

Public Document Pack



To: Councillor McRae, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Farquhar, Lawrence, Radley, Thomson plus 1 Labour member.

Town House,
ABERDEEN 16 August 2023

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House on THURSDAY, 24 AUGUST 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 (LEGAL)

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 29 June 2023 - for approval (Pages 7 - 36)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 37 - 40)

GENERAL BUSINESS

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the formation of access road, amended car parking and associated drainage - The James Hutton Institute, Countesswells Road, Aberdeen (Pages 41 - 58)

Planning Reference – 221419

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.2. Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people - Ground Floor Right - 53 Erskine Street, Aberdeen (Pages 59 - 70)

Planning Reference – 230582

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

[Link.](#)

Planning Officer: Alex Ferguson

- 6.3. Detailed Planning Permission for the installation of tank mounted solar PV arrays and associated equipment - Airyhall Distribution Service Reservoir, Craighton Road, Aberdeen (Pages 71 - 86)

Planning Reference – 230212

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.4. Detailed Planning Permission for the erection of 91no. homes including associated infrastructure, open space and landscaping - site Of Former Cordyce School, Riverview Drive, Dyce, Aberdeen (Pages 87 - 108)

Planning Reference – 221232

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

[Link.](#)

Planning Officer: Dineke Brasier

DATE OF NEXT MEETING

- 7.1. Thursday 21 September 2023 - 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 067344 or email lymcbain@aberdeencity.gov.uk

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.

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 29 June 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Clark, Cooke, Copland, Farquhar, Lawrence (for article 1 to 15), Mrs Stewart (as substitute for Councillor Crockett), Radley and Thomson.

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.

ANNOUNCEMENT

1. The Convener advised Members that the Council had won Planning Authority of the Year at the Royal Town Planning Institute Scotland Awards, and had been shortlisted for the City Centre and Beach Masterplan.

The Committee resolved:-

to congratulate officers on their success at the awards.

DECLARATIONS OF INTEREST OR CONNECTIONS

2. The Committee noted the following transparency statements:-

- In relation to item 6.1, Draft Energy Transition Zone Consultation, Councillor Blake advised that she was a member of Aberdeen Climate Action and a number of the members of the group were also involved with Save St Fitticks, however she was not involved with that group. Therefore she did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.
- In relation to item 7.4 on the agenda, International School Aberdeen, Councillor Boulton advised that when she was the Planning Convener and before any planning application was submitted, she attended a meeting with all interested parties. However she did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.
- In relation to item 8.1 on the agenda, land at 10 Queen's Terrace Aberdeen, Councillor Radley advised that she was a Board Member on Visit Aberdeenshire with the applicant, however she did not consider the connection required a declaration of interest, and indicated that she would remain in the meeting for consideration of the item.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

- Also in relation to item 8.1, Councillor Cooke advised that he knew some of the individuals who were due to speak in relation to the application, however, did not consider the connection required a declaration of interest and indicated he would also remain in the meeting for consideration of the item.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 1 JUNE 2023

3. The Committee had before it the minute of the previous meeting of 1 June 2023, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 8 JUNE 2023

4. The Committee had before it the minute of the Planning Development Management Committee (Visits) minute of 8 June 2023, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

5. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance (Legal).

The Committee resolved:-

to note the planner.

DRAFT ENERGY TRANSITION ZONE MASTERPLAN - CONSULTATION - PLA/23/210

6. The Committee had before it a report by the Chief Officer – Strategic Place planning, which presented the draft Energy Transition Zone (ETZ) Masterplan. The report sought approval to undertake public consultation on the document, with the results of the consultation and any recommended revisions to the document subsequently reported back to this Committee within 6 months for approval of the Masterplan as non-statutory Aberdeen Planning Guidance (APG).

The report recommended:-

that the Committee

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

- (a) approves the content of the draft ETZ Masterplan (Appendix 1);
- (b) instructs the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the draft ETZ Masterplan for a six week period of non statutory public consultation; and
- (c) instructs the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed revisions to the draft ETZ Masterplan to a subsequent Planning Development Management Committee within the next six months.

The Committee heard from Rebecca Kerr, Planner, who spoke in furtherance of the report and answered various questions from Members.

The Committee resolved:-

- (i) to request that a Service Update be issued to Members regarding the consultation and actions being taken in regards to the consultation by both ETZ Ltd and Aberdeen City Council;
- (ii) to endorse the content of the draft Energy Transition Zone (ETZ) Masterplan;
- (iii) to instruct the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the draft ETZ Masterplan for an eight week period instead of six weeks of non statutory public consultation; and
- (iv) to approve recommendation (c).

ABERDEEN PLANNING GUIDANCE: OUTDOOR SEATING - PLA/23/217

7. With reference to article 12 of the minute of 1 September 2022, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which sought approval to adopt the Aberdeen Planning Guidance (APG): Outdoor Seating.

The report recommended:-

that the Committee –

- (a) note the findings of the consultation on the Draft Outdoor Seating Guidance Document, and subsequent responses and revisions proposed by Officers to the Draft document (refer Appendix 1) and
- (b) approve the Aberdeen Planning Guidance: Outdoor Seating (Appendix 2) as non-statutory planning advice.

The Committee heard from Donna Laing, Senior Planner, who spoke in furtherance of the report and answered various questions from members.

The Committee resolved:-

- (i) to request that officers investigate preparing a visual diagram to highlight actions required for applicants in terms of what would and would not require planning permission;
- (ii) to request that officers look at creating a frequently asked question (FAQ) section on the website in order to make the process easier for applicants in terms of outdoor seating;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

- (iii) to request that officers clarify the reasonable consent section in the document in regards to the 28 day limit; and
- (iv) to approve the recommendations.

WALLACE TOWER, TILLYDRONE ROAD ABERDEEN - 221380

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

That the application for Detailed Planning Permission for the change of use 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 landscaping works at Wallace Tower, Tillydrone Road 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) EXTERNAL MATERIALS DETAILS

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

Reason - in the interests of visual amenity.

(03) GREEN WALL

That no development shall take place unless a scheme providing details and a maintenance scheme of the green wall to be installed to the west elevation of the extension hereby approved has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – in the interests of visual amenity.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

(04) LANDSCAPING DETAILS

That no development shall take place unless a landscaping scheme providing details of all soft and hard landscaping has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, the landscaping scheme shall consider the reuse of granite to be removed from the existing boundary wall and north elevation.

Reason – in the interests of visual amenity.

(05) METHODOLOGY STATEMENT (SLAPPING)

That no development shall take place unless a methodology statement providing details of the slapping to the north elevation of the original building and the finishing of the boundary wall has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – In the interest of the special character of the listed building and the Old Aberdeen Conservation Area.

(06) EXTERNAL LIGHTING SCHEME

That no development shall take place, and notwithstanding any information contained within drawing PL(00)005, unless details of an external lighting scheme have been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed. For the avoidance of doubt, this external lighting scheme shall take account of the recommendations contained within the Bat Survey prepared by Countrywise, dated 4th June 2023, which specifies that no lighting should be directed at the roof.

Reason – To ensure the development has no adverse impact on protected species.

(07) INTERIOR BUILDING SEARCH – PROTECTED SPECIES

That prior to the commencement of the development hereby approved no works within the listed building shall take place until a further interior search of the Wallace Tower for bats and bat roosts has been carried out.

Reason – To ensure the development has no adverse impact on protected species.

(08) TREE REMOVAL – PROTECTED SPECIES

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

That prior to the commencement of the development hereby approved no trees shall be removed until those proposed to be felled have been checked for signs of protected species.

Reason – To ensure the development has no adverse impact on protected species.

(09) TREE REPLACEMENT SCHEME

That prior to the commencement of the development hereby approved no trees will be removed from within or outside the site unless details of a suitable tree replacement planting scheme have been submitted to, and approved in writing by the Planning Authority in consultation with Environmental Services. For the avoidance of doubt, replacement trees shall be located within the boundary of Seaton Park, and the details to be submitted shall include a specification of their locations, number, species, sizes and stage of maturity at planting.

Reason – In the interest of visual amenity and to ensure appropriate tree cover will remain in Seaton Park.

(10) TREE PROTECTION MEASURES (1)

That no development shall take place until tree protection barriers as shown on drawing 'Tree Survey Drawing' by Struan Dalgleish, April 2023 have been erected. Once in place, these tree protection barriers shall remain in situ until construction of the hereby approve development has been completed and all plant and machinery have been removed from site.

Reason – In the interest of protection of trees

(11) TREE PROTECTION MEASURES (2)

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the scheme of tree protection as shown on drawing 'Tree Survey Drawing' by Struan Dalgleish, April 2023 - without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

(12) COOKING RESTRICTIONS

That no cooking or frying operations (including but not limited to deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out on the premises, unless a suitable Odour Impact Assessment (including a Local Extract Ventilation needs assessment) by a competent person, in line with relevant guidance,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

has been submitted to and approved in writing by the Planning Authority in consultation with Environmental Health, and subsequently the Local Extract Ventilation system has been installed in accordance with the approved details.

Reason – In the interest of amenity.

(13) INSTALLATION BIN AND BIKE STORE

That the development hereby approved shall not be occupied until the bin store and bike stands as specified on drawings PL(00)003B and PL(04)003A have been installed and are available for use unless otherwise agreed in writing.

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

(14) DISABLED PARKING SPACE

That the development hereby approved shall not be occupied until details of a disabled parking space to be provided in the bellmouth off Tillydrone Road have been submitted and agreed in writing by the Planning Authority, and subsequently the disabled parking space shall be installed in accordance with the approved details.

Reason – To ensure accessible access to the development.

(15) PHOTOGRAPHIC SURVEY

No demolition or other works in connection with the development hereby approved shall commence unless a photographic survey of the existing building on the application site has been submitted to and approved in writing by the Planning Authority. All external and internal elevations of the building together with the setting of the building and any unusual features of the existing building shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for the inclusion in the National Monuments Record for Scotland and in the local Historic Environment Record.

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 Steven Berry, representing Old Aberdeen Community Council and Margaret Sleeman, representing Friends of Seaton Park, who both objected to the planning application.

The Committee then heard from the agent for the application, Stephen Martin, who answered questions from Members in regards to the proposed application.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

The Committee resolved:-

to approve the application conditionally in line with the officer recommendation.

WALLACE TOWER, TILLYDRONE ROAD ABERDEEN - 221379

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

That the application for Listed Building Consent for the 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; internal alterations; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works at Wallace Tower, Tillydrone Road Aberdeen be approved subject to the following conditions:-

Conditions

(01) EXTERNAL MATERIALS DETAILS

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

Reason - in the interests of visual amenity.

(02) GREEN WALL

That no development shall take place unless a scheme providing details and a maintenance scheme of the green wall to be installed to the west elevation of the extension hereby approved has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – in the interests of visual amenity.

(03) METHODOLOGY STATEMENT (SLAPPING)

That no development shall take place unless a methodology statement providing full details of, and a methodology for the formation of the slapping to the north elevation of the original building and the finishing of the boundary wall has been submitted to, and approved in writing by the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – In the interest of the special character of the listed building and the Old Aberdeen Conservation Area.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

(04) INTERNAL DOORS

That no development shall take place unless detailed drawings and sections (scale of 1:10) of the proposed replacement internal doors have been submitted to, and approved in writing by the Planning Authority, and thereafter the development shall be carried out in accordance with the details so agreed.

Reason – In the interest of the special character of the listed building.

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 Steven Berry, representing Old Aberdeen Community Council and Margaret Sleeman, representing Friends of Seaton Park, who both objected to the planning application.

The Committee then heard from the agent for the application, Stephen Martin, who answered questions from Members in regards to the proposed application.

The Committee resolved:-

to approve the application conditionally in line with the officer recommendation.

FORMER STONEYWOOD SCHOOL SITE, STONEYWOOD ROAD ABERDEEN - 230428

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

That the application for Detailed Planning Permission for the erection of supported living accommodation (Class 8 - residential Institutions), comprising eight residential units and ancillary staff office building, new vehicular access, car parking, infrastructure, open space and landscaping at the former Stoneywood School site, Stoneywood Road Aberdeen, be approved with a legal agreement and subject to the following conditions:-

Conditions

(1) 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

(2) NOISE MITIGATION

The hereby approved dwellings shall not be occupied unless noise mitigation measures achieving at least an equivalent effect of those measures contained within section 7 of the approved Noise Impact Assessment (Sandy Brown: 23055-R01-B – 21 March 2023) have been applied, including;

- a) Installation of windows throughout the development with a minimum sound insulation performance of $R_w + C_{tr}$ 40 dB;
- b) The external wall and roof constructions must have a minimum sound insulation performance of $R_w + C_{tr}$ 48 dB;
- c) Installation of essential mechanical means of ventilation to allow a closed window strategy for noise control;
- d) Installation of a mechanical ventilation system which complies with NR 25 internally within dwellings, with demonstration of this to the satisfaction of, and agreed in writing by, the Council's Environmental Protection Service.

Reason: In order to ensure that external sources of noise from the operations of Aberdeen International Airport are suitably mitigated to allow a satisfactory residential amenity to be created within the new dwellings.

(3) LANDSCAPING SCHEME

Prior to the occupation of any of the hereby approved dwellings, a scheme of hard and soft landscaping covering all hard surfaces, areas of public and private open space and landscaped buffer spaces within the development as shown on approved drawing 2274-MRT-XX-XX-LD-A 90001 Rev D (Proposed Site Plan) shall be submitted to and approved in writing by the Planning Authority. The scheme shall increase biodiversity on the site and include details of:

1. Those areas reserved as private space and those areas that will be freely accessible for all residents;
2. Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
3. A method statement outlining how any landscaping or other works within the root protection areas of existing trees shall take place whilst protecting and retaining the existing tree rooting environment;
4. Arrangements for the management and maintenance of the proposed open space and landscaped areas; and
5. All proposed hard-surface finishing materials.

All hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the first dwelling. All soft landscaping shall be planted in accordance with the approved scheme by no later than the first planting scheme following the occupation of the first dwelling. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

Reason: In order to ensure that residents would have adequate access to high quality external amenity space, thus creating a suitable living environment.

(4) BIN STORAGE

The hereby approved dwellings shall not be occupied unless the bin store shown on approved drawings 2274-MRT-XX-XX-LD-A 90001 Rev D (Proposed Site Plan) and 2274-MRT-XX-XX-AD-A 92010 (Proposed Bin Store Details), or similar as may be agreed in writing with the Planning Authority, has been formed in accordance with the approved details and the necessary bins provided within it, ready for use by the occupants of the dwellings and the staff office building upon entry.

Reason: In the interests of ensuring a satisfactory means for the storage and collection of waste.

(5) DRAINAGE

The development hereby approved shall not be occupied unless it is drained in accordance with the details contained in the approved Drainage Assessment (Fairhurst Drainage Assessment – ACC Stoneywood Complex Care – Project Ref: 153870 Issue 2 – May 2023) and the associated Drainage Strategy Layout (153870/2100 Rev B), or such similar drainage details as may otherwise be agreed in writing with the Planning Authority.

Reason: In order to ensure that the development would be adequately drained, would not itself be at risk of flooding and would not increase the risk of flooding to other properties or the Scottish Water sewer network.

(6) CYCLE STORES & EV CHARGE POINTS

The dwellings hereby approved shall not be occupied unless further details of the proposed EV charge point and cycle locker to be installed adjacent to the staff office building have been submitted to, and agreed in writing with, the Planning Authority and the EV charge point, cycle locker, Sheffield cycle stands and passive EV charge point provision are all be installed in accordance with the approved details.

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

(7) TREE PROTECTION

No development shall take place unless the tree protection fencing detailed in the approved Tree Survey (Astell Associates – Ref: FAS-2302-TR – 21 March 2023) and the associated Tree Protection Site Plan (FRS-2303-TP) is in place in accordance with the approved details.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

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

(8) LOW AND ZERO CARBON BUILDINGS

No development associated with any particular building shall take place unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no building shall be occupied unless any recommended measures specified within that scheme for that building for the reduction of carbon emissions have been implemented in full.

Reason: to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(9) WATER EFFICIENCY

No development associated with any particular building shall take place unless a scheme of water efficiency for the development has been submitted to and approved in writing by the Planning Authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings. Thereafter no building shall be occupied unless the approved measures have been implemented in the construction of the development.

Reason - In order to reduce pressure on water abstraction from the River Dee and the impact on water infrastructure.

(10) EXTERNAL LIGHTING

No development shall take place unless a scheme of external lighting for the development has been submitted to and approved in writing by the Planning Authority. Thereafter no building shall be occupied unless the external lighting covering the car parking spaces, footpaths and communal areas has been implemented in accordance with the approved details.

Reason - In order to create a suitable residential & visual amenity and ensure public safety.

(11) FULL FIBRE BROADBAND

No unit shall be occupied unless a full fibre broadband connection to each dwelling has been installed.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

Reason: In order to provide all dwellings with access to high-speed communications infrastructure, in accordance with the requirements of Policy C11 (Digital Infrastructure) of the Aberdeen Local Development Plan.

(12) **SITE INVESTIGATION AND RISK ASSESSMENT**

No development shall take place unless a scheme to deal with any contamination on or within the site has been submitted to and approved in writing by the Planning Authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include:

- (i) an investigation to determine the nature and extent of contamination;
- (ii) a site-specific risk assessment; and
- (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter no building shall be occupied unless:

- (i) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- (ii) a report has been submitted and approved in writing by the Planning Authority that verifies that remedial works to fully address contamination issues have been carried out.

Reason - In order to ensure that the site is fit for human occupation in accordance with Policy R2 - Degraded and Contaminated Land.

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

The Committee resolved:-

to approve the application conditionally with a legal agreement in line with the officer recommendation.

INTERNATIONAL SCHOOL OF ABERDEEN, NORTH DEESIDE ROAD, CULTS - 230405

11. 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 installation of floodlighting to the existing 3G pitch (part retrospective) at International School of Aberdeen, North Deeside Road Aberdeen, be approved subject to the following conditions:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

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) RESTRICTION ON HOURS

That the floodlights hereby approved shall only be in use between 15:00 and 21:00 hours Monday to Friday and shall not be used on Saturdays and Sundays. The floodlights shall only be used during hours of low light or darkness.

Reason – in the interest of residential amenity

(03) INSTALLATION IN ACCORDANCE WITH DETAILS

That the development hereby approved shall be installed in accordance with the details as set out in the 'International School Aberdeen Proposed Floodlighting Lighting Impact Study' by Halliday Lighting, dated 30th May 2023; and associated drawing HLS5540 forming part of this application, and shall be retained as such.

Reason – in the interest of residential amenity

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 Val Milne, representing Braeside and Mannofield Community Council and Jan Robertson, who both objected to the proposed planning application.

The Committee then heard from Ian Williamson, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally in line with the officer recommendation.

30 WOODEND PLACE ABERDEEN - 230601

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

That the application for Detailed Planning Permission for the erection of detached dwellinghouse and associated works at 30 Woodend Place 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) GRANITE / SLATE USE

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme for the re-use of granite duntakings on site and details of the finish, appearance and coursing / size of proposed granite facing blocks and slate to be used as external materials. The development hereby approved shall not be occupied unless such scheme as may be approved has been implemented in its entirety.

Reason: In the interest of visual amenity and to ensure granite re-use within the development.

(03) PLOT / BOUNDARY TREATMENT

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme for the alteration of the existing boundary walls, and proposed fencing / walls. The development hereby approved shall not be occupied unless such scheme as may be approved has been implemented in its entirety.

Reason: In the interest of visual and residential amenity / privacy.

(04) TREE/ HEDGE / SOIL PROTECTION

No development shall take place unless the tree protection measures specified in drawing no. WPA3-2305-TP of the approved arboricultural assessment have been implemented on site and are retained on the site for the duration of construction works. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities / soil compaction shall be permitted within the tree protection area 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

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

(05) DRAINAGE

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a scheme for sustainable surface water drainage for the site, including the proposed driveway. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme. The building hereby approved shall not be occupied unless foul drainage is connected to the public foul drainage network.

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

(06) BIODIVERSITY / LANDSCAPING PROVISION

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority a further detailed scheme of landscaping and biodiversity enhancement for the site. This scheme shall include details of bird / bat boxes, proposed planted / herbaceous areas, areas of any tree /shrub / climbing planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the Planning Authority.

Reason: In the interests of protection of the amenity of the area, to ensure a suitable landscape treatment and amenity for occupants and deliver compensatory planting of biodiversity value.

(07) PROVISION OF CYCLE STORAGE / EV CAR PARKING

No development shall take place unless there has been submitted to and approved in writing by the Planning Authority a scheme detailing secure cycle storage provision and on-site electric vehicle parking and charging for the development. The development shall thereafter be implemented in full accordance with said scheme.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

Reason: In the interests of encouraging more sustainable modes of travel.

(08) RENEWABLE ENERGY / WATER SAVING MEASURES

No development shall take place pursuant to this permission unless there has been submitted to and approved in writing by the Planning Authority an Energy and Water Saving Statement for the building. The statement shall include the following items:

- a) Full details of the proposed water efficiency measures and renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan 2023.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy and Water Saving Statement. The carbon and water reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions and water efficiency.

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

The Convener moved, seconded by the Vice Convener:-

That the application be approved conditionally in line with the officer recommendation.

Councillor Mrs Stewart, moved as an amendment, seconded by Councillor Boulton:-

That the application be refused for the following reasons.

It was overdevelopment of the area and in contravention of Policy H1 and D1 of the Aberdeen Local Development Plan and Policy 16 of National Planning Framework. The proposal would conflict with the Interim Aberdeen Planning Guidance 2023: Sub-division and Redevelopment of Residential Curtilage. The proposal would conflict with Policy H1 and result in a detrimental impact on the adjacent residential amenity. Concerns about road traffic and safety which included entry egress over a pavement which could pose an issue in terms of pedestrian safety. The proposal would create an undesirable precedent for similar proposals for other corner plots.

On a division there voted – for the motion (10) – the Convener, the Vice Convener and Councillors Alphonse, Blake, Cooke, Copland, Clark, Lawrence, Radley and Thomson – for the amendment (3) – Councillors Boulton, Farquhar and Mrs Stewart.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

40 WOODSTOCK ROAD ABERDEEN - 230398

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

That the application for Detailed Planning Permission for the erection of a two storey side extension and single storey rear extension at 40 Woodstock Road 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) MATERIALS AND DETAILS

No works in connection with the development hereby approved shall commence unless a detailed specification of new and reused granite (including coursing, tooling, finish and local source wherever possible) to be used in the external finish for the approved development have been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in complete accordance with the approved specification.

Reason: To ensure the proposed development is architecturally compatible with the existing dwelling and in the interests Policy D7 (Our Granite Heritage) and retaining granite on site.

The Committee heard from Rebecca Kerr, Planner, who spoke in furtherance of the application and answered questions from Members.

The Committee then heard from William Hutchison, who objected to the application.

The Committee then heard from Victoria Goldie, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally in line with the officer recommendation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

52 THE GREEN ABERDEEN - 230437

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

That the application for Detailed Planning Permission for the erection of a timber glazed pavilion for an outdoor seating area retrospectively at 52 The Green Aberdeen, be approved subject to the following conditions:-

Conditions

(1) 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.

(2) TIME LIMITED CONSENT

The temporary building hereby granted planning permission shall not remain on the site after a 3- year period expiring on 30/06/2026.

Reason: The character and siting of the structure is not such as to warrant its retention on a permanent basis – in the interests of preserving visual amenity and the character and appearance of the conservation area.

(3) OPENING HOURS & PROHIBITION OF AMPLIFIED MUSIC

The hereby approved temporary building shall only be used between the hours of 10am and 10pm on any given day and no amplified music or other such noise generated by speakers shall be played within the structure.

Reason: In order to preserve the amenity of the area in relation to noise emissions.

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

The Committee then heard from Steven Bothwell, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally with condition 3 amended to read:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

3) **OPENING HOURS & PROHIBITION OF AMPLIFIED MUSIC**

the hereby approved temporary building shall only be used between the hours of 9am and 11pm on any given day and any amplified music or other such noise generated by speakers shall only be played within the structure between the hours of 9am and 10pm.

Reason: In order to preserve the amenity of the area in relation to noise emissions.

ABERDEEN HYDROGEN HUB - HARENESS ROAD AND NESS FORMER LANDFILL SITE, COAST ROAD, ABERDEEN

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

That the application for Detailed Planning Permission for the erection of a hydrogen production and vehicle re-fuelling facility, solar farm and underground solar grid connection (Aberdeen Hydrogen Hub) at Hareness Road and Ness Former Landfill Site, Coast Road 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) HARENESS ROAD

That no development shall take place at the Hareness Road / Hydrogen Hub site unless there has been submitted to and approved in writing by the Planning Authority, a detailed plan showing the site layout, including location of Sustainable Urban Drainage (SUDS) and access from the adopted road, in relation to the Hareness Road / Coast Road/Access to the South Harbour improvement works/ widening plan, if available. The proposal shall thereafter be implemented only in accordance with the plan, or subsequent plan as so agreed, unless otherwise agreed in writing with the Planning Authority.

For the avoidance of doubt, the Hareness Road/Coast Road improvement plan shall be as provided by the Council at the time of discharge of the condition.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

Reason: In the interests of ensuring safe access and location of SUDS in relation to the proposed road improvements.

(03) COAST ROAD

That the solar farm shall not be brought into operation unless there has been installed on site the sub-stations, transformers, inverters, monitoring house and storage in accordance with a layout plan submitted to and agreed in writing with the Planning Authority. For the avoidance of doubt, any of the listed components may be removed from the development and not included in the layout plan if no longer required. The location of the equipment shall be shown in relation to the Coast Road / Access to the South Harbour/ replacement of railway bridge improvement plan, if available from the Council at the time of discharge of the condition.

Reason: To help ensure efficient implementation of the development and road/bridge improvement project.

(04) Construction Environmental Management Plan (CEMP)

That no development shall take place on either site unless there has been submitted to and approved in writing by the Planning Authority a CEMP for that site. The CEMP shall include the regular checking during the bird nesting season (March to August) of the solar site for nesting birds by a qualified ecologist and measures to be implemented where nesting is found. Thereafter the developments shall be carried out in complete accordance with the relevant plan unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting the environment and wildlife.

(05) BADGER SURVEY

That no development shall take place at either site (a. Hareness Road and b. Ness Landfill) unless surveys have been carried out by a suitably qualified expert within the 3 months prior to commencement of development in accordance with recommendations of the Preliminary Ecological Survey Report by AECOM June 2022 and the results together with any recommended mitigation measures submitted to and approved in writing by the Planning Authority. The measures shall thereafter be implemented in full on site.

Reason: To protect badgers.

(06) EXTERNAL LIGHTING

No permanent lighting shall be installed unless there has been submitted to and approved in writing by the Planning Authority details of the lighting including an assessment of the extent of light spill. Light spill shall not occur outside the Ness site

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

(boundary fence) and any impact on remaining scrub at Hareness Road site shall be minimised. Thereafter lighting shall be installed only fully in accordance with the details as so agreed.

Reason: In the interests of the protection of nature.

(07) INVASIVE NON-NATIVE SPECIES MANAGEMENT PLAN

That no works shall take place at either site (a. Hareness Road, b. Ness Landfill, c. Coast Road corridor) unless a survey for INNS has taken place on that site and a management plan has been submitted to and approved in writing by the Planning Authority. Any mitigation measures as so agreed shall be implemented in full in accordance with the plan.

Reason: In order to avoid the spread of INNS.

(08) LAYOUT OF PANELS

That no works to install solar panels hereby approved shall take place at the solar farm unless there has been submitted to, and approved in writing by the Planning Authority a revised detailed layout that avoids the siting of solar panels within the area of the highest ground level (66m OAD). The panels shall thereafter be installed in accordance with the plan as so approved, or such other as may be subsequently approved.

Reason: In order to protect the setting of the Crab's Cairn, a Scheduled Ancient Monument.

(09) NOISE

That no plant and equipment shall be installed at the Hydrogen Hub or the solar farm other than with mitigation measures in place in accordance with details that have been submitted to and approved in writing by the Planning Authority. The submission shall include details of the critical noise mitigation measures achieving at least an equivalent effect of those measures contained within section 5.01 of the Aberdeen Hydrogen Hub Noise Impact Assessment (AECOM, 10th March 2023, AHH-ACM-PH1-ZZ-RP-EN-011) takes place, including but not limited to:

- a) Installation of plant and equipment which complies with the noise emission data on which the assessment was based and contained within appendix D2, namely;
 - I. Table C.6.7 Sound power levels per m2 of plant at Hydrogen Production and Refuelling Facility,
 - II. Table C.5 Sound power levels per unit of plant at Hydrogen Production and Refuelling Facility,
 - III. Table C.6 Sound power levels per m2 of Transformers at Solar Farm Table C.7 Sound power levels per m2 of Inverters at Solar Farm

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

Reason: In order to protect the amenity, health and well-being of the occupiers of nearby buildings.

(10) SUDS – SOLAR SITE

That no development shall take place on the solar site unless there has been submitted to and approved in writing by the Planning Authority (in agreement with Flooding Team) an assessment of the development's impact on surface water run-off rates and where required, mitigation measures needed to achieve no impact to the existing run-off rates, unless otherwise agreed in writing with the Planning Authority. The development shall not become operational unless the mitigation measures have been implemented in full in accordance with the details as so agreed.

Reason: In the interests of avoiding flooding and pollution.

(11) SUDS – HYDROGEN SITE

That no development shall take place on the hydrogen site unless there has been submitted to and approved in writing by the Planning Authority (in agreement with Flooding Team) an updated Drainage Strategy to show that no water will leave the site in scenarios up to the 1 in 200 years event and increase flood risk to the public road (Hareness Road). The development shall not be brought into use unless any mitigation measures recommended in the Drainage Strategy have been implemented in accordance with the strategy as so approved.

(12) HARENESS ROAD BUS STOP RE-LOCATION

Unless otherwise agreed in writing with the planning authority, the hydrogen hub site shall not be brought into operation unless there has been installed on site a re-positioned bus stop and length of footway in accordance with plans submitted to and approved in writing by, the Planning Authority (in consultation with Roads DM Team). The submitted information shall include a detailed layout plan for the re-locating of the bus stop on the east side of Hareness Road and the laying of footway from the existing location to the new location where necessary.

Reason: In the interests of ensuring public transport provision and road safety.

(13) LANDSCAPE PLANTING AND MAINTENANCE (SOLAR FARM)

All landscaping proposals shall be carried out in accordance with the approved scheme as shown on AAH-ACM-PH1-S2-DR-LA-000001 A Solar Site - Landscape Plan or such other as may be subsequently approved in writing through this condition, and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

required to be planted. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a long term habitat management regime and maintenance of all the approved landscaped areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped 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.

(14) LANDSCAPE PLANTING AND MAINTENANCE (HYDROGEN HUB)

That no works in connection with the development hereby approved shall take place unless a scheme landscaping works has been submitted to and approved in writing by the Planning Authority. Gorse on the west side of the Hareness site shall be retained where possible for the proposed development to maintain existing wintering sites for woodcock.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained;
- (ii) The location of new native trees, shrubs, hedges, grassed areas.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) An indication of any existing trees, shrubs and hedges to be removed.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

(15) SOLAR PANEL FOUNDATIONS/PINS

That no development shall take place on the solar site unless there have been submitted to and approved in writing by the Planning Authority, details of the required anchoring system for the solar panels. Thereafter the scheme shall be implemented in accordance with plans as so approved unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of safety and visual amenity.

(16) BIRD NESTING SEASON – VEGETATION CLEARANCE

That any vegetation clearing on either site should take place outside the bird nesting season, namely beginning of March to the end of August, unless a suitably qualified ecologist has checked for the presence of nesting birds.

Reason: To protect breeding birds

(17) SKYLARK NESTING LOCATIONS

That no development shall take place on the solar farm site unless there has been submitted to and approved in writing by the Planning Authority, proposals for the creation of skylark nesting habitat within the application site. The measures as so agreed shall be carried out within a timescale set out and agreed as part of the proposals, to ensure that nesting sites are available each breeding season.

Reason: To help protect breeding birds and ensure nesting sites are not lost.

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

The Committee resolved:-

to approve the application in line with the officer recommendation.

At this Juncture, the Convener proposed to suspend Standing Order 40.2 (Length of Meetings) to enable the meeting to continue beyond six hours.

The Committee agreed unanimously to suspend Standing Order 40.2.

LAND OPPOSITE 10 QUEEN'S TERRACE ABERDEEN - 230407

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

That the application for Detailed Planning Permission for the change of use from amenity land to temporary outdoor seating area for a public house including erection of marquee with bar, adjacent storage container, and associated al fresco areas at land opposite 10 Queens's Terrace Aberdeen, be refused for the following reasons:-

The proposal involved a significant proportion of the Urban Green Space of Queen's Terrace Gardens being utilised for private commercial purposes, consequently inhibiting public access to this public open space. No replacement green space provision was proposed. The proposed development was therefore contrary to Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4 and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

In terms of the statutory duty to pay special regard to the desirability of preserving and enhancing the character and appearance of the conservation area, by way of their design, scale and siting in their context, it was considered that the proposed structures would adversely affect the setting of the adjacent listed buildings and the character and appearance of the Albyn Place and Rubislaw Conservation Area. The proposal would therefore conflict with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the Aberdeen Local Development Plan 2023.

Based on the information that had been submitted, the proposal would not conserve, restore or enhance biodiversity and no evidence had been submitted to demonstrate that the proposal would protect the nearby trees from damage. The proposal therefore resulted in a tension with Policies 1 (Tackling the Climate and Nature Crises), which required significant weight to be given to the nature crisis, and Policy 3 (Biodiversity) of National Planning Framework 4 and Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2023.

Notwithstanding that every planning application was considered on its own merits, given the presence of other Class 3 uses in the area within close proximity of the gardens, there was the potential for this development to make it difficult to resist similar proposals nearby in the area, which could result in the greater loss of open space, to the detriment of public amenity.

Thus, whilst it was recognised that this development would increase economic activity locally, had the potential to increase footfall in the area and support local job creation, significant public harm would result from the combined loss of this valued area of open space as a public amenity, its impact on the historic environment and through the biodiversity matters not being sufficiently addressed. As such, the development would conflict with overall aims of the Development Plan.

The Committee heard from Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from Members.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

The Committee then heard from Anthony Dawson, Nicky Turnbull, Holly Greenhalgh, Gary Ross, Mike Innes, Andy Forbes and Alasdair Smith, who all spoke in support of the application.

The Committee then heard from Elaine Farquharson-Black, who spoke in support of the application on behalf of the applicant.

The Committee resolved:-

to approve the application conditionally for the following reasons:-

That due to the relatively small area of the Queen's Terrace Gardens that would be occupied by the proposal and given that the facility could be used by members of the public, there was no conflict with Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4 and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

That due to the temporary annual nature of the use, and the retention of existing natural screening, it was considered that any detrimental impacts on the character of the Albyn Place and Rubislaw Conservation Area and nearby Listed buildings would be neutral and therefore in line with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the Aberdeen Local Development Plan 2023.

The proposal was directly associated with an existing Class 3 (food & drink) use and would increase economic activity locally. The proposal had the potential to increase footfall in the area as well as support local job creation.

It was acknowledged that the application site was within an accessible location in the West End area near the city centre and the development would provide a food and drink use in a marquee with outdoor seating for those living and working in the nearby area as well as providing employment opportunities for the local population, all in accordance with the community wealth building aspect of Policy 25 of National Planning Framework 4 and Policy VC6 West End areas of the Aberdeen Local Development Plan 2023.

Conditions:-

(1) 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

29 June 2023

(2) TEMPORARY AND SEASONAL USE

That the temporary buildings / structures and use hereby granted planning permission shall only be in situ within the period from 1 May until 30 September inclusive in any calendar year. Within one week following the latter date in each period, the structures shall be removed and the site shall be fully reinstated and made available as public open space. No structures shall remain in place beyond 30 September 2025.

Reason: In order to secure restoration of the site as public open space as the character and siting of the structures is not such to warrant their retention on a permanent basis, and to limit the consent to a period of 3 years, due to the temporary nature of the proposals.

(3) RESTRICTION OF OPENING HOURS & PLAYING OF AMPLIFIED MUSIC

That the development hereby approved shall only be used between the hours of 9am and 11pm on any given day; any amplified music or other such noise generated by speakers shall only be played within the structure between the hours of 9am and 10pm; and the generator hereby approved shall be suitably noise attenuated to the satisfaction of the Planning Authority.

Reason: In order to preserve the amenity of the area in relation to noise emissions.

(4) TREE PROTECTION MEASURES

That the development hereby approved shall not commence unless a scheme of tree protection measures during the construction, use, and removal, of the structures hereby approved for all trees within 5m of the application site has been submitted to, and approved in writing by the Planning Authority. Thereafter, the tree protection measures shall be implemented in accordance with the approved scheme.

Reason: In order to protect the trees on the site, in the interests of the natural environment.

(5) RESTORATION OF GROUND

That the development hereby approved shall not commence unless a scheme for restoring the site, including re-seeding and / or re-turfing has been submitted to, and approved in writing by the Planning Authority. Thereafter, within one month of the structures having been removed, the site shall be restored in accordance with the approved scheme.

Reason: In order to ensure the timeous reinstatement of the site following the expiry of this temporary permission in the interests of the amenity of the area.

- **Councillor Ciaran McRae, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
29 June 2023

This page is intentionally left blank

	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	24 August 2023								
4	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		
5	Airyhall Distribution Service Reservoir - 230212	To approve or refuse the application for installation of tank mounted solar PV arrays and associated equipment		Matthew Easton	Strategic Place Planning	Place	1		
6	53 Erskine Street - 230582	To approve or refuse the application for change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people		Alex Ferguson	Strategic Place Planning	Place	1		
7	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		
8	Land At Greenferns Sites OP28 & OP33	To approve or refuse the application for Residential-led, mixed use development comprising approximately 1,650 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure including new and upgraded access roads, landscaping, open space and engineering works		Gavin Clark	Strategic Place Planning	Place	1	D	Waiting on further information from the applicant.
9	PRE APPLICATION FORUM - Land At Rigifa Farm Cove Road Aberdeen	To hear from the applicant in relation to proposed battery storage units with associated infrastructure, control and switch containers and associated works		Gavin Clark	Strategic Place Planning	Place			
10	PRE APPLICATION FORUM - land At Coast Road St Fittick's Park/ Gregness Headland/Doonies Farm Aberdeen.	To hear from the applicant in relation to application for a proposed business/industrial development (class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure		Lucy Greene	Strategic Place Planning	Place			
11	21 September 2023								

	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									
12	92-126 John Street - 230514	To approve or refuse the application for the erection of student accommodation (circa 383 beds) with associated infrastructure and landscaping		Gavin Clark	Strategic Place Planning	Place	1		
13	259 Union Street - 230246	To approve or refuse the application for change of use from office to student accommodation (sui generis) including refurbishment and replacement of windows, alterations of vents and associated works		Laura Robertson	Strategic Place Planning	Place	1		
14			02 November 2023						
15	Committee Annual Effectiveness Report	To report on the annual effectiveness for the period 14 October 2022 to 14 October 2023.		Lynsey McBain	Governance	Commissioning	GD8.5		
16	Energy Transition Zone - public consultation	At the meeting on 29 June 2023, it was agreed (a) to approve the content of the draft ETZ Masterplan (Appendix 1); (b) instructs the Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish the draft ETZ Masterplan for a six week period of non statutory public consultation; and (c) to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed revisions to the draft ETZ Masterplan to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Place Planning		4 and 5		
17			07 December 2023						

	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									
18	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		
19			Future applications to PDMC (date of meeting yet to be finalised).						
20	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		
21	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		
22	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
23	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant with drive thru		Lucy Greene	Strategic Place Planning	Place	1		
24	56 Park Road - 221074	To approve or refuse the application for the erection of 30 flats		Robert Forbes	Strategic Place Planning	Place	1		
25	Woodend - Culter House Road - 210889	To approve or refuse the application for erection of 19no. self-build dwelling houses with associated landscaping, access and infrastructure		Dineke Brasier	Strategic Place Planning	Place	1		
26	26 Rubislaw Den North - 230665	To approve or refuse the application for erection of single storey extension, window replacement to rear; and installation of two new gates to front		Rebecca Kerr	Strategic Place Planning	Place	1		
27	Former Banks o'Dee Nursing Home, Abbotswell Road - 230685	To approve or refuse the application for conversion to 24 affordable flats, installation of replacement windows and doors, cladding, alterations to car park and garden ground		Alex Ferguson	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
28	Former Cults Railway Station Station Road Cults - 230772	To approve or refuse the application for change of use from class 4 (business) to class 1A (shops and financial professional and other services) and class 3 (food and drink) with covered outdoor seating area including demolition of existing lean-to extension and erection of single storey extension; alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated car parking and other associated works		Gavin Clark	Strategic Place Planning	Place	1		
29	Former Aberdeen Market And 91-93 Union Street - 230704	To approve or refuse the application for Replacement of Aberdeen Market (including redevelopment of 91-93 Union Street) with mixed use development including retail (class 1A), food and drink (class 3), leisure (class 11), and landscaping / public open space including proposed pedestrian link from Union Street to the Green, and associated works		Matthew Easton	Strategic Place Planning	Place	1		

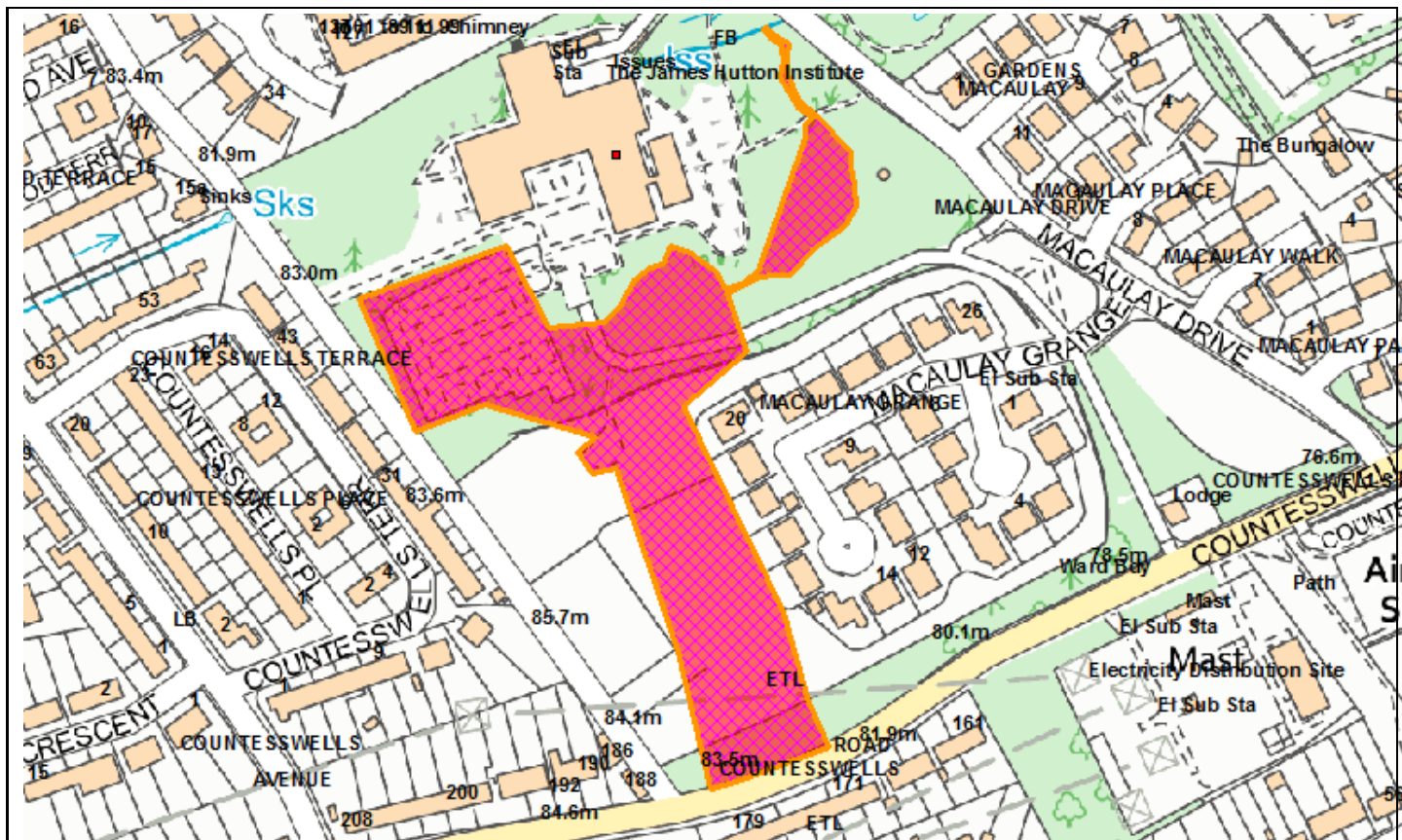


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 24 August 2023

Site Address:	The James Hutton Institute, Countesswells Road, Aberdeen, AB15 8QH
Application Description:	Formation of access road, amended car parking and associated drainage
Application Ref:	221419/DPP
Application Type	Detailed Planning Permission
Application Date:	30 November 2022
Applicant:	The James Hutton Institute & the Macaulay Development Trust
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler and Seafield
Case Officer:	Matthew Easton



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2023

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application relates to land within the campus of the James Hutton Institute (JHI), which is located on the north side of Countesswells Road, within Craigiebuckler. The campus comprises a main building set within woodland, with various smaller buildings in the north west corner of the site. South west of the main building are 130 parking spaces, spread between a main car park of 118 spaces and a secondary area of 12 spaces located closer to the building.

The campus is heavily landscaped with a range of native and exotic tree species. All trees within the site and along its boundary with Countesswells Road are protected by Tree Preservation Order (TPO) No. 46.

The areas subject of the application relate to a field which sits between Countesswells Road and the main JHI building and associated car park to the north, as well as some of the woodland surrounding the existing building. The field is largely grassland and has an open, undulating character.

The surrounding area is residential in character, with the homes at Macaulay Grange and off Macaulay Drive having taken place on land once forming part of the institute.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for construction of a new junction and access road, re-organisation of an existing car park and provision of associated drainage infrastructure. The access would comprise a single carriageway road with footpath on its west side. The road would be located in the eastern part of the field. Additional planting is proposed west of the road.

The new junction would be located opposite the three houses at 175, 177 and 179 Countesswells Road, 310m west of the junction with Macaulay Drive and 120m east of Airyhall Avenue. To facilitate the creation of the junction, a section of boundary wall would be removed, and ten trees would be felled.

The junction would provide access to the new road which would be some 230m long and lead to the existing main car park to the north, roughly along the line of an existing gap in the tree belt and informal vehicular access to an area of hardstanding for informal overspill parking. Ten further trees would require to be felled where the car park would be connected to the new road. The car park would be reconfigured to create drop-off areas and reduce the number of parking spaces at the campus to 96 and space for one coach.

Surface water sewers within the road and car park would drain to a new drainage basin within the woodland to the south east of the main building.

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=RLWSE2BZLR200>

- Drainage Assessment Report
- Environmental Walkover Survey Report
- Planning Statement
- Transport Statement
- Tree Survey Report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and –

- six or more representations objecting to the proposals have been made; and
- the community council for the area has objected to the proposals.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site is located in the outer city and not within an area of the city with current controlled parking measures.

As there are no proposals or alterations to floor space of the James Hutton Institute, the site shall remain as accessible as it is currently. As the proposal is to provide a new access road with adjacent footpath, this shall create an additional suitable pedestrian link and tie-in with existing adopted footpath network on Countesswells Road.

Such new pedestrian provision shall also provide a direct link to the nearest public transport provision on Countesswells Road.

- Parking – The site has a current car parking capacity of 130 spaces, which is acknowledged by the applicant as over provision. As part of the re-configuration proposals, the volume of parking would be reduced to 84 car parking spaces and provision for coach parking (as and when necessary). There are an additional 12 car parking spaces elsewhere on site taking the total remaining provision to 96 spaces, therefore a total of 34 spaces would be removed. This is a more acceptable level of provision and is in-line with that found by surveys undertaken by the applicant's consultant which is included within the supporting Transport Statement. Parking bays would be 2.5m x 5.0m and provide a 6m aisle width throughout.

There requires to be clarification that the site still retains suitable disabled bay parking provision and whether such works is an opportunity to provide suitable EV charging provision.

- Development access – The proposal is for a simple priority junction access onto Countesswells Road opposite property no's. 175-179. Such a junction is typical and in-keeping with other

junction/accesses along Countesswells Road, including that of the existing route into this site via Macaulay Drive.

Opposite the proposed junction on the south side of Countesswells Road, the aforementioned properties all have private driveways. While typically such driveways should not be within proximity of or opposite a junction, there is no break up of existing driveways which would allow the creation of a more suitable location for the new access. The applicant has attempted to offset the existing driveways as much as possible from the proposed access with one driveway still directly opposite. Whilst there is slight concern, this is not considered significant enough to prohibit such an arrangement, as visibility remains very good, and the road is relatively wide with large verges also aiding visibility.

That being said, should there be any future proposals at the JHI campus with associated requirements to upgrade this junction at a future date (such as a signalised junction), the presence of the driveways could significantly hinder that possibility.

The proposed new access shall require to be in accordance with ACC standards. Based on the level of design detail provided thus far, this would appear to be the case in terms of visibility, width, corner radii etc. This will however require a further detailed design to be carried out that includes appropriate dropped kerbs and tactile paving across the junction to provide continued pedestrian connection and necessary drainage tie-in with the adopted aspects of Countesswells Road.

- Internal road layout – The new access road would be 6m in width and connects Countesswells Road with the re-configured car park, this road would include a 2m wide footpath for its entirety along the west side and proposed to be constructed to an adoptable standard. However, the road would not be adopted, and the adopted extents would only cover the bell-mouth of the new junction. The construction of the new access junction and road shall allow the existing means of access, via Macaulay Drive, to still be utilised as an additional access for emergency vehicles, pedestrians, and cycle access if necessary. Within the site, it is noted that all the proposed footpaths appear to all connect, however crossing points shall require to provide suitable dropped kerbs and tactile paving.
- Impact on local road network – A capacity analysis and traffic surveys were undertaken by the applicant, which evidenced that a simple priority junction would have no material impact on the operation of the surrounding road network. However, further reviews would be required should there be any further future proposals for the development of the JHI campus.
- Travel plan framework – It is requested that a suitably worded condition be attached for the applicant to provide a site Travel Plan, which they may have already but shall require to be updated. Such a plan should provide overarching aims to support sustainable travel, realistic modal share targets and a series of measures to obtain these targets.
- Drainage – It is confirmed that for surface water, adequate levels of treatment are proposed with the mitigation indices outweighing those of the pollution indices. All drainage provision within the site shall be privately maintained and all aspects shall be subject to further review should future development be sought. The site's surface drainage should not discharge onto Countesswells Road, therefore adequate gully provision shall be required at the junction access and can be addressed as part of the roads construction consent application.

Archaeology Service (Aberdeenshire Council) – No objection. Having reviewed the application, it can be confirmed that, in this instance, the Archaeology Service have no further comment to make.

Craigiebuckler and Seafield Community Council – Object to the proposal for the following reasons:

1. Trees – The proposed access road is not in keeping with the character of the local area which is semi-rural and features an arboretum of mature trees, a greenspace, and a belt of woodland at the estate's boundary with Countesswells Road. The proposed road would have a detrimental impact on this environment because mature trees at the site's southern boundary would be felled. Those trees are the subject of a tree preservation order.
2. Wildlife – The proposed road would cause the depletion of the wildlife habitat, resulting in the reduction in numbers (or the extinction on the site) of bats, deer, squirrels, badgers, foxes, and bees that feed on the heavy Linden blossom that flourishes on the open greenspace. Public concern has been expressed about the impact the proposed access road will have on the wildlife in the area by removing the trees which support the nests of sparrow hawks, owls and many other bird species including woodpeckers. Pine martens have been observed in the grounds, and barn owls have been seen hunting, feeding, and resting regularly in the field where the new road is proposed.
3. Car dependency – The proposed road would encourage motorised transport, contrary to Aberdeen City Council's Local Transport Strategy, which aims to reduce the dependence on the private car in favour of sustainable forms of transport, the objective being to achieve a target of zero carbon emissions.
4. Residential amenity – The proposed access road would be close to the boundary of the houses of Macaulay Grange, leading to traffic noise and fumes degrading the amenity of their back gardens.
5. Road safety – The proposed road junction with Countesswells Road is located on a blind bend and close to its junction with a lane, which serves as the only vehicular access to residential properties. Therefore, the formation of a new junction on that bend, and near the lane's junction, heightens the risk of road traffic collisions (RTC) involving vehicles travelling east to access Airyhall Primary School, other public amenities, and the junction with Springfield Road. Furthermore, drivers merging from the proposed junction may have difficulty doing so safely because they will not be able to see traffic approaching from beyond the bend.
6. To mitigate, the applicant should include a statement that no motorised traffic accessing or exiting the premises and grounds of the James Hutton Institute will be able to do so via Macaulay Drive because the present internal link road will be restricted to pedestrian and cyclist traffic. Countesswells Road has become increasingly busy with traffic generated by the new Aldi store, the Dandara housing development, and the growth of the new Countesswells Village to the west of the city. The junctions for all these new developments interrupt the flow of the thousands of traffic movements by functioning to determine their directions of travel. The applicant proposes to add another junction to this complex mix of road engineering, thus increasing the risk of accidents involving school pupils who cross them on their way to Airyhall Primary School.
7. Considering its proximity to Airyhall Primary School and nursery, the applicant does not seem to have considered the impact the proposed road would have on these establishments. The traffic generated by the proposed road would also add to the congestion at the junction between Countesswells Road and Springfield Road. The transport statement indicates that traffic surveys were completed on 16 June 2022. Since this study was conducted a new Aldi

supermarket has opened at the top of Countesswells Road (July 2022) which has significantly increased the volume of traffic on that road. This is a fundamental change to the road usage and the traffic survey is now outdated and irrelevant.

8. Proximity to driveways – In addition to road safety concerns, the proposed junction would be against ACC guidelines as it is proposed to be located within 15m of existing accesses to residential driveways. ACC guidance states “*Driveways should be a minimum of 15m from a junction, although there may be circumstances where this may be relaxed when not deemed a road safety issue. In no circumstances, however, will a driveway be permitted within 10m of a junction.*” Due to the volume and speed of traffic on Countesswells Road, a road safety issue does exist. Consequently, the 15m rule should not be relaxed. The proximity to the driveways of properties on Countesswells Road adds to likelihood of the occurrence of an RTC involving a resident who is attempting to park their vehicle on their driveway or enter the road from their driveway.

To conclude, the proposal does not take account of the inevitability of the environmental impact of the planned road on the eco system of the natural environment of the site. Furthermore, the applicant has provided what seems to be an outdated traffic survey which, in the event of it being deemed credible by members of a Council Planning Committee, would have adverse implications for the safety of those who use Countesswells Road.

REPRESENTATIONS

Forty-eight representations were received to the application. All but one object to the proposal. In summary the matters raised are –

Amenity

1. The proposed road would be too close to the rear of homes on Macaulay Grange, resulting in noise and environmental pollution. It should be located closer to the opposite side of site, with significant landscaping provided as a buffer between the two.
2. There would be overlooking and loss of privacy.
3. Car head lights from vehicles using the new junction would shine into homes on Countesswells Road.

Natural heritage

4. The decision taken to not do a full comprehensive assessment of the wildlife throughout the year and during the night hours on their own land demonstrates a level of disappointing hypocrisy by the JHI given the nature of their research goals for biodiversity.
5. The proposal erodes the green space and would impact upon species (red squirrel, deer, fox, badger, bat, barn owl, sparrow hawk, starlings, waxwings, woodpecker) and biodiversity.
6. There would be a significant loss of protected trees, which contribute to the visual amenity of the area. It is not true that their removal will have limited conservation impact due to them being non-native species. Many of these trees are at least 75 years old and add considerably to the ambience of the area.

Road safety

7. Countesswells Road is a busy road, and a new junction would create further congestion. There are existing issues with congestion and speeding. There are various uses such as Airyhall Primary School and the electricity sub-station which require access from the road.
8. The road junction would be on a bend in the road, which would make it difficult for drivers and pedestrians to see cars pulling out.
9. To ensure safety of children walking from Countesswells Avenue and Macaulay Drive to Airyhall School, a new pedestrian crossing on Countesswells Road should be a condition of this application.
10. Residents and visitors to the homes opposite the junction would no longer be able to park outside their homes.
11. It is already difficult for residents to enter and exit their driveways on Countesswells Road due to traffic levels.
12. The relocation of JHI traffic from Macaulay Drive to the new junction on Countesswells Road would have a far higher impact on residents on Countesswells Road than it ever would on those in the Macaulay estate with the current arrangement. one slightly busier road is better than two less busy roads.
13. This new access has no considerations to help ensure the safety of pedestrians and children attending Airyhall Primary School crossing the new access road. An assessment of crossing safety and implementation of mitigations should be carried out before approving this application.

Traffic

14. The new road would reduce traffic using Macaulay Drive to access
15. A new junction is not required as there is already a satisfactory access into the JHI campus. There is no problem with the level of traffic associated it or the junction at Macaulay Drive and Countesswells Road which leads to it and the traffic survey numbers and those projected for 2030 do not appear to support the need for a new road.
16. Macaulay Drive is a residential area with no through traffic and should no longer be used for any access to The James Hutton Institute. All access to The James Hutton Institute should be via the newly proposed access road from Countesswells Road.
17. Traffic calming measures should be included.
18. The traffic assessment is out-of-date.

Other

19. The reduction in parking spaces does not appear to support the need for a new road.
20. Further housing is not required in the area.
21. There are power lines close to where development would be.

22. Historically access was also provided via Craigiebuckler Avenue – that access road could be reopened.
23. The 2005 Craigiebuckler Planning Brief identified the preferred option was an entry only access from Countesswells Road with exit movements continuing to be via Macaulay Drive. This was identified by ACC as being the safer option as it avoids any traffic exiting onto Countesswells Road at the bend in the road. The traffic volume on Countesswells Road has increased significantly over the last 17 years and will no doubt continue to do so with current and future developments at Countesswells Village. Taking this into consideration, the creation of a new, unjustified, two-way road would now be even less of an option than it was in 2005.
24. The proposals are contrary to JHI's Health, Safety, Quality and Environmental Policy Statement which states JHI will "enhance the environment by preventing pollution and work hard to achieve a carbon neutral footprint as soon as possible."
25. This new access has no considerations to help ensure the safety of pedestrians crossing the new access road. An assessment of crossing safety and implementation of mitigations should be carried out before approving this application.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy CF1 (Existing Community Facilities)
- Policy NE3 (Natural Heritage)
- Policy NE4 (Our Water Environment)

- Policy NE5 (Trees and Woodland)

Other Material Considerations

- [Craigiebuckler Planning Brief \(2005\)](#)

EVALUATION

Background

The Craigiebuckler Planning Brief which covers the JHI Campus was agreed between the institute and Council in December 2005. It is a non-statutory document and no longer has any particular status but represents an agreed position between the Council and JHI on matters surrounding the future development of the campus. The brief included plans for improved access arrangements and new office & laboratory buildings.

In 2021, discussions on the future of the campus between JHI and the planning service led to a review of the 2005 Planning Brief and strategy for the campus. Planning officers provided comments on JHI's proposed strategy and future aspirations for the campus in the form of pre-application advice. This review and update of the earlier planning brief has not been formally agreed by the Council and therefore does not form part of the 2023 Local Development Plan and its supporting advice and guidance. JHI has indicated it wishes to improve its research offering at the campus and encourage open science and better community integration. The institute has indicated that the proposed road is intended to form the first phase in the wider delivery of their plans for the campus.

In October 2022, JHI were awarded £7.19 million from the Scottish Government's Just Transition Fund to establish a new facility at the campus known as the 'Just Transition Hub'. The hub would see collaboration with a range of stakeholders to develop nature-based, net-zero solutions for issues such as community renewable energy development, flood management, sustainable groundwater access, biodiversity enhancement and peatland restoration. JHI consider the importance of providing the new road is significant and will enable the delivery of the new hub for the institute and the wider north east community. Architects were appointed by JHI in May 2023 to develop proposals for the hub. Discussions between the Planning Service and JHI regarding the new hub are underway and the proposed road is related to the Just Transition Hub as part of the next stage of evolution of the JHI campus.

Central to JHI's plans for the campus is to increase the visibility of institute and its work within the city. At present the access comprises a narrow access road which is hidden from Countesswells Road and largely serves a residential area, which JHI consider is not fit for purpose and does not offer the visibility it requires. JHI indicate that the new access road would improve access to the existing Institute buildings, create a fit-for-purpose access road for the existing users as well as potential future uses, and would help support the proposed hub. The objective for the Institute is to create an Open Campus, welcoming the public and in particular the adjacent surrounding community to use the facilities and understand the importance of the research being undertaken. Later phases of proposals for the campus are expected to feature new research and laboratory type development which would complement existing operations, with the aims of attracting similar organisations to the campus, creating a larger scientific hub in Aberdeen.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting, and facilitating development that addresses the global climate emergency and nature crisis. As

enabling development which would support delivery of the Just Transition Hub, the work of which would contribute to Scotland's aim of achieving net-zero, the proposed new road and junction would indirectly support the aims of Policy 1 of NPF4 in relation to climate change.

Land Use Zoning

The site is in an area where Policy CF1 (Existing Community Sites and Facilities) applies. The policy states that "*existing further education and research institute sites shall be used mainly for these purposes*". It goes on to say that "*proposals for new or extended uses of these types on these sites will be supported in principle. Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle*".

On the basis that the proposed junction, access road and car park are to serve the existing use and future proposals associated with the institute, there is no tension with the underlying land use zoning. The proposals would support the development aspirations of the institute described in the previous section.

Junction Design

The new junction would be formed as a simple priority T-junction which would allow traffic to enter and exit the site. It would have a radius of 12m which would be suitable for coaches and other large vehicles.

The junction's location is essentially in the same position as envisaged in the 2005 planning brief, offset ever so slightly to the west from where the brief proposed the road. At that time, the arrangement was expected to be a one-way system, with traffic entering the campus from the new junction and exiting through the existing driveway onto Macaulay Drive. The view is expressed in representations that the one-way system should still be the arrangement implemented. Notwithstanding, no concerns have been raised with a two-way junction by ACC roads officers. The planning authority are also required to consider the application before it, rather than any hypothetical alternative that has not been proposed (*issue 23*).

Concerns have been raised that the location of the junction would not be suitable due to the bend in the road. ACC roads officers consider that the bend is only slight and that satisfactory visibility splays for the 30mph urban environment would be provided in either direction. This would provide motorists the ability to see a sufficient distance when emerging from the junction and for pedestrians when crossing it (*issue 8*).

In terms of its position, the junction would be located opposite the three houses at 175, 177 and 179 Countesswells Road. Each house has a driveway in the front garden which is accessed from Countesswells Road. ACC roads officers have indicated that typically driveways should not be within close proximity of or opposite a junction. However, at this section of Countesswells Road there no sufficient gap between driveways which would result in an alternative location being any more appropriate for the junction. Therefore, if the principle of a new junction into the campus is accepted, the most suitable location for it is where it is proposed. The applicant has attempted to offset the existing driveways as much as possible from the proposed access, however one driveway would still be directly opposite. This is not considered by ACC roads officers to be significant enough to prohibit such an arrangement, as visibility remains very good, and the road is relatively wide with large verges also aiding visibility. The arrangement would not be unusual for the area, with similar arrangements found at the Countesswells Road junction with Airyhall Avenue and Craigton Road's junctions with Northcote Avenue and Airyhall Avenue for example (*CC issue 8 and issue 11*).

It is noted in representations that residents and visitors of the houses opposite the new junction would no longer be able to park outside their homes. Roads officers advise that to keep the south side of the street opposite the proposed junction clear of parked vehicles, parking restrictions would be necessary. It is anticipated that the restrictions would extend approximately 10-15m in either direction from the junction. Notwithstanding, motorists would still be able to park on-street beyond these restrictions, which would only be a short distance from the houses affected and existing driveway parking would remain (*issue 10*).

A 78m stretch of the existing stone wall along Countesswells Road would be removed to allow construction of the junction. Of this, 19m of wall would be reconstructed along Countesswells Road on the west side of the junction and 33m on the east side. The remainder of the stone from the wall would be used to extend the new wall into the site, returning on either side of the junction.

Whether a right-hand stacking lane should be provided was considered, however this would result in increased land take, some of which is outside the applicant's control, and a higher degree of tree loss. It was also noted that the existing junction at Macaulay Drive does not feature a stacking lane and operates satisfactorily.

The geometry of the road design negates the need for any specific traffic calming measures such as speed bumps or build-outs (*issue 17*).

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to take into account suicide risk. There are no features apparent within the junction, road or car park which would increase the risk of suicide occurring.

It is considered the design and location of the junction is acceptable and would not raise any road safety concerns (*CC issue 5*).

Local Road Network and Traffic

To consider the impact of the junction on the local road network, the applicant has produced a Transport Statement (TS) which has been considered by the Council's Roads Development Management Team.

In terms of traffic, it has been highlighted in representations that Countesswells Road is a busy road, with it suggested that a new junction would create further congestion. A junction capacity analysis was undertaken as part of the TS, which shows that the junction would operate with ample capacity and minimal queuing. There would be minimal delay to through traffic on Countesswells Road. Any delay to westbound traffic at the new junction would be offset by reduced delay at the existing Countesswells Road/Macaulay Drive junction, due to the redistribution of traffic entering the site (*CC issue 7 and issue 14*). The provision of a new junction and access road would not in itself encourage the use of the private car (*CC issue 3*).

It is acknowledged that that the traffic levels of Macaulay Drive are expected to reduce as motorists take the more direct route into the campus from Countesswells Road, increasing activity beside the houses near the new junction. Whilst Macaulay Drive is a dead-end that serves the campus and surrounding residential properties, Countesswells Road is a key route through the area. The proposal therefore does have the benefit, albeit a minor one when the levels of traffic are considered, of redistributing traffic away from a quieter residential street and keeping it on Countesswells Road which is more suitable for higher levels of traffic movement (*issue 12 and 14*).

The TS does consider hypothetical future traffic levels, utilising anticipated levels of floor space which might be able to be accommodated within the site, should JHI's future vision for the campus be realised. This shows that the junction again would operate satisfactorily. Notwithstanding, the future development proposals are not part of this application and would therefore be considered as and when any proposals were submitted to the planning authority. ACC roads officers highlight that this may result in requirements to upgrade the junction at a future date, such as the installation of traffic signals, however the presence of the driveways could significantly hinder that possibility. As there is no additional floor space associated with this application and the junction and road themselves do not generate traffic, there would be no material impact on the operation of the local road network as a result of the junction.

The traffic count on Countesswells road for the junction capacity analysis was carried out in June 2022, a month before the nearby Aldi supermarket at Countesswells Road opened. The traffic count therefore does not include any traffic now associated with the supermarket. Notwithstanding, roads officers have considered the level of traffic, which was modelled for the supermarket, in conjunction with the traffic for this proposal, and it is considered that carrying out a further traffic count would not lead to any material change to the outcome of the analysis (*issue 18*).

It is suggested in representations that a new pedestrian crossing should be provided on Countesswells Road to assist children from Countesswells Avenue and Macaulay Drive (on the north side of the road) to reach Airyhall Primary School (on the south side). However, as the traffic levels would not be materially different from existing as a result on the proposal, there would be no justification for requiring a new crossing. An uncontrolled crossing with a central island already exists opposite the school which can be utilised by pedestrians walking from the west towards the school (*issue 9*).

Concern is raised with speeding drivers on Countesswells Road; however, a new junction is unlikely to have any bearing on such activity. Motoring offences are an enforcement matter for Police Scotland (*issue 7*).

In summary the Council's roads officers consider that the new junction would have no material impact on the operation of the surrounding road network (*CC issue 6 and issues 7, 11, 12*).

Amenity

Concern is raised with the proximity of the road to the rear of homes on Macaulay Grange, with the potential for noise and environmental pollution. Given the minor nature of the road and the carriageway being at least 10m from the rear boundary fences of houses, it is not expected that residents would experience any significant disruption or loss in amenity from activity associated with the road. It is expected that vehicles would be driving at relatively low speeds as they approach or leave the junction which would minimise traffic noise within what is a suburban area where there will be a range of noise sources and activities already (*CC issue 4 and issue 1*).

The rear gardens of homes on Macaulay Grange are enclosed by standard timber fences and ground levels within the site would generally be lowered to accommodate the road. Therefore, there are no concerns with the potential for overlooking or loss of privacy as a result of the road or use of it (*issue 2*).

Concern is raised that car headlights would affect amenity of residents living on Countesswells Road opposite the new junction. Again, it is not unusual for houses to be positioned opposite junctions or on a road bend resulting in car headlights facing them, however within a residential area full-beam headlights should not be being used. Any impact would be negligible (*issue 3*).

Parking

The car park would be reconfigured to create drop-off areas and reduce the number of parking spaces at the campus to 96 and space for one coach. The site has a current car parking capacity of 130 spaces. The applicant and Council's roads officers note that is over provision when compared to the Council's parking standards. Parking surveys carried out by the applicant and found a peak demand 76 spaces. The proposed level of parking would therefore be sufficient for the current demand associated with the institute. The current accessible parking spaces would remain unaltered. Parking provision for any future development, including electric vehicle charging, would need to be considered as part of any applications for that development.

It is noted in representations that the reduction in parking spaces does not appear to support the need for a new road. As explained earlier in the report, the new junction and road are not proposed to address any increase in parking at present but could facilitate new development in future (*issue 19*).

Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland, and trees. It goes on to say that Development proposals that "*enhance, expand and improve woodland and tree cover will be supported*" and that "*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value*". Policy NE5 (Trees and Woodland) of the ALDP largely reiterates these aims and says there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

The site is covered by tree preservation order 46. A total of 159 trees and four tree groups were surveyed. The trees are of various species and ages, with several large mature specimen trees. Twenty trees would be felled to accommodate the proposals. Another twenty trees, which are not required to be removed to accommodate the proposals, are recommended to be felled for health and safety or woodland management reasons.

Ten of the trees to be felled would be to allow the new junction to be formed on Countesswells Road. Six of these are good quality mature trees of various species, the other four are poor quality mature deciduous trees. The removal of these trees, which average around 10m in height, would create a gap in the tree belt which borders the northern edge of Countesswells Road. This would introduce a noticeable change in the streetscape, with a gap of around 25m being created in what is a generally a continuous stretch of trees along Countesswells Road, between its junctions with Macaulay Drive and the lane to the immediate west of the site. The exceptions to this is a gap with electricity lines above, slightly to the east of where the road is proposed and a gap further to the east where Craigiebuckler South Lodge is located, opposite to Craigiebuckler Primary Substation. Notwithstanding the loss of trees at this location, substantial trees would be retained on either side of the junction, which would help maintain the tree'd character of the north side of the street. The road would be within the root protection area of some of the retained trees. The tree survey concludes that as they are semi-mature trees, they would not be significantly impacted by this infringement and should be retained rather than removed.

Ten further trees would require to be felled where the car park would be connected to the new road. They vary in height between 5m and 27m. Due to the curved alignment which the road would have at this point, the removal of these trees would not have a significant visual impact, with woodland backdrop when viewed from the south maintained by the surrounding trees which would be retained.

The proposed surface water detention basin would be formed by creating a bund to the northeast of an existing natural hollow in the land to the east of the carpark. Three trees, all of which appear healthy, are located within the hollow area where the detention basin would be established. As these trees are tolerant of short periods of water inundation, the occasional, temporary inundation of tree roots in the basin is not expected to have any impact on these trees.

To compensate for the loss of trees, replacement planting is proposed within the JHI campus. The tree survey recommends the planting of 100 trees which would be a mix of nine different native species, complementary to those already present.

In summary, whilst there is tension with Policy 6 of NPF4 and Policy NE5 of the ALDP due to the loss of trees, particularly the associated visual impact because of the removal of trees alongside Countesswells Road, it would not be possible to construct the road without tree loss occurring. The minimum number of trees required to allow the new road to be constructed would be removed, with compensatory planting proposed to compensate for the loss (*issue 6*).

Natural Heritage

Policy 4 (Natural Places) of NPF4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. It goes on to say that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application. These principles are reiterated by Policy NE3 (Our Natural Heritage)

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting, and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 3 (Biodiversity) of NPF4 seeks the enhancement of biodiversity.

An Environmental Walkover Survey was carried out in July 2022, with a later update in February 2023 to include a winter survey for squirrel dreys (resting places) and bat roosts. The survey has been considered by the Council's Natural Environment Policy Team and is considered satisfactory (*issue 4*). The site is not subject to any natural heritage designations. In terms of habitats, the site can be divided into three general areas. Broad-leaved woodland around the car parks and main building; the field which comprises unimproved neutral grassland and the broad-leaved woodland strip along Countesswells Road.

Although red squirrels are known to the present in the area, no evidence was found of any dreys within the trees. Similarly, bats have been observed foraging within the campus woodland and at nearby Couper's Pond. Four trees are considered to have bat roosting potential; however, none of these are to be felled.

It is indicated in representations that pine martens, deer, badgers, and foxes are reported to have been seen in the site. The survey did not find any evidence of animal tracks, dung or grazing from mammals. Therefore, although species may occasionally forage in the site, this is unlikely to be to any significant degree. Notwithstanding, the development of what at the moment is an open field, will see a reduction in foraging habitat for such species.

In relation to birds, the survey did not find evidence of the presence of any priority species. To avoid damage, destruction or interference with any active bird nest, tree felling would take place outwith when birds are not breeding (generally September to January).

The survey identified invasive non-native species within the application site, therefore, to ensure the risk of spreading these species during construction is minimised, a condition is proposed requiring the submission and implementation of a management plan.

In summary, whilst no specific impact is identified in terms of protected species, there would some tension with Policy 4 (Natural Places) and Policy NE3 (Our Natural Heritage) due to the loss of habitat and trees. This could be offset in the medium to long term by the tree planting mitigation discussed in the previous section (*CC issue 2*).

Drainage

Policy 22 (Flood Risk and Water Management) of NPF4 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It goes on to requires development proposals to “*(i) not increase the risk of surface water flooding to others, or itself be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and (iii) seek to minimise any areas of impermeable surface.*” Policy NE4 (Our Water Environment) generally reiterates these principles, requiring all new developments to incorporate SUDS to manage surface water.

A small area of the site is identified on the SEPA Flood Maps as being at a low risk of surface water flooding. This area would be adjusted to accommodate the new road, with surface water run-off from it being collected by gullies and then being conveyed to an extended detention basin which would provide storage and treatment for both the road and future development area run-off. The basin would discharge at a restricted rate to a swale, which would drain into an existing land drain within the woodland to the east of the basin. The drain flows north and discharges into the West Burn of Rubislaw, which is within the campus grounds. The car park drainage arrangements would remain as they are at present, with areas of hardcore intercepting the majority of the surface water run-off and allowing it to infiltrate to the ground or surrounding landscaping. The proposed SUDS features, and overall surface water drainage proposals are considered acceptable.

It is also proposed to install foul sewers within the new road to accommodate future discharges from the future development area. The sewer would connect to the existing public sewer on Macaulay Drive. This would avoid opening up the new road in future to install sewers, should the future development area be developed.

Other matters raised in representations

- It is suggested that no further housing is required in the area. This application however does not propose any housing (*issue 20*).
- It is noted that there are power lines close to where junction and road are proposed, however this would not prevent the construction of the road below. The applicant would be responsible for ensuring construction work does not affect any power lines or other utilities in the area (*issue 21*).
- Access to the campus does appear to have historically been available from Craigiebuckler Avenue to the north, with the suggestion in representations that this could be re-opened as an

alternative access route. However, the planning authority are required to consider the application before it, rather than any hypothetical alternative that has not been proposed (*issue 22*).

- Whether the proposals are contrary to JHI's Health, Safety, Quality and Environmental Policy Statement or otherwise, is a matter for the applicant rather than a material planning consideration (*issue 24*).

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

On the basis that the proposed junction, access road and car park are to serve the existing use and future proposals associated with the institute, there is no tension with the underlying land use zoning and Policy CF1 (Existing Community Sites and Facilities) of the Aberdeen Local Development Plan (ALDP). The proposals would support the future development aspirations of the institute.

The junction and road design are considered acceptable by the Council's Roads Development Management team and are considered to have no material impact on the operation of the surrounding road network in terms of traffic.

Whilst there is tension with Policy 6 (Forestry, Woodland and Trees) of National Planning Framework 4 and Policy NE5 (Trees and Woodland) of the ALDP due to the loss of trees, particularly the associated visual impact because of the removal of trees alongside Countesswells Road, it would not be possible to construct the road without tree loss occurring. The minimum number of trees required to allow the new road to be constructed would be removed, with new tree planting proposed to compensate for the loss. Whilst no specific impact is identified in terms of protected species, there would some tension with Policy 4 (Natural Places) of NPF4 and Policy NE3 (Our Natural Heritage) of the ALDP due to the loss of habitat and trees. This could be offset in the medium to long term by the tree planting mitigation.

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 FENCING

No development (including site setup) shall take place unless the tree protection measures shown in Tree Survey JHIC-2211-TRA-A (dated 17 March 2023) and drawing JHIC-22-11-TP (Rev.A) by Astell Associates (or such other details and drawing which may be approved by the planning

authority for the same purpose) have been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development.

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

(03) INVASIVE NON-NATIVE SPECIES

No development shall take place unless an invasive non-native species management plan has been submitted to and approved in writing by the planning authority. The plan shall include details of measures designed to minimise the risk of non-native species being spread during construction activities within the application site. Thereafter, construction shall be undertaken in accordance with the approved plan.

Reason – to control the spread of invasive non-native species during construction.

(04) LANDSCAPING AND COMPENSATORY TREE PLANTING

No development shall take place unless a detailed scheme of landscaping for the site has been submitted to and approved in writing by the planning authority. The scheme shall include tree/shrub planting numbers, densities, locations, species, sizes, and stage of maturity at planting.

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

Reason – to satisfactorily integrate the development into its surroundings and maintain the visual amenity of the area.

(05) TRAVEL PLAN

The junction and road hereby approved shall not be brought into use unless a travel plan for the campus has been submitted to and approved in writing by the planning authority. The travel plan shall outline sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements and modal split targets.

Thereafter the travel plan shall be implemented.

Reason – to encourage more sustainable forms of travel to campus.

(06) DRAINAGE

The junction and road hereby approved shall not be brought into use unless all surface water drainage works detailed in the approved Drainage Assessment (140950 - DA01 (Rev.2) and drawing 140950/2000 (Rev.E) produced by Fairhurst (or such other drawing approved for the purpose) have been installed in accordance with the approved details and is available for use.

Reason – to safeguard water qualities, prevent flooding and ensure that the junction and road can be adequately drained.

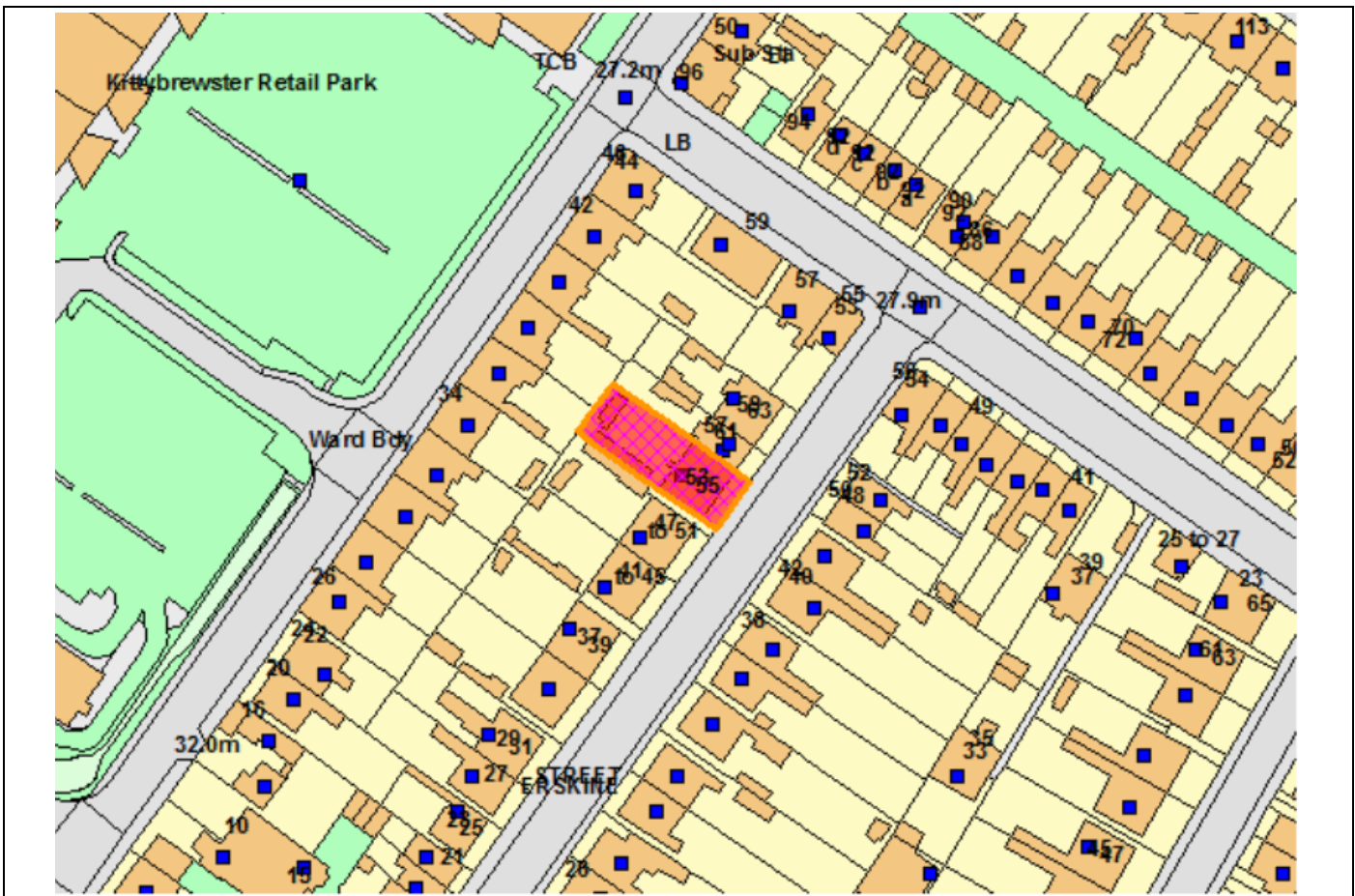
ADVISORY NOTES FOR APPLICANT

(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place outwith the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays. Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

 <p>ABERDEEN CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 24 August 2023</p>

Site Address:	Ground Floor Right, 53 Erskine Street, Aberdeen, AB24 3NR
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
Application Ref:	230582/DPP
Application Type	Detailed Planning Permission
Application Date:	15 May 2023
Applicant:	Mrs Sophie Morrison
Ward:	George Street/Harbour
Community Council:	Froghall, Powis and Sunnybank
Case Officer:	Alex Ferguson



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

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a flatted property situated at ground-floor level within a traditional end-terraced residential tenement containing a total of eight properties situated on the northern side of Erskine Street. Although the building contains a total of eight properties, the two basement level flats (both addressed number 55 Erskine Street) are accessed via a separate entrance door, therefore the communal entrance door serving the application property serves a total of six properties, with two each on the ground, first and second floor levels. The application property, originally designed and used as a mainstream residential flat, has, from information provided by the applicant, been in use as Short Term Let (STL) accommodation since 2020. The property has one double bedroom and is dual-aspect, with windows on the building's front and rear elevations, facing south onto the street and north over the tenement's communal rear garden area. The remaining seven properties in the building are understood to all be in mainstream residential use.

Relevant Planning History

230364/DPP – Detailed planning permission was approved conditionally for the change of use of the Ground Floor Right flat at 59 Erskine Street from mainstream residential use to a Short Term Let (one bedroom - maximum occupancy 2 people) on 26 April 2023. The application was approved subject to a time-limit condition which permits the use of the property as a Short Term Let for a period of five years, after which the use of the property shall revert to mainstream residential, unless a further permission has been granted in the meantime.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought, retrospectively, for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the STL is 2 persons at any one time, with a minimum stay duration of 4 days. The property is operated as an STL on a permanent basis and customers of the property utilise existing parking and on-street waste and recycling bins outside the property on Erskine Street.

Amendments

The floor plan was amended to correct an error in the layout.

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=RUI1ONBZJGU00>

- Short Term Let Checklist

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because

the Froghall, Powis and Sunnybank Community Council have objected to the application.

CONSULTATIONS

ACC - Waste and Recycling – No objection. The development is classified as commercial and therefore receives a business waste collection. Further information is included as an Advisory Note for the applicant to be aware of.

ACC - Roads Development Management Team – No objection. The site is located outwith any controlled parking zone. Parking in this area is typically provided on-street and the change of use should not have any impact on parking requirements compared to the authorised use as a mainstream residential flat.

Froghall, Powis and Sunnybank Community Council – Object, noting the following concerns:

- The drawing provided is ambiguous and appears to show two doors of entry/exit, we therefore query if this is a "flat";
- Bedroom size is 9.46 square metres (as stated in drawing) which is below permitted national regulations for 2 people;
- The available parking claimed is overstated by the applicant. On-street parking only is available;
- The surrounding area already suffers from overprovision of HMO's. Change of use from residential to business will erode the already fragile balance between residential community and a transient one.
- Approval will set a precedent.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)

- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
 - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

EVALUATION

Provision of Short Term Let accommodation and impacts on character & amenity

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

Policy H1 (Residential Areas) of the ALDP states:

Within existing residential areas, proposals for non-residential uses will be supported if:

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

Impact on character and amenity of the area

Although the application property is situated within a residential area as zoned in the ALDP Proposals Map, there are a significant number of properties on the street and in the surrounding area in use as rental accommodation, which is known to be popular with students due to its proximity to the University of Aberdeen campus. As a result, combined with the nearby Kittybrewster Retail Park, the surrounding area contains a mix of uses and has a level of activity somewhat more intensive than that of a typical suburban residential area, although Erskine Street itself is wholly residential. Given the small-scale nature of the property, comprising a 1-bed unit with a proposed

maximum occupancy of two people at any one time, its use as an STL would be unlikely to result in a significant increase in activity or coming and goings, compared to mainstream residential use, therefore the proposal is unlikely to have any significant impact on the character of the area. Additionally, no external alterations are proposed, therefore the Planning Service considers that the character of the area would be preserved.

In terms of impacts on amenity, the property shares an entrance door and stairwell with five other properties, all of which are in use as mainstream residential flats. A further two flats occupy the basement level of the building at no. 55 Erskine Street (Left and Right) and are accessed separately via the excavated front lightwell. The Planning Service considers that the use of the property as an STL could result in increased harm to the amenity of the neighbouring properties within the tenement building, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’;
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

In this instance, the proposed STL is a small one-bedroom flat with one double bed and a stated maximum occupancy of two people. It is thus considered highly unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. The applicant has advised that a significant proportion of customers of the STL are typically either travelling academics working at the University of Aberdeen, or family members of students studying at the university.

Although the customers of the property would have access to the communal garden area to the rear of the building, it is not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day. The site also lies in close proximity to a range of public parks and areas of open space, such as Westburn Park and Seaton Park (both within c. 1.5km of the property), that may be more attractive to visitors.

The application property is situated on the ground floor level of the tenement building, with its front door a short distance internally from the communal entrance door to the building and as such, the travel distance for customers of the STL within the communal areas of the building would be minimal. It is therefore considered that the impacts on amenity from the use of the property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the other flats (including the basement flats below, accessed from a separate entrance) from regular arrivals and departures by customers, via noise transmission through the floors and ceilings (particularly given the building is a historic tenement of traditional construction), and to the impact on safety and security (either actual or perceived) from the use of the communal entrance and stairwell by transient non-residents.

The Planning Service considers that the small-scale nature of the application property (with a maximum of two customers when in use and periods of time when the property will likely not be in

use) and the number of other flats in the building, combined with the context of the surrounding area, would be sufficient to ensure that its use as an STL would not cause any significant harm to the amenity of the neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the property were to remain in / revert to mainstream residential use. Although a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL could occur, it is considered that any such reduction would be relatively minor and mitigated by appropriate management of the property – ensuring that the risk of actual harm to safety and security would be low. The granting of permission for the application property would result in just one of the six properties accessed via the communal main entrance of the building serving the ground and upper floor levels being in STL use, therefore the vast majority of flats in the building would remain in mainstream residential use.

It is therefore considered that the use of the property as an STL would not cause significant harm to either the character or amenity of the area, in accordance with Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP.

Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

‘Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.’

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

‘Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).’*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers, it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish

Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Although the application property is not within the city centre, as defined in the ALDP Proposals Map, and it is a reasonably long walk (approximately 20/25 minutes) to the city centre, the site lies within 250m of bus stops on Powis Terrace that are served by multiple regular bus services to both the city centre and the airport. The site also lies in close proximity to shops and other amenities at the nearby Kittybrewster and Berryden Retail Parks, as well as the University of Aberdeen campus. It is therefore considered that although the property would not be located within the city centre (as sequentially preferred by Policy VC2), it would be within walking distance of the city centre and other amenities and facilities, and the city centre is also easily accessible from the property by public transport, therefore the use of the property as an STL is considered to be acceptable despite not being fully compliant with the expectations of Policy VC2 of the ALDP.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is considered necessary in this instance to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments :

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property's use as an STL at the time of any further planning application.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated within walking distance of the city centre, and in close proximity to multiple regular bus routes serving the city centre, the airport and the city's main bus and railway stations. No dedicated car parking is proposed for the STL but unrestricted on-street parking is available on Erskine Street. It is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property is a business and therefore does not pay Council Tax, customers of the STL utilise existing domestic on-street general waste and recycling bins situated nearby on Erskine Street. The Council's Waste & Recycling Service have advised that the customers of the property can continue to utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development is wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

Matters raised by the Community Council

The matters raised by the Community Council in their objection addressed as follows:

- *The drawing provided is ambiguous and appears to show two doors of entry/exit, we therefore query if this is a "flat"*

Response: The initially submitted floor plan drawing was incorrect. An amended floor plan was subsequently submitted, showing the correct layout, with just one door to the property from the communal hallway.

- *Bedroom size is 9.46 square metres (as stated in drawing) which is below permitted national regulations for 2 people*

Response: There is no minimum bedroom size mandated in Planning legislation, policy or guidance.

- *The available parking claimed is overstated by the applicant. On-street parking only is available*

Response: The applicant does state (erroneously) in their application form that there are 50 vehicle car parking spaces on the application site. It is understood that this reference is in relation to the approximate number of on-street car parking spaces available on Erskine Street however. The applicant notes in their completed checklist that only on-street parking is available.

- *The surrounding area already suffers from overprovision of HMO's. Change of use from residential to business will erode the already fragile balance between residential community and a transient one*

Neither NPF4, nor the ALDP or associated Interim Aberdeen Planning Guidance contain any policies or specific guidance which sets any thresholds for the amount of STL's permitted in a certain area. Nevertheless, there is only one other STL known to be in existence with planning permission on Erskine Street (Ground Floor Right, 59 Erskine Street – granted planning permission in April 2023). It is therefore considered that there is not an overprovision of STL's in the surrounding area. Although there is no policy requirement to assess the number of STL's in conjunction with the number of HMO's in a particular area, it is noted that the application site lies within an area of a low HMO percentage (3% of the total properties), and just outwith an area of 'overprovision' (14.2%), as defined on the Council's GIS mapping for HMO percentages in data zones. There are 9 HMO's known to be operational on Erskine Street.

- *Approval will set a precedent*

Response: Each planning application is assessed on its own merits, taking into consideration the nature of the proposed development and the site-specific context in each instance.

DECISION

Approve Conditionally

REASON FOR DECISION

Due to the size of the property, its position within the building and the stated maximum occupancy, it is considered that its use as Short Term Let (STL) accommodation would not have a significant

adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation, in accordance with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The property's use as an STL would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of National Planning Framework 4 (NPF4). The development would provide tourist accommodation within walking distance of the city centre and in a sustainably accessible location with good public transport links to the city centre, the airport and the city's main bus and railway stations, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP. Whilst the STL would not be sited within the city centre, the city centre would be readily accessible via sustainable and active modes of travel, therefore the proposed development is considered to be acceptable despite not being fully compliant with the expectations of Policy VC2 (Tourism) of the ALDP.

The development has sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

CONDITIONS

(1) 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.

(2) TIME LIMIT FOR SHORT-TERM LET USE

The hereby approved use of the property as Short-Term Let accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as Short-Term Let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as a Short Term Let to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

ADVISORY NOTES FOR APPLICANT

(1) COMMERCIAL USE OF COMMUNAL DOMESTIC ON-STREET BINS

As Short Term Let accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste from the on-street bins, the operator is required to enter into a contract with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of the on-street bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

businesswaste@aberdeencity.gov.uk

This page is intentionally left blank

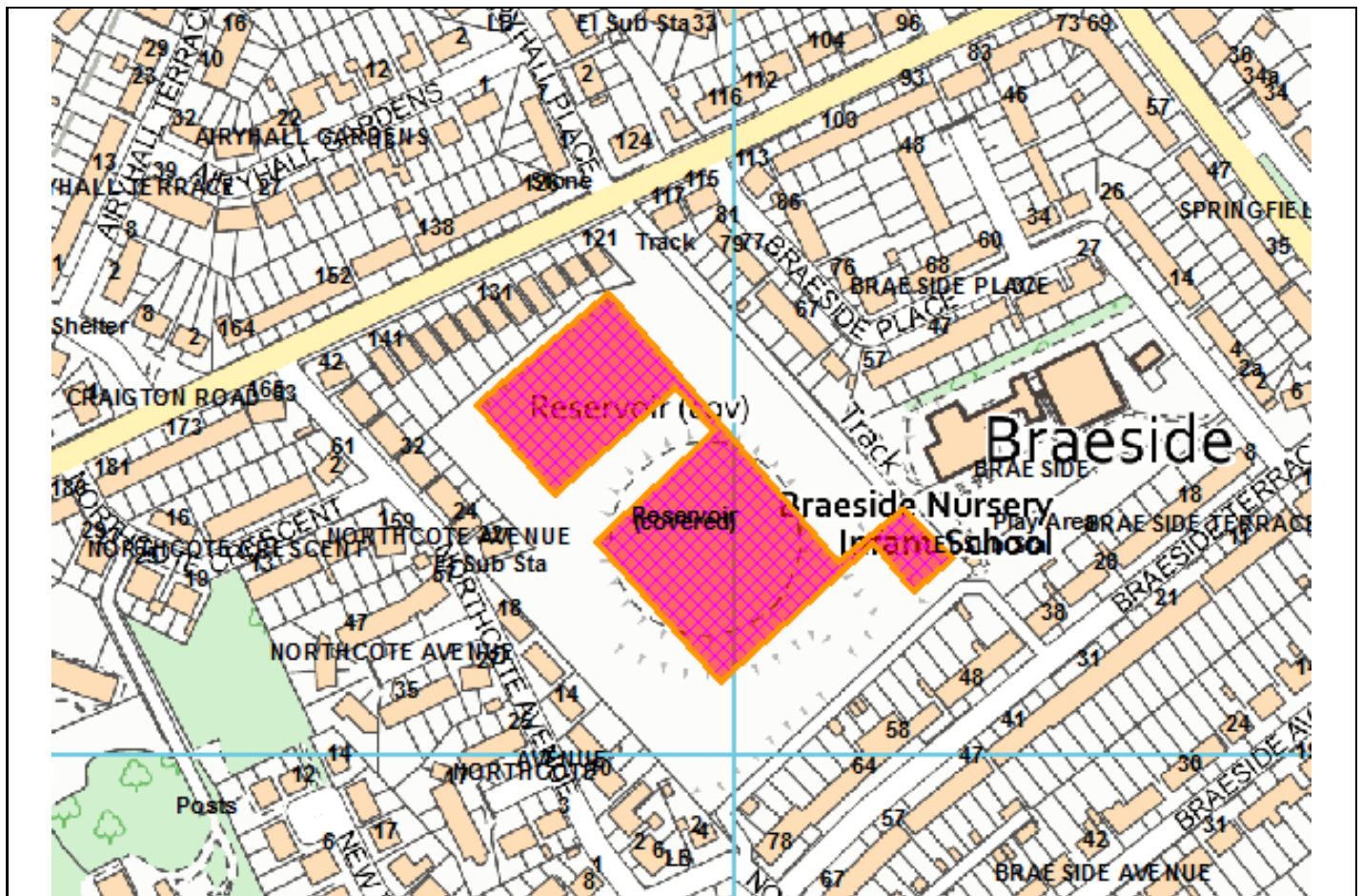


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 24 August 2023

Site Address:	Airyhall Distribution Service Reservoir, Craighton Road, Aberdeen, AB15 7TN
Application Description:	Installation of tank mounted solar PV arrays and associated equipment
Application Ref:	230212/DPP
Application Type	Detailed Planning Permission
Application Date:	3 March 2023
Applicant:	Scottish Water Horizons
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside and Mannofield
Case Officer:	Matthew Easton



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2023

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application relates to part of Scottish Water's Airyhall Distribution Service Reservoir, located at Craigton Road, Airyhall.

The reservoir site extends to around 3.6 hectares and comprises an open area of grass which accommodates two below ground concrete water tanks. The northern tank, constructed in 1994 is rectangular in shape and is currently operational. The southern tank, constructed in 1866 is circular and is currently disused. Both are covered in grass and have flat tops. Two small service buildings are in the south west corner of the site. Vehicle access is taken from Craigton Road and there is a smaller personnel gate between the site and a lane behind Braeside Terrace.

The reservoir site is surrounded by residential properties, with the rear gardens of homes located on Craigton Road forming the northern boundary, alongside a gate which serves as the access into the site. The western boundary is formed by the rear gardens of homes on Northcote Avenue and one home on Airyhall Road. The southern boundary is shared with a rear lane (part of Core Path 67) which runs between the reservoir and the rear gardens of homes on Braeside Terrace. The southern portion of the eastern boundary is formed by the boundary with the former Braeside Primary School site, which is subject of development proposals to construct 30 houses (planning application 221310/DPP). The remainder of the eastern boundary is formed by the rear gardens of homes on Braeside Place and one on Craigton Road.

Relevant Planning History

An EIA screening opinion request (221455/ESC) related to the proposal was received from Scottish Water in December 2022. It has been determined that the proposal is not an EIA development.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the installation of two solar photovoltaic (PV) arrays and associated equipment.

The two arrays would comprise a combined total of 1,948 PV panels. The first array would be located on the grassed roof of the southern tank, covering an area of 3,286 sqm. The second would be on the grassed roof of the northern tank and cover an area of 1,746 sqm. The PV panels would be mounted on frames and have a maximum height of 0.33m above the top of the tanks.

Two service buildings housing equipment would be installed in the south west corner of the site. Each would be 5m long, 5m wide and with a flat roof of 2.5m in height. They would be constructed from green glass reinforced plastic. Underground cabling would link the solar arrays to the buildings and then into the electricity grid.

The remainder of the reservoir site (which is outwith the planning application boundary) would remain unaltered as grassland.

Scottish Water has indicated that the installation of the solar arrays would contribute towards its renewable energy installation programme, which is part of a nationwide programme to reduce its carbon emissions, increase energy security and reduce operational costs. Within the city, similar arrays are operational at Mannofield Waste Water Treatment Works on St John's Terrace and Pittfodels Reservoir off Countesswells Road to the west of the application site. These examples are primarily used to power operational activities at each site, so benefited from permitted development rights which Scottish Water as a statutory undertaker can utilise for operational development. In the case of this proposal however, energy generated would be exported to the national grid, so would not be operational development. It therefore require planning permission.

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=RQH51FBZGTJ00>

- Preliminary Ecology Appraisal
- Supporting Statement and addendum

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six or more representations that express objection or concern about the proposal have been received and the application is recommended for approval.

CONSULTATIONS

ACC – Roads Development Management Team – The proposal is internal to a site owned by Scottish Water and would predominantly impact their inset road. There are no Roads concerns with this proposal.

Braeside And Mannofield Community Council – No response received.

REPRESENTATIONS

Fifteen representations have been received. Fourteen object to the proposal and one supports it. The matters raised are summarised below –

Principle

- 1) Alternative locations have not been considered, such as the rooftops of buildings, which would be preferable to using an area of green space.

- 2) Individual landowners using their land to develop solar panels and green infrastructure is not the most ideal or sustainable approach to addressing climate change. A more collaborative approach is required.
- 3) Solar panels are costly with low efficiency, and they will eventually end up in landfill.
- 4) The long-term plans for the reservoir should be considered.
- 5) Scottish Water submitted the application when they know the site is not suitable for such a development

Natural Heritage

- 6) The green space should be retained as it is.
- 7) Due to the isolated nature of the site, it has a diverse and undisturbed habitat which the introduction of solar panels would adversely effect, restricting wildlife such as foxes, deer, birds, badgers, and other animals that are known to use the site.
- 8) There would be a loss of carbon sequestration capacity by installation solar panels on the grass.
- 9) There is a contradiction in Scottish Water's aim to help achieve net zero and the impact on the biodiversity at the site that would result from installation the solar panels.
- 10) Who will be specifying the requirements for EIA and when will it be available?
- 11) Is the capital energy input required to manufacture and transport the panels taken into consideration when evaluating their environmental impact and green credentials?

Residential Amenity

- 12) There would be an adverse visual impact, the solar panels would dominate views from the rear of homes surrounding the site and have an industrial character.
- 13) Trees should be planted to screen the solar panels.
- 14) The panels would need removed anytime maintenance is carried out on the reservoirs, causing disturbance.
- 15) The panels would cause glare and light reflection.

Health and Safety

- 16) There is a risk of the solar panels catching fire and subsequent contamination of water supply.
- 17) There is a risk that the panels are uplifted and blown away by storms.
- 18) The solar panels are at risk of damage from fireworks let off by surrounding residents.
- 19) Children can be seen playing in the site on occasion and the solar panels would present a risk to them.
- 20) Construction vehicles accessing the site would cause problems with safety on Craigton Road.

Other

- 21) Work appears to have already commenced at the site.
- 22) Previous work carried out by Scottish Water at the Airyhall reservoir has been carried out in a reckless manner, including flooding of the surrounding area and mud/debris being left on the road.
- 23) Construction and maintenance of solar installations at other Scottish Water sites has been undertaken in an unprofessional and unsafe manner with poor workmanship.
- 24) Would the reservoir be able to accommodate the weight of the solar panels?
- 25) There are no details of how electricity would be exported from the site

- 26) The installation of the panels could result in flooding as the area of grass would be reduced.
- 27) Where are the solar panels manufactured?
- 28) Are there recycling facilities for solar panels in Scotland?

Administrative

- 29) Scottish Water did not consult neighbours in identifying the site for solar panels.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 11 (Energy)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy R7 (Renewable and Low Carbon Energy Developments)

Interim Aberdeen Planning Guidance and Technical Advice Notes

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Natural Heritage
- Flooding, Drainage and Water Quality

EVALUATION

Principle of Development

Policy 11 (Energy) of National Planning Framework 4 (NPF4) seeks to encourage, promote, and facilitate all forms of renewable energy development onshore and offshore. It states that development proposals for all forms of renewable, low-carbon and zero emissions technologies, which includes solar arrays, will be supported.

Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan (ALDP) also encourages and supports renewable and low carbon energy schemes in principle, where the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. On this basis, the principle of the proposed solar array is lent substantial support by these policies.

These policies establish that the principle of renewable energy developments, such as the proposed solar array, is acceptable and indeed are lent substantial support by both national and local policy.

Policy 11 of NPF4 goes on to say that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities. Given the relatively simple process of installing solar arrays, the opportunities for local and community socio-economic benefits such as employment, associated business and supply chain opportunities are limited. There would appear to be only one manufacturer of PV panels in the UK based in Wales and Scottish Water advise that the specified panels would be sourced from China. In 2021, China accounted for 75% of global PV panel production, with Europe producing 0.9%, so the opportunity to obtain from local suppliers is very limited. The other matters related to local, and community socio-economic benefits apply more to wind farm and other large scale renewable projects.

There is no requirement for the applicant to consider alternative locations. However, Scottish Water has advised that the Airyhall reservoir was selected after a thorough appraisal as it is a large area of land with no shading issues (for example surrounding tall trees or buildings) and the tank tops have a substantial surface area which is ideal for tank mounted arrays (*issue 1 in representations*).

Project Design and Mitigation

Policy 11 of NPF4 also requires the project design and mitigation to demonstrate how the following impacts are addressed. Many of these matters are aimed more towards considering large scale renewable projects, such as wind farms, nonetheless each is considered in relation to this application. Policy R7 of the ALDP also contains such criteria, much of which reiterates that in Policy 11. Where Policy R7 has additional requirements, they are highlighted in the relevant part of the discussion or considered at the end of this section.

In considering all these impacts, Policy 11 requires significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The significant weight required to be given to the global climate and nature crises by Policy 1 of NPF4 must also be considered. This substantial support for the

principle of the development should not be outweighed by other matters unless it can be demonstrated that significant harm would be caused.

- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise, and shadow flicker.*

At present houses surrounding the reservoir site have open views across it. The PV panels would be located on the top of the tanks and would have a maximum height of 0.33m above them. The northern array would be closer to homes than the southern, with the closest part of the array being 11m away from the rear garden fences of homes on Craigton Road; 50m from those on Braeside Place and 33m from those on Northcote Avenue. The southern array would be 47m from the garden fences of homes on Northcote Avenue; 65m from those on Braeside Terrace and 50m from those on Braeside Place.

The overall reservoir site area is 36,149 sqm. With the two arrays covering a total of 5,032 sqm, only 14% of the site would be covered, leaving 86% uncovered. Due to the openness of the site, the arrays would be noticeable from the back of many of the houses that surround it, apart from homes on Braeside Terrace on the south side of the site, due to the screening effect of the topography within the site. Many houses sharing a boundary with the reservoir site have natural boundary screening such as hedges or some standard height solid garden fences. Views of the arrays would therefore generally be limited to being from the upper storeys of houses. Those houses that have lower, or more open mesh fences, would likely be able to see the arrays from ground floor or gardens. However, with a large proportion of the site remaining uncovered and the arrays being set off the site boundaries by varying distances, a reasonable buffer would be provided between the rear boundaries of houses and the arrays. Any visual impact would also be limited due to the low profile of the PV panels (33cm), which would allow views across to the opposite side of the reservoir site to still be available. It is acknowledged that the view experienced by residents over the reservoir site would alter and that the change from what is principally a green field to one with equipment on it, would generally be considered a negative one by most people. However, due to the low profile of the panels, large areas of the site which would remain uncovered and the distance between the arrays and houses, the degree of visual impact would not be significant. Whilst the planning system should protect against unreasonable impingement upon the outlook available from someone's home, there is no right to a particular view and within a suburban context change is to be expected over time.

It is also important to note that the test within Policy R7 of the ALDP is that *"proposals will not have a significant adverse impact on the amenity of dwelling houses."* In this case, although there would be an impact upon visual amenity, it would be minor, rather than being significant.

The low profile of the arrays would also ensure there would be no impact on daylight availability or overshadowing for surrounding homes.

There would be no noise or shadow flicker generated by the solar arrays.

In terms of the two service buildings, these would be located beside existing buildings in south east corner of the site, adjacent to the boundary with former Braeside Primary School site. Being only 2.5m in height, they would have no adverse impact upon the amenity of the area. Underground cables would connect the arrays with the new service buildings, where a connection would be made into the wider electricity grid (*issue 25 in representations*).

Therefore, whilst there would be a change in the outlook for residents located around the reservoir, it is not considered this would be significantly detrimental to amenity (*issue 12 in representations*).

- ii. *significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.*

As discussed in section i above, the visual impact would be localised to the houses around the site. Views from public areas into the site are limited to from the rear lane which runs between the reservoir and the rear gardens of homes on Braeside Terrace. However, from here, due to topography within the site, the arrays are very unlikely to be seen. Otherwise, the only other public view into the site is from the gap between houses on Craigton Road which provides an access route into the site. Any views of the arrays from this location would be over from over 80m away, resulting in the visual impact being minor.

Given the insignificant impact it is not considered necessary to require tree planting to screen the arrays (*issue 13 in representations*).

- iii. *public access, including impact on long distance walking and cycling routes and scenic routes.*

As an operational reservoir, there is no public access to the site at present and this would remain the case. The core path along the outside of the southern boundary would remain unaffected.

- iv. *impacts on aviation and defence interests including seismological recording.*

No impacts on aviation or defence interests are expected.

- v. *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.*

No impacts on telecommunications and broadcasting installations are expected.

- vi. *impacts on road traffic and on adjacent trunk roads, including during construction.*

Although there would inevitably be construction traffic associated with the installation of the arrays, this is not expected to be significant. Operationally, only occasional maintenance vehicles would be required to attend the arrays. The ACC Roads Development Management Team was consulted and no concerns have been raised (*issue 20 in representations*).

- vii. *impacts on historic environment.*

The site is not within a conservation area and there are no historic assets, such as listed buildings or scheduled monuments, either within the site or in the surrounding area that would be affected by the proposed development.

- viii. *effects on hydrology, the water environment and flood risk.*

Policy 22 (Flood Risk and Water Management) of NPF4 expands on these matter and aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy NE4 (Our Water Environment) of the ALDP has similar provisions.

At present rainwater falls onto the grass on top of the reservoir and drains naturally into the ground or is collected in a chamber which discharges into the sewer network. With the panels being on metal frames, a 40cm spacing between the panel rows and an 11-degree tilt on the panels, rainwater run-off hitting the panels would continue to freely drain to the ground below which will remain grassed (*issue 26 in representations*).

No other impacts upon hydrology, the water environment and flood risk have been identified.

ix. *biodiversity including impacts on birds.*

Policy 4 (Natural Places) of the ALDP aims to protect, restore, and enhance natural assets making best use of nature-based solutions. It states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy NE3 (Our Natural Heritage) of the ALDP has similar provisions.

A significant number of the representations received express concern that biodiversity would be affected by the development. In response, officers asked the applicant to carry out an ecological walkover survey, which was conducted in April 2023. The survey describes the site as being dominated by open grassland habitat, a diverse selection of herbage with areas of marshy grassland, sedges, and rush. Other than the grassland, there are the 19 self-seeded trees. There are no statutory or non-statutory natural heritage designations covering the site.

In terms of species, partial excavations, foraging holes and burrows are present throughout the site, likely associated with rabbit, field vole and rat activity. Foraging pathways are present around the edge of the site, likely attributable to foxes and hedgehogs. Residents also indicate in representations that deer, badgers, and a variety of birds have been noted at the site. However, the survey found no evidence of badger or their setts, or any related to other protected species (*issue 7 in representations*).

The PV panels would sit on metal frames, with the grass below remaining underneath. Each row of PV panels would be separated by 40cm gaps and there is a gap beneath the panels, allowing for birds and other small animals to travel between the panels. The grass in the remainder of the site would be retained as it is at present. Concern is raised in representations that the installation of the PV arrays would reduce the ability of the grass to absorb carbon dioxide from the atmosphere, a process known as carbon sequestration. As already described, the panels would sit on frames covering the grass, rather than the grass being removed. In response, Scottish Water advise that the lifecycle emissions for each project are closely considered, with approximately a 51 times higher carbon saving from the project than the estimated sequestration potential of the grass areas to be covered (*issue 8 in representations*).

Given that the foraging paths and burrows associated with mammals largely relate to areas towards the edge of the site, where no works other than the small service buildings are proposed, there is unlikely to be any significant impact upon the species identified as a

result of the development. Scottish Water also advise that on their other sites where similar installations are present, birds have been attracted to the arrays as they provide safe areas to shelter and nest, so the potential exists for there to be a positive benefit to birds as a result of the development. Similarly, as the grass between and around the panels would be left to grow for longer, rather than being cut short if the arrays were not present, this could provide improved habitat for butterflies, insects, reptiles, small mammals, and amphibians.

In summary, the biodiversity value of the site is fairly limited, and this would not change because of the development. There would be no significant change in the capacity of the site to support the species that do use it. Its function as a green space would be retained (*issue 6 and 9 in representations*).

x. *impacts on trees, woods and forests.*

There are nineteen self-seeded young rowan, ash, and hawthorn trees growing on the tank roof. A few small shrubs and middle-aged sycamore trees are found along the site's southern boundary.

The trees on the reservoir would require to be removed to allow for the installation of the arrays. The trees are young and their contribution to biodiversity or visual amenity is limited. The proposed development aside, the trees on the tank roof will need to be removed by Scottish Water during the next reservoir maintenance programme, as they could compromise the integrity of the tank if left to grow.

Although several small trees would be removed, their loss would not be significant either in terms of either what they contribute visually or to biodiversity.

xi. *proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.*

The panels are designed to operate for 25 years, after which they would be removed. The installation of the arrays would not require a significant physical intervention, so their removal would also be a relatively simple process.

xii. *the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*

Due to the simple reversible nature of the installation, it is not considered necessary to have any site restoration plan. However, a condition is proposed which requires the panels to be removed once they are no longer operational.

xiii. *cumulative impacts.*

There are no other developments in close proximity which in combination with this development would generate any unacceptable impacts.

In addition to the matters covered by both Policy 11 of NPF4 and Policy R7 of the ALDP above, Policy R7 also requires that proposals for all energy developments –

i. *will not negatively impact on air quality.*

The arrays would not emit any emissions and their use in the wider scale would help reduce emissions and in turn air quality from non-renewable energy sources.

ii. will not negatively impact on tourism

There are no tourist activities associated with the site or surrounding area.

In relation to solar energy developments specifically, Policy R7 requires proposals to meet the following requirements –

i. consideration has been given to glint and glare issues and it has been demonstrated that any significant impacts will have a duration of less than five minutes in any one day.

Scottish Water advise that the proposed panels are designed to absorb light as efficiently as possible. Modern mono-crystalline solar panels use anti-reflective coatings designed to reduce reflected light to less than 2%, which is essential if a high efficiency is to be achieved. Any reflected light represents energy not being converted to electricity, so panel design is optimised to capture as much light as possible. As a comparison, solar panels reflect slightly more light than black asphalt; about the same as bodies of water; and significantly less than bare soil, vegetation, concrete, rooftops, glass, snow, or metal. On that basis, it is considered that it is highly unlikely that glint and glare would arise as a concern (*issue 15 in representations*).

ii. Low impact vegetation management can be achieved (grazing).

As an operational reservoir site, no grazing of animals takes place.

In summary, both Policy 11 of NPF4 and Policy R7 of the ALDP require decision makers to give significant weight to the benefit which the development of renewable energy project in terms of reducing carbon emissions. It is considered that the criteria contained within Policy 11 in terms of potential impacts because of the development have been satisfactorily addressed and that any impact as a result of the proposal would be localised and minor. None would outweigh the significant weight which should be attached to the benefit of reducing carbon emissions.

Land Use Zoning

The site is within an area zoned as residential where Policy H1 (Residential Areas) of the ALDP applies. Policy H1 states that within existing residential areas, proposals for non-residential uses will be supported if:

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

A solar array is not considered to be inherently incompatible with residential use and matters relating the residential amenity have been considered earlier in the report.

The primary use of the site would remain as a reservoir. Going forward, Scottish Water advise that inspection and cleaning of in-service tanks occurs over a five-year cycle. In the main, this will not require removal of panels located on the roof as most testing can be carried out from and around the access hatches, which are given a suitable clearance zone in the solar panel array designs. Therefore, the operation of the reservoir would not be compromised by the presence of the arrays.

Health and Safety

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to take into account suicide risk. There are no features apparent within the proposals which would increase the risk of suicide occurring.

Other matters related to health and safety were raised in representations and are addressed below.

- *There is a risk of the solar panels catching fire and subsequent contamination of water supply (issue 16 in representations).*

The safe operation of the PV arrays is a matter for the applicant and is controlled under separate regulations and standards; it is not a material planning consideration. However, Scottish Water has advised that the installation would be carried out by professional installers in accordance with the relevant regulations and standards. Among other system elements, the connections between panels are regularly checked as part of site maintenance, which is carried out by a specialist contractor. In the extremely unlikely event of fire, no contamination of the water supply could occur because of solar panel damage as the tank is constructed of thick concrete and fully sealed. Scottish Water's priority is to deliver a secure and safe water supply and activities that could put that at risk would not be permitted under their own risk assessment processes

- *There is a risk that the panels are uplifted and blown away by storms (issue 17 in representations).*

The safe operation of the arrays is a matter for the applicant and not a material planning consideration, as it is controlled under separate regulations and standards. Scottish Water has advised that a wind loading assessment was carried out and confirmed as satisfactory. The panels would be secured against wind by ballast and secure mounting systems.

- *The solar panels are at risk of damage from fireworks let off by surrounding residents (issue 18 in representations).*

The safe use of fireworks is the responsibility of those using them. It would be unreasonable to refuse a planning application on the basis that a third party might act in what could be considered a reckless manner. Scottish Water advises it will be vigilant for any future firework related damage at the reservoir.

- *Children can be seen playing in the site on occasion and the solar panels would present a risk to them (issue 19 in representations).*

Security of the site is a matter for Scottish water and not a material planning consideration. Scottish Water advise that concerns about unauthorised access will be raised with its security team and consideration as to whether any improvements are required, such as fence reinforcement or CCTV. The reservoir tanks have secure, alarmed access hatches. The solar panels would not present a risk to unauthorised persons as any tampering would be detected by the monitoring and protection systems in place in the solar circuit, resulting in safe disconnection.

Other matters raised in representations

Taking the remaining representations that have not be addressed already in turn –

- *Individual landowners using their land to develop solar panels and green infrastructure is not the most ideal or sustainable approach to addressing climate change. A more collaborative approach is required (issue 2 in representations).*

Matters relating to wider energy strategy are not material to the determination of this application. The principle of solar energy development is strongly supported by national and local planning policy.

- *Solar panels are costly with low efficiency, and they will eventually end up in landfill (issue 3 in representations).*

Are there recycling facilities for solar panels in Scotland (issue 28 in representations)?

The cost of the project is a matter for the applicant and not a material planning consideration. Scottish Water advises that the recycling of PV panels returns at least 95% of the materials, which can then be used for manufacturing new panels.

At present there would only appear to be one firm recycling PV panels within the UK. Scottish Water advise that recycling would be handled as locally as possible when the system reaches the end of its life.

- *Scottish Water submitted the application when they know the site is not suitable for such a development (issue 5 in representations).*

Scottish Water consider that the site is suitable for the proposal and this view is shared by the planning service.

- *Who will be specifying the requirements for Environmental Impact Assessment (EIA) and when will it be available (issue 10 in representations)?*

Environmental Impact Assessment (EIA) is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development. Generally, EIA applies to small number applications, typically large developments or where particular environmental impacts are anticipated. This proposal is considered as a 'Industrial installations for the production of electricity, steam and hot water' that is over 0.5 hectares' so is a schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017). Schedule 2 developments must be screened to determine whether EIA is required, therefore Scottish Water submitted an EIA screening opinion request (ref: 221455/ESC) to the Council. The planning service determined that there would not be a significant effect on the environment, therefore no EIA is required. Individual matters related to the environmental impact of the development have been considered above.

- *Is the capital energy input required to manufacture and transport the panels taken into consideration when evaluating their environmental impact and green credentials (issue 11 in representations)?*

As discussed earlier in the report, the direct impact of the development on the local environment is very low. On a broader level, materials and energy will be used to manufacture, transport, and install the equipment, however this is the case for any development and must be balanced against the benefit a development would realise. In this case, there is a clear benefit from generating renewable energy, the principle of which gains strong support from national and local planning policy. Scottish Water has advised that the PV panels reach carbon 'breakeven' within one to three years, with a carbon negative result for the remainder of their lifespan, which is generally 25 years. Based on that lifespan, the annual carbon saving from the Airyhall project is expected to be 140 tonnes per year, resulting in a total project saving across the remaining 22 years of 3,080 tonnes.

- *Construction vehicles accessing the site would cause problems with safety on Craigton Road (issue 20 in representations).*

Construction traffic would utilise the existing vehicle access onto Craigton Road. No concerns with this arrangement have been raised the Council's Roads Development Management Team. Scottish Water advise that drivers would be briefed about the school crossing and any other risks. The site will require deliveries of materials but once these deliveries are completed, there will be limited traffic in the way of heavy goods vehicles. There will be very limited earth moving activity required for cable trenches within the site, but no earthworks material is expected to leave site.

- *Work appears to have already commenced at the site (issue 21 in representations).*

Scottish Water has confirmed this is not the case and that the works which appear to be being referred to are normal operational activities to maintain and repair the site.

- *Previous work carried out by Scottish Water at the Airyhall reservoir has been carried out in a reckless manner, including flooding of the surrounding area and mud/debris being left on the road (issue 22 in representations).*

Construction and maintenance of solar installations at other Scottish Water sites has been undertaken in an unprofessional and unsafe manner with poor workmanship (issue 23 in representations).

The manner in which work is carried out by the applicant, or its contractors is a matter for the applicant and not a material planning consideration. Scottish Water advise their contractor would be tasked with delivering a safe and high-quality installation. Scottish Water would be on site to closely monitor construction as it progresses

- *Would the reservoir be able to accommodate the weight of the solar panels (issue 24 in representations)?*

The ability of the reservoir to accommodate the solar panels is not a material planning consideration as it would be controlled under separate regulations and standards. However, Scottish Water advise the structures have been surveyed independently to confirm their ability to support the added weight of the panels and the outcome was that there is sufficient load bearing capacity.

- *Scottish Water did not consult neighbours in identifying the site for solar panels (issue 29 in representations).*

There is no requirement for the applicant to carry out pre-application public consultation before applying for a local development. Notwithstanding, prior to submitting the planning application, Scottish Water wrote to 76 local properties to provide information about the proposals. Contact was received from three separate households, with one supportive and two seeking clarifications. Scottish Water consider comprehensive efforts were made to answer any questions fully and transparently.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Policy 11 (Energy) of National Planning Framework 4 (NPF4) and Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan (ALDP) require decision makers to give significant weight to the benefit which development of renewable energy projects will bring in terms of reducing carbon emissions. This is echoed by Policy 1 (Tackling the Climate and Nature Crises) of NPF4 which requires significant weight to be given to the global climate and nature crises when determining all applications. The principle of the proposed solar array is therefore lent substantial support by these policies.

It is acknowledged that the view experienced by residents over the reservoir site would be altered. However, due to the low profile of the panels, the large areas of the site which would remain uncovered and the distance between the arrays and houses, the degree of visual impact would not be significant. The visual impact would be localised to the houses around the site, with views from public areas into the site being limited.

The biodiversity value of the site is fairly limited, and the development would not adversely affect this. The potential exists for the development to be beneficial to species using the site, as the solar arrays can provide safe areas for birds, butterflies, insects, reptiles, small mammals, and amphibians. Therefore, there would be no conflict with Policy 4 (Natural Places) of NPF4 or Policy NE3 (Our Natural Heritage) of the ALDP.

All other matters raised, including those relating to health & safety, residential amenity, and drainage, have been satisfactorily addressed or are outside the scope of determining this planning application. None of the matters would outweigh the support that applies to renewable energy projects in national and local planning policy and therefore it is considered the proposal is in accordance with the development plan.

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) SITE RESTORATION

On the solar arrays hereby approved no longer being used for the purposes of generating electricity, (i) the planning authority must be notified; and (ii) within six months the solar arrays and supporting frames shall be removed from the site and land restored to its condition before the development took place or such other state as may be agreed with the planning authority.

Reason – to minimise unnecessary visual intrusion for surrounding residents.

ADVISORY NOTES FOR APPLICANT

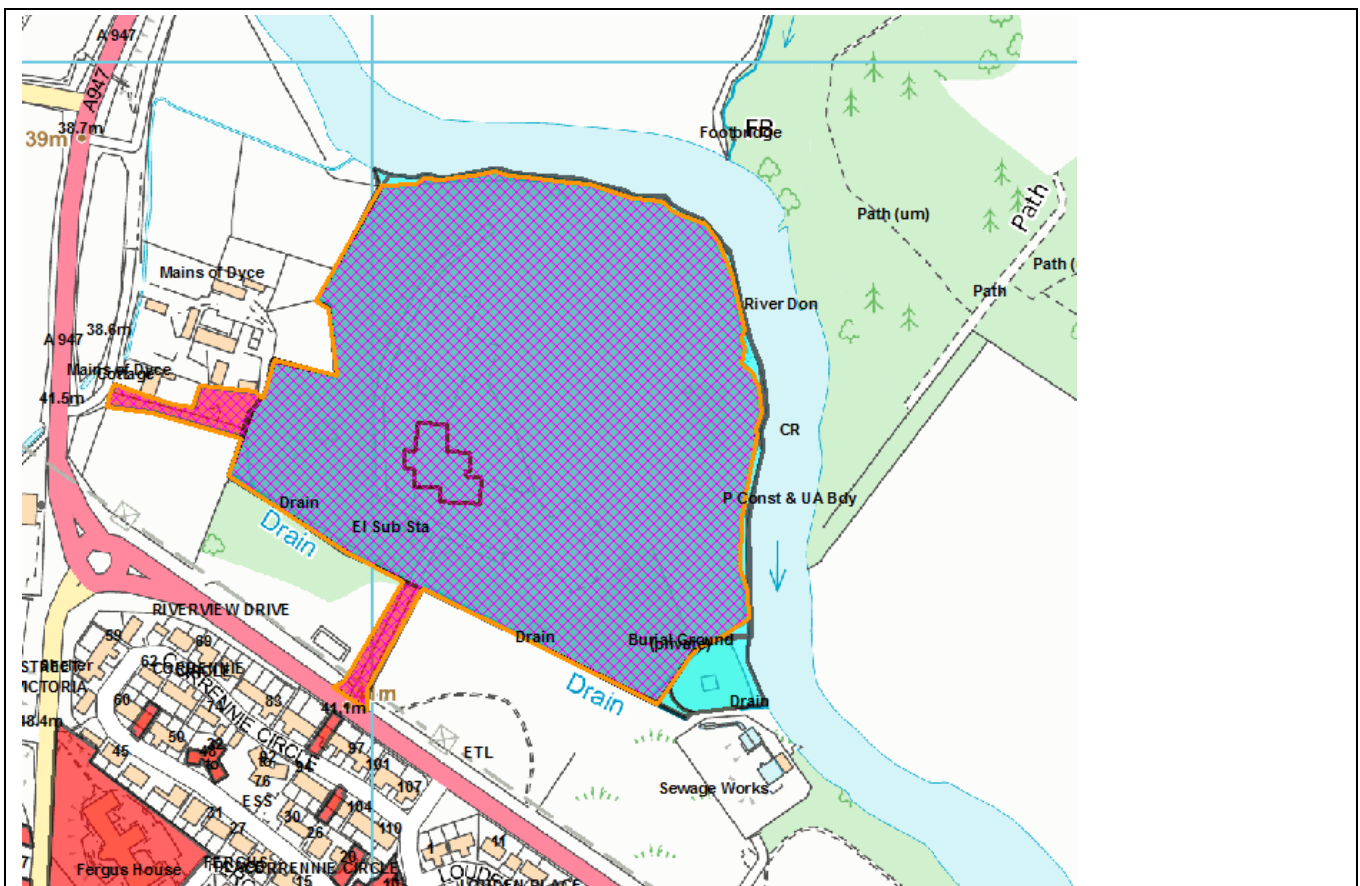
(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 24 August 2023</p>

Site Address:	Site Of Former Cordyce School, Riverview Drive, Dyce, Aberdeen
Application Description:	Erection of 91no. homes including associated infrastructure, open space and landscaping
Application Ref:	221232/DPP
Application Type	Detailed Planning Permission
Application Date:	19 October 2022
Applicant:	David Wilson Homes North Scotland
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Dineke Brasier



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

RECOMMENDATION

Approve Conditionally subject to Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site consists of an irregularly shaped area extending to c.8.2ha previously occupied by the Cordyce School and associated playing fields and an area of greenfield open space. The site is located to the north of Dyce, and is bounded by public open space leading to Riverview Drive to the south; agricultural fields, farm buildings and dwellings leading to the A947 to the west; and the River Don to the north and east. The established Dyce residential area lies opposite on the southern side of Riverview Drive.

An existing access runs from Riverview Drive to the centre of the site, which was previously occupied by the school buildings and playing fields. This brownfield part of the site is relatively level and sits at a significantly higher level than the northeast section of the site immediately adjacent to the riverside. The site is screened from general views from the south and west by established tree belts with additional clusters of trees centrally within the site and along the riverbank.

All former school buildings have been demolished with materials removed from site. Some areas of hardstanding are still present.

Relevant Planning History

220815/PAN – Major residential development with associated infrastructure, open space and landscaping.

APPLICATION DESCRIPTION

Description of Proposal

Residential development comprising a total of 91 units, associated infrastructure, open space and landscaping. Housing is proposed to be located centrally within the site. The majority of the housing would front a loop road through the development, with houses along the northeast edge of the development facing out towards the river and a further road leading into the housing in the southeast corner that are arranged around a shared parking area. Main vehicular access would be from the existing road from Riverview Drive to the south. A secondary access for emergency vehicles would be constructed to the west, passing a SUDS pond and the Mains of Dyce farm, linking to the minor road leading up to the A947.

All housing units would be on the higher platform within the centre of the site, with landscaping and areas of open space towards the river and towards the western and southern boundaries. An equipped play space would be situated in the southeast corner and a more informal kickabout space would be to the northeast in the relatively flat area before levels fall towards the river. Existing woodland and tree belts are to be retained to the west and south respectively.

The proposed housing units are comprised as 8no. 1-bed flats; 40no. 3-bed houses and 43no. 4-bed houses. The majority will be detached, with some semi-detached and terraced properties. A total of 22 units would be affordable for social rent, located in the south east corner of the site.

Amendments

Since submission, the scheme has been amended and refined, including the following:

- Adjustments to the positioning and mix of properties;
- Moving the developable area away from existing trees;
- Alterations to proposed landscaping scheme;

- Introduction of informal and equipped play spaces.

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=RJKU5TBZKEM00>

- Cycling Audit Report (Ref: 127022 Cycle) by Wyllie:Lodge, dated 24th October 2022
- Design and Access Statement (Rev A) by THE Architecture and Planning, dated 11th April 2023;
- Design Access Audit Report (Ref:127022 Access) by Wyllie:Lodge, dated 24th October 2022;
- Drainage Strategy Report (Ref: RP01) by Goodson Associates, dated 29th September 2022;
- Flood Risk Assessment (Ref:KC2443) by Kaya Consulting, dated 23rd November 2022;
- Noise Impact Assessment (Ref: 377497 RevB) by Envirocentre, dated 9th March 2023;
- Otter and Bat Survey (Ref: 375340) by Envirocentre, dated 22nd December 2022;
- Planning Statement by Ryden;
- Pre-Application Consultation Report by Ryden;
- Preliminary Ecological Appraisal (Ref : 3/75340) by Envirocentre, dated 11th July 2022;
- Preliminary Environmental Risk Assessment Report (Ref: GA 15347) by Goodson Associates, dated 31st October 2022;
- Transport Assessment – Part 1 (Ref: P15347-RP02 RevA) by Goodson Associates, dated 15th December 2022
- Transport Assessment – Part 2 (Ref: P15347-RP03 RevA) by Goodson Associates, dated 9th December 2022;
- Tree and Woodland Survey (Ref: 375340) by Envirocentre, dated 6th April 2023;

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is a major application and thus falls outwith the scheme of delegation.

Pre-Application Consultation

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

A Proposal of Application Notice (220815/PAN) was submitted on 24th June 2022, setting out a proposed programme of consultation events, which was subsequently agreed with the Planning Service. A single face-to-face consultation event was undertaken on Wednesday 24th August 2022.

The public consultation event was advertised to the local community council and ward councillors and was advertised on Monday 15th August 2022 in the Press and Journal. In addition to these statutory requirements, a poster drop and mail shot was undertaken on Friday 12th August 2022 with a dedicated website created, which went live on the following Monday 15th August.

A total of 62 visitors signed the visitor register, with 39 feedback forms completed either at the event or through the website. Feedback was generally opposed or strongly opposed to the development, with seven respondents either supporting or strongly supporting the proposed development; 25 either opposing or strongly opposing; and a further seven providing neutral comments.

In addition, the applicant presented to the Council's Pre-application Forum on Thursday 1st of September 2022.

CONSULTATIONS

ACC - Roads Development Management Team – No objections. A pedestrian crossing will need to be provided on Riverview Drive to provide a safe pedestrian route from the development to the remainder of Dyce and a safe route to school – details can be conditioned. The existing bus stop will need to be relocated and upgraded. Appropriate footpath provision within the site will connect into existing cycle and pedestrian paths on Riverview Drive.

The existing vehicular junction onto Riverview Drive will be used to provide vehicular access, which would be acceptable. Some minor alterations to this junction are required, which can be covered as part of a S56 Road Construction Consent application. A secondary 'emergency' access will be located to the west of the development site and would pass the SUDS pond.

No concerns are raised in relation to the proposed internal roads layout. Adequate traffic calming measures have been integrated throughout the development.

Sufficient parking in accordance with standards as set out in the Interim Aberdeen Planning Guidance 'Transport and Sustainability' will be provided throughout the development with the majority of parking in-curtilage and a single parking court in the southeast corner. EV charging will need to be integrated in the development. Sufficient space for cycle parking within the individual plots.

A Transport Assessment was submitted, which considered the impact of the development on Riverview Drive and roundabouts at either end of Victoria Street. All junctions examined operate well within practical capacity and the additional vehicle traffic has a very minimal impact on the junction's operational capacity and performance. No requirement for associated works or mitigatory measures on the surrounding network or junctions.

A condition is required to ensure submission of a Residential Travel Pack prior to occupation of the first unit.

A supporting Drainage Impact Assessment has been submitted and provides details of an adequate level of treatment for the site. The location of the proposed SUDS pond is to the west of the site and shall be accessible for maintenance as and when required. In terms of roads associated drainage, no surface water should flow onto the adopted road extents from unadopted areas or footpaths.

ACC - Waste and Recycling – No objections. Revised site plan ensures sufficient hardstanding areas to present bins for collection to avoid bin lorry having to enter parking court in south east corner of the site.

ACC - Developer Obligations – Developer obligations required for the following: Core Path Network (£36,456); Healthcare facilities (£56,546); Open Space (£17,934); and Community Facilities (£179,193). 25% of all units should be affordable, which equates to a total of 22.75 affordable housing units.

ACC - Environmental Health – No objection. A Noise Impact Assessment (Ref: 377497 RevB) has been submitted, which has been reviewed and its findings accepted. Development accepted, subject to a suitably worded condition securing the noise mitigation measures achieving at least an equivalent of those measures currently contained within Section 7 of the assessment are applied. A

restriction on construction hours is recommended;

ACC - Contaminated Land Team – No objection. It is considered that the potential for contamination is relatively low on the site, with made ground and demolition associated with previous development the most likely source. An intrusive ground investigation to establish if contamination presents a constraint to development is recommended and should be conditioned.

ACC - Schools Estates Team – The site falls within the school catchment areas for Dyce Primary School and Dyce Academy. The latest available school roll forecast indicates that there will be sufficient capacity at both schools to accommodate the number of pupils expected to be generated by the proposed development.

ACC - Structures, Flooding and Coastal Engineering – No objection following submission and review of Flood Risk Assessment (Ref:KC2443) and associated document '1 in 200 years flood risk'.

Archaeology Service – The proposal impacts on the site of probably prehistoric settlement as indicated by the formerly visible cropmark of a ring-ditch (HER Ref No NJ81SE0045). It is recommended that a suitably worded condition in relation to a programme of archaeological works is included in any decision notice.

Scottish Water – No objection. General comments on capacity of Invercarnie Water Treatment Works and Persley PFI Waste Water Treatment Works. A 450mm foul water pipe runs across the entrance of the site.

Scottish Environment Protection Agency – No objection on flood risk grounds. The site is partially within the functional floodplain based on the SEPA Flood Maps. This indicates a medium to high risk of flooding from the River Don and an unnamed small watercourse to the north of the site. The submitted Flood Risk Assessment (Ref: KC2443) was reviewed and most aspects were based on appropriate methods and parameters for the site. It is noted that the proposed development lies outwith the floodplain of both the River Don and the unnamed watercourse and the existing and proposed site levels are sufficiently elevated to be above the required 0.6m freeboard above the design flood levels. Safe access and egress outwith the floodplain is also provided to Riverview Drive.

It is noted that it is proposed to discharge attenuated flows from the site to the unnamed watercourse and given most of the site currently discharges to the River Don, this does result in an increase in flows to the unnamed watercourse. However, the point of discharge is downstream of any receptors and the discharge is low enough that there is no resulting flooding from the watercourse which stays within its channel at this point.

Police Scotland – Provides advice on designing public and private space to design out crime.

Aberdeen International Airport – Comments on proposed landscaping scheme.

Scottish and Southern Electricity Networks (SSEN) – The Dyce to Aberdeen Bay 132Kv overhead transmission line (OHL) crosses the access to the proposed development site from Riverview Drive. Sufficient ground clearance between the OHL and the site access currently exists to mitigate any adverse impact on the continued safe operations of the transmission line and it appears that no significant ground changes will occur as a result of the proposed development. Consequently, SSEN does not raise any concerns in respect of the development.

An informative is requested referring the applicant to the relevant guidance and requirements put in place by the Health and Safety Executive in relation to clearance requirements for works adjacent

to overhead electricity lines.

Dyce And Stoneywood Community Council – None received

REPRESENTATIONS

One letter of objection was received, raising the following matters:

1. Insufficient capacity at local amenities, including schools, doctors and dentist surgeries, to serve new dwellings; and
2. Land would have been better used as an elderly home or garden centre.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 20 (Blue and Green Infrastructure)
- Policy 21 (Play, Recreation and Sport)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy LR1 (Land Release Policy)
- Policy WB3 (Noise)
- Policy NE1 (Green Belt)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy H2 (Mixed Use Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy C11 (Digital Infrastructure)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Amenity
- Flooding, Drainage and Water Quality
- Materials: External Building Materials and Their Use in Aberdeen
- Transport and Accessibility
- Trees and Woodland

EVALUATION

Principle of Development

The site is allocated as OP14 in the adopted 2023 Aberdeen Local Development Plan (2023 ALDP) and considered suitable for a mix of uses, including housing, a garden centre or a health and fitness village. The supporting text of the 2023 ALDP further sets out that, if the site were to be developed for housing, it could accommodate up to 100 homes, dependent on design and access issues. Policy LR1 (Land Release Policy) sets out that housing on allocated housing sites will be approved in principle subject to compliance with all other relevant policies. Policy 16 (Quality Homes) of NPF4 sets out in part a. that development proposals for new homes on land allocated for housing will be supported.

In this case, the proposal is for a residential development of a total of 91 dwellings, which would be consistent with the allocation as set out in the supporting text for OP14. As such, the principle of the proposal would comply with both policy LR1 of the 2023 ALDP and Policy 16(a) of NPF4.

In addition, Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 sets out in part a. that development proposals that will result in the sustainable reuse of brownfield land will be supported, and in part b. that proposals on greenfield sites will only be supported if they are allocated in the Local Development Plan. The proposed development site includes the land previously used by the Cordyce School and is thus, in part, a brownfield site. The proposed site layout ensures that the development envelope is predominantly contained within this brownfield part of the site. Furthermore, due to the allocation of the entire site as OP14, the edges of the residential development which encroach into green belt land can be accepted. As such, the proposal would be compliant with Policy 9 (a) and (b) of NPF4.

The ALDP proposals map further shows the site to be part allocated as a mixed-use development opportunity and part retained as green belt, with the Green Space Network washing over the green belt and part of the mixed use area of the allocation. Policies H2 (Mixed Use Areas), NE1 (Green Belt) and NE2 (Green and Blue Infrastructure) of the 2023 ALDP apply as do Policy 8 (Green Belt) and Policy 20 (Blue and Green Infrastructure) of NPF4.

Policy H2 sets out that where new housing is proposed, this should not have an adverse impact on the viability or operation of existing businesses in the vicinity whilst providing an acceptable residential environment. In this case, the mixed-use allocation is due to the range of uses considered acceptable on this site as set out above as there are no existing businesses nearby. Given the proposal is for a residential-only development, a good quality residential environment can be created, which will be discussed in detail below. As such, the proposal would meet the criteria of this policy, with no conflicts arising as non-residential uses are not present adjacent to the site.

Policy NE1 is a restrictive policy, which sets out that in general, development in the green belt will not be supported unless it meets one of the strict criteria set out in this policy. General residential development would not meet those criteria. This policy generally reiterates the aims and objectives of Policy 8 of NPF4. The developable area of the allocated site is therefore constrained to that designated as a mixed-use area as set out above. The proposed site layout shows that the houses would be generally located within the centre of the site – within the area designated for a mixed-use development and as such would not significantly encroach into the green belt area, with this part of the site predominantly used for landscaping and play areas. Given the nature of the site, where it has been allocated as an opportunity site for, amongst other uses, a residential development of up to 100 houses, a slight encroachment and proposed use of part of the green belt part of the site as play areas, landscaping and SUDS is considered acceptable and compliant with the above policies.

Policy 20 (Blue and Green Infrastructure) of NPF4 aims to protect and enhance blue and green infrastructure and their networks. Policy NE2 (Green and Blue Infrastructure) of 2023 ALDP sets out that development proposals will seek to protect, support and enhance the Green Space Network, and that coherence of the Green Space Network should be maintained when considering any development and infrastructure proposals. In this case, the main body of development would fall outside the Green Space Network designation, with a minor part affected. However, taking consideration of further biodiversity enhancements across the application site, and various measures integrated within the development site, such as the introduction of hedges to front boundaries, it is considered that the proposal would not result in an unacceptable fragmentation of the Green Space Network, and would thus suitably comply with policy NE2.

Design and Layout

Site Layout

Policy 14 (Design, Quality and Place) of NPF4 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the place principle. Development should be designed to improve the quality of an area. Policy D1 (Quality Placemaking) of 2023 ALDP sets out that all development must ensure high standards of

design and have a strong and distinctive sense of place which is a result of a detailed appraisal of the site context, which will differ from site to site.

The application is supported by a Design and Access Statement, which provides the rationale behind the proposed site layout. The main body of development consists of a total of 91 dwellings, centred on the brownfield part of the site previously occupied by the school buildings and associated infrastructure with the existing vehicular access being reused. The dwellings will be located on an existing elevated, relatively flat area. The proposed site layout would see concentric roads, with houses either side, with a row of detached dwellings on the eastern edge of the development looking out over the River Don. Affordable housing would be provided on-site in the southeast corner. An emergency access as required for Roads Construction Consent would be to the west towards the A947 with a SUDS pond in the southwestern corner adjacent to this emergency access. The majority of trees along the western and southern boundary would be retained, with clusters of trees located centrally within the site removed due to their location. An informal play area would be located in the east of the site, with a formal equipped play area to the southeast. Parking would predominantly be provided in-curtilage on driveways and a combination of single and double detached and integral garages, whereas parking for the affordable housing would be provided in a rear parking court. Informal footpaths would provide connectivity throughout the site and through the landscaped areas. Proposed materials for the dwellings would include stone and cream coloured render for the walls with grey tiled roofs. This would provide a softer appearance to the dwellings ensuring they would suit the general landscaped setting of the site.

Overall, the proposed site layout is well considered and makes effective use of the existing context and characteristics of the application site. Emphasis is placed on settling the dwellings in the existing landscape, through retention of the woodland to the west and trees along the southern boundary, and through ensuring that properties make best use of views over the River Don whilst the mature trees to the west would frame the dwellings into the landscape. Similarly, the circular roads design presents a softer setting to the houses than any alternative rectilinear configuration and would provide a distinctive sense of place to the development. Overall, the proposed site layout is considered to suitably comply with Policy 14 of NPF4 and D1 of 2023 ALDP.

Housing mix and density

Policy H3 (Density) of 2023 ALDP sets out that all development should achieve an appropriate net density of development on all housing allocations. For all residential developments over 1ha in size, the net density of new development should generally be no less than 50 dwellings per hectare. In this case, the overall site has a size of c.8.2ha, and a total of 91 dwellings would be provided, resulting in an overall density of c.11.1 dwelling per hectare – significantly less than the figure set out in Policy H3. However, consideration should be given that, even though included within the boundary of the opportunity site, the majority of land has retained a green belt designation and is thus not considered acceptable for general residential development. If that green belt area is excluded, the density of the part of the site shown acceptable for development is higher and would be around 25 dwellings per hectare. Again, this is still lower than the 50 dwellings per hectare as set out in the policy, but it is considered that, when taking account of the site's characteristics and setting of the proposed residential development near the river and on the rural edge of the suburban settlement of Dyce, this lower density is considered appropriate in this context as per the above policy.

Policy H4 (Housing Mix) of 2023 ALDP sets out that a mix of housing type, size and tenure is an important element in achieving sustainable communities, with all housing development exceeding 50 units required to achieve an appropriate mix of dwelling types and sizes. This mix should include smaller bedroom units. The proposed housing mix consists of predominantly 3 and 4 bedroom detached dwellings, but includes some smaller properties in the form of semi-detached, terraced and cottage-flat units. It is acknowledged that these smaller units are predominantly presented as

affordable housing. As such, even though the overall mix is considered acceptable, there is some tension with this policy as the smaller units are predominantly within the affordable housing mix, and not represented in the open market housing.

Affordable Housing

Policy H5 (Affordable Housing) of 2023 ALDP sets out that housing developments of five or more units are required to contribute no less than 25% of housing units as affordable housing. The preferred method of delivery is on-site. In this case, a total of 91 units would be constructed, resulting in a requirement of 22.75 units. A total of 22 affordable housing units are to be provided on-site with a monetary contribution agreed for the remainder. Affordable units would provide a mix of one-bed cottage flats, 3-bed terraced properties and 4-bed detached dwellings, with tenure being social-rented. This mix would be acceptable and would represent a good mix of types and sizes of affordable housing units that are currently required within the city. As such, the proposal complies with policy H5 of 2023 ALDP and relevant part Policy 16 of NPF4.

Residential Amenity

Good quality residential amenity should be provided for all residential accommodation. Buildings must be fit for purpose and meet the needs of users and occupiers whilst ensuring no adverse impact on residential amenity for others. Policy D2 (Amenity) of 2023 ALDP sets out criteria that need to be addressed to ensure that an acceptable level of living standards is achieved. Additional guidance is provided in 'Interim Aberdeen Planning Guidance: Amenity'. In general, buildings should be fit for purpose with good levels of daylight, sunlight and immediate outlook, whilst not suffering from poor air quality or noise. External amenity spaces must be usable, have a degree of privacy and should be able to be designed for a variety of purposes.

The proposed site layout shows that all properties would have private front and rear gardens, with the rear gardens having a minimum depth of 9m. All properties would receive a good amount of daylight and sunlight, and the proposed site layout would not result in any dwellings blocking light to others. Living accommodation varies from one to four-bedroom units, and a decent quality living environment would be provided. The site location also offers good access to the riverside area and footpath network for residents.

Policy 23 (Health and Wellbeing) of NPF4 and policy WB3 (Noise) of 2023 ALDP set out that a Noise Impact Assessment will be required where significant exposure to noise is likely to arise from development. The application site is subject to road noise from Riverview Drive and the A947 in addition to air traffic noise from Aberdeen International Airport to the west. It is, however, not located within the airport 57dB LAeq noise contour which precludes residential development. The application was supported by a Noise Impact Assessment (Ref: 377497/RevB), which concluded that some mitigation measures were required to reduce the adverse impact of road and air traffic noise. These mitigation measures include acoustic fencing up to 2.4m surrounding the rear garden of plot 1 (at the south west corner of the proposed developable area) with this reducing in height to 2.2m along the rear boundary of plots 2 and 3, and from there subsequently decreasing in height to 1.9m and 1.8m along all properties located on the western edge of the development, and installation of enhanced trickle ventilators to all properties. These measures can be secured through a suitably worded condition.

Based on the above, it is considered that the proposed development would provide a good quality residential amenity, and would suitably comply with Policy D2 and WB3 of 2023 ALDP, and Policy 23 of NPF4.

Landscaping and open space

Policy D5 (Landscape Design) aims to ensure that development settles well into the existing landscape, with the landscape design forming an integral element of the wider design strategy for

the site. Policy 21 (Play, Recreation and Sport) of NPF4 sets out in parts d., e. and f. criteria in relation to play provision in new development and seeks to ensure that a variety of good quality play opportunities suitable to the size of the proposed development is provided, which would be well overlooked, easily accessible and would aid to assist children in developing their independence.

Given that part of the site is located within the green belt, a large proportion of the application site is given over to landscaping and open space. The submitted landscape drawings show various different types of open space, including a grassed amenity space that can be used for informal play such as a kickabout area located centrally within the site and an equipped play space in the southeast corner, with equipment more suitable to smaller children. Both play spaces would be directly overlooked by dwellings and would together provide a range of play experiences suitable for different ages of children. In addition, the wider landscape setting of the site would provide further opportunities for informal play. Both play spaces are directly accessible from the development, using safe routes along proposed footpaths and would not require children to cross busy roads thereby improving opportunities to increase independent access.

Other areas within the site would be more informal and would include plants, trees and hedging aimed at improving biodiversity and selected specially for their location. Selected species would be suitable for their particular environments and would include oak, maple, alder and birch and a riparian mix suitable of planting nearer the river, with a wet meadow mix as part of the SUDS basin, whilst the wooded areas to the west are generally retained as such. Public access would be facilitated through mown paths through the open space.

In the residential development, boundaries to front gardens would be made up of hedges with trees lining the streets.

It is considered that the proposed landscaping scheme integrates the development well within the surrounding area and would positively contribute to creating a sense of place. The proposed residential units would be bedded into the existing landscape setting with the most being made of views out towards the river with the wooded area to the west and south whilst providing a soft edge to the overall development.

The wider landscape proposals are therefore considered to generally comply with policy D5 of 2023 ALDP and Policy 21 of NPF4 as set out above.

River Don Corridor Local Nature Conservation Site and protected species

The edge along the northern and eastern site boundary falls within the River Don Corridor Local Nature Conservation Site.

Policy NE3 (Natural Heritage) seeks to ensure that development will not have an unacceptable impact on designated sites and protected species. In this case, the River Don Corridor Local Nature Conservation Site runs along the edge of the application site in the area retained as open space and would thus not be adversely affected by the proposed development.

Due to its riverside location and presence of mature trees, the site is considered suitable for protected species including, but not limited to, bats, badgers and otters and appropriate ecological surveys were submitted. A bat roost potential survey was undertaken, concluding that two trees marked up for removal could contain features attractive for bat roosts. However, given the nature of the trees and their position within the development, bat roost potential is low and it was considered sufficient to ensure that these trees were removed between September and March or, alternatively, inspected by a suitably qualified professional prior to removal to ensure they were not in use as a bat roost.

An otter survey demonstrated that otters were mainly active on the northern bank of the river, where they would be undisturbed by development. However, to ensure they are not disturbed, it is recommended that soundproof fencing will be installed along the northern and eastern boundary of the construction site to limit noise and disturbance, and that the area will be inspected for otters by a suitably qualified professional to ensure no otters are present on the southern bank of the river.

No badger setts were found on the site. However, two burrows located centrally within the site and used by rabbits were sufficiently large to be used by badgers. A recommendation was therefore included to monitor these burrows prior to their removal to confirm their status.

Based on the information contained within the necessary ecological surveys, it is considered that, subject to suitably worded conditions in relation to further monitoring and mitigation measures, the proposal would not have any adverse impact on protected species nor on the River Don Corridor. As such, the proposal would comply with policy NE3.

Biodiversity

To assist in the creation of additional habitat and to secure biodiversity improvements as required under Policy 3 (Biodiversity) of NPF4, bird and bat boxes will be installed in appropriate locations throughout the development, with stone piles for reptiles and insects and woodpiles using felled trees from the development site created near the SUDS feature. All timber boundary fences will allow for movement of hedgehogs throughout rear gardens. Furthermore, as set out above, all trees proposed to be planted would be native species and suitable for their environment. Pollinating plants and flowers are included in the planting mix for the meadows and front boundary hedges would include privet and hornbeam.

Trees and Woodlands

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland and trees. Policy NE5 (Trees and Woodland) of 2023 ALDP sets out that development should not result in the loss of, or damage to, trees and woodlands, and that development proposals will need to seek to increase tree and woodland cover and achieve the long-term retention of existing trees and woodlands considered worthy of retention. Buildings and infrastructure should be sited to allow adequate space for a tree's natural development, taking into account the predicted mature height, canopy spread and future rooting environment taken together to be the zone of influence of a tree.

The application site contains various groups of trees located predominantly to the west of the development, along the southern edge, centrally within the site and along the existing vehicular access. The application is supported by a Tree and Woodland Survey. The proposal would result in the removal of 62 trees, mainly consisting of the groups located centrally within the site. These trees are generally considered to be of a lower quality than the trees located in the woodland groups surrounding proposed houses and proposed to be retained. In addition, some further trees along the edges of the development site are shown to be removed due to their condition. The proposed landscape drawings demonstrate that sufficient replacement planting is proposed, including a total of 229 trees. These include trees both within the housing development itself in street verges and front gardens, and within the more informal open space areas including supplementing existing tree cover in the western woodland and in the southeast corner. All proposed tree species would be suitable for their specific ground conditions, and would be of varying diameters including standard, heavy standard and extra heavy standard.

'Interim Aberdeen Planning Guidance: Trees and Woodlands' sets out that the zone of influence of a tree is generally considered to be the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree. Buildings and associated infrastructure, including private garden ground, should generally be located outside of this zone of influence. In this case, plots along the western (plots 1-15) and southern (plots 73-78) boundary are located in relatively close proximity

to existing trees. Even though these plots would not result in an incursion in the root protection areas of these trees, they might encroach in their zone of influence. However, given this would be limited, and due to the wooded character of the site that is to be used as a positive setting for the new housing, this is considered acceptable in this instance.

Based on the above and given the proposed level of replacement planting, the proposed tree loss is considered acceptable, and compliant with policy NE5 of 2023 ALDP and Policy 6 of NPF4.

Transport and Accessibility

Sustainable transport and 15-minute neighbourhoods

Policy 13 (Sustainable Transport) of NPF4 encourages development that prioritises walking, wheeling, cycling and public transport for everyday travel and that reduces the need to travel unsustainably. Development proposals will need to demonstrate that transport requirements have been considered in line with sustainable travel.

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 aims to create well-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.

Policy T2 (Sustainable Transport) sets out that new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport, with the internal layout prioritising walking, wheeling, cycling and public transport.

The site is located to the northeast of the existing residential area of Dyce and separated from the main body of this settlement by Riverview Drive, which forms a clear barrier. The site therefore feels somewhat removed from the wider settlement. There is currently no safe pedestrian and cycle crossing across Riverview Drive at this point, with the nearest unsignalised crossing being located c.120m to the northwest near the roundabout of Riverview Drive, Victoria Street and the A947. A new signalised pedestrian and cycle crossing is proposed immediately to the southeast of the proposed vehicular access improving sustainable transport links between the site and the main shops and services of Dyce, including local schools. It would be a c.15 minute walk from the development site to Dyce Primary School and slightly further to Dyce Academy. Similarly it would be a c.15 minute walk to the Dyce Neighbourhood Centre which is centred on Victoria Road. As such, it is considered that the site is in a reasonably sustainable location, with the majority of facilities required on a daily basis located within a 20-minute radius and, following installation of the required signalised crossing, set within an existing network of safe pedestrian and cycle routes.

A bus route runs along Riverview Drive with bus stops located near the vehicular access into the development. They would thus be located within the 400m recommended in the 'Interim Planning Transport and Accessibility' and the development would be readily serviced by public transport within a reasonable distance. The proposed development would therefore generally comply with Policy 13 and Policy 15 of NPF4, and policy T2 of 2023 ALDP.

Parking

Policy T3 (Parking) of 2023 ALDP seeks to ensure that development is provided with sufficient parking to service a development whilst simultaneously supporting sustainable transport methods through avoiding an overprovision of parking spaces. Parking standards are set out in 'Interim Aberdeen Planning Guidance: Transport and Accessibility'. The site is located in the Outer City, where 3 bedroom dwellings require two parking spaces; dwellings with 4 and more bedrooms require three parking spaces and social rented housing units require 0.8 space per unit. In this case, the vast majority of dwellings have sufficient in-curtilage parking through driveways and garages, with a single parking court created in the south east corner of the site to serve the affordable housing in

this part of the development site. The parking court would provide a total of 30 spaces serving a total of 22 homes. This would be more than the required 18 spaces based on the requirement of 0.8 space per unit for social rented units. However, given the location of the site in the outer city and on the edge of an existing residential area, this is considered acceptable in this instance.

Passive provision of EV charging infrastructure would be provided for all properties with in-curtilage parking in line with current guidance as set out in 'Interim Aberdeen Planning Guidance: Transport and Accessibility'.

Flooding

Policy 22 (Flood Risk and Water Management) of NPF4 and policy NE4 (Our Water Environment) of 2023 ALDP both seek to ensure that residential development will not be at risk of flooding, and that run off surface water is adequately managed.

The River Don flows to the north and east of the site with a further unnamed watercourse running along the western site boundary resulting in part of the site being at risk of flooding. A Flood Risk Assessment was required and subsequently submitted. This demonstrated that all houses would be located on the higher level of the site, with flooding contained immediately adjacent to the River Don and the unnamed watercourse which are both situated on a lower level. As such, none of the houses would be at risk of flooding based on current evidence, and the proposal would comply with the relevant parts of these policies.

Surface water would be managed through the construction of a SUDS basin located in the south west corner of the application site.

Other matters

Waste

Policy R5 (Waste Management Requirements in New Development) of the 2023 ALDP seeks to ensure that all development has sufficient space for bin storage. The proposed site layout demonstrates that all dwellings will have sufficient space within their residential curtilage for storage of all required bins, which can be collected kerbside. The affordable housing will be served by a larger communal bin stance which ensures that bin lorries will not have to enter the rear parking court, which would reduce the need for turning movements of the bin lorry within the development.

Low and Zero Carbon Building and Water Efficiency

Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) of the 2023 ALDP sets out that all new buildings are required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. No evidence to demonstrate compliance with this policy has been submitted with the application. However, the Planning Statement makes reference to submission of such information following determination of the application through a suitably worded condition. This is considered an accepted method to ensure compliance with this policy.

Digital Infrastructure

Policy 24 (Digital Infrastructure) of NPF4 and Policy CI1 (Digital Infrastructure) of the 2023 ALDP both promote access to high-speed communications infrastructure as part of new development. The submitted Design and Access Statement sets out that all future homes are designed with infrastructure installed for a wide range of internet providers, and that the site, due to its location on the edge of the residential settlement of Dyce, can be serviced by various high speed internet providers.

Contaminated Land

Policy R2 (Degraded and Contaminated Land) of 2023 ALDP requires that all land that is degraded

or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. Contaminated Land Team assessed the application and concluded that the potential for contamination on the site is relatively low, with made ground and demolition arisings associated with previous development the most likely source. A suitably worded condition seeking an intrusive ground investigation to establish the level of any contamination is recommended. Subject to inclusion of this condition in any decision notice, the proposal is considered to meet the above policy.

Archaeology

Policy 7 (Historic Assets and Places) of NPF4 seeks to ensure that, where there is the potential for non-designated archaeological remains to existing below a site, developers will need to provide an evaluation to understand any potential historic significant of the site. Similarly, policy D6 (Historic Environment) of 2023 ALDP requires recording of archaeological remains. Consultation comments from the Archaeology Service set out that there could be archaeological remains below the site, and that this will need to be explored. A suitably worded condition to this effect is recommended.

Developer Obligations and Affordable Housing

Policy 18 (Infrastructure First) of NPF4 seeks to ensure that infrastructure considerations are integral to place making and decision making, and that the impact of proposals on infrastructure should be mitigated. In addition, Policy 16 (Quality Homes) part e. of NPF4 sets out that it is expected that proposals for new homes include at least 25% of the total number of homes as affordable housing.

Policy I1 (Infrastructure Delivery and Planning Obligations) of 2023 ALDP sets out that development must be supported by the required infrastructure, services and facilities to deliver the scale and type of development proposed, and that developers will be required to meet or contribute to the cost of providing or improving such infrastructure or facilities where necessary. Policy H5 (Affordable Housing) sets out that 25% of all housing units proposed on development sites should be affordable.

The Developer Obligations Assessment Report sets out that the following monetary contributions are required to mitigate the impact of development:

- Contributions towards Core Paths 5 and 6: £36,456;
- Internal reconfiguration works to increase capacity at New Dyce Medical Practice or other healthcare facilities serving the development: £56,546;
- A contribution towards improvements to the quality of Riverside Park or Central Park or improvements to the quality of or increasing food growing/ allotment provision in the local area: £17,934;
- Contribution towards improvements to Dyce Community Centre: £179,193;
- A total of 22 affordable housing units to be provided on-site with the additional 0.75 unit equivalent provided through a commuted sum;

The applicant has agreed to the contributions as set out above, and these can be secured through a suitable legal agreement.

In addition, a signalised pedestrian/cycle crossing will need to be provided on Riverview Drive to ensure safe routes to schools and other amenities within Dyce, and existing bus stops on Riverview Drive will need to be repositioned and upgraded to promote sustainable transport methods and ensure adequate visibility on the junction of the new access road and Riverview Drive. These can be secured through a suitably worded condition.

Tackling the Climate and Nature Crises and Climate Mitigation

Consideration must be given to Policy 1 (Tackling the Climate and Nature Crises); and Policy 2 (Climate Mitigation and Adaptation) of NPF4. Policy 1 gives significant weight to the global climate

and nature crises in order to ensure that it is recognised as a priority in all plans and decisions; and Policy 2 states that emissions from new development are minimised as far as possible.

In this case, the proposal would be for a new residential development of 91 homes and associated infrastructure on an allocated site. It is considered that the houses would be predominantly constructed on the site of the former buildings and associated infrastructure of the demolished Cordyce School. As such, it would see this current brownfield, vacant site be brought back into use, thus reducing the need for development on greenfield sites required to meet housing targets. A further consideration are the biodiversity improvements set out in the Landscaping Strategy and Plans proposed as part of the development predominantly covering the greenbelt part of the wider allocation. Finally, all properties will be designed to ensure energy efficiency thereby minimising lifecycle greenhouse gas emissions as far as possible.

As such, due consideration has been given to Policy 1 and Policy 2 of NPF4.

Matters Raised in Letter of Objection

The following matters were raised in the letter of objection:

1. Insufficient capacity at local amenities, including schools, doctors and dentist surgeries, to serve new dwellings – *An assessment of capacity of existing amenities and community facilities has been made as part of the Developer Obligations Report and where required, monetary contributions have been requested to ensure sufficient capacity.*
2. Land would have been better used as an elderly home or garden centre – *The Planning Service can only assess the proposal that is submitted.*

RECOMMENDATION

Approve Conditionally subject to a Legal Agreement covering the following contributions:

Core Paths (£36,456); Health Care Facilities (£56,546); Open Space (£17,934); Community Facilities (£179,193); and delivery of 22 affordable housing units on-site and commuted sum for 0.75 affordable housing unit.

REASON FOR RECOMMENDATION

The proposed development of 91 dwellings and associated infrastructure and landscaping would be in line with the housing target set out in allocation OP14 within the adopted Aberdeen Local Development Plan. The dwellings would be predominantly located within the area of the site previously occupied by buildings and associated infrastructure serving the Cordyce School, and would thus constitute redevelopment of a vacant, brownfield site, whilst not having an adverse impact on the function and visual amenity of the surrounding green belt. A new signalised pedestrian/cycle crossing would improve sustainable transport methods, and would ensure the development is within easy access of local shops, services and education facilities. The overall proposed site layout takes due consideration of the site context, and a good level of residential amenity would be created for all properties. Sufficient parking, including EV charging, bin storage facilities and digital infrastructure would be provided. Proposals to remove trees from the central area of the site are accepted subject to sufficient replacement planting which is adequately shown on submitted landscape drawings. Proposed landscaping includes measures to improve biodiversity and create additional habitat across the site, whilst there is no adverse impact on protected species. Due to the existing change in levels, the new dwellings would not be at risk of flooding. Affordable housing would be provided on site, and the applicant has agreed to enter into a legal agreement mitigating the impact of the development on local services and facilities.

For the foregoing reasons the proposal is considered to comply with the following policies of National Planning Framework 4:

Policy 1 (Tackling the Climate and Nature Crises); Policy 2 (Climate Mitigation and Adaptation);

Policy 3 (Biodiversity); Policy 6 (Forestry, Woodland and Trees); Policy 8 (Green Belts); Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings); Policy 13 (Sustainable Transport); Policy 14 (Design, Quality and Place); Policy 15 (Local Living and 20 Minute Neighbourhoods); Policy 16 (Quality Homes); Policy 18 (Infrastructure First); Policy 20 (Blue and Green Infrastructure); Policy 21 (Play, Recreation and Sport); Policy 22 (Flood Risk and Water Management); Policy 23 (Health and Safety); Policy 24 (Digital Infrastructure).

Also for the foregoing reasons the proposal is considered to comply with the following policies of the adopted Aberdeen Local Development Plan 2023:

Policies LR1 (Land Release Policy); WB3 (Noise); NE1 (Green Belt); NE2 (Green and Blue Infrastructure); NE3 (Our Natural Heritage); NE4 (Our Water Environment); NE5 (Trees and Woodland); D1 (Quality Placemaking); D2 (Amenity); D4 (Landscape); D5 (Landscape Design); R2 (Degraded and Contaminated Land); R5 (Waste Management Requirements for New Developments); R6 (Low and Zero Carbon Buildings and Water Efficiency); H2 (Mixed Use Areas); H3 (Density); H4 (Housing Mix and Need); H5 (Affordable Housing); I1 (Infrastructure Delivery and Planning Obligations); T2 (Sustainable Transport); T3 (Parking); and C11 (Digital Infrastructure).

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) MATERIALS

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

Reason: In the interests of visual amenity.

(03) TREE PROTECTION MEASURES (01)

That no development shall take place unless all tree protection measures as shown on drawing 375340-QGIS010/Rev002 by EnviroCentre, dated 31st March 2023 have been erected. Once in place, all tree protection measures shall remain in situ until all construction work associated with the hereby approved development has been completed and all plant and machinery has been removed from site.

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

(04) TREE PROTECTION MEASURES (02)

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

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

(05) LANDSCAPING (SPECIES)

That no development shall take place until details of all tree species to be planted as part of the landscaping scheme hereby approved have been submitted and agreed in writing by the Planning Authority. Subsequently, only the tree species as set out in the hereby agreed details shall be planted as part of the agreed landscaping scheme.

Reason: To ensure no conflict with safeguarding criteria of Aberdeen International Airport.

(06) LANDSCAPING (IMPLEMENTATION AND MAINTENANCE)

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme as shown on drawings 415.45.01b; 415.45.02b; 415.45.03b; 415.45.04b; 415.45.05b; 415.45.06b; and 415.45.07b, all by EnviroCentre and dated August 2023, with tree species as agreed as part of condition 5 as set out above, and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Thereafter, all management and maintenance of the landscaped and open space areas as shown on in the 'Maintenance' schedule on drawing 415.45.02b, by EnviroCentre and dated August 2023 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.

(07) PLOT BOUNDARIES (IMPLEMENTATION)

That no individual plot hereby approved shall be occupied until all relevant plot boundary enclosures as shown on drawings A1-90-02/RevC for that plot have been implemented in their entirety unless otherwise agreed in writing by the planning authority. For the avoidance of doubt, this shall include the specification as set out in Section 7.3 on page 20 of the submitted Noise Impact Assessment by EnviroCentre, dated April 2023 for acoustic barriers fences to plots 1 through to 15 and plots 70 through to 73, unless otherwise agreed in writing.

Reason: In the interest of visual and residential amenity.

(08) NOISE MITIGATION MEASURES

That no residential unit hereby approved shall be occupied unless fitted with glazing and trickle vents as specified in section 7.4 on page 20 of the of the submitted Noise Impact Assessment by EnviroCentre, dated April 2023 or such other specification as may subsequently be submitted and approved in writing by the planning authority.

Reason: In the interest of residential amenity.

(09) CAR PARKING (IMPLEMENTATION)

That plots 70 through to 91 of the development hereby approved shall not be occupied unless the related car parking areas have been constructed, drained, laid-out and demarcated in accordance with drawing A1-90-03/RevA, by THE Architecture and Planning, dated 10th May 2023 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 than the parking of cars ancillary to the development.

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

(10) EV CHARGING

That no development shall take place until a detailed scheme of electric vehicle charging infrastructure has been submitted to and approved in writing by the Planning Authority. The scheme shall take account of the requirements of section 7.2 (Electric Vehicle Charging) of the Building Standards Domestic Technical Handbook (June 2023) and show the location and specification of active and passive charging infrastructure. Thereafter, unless otherwise agreed in writing with the Planning Authority, no unit within the development shall be occupied unless the scheme for that particular plot has been implemented and charging points are available for use.

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

(11) RESIDENTIAL TRAVEL PLAN

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

Reason: To promote sustainable travel methods

(12) PEDESTRIAN CROSSING AND BUS STOP

That no development shall take place until a scheme detailing the relocation and upgrading of the existing bus stops on Riverview Drive; and installation of a signalised pedestrian/cycle crossing on Riverview Drive has been submitted to and approved in writing by the Planning Authority. Subsequently, no residential unit shall be occupied until the approved scheme has been implemented in its entirety.

Reason: In the interest of public safety and to ensure delivery of a safe route to school.

(13) LOW AND ZERO CARBON BUILDING AND WATER EFFICIENCY

No development shall take place until a scheme detailing compliance with policy R6 (Low and Zero Carbon Building and Water Efficiency) of the 2023 Aberdeen Local Development Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, no residential unit shall be occupied unless any recommended measures specified in that scheme for the reduction of carbon emissions and water efficiency have been implemented.

Reason: To ensure that the development complies with requirements for reductions in carbon emissions and water efficiency as specified in policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the 2023 Aberdeen Local Development Plan.

(14) PROGRAMME OF ARCHAEOLOGICAL WORKS

No development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted and approved in writing by the Planning Authority and the PERD has been carried out in complete accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: To safeguard and record the archaeological potential of the area.

(15) DUST MANAGEMENT

No development shall take place until:

- a. An Air Quality (Dust) Risk Assessment by a suitably qualified consultant has been submitted to and agreed in writing by the Planning Authority. This Air Quality (Dust) Risk Assessment shall be carried out in accordance with Guidance on the Assessment of Dust from Demolition and Construction by the Institute of Air Quality Management (IAQM) to predict the likely dust levels and impact on air quality including a determination of its significance; and
- b. A Dust Management Plan (based on the results of the Air Quality (Dust) Risk Assessment) detailing the necessary dust control measures to be implemented, has been submitted to and agreed in writing by the Planning Authority.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity

(16) INTRUSIVE GROUND INVESTIGATION

No development shall take place until an intrusive ground investigation to establish if contamination is present has been submitted to and approved in writing by the Planning Authority. Thereafter, no residential unit shall be occupied unless any necessary remediation has been carried out in accordance with the agreed details.

Reason: In the interest of public health.

(17) EXTERNAL LIGHTING SCHEME

No development shall take until a detailed scheme of all external lighting proposed for the site has been submitted to and approved in writing by the Planning Authority. Thereafter, any external lighting installed outwith individual residential curtilages shall be in accordance with the agreed details.

Reason: To assist in the protection of protected species.

(18) PLAY AREAS

That prior to the occupation of the 60th residential unit hereby approved both the informal play area (kickabout space) and the equipped play space as shown on drawings 415.45.06b and 415.45.07b,

both by EnviroCentre, dated May 2023 shall be installed in accordance with details shown on these drawings and are available for use, unless otherwise agreed in writing by the planning authority.

Reason: To ensure sufficient play spaces are available to serve the residents of the development

(19) PROTECTED SPECIES

No development (including demolition) shall take place until all mitigation/ compensation measures as set out in section 4.2 on page 10 of the Otter and Bat Survey by EnviroCentre and dated April 2023; and the section 'Good Practice Mitigation and Compensation' on page 3 of the 'Mammal Burrow Monitoring' document by EnviroCentre and dated 11 October 2022 have been, or are being, implemented in accordance with the approved scheme.

Reason: To ensure no adverse impact on protected species

(20) BAT ROOST POTENTIAL SURVEY

Prior to the removal of any trees on site, a further bat roost survey to determine the character of tree cavities and to identify the presence/absence of bats in trees which host potential roost features should be undertaken, submitted to and approved in writing by the Planning Authority.

If any bats are identified, then the affected tree(s) shall not be removed unless a mitigation plan has been submitted and agreed in writing by the planning authority. Thereafter, the agreed mitigation plan shall be implemented.

Reason: To ensure no adverse impact on protected species

ADVISORY NOTES FOR APPLICANT

1. The applicant is advised that, in order to protect the amenity of the occupants of the neighbouring properties from noise produced as a result of demolition, site/ground preparation works and construction works, operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
2. The applicant is advised that the Dyce to Aberdeen Bay 132Kv overhead transmission line (OHL) crosses the access to the proposed development from Riverview Drive. It is recommended that the applicant consults with their own electrical contractor, project manager and/or other relevant qualified personnel when considering delivery, construction, and operation risks. On delivery and construction, amongst risks to be identified by their own professional advisor, delivery of materials will need to be considered if passing under the transmission line on the access road and suitable precautions put in place when craning off materials.

This page is intentionally left blank