

Public Document Pack



To: Councillor Henrickson, Convener; Councillor Bouse, Vice-Convener; ; ; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Crockett, Houghton, McRae and Thomson.

Town House,
ABERDEEN Date Not Specified

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House on THURSDAY, 12 JANUARY 2023 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

JENNI LAWSON
INTERIM CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

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

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 1 December 2022 - for approval (Pages 7 - 16)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 17 - 20)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the formation of a driveway to front and alterations to a boundary wall - 45 Stockethill Way Aberdeen (Pages 21 - 30)

Planning Reference – 221055

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

[Link.](#)

Planning Officer: Samuel Smith

- 6.2. Detailed Planning Permission for the installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works - First Aberdeen, 395 King Street Aberdeen (Pages 31 - 40)

Planning Reference – 221328

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

[Link.](#)

Planning Officer: Robert Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1. Planning Permission in Principle for the erection of nursery, including car parking, landscaping and associated infrastructure - site west of Northcote Lodge Care Home, Craigton Road, Aberdeen (Pages 41 - 56)

Planning Reference – 220772

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

[Link.](#)

Planning Officer: Aoife Murphy

- 7.2. Detailed Planning Permission for the demolition of an existing commercial unit and erection of 9 residential apartments over 3 storeys with associated cycle storage and hard and soft landscaping works - 26 Hollybank Place Aberdeen (Pages 57 - 74)

Planning Reference – 211807

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

[Link.](#)

Planning Officer: Roy Brown

DATE OF NEXT MEETING

- 8.1. Thursday 9 February 2023 at 10am

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

Website Address: aberdeencity.gov.uk

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

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Agenda Item 1.1

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 and any conditions to be attached 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 29.11 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. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 1 December 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; and Councillors Allard (as substitute for Councillor Clark), Alphonse, Blake, Cooke, Copland, Crockett, Houghton (for item 4 only) , Massey (as substitute for Councillor Boulton), McRae, Thomson and van Sweeden (as substitute for Councillor Bouse).

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

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 3 NOVEMBER 2022

1. The Committee had before it the minute of the previous meeting of 3 November 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

2. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

- (i) to agree to remove item 38 (Causewayend Pre Application Forum); and
- (ii) to otherwise note the planner.

CARANOC WHITHOM, CAIRNLEE ROAD, ABERDEEN - 220211

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

That the application for detailed planning permission for the demolition of existing residential building and erection of replacement building to create 20 co-house apartments with associated bin and bike store and other associated works at Caranoc Whithom, Cairnlee Road Aberdeen, be approved with a legal agreement and subject to the following conditions:-

Conditions

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason: in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) CAR PARKING

That no units hereby approved shall be brought into use unless the approved areas of car parking, including the proposed EV parking and charging facilities have been constructed, drained, laid-out and demarcated in accordance with drawing No. 168 (L)90003 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.

(03) CARBON REDUCTION AND WATER EFFICIENCY

That the units hereby approved shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to them 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

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.

(04) LANDSCAPING SCHEME

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
- 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.

(05) 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 and immediately outwith 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 in its entirety.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

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

(06) 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.

(07) CYCLE PARKING FACILITIES

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. 168 (L)90003 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).

(08) RESIDENTIAL TRAVEL PACK

That no residential unit hereby approved shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority. Thereafter the pack shall be provided to each property on occupation.

Reason - In order to encourage use of more sustainable modes of transport.

(09) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

That development (including site stripping, service provision or establishment of site compounds) shall commence on site until a site-specific Construction Environmental Management Plan(s) has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues (i) site waste management including details of re-use on-site and off-site disposal of demolition materials and (ii) how construction vehicles are to enter and exit the site along with how any damage to the surrounding road network would be repaired should damage occur. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

(10) DUST MANAGEMENT PLAN

That no development (including site stripping or service provision) shall take place unless a Dust Management Plan (based on the outcomes of the Air Quality Dust Risk Assessment) for the construction phase of development has been submitted to and approved in writing by the planning authority in consultation with colleagues in Environmental Health. This site-specific Dust Management Plan must include in detail the necessary control measures to be implemented for each phase of the proposed works (demolition, earthworks, construction), an example of the monitoring protocol and schedule to be implemented on-site, and the responsible person for dust control on-site. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

(11) AIR QUALITY ASSESSMENT

That no development (including site stripping or service provision) shall take place unless an Air Quality (Dust) Risk Assessment is carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction" 2014 and thereafter submitted to and approved in writing by the Planning Authority in consultation with colleagues in Environmental Health. Thereafter development (including demolition) shall be undertaken in accordance with the approved document.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

(12) FINISHING MATERIALS

That no development, beyond foundation level, shall take place on the hereby approved building unless a scheme detailing all external finishing materials to the roof and walls of such building has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be finished in accordance with the approved scheme.

Reason - In the interests of visual amenity.

(13) BAT SURVEY COMPLIANCE

That the development hereby approved shall not be implemented unless the proposed mitigation measures as specified in the submitted Bat Survey (Ref: 220211-01 dated 6th June 2022) are implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

(14) HEATING AND VENTILLATION SYTEMS

That no development (including site stripping or service provision) shall take place unless finalised details of the proposed heating and ventilation systems for the proposed development are submitted to and approved in writing by the Planning Authority in consultation with colleagues in Environmental Health. For avoidance of doubt this information could include manufacturers specifications or the requirement for a full Noise Impact Assessment, dependant on the system proposed.

Reason: In the interests of residential amenity.

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

The Committee then heard from Mr Steve McHattie and Mr Iain Riddoch who were interested parties to the application, having submitted timely representations in regard to the proposed application and in line with the procedure note for the Committee and both objected to the proposal.

The Committee resolved:-

to approve the application conditionally with a legal agreement with conditions 2 and 4 updated and an informative note added, to read:-

(02) CAR PARKING

That no units hereby approved shall be brought into use unless the approved areas of car parking, including the proposed EV parking and charging facilities have been constructed, drained, laid-out and demarcated in accordance with drawing No. 168 (L)90003 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. In addition, details shall be submitted to and approved in writing by the Planning Authority to demonstrate that all of the proposed parking spaces could be provided with passive provision for electric vehicles. 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.

(04) LANDSCAPING SCHEME

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

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
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. Details of screening to be provided on the southern/ eastern boundary of the application site, to lessen the visual impact from Baillieswells Road.
- v. The location, design and materials of all hard landscaping works including [walls, fences, gates, street furniture and play equipment].
- vi. An indication of existing trees, shrubs and hedges to be removed.
- vii. 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.

INFORMATIVE

For the avoidance of doubt, there will be no possibility of Cairnlee Road being closed via either the relevant Planning or Roads Acts during the construction of the proposed development.

14 VICTORIA STREET CITY CENTRE ABERDEEN - 220613

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

4. With reference to article 6 of the minute of the meeting of 3 November 2022, the Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the change of use from class 2 (occupational health clinic) to class 11 (children's role play café) including installation of access ramp at 14 Victoria Street, City Centre Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) USE CLASS RESTRICTION

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall only be used for that applied for in this application as a children's role play café. For the avoidance of doubt, express grant of planning permission from the Planning Authority shall be required for any other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reason: To ensure that a good level of amenity can be maintained, and that any additional impacts arising from other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) can be suitably assessed.

(03) NOISE MITIGATION MEASURES

That the use hereby approved is not implemented until the critical noise mitigation measures as set out in section 7 of the Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) are applied. These must include:

1. The plaster with laths of party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and numbers 1 and 5 Waverley Place to the north should be removed entirely and replaced with a self-standing timber stud construction, fully independent and free from any connections with granite as described in table 12 (noise source side); and
2. The installation of the works should adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 December 2022

Reason – In the interest of residential amenity and to minimise any potential noise pollution arising from the hereby approved use.

(04) LANDSCAPING SCHEME

That the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area.

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

The Committee then heard from Mr Robert Fyfe who was an interested party to the application, having submitted a timely representation in regard to the proposed application and in line with the procedure note for the Committee. Mr Fyfe objected to the proposal. The Committee also heard from the agent for the application, Mr Daniel Harrington, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally with condition 4 updated to read:-

(04) LANDSCAPING SCHEME

that the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details, and cycle parking facilities. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area

- **Councillor Dell Henrickson, Convener**

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	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			12 January 2023						
4	Nothcote Lodge, Craighton Road - 220772	To approve or refuse the application for erection of nursery, including car parking, landscaping and associated infrastructure	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
5	26 Hollybank Place - 211807	To approve or refuse the application for demolition of an existing commercial unit and erection of 11 no. residential apartments over 4 storey with associated hard and soft landscaping works	On agenda	Roy Brown	Strategic Place Planning	Place	1		
6	45 Stockethill Way - 221055	To approve or refuse the application for formation of driveway to front and alterations to a boundary wall	On agenda	Samuel Smith	Strategic Place Planning	Place	1		
7	395 King Street - 221148	To approve or refuse the application for installtion of EV charging points.	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
8			09 February 2023						
9	Guidance on Outdoor Seating	At the meeting of PDMC on 1 September 2022, it was agreed to approve the content of the draft Guidance on Outdoor Seating; Instruct the Interim Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Guidance on Outdoor Seating document for a four week non statutory public consultation; and instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Outdoor Seating to a subsequent Planning Development Management Committee within the next six months.		Donna Laing	Strategic Place Planning	Place	5		
10	Dutch Mill - 221514	To approve or refuse the application for temporary marquee (3 years)		Lucy Greene	Strategic Place Planning	Place	1		
11			09 March 2023						
12			20 April 2023						
13			25 May 2023						
14			22 June 2023						
15			24 August 2023						
16			21 September 2023						
17			02 November 2023						
18			07 December 2023						

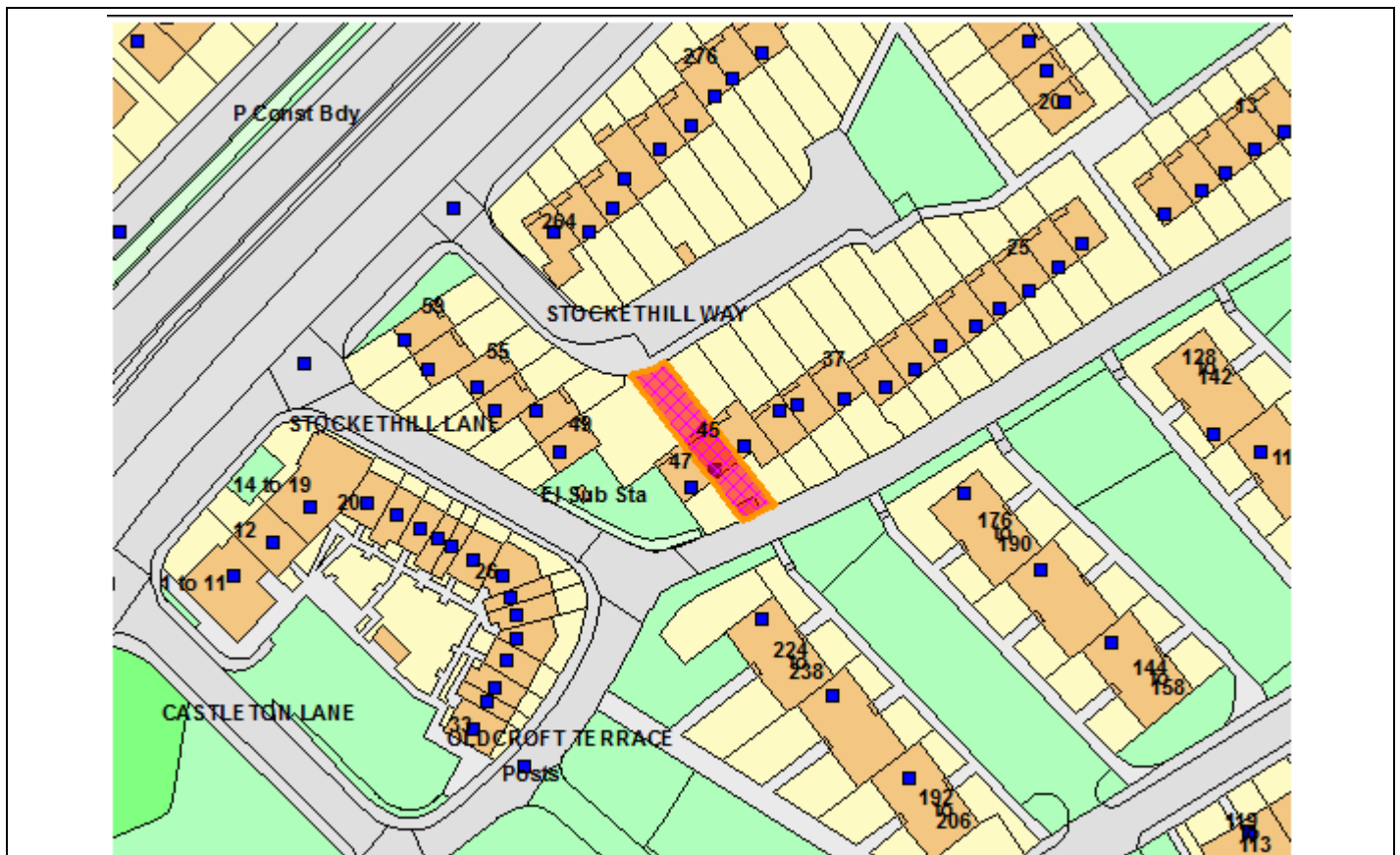
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	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
19	Procedure for Representations	At the meeting of PDMC on 3 November 2022, a new draft procedure was agreed for allowing representations to speak at Committee. It was agreed to instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.		Alan Thomson	Strategic Place Planning	Place	5		
20			Future applications to PDMC (date of meeting yet to be finalised.						
21	Former Treetops Hotel site - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1		
22	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1		
23	Zoology Building, University of Aberdeen - 220946	To approve or refuse the application for installation of 12no telecommunications antennae and ancillary equipment on rooftop		Alex Ferguson	Strategic Place Planning	Place	1		
24	Summerhill Church Stronsay Drive - 220990	To approve or refuse the application for redevelopment of church and manse site for residential development (14 dwellings)		Lucy Greene	Strategic Place Planning	Place	1		
25	64 Devonshire Road - 221130	To approve or refuse the application for installation of replacement front windows and formation of putting green and driveway to front (partially retrospective)		Jemma Tasker	Strategic Place Planning	Place	1		
26	A944 Jessiefield Junction and Land South of A944 at Bellfield Farm, East Middlefield - 220536	To approve or refuse the application for variation of condition 10 (requiring condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning permission ref. P141888		Dineke Brasier	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
27	Baads Farm, Anguston Road - 221216	To approve or refuse the application for change of use of land to form a 1 pitch gypsy/traveller site to include one principal caravan, two touring caravans an amenity block and installation of drainage infrastructure and all associated works		Gavin Clark	Strategic Place Planning	Place	1		
28	Former Cordyce School, Riverview Drive - 221232	To approve or refuse the application for erection of 91 homes including associated infrastructure, open space and landscaping		Dineke Brasier	Strategic Place Planning	Place	1		
29	Former Braeside School - 221310	To approve or refuse the application for erection of 30 affordable residential units with associated infrastructure and open space		Matthew Easton	Strategic Place Planning	Place	1		
30	81 Brighton Place - 221086	To approve or refuse the application for erection of 2 storey extensions to side and rear and formation of door opening to form 2 semi detached dwelling houses		Dineke Brasier	Strategic Place Planning	Place	1		
31	198 North Deeside Road - 221146	To approve or refuse the application for erection of domestic detached garage		Roy Brown	Strategic Place Planning	Place	1		
32	56 Park Road - 221074	To approve or refuse the application for the erection of 30 flats		Robert Forbes	Strategic Place Planning	Place	1		
33	Wallace Tower - 221380 - DPP	To approve or refuse the application for Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; formation of access ramp, external seating area and erection of bin store with associated hard and soft		Dineke Brasier	Strategic Place Planning	Place	1		

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	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									
34	Wallace Tower - 221379 - LBC	To approve or refuse the application for Conversion of existing building to form community cafe with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works		Dineke Brasier	Strategic Place Planning	Place	1		
35	The James Hutton Institute, Countesswells Road - 221419	To approve or refuse the application for formation of access road, amended car parking and associated drainage		Matthew Easton	Strategic Place Planning	Place	1		
36	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		

 <p>ABERDEEN CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 12 January 2023</p>

Site Address:	45 Stockethill Way, Aberdeen, AB16 5JG
Application Description:	Formation of driveway to front and alterations to a boundary wall
Application Ref:	221055/DPP
Application Type	Detailed Planning Permission
Application Date:	24 August 2022
Applicant:	Mr Prakash Timilsina
Ward:	Hilton/Woodside/Stockethill
Community Council:	Rosehill And Stockethill
Case Officer:	Sam Smith



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a two-storey terraced dwelling in a residential area that adjoins further terraced dwellings to the south-west and north-east. The dwelling has a northwest-facing principal elevation that fronts onto Stockethill Way and a rear garden that borders Oldcroft Terrace. The front garden on the site slopes up, with an existing path and steps to meet the pavement at Stockethill Way. Parking to the terraced dwellings along Stockethill Way is currently provided by on-street parking, with the south-east end space sitting in front of the application site. Public bins currently sit on the pavement adjacent to this end parking space.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the formation of a driveway to the front of the dwelling in order to provide access to the dwelling for a resident at the property. The driveway would measure 2.87m in width and 5.96m in length, sitting along the north-east boundary, raised 1.32m in height from the garden ground level to meet the existing pavement level. The existing steps to the pavement level would be retained and sit adjacent to the proposed driveway. The driveway would be finished in roughcast render walls and fitted with a railing with glazed panels measuring 900mm in height, resulting in a driveway and glazed panels that sit a total of 2.22m in height from the garden level.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RH46H5BZJ1N00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been made by Roads Development Management and therefore falls outwith the Scheme of Delegation as per point 1. d) vi.

CONSULTATIONS

ACC - Roads Development Management Team – Roads Development Management have raised an objection to the proposal for the following reasons:

- The driveway is too narrow as single driveways are required to be 3m in width.
- On-street parking is already available in the vicinity.
- The driveway would take away one on-street parking space.

- The arrangement of the access to the driveway is not practical due to the proximity of the bin store.
- The applicant could use the existing space as an extension of their driveway.

Rosehill and Stockethill Community Council – No comments received.

REPRESENTATIONS

Two representations have been received in objection to the proposal. The matters raised can be summarised as follows –

- The driveway would take away an on-street parking space.
- A precedent would be set to allow others to do the same which would greatly reduce on-street parking.
- Safety concerns in relation to the proximity of the bin store which is a heavily used area. A car would have to drive over the pavement near these bins to access the driveway.
- The location of the bins could restrict the view of the pathway and pose a danger to pedestrians.
- The driveway does not appear large enough for vehicle doors to be opened.

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)
The Equality Act (2010)
Designing Streets: A Policy Statement for Scotland

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this application, low car development would be supported in residential areas to reduce car use. However, the needs of disabled people has been introduced as a material consideration for this proposal which needs to be taken into account when considering the merits of this application. Such an assessment has been undertaken and is outlined in the evaluation below.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following policies are relevant –

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy T2: Managing the Transport Impact of Development

Supplementary Guidance

Householder Supplementary Guidance
Transport and Accessibility

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking
- Policy D2: Amenity
- Policy T3: Parking

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1: Residential Areas of the ALDP, and the proposal relates to householder development. Householder development would accord with Policy H1 in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, result in the loss of valued and valuable open space and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG). The Transport and Accessibility Supplementary Guidance under Policy T2 further sets out the standards for the design of driveways that are required to be met.

The main planning considerations for this proposal relate to the scale and design of the proposed driveway structure in the context of the impact it may have on the appearance and character of the surrounding residential area. There is also a consideration for the impact on amenity for the surrounding residents in relation to the loss of an on-street parking space and useability of the pavement used to access the driveway. There is also a consideration for the amenity of the neighbouring dwelling, given the proximity of the proposed driveway structure to the boundary of the adjacent property, in relation to any potential visual impact.

The site comprises an existing residential curtilage and the proposal would thus not result in the loss of any valuable or valued open space. All other matters are discussed below.

Scale and Design

The footprint of the front curtilage of the site is 70.52m². As the footprint of the proposed driveway is 18.38m², therefore the erection of this extension would not result in more than 50% of the front garden being covered in development. As such, the proposal is not considered to result in over development of the dwelling.

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. While 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. Supplementary Guidance expects development to be architecturally compatible in design and scale with the surrounding area and for the materials used to be complementary to the existing building.

In terms of scale, the proposed driveway would sit at the same height as the road level and would therefore be subordinate in scale to the dwelling and a suitable height in the context of the site. The railings surrounding the driveway sit 900mm in height and are considered appropriate in scale as they would sit at a similar height to the railing of the existing steps on the site and below the height of the existing neighbouring outbuilding on the boundary of the site. The driveway would therefore be compatible in scale with the existing site and immediate surrounding area. The dimensions of the raised structure are also considered acceptable as it does not overdevelop the site and sits in the section of the site between the existing steps and the north-east boundary that has already been built up on.

As the driveway is located in the front curtilage of the site, it would have a visual impact on the surrounding area from the public road as well as the neighbouring properties. From the public road, the driveway would have the appearance of an extension to the road as it has been raised to the pavement level. The visual impact from a public viewpoint would therefore be minimal as it would sit at the same ground level. The driveway is situated on the shared boundary with 43 Stockethill Way and would therefore be in the line of sight from this property. This site has an existing outbuilding located on the mutual boundary, that sits 925mm closer to the dwelling than

the proposed driveway and at a height of 160mm above the proposed glazed railing. The driveway would therefore sit behind this existing outbuilding and would not have an adverse visual impact on this site. At 47 Stockethill Way, there is a window in close proximity to the mutual boundary with the application site. There would therefore be a visual impact when looking out the front of the property, with the current view being of the front garden, with the outbuilding being visible at 43 Stockethill Way as well as the cars along the road. As the proposed driveway sits at a height of 1.32m from the garden level, it would sit just above the existing boundary fence and at the same height at the existing steps to the pavement level. When a car is parked on the driveway, it would appear prominent from this neighbouring property as it would be located closer to the property than the existing cars on the public road. As the garage sits 3.13m away from the south-west boundary and 6.41m from the front building line of the neighbouring property, this impact is not considered to be detrimental, but the proposal would alter the current situation. The proposal is thus acceptable, provided it would not have an adverse impact on the amenity afforded to any neighbouring property in relation to any overbearing impact or loss of daylight. This consideration has been assessed below.

The design of the proposed driveway is of a typical style for this type of development and is considered to sit comfortably within the site and be compatible with the existing dwelling, with the use of roughcast render being in keeping and complementary to the dwelling. The use of glazed panels is considered appropriate for this type of protective barrier around the raised driveway and the railing would not pose a significant visual impact on the surrounding area as glazing at a height of 900mm would make it unobtrusive from a public viewpoint.

The principal of having a driveway to the front of this property is not typical given that there is public parking to the front of the site and the development would result in the loss of an on-street parking space. However, it has been advised by a General Practitioner, with sufficient documented evidence provided, that a driveway would address specific needs arising from the disability of the resident. The current unallocated parking situation does not guarantee a parking space to the front of the dwelling, further increasing the safety risk for the resident. When the parking space is available, the existing bin store also makes it difficult to manoeuvre in and out of the car due to its location at the edge of the pavement, making it challenging to step onto the pavement when exiting the car. The possibility of making the parking space to the front of the house into a disabled parking space was discussed with the applicant as an alternative to forming a private driveway. However, due to the nature of the disability, this would not address the safety concern of accessing the car in a safe space. In addition, a disabled parking space would not guarantee safe parking for the site as it would not be allocated to this dwelling, allowing any blue badge holder to use it. The proposed driveway would therefore be acceptable if it is considered reasonable justification has been provided to demonstrate that the proposed driveway would advance the equality of opportunity for this resident. This consideration has been assessed below.

In summary, the proposed driveway is of a scale and design that is considered compatible with the existing dwelling and would be appropriate in the context of the site. The proposal would not have a negative impact on the appearance of the surrounding area but is not considered in keeping with the character of the area due to the exceptional need for the development. The proposal would therefore comply with Policy H1 and Policy D1 of the ALDP.

Amenity

No development should result in an adverse impact on the amenity of any neighbouring dwelling. As the driveway sits on the shared boundary with 43 Stockethill Way, it has the potential of having an impact on the visual amenity and overbearing impact on the site. The proposed driveway is considered to have a minimal overbearing and visual impact on the neighbouring site as it will be predominantly hidden behind the existing outbuilding to the front of 43 Stockethill Way. The east-most window on the ground floor of the neighbouring dwelling would have a view of the driveway,

however, this window forms part of the entrance to the dwelling, adjacent to the front door, and the presence of the driveway would likely not impact the enjoyment of the space. The existing outbuilding is also significantly visible from this window and the driveway is therefore not considered to worsen this visual amenity of this property. In addition, the solid section of driveway is 1.32m in height which would be predominantly hidden by the existing fence on the boundary. The proposed railing would also not have a significant visual impact for the neighbouring property or an impact on the daylight they receive as it is formed of glazed panels. As the proposed garage would sit 3.13m away from the south-west boundary and 6.41m from the front building line of the terraced properties, it is also not considered to have an adverse impact on the amenity of 47 Stockethill Way in terms of any overbearing impact or loss of daylight.

Parking

The proposed driveway would be in conflict with the Transport and Accessibility Supplementary Guidance as a driveway in a front garden would not usually be permitted where there is on-street parking available. However, as a specific need for on-site parking has been identified to provide safe access that on-street parking cannot, it is considered that a reasonable justification has been provided to allow one on-street space to be removed to provide one off-street parking space to the front of this property. Roads Development Management has raised their concern with this aspect of the application due to the loss of an on-street parking space for the surrounding residents.

The area of the existing footpath and proposed driveway is 31.75m² and the front garden has a footprint of 70.52m². The proposal would therefore not result in more than 50% of the site being used for parking. The proposed ACO drainage channel and vertical drainage would provide appropriate drainage to remove any surface water. The proposed dropped kerb would also provide sufficient access to the Stockethill Way and would therefore be acceptable.

Single driveways to existing dwellings are required to be 5m in length and 3m in width. As the proposed driveway would measure 5.97m in length and 2.87m in width, it would fall below the required width for a driveway. However, this would be 130mm smaller than the required width and could not be made wider due to the location of the existing path and steps on the site. As the average width of a car is approximately 1.8m, the driveway is considered to still be adequately useable by the residents of the site. As parking bays are typically 2.5m in width, this is considered to be an improvement upon the existing parking conditions for the resident, that currently sit immediately adjacent to a bin store located up to the pavement edge, which currently impede exiting a car.

As the driveway would cross the existing footpath, in close proximity to the existing bin store, there is a concern for safety to pedestrians using the area, particularly if reversing into the driveway. The existing bin store would reduce the visibility splay while entering the driveway as these bins are approximately 145cm in height and the visibility of pedestrians to the east would be partially blocked. The Designing Streets Policy Statement requires that the frequency of vehicle movement, pedestrian activity and footway width is considered when assessing the visibility splays for a private driveway. As this would be a single driveway, the pavement would likely only be crossed by the car a couple of times a day. The pavement is adjacent to one of two bin stores along Stockethill Way and would therefore likely be used by 37, 39, 41 and 43 Stockethill Way as this would be their closer bin store and they would need to use this section of the pavement to access it. This section of the pavement may also be used by pedestrians not using a car. As there are public paths at both ends of Stockethill Way and the application site sits fairly central along the road, this may be an infrequent use of this section of the pavement. The pavement is a standard 1.74m width and extends to be significantly wider at the bin store. As there is an adverse impact on the safety afforded to the neighbouring residents using this space, the bin store will be required to be moved prior to the construction of this driveway, further from the edge of the pavement to provide a wider visibility splay. Due to the layout of the pavement, it is considered that when a car

is reversed into the existing on-street parking space, they would then have sufficient visibility to continue reversing into the driveway as they would be able to see any pedestrians on this section of the pavement.

As the existing northwest boundary is treated with an 800mm high fence, there would be sufficient visibility of the public pavement when exiting the driveway onto the road. In terms of the location of the bins on the pavement, the car would be able to pull forward from the proposed driveway into the existing on-street parking space and leave as normal. The driveway would also be at right angles to the road to allow them to see pedestrians from both directions. Due to the curve of the pavement and the location of the proposed driveway, pedestrians using the pavement to the east would be visible over 15m away until the bin store blocks them from view. There is therefore, not considered to be any safety concern when exiting the driveway.

In summary, the proposed driveway is in tension with the Transport and Accessibility Supplementary Guidance as it does not meet the requirement for a 3m wide driveway, it would take away an on-street parking space and crossing the pavement would result in a greater safety concern than the existing parking. However, as a need has been identified for off-street parking for this property, the loss of one on-street parking space would be considered acceptable. The driveway is also considered functional as it would be 2.87m in width and can't be made wider due to the existing stairs on the site. The relocation of the bin store is considered to sufficiently address safety concerns when entering the driveway by providing a greater degree of visibility of pedestrians.

Equality Considerations

Section 149 of the Equality Act 2010 requires the Planning Authority, in the exercise of its functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

In this case, it has been brought to the attention of the Planning Service that the proposal could impact on persons with a relevant protected characteristic, disability. The submitted supporting documentation supplied by a general practitioner has advised of the need for the proposed parking space to provide safe and unhindered access to the dwelling. It has been identified within the supporting documentation that the provision of the driveway will address the specific needs arising from the disability, as well as multiple reasons why the use of on-street parking would be more

difficult. The design of the proposed driveway would provide access to a car without the need to step onto the public road or walk an unmanageable distance to a parking space further along Stockethill Way. It is considered that sufficient evidence has been provided to demonstrate that exceptional circumstances should be made to offer this site more favourable parking in the interest of personal safety.

In summary, the application is considered to remove disadvantages suffered by a person with a protected characteristic and advance equality of opportunity by providing safe access to the site, a comfortable distance from the property.

Representations

The proposed driveway would take away one on-street parking space and provide one off-street space on the application site. The need for a driveway for the applicant has been identified to justify losing an on-street parking in the interest of safety for a resident at the property. As a specific need for a driveway at this property has been identified, it would not set a precedent for any property in the area to also form a driveway to the front of their property. The visibility of pedestrians and safety in relation to accessing this driveway has been assessed as part of this application and the bin stores will be located prior to the use of the driveway to improve the current situation. The size of the proposed driveway has also been assessed above in this report.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The scale and design of the proposed development is considered compatible with the existing dwelling, appropriate in the context of the site and would be acceptable in line with the standards set out in the Householder Development Guide. The materials used are complementary to the existing dwelling and would not have an adverse visual impact on the appearance of the surrounding residential area. The proposed driveway is in tension with the standards set out in the Transport and Accessibility Supplementary Guidance as it would be 2.87m in width as opposed to the 3m standard and would result in the removal of an on-street parking space. However, sufficient justification has been provided to demonstrate the need for more favourable parking on this site in the interest of advancing the equality of opportunity for a resident at the property with a protected characteristic. The proposed driveway is also of a functional size that would have sufficient visibility in order to access the parking space. As such, the proposal complies with Policy H1: Residential Areas and Policy D1: Quality Placemaking by Design of Development of the Aberdeen Local Development Plan 2017, and the associated Supplementary Guidance: Householder Development Guide and the relevant policies of the Proposed Aberdeen Local Development Plan 2020 and Designing Streets: A Policy Statement for Scotland.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) BIN STORE RELOCATION

That the driveway hereby approved shall not be constructed unless the bin store has been moved in agreement with the Council's Waste and Recycling Service away from the edge of the pavement adjacent to the existing parking bay.

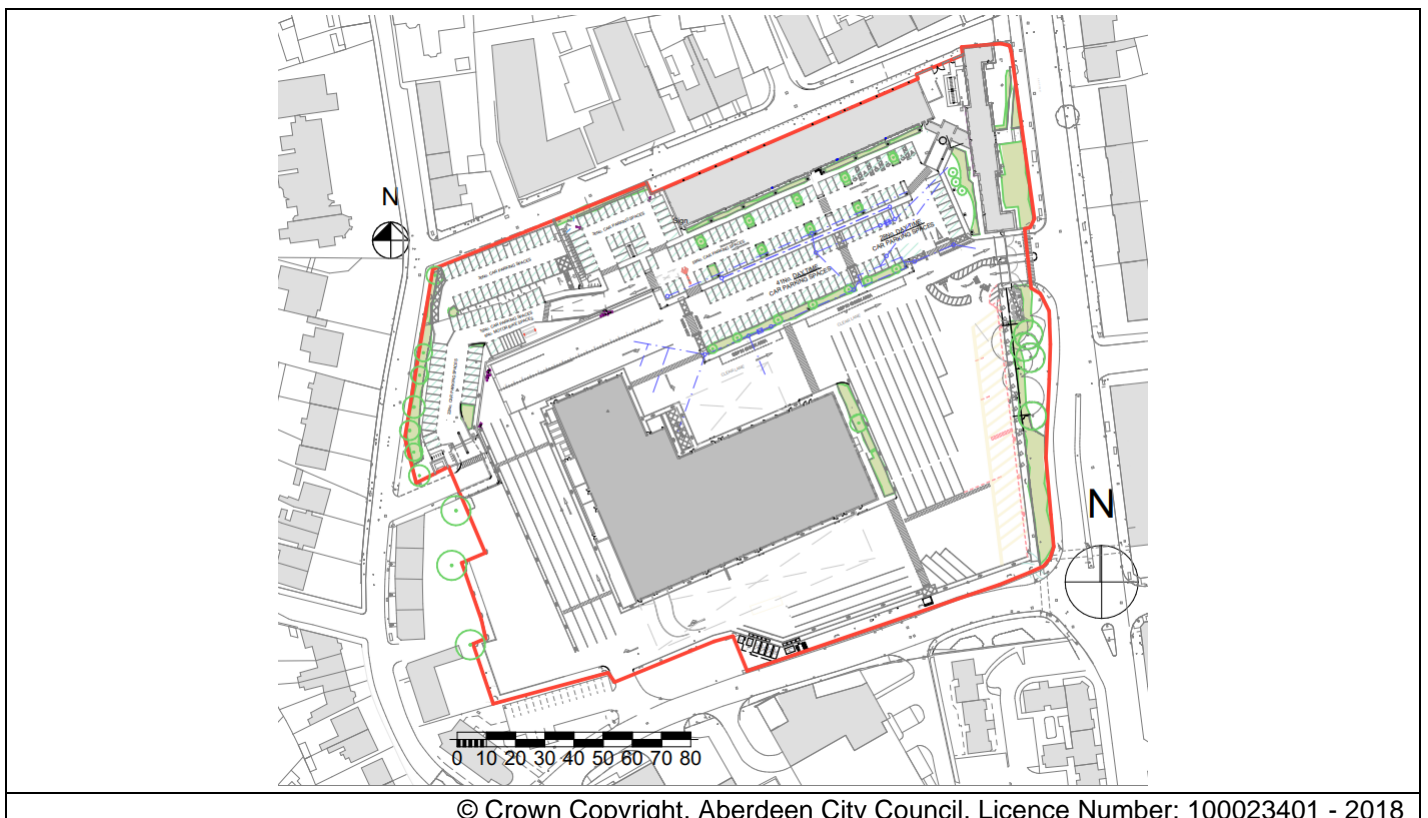
Reason - in the interest of improving visibility entering the proposed driveway.

ADVISORY NOTES FOR APPLICANT

This driveway shall require the provision of a drooped kerb in order to allow suitable access/egress, however, given that there is an existing dropped kerb for the adjacent property, this shall require to become a double driveway/dropped kerb length. This works shall require to be carried out by ACC Roads Maintenance Unit and the applicant should contact via email (footwaycrossings@aberdeencity.gov.uk) in order to get an estimation and programme in the necessary works.

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 12 January 2023

Site Address:	First Aberdeen Ltd, 395 King Street, Aberdeen, AB24 5RP
Application Description:	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works
Application Ref:	221328/DPP
Application Type	Detailed Planning Permission
Application Date:	4 November 2022
Applicant:	FirstBus
Ward:	George Street/Harbour
Community Council:	Old Aberdeen
Case Officer:	Robert Forbes



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises a large bus depot, associated offices and parking situated on the west side of

King Street, with Mounthooly Way to the south. It was substantially redeveloped in accordance with planning permission granted in 2008. A large modern building of industrial appearance is located centrally within the site. The site also includes a category C granite listed building of 19th century origin which fronts onto King St and is used as offices. The main site access /egress is from King St, with secondary access to the staff car park via King's Crescent. There is a further access onto Mounthooly Way, but this appears to be unused. The depot undertakes activities such as refuelling, storage, repair and maintenance of vehicles. There is established soft landscaping and trees at the main site frontage onto King Street and at various locations with the site, including bounding Kings Crescent to the west.

There is a mix of uses in the vicinity including student accommodation, residential, retail, a fire station and police offices. Old Aberdeen Conservation Area bounds the west and part of the north site boundaries which are formed by 1.8m high granite walls.

Relevant Planning History

Application Number	Proposal	Decision Date
220868/DPP	Installation of electric vehicle (EV) substation housing, feeder pillars, chargers and associated works	26.07.2022 Status: Withdrawn
221148/DPP	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works	01.11.2022 Status: Withdrawn
151508	Installation of 2 external condenser units.	25.01.2016 Status: Approved
101430	Erection of 29 No. lighting columns and associated lighting units	25.11.2010 Status: Approved
070336	Redevelopment of bus depot and erection of office building	13.02.2008 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

Installation of various EV apparatus / equipment required to enable the charging of the electric bus fleet within the existing depot, including installation of electrical substations. The proposals can be summarised as follows:

- 1No. GRP Housing for a Ring Main Unit(RMU);
- 4No. GRP Housings for Transformer substations;
- Feeder pillars (electrical switch panels / distribution boards);
- Meter housings;
- 69 dual headered chargers;
- 69 power units located within timber acoustic fence enclosure / housings.

The works also involve erection of screen fencing which would provide acoustic and visual screening of the apparatus.

No physical alteration of the boundary walls or extension of the depot / yard area is proposed. No

changes to existing operations at the site are sought.

Amendments

Amended site layout to include tree planting along west site boundary.

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=RKTFPMBZL3P00>

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment (AIA)
- Noise Impact Assessment (NIA)

Reason for Referral to Committee

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

CONSULTATIONS

ACC - Roads Development Management Team – No objection

ACC - Environmental Health – No objection.

Old Aberdeen Community Council – Object on the basis of noise impact and consider that the NIA is technically inadequate. Request clarification if changes are sought regarding any change to existing operations at the site. Request that a condition is imposed regarding long term monitoring of noise at the site. Consider that the existing planted area on Kings Crescent provides an important buffer for residents and the adjacent conservation area and should be reinforced by new planting.

REPRESENTATIONS

A total of 4 timeous objections have been received raising the following matters:

- Loss of trees / landscaping
- Need for replacement tree planting
- Adverse impact on the character and setting of Old Aberdeen conservation area.
- Inadequate noise assessment.
- Uncertainty regarding the proposed attenuation measures (e.g. acoustic fencing),
- Impact on human health and wellbeing due to potential sleep deprivation / noise impact.

- Adverse impact on residential amenity due to existing activities at the site.
- The design solution does not consider the site context, impact on the conservation area, or deliver enhancements.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy 2014 (SPP)
- Historic Environment Policy for Scotland (HEPS)
- National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this particular application there is no conflict with the objectives of NPF4 and thus no need for a detailed assessment. The following assessment therefore focuses on the policies of the adopted local development plan.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The SDP was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is now beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

- H2: Mixed Use Areas
- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- T2: Managing the Transport Impact of Development

- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- NE5: Trees and Woodland

ALDP Supplementary Guidance (SG)

- Transport and Accessibility SG
- Trees and Woodlands SG
- Landscape SG
- Noise SG
- Air Quality SG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Report of Examination on the PALDP was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

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

The following PALDP policies are relevant –

- H2 (Mixed Use Areas)
- T2 (Sustainable Transport)
- T3 (Parking)
- WB1 (Healthy Developments)
- WB2 (Air Quality)
- NE5 (Trees and Woodlands)
- D1 (Quality Placemaking)
- D4 (Landscape)
- D5 (Landscape Design)
- D6 (Historic Environment)

Other Material Considerations

- Aberdeen City Local Transport Strategy (LTS)
- ACC Air Quality Action Plan 2011 (AQAP)
- Old Aberdeen Conservation Area Character Appraisal 2015 (CACA)

EVALUATION

Principle of Development

The works directly relate to the existing authorised use of the site as a bus depot and are required to enable transition of key public transport infrastructure away from dependency on fossil fuels. Therefore, the works accord with the presumption in favour of development which contributes to sustainable development as expressed in SPP and the net zero emissions and climate action objectives of NPF4. The proposal aligns with the LTS project to provide new low carbon hydrogen buses on key city route to improve air quality and encourage more sustainable and active transport journeys.

Impact on residential amenity

ALDP policy H2 requires that the development results in no conflict with adjacent amenity. The submitted NIA demonstrates that there would be no insurmountable noise impacts and has been undertaken in accordance with the technical expectations of ALDP policy T5 and related guidance. It has been reviewed by ACC EHO consultee who accept its conclusions that there would be a negligible noise impact. There is no evidence in the NIA, or otherwise, that the proposed works would result in sleep deprivation to adjacent residents due to noise emissions at night. The NIA notes that the acoustic environment at the site is largely affected by road noise outwith it. Thus there is no basis for refusal on the grounds of adverse noise impact. The Council has separate statutory powers to investigate alleged noise complaints irrespective of the land-use planning process. Installation of relevant physical noise attenuation measures within the site (e.g. acoustic fencing and plant enclosure) can be ensured by condition as requested by the EHO.

Although some of the proposed acoustic fencing is 4m high, it would be located adjacent to a much larger building, rather than at the site edges and thus would not impact on residential amenity (e.g. due to shading / over-domination). The other physical works are of limited scale/ located away from the edges of the site such that they would have no impacts in terms of over domination or overshadowing of adjacent residential premises. No change of use or intensification of the use of the site is proposed. Thus, it can be concluded that the proposal results in no conflict with ALDP policy H2.

Tree Impact

Notwithstanding that a condition was imposed on the 2008 planning permission (ref. 070336) which precluded works to trees at the west site boundary, without prior consent, no such works are proposed as part of this application. These trees are not protected by virtue of a TPO and do not lie within a conservation area (although their canopies partly extend into Old Aberdeen Conservation Area). Some of these trees have been affected by disease and will likely require to be felled. However these trees are not impacted by the proposed works. The proposal responds to concerns raised in previous applications by repositioning plant located at the west edge of the site and avoiding adverse impact on adjacent trees within the site. The supporting Arboricultural Impact Assessment has been reviewed by relevant tree officers within the Council and its findings are accepted. Implementation of appropriate tree protection and replanting (including replacement of dead elm trees at the west site boundary adjacent Kings Crescent) can be ensured by condition in accordance with the objective of ALDP policy NE5.

Design Quality

Given their location within a bus depot and adjacent to a large modern building of industrial appearance and modest scale, it is considered that the proposed works are appropriate to their context and of suitable design quality. No mitigation measures are required and there would be no adverse impacts on visual amenity. Thus, the works accord with the expectations of ALDP policy D1.

Landscape Impact

There would be a degree of loss of established landscaping within the site and thus a degree of conflict with the objective of ALDP policy D2. However, such planting areas that would be impacted are not located at the periphery of the site or adjacent to public places or residential uses, such that their value as public assets is limited to a degree. Provision of supplementary / replacement landscaping on site is proposed, including provision of a total of 11 new deciduous trees at the edges of the site. Implementation of this planting can be ensured by use of a condition and would provide suitable compensatory planting to address the expectation of ALDP policy D2.

Heritage Impact

The proposed works are of a minor nature and do not directly affect any heritage assets. Given the

existing use and configuration of the site and their modest scale, the works have no impact on the setting of listed buildings (including the Category C listed building within the site and nearby category A listed former convent / chapel on Kings Crescent). Given the retention of the west site boundary wall and the limited scale of the works, the development has no impact on the character or appearance of the adjacent Old Aberdeen conservation area and no conflict with the objectives of the CACA. Thus, there is no conflict with the objective of HEPS or ALDP policy D5. The proposed replacement tree planting at the west side boundary would, help to provide continuity of tree cover and screening of the depot when viewed from the adjacent conservation area and is therefore welcome.

Transport / Parking Impact

The proposal results in no change to existing access / egress arrangements at the site, no substantive change in the overall number of vehicles accommodated within it and no traffic generation. The overall number of buses accommodated on the site would be less than the number allowed by the planning permission granted in 2008 (ref 070336). The existing number of car parking spaces would be retained. Thus, there is no requirement for further supporting technical traffic impact information and no conflict with ALDP policies T2 and T3. The ACC Roads Consultee has no objection to the works and does not request any off site works or mitigation measures.

Air Quality

The proposal would result in a significant reduction in the usage of commercial diesel vehicles (buses) and consequent improvement in local air quality in accordance with the objective of ALDP policy T4, resulting in consequent benefits to public health. As the site does not lie within / adjacent to an air quality management area, there would be no increase in vehicle traffic and an overall improvement in air quality, there is no requirement for an air quality impact assessment and no conflict with related SG. The reduction in usage of diesel vehicles also accords with the AQAP objective to encourage low emission vehicles.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Whilst proposed policy WB1 within the PALDP relates to health impact, the weight which can be afforded to this policy is currently limited as compliance with it is dependent on assessment of guidance which has not yet been produced by the Council. Furthermore, there is no equivalent policy in the adopted plan or SPP. Although there is reference to Health Impact Assessments (HIA) in the draft NPF4, this currently has limited weight. It is considered that there is no reasonable requirement for the agent to provide a HIA in this case given the limited scale of the development, the existing policy context and the benefits of the proposal in terms of reduction of noise and air pollution associated with the existing use of diesel vehicles. Whilst the policy context may change in the near future, at the present time, health impact is therefore not a material consideration of significance in this case.

Other Matters Raised in Representations

Notwithstanding that nearby residents have raised concerns regarding alleged noise nuisance and other impacts due to emissions from / activities within the site (e.g. running of vehicle engines, washing of vehicles within the site and associated noise / air quality impact), that is an existing situation and it would not be reasonable to require that such impacts are restricted or mitigated by this planning application. No changes to existing operations at the site are sought. It is noted that the bus depot is a long-established use which predates the 2008 planning permission for the office HQ building and reconfiguration of the depot (ref. 070336). Thus, any such impacts would also be

associated with its historic use and of which local residents would be aware. Other powers exist in relation to investigation and addressing of noise nuisance concerns and it is not appropriate to duplicate such controls by use of planning conditions. Similarly, given the established use as a bus depot and the minor nature of the works, it is not reasonable to impose a condition regarding long term noise monitoring as requested by the Community Council. Construction details of the proposed acoustic fencing can be required by condition in order to ensure that it is technically appropriate. Impact on health and wellbeing is considered above. The proposed new planting at fringes of the site is considered to be a public benefit of the proposal. Although it is claimed that the trees on site at the west boundary are legally protected, as the site does not lie within a conservation area and no TPO exists, the existing trees have no formal protection, notwithstanding that a condition imposed on the 2008 planning permission requires that the applicant notify the Council of proposed tree works.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The works directly relate to the existing authorised use of the site as a bus depot and are required to enable transition of this key public transport infrastructure away from dependency on fossil fuels. Therefore, the works accord with the presumption in favour of development which contributes to sustainable development as expressed in Scottish Planning Policy 2014 and the net zero emissions and climate action objectives of National Planning Framework 4. The proposal results in no conflict with policy H2: Mixed Use Areas within the Aberdeen Local Development Plan 2017 (ALDP). The proposal results in no change to existing access /egress arrangements at the site and no substantive change in the overall number of vehicles accommodated within it or traffic generation, thus there is no conflict with ALDP policies T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel. The proposal would result in a significant reduction in the usage of commercial diesel vehicles (buses) and consequent improvement in local air quality in accordance with the objective of ALDP policy T4: Air Quality. The submitted NIA demonstrates that there would be no insurmountable noise impacts and has been undertaken in accordance with the technical expectations of ALDP policy T5: Noise and related guidance. The works accord with the expectations of ALDP policy D1: Quality Placemaking by Design. Implementation of compensatory planting can be ensured by use of a condition to address the expectation of ALDP policy D2: Landscape. There is no conflict with the objective of HEPS or ALDP policy D4: Historic Environment, and Historic Environment Policy for Scotland. Implementation of appropriate tree protection and replanting can be ensured by condition in accordance with the objective of ALDP policy NE5: Trees and Woodland and related guidance.

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

CONDITIONS

01. DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

02. TREE PROTECTION

No development shall take place in relation to construction works authorised by this permission unless the proposed tree protection fencing as identified in drawing number: WC-127.1c.5 of the approved arboricultural assessment report dated 02/12/22 (Woodsage Consulting ref: WC-127.1 rev C), or such other drawings as may be approved, has been implemented on site and is retained for the duration of construction works on site. Evidence of implementation of such fencing and related signage shall be submitted to the Planning Authority in advance of commencement of development. No excavation, storage of materials, supplies, plant, machinery, spoil, changes in ground levels or other construction activities shall take place within the protected areas within the site.

Reason – In order to ensure the amenity of the area is protected and minimise impact on trees due to root severance / soil compaction.

03. SOFT LANDSCAPING / TREE PLANTING

All soft landscaping / planting proposals on site as identified in drawing number 1176- 003 rev. K shall be carried out in accordance with the approved landscape / maintenance scheme and shall be completed during the first planting season immediately following the commencement of the development, or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

04. NOISE ATTENUATION MEASURES

The electric vehicle (EV) charging facilities hereby approved shall not be used unless the specific noise mitigation measures have been installed in complete accordance with the approved Noise Impact Assessment (NIA) dated 0/11/22 (Environmental Noise Solutions Limited ref. NIA/10512/22/10699/v2/395 King Street, Aberdeen), or such other mitigation measures as may be agreed in writing with the Planning Authority. Installation of the following specific noise mitigation measures is required :

a) The proposed fixed plant items and the associated calculated sound power levels, based on manufacturer's data, shall not exceed that advised within Section 4.1 of the report namely, 64 Heliox battery charger units – 73 dB LwA and the noise rating level detailed within tables 4.2 and 4.3

b) Installation of 4.0 m and 2.4 m high noise barriers, the specification and location of which are detailed within the relevant drawings (reference: 1176-003, Title: Proposed Site Plan – Full EV, dated May 22, Revision J) also presented in figure 1.1 of the report and fence drawings (reference: 1176-014, Revision B, Acoustic fence Page 1 of 2, dated May 22 and 1176-015, Revision A, Acoustic fence Page 2 of 2, dated May 22), namely, close boarded timber fence, with low level gravel board to ensure there are no gaps at the foot of the fence. Timber should be minimum 10kg/m², and should be overlapped to ensure there are no gaps between the fence slats.

c) Installation of the glass reinforced plastic (GRP) plant housings to the required transformers and RMU units as detailed within the relevant drawings (reference: 1176-011, Title: Typical Substation / Charger / Feeder Pillar Elevations, dated May 22, Revision A and reference: 1176-

013, Title: Propose RMU Building, dated May 22).

The physical measures identified above, once installed, shall subsequently be retained on site for the duration of the use of the EV equipment.

Reason: In the interests of protection of the residential amenity of nearby residents.

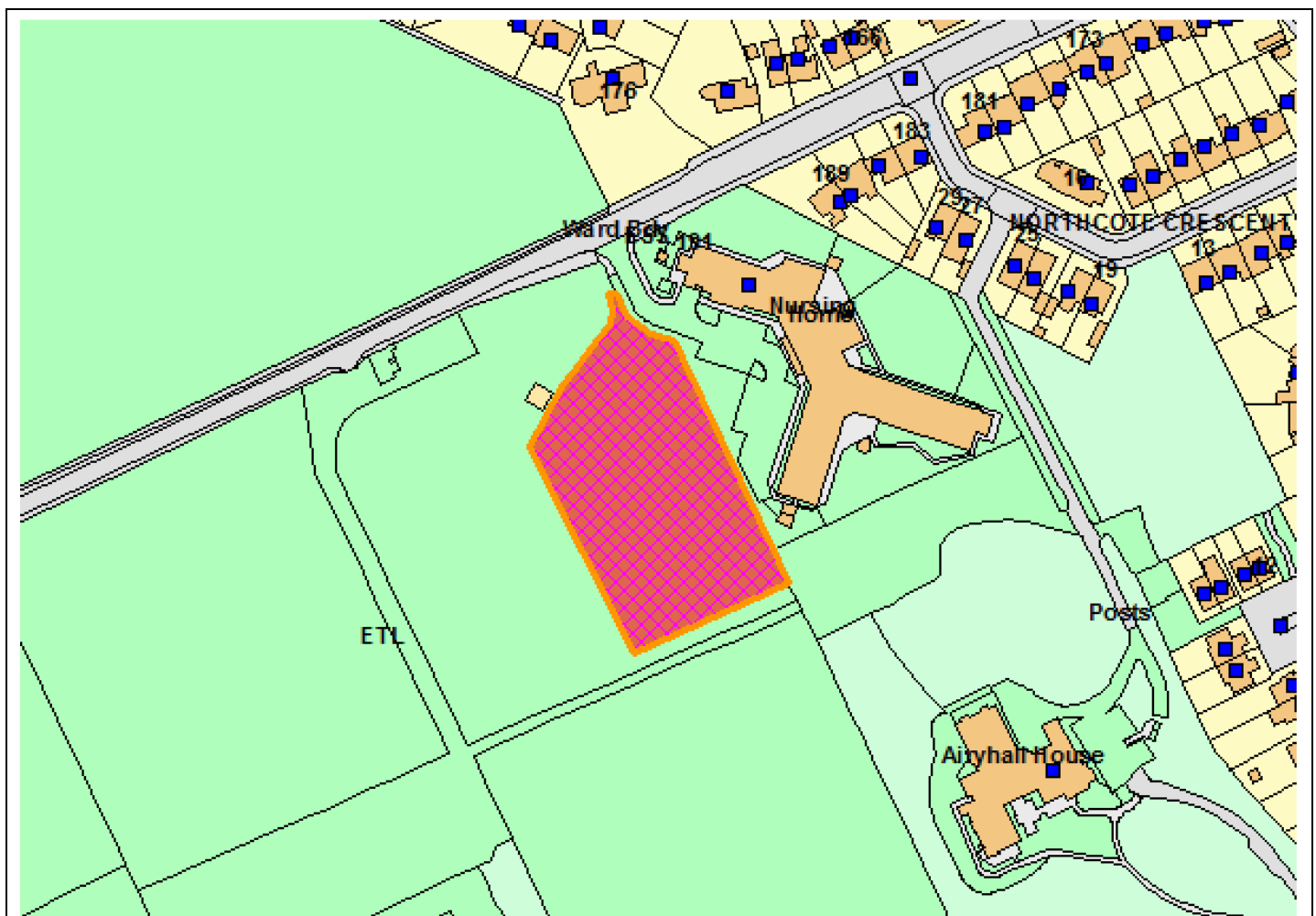


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 12 January 2023

Site Address:	Site west of Northcote Lodge Care Home, Craigton Road, Aberdeen
Application Description:	Erection of nursery, including car parking, landscaping and associated infrastructure
Application Ref:	220772/PPP
Application Type	Planning Permission in Principle
Application Date:	16 June 2022
Applicant:	Drum Real Estate Investment Ltd & Kingswellies Nursery Ltd.
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside and Mannofield
Case Officer:	Aoife Murphy



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND**Site Description**

The application site lies to the south of Craigton Road and comprises an undeveloped piece of unused agricultural land to the west of the city. To the east of the site lies Northcote Lodge Care Home, while the remainder of the existing unused agricultural land bounds the site to the west and south. The site falls within the Green Belt and on land designated as Green Space Network, while the land to the east falls within a residentially zoned area. Existing boundary treatments to the north, adjacent Craigton Road, and east consist of a low-lying drystone wall. Trees can be seen along part of the eastern boundary between the site and the existing care home and to the south of the site. The site falls with the Pitfodels Conservation Area and there are two claimed Rights of Way, GC57 and GC54, that run to the east and south of the site, respectively.

Relevant Planning History

None relevant to the application site.

APPLICATION DESCRIPTION**Description of Proposal**

Planning Permission in Principle (PPP) is sought for the erection of a children's nursery, including car parking, landscaping and associated infrastructure. Although this is an application for PPP, an indicative site plan has been submitted showing a linear building running north-south towards the eastern boundary, with parking located to the north west of the proposed building and open space located to the west, south and east. It is proposed to utilise the existing access to the care home, which comes off Craigton Road and lies to north east, which would create a 'Y' style access leading to the car park and building beyond.

It is noted that while a site plan has been submitted, this plan is only indicative and is subject to change. Supporting information states that the nursery would accommodate 120 children with 32 car parking spaces, 15 cycle spaces and 6 scooter spaces as well as bin storage facilities.

Amendments

None.

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=RDKBP6BZGZM00>

- Archaeology Desk Assessment
- Drainage Assessment
- Environmental Walkover Survey and additional update
- Market Assessment Report
- Planning Statement
- Planning Sustainability Statement
- Supporting Statement
- Transport Statement
- Tree Survey
- Amended Transport Statement

- Amended Planning Statement
- Bat Survey – addendum to Environmental Walkover Survey
- Plant List – addendum to Environmental Walkover Survey
- Supporting regarding site location

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been six or more timeous objections to the application, as such the application falls outwith the Scheme of Delegation.

CONSULTATIONS

ACC - Environmental Health – no comments or observations.

ACC - Roads Development Management Team – has advised that it has no objection to the proposal subject to further detail being conditioned.

ACC - Waste and Recycling – upon reviewing the revised plans and in respect to the amended location of the bin store, the Service has no objection to this development.

Archaeology Service (Aberdeenshire Council) – has reviewed the submitted Archaeological Desk-Based Assessment and are in agreement with its recommendations. As such, the Service are recommending that, in this particular instance, a programme of archaeological works condition is attached should the application be approved.

Braeside and Mannofield Community Council – objects to the application as the area is protected and valuable as an amenity for the local community. Furthermore, the proposal does not comply with the Green Belt policy, the development would impact on and result in the loss of habitat and the resultant increase in traffic due to the nature of the proposal.

The Community Council also reviewed all additional information submitted by the agent and has advised that they are maintaining their objecting to the development in line with the comments above.

Scottish Water – has no objection to this application.

REPRESENTATIONS

Thirteen (13) representations have been submitted all objecting to the application. The matters raised have been summarised as follows:

- Development would result in the loss of an amenity used by local residents
- Development detrimental to character of the general area
- Development would erode designation of Green Belt
- Site is designated as green space
- Site falls within the Pitfodels Conservation Area
- Development would impact on the operation of the care home during construction and operation
- Impact on amenity during construction
- Impact on and disruption to wildlife habitats
- Impact on natural heritage including trees
- Fails to comply with Aberdeen Local Development Plan policies and guidance

- Impact on traffic and road safety concerns
- Development could be located elsewhere, e.g. Braeside School

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this application, while the following assessment focuses on the policies of the adopted Local Development Plan, consideration has been given to NPF4 and its relevant policies and outlines where such conflicts lie.

Scottish Planning Policy (SPP)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

The following policies are relevant –

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscape

Policy D4 - Historic Environment

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy CF2 - New Community Facilities
Policy NE1 - Green Space Network
Policy NE2 - Green Belt
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

Supplementary Guidance (SG) and Technical Advice Note (TAN)

- Landscape SG
- Transport and Accessibility SG
- Natural Heritage SG
- Trees and Woodland SG
- Flooding, Drainage and Water Quality SG
- Green Space Network and Open Space SG
- Resources for New Development SG
- Children's Nurseries SG
- Materials TAN

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy WB3 - Noise
Policy NE1 - Greenbelt
Policy NE2 - Green and Blue Infrastructure
Policy NE3 - Our Natural Heritage
Policy NE5 - Trees and Woodland
Policy D1 - Quality Placemaking
Policy D2 - Amenity
Policy D4 - Landscape
Policy D6 - Historic Environment
Policy R5 - Waste Management Requirements from New Developments
Policy R6 - Low and Zero Carbon Buildings and Water Efficiency
Policy T2 - Sustainable Transport
Policy T3 - Parking

Other Material Considerations

Pitfodels Conservation Area Character Appraisal

EVALUATION

The application requires to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan 2020 (SDP) and the Aberdeen Local Development Plan 2017 (ALDP). The emerging policy context, as set out in the Proposed Aberdeen Local Development Plan 2020 (Proposed ALDP), has undergone Examination by Scottish Ministers, is awaiting adoption by Aberdeen City Council and is therefore a relevant material consideration.

In respect to the principle of development, the site is currently designated as Green Belt and Green Space Network (GSN) and therefore in terms of the current ALDP the relevant policies are Policy NE1 - Green Space Network and Policy NE2 - Green Belt. With regards to the Proposed ALDP, the site would remain as Green Belt and GSN, for which Policy NE1 - Greenbelt and Policy NE2 - Green and Blue Infrastructure are relevant. It is noted that the site formed part of three Bids to the Proposed ALDP 2020, B09/12 for 70-75 residential units, B09/13 for 30 residential units and B09/14 for a care home and garden centre. All bids were assessed as being undesirable by the Planning Service in the Main Issues Report 2019 and no allocations are proposed for this site in the Proposed ALDP 2020. As such, the assessment of this application will fall to Policies NE1 and NE2 of both plans as they are the principal policies in respect of the sites land zoning.

However, as the proposal includes a new community facility, Policy CF2 - New Community Facilities is also relevant and such proposals will also be subject to meeting the criteria of the Children's Nurseries SG. A full assessment against all principal and relevant policies and SG's will be carried out below.

Principle of Development

The aim of the Green Belt is to maintain the distinct identity of Aberdeen by defining its physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

With the foregoing in mind Policy NE2 is explicit in stating that: *'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.'*

Although there are various exceptions to the above statement, these principally apply to small-scale development associated to existing activities or essential infrastructure. There is no provision in Green Belt policy for the formation of new development other than replacement dwellings or the small-scale conversion of former agricultural buildings. The proposed development is therefore contrary to Policy NE2.

In relation to GSN, Policy NE1 states that: *'The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.'*

While the site is currently unused agricultural land, its forms part of a corridor that connects the woodland to the east with the GSN to the west. Therefore, any development on this location would seek to erode the character and function of the GSN, failing to comply with Policy NE1.

With respect to Policy CF2, this policy outlines that proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists. While the Children's Nurseries SG states that the main considerations for determining such applications will be

- The likely effect on the character of the area, especially where the building would be completely removed from residential use and whether it would impact on a conservation area and/or listed building;
- The potential for car parking and traffic congestion caused by both staff and parents dropping off and collecting children; and
- Noise from children, both internally and externally.

The SG gives further advice on developments within residential/mixed use areas and non-residential/industrial areas. However, neither of these is relevant to the assessment of this application and therefore cognisance must be given to the aspects highlighted under the bullet points above.

While assessment against Policy CF2 is being considered under the section 'Principle of Development', the content of Policy CF2 does not outweigh the fact that the site is zoned as Green Belt or GSN, Policy NE2 and NE1, respectively, which in terms of hierarchy of policies are considered to be the primary policies against which this application should be assessed.

In terms of supporting information, the applicant has advised of the need of such a development and the requirement of Local Authorities or private facilities to fulfil the provision of 1140hours per year for 3-5 year olds, hence the submission of this application. The applicant in this case currently has a facility within Kingswells which has a waiting list with over 100 children. A Market Assessment Report has also been submitted, which states that the development would provide spaces for 0-5 year olds, with provision for funded places. It is envisaged that this development would capture demand for residents who live in the immediate vicinity, although a catchment area has not been outlined, with the supporting information stating that there is a need for further facilities in the AB15 area. AB15 is an extensive area that extends from Rosemount to Bielside, it includes Clinterty to the north and encompasses Kingswells and is therefore a large and expansive geographical area. This would lead the Planning Service to believe that there is no specific catchment for this facility with the potential that it would serve children city wide as there would be no specific limitations given that it is a private nursery.

While the information contained in the aforementioned report is useful and provides an overview of the need for further nursery places in Aberdeen, it does not provide justification as to why such a development should be located on this Green Belt site, a designation which is in place to ensure sprawling development does not take place. The Planning Statement does however highlight the conflict with Policy NE2, but notes that there are no alternative sites in the control of the applicant that could accommodate the development. However, in respect of this it is noted that the applicant is not the owner of this site, with the application form and associated land certificate advising that the land belongs to someone else. As such, it would appear that the applicant does not have control over this site either. The Statement further advises that the development would be in compliance with the aims of draft National Planning Framework 4 (NPF4) and its encouragement of 20-minute neighbourhoods, that the development of this site would not result in coalescence with Cults and that there is significant green space remaining.

Further supporting information has been submitted in response to the comments made by the Community Council, it outlines that while the application would see the development of this site, if approved, it would only lead to a small extension of the settlement whilst retaining a significant area of green space and Green Belt therefore not leading to coalescence. Additionally, the existing woodland and woodland paths would be retained and finally the site represents low

ecological value as demonstrated through the supporting survey. This statement also provides further information on the need for this development outlining the perceived gap in the market, noting the allocated sites and community facilities within 1 mile of the proposed site.

Having reviewed all supporting and relevant information, it is considered by the Planning Service that this is not a small scale development and ultimately its approval would result in the loss of a portion of the Green Belt regardless of its size. While the Planning Service does have the ability to recommend departures from relevant policies, that is only in certain circumstances where development has been justified. In this case, while the applicant has claimed there is a need, a matter which is not being disputed by the Planning Service, the issues that arise with this development relate to site selection, a matter which has not been duly considered or explored by the applicant. Therefore, it is the Planning Service position the use of this site and ultimately the loss of a section of the Green Belt and GSN has not been justified.

Furthermore, while the applicant advises that this development would only result in the loss of a small portion of Green Belt, the fact of the matter is that it the site is outwith the boundary of the settlement and wholly included within the Green Belt. Encroachment into this area, such as what is being proposed here, does not lend itself to safeguarding the Green Belt as required by the Local Development Plan, but results in the intrusion of this area. Therefore, approval of this application would undermine the value of the Green Belt and has the potential to set a precedent for further development in this location and throughout Aberdeen's administrative area, especially in such cases where the development has not been suitably justified. Further to the requirement of the Local Development Plan to protect the Green Belt, Scottish Planning Policy (SPP) advises that the Green Belt is there to direct development to the most appropriate location, to protect and enhance the character, landscape setting and identity of the settlement and to protect and provide access to open space (paragraph 49). In this case it is considered that this development does not support SPP's aim for the Green Belt, which would directly impact and result in the loss of a section of the Green Belt, affecting the character, landscape setting and the site's/surrounding areas identity.

The Planning Statement also makes reference to this development being in a sustainable and convenient location. In respect of this, SPP advises that in terms of sustainability, *"the aim is to achieve the right development in the right place; it is not to allow development at any cost"* (paragraph 28), with the document further advising that *"planning should direct the right development to the right place"* (paragraph 39). In this case, it is not considered that this site is the right place for this development. As highlighted above, there are strong reasons to protect the Green Belt and not to support inappropriate development, especially in cases where a development has not been justified. Given the potential catchment of this proposed nursery, the Planning Service are not satisfied that it would be sustainable, a matter which is fully considered under the *Transport Impacts* section below and therefore fails to adhere to the aims of SPP.

Reference has also been made to NPF4 in respect of 20-minute neighbourhoods. NPF4 now has some materiality in assessment of planning applications given that it has been laid before Parliament for approval. Policy 15 of NPF4 advises that *"development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods"*, with the aim of the policy being *"to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options"*. However, as highlighted above, given the potential catchment and location of this site, the Planning Service are not satisfied that this development would comply with Policy 15 as it would not create or contribute to a connected and compacted neighbourhood. Furthermore, while not referenced in the supporting information, the intent of Policy 8, which relates to Green Belts is directly relevant. This policy advises that it seeks to *"encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably"*. The outcomes of this policy is to do the following:

- Direct development to the right locations, increase urban density and prevent unsustainable growth.
- To protect and enhance the Green Belts character, landscape, natural setting as well as the identity of settlements.
- To support nature networks and manage land in order to help tackle climate change.

Overall, it is considered that the proposal does not comply with the aims and intent of the relevant policies of NPF4 for the reasons highlighted above.

In respect of the Children's Nurseries SG, it is considered that a building here which seeks to develop an undeveloped site would ultimately effect and irrevocably change the character of this area, a matter which is discussed below. Matters relating to design, assess, parking and noise will be considered under subsequent headings. In respect to Policy CF2, it advises that "proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible", however as noted above, this site would not be a location that is appropriate or overly convenient owing to its extensive catchment. Additionally, the site that it is not considered suitable for development. As such, the proposal cannot be considered compatible with the aforementioned policy. Furthermore, Policy CF2, as mentioned above, does not outweigh the materiality of Policies NE1 and NE2 or that of SPP.

In respect to the Proposed ALDP, the aims of Policies NE1 and NE2 substantively reiterate that of the current plan and therefore do not need to be considered again. Overall, the development fails to comply with Policies NE1 and NE2 of both the current and Proposed ALDP with no material considerations or justification being submitted to allow for a departure from these policies.

In light of the above, the Planning Service are not in a position to support the principle of development in this case, as such a development has not been suitably justified, would result in the loss of an existing undeveloped Green Belt site, which is also designated as Green Space Network and finally the proposal would result in a permanent change to the character of the area. Therefore, the proposal fails to comply with Policies NE1, NE2, CF2 and the associated Children's Nurseries SG or SPP.

Siting, Layout, Design and Landscape

Policy D1 – Quality Placemaking by Design requires high standards of design, that look to meet six essential qualities of placemaking. Furthermore, Policy NE2 requires proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

However, in this case, the application is for PPP as such no details on the finalised layout or overall design have been submitted for assessment, such information would need to be considered at a subsequent application stage should this application be approved. Although it is noted that a proposed site layout plans and visualisation have been submitted, these cannot be used in the assessment of the application as they are indicative.

In terms of the siting of the development on this site, as highlighted under principle of development, the siting is considered to be an issue given the location of the proposed development within the Green Belt. As such, this aspect cannot be supported by the Planning Service given that it is deemed to not comply with Policy NE2.

The site itself is set back from Craigton Road, it is presumed that this is to avoid conflict with the existing mast that sits within the field. As mentioned, an indicative site plan has been submitted which shows the proposed, albeit subject to change, location of the development within the site. This plan shows the access to the development being shared with the existing access that serves

the care home to the east, creating a 'Y' junction from Craigton Road, which would then lead to an area of car parking. The building would be located further south of the area of hardstanding, with areas of green space to the west and along the eastern boundary. While visualisations of the proposed building have been submitted in support of this application, detailed elevation drawings have not been provided, once again this is owing to the fact that the application is for PPP. While such information is not required for a PPP application, given the requirements of Policy NE2, the principal policy, in respect of design and layout, it is considered that an appropriate assessment cannot be undertaken. Fundamentally, a PPP application seeks to establish the principle of development, but in this case, a requirement of the principal policy is for the development to be of the highest quality in terms of siting, scale, design and materials, matters which cannot be considered given the lack of information, therefore, it is debateable whether the application can be duly considered against the criteria of Policy D1 and design requirements of Policy NE2.

However, the Planning Service would like to point out that these aspects are subservient to the fact that the site is not acceptable for such a development, owing to the reasons highlighted under the section above. As such, this information was not requested for this reason.

In respect to the character of the landscape and Policy D2 - Landscape, which seeks to ensure development improves and enhances the setting and visual impact, the site sits within the River Valley Landscape Character Area, with key characteristics including but not limited to, dramatic river valleys of the Dee and Don; diverse and extensive wooded areas; and a nucleated settlement pattern. The site sits on the boundary of the residential area, which is clearly delineated by the care home sitting to the east. Sporadic development lies to the west of the site, beyond existing trees before moving into a suburban area of Cults. Overall, it is considered that the development of this site, which currently sits vacant, would disrupt the landscape to some degree. However, it may be that siting it further back within the site may have less of an impact on the existing landscape character. At this time however, full consideration of this aspect is difficult to undertake given the limited information submitted with the application.

In light of the above, there are concerns with aspects of the development in respect to siting, layout, design and landscape and therefore the development cannot be considered compliant with Policy D1 - Quality Placemaking by Design, Policy NE1 - Greenbelt and Policy D2 – Landscape.

Historic Environment

As the development sits within the Pitfodels Conservation Area, consideration must be given to Policy D4 - Historic Environment, which seeks to protect, preserve and enhance the historic environment in line with national and local guidance. In this case and similar to the assessment made under 'Siting, Layout, Design and Landscape', the Planning Service have no details of the proposal, bar an indicative visualisations and therefore cannot undertake a full assessment of the development against Policy D4. It is noted that just because a development is located within a conservation area, that does not mean that a contemporary building would not be welcomed, however, that assessment would come down to the detail in terms of design and materials, with a requirement for the development to be of the highest quality of design.

However, it should be noted that the Pitfodels Conservation Area Character Appraisal advises that Craigton Road is characterised by more open views across fields with Plan 4 of the appraisal showing this site to be a key vista. As such, while a full assessment cannot be undertaken, regardless of the finalised design there is a risk that such a development would interrupt these views to the detriment of the conservation area.

Transport Impacts

Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel are both required to assess this development. In respect of Policy T2, it requires that new developments must demonstrate that sufficient measures have been taken to minimise traffic

generated and to maximise opportunities for sustainable and active travel. While Policy T3 requires new developments to be accessible by a range of transport modes. This proposal and the submitted Transport Statement has been assessed by the Roads Development Management Team, with comments provided in relation to the access, parking and accessibility in respect of sustainable and active travel.

With regards to the access, the site is to be accessed from a new priority junction created from the access road to Northcote Lodge Care Home, which itself takes access via a priority junction onto the adopted Craigton Road. This is to be the sole access point for motorists, cyclists, and pedestrians. At this time, it is noted from the indicative layout that the new access does not meet the care home access road at 90 degrees and therefore does not meet the City Council's standards. However, such a matter could be suitably addressed at a subsequent application stage should the application be approved.

In terms of parking, as per the Transport and Accessibility Supplementary Guidance, the maximum permitted parking would be 0.8 parking spaces per staff member, with the applicant advising that there would be 26 staff members. Whilst there is no specific guidance in the Supplementary Guidance for drop off space numbers, having reviewed the expected peak AM and PM vehicle trips (29), some of which will be staff, it is agreed that 10 pick-up/drop off spaces would be acceptable. As such, the Team has advised that any parking within the site should be clearly marked for their intended use, e.g. "Staff Only". As such, the proposal is for 32 parking spaces, allocated as 20 for staff, 10 for pick up / drop off and 2 disabled parking. While the plans indicate such a provision, the submitted site plan is only indicative and therefore further details, including bay measurements etc., would be required to fully assess this aspect of the proposal at a subsequent planning application stage.

Cycle parking has been proposed with 15 cycle storage spaces and 6 scooter spaces, based upon the proposed staff and child numbers this is acceptable. However, these parking spaces should be within 50m of the entrance of the development in a prominent location and should be covered. Full details of these would be required at a subsequent planning application stage.

In terms of accessibility by a range of transport modes, it is acknowledged that the site fronts onto Craigton Road, which is serviced by existing adopted footways, additionally, it is proposed that a new footway is to be constructed on the western side of the access road to the Northcote Lodge Care Home to provide access into the nursery. In terms of cycle access, this would be via the existing roads network as there is no cycle lanes in the vicinity. Finally, in respect of existing bus services, the Team notes that there are bus stops less than 400m from the site. However, these are located within the residential area, with the nearest stops being between 160 and 220m to the east on Airyhall Avenue and Craigton Road, with the stops on Craigton Road being a stand rather than a shelter.

However, despite the facilities that serve the site, the Planning Service does have its concerns regarding the developments ability to maximise opportunities for sustainable and active travel, this is due to the fact that the facility would not solely serve those in the surrounding residential areas, but also those city wide. As such, given the location of the development on the outskirts of the built area, it is considered that there will be a heavy reliance on cars, with parents opting to drive their children to and from the nursery. This is considered to be a reasonable and realistic view to take with such a development, however, this results in a development that is not fully compliant with either Policy T2 - Managing the Transport Impact of Development or Policy T3 - Sustainable and Active Travel. Furthermore, the location has not been suitably justified and it is considered that other sites may have been more appropriate to encourage sustainable and active travel, but it would appear that this was not duly considered by the applicant.

A number of representations highlight concerns regarding traffic and congestion as a result of the proposed development. This has not been highlighted as a concern for the Roads Development Management Team with the Service advising that a trip generation assessment has been carried, showing 383 daily people trips, of which 164 would be vehicle movements. Such movement are not considered to have any adverse impact on the local road network, thus further traffic impact analysis is not required.

The Children's Nurseries SG advises that the potential for car parking and traffic congestion caused by both staff and parents dropping off and collecting children should be considered. These matters have been assessed by the Roads Development Management Team with no concerns noted in the consultation response.

Overall, while the Roads Development Management Team do not object to this proposal, subject to conditions relating to further details of access and parking, it is considered that the approval of such a use, would result is a development that is heavily reliant on cars rather than encouraging sustainable and active travel. Therefore, the proposal cannot be in full compliance with the aforementioned policies and there are no material considerations that outweigh or minimise the effects of the development.

Natural Heritage – Trees

Policy NE5 - Trees and Woodlands advises that there is a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. In this case there are several trees that bound the site to the east and south, as such a Tree Survey has been submitted and reviewed by the Planning Service. Overall, the proposal seeks to retain the existing tree stock with minimal impact. It is however noted that the existing tree stock is in relatively poor condition due to poor management. Whilst it is worthy of retention in the short to medium-term, and this is welcomed by the Planning Service, it would be beneficial to seek additional tree planting as part of the wider landscaping scheme to allow for the introduction of higher quality trees to ensure long-term sustained tree cover is achieved. Such a request would be deemed appropriate by the Planning Service and would be sought via a condition should permission be granted.

Natural Heritage – Ecology

Policy NE8 - Natural Heritage requires the Planning Service to take into account direct and indirect effects on sites protected by natural heritage designations or those that contain or may contain species, protected or otherwise. In this case an Environmental Walkover Survey Report was submitted in support of the application. However, the report lacked a detail description of habitat and a plant list which is an essential part of the habitat survey. Furthermore, while no surveys have been recommended in the report, further bat surveys were required given that outside lighting would be proposed, which may have a significant impact on habitat especially along the south and east boundaries of the site.

In respect of the information above, further information was submitted to satisfy the Planning Service. The information, including the detailed plant list and bat survey, is acceptable at this time, although it is noted that bats are present in the area. As such, this development may result in harm upon the protected species, however, such harm would not be direct, but would be a result of lighting from the development. So, while the information submitted is acceptable at this time, further details of lighting would be required to ensure that appropriate mitigations are in place to avoid conflict the surrounding habitats. Such information can be conditioned with information submitted at a subsequent planning application stage should the application be approved.

While there is no direct impact on the natural heritage as identified in the submitted survey, the Planning Service are concerned regarding the location of the development and the subsequent

impact on the GSN. As highlighted above, the while the site is currently unused agricultural land, identified as improved grassland that forms part of a corridor that connects existing woodland and GSN. As such, the development of this site has the potential to have an indirect impact on the character and function of the GSN. Given that the GSN is designated to encourage connectivity between habitats, improve the viability of species and the health of previously isolated habitats and ecosystems, the development of this site would not seek to promote that aim.

Therefore, in respect of Policy NE8, while there is no ultimate conflict, owing to the location of the development, the proposal cannot be deemed acceptable to the Planning Service given that it would be in direct conflict with the aims of the aforementioned policy as well as Policy NE1 - Green Space Network.

Drainage

In respect of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Assessment has been submitted in support of this application, which advises of the drainage arrangement for the proposed building. In terms of foul drainage, the development will connect to the public infrastructure. With respect to surface water drainage, surface water would be collected before being run through a filtration process and then onto the public infrastructure. This is deemed to be appropriate and in line with the requirements of Policy NE6.

Access

Policy NE9 - Access and Informal Recreation requires that new development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and specifically in this case rights of way.

Two claimed rights of way bound the site to the east and south, GCS57 and CS54, respectively, which connect to other claimed rights of way to the east and west. Having carried out a site visit of these paths, it is clear that they are well used and easily accessible and lead to a wider network of paths through the surrounding fields. While it doesn't appear that these paths would be affected by the proposal, in the interest of promoting outdoor access and informal recreation and to support Policy NE9, these paths should not be affected by the development and the applicant should seek to ensure that long-term access is retained. Given that the Planning Service do not have full details of the site layout at the time, it would be considered appropriate that a condition(s) be applied to ensure that these paths are not affected by development and remain open for the public to use both during the construction and operation of the facility should it be approved. This would ensure compliance with the aforementioned policy.

Waste

Policy R6 - Waste Management Requirements for New Development requires that all new development must have sufficient waste storage for all waste materials. In this case, the indicative site plan shows an area for a bin store adjacent the proposed access. The location of this store has changed since the application was submitted as both Waste and Recycling and Roads Development Management highlighted concerns regarding accessibility for refuse vehicles and distance from the access. Upon review of the amended plans, both Services are satisfied with the new location, however as highlighted above, this plan is only indicative and should permission be granted further details of the bin store would be required to satisfy Waste and Recycling, Roads Development Management and the Planning Service. Subject to such a condition, it would appear that the proposal as it currently stands complies with Policy R6 - Waste Management Requirements for New Development

Low and Zero Carbon and Water Efficiency

A Planning Suitability Statement was submitted in support of this application, which outlines potential technologies that could be utilised to comply with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency. However, full details still need to be submitted and approved,

should permission be granted, this would be requested by condition which would be dealt with at a subsequent planning application stage. Subject to such a condition, compliance with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency cannot be confirmed.

Other Technical Matters

It is noted that there is an electricity pylon located along the northern boundary of the site, but outwith the application boundary. As part of the Scottish and Southern Energy Networks (SSEN) infrastructure it was considered prudent to contact them to ascertain if there would be any impact of this proposal on that pylon or indeed vice versa. SSEN has advised that in this case there is no defined wayleave corridor in place, but that generally development should be outwith 25m of the centre line of the Over Head Line (OHL) for operational and public safety purposes. In this case, the proposal sees development of a car park, within 25m of the OHL but as the application is for PPP, no specific detail has been provided. In order to be able to ascertain if there is a public safety risk details of the development, including the car parking, drainage infrastructure and constructions methods, would be required to ascertain if the proposal has the potential to destabilise the pylon. Should the application be recommended for approval, information on this matter could be requested via condition, however, approval of this application would suggest that in principle development of this site would be possible, but in general terms this is not the case owing to the issues over the suitability to development this site as highlighted above. This development has the potential to impact on existing infrastructure that is not in the control of the applicant. While this aspect of the proposal cannot be assessed against any local policies, as none are relevant, the Planning Service do have concerns regarding the development of the site which are beyond the fact that the site is designated as Green Belt and GSN.

With regards to the Children's Nurseries SG, as highlight above, such development should not result in any impact in terms of noise from children, both internally and externally. In respect of this Environmental Health has been consulted and has advised that the Service has no comments or observations to make against this proposal and therefore require no information in respect of noise. Nevertheless, it is acknowledged that a number of representations highlight concerns regarding noise and the potential impact on the amenity of the surrounding area and specifically the nursing home that lies to the east. However, it is considered that given the location of the development, the existing tree belt that is in place and the apparent orientation of the building and outdoor play space, it is unlikely that there would be any direct impact on the general amenity of the surrounding area. Furthermore, given the proposed hours of operation, there would be no impact from the development into the late evening or night. As such, while the concerns highlighted are noted, the proposal as it stands complies with Policy T5 - Noise.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is not considered acceptable in terms of both plans for the reasons previously given.

Matters raised by the Community Council

Braeside and Mannofield Community Council has advised of their objection to this proposal for several reasons, initial concerns related to the development of this Green Belt site as well as a potential impact on flora and fauna and increased traffic levels. These matters have been given due consideration by the Planning Service, who has also noted concerns regarding the loss of this Green Belt site and the resultant impact on GSN. In terms of traffic, as noted, this was not a major concern to the Roads Service, but inevitably the development would result in increased car journeys to and from the area.

The Community Council also provided two additional comments in response to information submitted by the applicant. These comments have been reviewed and considered throughout the assessment of this application and are a material consideration.

Matters raised in Representations

Matters raised through submitted representations are material considerations and generally these matters have been considered under the relevant headings above, where matters have not been considered, they will be addressed below.

- Development would result in the loss of an amenity used by local residents – *the area appears to be used by local residents for walking, this would be disrupted should the development be approved. However, this area is not identified as open space and is in private ownership, therefore its amenity value is limited to the fact that it contributes to the local character, Green Belt and GSN, but it is appreciated that the site could be utilised for activities such as dog walking and therefore its development would result in the loss of an amenity space.*
- Development detrimental to character of the general area – *this matter has been addressed above.*
- Development would erode designation of Green Belt – *this matter has been addressed above.*
- Site is designated as green space – *this matter has been addressed above.*
- Site falls within the Pitfodels Conservation Area – *this matter has been addressed above.*
- Development would impact on the operation of the care home during construction and operation – *this matter would need to be managed carefully by the applicant should the application be approved, but it is a matter that is outwith the remit of the Planning Service.*
- Impact on amenity during construction – *Should the application be approved, it would be limited to normal construction hours as per the Control of Pollution Act 1974.*
- Impact on and disruption to wildlife habitats – *this matter has been addressed above.*
- Impact on natural heritage including trees – *this matter has been addressed above.*
- Fails to comply with Aberdeen Local Development Plan policies and guidance – *this matter has been addressed above.*
- Impact on traffic and road safety concerns – *this matter has been addressed above.*
- Development could be located elsewhere, e.g. Braeside School – *It is not for the Planning Service to suggest where development should be, but to assess the applications that are submitted. In this case, the Planning Service do have concerns regarding the location of this development as highlighted above.*

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. That the proposed development would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with the existing agricultural or rural setting and would not be associated with mineral extraction or landscape renewal, nor would the proposal meet any of the exception criteria for development in the Green Belt. Additionally, it is considered that the development would represent an impact on the landscape setting of the Green Belt. Furthermore, the development is considered to represent the erosion of the character and function of the designated existing Green Space Network, as such it is considered that the development has the potential to impact existing habitats, especially given the Green Space Network has been designated to protect, promote and enhance wildlife value. As such, the development is contrary to Policy NE2 - Green Belt and Policy NE1 - Green Space Network of the Aberdeen Local Development Plan 2017, would represent a departure from the adopted Development Plan Strategy, Scottish Planning Policy and National Planning Framework 4.

2. That the development would result in a change of the existing rural landscape character of the site to its detriment. As such, the proposal is contrary to Policy D2 - Landscape of the Aberdeen Local Development Plan 2017 and the associated Children's Nurseries Supplementary Guidance.
3. Due to the sites location within the Pitfodels Conservation Area, while no finalised details of the development have been submitted for assessment, it is considered that a development of any nature would interrupt the open views of this vista which is noted as being a key characteristic of the area within the Pitfodels Conservation Area Character Appraisal. As such, there is a risk that the development would interrupt these views to the detriment of the conservation area, which is contrary to the requirements of Policy D4 - Historic Environment.
4. That due to its location, which is considered removed from the established residential area, the proposal does not constitute sustainable development and is therefore considered contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017.

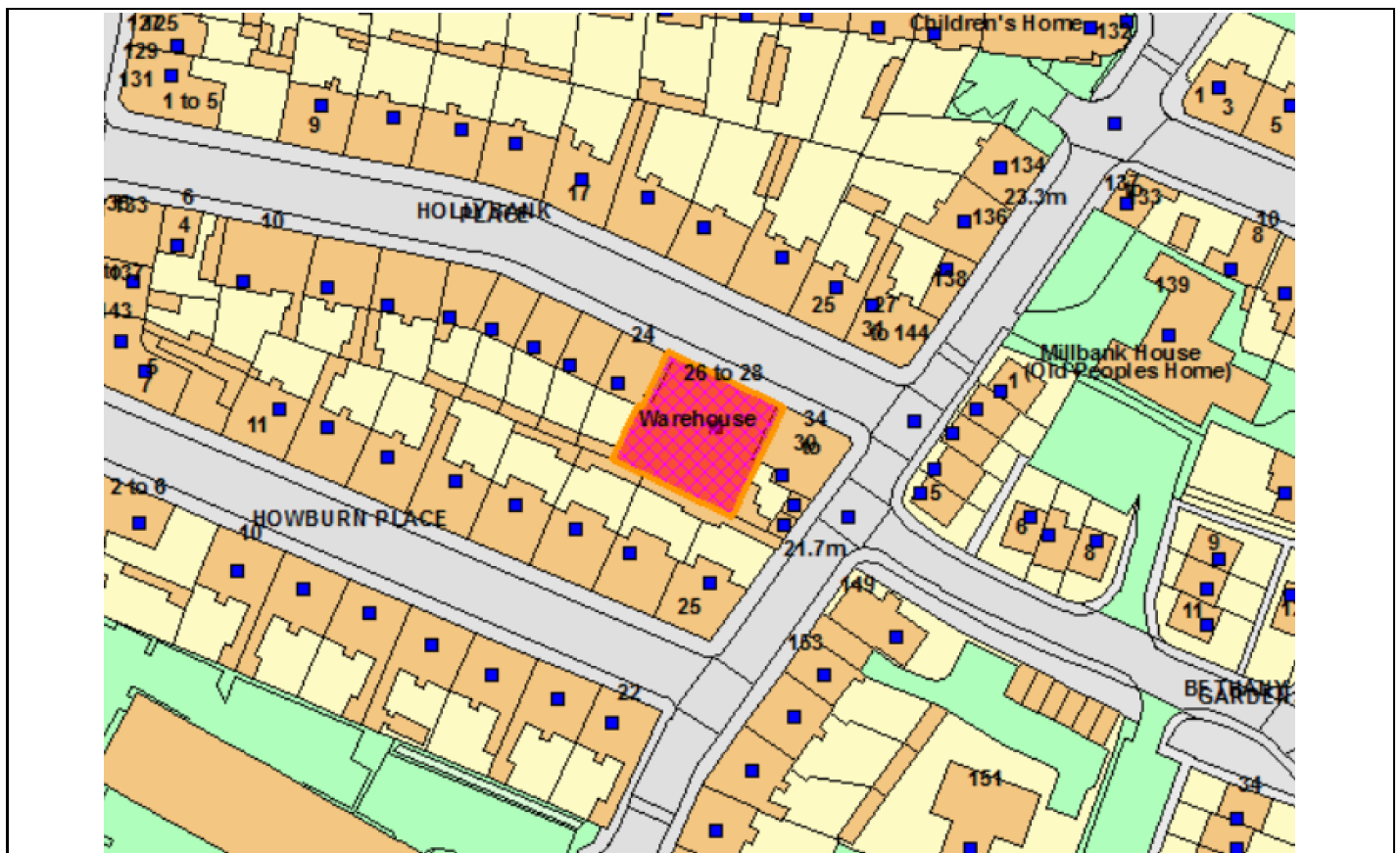


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 12 January 2023

Site Address:	26 Hollybank Place, Aberdeen, AB11 6XS,
Application Description:	Demolition of an existing commercial unit and erection of 9 residential apartments over 3 storeys with associated cycle storage and hard and soft landscaping works
Application Ref:	211807/DPP
Application Type	Detailed Planning Permission
Application Date:	23 December 2021
Applicant:	Duncan & Todd (group)Limited
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Roy Brown



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a single granite-built commercial building in a residential area, which dates from the mid-20th century. The established use of the site is Class 4 (business) use and it is currently used as such by Duncan & Todd (Group) Ltd opticians.

The building has a northeast facing principal elevation that fronts Hollybank Place. It is bounded to the southeast and northwest by the gable ends of 3 storey granite-built tenement buildings and by the rear curtilage of residential flats to the (rear) southwest. There is no off-street parking provision serving the existing building.

The built environment of Hollybank Place is characterised by its uniformly designed early 20th century three-storey granite-built tenement buildings that bound the public road. The surrounding area is residential in nature and only the application site and the commercial units at ground floor level of the buildings at the western and eastern ends of the street are in non-residential use. The Holburn Street Neighbourhood Centre is located less than 100m away to the west and the city centre boundary is c.200m to the north. Hollybank Place is in Controlled Parking Zone H and very few of the properties in the area have off-street parking provision. Two car club cars are located c.100m to the west.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a 3-storey residential building containing 9 two-bedroomed residential flats, for the laying of soft and hard landscaping to form residential curtilage and for the erection of bike stores to the rear. This would replace the existing commercial building on the application site.

The building would be on the northeast boundary of the site, fronting Hollybank Place. It would be the width of the site (c.21m) and adjoin the adjacent tenement buildings to the southeast and northwest. It would be c.10.3m in length and its front and rear elevations align with those of the adjacent buildings.

It would be 3 storeys in form with its upper floor on its northeast principal elevation being contained within a mansard-styled roof with pitched roofed dormers and a wallhead gable. Its rear elevation would be 3 storeys in form and would have a pitched roof. The ridge of the building would be c.13m in height, the front eaves would be c.7.8m in height and the rear eaves would be c.10.2m in height.

The building would be divided into two blocks, which would each have a black-painted timber communal entrance door that would front the road. On the principal elevation, each block would be divided by tabling and a downpipe. The walls of the principal elevation would be finished in natural granite, and it would have granite stringcourses, tabling and chimney tabling. The stringcourses would be located below the windowsills at ground and first floor levels and the windows would be vertical in their proportion, framed in white-painted timber and uniform in their fenestration. The

roof would be finished in natural slate. The rear elevation would be finished in smooth cement render and would have communal doors into the rear curtilage.

The proposed rear curtilage would be communal and would c.9.9m in length from the rear elevation. A single storey outbuilding containing 9 individual cycle stores would be located along the southwest boundary. It would be c.21m in width, c.2.4m in length, would have a lean-to roof with a maximum height of c.3.6m and an eaves height of c.2.2m and it would be finished in smooth cement render and natural slate. Each cycle store would have 2 bicycle stands.

Amendments

The following amendments have been made to the application since its submission:

- The number of apartments proposed has been reduced from 11 to 9.
- The design and form of the building has been changed substantially. It was initially proposed to have a contemporary appearance in that it would have been a flat-roofed building that would have been slightly lesser in height (c.12.1m) than the revised development, built over four storeys, incorporated a pend at ground floor level, be finished in modern materials and incorporated balconies on the upper floor.
- The application has been revised to include cycle storage in the rear curtilage of the site.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R4K689BZJ8000>

Design & Access Statement (Prepared by TINTO Architecture Ltd)

Appraisal of site and proposal with reference to planning policies, design approach, shadow analysis, access arrangements and sustainability. Document includes photographs and visualisations.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation (following advertisement or notification) that express objection or concern about the proposal.

CONSULTATIONS

Roads Development Management Team – Whilst there is a parking shortfall with this proposal with respect to the Parking Standards, given the close proximity to the city centre, its inner-city location, good public transportation links and contributions to the car club, this proposal could be considered a zero-car development. They can therefore accept the shortfall and have no objection to this proposal. Nevertheless, they require the following:

- Developer contributions of £400 per unit (totalling £3600) for the car club.
- The existing granite setts/footway crossing outside the front of the site to be removed, a level footway to be instated to match the existing footway, changes to the controlled parking

zone parking restrictions through the removal of the 'no waiting' double yellow lines to form space for either an additional car club car or to increase the number of on-street parking spaces by approximately 2. These changes would require both Section 56 consent and changes to the CPZ Traffic Regulation Order and would be at the expense of the applicant.

- A Residential Travel Park (RTP) to be prepared, submitted and reviewed by them before any occupation of the flats, and thereafter distributed to all residents upon moving in which shows local walking, cycling, and bus infrastructure / facilities, as well as car club car information. The RTP should ideally include local schools and amenities on the walking map.
- Information on how surface water would be handled, as no water from the proposal would be permitted to discharge onto the public road.
- Suitable waste storage to be provided. Given no on-site storage would be provided, they would accept on-street waste storage, which should be installed at the expense of the applicant.

Housing Strategy Team– Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more. For this development, this equates to 2.25 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide LCHO as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this, as demand for this type of affordable housing has reduced, particularly in relation to 2 bedroomed flats.

Schools Estates Team – No objection - The proposed development falls within the school catchment areas for Ferryhill School and Harlaw Academy. The latest school roll forecast indicates that both schools are likely to exceed their available capacity so contribution from the developer would be required in order to assist with the cost of re-configuring both school buildings to accommodate the additional pupils.

Developer Obligations Team – Contributions of the following will be required:

- Transportation – To be advised directly by the Transportation Team (set out above).
- Core Path Network - £2678
- Primary Education - £2635
- Secondary Education - £2635
- Healthcare Facilities - £4154
- Open Space - £1318
- Community Facilities - £31,165
- Affordable Housing – 2.25 affordable housing unit to be secured by on-site provision, off-site provision or commuted payments. If the developer intends to provide Low Cost Home Ownership (LCHO), they should enter into discussions with the Housing Strategy Team.

Scottish Water – No objection - although this does not confirm that the development can current be serviced. The proposed development would be fed from Invercarnie Water Treatment Works but its capacity cannot currently be confirmed. With respect to wastewater, there is capacity for a foul only connection in the Nigg PFI Waste Water Treatment Works. Capacity would be reviewed once a formal connection application is submitted. Surface water connections would not be accepted into the combined sewer system.

Waste And Recycling Team – No objection – Bins will be provided on-street in agreement with the Roads Authority.

Environmental Health – No objection - Due to the location of the proposed development and the risk of dust emissions impacting the amenity of the surrounding residential properties, it is recommended that suitable and proportionate dust suppression measures, including water sprays, are employed during demolition and any other activity presenting risk of dust emissions. To protect the amenity of the occupants of the neighbouring residential properties from noise produced as a result of demolition, site/ground preparation works and construction works, it is recommended that 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.

Ferryhill and Ruthrieston Community Council – No response received.

REPRESENTATIONS

15 representations, all objections, have been submitted in total. The Planning Service re-notified neighbours and the development was re-advertised in the local press following the submission of revised plans in May 2022 and then again in November 2022. The matters raised comprise the following:

- Adverse impact on the limited number of on-street parking spaces in the surrounding area.
- Adverse traffic generation from the proposal and its construction. Queries have been raised regarding potential road closures and delivery schedules during construction.
- Increased traffic from the proposal would damage the public road.
- The proposal would increase pressure on existing on-street bin stores.
- As only 2 bedroomed flats are proposed but there are no 3 bedroomed flats in the surrounding area, it would not address the needs of the community.
- Adverse impact on the privacy of neighbouring residential properties. Of particular concern, were the balconies that were included on the superseded initial submission, which are not included in the revised design.
- Concerns regarding the design, height and scale of the superseded initial submission and the first revision, which included a parking area at the rear.
- Adverse impact on sunlight to neighbouring residential properties to the north and neighbouring gardens. This concern was raised in relation to the superseded initial submission.
- Concerns raised with respect to structural integrity in terms of how demolition would affect the wall between the properties. It is queried if the proposed flats would be attached to the adjacent gable walls.
- Property boundary matters, in terms of compensation for the re-siting of a satellite dish, the responsibility of parties for previous building repairs.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that, 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

National Planning Framework 4

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this application, there are not considered to be any significant differences between the policies in the adopted Local Development Plan and the policies of NPF4 that require detailed assessment. The following assessment therefore focuses on the policies of the adopted local development plan.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy H1 - Residential Areas
- Policy C11 - Digital Infrastructure
- Policy D1 - Quality Placemaking by Design
- Policy H5 - Affordable Housing
- Policy I1 - Infrastructure Delivery and Planning Obligations
- Policy NE4 - Open Space Provision in New Development
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy R6 - Waste Management Requirements for New Development
- Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel

Supplementary Guidance (SG) and Technical Advice Notes (TAN)

- Affordable Housing
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy H1 - Residential Areas
- Policy C11 - Digital Infrastructure
- Policy D1 - Quality Placemaking
- Policy D2 - Amenity
- Policy H5 - Affordable Housing
- Policy I1 – Infrastructure Delivery and Planning Obligations
- Policy NE2 - Green and Blue Infrastructure
- Policy R6 – Low and Zero Carbon, and Water Efficiency
- Policy T2 - Sustainable Transport
- Policy T3 - Parking

EVALUATION

Principle of Development

The application site is in a residential area zoned Policy H1 – Residential Areas of the ALDP. The proposal relates to residential development by way of a building comprising 9 flats. Residential development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance (SG).

This proposal would be located on the footprint of an existing building and therefore would not result in the loss of publicly valued open space. The other issues are assessed in the below evaluation.

Impact on the Residential Amenity of the Surrounding Area

The qualities of successful placemaking referred to in Policy D1 seek that development avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, invasion of privacy and overshadowing. To consider the impact on the character and amenity of the surrounding area, the impact on the amenity of the adjacent residential properties is therefore considered.

Background Daylight and Sunlight

Using the principles of the 25-degree rule in the Householder Development Guide, it has been established that the proposed building would adversely affect the existing levels of background daylight afforded to the windows of habitable rooms of the ground floor flats of 21, 23 and 25 Hollybank Place to the north and northeast. This is furthermore demonstrated in the Shadow Analysis in Section 2.3 of the Design & Access Statement which shows that the proposal would

adversely affect the sunlight of those flats. The greatest impact would be in the afternoons of the autumn and the spring.

This is because the existing building is single storey in height and scale and the existing buildings on the southwest side of Hollybank Place are sufficiently far enough from the ground floor flats of 21, 23 and 25 Hollybank Place whereby they have negligible impact on the background daylight afforded to them. Whilst it is recognised that the proposed building has been designed to replicate the design, scale and form of the surrounding historic buildings, there has never been a 3-storey building on the application site. Historic maps show that this site was primarily undeveloped until the 1970s, before the current single storey building was erected. As such, and particularly in that their windows are southwest facing, the ground floor flats of 21, 23 and 25 Hollybank Place have always been afforded high levels of sunlight and background daylight.

This proposal would introduce a 3-storey building opposite these flats for the first time. The proposal would have a significant adverse impact on the level of background daylight afforded to these residential properties. Because the proposal would significantly adversely affect the existing levels of residential amenity afforded to the neighbouring residential properties it would be in conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

It is noted that the Design & Access Statement does acknowledge that there would be an adverse impact on the level of sunlight afforded to the neighbouring flats. However, the justification presented is that mitigating this impact would require the removal of the upper storey, which would be detrimental to the streetscape. This justification is considered insufficient to warrant such an adverse impact on the amenity of existing residential properties in the area, particularly in that an alternative sympathetic design could have been proposed.

Privacy

The Householder Development Guide states that it is common practice for new-build residential development to ensure a separation distance of 18m between windows where dwellings would be directly opposite one another. This is to ensure acceptable levels of privacy.

In this instance, there would be a sufficient separation distance of 20m between the proposed windows and the windows of the residential properties to the southwest. However, the building would introduce windows serving bedrooms 14m from the windows of 21, 23 and 25 Hollybank Place to the northeast, which are likely to serve habitable rooms. Given the proposed windows would serve bedrooms rather than primary living / dining room spaces; the neighbouring windows are public facing and already experience a degree of overlooking from other windows on the streetscape and from the public road, it is considered that the windows of the proposed flats would not adversely affect the privacy afforded to the flats of 21, 23 and 25 Hollybank Place to any significant degree.

Dust Prevention

As the Environmental Health Service have advised, the proposal could result in dust being generated during construction and demolition, which could be to the detriment of the amenity afforded to the surrounding residential properties. Had the Planning Service been minded to recommend approval, it would therefore have been subject to an appropriately worded planning condition requiring suitable and proportionate dust suppression measures, including water sprays, to be employed during construction and demolition.

Noise

Likewise, as the Environmental Health Service have advised, the proposal could adversely affect the amenity of the neighbouring residential properties from noise during construction if it were to occur outside standard working hours. Therefore, this matter would have been addressed by a planning condition limiting the hours of construction to standard working hours.

Summary

The proposal would have a significant adverse impact on the existing level of background daylight and sunlight, and thus the existing residential amenity afforded to the ground floor flats 21, 23 and 25 Hollybank Place. It would therefore significantly adversely affect the amenity of the surrounding area, in conflict with the aims of Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

Impact on the Architectural Character and Visual Amenity of the Surrounding Area

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

Whilst the scale of this proposal would adversely affect the residential amenity of surrounding area by way of adversely impacting the sunlight and background daylight of neighbouring properties and this is a reason to recommend refusal, it is considered that the design, scale and layout of the proposal would not adversely affect the architectural character and visual amenity of the surrounding area.

The proposal would be the same length as the adjacent residential tenement buildings, be the width of the site and its principal elevation would immediately front the footway like the other buildings on the street. It would have shared residential curtilage and outbuildings (by way of cycle storage) to its rear like the other residential properties on the street. Its layout would therefore reflect the layout of the adjacent buildings.

The building has been designed to replicate the scale and form of the adjacent buildings. Its principal elevation has been designed to replicate the design, materials detailing, scale, form and features of the principal elevations of the historic granite tenement buildings on Hollybank Place. This includes the ridge and eaves heights, 3-storey form and partial-mansard principal elevation which are very similar to the adjacent buildings as are the granite and slate finishing materials. Furthermore, the principal elevation would include stringcourses, a wallhead gable with decoratively cut granite to match that of the adjacent building, pitched roofed dormers and vertically proportioned windows with a uniform fenestration. It would have two communal entrance doors divided by tabling and a downpipe similar to the other buildings on the street, which would break up the principal elevation.

Limited details have, however, been provided with respect to the detailing and materials of the proposed finishes. Given the uniformity of the streetscape, the approach to replicate the surrounding historic buildings could be detrimental to the character and visual amenity of the surrounding area if the features and materials on the principal elevation were not accurately modelled to be of the same colour, detailing, dimensions, and proportions as the equivalent features on the surrounding historic buildings. Therefore, had the recommendation been to approve, an appropriately worded condition would have been required for the submission of

finalised details and samples for the finish to the walls and roof of the principal elevation, including the wallhead gable and pitched roof dormers.

It is recognised that this proposal would include two 'mock' windows on the principal elevation, which would be framed externally and enclosed internally. Given the overall scale of the building and that these would be at 1st and 2nd storey level, these would not adversely impact on the visual amenity of the streetscape to any significant degree.

Furthermore, the rear elevation visible from Hardgate would be finished in modern smooth render, which would be somewhat unsympathetic to the historic architectural character of the surrounding built environment. However, this would be located on a secondary elevation and there are other modern materials on the streetscape of Hardgate from where the rear elevation would be publicly visible. With the foregoing in mind, subject to the approval of finalised details of the colour and texture of the render, it is considered that the rear elevation would have negligible impact on the character and visual amenity of the surrounding area.

As such, whilst finalised details would be required which could have been addressed through planning conditions, the design and scale of the development would not adversely affect the character and visual amenity of the surrounding area. However, as discussed earlier in this report, the height, scale and massing of the proposed development would adversely affect the residential amenity afforded to the flats to the northeast. As such, and given to the existing site context whereby there has never been a development of this scale on the site, the development would be considered overdevelopment in this particular context. On balance, the proposal would therefore conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

Residential Amenity of the Proposed Flats

The proposed flats themselves would be afforded sufficient levels of residential amenity in terms of sunlight and daylight and would have a level of privacy that is characteristic of the surrounding inner city residential area. The flats would be dual aspect with sufficiently sized living / dining rooms that would have southwest facing windows. The siting of the living / dining rooms at the southwest side of the building would maximise solar gain, in accordance with the principles of Resources for New Development SG. The flats would have access to outdoor amenity space in terms of the proposed communal curtilage to the rear. Whilst the proposed flats would adversely affect the amenity of the surrounding area, the proposed flats themselves would be afforded sufficient levels of residential amenity.

Whilst the proposal would not necessarily incorporate public open space, it would not be possible given the siting and scale of the development. The inclusion of communal curtilage in addition to the developer contributions to improve the quality of nearby open space, which is set out in further detail under the 'Developer Obligations' heading below, would be sufficient to accord with the aims of Policy NE4 – Open Space Provision in New Development of the ALDP.

Transportation

Policy T2 – Managing the Transport Impact of Development of the ALDP states that commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Hollybank Place is a densely populated street with a very high demand for on-street parking spaces. It is estimated that there are approximately 28 standard on-street parking spaces on

Hollybank Place serving 89 existing residential flats, none of which have off-street parking provision. Whilst the demand for on-street spaces for these properties may be slightly lesser than it would otherwise be due to the presence of 2 existing car club spaces at the western end of Hollybank Place and its proximity to the city centre, there is presently very limited parking provision for the residential properties in the surrounding area. The Roads Development Management Team have also noted that the Low Emission Zone, which is c.150m to the north may result in the displacement of non-compliant vehicles into the area, as some of the LEZ is within CPZ H. The CPZ furthermore operates Pay and Display ticketing on Mon-Sat 08:00 – 20:00, which means that non-residents can park on Hollybank Place. The limited availability of parking provision on Hollybank Place and concern of the impact of proposal on parking provision has been expressed in the representations from the residents in the surrounding area.

The Parking Standards in the Transport and Accessibility SG require this development to have a maximum of 14 parking spaces, which is 5 greater than applies to the current commercial use on the site, which could have a maximum of 9 spaces. The existing use of the site is eligible for two parking permits whereas this development would allow 2 permits per flat, which could result in 18 permits being issued for the site. It is expected that the timing for parking demand the proposed flats would differ in that there would likely be greater demand for parking overnight, the same as the existing flats.

As advised by the Roads Development Management Team, the impact on parking provision could be partially offset by removing the existing dropped kerb to the immediate northeast of the building, instating a level footway to match the existing footway and changing the CPZ parking restrictions to remove the 'no waiting' double yellow lines and form space for either an additional car club car or increase the number of on-street parking spaces by approximately 2. Had the recommendation been to approve, this alteration could have been ensured by an appropriately worded planning condition.

Whilst there is limited parking provision in the area and this proposal could result in additional cars being parked on the street, the Transport and Accessibility SG states that the Council will support and encourage low or no car development where there is evidence that car ownership and use will be low enough to justify proposals. It furthermore states that in Inner City locations, low and no car development may be acceptable depending on access to cycling and public transport options. This approach is reiterated in emerging national policy, Policy 13 of NPF4, which states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

The proposal would comply with the majority of criteria set out in the Transport and Accessibility SG to qualify as a no car development. This site benefits from good walking, cycling and public transport accessibility by way of pedestrian and cycle routes to the city centre. There is cycling and public transport infrastructure on the surrounding streets and the development is c.200m walk of the city centre boundary. The site is accessible to destinations that the occupants of the flats would be likely to visit on a daily basis given the proximity to local facilities, amenities, local education and the employment uses in the surrounding area. The proposal would incorporate cycle stores for each flat with room for two bicycles, in accordance with the Transport and Accessibility SG, which would incentivise sustainable travel. Complementary measures would be in place to remove the need for residents to own a car as there are 2 car club cars on Hollybank Place itself within c.100m of the site. To disincentivise private car ownership (and thus limit the impact on parking on the street), developer contributions to the car club would be secured. Given its very close proximity to bus stops, the absence of parking would not result in significant barriers to access for disabled people, and a disabled parking space could theoretically be provided if it was necessary.

Roads Development Management have not objected to the application as they consider this a suitable candidate to be no car development given the close proximity of the site to the city centre, good public transport links and contributions would be secured for the car club. Furthermore, they would require that a Residential Travel Park (RTP) is prepared, reviewed by them and thereafter distributed to all residents upon moving in, to encourage sustainable travel.

Given its accessible inner-city location and proximity to the city centre, provided that the additional on-street parking spaces would be formed, car club contributions would be secured, cycle storage would be provided and the RTP is provided to all new residents, it is considered that this proposal would be acceptable as a no car development. The proposal would increase the number of on-street parking spaces and a range of measures are proposed would encourage sustainable and active travel.

It is therefore considered that the impact on the existing on-street parking provision in the surrounding area would be very minor and the proposal would result in negligible traffic generation. As such, the proposal would not adversely impact the existing amenity of the neighbouring residential properties through increasing on-street parking pressures by any significant degree. Subject to these measures, sufficient measures would be taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, in accordance with Policy T2 – Managing the Transport Impact of the ALDP, and it would be accessible by a range of transport modes with an emphasis on active and sustainable transport, in accordance with Policy T3 – Sustainable and Active Travel of the ALDP.

Road Safety and Drainage

A drainage impact assessment would not be necessary in this instance given the proposed building would replace an existing building, the relatively small size of the site, and the site is not identified as an area at risk of flooding on the SEPA Flood Map. The Roads Development Management Team have advised that as the site is being demolished and rebuilt, information should be provided regarding how surface water would be handled. This is to ensure that no water from the proposal would discharge onto the public road.

As such, had the recommendation been to approve, it would have been subject to an appropriately worded condition requiring the submission of these details and implementation of any necessary mitigation measures. Subject to this condition, the proposal would not result in water discharging onto the street and the proposal would not adversely affect road safety. It would not increase the risk of flooding and it would not be at risk itself from flooding, in compliance with Policy NE6 – Flood, Drainage and Water Quality of the ALDP.

Waste Storage and Collection Arrangements

Policy R6 - Waste Management Requirements for New Development of the ALDP requires all new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Section 2.1 of the Design & Access Statement states that the development will have sufficient space for the storage of waste and that it will be provide communal facilities for this. Details of the waste storage and collection arrangements for this development have not been shown on the submitted plans and it is unclear from the plans where the bins could be stored without bins needing to be moved through the building on collection day. It is therefore considered that additional on-street bins would be required for the development.

The Roads Development Management and Waste and Recycling Teams have confirmed that they would accept on-street bin storage for this development. As such, had the Planning Service been minded to grant planning permission, it would have been subject to a condition requiring the addition of on-street communal bin storage to be implemented in advance of the building being brought into residential use, to accord with Policy R6 – Waste Management Requirements for New Development of the ALDP and the Resources for New Development SG.

Energy and Water Efficiency

The Climate Change (Scotland) Act 2009 requires the ALDP to specify how a proportion of the Building Standards carbon reduction standard should be met through the installation and operation of low and zero carbon generating technologies. Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency of the ALDP and the Resources for New Development SG requires, from 2020, that this building is to meet at least 25% of the building regulations carbon dioxide emissions reduction target through the installation of low and zero carbon generating technology (LZCGT) and to have a 'Platinum Standard for Energy' Building Standards Sustainability Label.

Insufficient information has been submitted to demonstrate compliance with these targets. Section 2.1 of the submitted Design & Access Statement states that it would only meet at least 20% of the of the building regulations carbon dioxide emissions reduction target – which is the target for development proposed between 2016 and 2020 - and Section 2.6 of this statement states that it would have a 'high' sustainability label. A list of methods to improve sustainability have been set out in Section 2.6, notably in terms of a smart heating system, efficient appliances, sustainable insulation and Low-E windows. Furthermore, it states that solar panels would be proposed on the south facing roof slope. However, the solar panels are not shown on any of the submitted plans and technical information has been submitted to demonstrate compliance with the targets.

Policy R7 also states that to reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. This SG requires evidence that the development would achieve the 'Platinum Standard' Building Standards Sustainability Label. Whilst Section 2.6 of the Design and Access Statement refers to the use of 'low flow toilet and fixtures', no analysis has been submitted to demonstrate compliance with this water use efficiency target.

Insufficient information has submitted to demonstrate that this development would comply with any of the CO₂ emissions and water efficiency targets in Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency of the ALDP and the Resources for New Development SG.

Had the Planning Service been minded to recommend approval, it would therefore have been subject to the appropriately worded condition for no development to take place unless a scheme of the Standard Assessment Procedure Assessment Procedure energy rating (SAP) in accordance with the Resources for New Development SG, and details and plans of the proposed low and zero carbon generating technology, would be submitted to, and approved in writing by the Planning Authority. It would need to be demonstrated that the development would achieve:

- At least 25% of the building regulations carbon dioxide emissions reduction target;
- A 'Platinum Standard for Energy' Building Standards Sustainability Label; and
- A 'Platinum Standard' for Domestic Buildings Building Standards Sustainability Label for Water Usage,

Furthermore, the condition would have required the development and all low and zero generating technology to be implemented in accordance with the approved detail scheme prior to the occupation of the building.

Digital Infrastructure

Given its urban location near the city centre, the proposed flats would have the same access to modern, up-to-date high-speed communications infrastructure as the surrounding area, in compliance with Policy CI1 – Digital Infrastructure of the ALDP.

Planning Obligations

In instances where a development would either individually or cumulatively place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, Policy I1 - Infrastructure Delivery and Planning Obligations of the ALDP requires the developer to meet, or contribute towards, the cost of providing or improving such infrastructure or facilities.

The Developer Obligations Team have been consulted and have advised that the developer obligations would be required for this development. As above, the Road Development Management Team have advised that car club contributions would be required. Had the recommendation been to approve, the Planning Service would therefore have secured the following developer contributions:

- Transportation (Car Club) - £3,600
- Core Path Network - £2,678
- Primary Education - £2,635
- Secondary Education - £2,635
- Healthcare Facilities - £4,154
- Open Space - £1,318
- Community Facilities - £31,165
- Affordable Housing – 2.25 affordable housing units to be secured by on-site provision, off-site provision or commuted payments.

As explained under the ‘Transportation’ heading above, transportation contributions would be required for the car club to minimise the impact on existing on-street parking provision and encourage sustainable and active travel.

The Core Path contribution would be required for the enhancement of Core Path 75, which is located in close proximity in Bon Accord Gardens. The primary and secondary education contributions would be required towards the provision of additional capacity at Ferryhill Primary School and Harlaw Academy, which are both expected to exceed capacity. The community facilities contribution would be required for Ferryhill Community Centre and Aberdeen Central Library, which have proposals in place to create additional capacity to accommodate additional users as a result of development.

Policy NE4 – Open Space Provision in New Development requires the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. It also states that on some brownfield sites it may not be possible to increase the amount of open space and therefore commuted sums towards off-site provision or enhancement of existing open spaces will be sought instead. As no public open space would be provided by this development, the open space contribution would be required to improve the existing open spaces and potentially food growing in the surrounding area to ensure the development would have access to meaningful and useful open space.

Policy H5 - Affordable Housing of the ALDP requires housing developments of 5 or more units to contribute no less than 25% of the units as affordable housing, which in this instance would be 2.25 units. The Developer Obligations and Housing Strategy Teams have advised that this could be remitted by way of on-site provision, off-site provision or commuted payments, although if LCHO would be provided, this should be discussed with the Housing Strategy Team. The agent has advised that they would intend remit the affordable housing obligations by way of commuted payments, which would be acceptable approach for this development.

Had the Planning Service been minded to recommend approval, it would therefore have been subject to a Legal Agreement to secure these obligations, to ensure the development would not place additional demands on the community facilities and infrastructure in the wider area, in accordance with the aims of Policies I1 - Infrastructure Delivery and Planning Obligations and NE4 - Open Space Provision in New Development of the ALDP and the Planning Obligations and Open Green Space Network & Open Space SG.

Heads of Terms of any Legal Agreement

Contributions would be required towards the car club, primary education, secondary education, the core path network, healthcare facilities, open space and community facilities. Additionally, affordable housing contributions would be required by way of commuted payments or on-site or off-site provision. If the applicant were to provide on-site or off-site affordable housing provision, a Section 75 Legal Agreement would be required. If they were to provide affordable housing contributions by way of commuted payments, either a Section 69 or Section 75 Legal Agreement would be required. It is noted that the applicant has agreed to the Heads of Terms outlined within the Developer Obligations Assessment.

Proposed Aberdeen Local Development Plan

Policy T3 – Parking of the PALDP states that in inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. For the reasons stated above under the ‘Transportation’ heading, the development would be acceptable as a no car development, in accordance with this policy.

Otherwise, the relevant PALDP policies substantively reiterate those in the adopted ALDP, notably Policies H1 – Residential Areas and Policies D1 – Quality Placemaking of the PALDP. The proposal is therefore unacceptable in terms of both plans for the reasons previously given.

Matters Raised in the Representations

The matters raised relating to on-street parking spaces, traffic generation, waste storage, the design and scale of the development, sunlight, noise, daylight and privacy have been considered in the above evaluation.

With respect to the concern that only 2 bedroomed flats are proposed rather than 3 bedroomed flats, there is no requirement for the applicant to propose a variety of dwelling sizes for a development of this size. The relevant policy with respect to housing mix, Policy H4 – Housing Mix of the ALDP, applies to housing developments of more than 50 units.

Given the minor scale of the development, traffic generation during construction and once in use is expected to be minor and not to the detriment of the surrounding area.

The matters raised relating to structural integrity, property boundaries, road closures and delivery schedules and road repairs are not material planning considerations. Matters relating to structural

integrity are regulated separate though building standards legislation, property boundary issues are civil matters to be settled between the relevant parties, repairs to public roads are undertaken by the by the roads authority independent of the outcome of this application and road closures and delivery schedules are regulated by the roads authority.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

In the context that there has never been a building of the scale proposed on the application site and that the existing building is single storey, the proposed building of 9 flats, which would be 3 storeys in form, height and scale, would have a significant adverse impact on the existing (and long-standing) levels of background daylight and sunlight afforded to the ground floor flats of 21, 23, and 25 Hollybank Place to the north and northeast of the development, to the significant detriment of the amenity afforded to those flats. It would, consequently, adversely affect the residential amenity of the surrounding area and, in its context, would constitute overdevelopment. It would also for the same reasons conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Policies H1 – Residential Areas, D1 – Quality Placemaking and D2 – Amenity of the Proposed Aberdeen Local Development Plan 2020.

In reaching this recommendation, it is recognised that this residential development would be located in an accessible location in an inner-city residential area near the city centre. Had it not been for this adverse impact on the amenity of the surrounding area due to its scale, height and massing, the development could have otherwise been supported, subject to appropriately worded planning conditions and registration of the Legal Agreement to satisfy matters regarding transportation, cycle infrastructure, design, amenity, sustainability, drainage, waste storage and developer obligations. The justification raised in the Design & Access Statement, that the building would replicate the scale and form of the historic tenement buildings on the street is not sufficient to warrant such an adverse impact on the neighbouring residential properties because an alternative residential development of lesser scale and height that would be complementary to the surrounding area could have been submitted which may not have had such an adverse impact to the amenity of the surrounding area.

CONDITIONS IN THE EVENT OF A WILLINGNESS TO APPROVE

If the Committee is minded to give a willingness to approve this application, it is recommended that this should be subject to a legal agreement to ensure payment of the required developer obligations and to secure affordable housing provisions as contained within the Developer Obligations response. It is also recommended that conditions should be applied to any grant of planning permission in relation to the following items:

Residential Amenity

- Suitable and proportionate dust suppression measures, including water sprays, being employed during construction and demolition.
- Hours of construction being limited to standard working hours.

Design

- Submission and approval of finalised details and samples for the finish to the walls and roof of the principal elevation, including the wallhead gable and pitched roof dormers, and thereafter implantation in accordance with these approved details.

Transportation

- The removal the existing dropped kerb to the immediate northeast of the building, a level footway to be instated to match the existing footway, changes to the controlled parking zone parking restrictions through the removal of the 'no waiting' double yellow lines to form space for either an additional car club car or to increase the number of on-street parking spaces by approximately 2. These changes would require both Section 56 consent and changes to the CPZ Traffic Regulation Order and would be at the expense of the applicant.
- Submission and approval of a Residential Travel Park (RTP) before the development is brought into residential use, which would be distributed to all new residents.
- The cycle storage infrastructure being provided.

Road Safety and Drainage

- Submission and approval of details of how surface water would be handled and the implementation of any necessary mitigation measures in accordance with these details.

Waste Storage

- Implementation of any necessary on-street communal bin storage before the building is brought into residential use.

Energy and Water Efficiency

- Submission and approval of a scheme of the Standard Assessment Procedure Assessment Procedure energy rating (SAP) in accordance with the Resources for New Development Supplementary Guidance, and details and plans of the proposed low and zero carbon generating technology. It would need to be demonstrated that the development would achieve:
 - At least 25% of the building regulations carbon dioxide emissions reduction target;
 - A 'Platinum Standard for Energy' Building Standards Sustainability Label; and
 - A 'Platinum Standard' for Domestic Buildings Building Standards Sustainability Label for Water Usage,

Thereafter, the development and all low and zero generating technology would need to be implemented in accordance with the approved detail scheme before the building is brought into residential use.

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