conclusion

- Mainstream residential use acceptable in principle

### But.....

- Overdevelopment of site
- Adverse impact on Albyn Place/Rubislaw Conservation Area
- Adverse impact on 'setting' of Richmondhill House
- Inadequate level of amenity for all prospective occupants

Recommend **Refusal**



**QUESTIONS?**

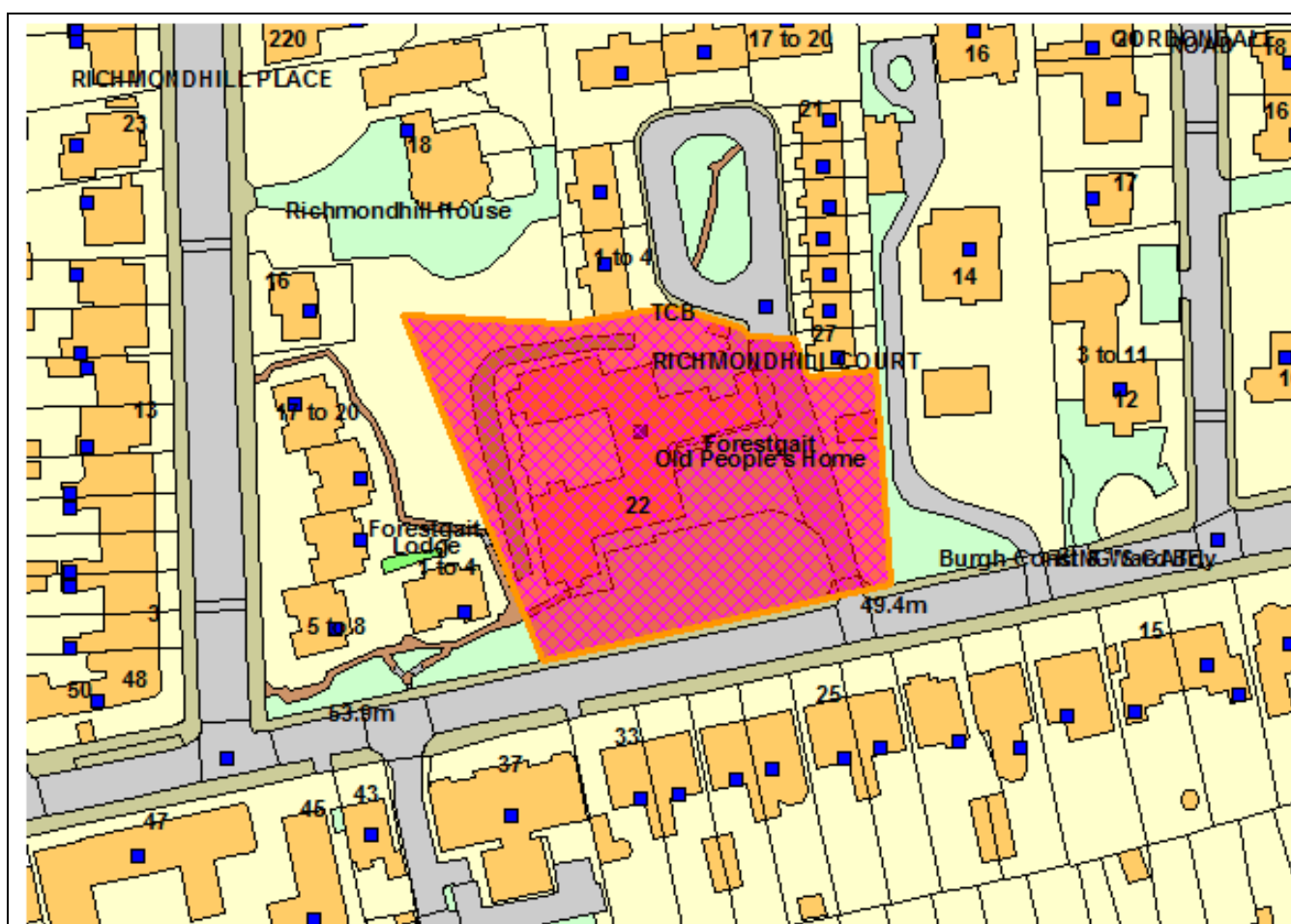
This page is intentionally left blank

# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: Thursday 30<sup>th</sup> September 2021**

<b>Site Address:</b>	Forestgait, 22 King's Gate, Aberdeen, AB15 5FA
<b>Application Description:</b>	Erection of residential development comprising 35 flats/apartments over 3 and 4 storeys, including erection of ancillary structures and demolition of existing redundant building; formation of car parking area, landscaping works and alterations to site access
<b>Application Ref:</b>	210592/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 May 2021
<b>Applicant:</b>	CALA Management Ltd & Aberdeen Association Of Social Serv (VSA)
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	Rosemount And Mile End
<b>Case Officer:</b>	Jamie Leadbeater



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

## RECOMMENDATION

Refuse



## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises a small section of King's Gate public thoroughfare and a vacant detached two-storey care home building built in the 1970s with associated amenity ground and car parking set within mature woodland on the northern side of King's Gate within the Albyn Place/Rubislaw Conservation Area. The site area equates to 0.48 hectares in size.

The site takes access off a narrow (4.8m), un-adopted road called Richmondhill Court which also serves 27 other residential units to the north of the site managed by Castlehill Housing Association. Housing within this development comprises a mix of flat units set within two storey terraces and single storey terraced houses. Immediately to the west of the site exists 5 flat roof two-storey flatted blocks comprising approximately 20 residential units built in 1960s/1970s with shared area of communal open space situated to the rear (east) of all units. A large detached two and half storey granite villa carrying a category C-listing, known as Richmondhill House, exists immediately to the north of the site and is set approximately 3m above the floor level of the vacant care home, which is managed by joint applicant, VSA.

In terms of the wider context, the prevailing character of the surrounding area i.e. Richmondhill Place to the west, Gordondale Road to the East and King's Gate to the south, all comprise of dwelling-houses and flats set within two to three storey high buildings with nearly all finished entirely in traditional granite blockwork. Most buildings also incorporate a number of similar features such as bay windows, dormer windows, pitched slate roofs, chimneys, and timber windows and doors. Whilst this prevailing character is depicted from building of late 19<sup>th</sup> Century/early 20<sup>th</sup> Century age, there are some examples of more modern developments which utilise these design features – particularly on King's Gate and Gordondale Road.

In terms of designation, the site falls within a defined “residential area” on the Aberdeen Local Development Plan (ALDP) 2017 Proposals Map, to which Policy H1 in the ALDP attaches. Furthermore, the site falls within Albyn Place/Rubislaw Conservation Area, the boundary wall along the southern boundary of the site falls under the curtilage of the category C-listed Richmondhill House, and most trees within the site boundary are covered by a Tree Protection Order (TPO).

### **Relevant Planning History**

Application Number	Proposal	Decision Date
181699/DPP	Erection of residential development comprising 41 residential flats set over 4 storeys; formation of car parking area, landscaping and all associated infrastructure works	29.10.2019  Withdrawn by applicant before committee
181747/CAC	Complete demolition of 2 storey building	27.11.2019  Withdrawn by applicant before committee
210593/CAC	Complete Demolition of single storey and 2 storey buildings	Pending consideration

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed Planning Permission (DPP) is sought for the erection of a flatted block set over 3 and 4 storeys upon an 'L-shape' footprint comprising 35 two-bedroom flats with associated car parking, landscaping work, erection of ancillary cycle and bins stores, and alterations to the existing Richmondhill Court access.

In terms of appearance, the principal (southern) elevation would be predominantly finished in a natural grey granite with a mixture of white and grey render in parts with the exception of the recessed fourth storey which would be finished in a grey fibre cement cladding. Balconies both recessed into the footprint of the building and those projecting off the front elevation set within a metal frame would feature heavily across the front elevation. The lower three storeys of the building on the western elevation would be finished entirely in a white or grey render whilst the top (fourth) floor would be finished in fibre cement vertical cladding. This finishing treatment would be replicated on the eastern and northern elevations, excluding a small pockets of granite on side elevation of the three storey wing and two entrance doors set behind the principal elevation on the northern and eastern elevations and a full height fibre cement clad feature on the eastern elevation. One column of projecting balconies would also feature on the eastern elevation of the four-storey element overlooking the proposed car parking area.

In terms of site layout, the flatted block would be built upon an L-shape footprint and essentially divided into a four-storey west wing and three storey southern wing. The front (southern) elevation would therefore have a split-level principal height set towards the front of the site looking onto trees inside the southern boundary and the west wing would be set towards the western boundary, about 2m off the existing steep grass embankment which runs around the building along part of the northern site boundary. Car parking would be sited behind the building to the west of Richmondhill Court and also along the eastern side of Richmondhill Court, with a cycle and bin store located even further east at the foot of trees along the site's eastern boundary. Further separate bin and cycle stores would be located to the north of car parking to the rear of the building on the site's northern boundary which would be surrounded by small pockets of soft landscaping. The cycle and bins store would have a blockwork base course with vertical timber cladding to outer walls and metal mono pitch roof.

In terms of the residential floor layout, the ground floor would comprise of 10 x two-bedroom flats, of which 5 flats have single aspects with two separate accesses from the car parking area to serve stairwells to upper floors. The first and second floors would replicate the same floor layout at the ground floor but include balconies to each unit. The third (top) floor would comprise of 5 x two-bedroom flats, of which 2 flats would have single aspects. Each flat would have their own balcony area but unit 35 would have a larger roof top terrace set within the footprint of the building.

In terms of landscaping, the grassed areas would be located on the sloping embankment along the western boundary and between the principal (south) elevation of the building and trees lining the sites frontage. A pathway would dissect the area of grass between the building's frontage and trees along the site's front/southern boundary. Other small pockets of grass would be located along the northern and eastern boundaries on the fringe of proposed car parking areas. A minimum of 9 existing trees in the south-eastern corner of the site are proposed to be removed to make way for development.

### **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=QSBCSRBJ3100> .

- Design and Access Statement
- Drainage Assessment
- Ecological Constraints Survey
- Listed Wall analysis
- Planning Statement
- VSA letter regarding sale proceeds from site
- Tree Survey
- Transport Assessment

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

The application has been referred to the Planning Development Management Committee because more than 5 objections to the application have been received.

## **CONSULTATIONS**

### Internal

**ACC - Developer Obligations** – An assessment has been received which seeks the following:

- **Affordable Housing** at 25% would equate to 8.25 units. This is to be met by through the delivery of the VSA specialist housing facility at 450 Holburn Street, approved under application 170744/DPP which has recently been completed; and,
- **Primary Education** - No contribution. Development would not result in Mile End Primary School going over capacity, when factoring in 2018 forecasts; and,
- **Secondary Education** - No contribution. Development would not result in Aberdeen Grammar School going over capacity, when factoring in 2018 forecasts; and,
- **Community Facilities/Sports & Recreation** - £7,000. To be used at Rosemount Learning Centre; and,
- **Open Space** - £5,124. To be used towards Westburn Park/Victoria Park improvements; and,
- **Healthcare** - £16,156. To be used by NHS Grampian in reconfiguring healthcare facilities provision in city centre; and,
- **Core Path Network** – No need for a contribution has been identified.
- **Transportation** – approximately £14,000 for the upgrade of the two nearest bus stops to the site on King's Gate.

**ACC - Roads Development Management Team** – No objection, subject to several conditions being met.

The site is well served by pedestrian and cycle routes, and there is a bus stop of King's Gate within 100m of the site providing services to both the city centre and wider city, although a bus stop upgrade will be necessary at the developer's expense. The expected approximate cost of these upgrades, provided by the Public Transport Unit, is likely to be £14,000.

Parking standards for the area of the city are 1.5 spaces per unit and therefore the requirements would be 53 spaces but the proposed ratio of 1 space per unit plus 2 disabled spaces is considered acceptable providing cycle parking is provided. The sizes of the car parking spaces are acceptable and the provision of EV charging points plus 40 cycle spaces are also welcome.

Widening of the site access for two-way vehicular movements in and out of Richmondhill Court to the measurements that follow previous discussions, including the provision of a footpath. In order to improve visibility from the access, the kerb line should be built out slightly into the King's Gate public thoroughfare. These access upgrades would improve access for refuse collection purposes and the submitted Swept Path Analysis in the Transport Assessment demonstrates adequate

turning space within the site for refuse collection. The submitted Transport Assessment also confirms that an acceptable Travel Plan format is proposed.

**ACC - Waste & Recycling** – No not object, and the service would intend to provide refuse services for the development apart from garden waste. Some concerns have been raised about the width of the pathways leading to the bin stores to prevent potential property damage to parked cars.

### External

**Rosemount And Mile End Community Council** – Ask that the Council consider comments submitted by residents.

**Scottish Water** – No objection, but applicant should be aware that this does not confirm that the proposed development can be serviced. Scottish Water are unable to confirm there will be sufficient water servicing capacity from Invercarnie Treatment Works but confirm there is currently sufficient capacity for foul water connection to the Nigg PFI Waste Water Treatment works.

### **REPRESENTATIONS**

A total of 30 representations have been received, all of which object to the application. The reasons for objection are summarised as follows:

- The proposal would overdevelop the site, resulting in an excessive number of residential units being created;
- The proposed building would be located closer to King's Gate than the existing building;
- The height of the building is not in-keeping with the height of the existing buildings and those within the surrounding area;
- A replacement building for the site should be a maximum of 2 storeys whilst using more sympathetic materials which are in-keeping with the surrounding area;
- This development does not consider existing building, mature trees and existing infrastructure. The series of rectangular boxes does not interact with its surroundings;
- King's Gate is already a busy road and the extra vehicle movements arising from the proposed development will cause safety issues on Richmondhill Court;
- The proposed modern, non-traditional finishing materials not in-keeping with site's context and would look out of place;
- The proposed windows are not in-keeping with the traditional sash & case windows seen on King's Gate;
- Height and proximity of the building to neighbouring properties would create an overbearing impact on neighbouring properties on Richmondhill Court;
- Increased noise and light disturbance to the surrounding properties, most of which contain the elderly;
- Proposed windows, balconies and terrace would have an adverse overlooking impact on neighbouring properties;
- Lack of on-site parking would result in indiscriminate parking and congestion in neighbouring streets;
- Mile End primary school is already overcapacity and this development would potentially worsen that situation;
- Would result in loss of trees covered by Tree Preservation Order;
- Negative impact of character and amenity of conservation area;
- Proposed design is contrary to ALDP design policy;
- Existing entrance to Richmondhill Court off King's Gate is dangerous enough without intensifying use of it;



- The entrance to Richmondhill Court would not need to be widened if the combined number of properties did not exceed 50, so the current entrance would be suitable for a smaller development. This would ensure a large section of the listed boundary wall would not need to be removed including many trees with preservation orders;
- Loss of existing building would have an adverse impact on local community as facility promotes diversity in the area;
- Construction phase would result in restricted access for rescue services vehicles to Richmondhill Court;
- Whilst the developer wishes to maximise their profit by getting as many units as possible, the Planning Committee should take into considerations that its not always about maximum return and that cognisance should be taken of the softer issues of preservation of heritage and the core values of people of the city which the development will most definitely affect;
- The existing drainage system is not fit for purpose and could not support more housing;
- The proposed development would be an ugly stain on the city's landscape.

## **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.

With regards to developments in Conservation Areas, Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCAA) requires that in the decision-making process special attention shall be paid to the desirability of preserving or enhancing the character or appearance of such areas. This includes views into, within, and out of Conservation Areas.

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

- Scottish Planning Policy (SPP)
- PAN 60: Natural Heritage
- PAN 67: Housing Quality
- PAN 68: Design Statements
- PAN 78: Inclusive Design
- Historic Environment Scotland (HES) – *Managing Change in the Historic Environment: Setting*
- Historic Environment Policy for Scotland (HEPS)
- Designing Streets

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

- Policy CF1: Existing Community Sites and Facilities
- Policy CI1: Digital Infrastructure
- Policy D1: Quality Placemaking By Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy H1: Residential Areas
- Policy H5: Affordable Housing
- Policy I1: Infrastructure Delivery and Planning Obligations
- Policy NE4: Open Space Provision in New Development
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- 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 T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel

### **Supplementary Guidance (SG)**

- Affordable Housing (Supplementary Guidance)
- Flooding, Drainage and Water Quality (Supplementary Guidance)
- Green Space Network and Open Space (Supplementary Guidance)
- Low and Zero Carbon Buildings, and Water Efficiency (Supplementary Guidance)
- Planning Obligations (Supplementary Guidance)
- Resources for New Development (Supplementary Guidance)
- Transport and Accessibility (Supplementary Guidance)
- Trees and Woodlands (Supplementary Guidance)

### **Other Material Considerations**

- Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan

### **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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 in the Proposed Plan are considered relevant:

- C11 – Digital Infrastructure
- CF1 – Existing Community Sites and Facilities
- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity
- D6 – Historic Environment
- D7 – Our Granite Heritage
- H5 – Affordable Housing
- I1 – Infrastructure Delivery and Planning Obligations
- NE5 – Trees and Woodland
- R5 – Waste Management Requirements for New Development
- R6 – Low and Zero Carbon Buildings, and Water Efficiency
- T2 – Sustainable Transport
- T3 – Parking

## **EVALUATION**

### **Principle of Development**

As set out in the 'site description' the application site falls within a designated 'residential area' on the ALDP 2017 Proposals Map, to which Policy H1 is applicable. Policy H1 in the ALDP states it supports new residential development in designated residential areas, providing it meets the following:

- it does not constitute "overdevelopment";
- it does not have an unacceptable impact on the character and amenity of the surrounding area;
- it does not result in the loss of valuable and valued areas of open space; and,
- the proposal complies with relevant supplementary guidance.

The following paragraphs shall evaluate the merits of the proposal in line with the above requirements to reach a conclusion as to whether the proposal complies with the policy or not.

In addition to the requirements of Policy H1, Policy CF1 in the ALDP is equally applicable given the existing building on the site constitutes an 'existing community facility' having lastly and historically been used to provide health and social care. The policy states that where such buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses will be permitted in principle. One of the joint applicants and current site owner – VSA (Voluntary Service Aberdeen) – who are a well-established care provider in the city, has confirmed in the Design & Access Statement that the existing building is no longer fit for its original care purpose and is surplus to their current and future needs. Policy CF1 makes allowances for the proposed use providing it would be compatible with neighbouring residential uses, which it would be, if found to be wholly acceptable in policy terms from the analysis to follow.

### **Matter of "Overdevelopment"**

The site is heavily constrained by protected trees along the southern and eastern boundaries and by embankments on the western and northern boundaries, although the northern boundary also includes some fencing and trees to create a physical boundary with Richmondhill House. The existing building has a large footprint (occupying 23% of the site area) and the proposed building, set on a different footprint, would take up a similar proportion of the site (21%). However, the proposed change of use of the site to the mainstream residential places has a requirement for greater amenity space provision and levels of car parking than the previous nursing home use.

As it stands, the existing site arrangement has limited areas of green amenity space (along the eastern and southern boundaries). The proposed external car parking arrangement would encroach into the eastern area and the proposed replacement building would take up some existing green space in the southern part of the site thus reducing what little amenity space remains. In part, this is necessitated by the need to provide 1 car parking space per flat – a ratio which falls under the 1.5 spaces per two-bedroom unit technical standards set out in the Transport & Accessibility SG applicable in this part of the city – and makes no provision for visitor parking. The justification for eroding some of the existing green space in the southern section is in an effort to deal with some of the Planning Service's concerns relating to the impact on housing on Richmondhill Court in previous application 181699/DPP which was recommended for refusal and subsequently withdrawn by the applicant prior to committee taking place.

Some of the proposed car parking would necessitate the removal of three healthy mature trees which contribute to the character of the site and local area. The resultant proposed layout is therefore considered to be comprised of minimal car parking, a reduced level of amenity space compared to the pre-existing level, less protected trees which contribute heavily to the character of

the site and a built footprint which is overly dominate/disproportionate to the size to the site area.

The proposed building would be significantly and substantially over-scaled and tall relative to the both the existing building and the prevailing heights of buildings in the surrounding area. This is particularly the case for the 4-storey west wing. Although the 4-storey element is recessed back from the principal southern frontage this would not be sufficient to mitigate the building's intrusive prominence in the King's Gate streetscene due to its height and differing finishing materials from the rest of the building. The proposed number and maturity of trees to be retained on this frontage wouldn't be sufficient to screen the building even when in full leaf. Nearly 50% (17 out of the 35) flats proposed would have single aspect outlooks. It would be more desirable and in-keeping with building in the surrounding area for each unit to have at least a dual aspect, to optimise the level of residential amenity afforded to prospective residents. Further discussion on the merits of single aspect units will follow in the paragraphs below, but the use of single aspect flats normally indicates that a development site is severely constrained and is a means of increasing the density of units where it would be more beneficial to have less units and enhance the level of residential amenity on offer.

Taking into account the main points in the above analysis, it is considered the proposal represents substantial 'overdevelopment' of the site, which accords with concerns expressed by objectors. The overdevelopment centres upon the judgement that the proposed building is out-of-keeping with its context in respect of scale, form and massing. The site is too small and constrained to accommodate a building of the envelope and number of units proposed. The applicant was advised at pre-application stage that the number of units and scale of development proposed was likely to be too great and the Planning Service has engaged with the applicant during the application process to provide advice on how the issues could be remedied, but the required significant changes to the proposal's height, massing and car parking layout were not forthcoming in the application that has been submitted.

#### Impact on character of the surrounding area (including Albyn Place/Rubislaw Conservation Area)

##### *Proposed 3 and 4 storey flatted block*

The prevailing character of the surrounding area, as set out in the "site description", comprises large granite buildings of between two and three storeys height dating from the Victorian and Edwardian periods set amongst mature trees. Site accesses and associated boundary treatments are also of modest scale to reflect that fact that most buildings were built before the motorised vehicle. Such character sets the context for what type and quality of design is expected for any replacement building on the application site. Both policies H1 and D1 in the ALDP require new developments city-wide to be of a high quality and complementary to their surroundings as result of contextual appraisal. The site and surrounding area to the south, east and west also fall within the Albyn Place/Rubislaw Conservation Area reflective of the site and surrounding area's historic significance. Such a designation adds greater sensitivity to the site's context and raises the expectation and necessity for new development to be of a high quality and complementary scale and style. Consequently, adherence to Policy D4 (Historic Environment) is an essential requirement if the proposal is to be viewed favourably.

The applicants have submitted a Design and Access Statement (DS) with the application to attempt to justify and illustrate their design-approach and further supporting submissions have been made throughout the course of the application as discussions have progressed. The DS describes the proposal as being of a bespoke and contemporary design, finished in high-quality finishing materials to create a high-quality design solution on the "northern edge of the Albyn Place/Rubislaw Conservation Area". However, and importantly, Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a statutory duty on the decision-maker to pay special attention to the desirability of preserving or enhancing the character



or appearance of such areas, irrespective of where a site is located within the designated area.

Upon review of the proposed replacement 3 and 4 storey building it is considered the structure has a distinctly modern, blocked arrangement set upon a L-shape footprint with modern finishing materials. Such an architectural approach is standardised rather than creating a bespoke design suitable for and complementary to the site's historic context and parameters, which is evident from the fact the design relies heavily on the size of window openings and balconies to give the building any visual interest to each elevation. The principal elevation fronting King's Gate provides the greatest visual interest of all elevations. By contrast, the elevations overlooking the main car parking area to the rear, but which also have a public frontage on Richmondhill Court, are dominated by windows and are less interesting in design terms. The applicant has made some minor improvements to the window sizes through submission of amendments for these elevations by making them larger to improve their verticality and added small quantities of granite around the two entrance doors, but these adjustments alone are not considered sufficient to enhance the appearance of the building to a level that is befitting of a public elevation in the Albyn Place/Rubislaw Conservation Area. It is acknowledged the applicant has proposed to utilise a natural granite as the principal finishing material on the front of the building. However, there is still a significant proportion of white render on this elevation which is not compatible in terms of historic context and material quality with the surrounding area which is characterised by a predominant use of natural granite on historic buildings. Areas of white render on the building's frontage and eastern side elevation would be 'alien' in appearance to buildings in the immediate surrounding area and wider Albyn Place/Rubislaw Conservation Area. The existing mature trees in full leaf would not screen such an overt visual contrast from King's Gate, certainly if the proposed entrance to Richmondhill Court is widened and the proposed number of trees are lost. A similar overt architectural contrast with the prevailing traditional granite buildings would also be experienced from several viewpoints along Richmondhill Place. The applicant's Design & Access Statement draws comparisons with other similar consented design schemes off Midstocket Road and off Springfield Road, but the context and site parameters of these sites are completely different. Importantly, neither of these developments are located within a conservation area and thus are of little relevance to the consideration of this application. This design comparison with other similar developments also draws attention to the fact that the proposal is not a bespoke design for the particular context of the site as required in this instance (see above).

#### *Site Access alterations*

The proposed alterations to the site access off King's Gate are needed to meet the technical requirements of the Roads Service for this level of development. However, an entrance widening of the proposed scale would have a significant adverse visual impact on the character of King's Gate, its streetscene and the wider Albyn Place/Rubislaw Conservation Area. Such works would entail the removal of protected trees and part of the original listed wall pertaining to Richmondhill House which contribute positively to the character and amenity of the conservation area and the 'setting' of the category C-listed Richmondhill House. These concerns are also reflected in the views submitted by local residents and other objectors, which the local Community Council asks members to take into account. Detailed elevation proposals of the access alterations were requested of the applicant to demonstrate how such works could be sensitively integrated into the existing listed wall. This detailed information has not been forthcoming. The aspirational visual image submitted with the cross-section drawing P(90)005 Rev C and a photomontage in a supplementary supporting analysis document on the listed wall do not provide the level of detail required to demonstrate what the full impact of the listed structure's alterations could have on the conservation area or that a sensitive integration with the wall can be achieved.

Overall, it is considered the proposed scale, form, massing, fenestration pattern and finishing materials of the proposed building would collectively be at odds with the prevailing character and appearance of buildings in the surrounding area and wider Albyn Place/Rubislaw Conservation

Area. Furthermore, the scale of the proposed alterations to the existing site access – including removal of protected trees – would adversely affect the character of the site, King's Gate streetscene and wider conservation area. As such, the proposal is considered to be contrary to the relevant provisions of Policy D1, D4 and H1 in the ALDP.

### Impact on amenity

Sustainable development encompasses an aspect of social responsibility and inclusion, within which falls the consideration of amenity.

It is accepted that privacy and the protection of general amenity constitutes a material consideration in the decision-making process and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their accommodation. This position is reflected in the requirement to create safe and pleasant places set within ALDP policy D1 (i.e. avoid unacceptable impacts on adjoining uses/invasion of privacy) and policy H1, that in part, seeks to ensure that development will not have an unacceptable impact on the amenity of the surrounding area. At the national level the need to maintain and respect amenity is referenced within SPP.

There is a recognition that in densely built urban environments there will be a degree of overlooking between dwellings and surrounding garden/amenity areas, particularly from above ground floor level. Such views tend to be oblique and where these views are direct, their impact is mitigated by adequate separation distances created by gardens/amenity areas backing onto each other - or by other design solutions.

### *Quality of Amenity to be Afforded to Prospective Occupiers*

Whilst there is no defined rule, the general main considerations in determining if adequate residential amenity could be achieved are as follows: Quality of aspect/outlook and capacity to acquire natural daylight; sense of internal space; privacy; and quality/size/convenience of dedicated external amenity space. All considerations are discussed below.

Seventeen of the flats proposed would have a 'single aspect' internal layout and a further three units would only qualify as being 'dual aspect' due to the provision of one small window serving lounge/kitchens on an adjoining northern elevation. Such an arrangement would reduce these units' exposure to natural daylight throughout the course of the day, which is an intrinsic element of 'good' residential amenity. Specifically, the ground floor single aspect flats on the western side and eastern side of the west wing be exposed to the least natural light given their windows relationship with the sun's path as well as the height and proximity of the existing grassed embankment along the western boundary and height of the adjoining south wing. The low level of amenity in these units would be compounded by a poor outlook from their single aspect windows. The two flats on the western elevation would look out onto a steep rising embankment from close range limiting views, amenity and light. This relationship is further made worse by the proposed positioning of seating in front of the main windows designed to provide open space for other residents. This would compromise privacy afforded to prospective residents of the two flats. The other ground floor flat on the inner eastern side, would only obtain natural sunlight in the early morning and would overlook a car park – both factors adversely affecting amenity. As such, this proposed arrangement is not considered acceptable. Whilst the flats with the same arrangement at upper floor levels would have the same orientation, the impact of that arrangement would not be so severe as they would be set above ground level and therefore would feel elevated above the car park. All other flats would have dual aspects and therefore adequate exposure to daylight and sunlight for general residential amenity purposes.

In terms of proposed flat sizes, whilst the Council has no adopted space standards, consideration

of space standards from other planning authorities in Scotland would suggest that the size of units is very much on the limits of acceptability for two-bedroom flats, especially when considering each flat would be afforded an open-plan kitchen and living room arrangement with no utility space to accommodate the laundry facilities. This is a further important in achieving good quality residential amenity.

With regards to privacy, the proposed L-shape arrangement of the proposed building avoids conflicting window arrangements with residential units within the same development, unlike the 'U-shape' scheme proposed under previous application 181699/DPP. The windows within the south-facing flats within the 3-storey wing would be separated from dwelling-houses on the opposite side of King's Gate (25 – 33 King's Gate) by c. 32m which is significantly more than the minimum 18 distance normally required to mitigate loss of privacy, so sufficient privacy should be obtainable within these units, excluding the balcony areas. The west facing units looking onto an embankment, and at higher levels a communal grassed area, would be separated from east-facing windows units within Forestgait Lodge to the west by c. 28m, again sufficient distance to safeguard privacy within these units. No windows exist in the southern gable of 1-4 Richmondhill Court, so bedrooms within the northern elevation of the 3-storey southern wing would have sufficient privacy from this arrangement, and the windows within the west elevation of the 4-storey block would be set c. 40m away from the bungalows (21 – 27 Richmondhill Court) on the eastern side of Richmondhill Court so that arrangement would safeguard privacy of prospective residents. Consequently, all proposed units would be afforded an adequate level of privacy inside each unit.

Another consideration in determining acceptable level of amenity is whether or not the development would be served by an appropriate level of dedicated amenity space. It is clear from the proposed site plan that there would be a distinct lack of meaningful and usable amenity space within the site proportionate to the number of residential units proposed. Most of the green space proposed is either on a gradient, heavily overshadowed or in left over small parcels on the periphery of car parking areas which have no value as usable space. The provision of balconies on floors one and three does offer some outdoor space for each unit but it doesn't address the fundamental objective of Policy NE4. It is accepted that the proposed penthouse terrace would offer an adequate level of amenity space but this in the only unit within the development than would meet expectations. Whilst the Developer Obligations assessment proposes to mitigate the shortfall in dedicated space at Victoria/Westburn Park, the site is quite geographically disconnected from these parks (1.2km away on pedestrian route). So even if the applicant agrees to pay the required sum, it would not fully address the shortfall in amenity opportunities presented to prospective residents when considered in the round.

#### *Amenity Impact Upon Neighbouring Properties*

The main indicators of whether a proposed development would have an acceptable impact on neighbours' amenity are as follows: whether windows serving habitable rooms or private garden ground would be overlooked; whether the height and proximity of a new building would create an undue overbearing impact on neighbouring properties; and whether the height and proximity of a new building would impact on natural daylight penetration into existing properties and/or create additional overshadowing. Many of the objections submitted draw attention to these issues.

With regards to privacy, all habitable windows within the proposed development would be set a sufficient distance away from existing neighbouring properties windows to give sufficient privacy. Given this is a two-way consideration, then it is fair to conclude neighbouring properties would not experience an undue loss of privacy inside their properties despite concerns put forward by objectors. Furthermore, mindful that the front garden spaces pertaining to properties on Richmondhill Court and 23 – 33 King's Gate aren't currently private, nor are the communal gardens areas around Forestgait Lodges, then it is considered that these properties would not experience an undue additional loss of privacy within these garden areas from the proposed

development when the current situation is borne in mind.

With regards to any potential overbearing impact, the proposed L-shape building arrangement addresses most of the concerns highlighted in the report for the previous proposal under application 181699/DPP given the building would be set much further away from the bungalows on the eastern side of Richmondhill Court. Although both the three and four storey elements of the building are taller than the existing building, both would be set much further away from these bungalows than the existing two storey building. In addition, the four-storey block would be off-set from the gable of the two storey flats on the western side of Richmondhill Court and not span the full width of the site's northern boundary. This is an improvement on the previous proposal (181699/DPP) which would have made the two storey buildings feel totally enclosed and overwhelmed. Objections that have been lodged expressing concern that the balconies on the front (southern) elevation of the building would present an 'overbearing' impact on these large granite villas. Whilst it is accepted the proposed building would significantly increase the level and presence of development on the site, there would remain a c. 30m separation distance between the projecting balconies and front of these villas, and this is considered to be sufficient to mitigate a feeling of overbearing. The intervening trees along the southern boundary should also help to soften this impact, but during the winter months when the trees have lost their leaves the use of the balconies and people sitting out at a high level relative to villas (23 – 33 King's Gate) will be more apparent. Finally, although the proposed site arrangement and building would not have an unduly detrimental overbearing impact on properties to the north, east and south, the impact on the flats within the Forestgait Lodge development to the west would be more severe. The proposed building would be approximately double the height of the existing building and have windows across the entire elevation with balconies on the upper three floor levels. Consequently, although the building would be set c. 28m off the buildings containing flats 9 – 16 Forestgait Lodge, the building would make them feel more enclosed than the existing building and this would be more apparent within their communal garden area, especially when the balconies are in use.

Mindful that the proposed 3 and 4 storey building would be greater in height than the existing 2 storey hipped roof building, it is likely to be more imposing and therefore the daylighting and overshadowing impact of the development on neighbouring properties needs to be considered. Objectors residing in properties in the immediate surrounding area have expressed concerns that the proposed development would have an adverse impact on their residential amenity in this respect. In order to counter these concerns, the applicant has included a daylight/overshadowing analysis within their Design and Access Statement showing the scale of shadows cast from the development at eight different times of the day from 8am in the morning through to 8pm at night on the quarterly days of the year (21<sup>st</sup> March, 21<sup>st</sup> June, 21<sup>st</sup> September and 21<sup>st</sup> December). Upon review of these calibrated images, none of the surrounding properties would be overshadowed from the proposed building with shadows primarily be cast over the communal green space pertaining to Forestgait Lodges to the west and when the sun moves round to the west, most overshadowing would occur within the car park to the rear of the proposed building. The main exception to this judgement is that some overshadowing would occur to the rear of 1 - 4 Richmondhill Court in the middle of the day in March and September, so some short-term shadows could be cast across windows within the rear of that building for a couple of hours until the sun moves further west. However, given the impact would be short term, it is considered to be acceptable.

#### Loss of Public Open Space

The site does not contain any designated public open space on the ALDP 2017 Proposals Map, and therefore the development in its proposed form would not give rise to any loss of public open space.



### Conclusion on compliance with Policy H1 and Policy D1 in the ALDP 2017

Upon full consideration of the abovementioned issues, it is considered that the proposal would not be compliant with the site's land-use designation policy – Policy H1 – meaning that the development is considered unacceptable in terms of the relevant development plan policy for the site. Additionally, given that the proposed design and scale of the building is considered incompatible with the character of the surrounding area and would neither afford all prospective residents an adequate level of residential amenity the proposal nor comply with the relevant expectations of Policy D1 in the ALDP.

### Impact on 'setting' of listed Richmondhill House

As set out in the site description, category C-listed Richmondhill House neighbours the site to the north-northwest. Policy D4 in the ALDP requires new development to be of high-quality design which respects the "setting" of listed buildings. Historic Environment Scotland *Managing Change in the Historic Environment: Setting* document also provides specific guidance on what constitutes the 'setting' to a listed building and the procedures for assessing the impact arising from the proposed development. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires Planning Authorities to have special regard to the desirability of preserving listed buildings and their 'setting' or any features of special architectural or historic interest which it possesses.

In reviewing the historical layout of Richmondhill House, a designed landscape once existed between its principal (southern elevation) and King's Gate. This arrangement is deemed to form the principal setting. It is clear that since its original formation, the area covering the building's original setting has largely been developed encompassing the existing building on the application site and buildings immediately to the north (within Richmondhill Court) and the west (between the site and Richmondhill Place). Subsequently, it is fair to deduce that the listed building's original setting has largely been compromised, however some views do remain from King's Gate. Mindful that the existing building is two storeys in height, the proposed building would significantly increase the height and mass of development on the site, it would largely mask Richmondhill House from view in its entirety where a partial view, at least, still exists. To this end, the proposed change in scale of development on the site would worsen the impact of built development on the listed building's original 'setting'. As such, the proposal is considered to conflict with the requirements of Policy D4 in the ALDP and Historic Environment Scotland's "Managing Change in the Historic Environment: Setting" guidance.

### Impact on trees

The trees within the site benefit from a Tree Preservation Order (TPO) dating back to 1962 due to the significant contribution that the trees make to the landscape character and local amenity of the area, and since then the Albyn Place/Rubislaw Conservation area designation has added an additional level of protection to these trees.

Policy NE5 in the ALDP and its associated Supplementary Guidance (*Trees and Woodlands*) establishes a presumption against all activities and development that will result in the loss of or damage to trees that contribute to local amenity and character. The Policy and SG notes that to assess impacts of proposed development upon trees, specialist surveys and plans are required. These requirements were highlighted to the applicants at pre-application stage and the Planning Service expressed doubts that the proposed level and layout of development could be achieved without adversely affecting the protected trees; however, full judgement would be reserved until the Planning Service was in possession of the appropriate surveys.

A Tree Survey and all associated documentation, including an Arboricultural Impact Assessment,

have been submitted which have been reviewed by the Council's Tree Officer. In summary, the documentation identifies that a minimum of 9 trees shall be lost to make way for the proposed development – 3 more than what was previously proposed under application 181699/DPP. At least 3 of these trees can be considered to be of the highest priority for retention given they are prominent and therefore make a significant contribution to the landscape character and amenity of the local area. Moreover, the Council's Tree Officer is of the view that the likely number of trees to be lost as a consequence of the proposals would be significantly greater than the 9 shown on the proposed site plan, both in the short and long term. This judgement is centred upon the fact that additional hard surfacing to create new external car parking – particularly along the eastern side of Richmondhill Court - would worsen the already limited new rooting environment within the trees' Root Protection Areas (RPAs). The finished site levels which would either be equal or lower than present levels giving rise to a high probability that works would compromise the quality of existing root systems which would be of detriment to trees long-term health. Weakened roots would inevitably give rise to the high likelihood that protected trees would need to be removed for health and safety purposes.

Although it is accepted that it would be reasonable to allow a small loss of trees to enable redevelopment of the site, mindful of the Council's Tree Officer's advice, the proposal would result in a significant loss of mature trees and could give rise to a strong likelihood of further tree loss. Given the trees are of intrinsic value to the character and amenity of the site and immediate surrounding area, the proposal is considered to not be compliant with Policy NE5 in the ALDP 2017 and its associated Trees and Woodlands Supplementary Guidance.

## **Other Issues**

### Developer Obligations and Affordable Housing

Scottish Government Circular 3/2012 (the Circular) sets out the circumstances in which planning obligations can be used to overcome obstacles to enable the grant of planning permission. In this way development can be permitted / enhanced and potentially negative impacts can be mitigated.

The Circular critically notes that the Development Plan should be the point at which consideration of the potential need for and use, of planning applications begin. In this regard the provisions of the Circular are embodied within the ALDP, most notably Policy I1 and attendant Supplementary Guidance, together with policies H5 (Affordable Housing) and NE4 (Open Space).

With regard to the provision of open space in new developments, Policy NE4 in the ALDP recognises that where it is not possible to provide a proportionate amount of dedicated open space both in quantitative and qualitative terms within a development a commuted sum towards off-site provision or enhancement of existing open spaces will be sought. Given that there is considered to be a shortfall in meaningful and functional open space within the development, the Obligations Assessment seeks a commuted sum in this respect for £5,124 to provide additional play space at either of the nearest public parks, Westburn Park and Victoria Park. The same assessment seeks contributions in respect of Community Facilities/Sport & Recreation and Healthcare, as provided for under the Circular.

The applicant has indicated they would be willing to enter a legal agreement (under Section 69 of the Local Government Act or under Section 75 of the Town and Country Planning Act) to enable the Council to secure the sought-after range of developer obligations, which would be a competent mechanism in which to ensure compliance with Policy I1 in the ALDP, should Members be minded to grant planning permission.

On the matter of affordable housing; Policy H5 in the ALDP states housing developments of 5 or more units require to contribute no less than 25% of the total number of units as affordable

housing. However, under the policy's associated Supplementary Guidance off-site provision and/or a commuted sum in lieu of on-site affordable housing may be deemed appropriate in certain circumstances.

Allowing for the scale of the proposed development, the usual affordable housing obligations against this development would be a requirement for 8 on or off-site plus a contribution of quarter of a unit (i.e. 0.25 of a dwelling) amounting to £9,500 for the sub-market area or alternatively a total commuted sum payment of £313,500 for 8.25 units. However, in attempting to satisfy the affordable housing requirements of Policy H5, joint applicant VSA, has sought to discharge all their obligations against all units within a 20-bedroom specialist care home facility, consented under application 170744/DPP and which has recently been completed at 450 Holburn Street. Whilst the proposal would not constitute mainstream 'affordable housing' in terms of the definition in the SG it is considered that there is scope within the Affordable Housing SG to accommodate this arrangement mindful there is a demand for such specialist affordable housing for those in need of care within the city. A letter has been submitted by VSA as evidence that income from sale of the application site has been used to cross-subsidise the provision of the new care home facility at Holburn Street. Taking into account the foregoing the Planning Service has agreed to this means of complying with Policy H5 if the application is granted approval.

#### Drainage

The applicants have submitted a drainage assessment to determine if the proposed development could be served by an appropriate SuDS (Sustainable Urban Drainage System) to prevent localised flooding and to ensure the safe discharge of foul water from the site. The assessment recommends that foul water and surface water run-off is channelled from parts of the site into the existing combined public sewer, which Scottish Water has suggested there is present capacity within their infrastructure to accommodate. As such, it is considered the proposal satisfies the relevant requirements of Policy NE6 in the ALDP but if members were minded to approve the application, a condition would need to be applied to control the timing of the infrastructure's delivery.

#### Digital Connectivity, Energy Efficiency and Water Efficiency

No information has yet been supplied with the application to demonstrate compliance with policies CI1 and R7 in the ALDP relating to energy and water efficiency and digital connectivity. However, if Members are minded to grant planning permission, it is considered reasonable and competent to control compliance with these policies through use of appropriately worded planning conditions.

#### **Other Matters Raised in Representation Not Yet Addressed**

- *Increased noise and light disturbance to the surrounding properties, most of which contain the elderly* – The proposed mainstream residential use of the site would generate more traffic movements than the pre-existing care facility and would result in more traffic movements through the Richmondhill Court entrance and exit point, which are set away from the units housing the elderly at the opposite end of Richmondhill Court. Furthermore, given the proposed building would be taller and contain more windows than the existing care building, there is a strong likelihood that there would be more light emissions arising from the proposed building, which will be particularly apparent during dark hours. However, it is likely that any additional light would likely be masked due to the interventions of curtains and blinds within the building resulting in a negligible additional impact. To conclude, these additional 'disturbances' are likely to be to a reasonable degree in the context of a residential area and would not have any reasonably significant impact on the elderly residents.
- *Mile End primary school is already overcapacity and this development would potentially worsen that situation* – The Developer Obligations assessment indicates that there are no capacity

issues at Mile End Primary School, and that based on school forecasts, there would be scope to accommodate the likely number of new pupils which may arise if the development is consented. The forecasts take into account existing and projected birth rates. The standard formula used by Developer Obligations used on similar developments city-wide would expect a maximum of 6 new pupils to arising from the development if consented.

- *The entrance to Richmondhill Court would not need to be widened if the combined number of properties did not exceed 50, so the current entrance would be suitable for a smaller development. This would ensure a large section of the listed boundary wall would not need to be removed including many trees with preservation orders* – This objection makes a valid point. Given Richmondhill Court already serves 27 residents units, had the applicant proposed 22 units or less, then the Roads Service (under guidance from the Emergency Services) would have been unlikely to have sought a widening of the existing entrance. Should the entrance not be widened, it would likely mean that less protected trees are removed.

### **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 not considered acceptable in terms of both Plans for the reasons previously given.

### **Concluding comments**

In conclusion, whilst the use of the site for mainstream residential use is considered acceptable, the proposed scale and design of the development would be out-of-keeping with the site's context and therefore be detrimental to visual amenity. Amongst other concerns, the proposed layout would not afford all prospective residents an adequate level of residential amenity and would result in an excessive loss of mature trees which would harm the character and amenity of the surrounding area. Widening of the existing entrance onto Richmondhill Court would also harm the character of the Albyn Place/Rubsilaw Conservation Area and the setting of the listed Richmondhill House.

Whilst the VSA have indicated the sale of the site to CALA would help to continue financing their services in the city, this is not a material consideration in determining this application

Consequently, overall, whilst the proposal may carry some merits in respect of satisfying technical requirements for access, parking and waste, the proposal would be fundamentally at odds with policies H1, D1, D4 and NE5 in the Aberdeen Local Development Plan 2017 as well as other relevant national policy and guidance. Such conflicts with key policies in the ALDP materially outweigh any merits and therefore the application is recommended for refusal.

If committee members are alternatively minded to 'approve' the application, this shall be subject to the completion and successful registration of a legal agreement to secure payment of all developer obligations. Additionally, approval should also be subject to a number of conditions which ensure the implementation of tree protection measures, car parking, cycle parking, bin storage, details on altered access wall, finishing material samples, water saving technologies, energy-saving measures within construction, and any other reasonable requirements necessary to satisfy the requirements of relevant ALDP 2017 policies.

### **RECOMMENDATION**

Refuse

**REASON(S) FOR RECOMMENDATION**

- 1) The proposed development would constitute overdevelopment by virtue of its excessive footprint, height and massing and, adverse impact on, and loss of, protected trees which, together, would be contrary to the provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017
- 2) The proposed design - by virtue of its form, scale, layout and palette of finishing materials - would not suitably respect the site's historic context taking cognisance of the established pattern of development, prevailing height of buildings and existing architectural styles in the surrounding area - which are intrinsic to the character and amenity of the Albyn Place/Rubislaw Conservation Area. Additionally, the proposed scale of alterations to the existing site access would give rise to a loss of character to the site and would be out-of-keeping with the existing character of access ways on King's Gate. As such, the proposal does not to comply with Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017, Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017, as well as the relevant sections of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland Guidance on "Managing Change in the Historic Environment: Guidance Notes".
- 3) The proposed development, by virtue of its external car parking layout and alterations to the existing access, would result in both in the loss of existing trees and place existing trees under undue pressure to be removed in the future. These trees of are protected by a Tree Preservation Order (TPO) and contribute heavily towards the character and amenity of the site and wider Albyn Place/Rubislaw Conservation Area. As such, the proposal would be at odds with Policy NE5 (Trees and Woodland) and Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.
- 4) The proposed flatted block, by virtue of its siting, scale and massing and external appearance, as well as the alterations to the listed boundary wall, would have an undue adverse impact on the 'setting' of category C-listed Richmondhill House located to the north of the application site. As such, the proposal is considered to be at odds with Policy D4 (Historic Environment) in the Aberdeen Local Development Plan 2017 and Historic Environment Scotland guidance "Managing Change in the Historic Environment: Setting".
- 5) The proposed floor and window arrangement within the flatted block would not give prospective residents of all units within the development an acceptable level of residential amenity insofar that the ground floor single aspect units looking onto the western embankment would not have a satisfactory outlook or obtain sufficient daylight. As such, the proposal is considered not to comply with the general amenity expectations implicit to Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.



# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



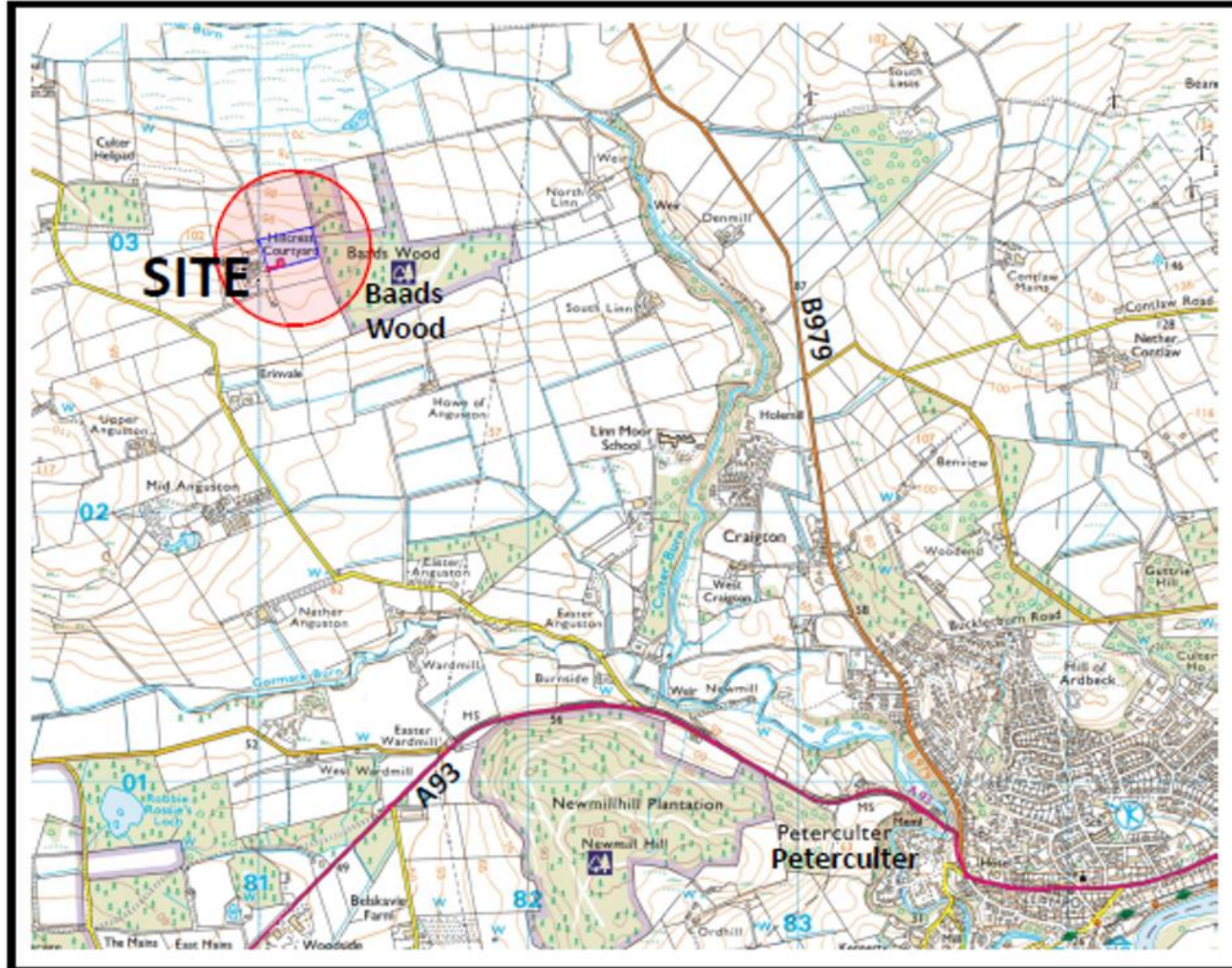
30 September 2021

Change of use of land for siting of 2 caravans for  
temporary period (retrospective)

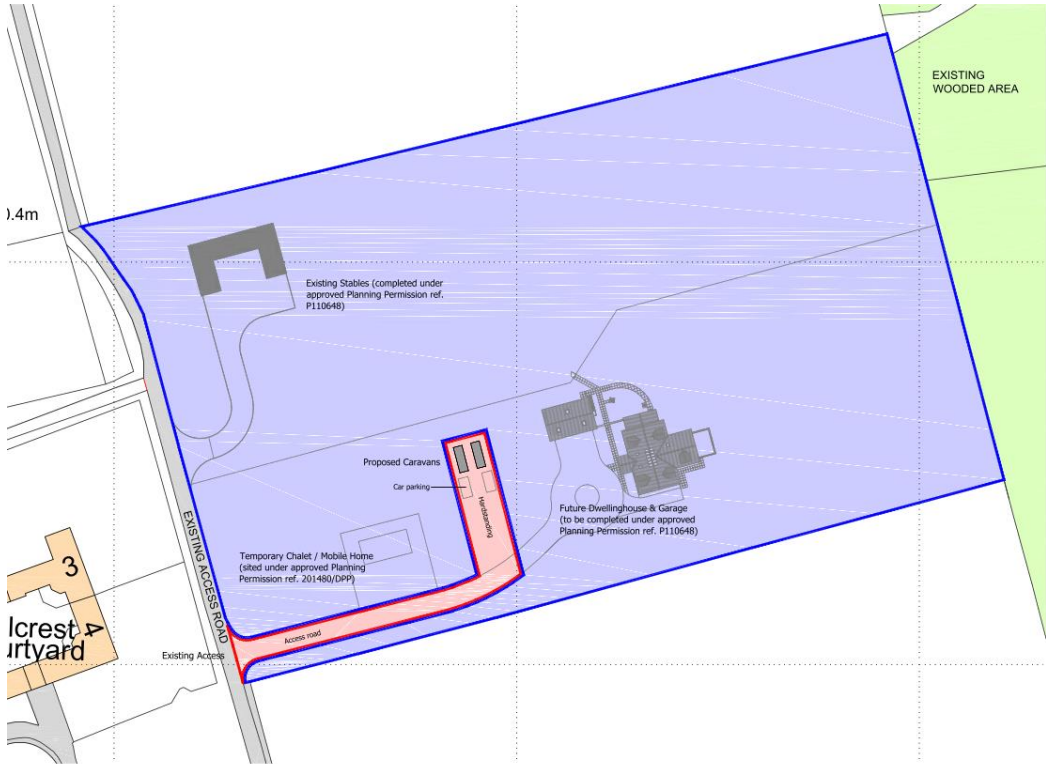
Baads Farm, Anguston Road, Peterculter

Detailed Planning Permission  
210998/DPP

# Site Location



# Site Layout Plans





# Aerial Photo



# Site Photos





# Site Photos



# Site Photo



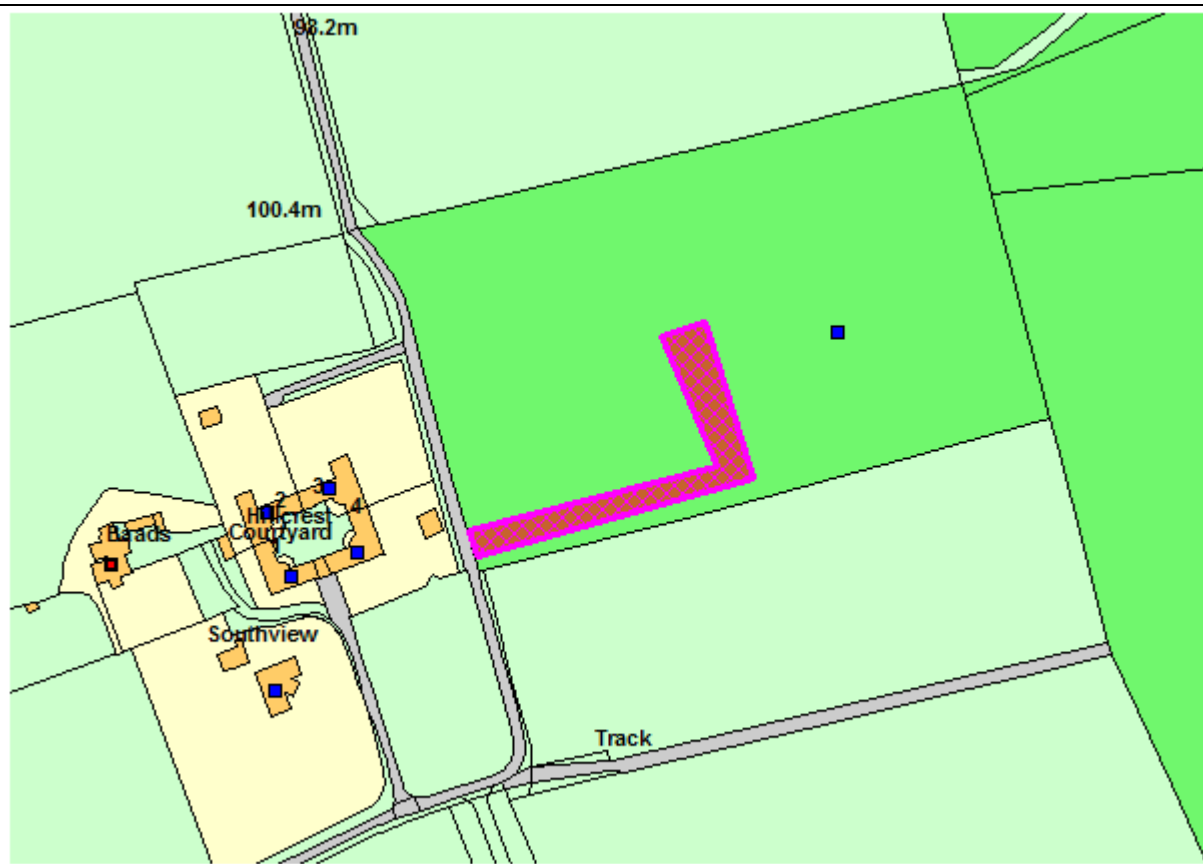
This page is intentionally left blank

## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 30 September 2021

<b>Site Address:</b>	Baads Farm, Anguston Road, Peterculter, Aberdeen AB14 0PP
<b>Application Description:</b>	Change of use of land for siting of 2 caravans for temporary period (retrospective)
<b>Application Ref:</b>	210998/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	14 July 2021
<b>Applicant:</b>	Mr & Mrs G. Stewart
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter
<b>Case Officer:</b>	Jane Forbes



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

### RECOMMENDATION

Refuse and Enforce

## **APPLICATION BACKGROUND**

### **Site Description**

The site is located in the countryside some 3.5km to the north west of Peterculter, to the east of Baads and a group of houses known as Hillcrest Courtyard. It extends to an area of some 712.3m<sup>2</sup> and forms part of a wider site of some 2.3 hectares which includes agricultural land, a stable block and a temporary mobile home. The application site lies within the southern half of the wider site, and to the east of an area of land accommodating the aforementioned mobile home. The ground level across the wider site rises from south to north, with its northern boundary forming the crest of a hill. To the south of the application site are fields, whilst to the west and across an access track are six houses. Access to the site is via a 350 metre long tarred, single track, private road which serves the neighbouring houses, followed by an unsurfaced track for a further 80 metres.

### **Relevant Planning History**

Planning permission (Ref: P110648) was approved by Planning Committee, against officer recommendation, on the 11<sup>th</sup> October 2011 for the erection of a residential dwelling, garage and associated stud farm. Conditions applied to the planning permission included restriction on the occupancy of the house to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; requiring the stud farm and all associated infrastructure to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, in order to ensure that the dwellinghouse and garage were constructed only in association with and for an operational business; restricting the hours of construction; requiring the submission of schemes of all external lighting and drainage/sewage facilities, and of samples of all external finishing materials; and the provision of landscaping and tree planting on site.

Planning permission (Ref: P120873) was approved under delegated powers on the 27<sup>th</sup> July 2012 for a variation to condition 7 to allow for the disposal of sewage effluent by means of a suitable primary and secondary treatment system as designed by a qualified engineer.

Two applications for planning permission (Ref: P140187 & Ref: P141149) were refused under delegated powers in March and September 2014 for the removal of Condition 1 (Control of Occupancy) from Planning Permission Ref: P120873, the latter of these decisions being upheld by the Local Review Body on 15<sup>th</sup> December 2014.

A subsequent application for planning permission (Ref: P150074), again seeking removal of Condition 1 (Control of Occupancy) was submitted in January 2015, however the Planning Authority declined to determine this application, as permitted under Section 39(1)(b) of the Town and Country Planning (Scotland) (Act) 1997, on the basis that within the previous two years, two similar applications had already been refused and there had been no significant change in the development plan or in any other material consideration since the third application was submitted in January 2015.

A further application for planning permission (Ref: 181084/S42), once again seeking removal of Condition 1 (Control of Occupancy) of Planning Permission Reference P120873 was submitted in June 2018 and refused under delegated powers on 30<sup>th</sup> August 2018.

An application was submitted in January 2020 for detailed planning permission (Ref: 200040/DPP), seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 5 years. The application was refused at Planning Development Management Committee on 30 April 2020. The decision was subsequently appealed through the Scottish Government's Planning & Environmental Appeal's Division, and the appeal dismissed by Scottish Ministers in July 2020, with planning permission refused and a separate claim



for an award of expenses declined.

Finally, a further application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP), once again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 18 months. The application was approved conditionally at Planning Development Management Committee on 22<sup>nd</sup> April 2021.

Conditions applied to the planning permission included a restriction on the occupancy of the mobile home to a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person; limiting the use of the caravan site to one caravan/mobile home/chalet on site at any one time; time limiting the implementation of the change of use to caravan site to no later than 6 months from the date of the decision notice (ie that the change of use be implemented no later than 6 months from 22<sup>nd</sup> April 2021 ie. implemented by 22<sup>nd</sup> October 2021); and for the change of use to caravan site to be permitted for a period of no longer than 18 months from the date that the change of use is implemented.

Formal notification was received from the applicants that the change of use of the land to caravan site was implemented on 20<sup>th</sup> May 2021, with the introduction and occupation of a chalet/mobile home since that date.

The applicants agent advised the planning authority on 14 September 2021 that the stud farm 'Stewart Greenpasture' was a registered business and that there was one stallion on site that travels to mares elsewhere. Taking this into account and following a site visit by officers, the current position is that there is no clear evidence to demonstrate that a stud farm business is operating on site.

Following on from this it is of particular relevance to note that development in relation to planning permission Ref 201480/DPP will only have commenced when in compliance with all conditions applied to that consent. In this respect, and on the basis that the chalet/mobile home on site is not being occupied by someone employed full time in the stud farm, there is a clear breach of condition and therefore development as approved (ie change of use to caravan site) has not been formally implemented.

The 6 month time limit for implementing the approved development (ie the change of use to caravan site) is therefore still running and unless there is an initiation of development on site which fully addresses all conditions applied to planning permission Ref 201480/DPP, the permission granted for the change of use to caravan site on 22 April 2021 will formally expire on 22 October 2021. After 21 October 2021, if the stud farm has not been brought into use and as a direct consequence occupation of the caravan is by someone not employed full time in the stud farm, then the caravan would have to be removed from the site.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use of land to a caravan site for the siting of 2 caravans for a temporary period of 18 months. The application is retrospective, with the application form stating the 2 touring caravans have been on site since 4<sup>th</sup> June 2021 and that the applicants were unaware of the need for planning permission.

### **Supporting Documents**

All drawings and supporting information associated with the application can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVZJ5DBZLMM00>

- Correspondence from the Agent, on behalf of the Applicants, dated 25<sup>th</sup> August 2021.

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

The application has been referred to the Planning Development Management Committee because the proposal has attracted eight objections from the public and an objection from Culter Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – No concerns raised.

**ACC - Environmental Health** – No objection on the basis that sufficient evidence has been provided demonstrating that a mains water connection has been made to Baads Farm thereby ensuring a mains water supply is available for the proposed caravans.

**Culter Community Council** – Object to the application for the following reasons:

#### No justification for further breaches of Policies

1. The current application comes with no justification whatsoever to support putting aside the requirements of the very clear Condition 2 on their existing planning permission 201480/DPP.
2. We believe the current application fails not only under Policy NE2 (given that a very specific exemption has already been provided for a single mobile home under 201480/DPP), but also under Policy D1.
3. The Reporter who heard the appeal on the earlier application 200040/DPP noted that a single mobile home for a limited period would be allowable under Policy D1; the Reporter was therefore of the view that more than a single mobile home would not be allowable under Policy D1.

#### Precedent

4. If the Planning Authority is serious about maintaining the integrity of the Green Belt, and avoiding suburbanisation of the local countryside, then this application has to be refused.
5. We do strive to look at every planning application on its own merits. In the present case, though, the applicants' claim that they were "unaware of [the] need for planning permission" – despite them being intelligent, alert people with a long history of making planning applications both on this site (including the very clear Condition 2 on their current planning permission) and elsewhere in the area – and the continuing stream of slightly-modified applications, does suggest an intent to push the boundaries of what is permitted under policy NE2 in the Green Belt.
6. Should this application be accepted, we must expect that it would embolden the applicants to submit further applications.
7. To grant permission in this case will make it nigh-on impossible for the Planning Authority to resist other similar applications in the future.

#### Conclusion

8. This application fails to comply with Policies NE2 and D1 and needs to be refused, both for protection of the Green Belt in this specific case, and in addition to send a clear signal to developers, landowners and to civil society that the planning policies are upheld and enforced.
9. The applicants have permission to establish and run a stud farm on this site; to install a single mobile home to provide 24-hour overseeing of the animals; and to construct a substantial house on the site. There is support in the neighbouring community for the applicants to concentrate on this already permitted scope of activities and make a success of life at Baads.

## **REPRESENTATIONS**

8 letters of objection have been received. The matters raised can be summarised as follows:

1. The proposal is clearly contrary to the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan as confirmed by the Scottish Government when they considered and refused a previous appeal. It is not consistent with policies D1 (Quality Placemaking by Design) or D2 (Landscape) of the Aberdeen Local Development Plan (2017).
2. The applicants are bringing the planning process into disrepute after the approval of application 201480/DPP
3. The application fails to make reference to all relevant planning history for the site.
4. Approval was given for a temporary chalet to be on site for 18 months to allow for the approved stud farm to become fully operational as a business, thereby facilitating the dwellinghouse associated directly to the stud farm to be erected on site. The conditions applied to the planning permission for the chalet clearly stated that only one caravan/mobile home/chalet was allowed on site at any one time. The reason provided for approval of the one chalet was this level of presence was justified and deemed necessary to allow the approved stud farm to become fully operational, and in the interests of visual amenity and to protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan. Multiple homes were not supported on the site.
5. The Temporary Chalet/Mobile Home was granted for a person employed full time in the Stud Farm business. It should not need more than 1 household to look after 1 Horse.
6. Permission for these two caravans for 18 months is linked to (ref P110648) to build the residential dwelling and garage.
7. The site plan shows hardcore foundations, which also need to be removed, as this is not included in the approved site plan for the House and Garage. This additional hardcore alters site drainage characteristics and land management.
8. If this application was approved it would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic, temporary residential accommodation on this site and others in the Green Belt. In turn this would lead to the erosion of the character of the site, the Green Belt and adversely affecting the landscape setting of the City.
9. This application adversely affects the residential amenity of the surrounding area.
10. There is no valid justification for the application. The applicant does not detail who the accommodation is for or what the need is. The applicant justifies the submission based on supporting a dwelling approved under P110648. As is consistent with numerous other applications, the fact the planning was for a stud farm business and not a dwelling is ignored.
11. The application ignores that temporary accommodation was approved under 201480/DPP to allow the business to be established and for a dwelling to be built to support the business. The previous approval had clear restrictions which were ignored almost immediately, with at one point a further three caravans added to the site.
12. Concerns raised that if approved, the applicant will seek further permissions to allow for the

extended family to occupy the site.

13. Any form of residential accommodation on the application site in advance of the stud farm being brought into use, undermines the policies which protect the integrity of the Green Belt and safeguard against unsustainable development and suburbanisation of the area.
14. Such development has an adverse effect on the landscape and the character of the area, particularly given the very prominent site of the accommodation and its substantial negative visual impact.
15. The assertion that the applicants were "unaware of (the) need for planning permission" for further caravans as they cite in their application is not credible. It is clear they have considerable experience as evidenced by previous planning applications to Aberdeenshire Council.
16. Supportive of the applicants in their fulfilment of the original conditional planning approval of 2011 and for the disruption to the neighbourhood to be concluded.
17. We have been informed that a stallion is on site and that the stud farm is in operation.
18. Concerned about subversion of the original approval and the subsequent impact on the integrity of the City's Green Belt and the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.
19. Aberdeen Council planners should ensure that the conditions of related existing planning approvals are complied with, and that green belt and local development planning policies are applied appropriately with consideration to all local residents and neighbours.

## **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 in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place.

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

Policy NE2 (Green Belt)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy NE6 (Flooding, Drainage & 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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 relevant to this application:

Policy NE1 (Green Belt)

Policy D1 (Quality Placemaking)

Policy T2 (Sustainable Transport)

Policy NE4 (Water Infrastructure)

## **EVALUATION**

### **Background**

Planning permission was granted on the 11<sup>th</sup> October 2011 for the erection of a dwellinghouse, garage and associated stud farm at Baads Farm. Whilst the site was located within the Green Belt, where policies are generally restrictive, it was judged at that time that a house was required to support the proposed stud farm business, which was relocating from another site outwith the city boundary.

The application was approved against officer recommendation on the basis *“that the application was not contrary to Policy 28 of the Local Plan as the proposed buildings would not be higher than the others in the landscape and the proposed business was an agricultural activity within Policy 28”*.

Conditions were applied to the planning permission which included restricting the occupancy of the dwellinghouse to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; and for the phasing of development whereby the stud farm and all associated infrastructure would have to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, thus ensuring that the dwellinghouse and garage are constructed only in association with and for an operational business in accordance with Green Belt policy.

Four separate applications to remove Condition 1 (control of occupancy) were submitted and subsequently refused between March 2014 and June 2018. These applications were refused on the basis that deletion of the condition would mean that the proposal would be contrary to Policy NE2 (Green Belt) of the ALDP as well as Scottish Planning Policy. The reasoning for the most recent decision relating to planning application 181084/S42, refused under delegated powers in August 2018 was as follows:

*“The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business, the dwellinghouse would not have complied with planning policy and would ultimately have been refused. The removal of Condition 1 would undermine the policies which seek to protect the integrity of the Green Belt, and safeguard against unsustainable development and suburbanisation of the area. It was deemed necessary to apply Condition 1 in order to ensure that the development complied with planning*

*policies. It is judged that Condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (dated 4 November 2011) has been considered. The proposal to delete Condition 1 remains unacceptable in planning policy terms and there has been no additional supporting information submitted from either of the previous refusals (Ref: P140187 & P141149) which would justify its removal."*

Excavation work was carried out on site in September 2014 in order to secure 'initiation of development', and as such, planning permission for the stud farm, dwelling house and garage is now retained in perpetuity.

In support of the original application which was granted consent in October 2011, it had been stated that there was an urgent need for the applicant to relocate the stud farm business which was already in operation, because at that time the lease for land from where the business was operating was not being renewed. The statement submitted in support of the 2018 application outlined above (Ref 18/1084/S42) advised that the site had been on the market since April 2014. From information provided in support of Planning Application Ref 200040/DPP, submitted in January 2020 and seeking detailed planning permission for a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a temporary period of up to 5 years, it was noted that the site had changed hands since the 2018 application had been determined, and the agent confirmed at that time on behalf of the applicants that the site had been purchased for the purposes of developing the equestrian business (stud farm) and building the dwellinghouse as approved under the terms of the original planning permission granted in 2011.

Most recently an application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP) and again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site, but for a significantly reduced temporary period of up to 18 months. The application was approved subject to a number of conditions at Planning Development Management Committee on 22<sup>nd</sup> April 2021. The conditions applied included restricting the occupancy of the chalet/mobile home to a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person and, quite pertinently in terms of this current application, a condition was applied which limited the use of the caravan site to one caravan/mobile home/chalet being on site at any one time.

As previously highlighted, we have seen no evidence to demonstrate that a stud farm is operating from the site and there is therefore the likelihood that the aforementioned chalet/mobile home which is on site under the terms of planning permission Ref: 201480/DPP is unauthorised.

### **Supporting Document**

The agent has submitted a letter on behalf of the applicants, and in support of this current retrospective application. This letter states that: "the two caravans in regards to the application are nothing more than to provide sleeping accommodation for his elder children as room within the chalet is limited. One is male and the other female, hence the want for separate sleeping accommodation for each of them. Regarding the point made that there is no physical building activity taking place on the site, whilst this is accurate, we have a live Building Warrant application (ref. 210441) under consideration by your council which we are currently working through technical observations from the officer. Whilst we are aware that the original permission was for one temporary unit, we would appreciate your continued support for temporary accommodation on the site."

### **Principle of Development**

The site lies within an area which is designated as green belt, as supported by Scottish Planning Policy, and is therefore zoned under Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP). Policy NE2 states: 'No development will be permitted in the Green Belt

for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal’.

The following exceptions apply to this policy:

1 Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and
- d) Any proposed built construction is ancillary to what exists.

2 Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.

3 Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt.

4 Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:

- a) The original building remains visually dominant;
- b) The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and
- c) The siting of the extension relates well to the setting of the original building.

5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:

- a) It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
- b) The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace, does not permit development for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration, or landscape renewal.

It is acknowledged that the Planning Development Management Committee granted consent on 22<sup>nd</sup> April 2021 for a change of use of land to caravan site for the erection of one caravan/mobile home/chalet for a period of up to 18 months on land immediately adjacent to the current application site and which forms part of the wider site at Baads Farm. Whilst the proposal was deemed contrary to both Policy NE2 (Green Belt) & Scottish Planning Policy, clear justification was provided in support of the application at that time, ie in January 2020, indicating that residential accommodation on site was required by the applicants for a period of 18 months in order to provide the appropriate levels of safety and welfare provision necessary for the previously approved stud farm to become fully operational as a business. Conditional consent was therefore granted on that basis with conditions clearly limiting the change of use to caravan site to one caravan/mobile home/chalet on site at any one time, and for that single caravan/mobile home/chalet to be occupied by no-one other than a person employed full-time in the stud farm and the dependants, widow or widower of such a person.

It was considered that suitably robust evidence had been provided in support of the aforementioned proposal demonstrating that the business operation of the previously approved stud farm was

imminent, and that the status of the stud farm at that time was such that a 24 hour on-site presence would be required to facilitate the setting up of the stud farm and to provide the appropriate welfare and security arrangements for horses associated with the stud farm to be kept on the site. With this in mind it was considered that there were material considerations which carried sufficient weight and provided clear justification for the planning authority to support the application in that instance, notwithstanding that the proposal was contrary to the requirements of Policy NE2 (Green Belt) of the ALDP.

In terms of this current application, consent is now being sought for a further change of use of land to a caravan site, to allow for an additional two caravans currently sited on the land to remain, with the proposal indicating that this would be for a period of up to 18 months. Taking into account the specific requirements of Green Belt policy, it is apparent that the proposed use is neither essential for an agricultural purpose, and notwithstanding that it would be for a temporary period, nor does such a use fall within the remit of any of the exceptions listed above. As a result the principle of a change of use to caravan site for the temporary siting of two caravans is deemed contrary to Policy NE2 (Green Belt) of the ALDP.

### **Material considerations**

Correspondence has been submitted in support of the proposal which states that the two additional caravans which have been located on site since early June 2021 are now required due to the limited capacity of the existing temporary chalet which was approved in April 2021, and the applicants wish to provide separate sleeping accommodation for two elder children. Full details of the 2 double bedroom chalet currently located on the Baads site were provided by the applicants, in support of the previous application, and therefore as recently as December 2020 when the application was submitted, the level of sleeping accommodation which the chalet would provide was clearly identified and it would appear therefore, was deemed sufficient. The applicants desire to now provide additional temporary accommodation within separate caravans is not considered to be a material consideration in the determination of this application.

The aforementioned correspondence also states that there is a live building warrant application under consideration by the Council, and the agents are working through technical observations which have been made by the responsible building standards officer on the detail provided. Whilst it is acknowledged that a building warrant application was indeed submitted for a dwellinghouse and associated garage at the Baads site, and validated on 1<sup>st</sup> June 2021, this in itself has little weight in terms of supporting the need for additional temporary accommodation on site. As previously outlined the temporary residential accommodation on site was deemed necessary by the applicants to allow for the approved stud farm to become fully operational as a business. The consent granted for the erection of a residential dwelling, garage and associated stud farm on the site was however subject to the stud farm and all associated infrastructure being constructed, completed and becoming operational prior to the commencement of the construction of the dwellinghouse and garage. This condition was applied with a view to ensuring that the dwellinghouse and garage would only be constructed in association with and for an operational business, thereby according with Green Belt policy.

On the basis that we have seen no evidence of the stud farm functioning as an operational business, then commencing development work on site in relation to the erection of the dwellinghouse and associated garage would be unauthorised. As previously stated the stud farm must be constructed, completed and brought into use prior to commencement of the construction of the dwellinghouse. So notwithstanding that there is in fact no building warrant currently in place for the dwellinghouse, the status of any building warrant application is largely immaterial to the delivery of the dwellinghouse at this point in time in the absence of an operational stud farm business.

In considering the personal circumstances which are outlined within the supporting information submitted by the agent on behalf of the applicants it is particularly relevant to consider the Scottish



Ministers Appeal Decision of 20<sup>th</sup> July 2020 (Planning Appeal Ref: PPA-100-2111) which relates to the appeal against the decision by Aberdeen City Council to refuse planning application Ref 200040/DPP for a change of use of land at Baads Farm for the erection of a chalet/mobile home for a period of up to 5 years, where the appeal was dismissed and planning permission refused. It is noted from the appeal decision that the Reporter has stated that if personal circumstances are to be considered in the determination of the application, the onus is on the appellant to demonstrate the reasons why such circumstances are either special or exceptional and should therefore be taken into account.

With this in mind, it is considered that whilst the supporting information submitted by the agent on behalf of the applicants suggests that their personal circumstances are such that the introduction of two further caravans to the site in addition to the existing chalet/mobile home provides a more convenient and appropriate level of accommodation for their family, no evidence of special or exceptional personal circumstances has been provided that would demonstrate a clear and overriding need for additional on-site temporary accommodation and which would be deemed sufficient to outweigh the requirement to address the terms of Policy NE2 (Green Belt) of the ALDP.

If such a proposal were to be supported, an undesirable precedent would be established for applications of a similar nature which could result in the proliferation of sporadic, temporary residential accommodation within the Green Belt, resulting in the erosion of the character of the Green Belt and adversely affecting the landscape setting of the City.

### **Design, Scale & Siting**

Policy D1 (Quality Placemaking by Design) of the ALDP highlights the need for development to respond to the site context and be designed with due consideration to siting, scale and massing; for it to reinforce established patterns of development; and to be well planned, with high quality design, materials and craftsmanship.

In considering the previous proposal for the siting of a caravan/chalet/mobile home on the wider site it was acknowledged that such a proposal would not have a positive impact on the character and appearance of the area, given the open aspect of the site, and its relative prominence within the surrounding area. It was however recognised that the change of use being sought was for a temporary period of up to 18 months, and with a condition limiting the change of use to a single caravan/chalet/mobile home on site at any one time for the duration of the consent, it was considered that the resulting visual impact would be suitably limited and would not be of such significance that it would merit refusal of the application.

Taking the above into account, and in terms of this current proposal, it is considered that there is a clear cumulative effect from the introduction of two further caravans to the wider site in addition to the existing chalet/mobile home for which consent has been granted, and this does result in an unacceptable and negative visual impact on the character and appearance of the area. As such the proposal fails to address the requirements of Policy D1 (Quality Placemaking by Design), and on the basis that it has a negative impact on the attractiveness of the green belt, raises further concerns in terms of Policy NE2 (Green Belt) which states that 'all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.'

### **Access/Parking**

The site is currently served by a private access road and the Council's Roads Development Management team has raised no objection to the proposal, noting that there are no roads concerns concerning the retrospective application for a change of use of land for the siting of 2 caravans for a temporary period.

Whilst the proposal may not fully address the specific requirements of Policy T2 (Managing the Transport Impact of Development), this is largely as a result of the site being somewhat isolated

which in turn limits the measures which can feasibly put in place to minimise traffic and maximise opportunities for sustainable and active travel. With this in mind and taking into account the scale and nature of the proposed use it is considered that any additional traffic generated is likely to be minimal and it is, therefore, accepted that the proposal would raise no significant concerns in terms of the expectations of Policy T2 (Managing the Transport Impact of Development).

### **Drainage/Water Supply**

ACC Environmental Health officers raised no objection to the proposal and are satisfied with the evidence provided which demonstrates that a mains water connection has been made to Baads Farm thereby ensuring a mains water supply is available for the caravans. The expectations of Policy NE6 (Flooding, Drainage & Water Quality) are suitably addressed.

### **Proposed Aberdeen Local Development Plan**

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

### **Matters raised by the Community Council**

The concerns raised by the local Community Council have been addressed in the foregoing evaluation.

### **Matters raised in representations**

The majority of the material concerns raised by objectors in representations have been addressed in the foregoing evaluation with the exception of the following:

7. *The site plan shows hardcore foundations, which also need to be removed, as this is not included in the approved site plan for the House and Garage. This additional hardcore alters site drainage characteristics and land management.* The agreed Landscape Plan approved under application Ref P110648 & P120873 remains valid and would therefore be implemented at the appropriate time, in association with the delivery of the approved dwellinghouse and garage. Any hardstanding which has been formed outwith what has previously been approved would therefore not be retained.

### **Conclusion**

Both national and local planning policies seek to protect the integrity of the green belt and the granting of individual planning permissions which lead to the cumulative erosion of the green belt are therefore deemed contrary to such policy. If it had not been for the specific individual requirements of an existing stud farm business which was granted consent at Baads Farm in 2011, the associated dwellinghouse would not have complied with planning policy and consent would not have been granted at that time.

The same condition which was applied in 2011 and subsequently under planning application Ref P120873 continues to be valid and relevant today, under current green belt policy, namely that the stud farm that was granted planning permission and all associated infrastructure had to be constructed, completed and brought into use prior to construction starting on the dwellinghouse and garage. The condition was applied to ensure that the dwellinghouse and garage were only constructed in association with an operational business, in accordance with green belt policy.

This current application, which is retrospective in nature, seeks permission for a change of use of the land to caravan site for two caravans for residential purposes for a period of up to 18 months. With existing consent having been granted in April 2021 for a change of use to caravan site for the erection of a single caravan/chalet/mobile home on the wider Baads site for a period of up to 18 months, and a condition specifically applied to that consent limiting the permission to no more than one caravan/chalet/mobile home at any one time in order to suitably protect the landscape character

and setting of the green belt, then it is apparent that a proposal which sees the introduction of a further two caravans to the site is to the detriment of the landscape character and clearly contrary to green belt policy. There are no material considerations which would warrant support of the application in this instance. In the event that the unauthorised caravans relative to this application are not removed voluntarily by the applicant, then under powers delegated to officers it would be the intention to serve an enforcement notice with appropriate enforcement action taken to have the caravans removed.

In the event that members are minded to grant the change of use, conditions limiting the number of caravans/chalets/mobile homes on site (in order to minimise the impact on the landscape character and setting of the green belt) and the duration of permission are recommended.

## **RECOMMENDATION**

Refuse and Enforce

## **REASON FOR RECOMMENDATION**

1. The proposed development, which is retrospective in nature, comprises a change of use of land to caravan site for two caravans for a period of up to 18 months. No justification has been provided to demonstrate that there are special or exceptional circumstances which would support the need for additional residential accommodation on the Baads Farm site. This is therefore a stand-alone application, which if approved, would allow for the change of use to caravan site and subsequent residential occupancy of that site to occur.

It is the considered opinion of the planning authority that provision of additional residential accommodation on the application site would undermine the policies which seek to protect the integrity of the green belt, and safeguard against unsustainable development and suburbanisation of the area. Such development would have an adverse effect on the character of the area and the landscape setting within which the site lies.

The proposal would be clearly contrary to the expectations of Scottish Planning Policy (SPP) and to the requirements of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan. The proposal would address the expectations of Policy NE6 (Flooding, Drainage & Water Quality), and largely comply with those of Policy T2 (Managing the Transport Impact of Development).

2. That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic, temporary residential accommodation in the green belt, and in turn lead to the erosion of the character of the green belt and further adversely affect the landscape setting of the City.

This page is intentionally left blank