

Public Document Pack



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

Town House,
ABERDEEN 23 May 2023

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 1 JUNE 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 20 April 2023 - for approval (Pages 7 - 12)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 13 - 16)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the erection of 30 affordable residential units with associated infrastructure and open space - former Braeside Primary School (Pages 17 - 52)

Planning Reference – 221310

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 a residential development of 77 units comprising 44 houses and 33 flats (6 storey block), associated roads and parking, drainage infrastructure, open space and landscaping at site of Former Treetops Hotel, 161 Springfield Road, Aberdeen (Pages 53 - 94)

Planning Reference – 211528

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

[Link.](#)

Planning Officer: Matthew Easton

REPORTS

- 7.1. Planning Enforcement Activity Report – April 2022 to March 2023 - PLA/23/112 (Pages 95 - 140)
- 8.1. Land at Greenferns, Sites OP28 & OP33, Aberdeen - Pre Determination Route - 230173 (Pages 141 - 150)

DATE OF NEXT MEETING

- 9.1. Date of Next Meeting - Thursday 22 June 2023 - 10am

Thursday 22 June 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 522123 or email lymcbain@aberdeencity.gov.uk

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Agenda Item 1.1

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 20 April 2023. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Bouse, Convener; and Councillors Clark, Cooke (for all items except item 6), Copland, Crockett, Farquhar, Henrickson, Houghton (as substitute for Councillor Boulton), Lawrence (as substitute for Councillor Blake), McRae, Mrs Stewart, van Sweeden (as substitute for Councillor Alphonse) 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.

DECLARATIONS OF INTEREST OR CONNECTIONS

1. Councillor Cooke advised that in relation to item 6.3 on the agenda, land adjacent to Westburn House, Westburn Park, Westburn Road, that he was an observer on the Board of Sport Aberdeen. Councillor Cooke advised that he would leave the meeting when the application was considered and would take no part in the deliberation or the determination of the application.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 9 MARCH 2023

2. The Committee had before it the minute of the previous meeting of 9 March 2023 for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

In relation to item 9 on the planner, Guidance on Outdoor Seating, the Committee heard from the Chief Officer – Strategic Place Planning, who provided a verbal update in regard to the adoption of the Local Development Plan (LDP) 2020. Mr Dunne advised that any guidance in relation to the new LDP would be delayed until after the LDP was adopted by the Scottish Government and hence the delay with the Guidance on Outdoor Seating being reported to committee.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 April 2023

The Committee resolved:-

to note the planner and the information provided by the Chief Officer – Strategic Place Planning.

495- 499 GREAT WESTERN ROAD ABERDEEN - 221298

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

That the application for detailed planning permission for the change of use from class 2 (financial, professional and other services) to class 3 (food and drink); change of use from pavement to outdoor seating area with associated enclosure and the installation of canopy and kitchen extract flue at 495-499 Great Western Road Aberdeen, be approved subject to the following 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) FORMATION OF BIN STORE AREA

The hereby approved use shall not operate unless the bin store area shown in the approved plans under planning permission 230195/DPP, or similar as may be agreed in writing with the Council, has been installed and appropriate commercial bins have been made available for the storage of any waste and recyclables generated by the use.

Reason: In the interests of ensuring the satisfactory storage and collection of waste and recyclables without detriment to the amenity or character of the area.

(3) CYCLE PARKING

The hereby approved use shall not operate unless two cycle parking loops have been installed for use by customers as shown on approved Ground Floor Layout Plan drawing P01 Revision D.

Reason: In order to encourage and facilitate the accessibility of the new use via sustainable and active modes of travel.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 April 2023

(4) LOCAL EXTRACT VENTILATION SYSTEM

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 within the café premises unless the Local Extract Ventilation System detailed in Figures 3 & 4 and Section 5.3 of the hereby approved Odour Assessment (FEC Ltd 'Kitchen Ventilation Report including Odour Assessment' - Issue 01, 3rd February 2023), or a similar system as may be agreed in writing with the Council, with critical odour mitigation measures achieving at least an equivalent effect of those measures stated has been installed, including:

1. Grease baffle filters within extract canopy (providing initial grease removal/fire protection) as detailed within section 5.3.3 and Appendix C
2. A two-stage carbon filter unit incorporating a washable panel/bag pre-filter followed by carbon filtration (with a minimum 0.2 second carbon filters residence time) as detailed within section 5.3.4 and Appendix C
3. A high velocity vertical discharge cowl with bird mesh and an internal drain as detailed within section 5.3.6 and Appendix C-5.

Thereafter the use shall not operate unless the approved Local Extract Ventilation System is in place and operational.

Reason: In order to preserve the amenity of surrounding properties and the area by adequately filtering cooking odours.

(5) NOISE MITIGATION

The hereby approved use shall not operate unless:

1. Kitchen intake/extract fans with equivalent or lower noise emissions to those detailed in sections 2.3 & 2.4 and appendices 8.2 & 8.3 of the hereby approved Noise Impact Assessment (FEC Acoustics, 7 February 2023) have been installed, and evidence of this installation has been provided to, and agreed in writing by, the Planning Authority; and
2. Evidence has been provided to, and agreed in writing by, the Planning Authority to demonstrate that the café ceiling has been insulated to give a minimum total reduction in sound from the café to the first-floor flats of 47dB. Such evidence should be verified in writing by a professional noise consultant based on agreed inspection checks during and after work on site.

Reason: In order to protect the amenity of neighbouring residents from noise emissions associated to the café's cooking operations and customers.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 April 2023

(6) OPENING HOURS

The hereby approved use and associated outdoor seating shall only operate between the hours of 8am to 11pm on any given day.

Reason: In order to protect the amenity of neighbouring residents from noise and activity during the quieter, more sensitive late evening and early morning periods.

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

The Committee then heard from Colin Speirs, who objected to the application.

The Committee then heard from the applicant George Tester and his daughter Lucy Slatter who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

108A NORTH DEESIDE ROAD ABERDEEN - 221146

5. 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 domestic detached garage at 108A North Deeside Road Aberdeen, be approved subject to the following condition:-

Condition

(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.

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

The Committee resolved:-

to approve the application conditionally.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 April 2023

At this juncture, and in accordance with article 1 of the minute, Councillor Cooke left the meeting.

LAND ADJACENT TO WESTBURN HOUSE, WESTBURN PARK, WESTBURN ROAD, ABERDEEN - 230140

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

That the application for time limited detailed planning permission for the erection of a temporary hot food unit (retrospectively) at land adjacent to Westburn House, Westburn Park, Westburn Road 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 one year beginning with the date of this notice. If development has not begun at the expiration of the one-year period, the planning permission lapses.

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

(2) TIME LIMIT

The hereby approved temporary hot-food takeaway building and any associated structures and equipment shall be removed from the site by no later than 30 April 2025.

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

(3) TIMBER CLADDING & BIN STORE INSTALLATION

The hereby approved hot-food takeaway building shall not be operated unless its external walls have been clad with timber linings and the secure bin store enclosure has been installed, as per approved drawing 1071-01 Rev B.

Reason: In order to ensure that the temporary building would have a more appropriate appearance for the setting of the area and that any waste generated by the use would be adequately stored pending collection.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20 April 2023

The Committee then heard from the applicant, Lefki Christodoulou, who spoke in support of the application.

The Committee resolved:-

to approve the time limited application conditionally.

91 ASHLEY ROAD ABERDEEN - 230201

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

That the application for detailed planning permission for the installation of CCTV cameras retrospectively at 91 Ashley Road Aberdeen, be approved unconditionally.

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

The Committee then heard from Sandy McRobbie and Diane Londrigan who spoke against the application, having submitted an objection to the application.

The Committee then heard from the applicant Scott Glennie, who spoke in support of the application.

The Committee resolved:-

to approve the application unconditionally.

34 DON STREET ABERDEEN - 221540

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

That the application for conservation area consent for the complete demolition of a fence at 34 Don Street Aberdeen, be approved unconditionally.

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

The Committee then heard from Steve Berry – Old Aberdeen Community Council, who objected to the application.

The Committee resolved:-

to approve the application unconditionally.


- **Councillor Bouse, Convener**

| | A | B | C | D | E | F | G | H | I |
|----|---|---|---------------|----------------------|--------------------------|--------------------|---------------------------|--|---|
| 1 | PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year. | | | | | | | | |
| 2 | Report Title | Minute Reference/Committee Decision or Purpose of Report | Update | Report Author | Chief Officer | Directorate | Terms of Reference | Delayed or Recommended for removal or transfer, enter either D, R, or T | Explanation if delayed, removed or transferred |
| 3 | 25 May 2023 | | | | | | | | |
| 4 | Former Treetops Hotel site - 211528 | To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping. | On agenda | Matthew Easton | Strategic Place Planning | Place | 1 | | |
| 5 | Former Braeside School - 221310 | To approve or refuse the application for erection of 30 affordable residential units with associated infrastructure and open space | On agenda | Matthew Easton | Strategic Place Planning | Place | 1 | | |
| 6 | Greenferns | To consider whether planning application 230173/PPP, which triggers the statutory criteria to require that a Pre-Determination Hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council | On agenda | Gavin Clark | Strategic Place Planning | Place | 6 | | |
| 7 | Planning Enforcement Report | To note the details contained in the enforcement report | On agenda | Gavin Clark | Strategic Place Planning | Place | 3 | | |
| 8 | PRE APPLICATION FORUM - Land at Newton of Pitfodels, Aberdeen | To hear from the applicant in regards to roposed installation of a grid battery energy storage facility (up to 40MW), with associated development | On agenda | Gavin Clark | Strategic Place Planning | Place | | | |
| 9 | PRE APPLICATION FORUM - Land At Persley Croft | To hear from the applicant in regards to proposed battery energy storage system and associated infrastructure | | Matthew Easton | Strategic Place Planning | Place | | | |
| 10 | 22 June 2023 | | | | | | | | |

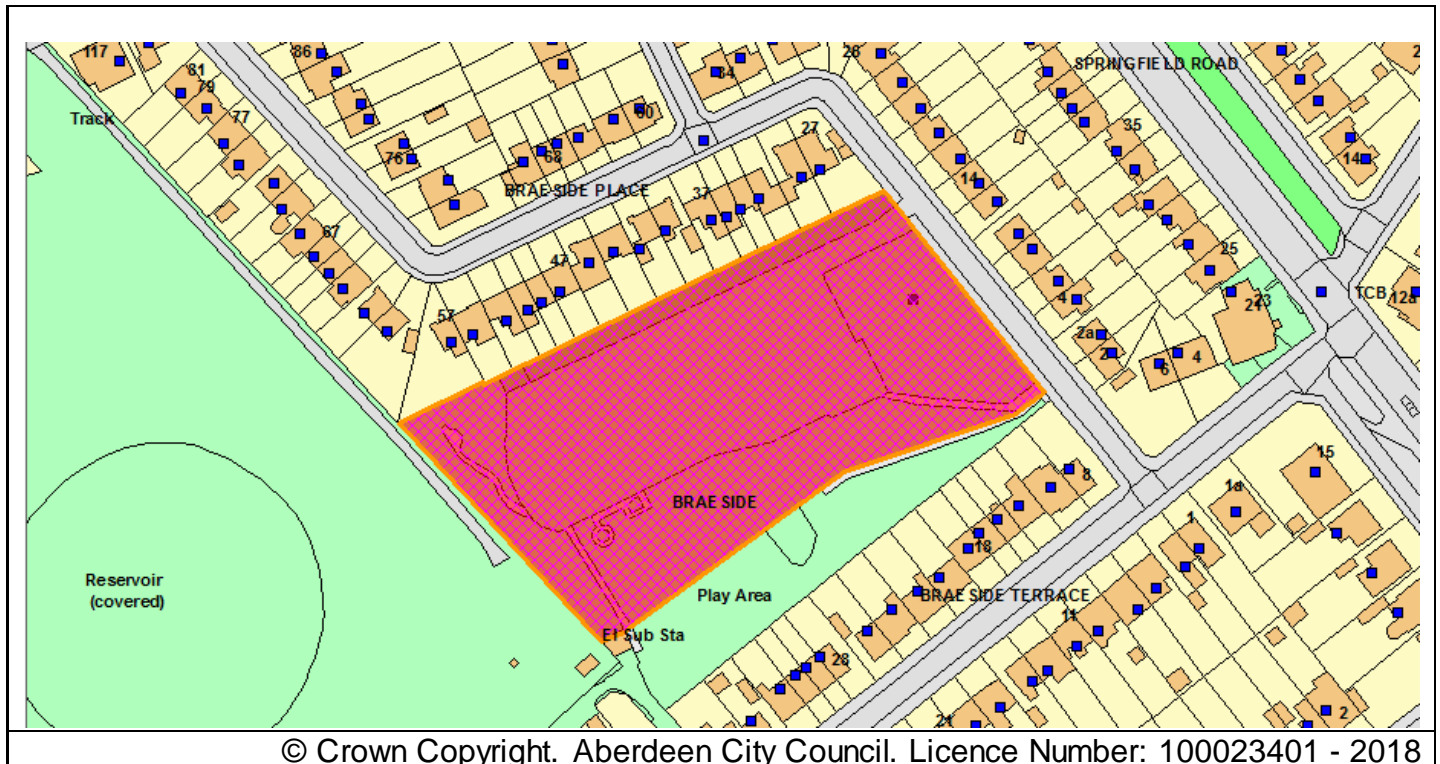
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| 2 | | | | | | | | | |
| 11 | Guidance on Outdoor Seating | At the meeting of PDMC on 1 September 2022, it was agreed to approve the content of the draft Guidance on Outdoor Seating; Instruct the Interim Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Guidance on Outdoor Seating document for a four week non statutory public consultation; and instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Outdoor Seating to a subsequent Planning Development Management Committee within the next six months. | | Donna Laing | Strategic Place Planning | Place | 5 | | |
| 12 | ETZ Masterplan | To present the Masterplan with recommendation to go out for a 4 week consultation | | Laura Robertson | Strategic Place Planning | Place | 4 | | |
| 13 | | | 24 August 2023 | | | | | | |
| 14 | PRE APPLICATION FORUM - Land At Rigifa Farm Cove Road Aberdeen | To hear from the application in relation to proposed battery storage units with associated infrastructure, control and switch containers and associated works | | Gavin Clark | Strategic Place Planning | Place | | | |
| 15 | | | 21 September 2023 | | | | | | |
| 16 | | | 02 November 2023 | | | | | | |
| 17 | | | 07 December 2023 | | | | | | |
| 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 | | |

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| 2 | | | | | | | | | |
| 22 | 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 | | |
| 23 | 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 | | |
| 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 | Wallace Tower - 221380 - DPP | To approve or refuse the application for Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe, with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works | | Dineke Brasier | Strategic Place Planning | Place | 1 | | |
| 26 | Wallace Tower - 221379 - LBC | To approve or refuse the application for Conversion of existing building to form community cafe with ancillary office accommodation and meeting hall; erection of single storey extension to form additional seating areas to cafe; alterations to internal partitions; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works | | Dineke Brasier | Strategic Place Planning | Place | 1 | | |
| 27 | 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 | | |
| 28 | 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 | | |
| 29 | Airyhall Distribution Service Reservoir, Craigton Road - 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 | | |

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| 2 | | | | | | | | | |
| 30 | Hareness Road and Ness Former Landfill - 230299 | To approve or refuse the application for Solar Farm and Hydrogen production and re-fuelling station | | Lucy Greene | Strategic Place Planning | Place | 1 | | |
| 31 | | | | | | | | | |
| 32 | | | | | | | | | |

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|  <p>ABERDEEN CITY COUNCIL</p> | <p>Planning Development Management Committee</p> |
| | <p>Report by Development Management Manager</p> |
| | <p>Committee Date: 25 May 2023</p> |

| | |
|---------------------------------|---|
| Site Address: | Former Braeside Primary School, Braeside Place, Aberdeen, AB15 7TX |
| Application Description: | Erection of 30 affordable residential units with associated infrastructure and open space |
| Application Ref: | 221310/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 2 November 2022 |
| Applicant: | Malcolm Allan Housebuilders Limited |
| Ward: | Airyhall/Broomhill/Garthdee |
| Community Council: | Braeside And Mannofield |
| Case Officer: | Matthew Easton |



RECOMMENDATION

Approve Conditionally Subject to Legal Agreement

APPLICATION BACKGROUND

Site Description

The application relates to an area of vacant ground which was formerly occupied by Braeside Primary School, located within the residential area of Airyhall. The site extends to 1.04 hectares and comprises areas of grassland and gravel. The central area of the site is flat, with a long, gradual slope down to the south of the site, and a slope down from west to east.

The northern boundary is shared with the rear gardens of 1½ storey semi-detached homes at 27 to 57 Braeside Place. The eastern boundary also faces directly onto Braeside Place, with further homes of that style relating to 2 to 16 Braeside Place on the opposite side of the street.

Immediately to the south of the site is a playpark, separated from the site by a post and wire mesh fence. Beyond the playpark are the rear gardens of predominately 1½ storey homes at 8 to 38 Braeside Terrace. There is an electricity substation on the boundary of the south west corner of the site. The west boundary of the site comprises a wire mesh fence beyond which is the grass covered Airyhall Distribution Service Reservoir, operated by Scottish Water.

There are 42 trees on the site and four overgrown areas of hedges. The majority of the trees (26) and the most mature are found along the southern boundary beside the play park, with ten remaining trees mostly located towards the western boundary and the remainder dispersed throughout the site. Small areas of hedges are located on the east side of the site and on the west.

Relevant Planning History

Braeside Primary School was last used for educational purposes in 2014, accommodating pupils from the Hamilton School and Kaimhill School prior to that. The school extensions were latterly used as educational office space, and the former school was occasionally used as a polling station. Following the cessation of these uses, the school was demolished in 2021, the site cleared and subsequently marketed as a development opportunity by Aberdeen City Council in its capacity as landowner.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of 30 affordable residential units with associated infrastructure and open space. The development would be provided as social housing for rent, operated by Grampian Housing Association.

The development would comprise twenty 3-bedroom houses and ten 4-bedroom houses. They would be arranged in six sets of three-terraced units; four sets of semi-detached units; and one set of four-terraced units.

The site would be laid out with houses fronting onto Braeside Place; backing onto the western boundary; and on the northern boundary a mix of houses backing onto adjoining rear gardens on Braeside Place and houses fronting west and east. Existing green space and trees are retained and enhanced along the southern site boundary, where a water main wayleave exists.

There would be five house-type designs, all of which would be two storeys. The house types would be relatively simple in style, with gable features being emphasised through the use of projecting elements and contrasting materials. Five of the houses would have an additional single-storey side element to accommodate a ground floor bedroom to permit accessibility for residents with mobility issues. Each house would have its own private rear garden. The buildings would be finished in white dry-dash render; grey concrete roof tiles; grey PVCu windows and doors. Three of the house types would feature areas of fibre-cement cladding in a grey green colour.

The site would be accessed from a new junction onto Braeside Place, with a new street leading through the development and parking provided in six areas at right angles to the street. A total of 43 parking spaces would be provided, four of which would be accessible spaces. Two spaces would be allocated for electric vehicle charging, with a fully equipped charging point installed as part of the proposals.

Footpaths would be provided to connect into the pavements on Braeside Place, throughout the development, and connecting into the play park and core path at the south west corner of the site.

Twelve trees and four hedge groups would be removed to allow for the development to take place. Three further dead or dying trees would also be removed. A hedge along the northern boundary of the site would have section removed but otherwise would largely be retained.

A detention basin would be provided at the entrance to the site as part of the drainage strategy. Areas of landscaping, with trees and hedges would be provided throughout the development.

To facilitate the development, Braeside Place, which is currently a one-way street for all traffic, would be switched to a two-way street for cyclists only, with the one-way restriction retained for vehicular traffic. Parking controls would also be applied on Braeside Place, on the stretch between the new junction into the site and Braeside Terrace to the south. This area was previously subject to 'no waiting' traffic restrictions when in use as a school.

Amendments

In agreement with the applicant, the following amendments were made to the application –

- Number of parking spaces increased from 34 to 43;
- Parking space for drainage pond maintenance provided;
- Plots 3, 4 and 5 moved back slightly from pavement on Braeside Place;
- Plots 10 to 15 re-orientated and/or moved to increase distance from existing residential properties that share northern boundary;
- Adjustments made to footpath routes and road geometry throughout the development;
- Area of hedge along northern boundary to be retained rather than removed;
- Cycling contra-flow proposed on Braeside Place; and
- Parking controls proposed on Braeside Place.

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=RKNSXZBZKZN00>

- Design Statement (including addenda);

- Explanatory Report and Ground Investigation Report;
- Geo-Environmental Desk Study Report;
- Planning Statement;
- Preliminary Ecological Appraisal Report;
- Supporting Statements from Grampian Housing Association;
- 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:

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

CONSULTATIONS

ACC - Developer Obligations – Developer obligations are required to address the following matters:

- **Primary Education** – The application site is within the catchment area for Airyhall Primary School. Factoring the proposed dwelling units into the 2020 school roll forecast shows that the development will not result in capacity of the school being exceeded.
- **Secondary Education** – The application site is within the catchment area for Hazlehead Academy. Factoring the proposed dwelling units into the 2020 school roll forecast shows that the development will result in a maximum additional over capacity level of three pupils. A contribution of £7,905 is required.
- **Healthcare** – A contribution (£18,464) will be required towards internal reconfiguration works to increase capacity at Great Western Medical Practice (nearby on Seafield Road) or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity.
- **Community Facilities** – A contribution (£58,512) has been identified towards Airyhall Community Centre and Library which has plans in place for improvements to parking and accessibility arrangements, Lock and Leave facilities access to increase capacity for more use out of normal staff hours and additional outside storage and mezzanine space.
- **Open Space** – There is no play area identified and this will be met by existing provision. In this instance a contribution (£5,856) is sought to offset the impact of these proposals on that existing space by enhancing the play area to the immediate south of the site.
- **Sport and Recreation** – No contribution has been identified by Sport Aberdeen towards sports and recreation.
- **Core Path Network** – In this instance, a connection from the south west corner of the site is included as part of the development to link to Core Path 67 (Rocklands Road) eastward through the site to Braeside Place. No further contribution has therefore been identified.

ACC - Environmental Health – No objection. The geo-environmental investigations did not discover ground conditions that are likely to pose a significant risk to the development. However, occasional anthropogenic material was identified within near surface made ground (demolition arisings). It is proposed to screen-out less desirable anthropogenic materials during the first stage of site works so that the uppermost 600mm from finished ground levels is free from significant foreign debris. The report states that *“A validation exercise will be undertaken, and the findings will be presented to verify that the recommendations have been undertaken.”* The service would recommend that the following records are retained: photographic, earthworks cut and fill, topographical survey levels and waste disposal certificate(s).

ACC – Housing Strategy – There are concerns about the 4 bed, 6 person units. These should be 4 bed, 7 person as an absolute minimum to allow housing need and demand from the existing waiting lists to be met and to allow future housing need and demand to be met. There is a requirement for larger family homes, even beyond 4 bed units, so they need to be maximised to allow the greatest flexibility possible. Ideally, should be 8 person, so 7 person is very much a compromise.

When it comes to funding the project through the Affordable Housing Supply Programme, those homes that meet housing need and demand will always be prioritised first so if there are developments that are providing what ACC require, these will take priority over those which don't. This is something that perhaps the developer has not considered.

The Council's Strategic Housing Investment Plan (SHIP) is updated annually, and the Braeside site will be included in the next iteration which is due in October 2023.

ACC - Roads Development Management Team – No objection.

Site Accessibility

- The site would be accessed by pedestrians and cyclists by the site access from Braeside Place. The footways surrounding the site are adopted and of generally good standard and are noted by the applicant as being 2m wide.
- It is proposed to form an additional pedestrian access to the site in the southwest which will lead to the existing playpark. This will also be 2m wide and will provide an east to west link within the site.
- The site is considered to have good accessibility by walking. The applicant has provided walking isochrones of 400m, 800m and 1600m which show that a variety of amenities including a medical practice, community centre, schools and shops are within suitable walking distances. The majority of walking trips to and from the site will likely utilise Springfield Road where there are existing pedestrian facilities including controlled and uncontrolled crossing points.
- Cycling in the area is mainly on street. The applicant has provided cycling isochrones which show that large proportions of the city are accessible in standard cycling distances. The Deeside line and the Westhill cycle path are within accessible cycling distance of the site and provide safe and convenient links for commuting and leisure cycling to various locations.

Braeside Place is one way which cyclists would have to adhere to. This means any cyclists leaving the site to head north would have to first head south towards Braeside Terrace. Likewise, cyclists returning to the site from the south (Deeside Way etc.) would have to travel north passed the site to Craigton Road before making their way south and into the site. This adds a level of convolvement and minor extra distance for certain trips to and from the site by

bicycle. Given Braeside Place is a quiet residential street access to the site by bicycle would be improved by the introduction of contra-flow. This would permit cyclists to travel in either direction thus removing the convoluted route. The applicant has agreed to providing the contra-flow, which would require new signs and implementation of a traffic regulation order (TRO) to modify the existing one-way restriction (rather than any physical separation of traffic).

Overall, access to the site by bicycle is considered acceptable.

- The site is considered to be adequately served by public transport.
- Details of safe routes to school have been provided in the Transport Statement. These should be provided in a Residential Travel Pack (RTP) which should be issued to all residents. The travel pack should focus on the promotion of sustainable means of transport over single occupancy vehicle trips. The developer should liaise with the Council during preparation of the RTP.

Local Road Network

- The applicant has provided a People Trip Assessment using the TRICS online database with the categories “residential” and “affordable/ local authority houses”. Sites within “Greater London” and “Southeast” regions were excluded from the analysis. Only sites classified as “Suburban Location” and “Edge of Town” were selected. This approach is acceptable.

The TRICS assessment has indicated the proposed site would generate around 35 and 45 two-way people trips during the identified weekday development AM (morning) and PM (evening) peak hours. Using Scottish census data estimates for modal share of these trips has been provided by the applicant. This indicates in the AM there will be 21 two-way private vehicle trips in the AM and 25 two-way vehicle trips in the PM peak hours. As this is a brownfield site, previously a school, the expectation would be that the traffic generation of the new site to be similar if not less than the proposed.

- The applicant has provided details of three road incidents that have occurred within proximity of the site. This information has been reviewed and it is agreed that there is no road safety concern on the local network around the site.

Site Access Junction

- A single access is being proposed to the development. This is in line with ACC standards which stipulate developments of 0–49 dwellings require a single access.
- All vehicles entering the site will have to do so by turning right on Braeside Place. Braeside Place is subject to a one-way restriction operating in southerly direction. Vehicles exiting the site will also have to turn right to comply with this restriction. The access junction would be required to be designed and constructed to ACC standards.
- The applicant has provided visibility splays at the new site junction which demonstrate that the required 2.4m x 40m visibility splay can be achieved. The change to the junction radius (from a 5m to 8m radius) to accommodate the vehicle swept paths is acceptable.
- The existing School-Keep-Clear markings will be required to be removed.

Site Layout

- After various amendments the layout is acceptable.
- The applicant has shown swept path analysis which shows that a waste collection vehicle and fire appliance can enter the site in forward gear and suitably turn within the site so as to exit in a forward gear. However, they also show that there are many locations in the site where if vehicles were to park, they would impede the movement of vehicles within the site. As such the applicant will be required to apply for a Traffic Regulation Order to introduce 'At any time' waiting restrictions (double yellow lines) within the development. These would be required –
 - at the entrance junction (junction protection).
 - at various section of the road within the site; and
 - on the western side of Braeside Place from the junction of the proposed development southwards to existing restrictions at the junction with Braeside Terrace.

Parking

- The site is in the outer city area in terms of parking standards and not in a controlled parking zone. The applicant initially applied the standard of 0.8 spaces per unit as per the Transport and Accessibility Supplementary Guidance for housing association/social housing in the outer city. It should be noted that parking standards for residential developments are guidelines only.

During scoping for this application, ACC Roads raised concerns that allocating less than one parking space for 3- and 4-bedroom properties, even if categorised as affordable, would likely lead to overspill parking occurring in the surrounding streets. It was suggested to the applicant during that this was reviewed but the level proposed has remained the same on submission.

The applicant subsequently compiled a list of eleven other sites where ACC Roads have accepted the 0.8 parking standard for different developments. This is not seen as a material point as each application is considered on its own merits and specific circumstances. As the applicant notes themselves, these applications include a mix of dwelling types, they have different geographical locations, layouts and constraints. Therefore, they cannot be considered directly comparable and do not set a precedent for future applications.

A revised parking layout which proposes 43 parking spaces (increased from 34) has been submitted and reviewed. This was discussed with colleagues in the Traffic Management Team, and it has been concluded that this is a figure that could be accepted. There may still be some overspill parking as a result of this development but the proposed 43 spaces on site will limit this.

- The applicant has commented that all end-on parking bays will have dimensions of 2.5m x 5.0m and all disabled bays will include 1.2m wide delineated access zones and that driveway spaces will comply with ACC driveway standards, which is acceptable.
- No specific cycle parking has been provided but there is suitable space in the curtilage of each property for storing bicycles.
- The position of the EV charger is noted and is acceptable.

ACC - Schools Estates Team – The site falls within the school catchment areas for Airyhall School and Hazlehead Academy. There is sufficient available capacity within Airyhall School to accommodate the numbers of pupils expected to be generated by the proposed development.

However, there is insufficient capacity at Hazlehead Academy, and so a contribution from the developer would be required, to assist with the cost of reconfiguring the existing building to create the additional capacity, or with the cost of constructing a new replacement building, should this go ahead.

ACC - Waste and Recycling – Object to the application. There is a dead-end road proposed, however our safety policy requires our collection vehicles to be in a forward gear at all times.

Braeside and Mannofield Community Council – Object to the application for the following reasons –

1. The new homes would be overlooked on the north side by houses in Braeside Place, reducing privacy for the future occupants.
2. The proposed layout and two-storey homes, which would have parking provided at a rate of 0.8 spaces per unit are not in character with the existing 1½ storey granite homes in the surrounding area, which typically have parking for one or two vehicles.
3. The construction of an additional 30 houses, alongside those proposed for the nearby Treetops site, would lead to an overdevelopment in the area, placing additional burdens on local services such as Airyhall Primary School; Hazlehead Academy; the doctors' surgery, dentists and community groups.
4. Construction vehicles will require access to the site and must travel along the length of Braeside Place, negotiating the two tight 90-degree bends and potential for turning manoeuvres on the street to access the site.
5. Once the development is complete, the increase in vehicular traffic would have the potential to compromise the safety of other road users and pedestrians.
6. The new junction into the development would be in close proximity to the entrance of the childrens' play area. Drivers checking that vehicles are not approaching from their left will fail to see children emerging from the park entrance on their right.
7. The lack of parking provision will lead to overflow parking on Braeside Place and adjoining streets, further restricting access and disrupting the flow of traffic. This will also result in risks to pedestrians crossing the street from behind parked vehicles.

NatureScot – Agree with the conclusions of the Council's habitats regulations appraisal.

Scottish Water – No objection to the application.

In terms of water supply, the proposed development would be fed from Invercarnie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow a full appraisal it is suggested that the applicant completes a Pre-Development Enquiry and submits to Scottish Water.

There is currently sufficient capacity for a foul only connection in the Nigg Waste Water Treatment works to service the development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

The applicant should be aware that Scottish Water are unable to reserve capacity at water and/or waste water treatment works for their proposed development. Once a formal connection

application is submitted to Scottish Water, after full planning permission has been granted, the availability of capacity at that time will be reviewed and the applicant advised accordingly.

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

REPRESENTATIONS

104 representations have been made to the application, all objecting to the development.

The matters raised are summarised below –

Principle

1. The site should instead be used for alternative uses (urban green space; a new school or nursery; community hub; social space for charities or other groups; sheltered housing; accommodation for disabled people)
2. The site was removed from the Strategic Housing Investment Plan (SHIP) and therefore the proposal should not be considered for planning approval.
3. Why are houses required when others are being built at Countesswells?
4. Braeside is a quiet area which is why many will have selected to purchase housing here for a premium price. The area is quiet and not suitable for housing.
5. The greenspace in the area is slowly being eroded due to development.
6. The development will probably reduce the value of surrounding properties.

Housing Tenure

7. Affordable housing is welcomed.
8. Only 25% of the units should be affordable, rather than 100%. The proposal should be for a mix of affordable and mainstream housing, rather than only the affordable housing from the Treetops site. There is no reason the affordable housing cannot be provided at Treetops.
9. The creation of a non-mixed socio-economic community is contrary to Scottish Planning Policy. Airyhall is not the area for putting in families in poverty.
10. The proposed unit sizes and types are proposed to maximise the income of Grampian Housing Association and allow tenants to gain an advantage over those in more need.

Community Infrastructure

11. The primary school and nursery (Airyhall) and secondary school (Hazlehead) are at capacity and the only way to accommodate additional pupils would extend or provide temporary accommodation.
12. The doctors surgery on Seafield Road is already struggling with the number of patients.

13. Dentists are at capacity.
14. There is pressure on the community centre. The area lacks suitable leisure spaces and community facilities both inside and outdoor for children and young people
15. There are only two childminders in the area, and they are always full.

Layout and Design

16. The Local Development Plan states that any development at Braeside must respect the neighbouring properties and be in keeping with the area, however the houses will not look like the existing houses in the area. At two storeys, the proposed houses would be taller than those in the surrounding area which are predominantly 1½ storey and the now demolished school which was one storey. The houses would dominate their surroundings, with neighbours feeling overlooked. 1½ storey units would be more suitable.
17. The proposed houses along the northern boundary would back onto the gardens of homes on Braeside Place. The gable ends of some of the new houses would be hard up against the boundary, resulting in a loss of privacy, sunlight and general amenity. Greater separation should be provided with the existing landscaping strip retained to the benefit of existing and new residents.
18. The density of development is too great given the constraints of the site. If there were less houses being built, they could have larger rooms, instead of what looks like little boxes on the plan.
19. The houses have too many bedrooms.
20. Most of the houses have two floors, which would not be suitable for those with physical disabilities. It is great the developers are thinking of the disabled but why is the bedroom on the ground floor, they should have access to the whole house and not just the ground floor making them second class citizen in their own home.
21. Lack of daylight and sunlight will affect some of the new houses due to the size of the trees.
22. There would be a loss of light, winter sun and privacy for existing residents.
23. The existing mature landscape strip (hedge) along the northern boundary would be removed and take away privacy for both new and existing houses.
24. The location of the school on the site when built was restricted by the water main.
25. There would be a change in level that must have an impact to existing boundaries with no details of how this will be addressed
26. In time white render would not look good and grey windows will look dated.

Transport

27. Braeside Place is a one-way street and not capable of accommodating additional traffic, would not cope with additional traffic resulting in noise, pollution and congestion.

28. There is insufficient parking provision in an already busy street, that struggles to accommodate the demand that currently exists. It is likely that some houses will have more than one car. The result would be parking on surrounding streets. There is no capacity on Braeside Place for overspill parking due to it being narrow and each home having a driveway.
29. The access road to the development would be adjacent to the play park entrance and would risk the safety of children.
30. Having one vehicular access point, would require waste collection vehicles to reverse, which is against their policy.
31. Electric vehicle charging points would not be enough for future requirements.
32. The existing bus routes would not easily serve the new site.
33. Better pedestrian crossing facilities are already needed.

Drainage

34. Scottish Water will not accept the drainage from the site to their existing system, so there is nowhere for drainage to safely go without endangering neighbouring properties.
35. The development will place further strain on the water and sewerage systems. This is an open sustainable urban drainage system (SUDS) pond is proposed to handle excess surface water, which could potentially increase likelihood of localised flooding. The proposed SUDS pond looks nice but what about health and safety for the children, dogs, cats and foxes. Who would be responsible for the maintenance after the developers have long gone. Don't want stagnant water.

Natural Heritage

36. There is now an abundant amount of new wildlife on the old grounds which would have to properly assessed before any construction work could go ahead. With the added destruction of existing trees and shrubs there would be more harm to the wildlife and biodiversity in the area.
37. The existing mature landscape strip (hedge) would be removed which would be harmful to existing birds and wildlife population that use it.
38. It is not necessary to remove tree group A, or trees 2, 3, 4 and 5 as they are not in the way of development. Why replace mature trees with saplings.

Other

39. Has the effect of the development on the adjacent reservoir been fully considered? Previous planning applications have been refused and restricted due to major pipes running under the site. Safety guarantees should exist to ensure that Scottish Water assets are not damaged by the development.
40. Construction traffic management would cause disruption.

41. As the development is next to a children's park, the site must be secure out of hours.

Administrative

42. The extent of the neighbour notification carried out was not sufficient.

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.

The Conservation (Natural Habitats, &c.) Regulations 1994 requires that all competent authorities (in this case the Council) must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, an 'appropriate assessment' (AA) must be carried out. This process is known as Habitats Regulations Appraisal (HRA).

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 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- 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 22 (Flood Risk and Water Management)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan (2017)

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

The following policies are relevant –

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H5 (Affordable Housing)
- Policy CI1 (Digital Infrastructure)
- Policy CF1 (Existing Comm Sites and Facilities)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE4 (Open Space Provision in New Development)
- Policy NE5 (Trees and Woodland)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy NE9 (Access and Informal Recreation)
- Policy R2 (Degraded and Contaminated Land)
- Policy R6 (Waste Management Requirements for New Development)
- Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

The ALDP also identifies the site as an opportunity site (OP39) which is described as a *“Former school site with potential to be redeveloped for residential use in future. In the meantime, the school can be used to house primary pupils from the Countesswells development pending the development of a primary school there. Development will have to respect residential amenity within and surrounding the area. The Council will seek the retention of the playpark in its current location to the south of site OP39.”*

Proposed Aberdeen Local Development Plan (2020)

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

The following policies are relevant –

- Policy CF1 (Existing Community Facilities)
- Policy CI1 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)

- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

The Proposed ALDP continues to identify the site as an opportunity site (OP39), now for 59 units and with an updated description which states *“Former school site with potential to be redeveloped for residential use in future. Development will have to respect residential amenity within and surrounding the area. The Council will seek the retention of the playpark in its current location to the south of site OP39. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process, it is likely a Construction Environmental Management Plan will also be required.”*

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Natural Heritage
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

EVALUATION

Principle of Development

General

As a residential use proposed within a residential area as per the zoning in the Aberdeen Local Development Plan (ALDP), the general principle of residential use is acceptable, subject to the criteria set out in relation to Policy H1 below. The opinion has however been expressed in representations that Braeside is a quiet area and not suitable for further housing. Whilst the character of the site will change from a vacant area of ground with no activity to homes that do generate activity, residential use is not considered to be a disruptive use in itself and therefore further homes would be entirely compatible with the surrounding existing residential area (*Issue 4 in representations*).

Other uses exist, around the site, namely the playpark and reservoir. The play park is located adjacent to the southern site boundary and the rear boundaries of housing on Braeside Terrace. Such facilities are commonly found within residential areas. Whilst their use generates activity, it would typically be of a character and intensity of use that would not be expected to adversely affect the residential amenity of residents in the new development. Several of the new houses would face towards the southern boundary, which would offer the benefit of increased natural surveillance over the playpark.

The Airyhall Distribution Service Reservoir is to the immediate west of the site. The reservoir is covered with grass and generates little activity other than routine maintenance by Scottish Water. The proposed development would not compromise the operation of the reservoir and the reservoir would not harm the amenity of future residents. The applicant would be responsible for ensuring the integrity of any Scottish Water assets within and outwith the reservoir site during construction (*Issue 39*). A water main pipe leading from the reservoir runs along the southern section of the site. Its existence is acknowledged by the applicants and the proposed site layout site ensures no buildings are within a 10.4m offset from the pipe. Scottish Water has not objected (*Issue 39*).

Several alternative uses are suggested in representations. However, the planning authority is required to consider the application before it on its own individual merits, rather than potential alternatives that have not been proposed. (*Issue 1*)

Land Use Zoning

The site is within an area where Policy H1 (Residential Areas) of the ALDP applies. Within such areas proposals for new residential will be approved in principle if it (i) does not constitute over-development; (ii) does not have an adverse impact to residential amenity and the character and appearance of an area; and (iii) does not result in the loss of open space.

The first matter is considered later in the report. The second is covered in general terms in the previous section, with the issue of the visual appearance also considered later in the report. The third point does not apply as the site was not open space and the play park beyond the southern boundary would be retained with no encroachment into it by the development (*Issue 5*)

As a site where the last use was a school, Policy CF1 (Existing Community Facilities) of both the adopted and proposed ALDP applies. Both policies state that “*Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.*” The Braeside site has been declared surplus to the requirements of the Council and has been placed on the open market for alternative uses. The residential use now proposed is compatible with the surrounding residential use and the neighbouring reservoir and playpark uses. Therefore, there is no tension with Policy CF1.

Policy 16 (Quality Homes) of NPF4 states that “*development proposals for new homes on land allocated for housing in LDPs will be supported.*” As a site identified as an opportunity site for residential development in both the current and proposed ALDP, the proposal is supported by this policy.

Brownfield Land

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. It goes on to say that “*development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.*”

The Proposed ALDP indicates that “*Regeneration of city centre sites and other brownfield sites throughout the existing built-up area for appropriate uses is encouraged. Brownfield sites are expected to contribute an increasing amount of our housing requirements over the period to 2032*”

The site has been vacant and underutilised for several years and has been identified in the both the adopted and proposed ALDP as an opportunity site for residential development. Whilst concern is raised in representations that because homes are being built at Countesswells, further homes are not required, the ALDP is clear that as well as the development of greenfield sites, the redevelopment of brownfield land is required to meet Aberdeen's housing land requirement. As such the site has been identified in the ALDP for that purpose (*Issue 3*).

The re-use and redevelopment of the Braeside site is therefore lent support by Policy 9 and in general by the adopted and proposed ALDPs.

Local Living and 20-minute neighbourhoods

Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4 aims to “*encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.*”

Being located within the existing suburban area, the site benefits from being in close proximity to existing public services and public transport. A play park is located immediately adjacent to the site. A dental surgery is located within a 5-minute walk, whereas Airyhall Primary School, Airyhall Community Centre, and Airyhall Library are within a 10-minute walk, as are convenience shops and services on both Countesswells Road and Great Western Road. Robert Gordon University's Garthdee campus, a medical practice, and a nursery are within a 20-minute walk.

The core path network passes the south west corner of the site, providing recreation access to the wider area including Hazlehead Park and the former Deeside railway line. The area is served by several bus routes, with stops located on Springfield Road, Craigton Road and Great Western Road, all within a 5-minute walk from the site, providing access to the city centre and other parts of the city. It is considered that the site is well connected, and its location meets the aims of 20-minute neighbourhood principles (*Issue 32*).

In summary, the principle of redeveloping the site for residential use is acceptable and in accordance with the principles of NPF4 and the adopted and proposed ALDP.

Affordable Housing and Housing Mix

Policy 16 (Quality Homes) of NPF4 indicates that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for open market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances otherwise.

Policy H4 (Housing Mix and Need) of the Proposed ALDP requires that development of fewer than 50 units, a suitable mix of dwelling types and tenure will be provided in the interests of placemaking and local housing need and demand.

Policy H5 (Affordable Housing) of both the adopted and proposed ALDP require housing developments of five or more units to contribute no less than 25% of the total number of units as affordable housing.

The proposal is for a development of 100% affordable housing units, which it has been indicated will be provided for social rent by Grampian Housing Association, a registered social landlord. On

that basis the proposal meets the requirements of Policy 16 and Policy H5 in terms of affordable housing.

The majority of the housing proposed in this application is to provide off-site delivery of the affordable housing required as part of the development of the former Treetops Hotel site, where 77 residential units are proposed (planning application reference 211528/DPP). The combined affordable housing requirement across the two sites is 26.75 units (25% of 107). Therefore, with the 25% requirement for the 30 units proposed at Braeside being 7.5 units, as a standalone proposal, this application meets the requirements of affordable housing policies, with the proposal exceeding the 25% affordable housing policy requirement on site. Whether provision of the Treetops affordable housing requirement by means of off-site delivery on the Braeside site, or another site is acceptable, is a matter to be considered as part of the Treetops planning application, rather than this application. The Braeside application is being assessed as a standalone development of entirely affordable housing, to be operated by a registered social landlord (*Issue 8*).

In terms of the mix of units, the development would comprise twenty 3-bedroom houses and ten 4-bedroom houses. Within this there would be five house-type designs, which would offer a range of accommodation, providing capacity to accommodate families of between five and eight persons. Five of the units would have an additional single-storey side element to accommodate a ground floor bedroom, which would be suitable for wheelchair users or residents with other mobility restrictions.

The ACC Housing Strategy Team has advised that as many larger properties (capacity 8 persons) as possible should be provided. In the response, the applicant has reviewed the largest of the house types (HT4) which at present can accommodate 7 persons. As a result, the footprint of HT4 has been increased (400mm wider and 500mm deeper) so that it can accommodate 8 persons. However, due to the tight nature of the site, it is only possible to accommodate this enlarged version of HT4 on one of the five plots that HT4 is proposed on. To accommodate it on the remaining four plots would have significant knock-on effect on the layout in terms of addressing other matters such as parking, tree retention and amenity. With the larger version of HT4 now included on one plot, the composition of the development would be 20x five-person houses; 5x six-person houses; 4x seven-person houses and 1x eight-person house.

In a supporting statement, Grampian Housing Association (GHA), has indicated that it has worked closely with the applicant and their design team to create house types which accurately reflect the needs of GHA's client group and to ensure that adequate provision is made for people on their waiting list with physical disabilities.

Given the small nature of the site and the competing requirements in terms of achieving a satisfactory layout, it is considered that the range of house types and sizes provides a suitable mix of units, which would help address the housing needs of the community (*Issue 19 and 20*).

Concerns are raised in representations with the introduction of social housing into the area. Whilst the proposal is for 100% affordable housing, the number of houses proposed is not especially large and, due its modest size, it is considered that it would integrate effectively into the existing residential community. The surrounding residential area of Braeside and Airyhall is relatively large and is entirely open market housing, however both national and local planning policy promote the integration of different tenures of housing to create mixed communities. The location which is close to local services and public transport routes, is considered suitable for affordable housing. There is no reason that social and mainstream housing cannot sit alongside one another (*Issue 9*).

The inclusion of a site within the Council's Strategic Housing Investment Plan (SHIP) relates to funding and delivery arrangements for affordable housing. The absence of the site from the SHIP is not a material planning consideration and does not prevent planning permission being granted. The SHIP is updated annually, and the Braeside site will be included in the next iteration which is due in October 2023 (*Issue 2*).

One representation provides comment on the way in which they believe social housing is allocated to tenants, however this is a matter for the housing association rather than a planning consideration (*Issue 10*).

Density

In the interests of sustainability and efficient use of land, higher density developments are generally encouraged by the ALDP. Policy H3 (Density) requires development to meet a minimum density of 30 dwellings per hectare, but to also have consideration of the site's characteristics and those of the surrounding area and to create an attractive residential environment and safeguard living conditions within the development. With the site being 1.04 hectares and there being 30 units proposed, the proposal is considered to meet the requirement.

Alongside the requirements of Policy H4, the Braeside OP39 site is identified as having capacity for 59 units in the Proposed ALDP. If this number of units were to be accommodated on the site it would be likely to result in a significant impact upon the amenity of adjoining residents, low levels of landscaping and open space within the development and less parking than necessary to serve the development. Although still tight, the 30 units proposed is considered to sit comfortably within the site, with sufficient space provided for buildings, open space, parking, paths and drainage infrastructure (*Issue 18*).

Design, Layout and Amenity

Policy 14 (Liveable Places) of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It requires that Development proposals be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It goes on to say that places should consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities, indicating that development proposals will be supported where they are consistent with these six qualities of successful places. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 (Quality Homes) of NPF4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

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

Policy D2 (Landscape) requires new developments to be informed by their surrounding and consider existing features in layouts. It also requires hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

The Proposed ALDP introduces a new policy on amenity (Policy D2) which sets out design criteria to ensure high levels of amenity in new developments.

Design and Layout

The layout has been arrived at by considering the constraints of the site, which include the tree belt and a high-pressure water main along the southern part of the site (*Issue 24*), the requirement to take vehicular access from Braeside Place and to locate the drainage pond in the lowest part of the site. The site slopes from north to south and west to east, with the northern boundary sitting between 69m at the reservoir end and 67m at Braeside Place and the southern boundary 66m and 63m respectively.

The proposed layout features a terrace of three houses addressing Braeside Place, whereas the remaining units would sit behind, within the site itself. The units facing Braeside Place provide interaction between the site and the existing street, alongside the drainage basin and landscaping which would sit at the site entrance.

Minimal ground level changes would be required to accommodate the development. The finished floor levels of new houses along the northern boundary would generally sit at the same level as the boundary level or very slightly below. The three new houses facing Braeside Place would also sit at the same level as the street, stepping down as the street slopes southwards. As such there are no concerns with significant changes in ground levels or how new houses would sit alongside existing houses in this regard (*Issue 25*).

All houses would be two storeys. Concern has been raised that two-storey would be inappropriate for the area. Whilst it is accepted that nearly all existing houses in the surrounding area are 1½ storey, this does not preclude the introduction of two-storey houses. None of the new houses would sit directly alongside an existing house, so the slight difference in absolute height between existing and new buildings would not be obvious. The roof ridge line of the new houses compared to the closest existing homes on Braeside Place would vary between being the same height or 0.8m to 1.5m higher than the existing. With Braeside Place and the application site sloping from north to south, notwithstanding that the new houses would be two-storeys, for the most part, the remainder of the roof ridge lines of new houses would be essentially the same as the existing houses along the northern boundary of the site on Braeside Place, many of which have their own two-storey extended elements to the rear. This has been confirmed through cross-sectional drawings submitted as part of the application. The topography of the site would therefore allow the development to sit comfortably within the surrounding area. The 50m distance and intervening tree belt between the southernmost new houses and the existing houses to the south on Braeside Terrace would result in a comfortable relationship between the two (*Issue 16*).

The proposed external finishing materials (white dry-dash render; grey concrete roof tiles; grey PVCu windows and doors, with sections of fibre-cement cladding in a grey green colour) are typical of new build homes and considered acceptable (*Issue 26*).

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 development which would increase the risk of suicide occurring.

Each unit would have its own garden, with most having defensible space enclosed by hedges at the front. Paths and parking areas would be overlooked by different properties to provide natural surveillance. A path route would be provided through the development, between Braeside Place and the southwest corner of the site, to link in with the existing core path. The fence between the site and playpark would be removed so the landscaping within the site and park can flow together

as one space, enhancing connectivity and the appearance of the area and providing a pleasant setting for the new houses.

Concern was raised by both the Planning Service and neighbours with the initial layout, due to the proximity of new houses to the rear gardens of existing houses on Braeside Place. The Planning Service considered that the new houses would be in very close proximity to the ends of what are relatively short gardens, which would result in them be overly dominant and adversely affecting the amenity of existing residents in terms of their outlook, with potential implications on daylight. In response the applicant amended the plans to reorientate several units and move others away from the boundary. The closest house (plot 18 in the north west corner) is now 17m away from the rear of the corresponding house at 57 Braeside Place, with a lower single-storey section being 14m away, and it is noted that the property at 57 Braeside Place benefits from a larger rear garden, being a corner plot. No windows would be included on the north elevation of plot 18, eliminating any potential overlooking. The new houses are now considered to be a sufficient distance away from existing houses and gardens

Privacy

Considering privacy in more detail, the window-to-window distance between the new houses facing onto Braeside Place and the existing houses on the opposite side of the street (numbers 12, 14 and 16) is between 19m and 20m, in excess of the 18m minimum considered necessary to ensure privacy.

Along the northern boundary, views between rear windows of respective new and existing houses at ground floor level would be screened by existing and proposed fences. At first floor level, distances between windows vary between 20m and 26m, again exceeding the requirement. In the three instances (plots 5, 13 and 18) where blank gables face north towards the rear of houses on Braeside Place, permitted development rights would be removed by condition to prevent the creation of windows on these gables in future without a further grant of planning permission. Otherwise, new houses on the west boundary would look over the reservoir site and any new houses facing south would be over 50m away from existing houses on Braeside Terrace, with intervening trees also providing a buffer.

Within the site itself, the initial layout was adjusted to address instances where the window-to-window required was not being met between proposed houses.

Daylight

With regards to daylight, all new properties are now far enough away that they would not affect the receipt of daylight within existing houses (*Issue 17 and 22*).

New homes would be orientated and spaced out to receive sufficient daylight, with many having habitable rooms with dual aspects. There is no concern with the proximity of trees to new houses (*Issue 21*).

Overshadowing

The new houses would sit at a slightly lower level than the houses to the north on Braeside Place. This combined with them being a sufficient distance away, means there would be no overshadowing of existing homes. Overshadowing analysis show there would be a very slight overshadowing of ends of existing gardens along Braeside Place during winter mornings, however this is not unusual within a built-up area and is not considered to be significant (*Issue 22*).

Waste

Policy 12 (Zero Waste) of NPF4 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Each property would have space within their gardens to store wheelie bins for different types of waste. Areas are identified outside of properties for bins to be collected. The arrangements are considered acceptable.

The ACC Waste and Recycling Team has indicated that its preference would be for a layout which allowed a refuse collection vehicle to enter and exit the site without having to reverse. Rather than the single junction into the site, which is proposed, this would require two junctions to be created and a continuous road looping through the site. To do this, significantly more space would be required to be given over to road carriageway within the site, reducing the number of units which could be created and making less efficient use of the land. Whilst the ability to enter and exit the site without reversing is preferable, this will not always be possible in smaller sites and needs to be balanced against other matters relating to the layout. Swept path analysis have been submitted which demonstrates that refuse vehicles would be able to satisfactorily turn within the site by carrying out a reversing manoeuvre, which is considered acceptable (*Issue 30*).

In summary, there are no concerns with the proposed development in terms of impact upon the privacy of existing residents or future residents living within the development (*Issue 22*).

Open Space

Policy NE4 (Open Space Provision in New Development) and associated supplementary guidance of the ALDP requires at least 2.8 hectares per 1,000 people of “meaningful” and “useful” open space in new residential development. For a development of the size proposed, this equates to 0.24 hectares of such space.

The proposals show around 0.2 hectares of amenity and landscaped areas along the southern part of the site, although much of this is under the cover of trees and is not functional open space. Notwithstanding, its retention is welcomed as it contributes to the character of the area. It is recognised that on some brownfield sites it may not be possible to increase the amount of open space. In these cases, developer obligations towards off-site provision or enhancement of existing open spaces will be sought instead. In this case contributions are sought for enhancing the adjacent play park.

Policy NE9 (Access and Informal Recreation) indicates that wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Core Path 67 (Rocklands Road) passes along the southern edge of the adjacent reservoir and past southwest corner of the site and playpark. It is proposed to provide to link the path network within the site with the core path via a new path. This would provide a path link between Braeside Place and the core path which is welcomed as an improvement to pedestrian permeability in the area.

Climate Change and Nature Crises and Biodiversity

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 2 (Climate Mitigation and Adaptation) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) seeks the enhancement of biodiversity.

The sustainable location, within the existing suburban area which is close to services and public transport represents development which has the potential to reduce dependence on the private car and in turn carbon emissions.

A Preliminary Ecological Appraisal has been carried out to determine the habitats present on site and whether any protected species are present. The survey determined that the site where the school was previously situated is now an area of hardcore from the building demolitions which is being colonised by annual and short-perennial species. The whole site is species poor, as the rest of the site is improved grassland or stands of amenity shrubs and trees. No evidence of squirrels, badgers or bats were found within the site. There is limited habitat for amphibians and the site is not suitable for reptiles. No invasive species were found on site.

A detailed landscaping scheme would be secured by condition. It would be expected to incorporate features to enhance biodiversity including open, vegetated SUDS, boundary treatments with gaps underneath/or holes and bat/bird boxes. Planting choices for landscaping should include native species and provide a variety of height and texture, which will provide both visual interest and habitat variety. Given the low biodiversity value the site has at the moment it is considered reasonable to expect that the finished development would enhance biodiversity in accordance with Policy 3 (Biodiversity) of NPF4.

In terms of the design of the development, as considered in the Drainage section of the report, the proposal would have regard to climate change through dealing with surface water via a SUDS feature. The site is also not known to be at risk of flooding and the development would not increase the risk of flooding to the site or others.

In terms of the nature crisis, proposed tree and landscaping planting around the site would contribute to enhancing biodiversity, as at present the site has little vegetation and that which is there has a low biodiversity value. The measures described to reduce water usage would help safeguard protected species in the River Dee. These aspects all align with Policy 3 of NPF4, which seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

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) largely reiterates these aims.

A tree survey has been carried out and identifies that there are 42 trees on the site. The majority of the trees (26) and the most mature are found along the southern boundary beside the play park, with ten remaining trees mostly located towards the western boundary and the remainder dispersed throughout the site.

Twelve trees would be removed to allow for the development to take place. The trees to be removed are generally located towards the west end of the site and range in height between 3m and 9m, with most being 7m. Three further dead or dying trees would also be removed.

The development proposals are outwith the zone of influence of the trees shown to be retained along the southern boundary. The trees shown to be removed to accommodate the proposal are less than 10m in height and under 15cm girth. They are of low landscape quality, and as such, could be easily replaced with appropriate new tree planting. The more substantial trees along the southern boundary, which contribute positively to the character of the area and provide a wildlife corridor foraging habitat for bats and birds, would be retained.

The Council's Natural Environment Policy Team have considered the tree survey, tree protection plan and arboricultural impact assessment and found them to be acceptable. New tree planting to replace trees loss and to enhance tree cover would be secured by a condition requiring a landscaping plan to be submitted. The layout plan shows space throughout the development to do so. Native trees to support local species and enhance biodiversity would be required (*Issue 38*).

In terms of how this relates to biodiversity requirements, no significant trees are to be removed and the planting of new trees would replace the small trees that would be removed, help expand tree cover in the city and increase the capacity to capture and store carbon. The significant trees along the southern boundary of the site would be retained.

Hedges

There are also five bushes/hedge groups within the site. Two of the groups form a hedge which runs along the length of the northern boundary and provided a buffer between the rear gardens of homes on Braeside Place and the former school. The initial proposal was to fully remove the hedge, with concern being raised that this would impact upon wildlife and reduce privacy for existing and new residents.

While it is an intact continuous feature, it is almost entirely comprised of non-native species. The west area of this hedge is more overgrown and has a few amenity tree species. The hedge is around 145m long and forms a corridor across the site from west to east, although it ends at Braeside Place in the east and the reservoir site in the west, reducing its function as a wildlife corridor. The non-native amenity species that comprise the hedge offer very little habitat value, with the exception of cover and some Cotoneaster berries in late winter. Just over half of the hedge (75m) would need to be removed to accommodate footpaths or level changes at the rear of new gardens, although 22m of that would be reinstated with new hedge planting. Otherwise, the retained sections would be reduced back to a width of between 1.0 and 1.5m. Any thin areas or gaps in the hedge would be planted with native hedge species to reinforce it. The extent of removal is considered acceptable given its low biodiversity value. The proposed planting to reinforce it is welcomed, leaving around 91m of the 145m boundary with a hedge along it. Boundary fences would still be provided which would ensure privacy between gardens in combination with the hedge. As described earlier in the report there are no concerns with loss of privacy for existing residents or new residents (*Issue 23*).

The remaining groups of bushes/hedges are in the east and west of the site and would be removed to accommodate the development. They comprise non-native species, are not connected to the other hedging and contribute little to visual amenity. They provide some cover but otherwise have little value for wildlife. Their removal is therefore considered to be acceptable.

Habitats Regulations Appraisal

Policy 4 (Natural Places) of NPF4 states that *“Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.”* These requirements are also reflected in Policy NE3 (Our Natural Heritage) of the Proposed ALDP and the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994.

The River Dee is a European site designated as a Special Area of Conservation (SAC) due to its populations of salmon, freshwater pearl mussels and otters. New development may increase the need for Scottish Water to abstract water from the River Dee for the public supply, with water abstraction licence requirements set by SEPA. Salmon and freshwater pearl mussels may be adversely affected by reduced flows as a result of abstraction which, if substantial enough, may expose and dry out available habitat, increase water temperatures, and reduce dilution of pollution. This may degrade habitat or can directly damage or stress salmon or pearl mussels. On that basis the habitats regulations appraisal (HRA) and associated appropriate assessment carried out for the Proposed ALDP screened in most opportunity sites in the plan as having a ‘likely significant effect’. The Proposed ALDP requires further HRA’s to be undertaken for individual opportunity sites.

An appropriate assessment has therefore been carried out for the proposals within this application. In summary, it found that the levels of development proposed by the former Strategic Development Plan 2020 and therefore the Proposed ALDP, fall within current abstraction licence levels. Otherwise, with the implementation of water saving technologies for this project (as required by Policy R6 of the adopted ALDP and Policy R7 of the Proposed ALDP), it was ascertained that either alone or in combination with other projects, the redevelopment of the Braeside site will not adversely affect the integrity of the River Dee SAC. Where an appropriate assessment is required, the Council must consult NatureScot. This has been carried out and NatureScot agree with the conclusion of the appraisal.

Access, Traffic and Parking

New developments are required by Policy T2 (Managing the Transport Impact of Development) to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Additionally, Policy T3 (Sustainable and Active Travel) requires developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must also be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Access

In terms of accessibility of the site, this has been discussed earlier in the report in relation to 20-minute neighbourhoods, with access to service and public transport found to be good.

No requirement for additional pedestrian crossings in the area has been identified. Pedestrian connectivity in the area is considered to be good (Issue 33).

The new site access junction would be 15m from the pedestrian access to the adjacent play park. In terms of pedestrian safety, no concerns have been raised by the Roads Development

Management Team with their proximity to one another and the arrangement is not considered to be unusual or unsafe (*Issue 29*).

Traffic

The applicant's Transport Statement shows that it is predicated that the development would generate 21 two-way private vehicle trips in the AM (morning) peak and 25 two-way vehicle trips in the PM (evening) peak – representing a vehicle entering or leaving the site roughly every 2½ minutes. Outwith the peak hours, activity would be less and spread throughout the day. With this low level of traffic generation, it is not necessary to undertake any further traffic impact analysis or junction capacity assessments. It is also worth noting that although the school closed several years ago, it would have generated a significant amount of traffic in the morning and afternoons as pupils were dropped off and collected and staff arrived and departed. The traffic associated with the current proposal would be expected to be less than that associated with the school. The ACC Roads Development Management Team has reviewed the traffic assessment and are satisfied with its conclusions. (*Issue 27*).

To ensure suitable access for cyclists, the ACC Roads Development Management Team require that the existing one-way restriction on Braeside Place be altered to allow for a cyclist contra-flow. This would require traffic signs to be altered and a Traffic Regulation Order to be implemented to make the restriction legal. The applicant has agreed to progressing these measures and bearing the cost. A condition is proposed to ensure that the measures are implemented.

Parking

Concerns were raised by ACC Roads Development Management Team and by the Planning Service with the 34 parking spaces initially proposed by the applicant, as this quantity was considered too low for the number of houses proposed. This could result in vehicles being parked indiscriminately at junctions or other locations which would comprise safety or the ability to access particular areas. Through adjustments to the layout, the number of parking spaces has been increased to 43. This would comprise 37 standard spaces; four accessible spaces related to the houses which have ground floor bedrooms included and two spaces which are associated with a particular house. The increased number of spaces is considered more reasonable and is accepted by the ACC Roads Development Team (*Issue 28*).

One electric vehicle charging point (EV), with the capability of charging two vehicles simultaneously, would be installed within the site which meets the requirements. However, from 5 June 2023, EV charging comes under the remit of Building Standards regulations, which will require a far higher level of provision than the current planning requirements do. On the basis that if approved, the development would begin construction after 5 June 2023, it is proposed to attach a condition requiring details of the finalised EV charging provision, as it will likely increase from the provision for two vehicles proposed (*Issue 31*).

Contaminated Land

Policy R2 (Degraded and Contaminated Land) of the 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.

An Explanatory Report and Ground Investigation Report and Geo-Environmental Desk Study Report have been submitted in support of the application, which conclude that the former school building footprint is not entirely clear of materials which should have been completely removed from site during demolition, however the volume of material is low. No other contamination was

detected, in particular no asbestos was detected. It is proposed to screen-out less desirable anthropogenic (man-made) materials during the first stage of site works so that the uppermost 600mm from finished ground levels is free from significant foreign debris. The Council's Environmental Health service have reviewed the reports and consider them satisfactory. A condition would be attached requiring a validation report to be submitted covering the screening work.

Drainage

Policy 22 (Flood Risk and Water Management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals will (i) not increase the risk of surface water flooding to others, or itself be at risk; and (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.

Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP requires surface water proposals to be the most appropriate available in terms of SUDS and avoid flooding and pollution both during and after construction.

Foul Drainage

Foul drainage from homes will be discharged to new drains which will be connected to the existing combined sewer on Braeside Place. Scottish Water have confirmed there is sufficient capacity at the Nigg Wastewater Treatment Works for a new connection from the development.

Surface Water Drainage

Surface water run-off from the roofs of houses, roads and car parks would drain into a new surface water sewer network within the site. Flows would then drain to a new extended detention basin which would be created at the entrance to the site, which in turn would discharge at a restricted rate into the combined sewer on Braeside Place. However, for reasons of sustainability and to protect from potential future sewer flooding, Scottish Water's policy is to not accept any new surface water connections into their combined sewer system. This position is supported by Policy 22 of NPF4 which says, "*all proposals should presume no surface water connection to the combined sewer*".

The applicant has indicated that they will seek an exemption from Scottish Water to connect to the combined sewer, on the basis that flows from Braeside Primary School would have previously discharged into the combined sewer. Whether consent is granted for a connection is for Scottish Water to determine. Should consent not be forthcoming, the applicant has an alternative proposal to make a connection to the surface water sewer which exists on Springfield Road, some 145m from the site. Either arrangement would be satisfactory (*Issue 34*).

Health & safety and maintenance concerns have been raised with the drainage basin. In terms of long-term maintenance, in accordance with normal practice, the intention is that Scottish Water would adopt it, at which point maintenance would become its responsibility. Detention basins are normally dry, except after major storm events when they are used to store water for a short period, where they will fill and then discharge into the sewer system at a controlled rate to prevent flooding. The basin and new sewer network are designed to accommodate run-off volumes generated by 30-, 100- and 200-year rainfall events (plus climate change). It is not considered there would be any significant risk to children or animals arising from the detention pond (*Issue 35*).

Developer Obligations

Policy 18 (Infrastructure First) of NPF4 indicates that “*development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. It goes on to say that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.*”

Similarly, Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP states that “*development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.*”

Concern is raised in representations that community facilities in the area would struggle with accommodating the increase in population that the development would create. The Planning Service uses a set methodology to determine the level of contributions a developer must provide to offset the impact of their development. The Planning Obligations Supplementary Guidance emphasises that any infrastructure or contributions sought are proportionate to the development proposed.

- Taking the development into account, based on current agreed school roll forecasts, Airyhall Primary School has capacity, whereas Hazlehead Academy would go over capacity by three pupils. Therefore, a contribution of £7,905 is sought for secondary education. Otherwise, any current issues with the provision of education at the schools is a matter for the Council in its capacity as education authority to address (*Issue 11*). Childcare provision is not covered by developer obligations (*Issue 15*).
- In terms of community facilities, a contribution (£58,512) has been identified towards Airyhall Community Centre and Library which has plans in place for improvements to parking and accessibility arrangements, Lock and Leave facilities access to increase capacity for more use out of normal staff hours and additional outside storage and mezzanine space (*Issue 14*).
- There is no play area identified within the site and play capacity will be met by existing provision. In this instance a contribution (£5,856) is sought to offset the impact by enhancing the play area to the south of the site.
- Provision of healthcare is the responsibility of NHS Grampian and infrastructure requirements have been calculated with the NHS based on national health standards. In this instance, a contribution (£18,464) will be required towards internal reconfiguration works to increase capacity at Great Western Medical Practice (Seafield Road) or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity. The delivery of increased healthcare (including dental) capacity would be for the NHS to address (*Issue 13*).
- A connection from the south west corner of the site is included as part of the development to link to Core Path 67 (Rocklands Road) eastward through the site to Braeside Place. No further contribution has therefore been identified for core paths.
- No contribution has been identified towards sports and recreation.

In summary, developer obligations would be sought to offset the impact of the development on the relevant community infrastructure in accordance with Policy I1.

Low and Zero Carbon Buildings

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP requires all new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. A condition is proposed requiring that details are submitted demonstrating how the requirement would be met.

Digital Infrastructure

Policy 24 (Digital Infrastructure) of NPF4 encourages, promotes and facilitates the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy. Policy C11 (Digital Infrastructure) of the ALDP requires all new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

The site is an area served by City Fibre where a range of packages are available from high-speed broadband providers.

Other matters raised in representations

- Any potential change in the value of properties as a result of a new development is not a material planning consideration (*Issue 6*).
- Disruption during construction is not generally a material planning consideration as it is inevitable that this would be the case. Notwithstanding, it would be normal practice to attach a condition requiring submission of a construction environmental management plan and dust management plan to protect the environment and to prevent excessive nuisance to residents. Otherwise, excessive construction noise is under the control of the Council's Environmental Health service (*Issue 40*).
- Ensuring a construction site is secure is the responsibility of the developer and not a material planning consideration (*Issue 41*).
- It is suggested that more extensive neighbour notification should have been carried out. Neighbour notification was carried out in accordance with the national regulations which requires any premises within 20m of the application site boundary to be notified. In this case notifications were sent to 40 premises (*Issue 42*).

Proposed Aberdeen Local Development Plan

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

Heads of Terms of any Legal Agreement

A legal agreement would be required to secure the identified developer obligations.

The level of parking has been accepted on the basis that the development is delivered as social housing, with the possibility that a higher level of parking would be required for an open-market housing development. The legal agreement would therefore also be required to ensure that the development is only provided as social housing.

RECOMMENDATION

Approve Conditionally Subject to Legal Agreement

REASON FOR RECOMMENDATION

As a residential use proposed within a residential area the general principle of residential use is acceptable and consistent with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP).

The redevelopment of brownfield and vacant land such as the Braeside site is supported by Policy CF1 (Existing Community Facilities) of the ALDP and Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of National Planning Framework 4 (NPF4). The ALDP is clear that as well as the development of greenfield sites, the redevelopment of brownfield land is required to meet Aberdeen's housing land requirement and as such the Braeside site has been identified as an opportunity site for housing development. Policy 16 (Quality Homes) of NPF4 supports the development of new homes on land allocated for housing in LDPs.

Being located within the existing suburban area, the site benefits from being in close proximity to existing public services and public transport, supporting the aims of Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4.

The layout has been arrived at by considering the constraints of the site, which include the tree belt and a high-pressure water main along the southern part of the site, the requirement to take vehicular access from Braeside Place and to locate the drainage pond in the lowest part of the site.

Minimal ground level changes would be required to accommodate the development, as such there are no concerns with significant changes in ground levels or how new houses would sit alongside existing houses in this regard. Braeside Place and application site slope from north to south, so notwithstanding that the new houses would be two-storeys, the top of their roofs would sit lower than those of the existing houses along the northern boundary of the site on Braeside Place, many of which have their own two-storey extended elements to the rear. It is considered the new houses would sit comfortably within their surroundings.

In response to concerns with the initial layout, the applicant amended the proposals to reorientate several units and move others away from the northern boundary. The new houses are now considered to be a sufficient distance away from existing houses and gardens. There are no concerns in terms of overshadowing, daylight or privacy. Otherwise, the design and layout of the development is considered acceptable in terms of Policy 14 (Liveable Places) & Policy 16 (Quality Homes) of NPF4 and Policy D1 (Quality Placemaking by Design) and Policy D2 (Landscape) of the ALDP.

The sustainable location, within the existing suburban area which is close to services and public transport represents development which has the potential to reduce dependence on the private car and in turn carbon emissions. The proposal would have regard to climate change through dealing with surface water via a SUDS feature. The site is also not known to be at risk of flooding and the development would not increase the risk of flooding to the site or others, all supporting the aims of Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4.

In terms of the of biodiversity, the site is species poor and there is no evidence of protected species or habitats. No significant trees are to be removed and the planting of new trees would replace the small trees that would be removed, helping to expand tree cover in the city and increase the capacity to capture and store carbon. The significant trees along the southern boundary of the site would be retained. In terms of the nature crisis, proposed tree and landscaping planting around the site would contribute to enhancing biodiversity, as at present the site has little vegetation and that which is there has a low biodiversity value. The measures described to reduce water usage would help safeguard protected species in the River Dee. These aspects all align with Policy 3 (Biodiversity) of NFP4.

The development would generate a low level of traffic, with levels expected to be less than that associated with the previous school use. The ACC Roads Development Management Team has reviewed the traffic assessment and are satisfied with its conclusions. Through adjustments to the layout, the number of parking spaces has been increased to 43 from 34. The increased number of spaces is considered more reasonable for the number of houses proposed and is accepted by the ACC Roads Development Team

Suitable developer obligations would be sought to offset the impact of the development on the relevant community infrastructure, so as to accord with Policy I1, and the development would be considered to comply with affordable housing requirements of Policy 16 (Quality Homes) of NPF4 and Policy H5 (Affordable Housing) as it is entirely proposed as social housing.

Other technical matters relating to drainage, water efficiency, land remediation, waste storage have been addressed satisfactorily or would be subject of 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.

PRE-COMMENCEMENT OF DEVELOPMENT

(02) TREE PROTECTION FENCING

No development (including demolition or site setup) shall take place unless the tree protection measures shown in Tree Survey BPS-2210-TR-C and drawing BPS-2210-TP (dated 11 October 2022) by Astell Associates have been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development, taking account the phasing within the drawing.

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

(03) LANDSCAPING AND BIODIVERSITY ENHANCEMENT

No development shall take place unless a detailed scheme of hard and soft landscaping covering all areas of public and private space has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- Existing and proposed finished ground levels
- Existing landscape features, trees and vegetation to be retained or removed
- Existing and proposed services and utilities including cables, pipelines and substations
- Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting
- Proposed measures to enhance biodiversity (see NatureScot's [Developing with Nature guidance](#))
- Proposed hard surface finishing materials
- Location and design of any street furniture
- Arrangements for the management and maintenance of existing and proposed open space and landscaped areas
- A completed checklist from Annex C of the Developing with Nature guidance

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless all paths, hard landscaping and any artificial bio-diversity enhancement features have been constructed or provided and are ready for use.

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

Reason – to satisfactorily integrate the development into the surrounding area, enhance the biodiversity value of the site and to create a suitable environment for future residents.

(04) BOUNDARY TREATMENTS

No development shall take place unless a scheme showing the detailed design of the proposed boundary treatments for the site and individual plots has been submitted to and approved in writing by the planning authority. The scheme shall include the removal of the fence which currently separates the site from the playpark to the south.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the said scheme has been implemented, in accordance with the approved details.

Reason – to satisfactorily integrate the development into the surrounding area and create a suitable level of residential and visual amenity.

(05) CONNECTION TO CORE PATH

No development shall take place unless a detailed specification for the path link between the site and Core Path 69, as shown on Halliday Fraser Munro drawing 12273 A SK(00)005 (Rev.P24), has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit within the development shall be occupied unless the path link has been constructed and is available for use.

Reason – to ensure the development is satisfactorily connected into the surrounding path network.

(06) EXTERNAL LIGHTING

No development shall take place unless a scheme of external lighting for the footpaths and car parks within the site has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the external lighting scheme has been implemented in accordance with the approved details.

Reason – to ensure a suitable level of residential amenity & public safety and to minimise the impact upon wildlife.

(07) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

No development shall take place unless 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 has been implemented and charging points are available for use.

Reason – to ensure provision is made for the charging of electric vehicles.

(08) WATER EFFICIENCY

No development shall take place unless a scheme of water efficiency for each house type has been submitted to and approved in writing by the planning authority.

The scheme shall consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development, so as to achieve gold standard for water use efficiency in domestic buildings.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless for that unit the approved measures have been implemented and are available for use.

Reason – to reduce pressure on water abstraction from the River Dee, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation.

(09) LOW AND ZERO CARBON BUILDINGS

No development shall take place unless a scheme detailing compliance with the section 4 'Policy Requirement Low and Zero Carbon Generating Technologies' within the Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless any recommended measures specified within the scheme have been implemented in full and are available for use.

Reason – to ensure that the development complies with requirements for reductions in carbon emissions.

(10) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place unless a site-specific Construction Environmental Management Plan(s) (the “CEMP”) has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) construction site traffic access and egress arrangements.

Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved CEMP.

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

PRE-OCCUPATION OF UNITS

(11) GEO-ENVIRONMENTAL VALIDATION REPORT

No unit within the development hereby approved shall be occupied unless a validation report, demonstrating that the recommendations in section 5.0 of the Response to ACC Contaminated Land Unit Consultation – 9 November 2022 by Fairhurst have been undertaken, has been submitted to and approved in writing by the planning authority.

Reason – to ensure the ground within the site is remediated to a suitable level for the proposed residential use.

(12) DRAINAGE

No unit within the development hereby approved shall be occupied unless details of the connection point between the site surface water sewer system and the public sewer system has been submitted to and approved in writing by the planning authority. The details shall include confirmation that Scottish Water accept the proposed new connection.

Otherwise, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless all drainage works detailed in the approved Drainage Assessment (146472 DA01 (Rev.7) and drawing 146472/2200 (Rev.F) 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 proposed development can be adequately drained.

(13) PROVISION OF CAR PARKING

No unit within the development hereby approved shall be occupied unless all car parking spaces have been constructed and laid out in accordance with Halliday Fraser Munro drawing SK(00)005 (Rev.P24) (or such other drawing approved for the purpose). Thereafter, the parking spaces shall

be used for no purpose other than for the parking of vehicles belonging to those living or visiting the development.

Reason – to ensure a suitable level of parking is provided.

(14) WASTE STORAGE PROVISION

No unit within the development hereby approved shall be occupied unless the bin storage areas have been provided in accordance with Halliday Fraser Munro drawing SK(00)005 (Rev.P24) or such other drawing as may be approved in writing by the Planning Authority for the purpose.

Reason – to ensure space is available to place bins for collection.

(15) BRAESIDE PLACE – CYCLIST CONTRAFLOW

No unit within the development hereby approved shall be occupied unless the measures shown on Fairhurst drawing 146472/1008D (or such other drawing approved for the purpose) to implement a cyclist contraflow on Braeside Place have been implemented.

Reason – to ensure satisfactory access for cyclists to the site.

(16) PARKING CONTROLS

No unit within the development hereby approved shall be occupied unless (i) the 'no parking at anytime' waiting restrictions within the development and on Braeside Place, shown on Fairhurst drawing 146472/1001G (or such other drawing approved by the planning authority for the purpose), have been implemented; and (ii) a traffic regulation order is in place to ensure the waiting restrictions have effect.

Reason – to minimise indiscriminate parking and ensure the free-flow of traffic.

(17) RESIDENTIAL TRAVEL PACK

No unit within the development hereby approved shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority.

Thereafter, on first occupation of each unit, the pack shall be provided to the occupier.

Reason – to encourage use of more sustainable modes of transport.

ONGOING RESTRICTION

(18) REMOVAL OF PERMITTED DEVELOPMENT RIGHT (PLOTS 5, 13 and 18)

Notwithstanding the provisions of Article 3 and Class 2B of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any other future class or order covering the same matter), no improvement, addition or alteration to the external appearance of a dwellinghouse which would result in a window being present on the north facing elevation of any of the dwellinghouses located on plots 5, 13 and 18 (as shown on Halliday Fraser Munro drawing 12273 A SK(00)005 (Rev.P24), or other such plan to be agreed in writing) of the development hereby approved shall take place without a further grant of planning permission from the planning authority.

Reason – to preserve the privacy of existing residential properties on Braeside Place.

ADVISORY NOTES FOR APPLICANT

(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

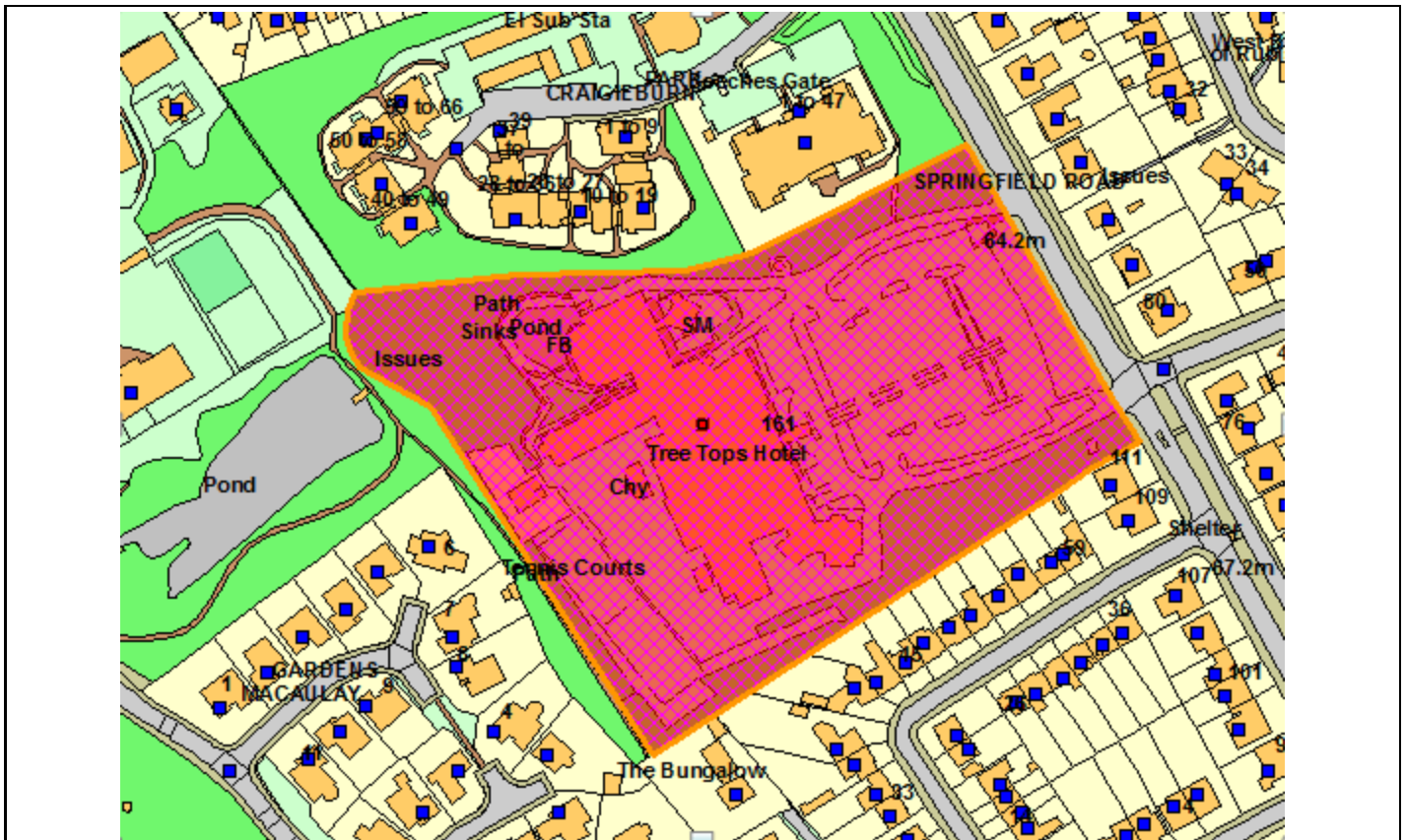
Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place outwith the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 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.

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| | Planning Development Management Committee |
| | Report by Development Management Manager |
| | Committee Date: 25 May 2023 |

| | |
|---------------------------------|---|
| Site Address: | Site of Former Treetops Hotel, 161 Springfield Road, Aberdeen, AB15 7SA |
| Application Description: | Residential development of 77 units comprising 44 houses and 33 flats (6 storey block), associated roads and parking, drainage infrastructure, open space and landscaping |
| Application Ref: | 211528/DPP |
| Application Type | Detailed Planning Permission |
| Application Date: | 26 October 2021 |
| Applicant: | Malcolm Allan Housebuilders Limited |
| Ward: | Hazlehead/Queen's Cross/Countesswells |
| Community Council: | Craigiebuckler And Seafield |
| Case Officer: | Matthew Easton |



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RECOMMENDATION

Approve Conditionally subject to Legal Agreement

APPLICATION BACKGROUND

Site Description

The application relates to an area of vacant ground which was formerly occupied by the Treetops Hotel, located on Springfield Road, Airyhall. The site extends to 2.78 hectares and is comprised largely of bare ground with trees around the perimeter, following the demolition of the hotel and associated parking areas in 2020. The highest point of the site is along a 3m high embankment at the western boundary, with the lowest point being the north-eastern corner beside Springfield Road.

The eastern boundary of the site faces Springfield Road where there are junctions which previously provided access into the site for vehicles and pedestrians. The boundary is formed by a stone wall approximately 1.2m high and there is a bank of trees behind this.

The southern boundary is formed of trees, beyond which are the gardens of homes at 111 Springfield Road; 39 to 59 Springfield Gardens and The Bungalow, Countesswells Road.

Along the western boundary are trees within the site, beyond which is a narrow area of fenced private woodland, varying between 6m and 13m wide, which stretches from the south west corner of the site northwards towards Couper's Pond. On the opposite side of the woodland are the rear gardens of five homes at Macaulay Place and Macaulay Gardens. The pond and surrounding open space form the northern extent of the western boundary and are part of the grounds of the James Hutton Institute.

The northern boundary is formed by trees within the site and woodland on the opposite site of the boundary which form the grounds of flats at Craigieburn Park: the 3 and 3½ storey original flats and the more recent five storey block known as Beeches Gate.

The site is covered by tree preservation order 260. Within and outside the site, 147 trees and eight tree groups were surveyed as part of the tree survey.

Relevant Planning History

The Doubletree Treetops Hotel closed in February 2020 and was subsequently demolished.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of 77 residential units with associated infrastructure and open space. The development would comprise –

- 4x three-bedroom detached houses
- 5x four-bedroom detached houses
- 2x five-bedroom detached houses
- 11x three-bedroom semi-detached houses
- 9x four-bedroom semi-detached houses
- 13x three-bedroom townhouses
- 5x one-bedroom flats
- 28x two-bedroom flats

There would be nine house-type designs, a mixture of 1½ storey, two storey and in the case of the townhouses three-storeys. Each house would have its own private rear garden. The buildings would be finished in white dry-dash render; grey concrete roof tiles; grey PVCu windows and doors. Three of the house types would feature areas of fibre-cement cladding in a grey green colour or a medium grey.

The flats would be accommodated within a six-storey block at the north western part of the site, with six flats per floor, each with their own balcony, with the exception of the top floor, which would have three larger flats with wrap-around terraces. The block would be finished in white smooth render, metal standing seam cladding, and areas of fibre-cement cladding in beige, medium brown and dark oak colours.

The site would be accessed from a new junction onto Springfield Road, located slightly north of the existing southern most junction, which itself would be closed off. The existing junction at the northern end of the site would be turned into a pedestrian route, which would also serve as an emergency access route. A new street, in the form of a loop, would lead through the development. Off-street driveways would be provided for all houses, with the townhouses and some of the other house types also having integral or standalone garages. The flats would have 34 spaces within a car park, which would include two accessible and five visitor spaces.

Footpaths would be provided to connect into the pavements on Springfield Road and throughout the development. A new path would also link the site with Couper's Pond to the northwest, providing a link between Springfield Road and the grounds of the James Hutton Institute.

Forty-eight trees and two tree groups (at the eastern (front) part of the site and the southern boundary) would be removed to allow for the development to take place. A small section of tree group 4 would also be removed.

A detention basin would be provided at the entrance to the site as part of the surface water drainage strategy. Areas of landscaping, with new trees and hedges would be provided throughout the development, including along the northern boundary to provide a setting for the path link through the site and area of landscaping opposite the town houses.

The affordable housing provision proposed for the Treetops site is proposed to be provided off-site at the former Braeside School site and would comprise the full provision as houses (see planning application 221310/DPP which is also on the agenda for this meeting). Should the Braeside application be refused, affordable housing requirements would no longer be met for Treetops and in these circumstances, it is recommended that this application for the Treetops site is withdrawn from the committee agenda as the recommendation on this application would no longer stand. This would enable consideration of an alternative means of delivering the required affordable housing to allow this application to be considered at a future meeting of the committee.

Amendments

In agreement with the applicant, the following amendments were made to the application in November 2022 –

- Reduction in number of units from 89 (35 houses and 54 flats) to 77 (44 houses and 33 flats);
- Replacement of two flatted blocks with townhouses on the western boundary;
- Affordable housing requirement now proposed at site of former Braeside Primary School (see application 221310/DPP);
- Minor layout adjustments.

Due to the significant changes proposed, neighbour re-notification was carried out with the opportunity available for the public to submit new, revised or further comments.

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=R1KOULBZHA100>

- Affordable Housing Statement
- Bat Roost Potential Survey
- Design and Access Statement
- Development Viability Statement
- Drainage Assessment
- Flood Risk Assessment (and addenda)
- Geo-Environmental Investigation
- Planning Statement
- Pre-Application Consultation Report
- Red Squirrel Survey
- Statement of Community Benefit
- Transport Statement
- Tree Survey and Arboricultural Impact Assessment

Reason for Referral to Committee

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

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

Pre-Application Consultation

The applicant undertook statutory pre-application consultation which comprised an online engagement event which allowed people to ask the project team questions via virtual face-to-face meetings with individuals and groups depending on the volume that wished to attend. The consultation was conducted in accordance with Scottish Government guidance which at the time advised against public gatherings due to the Covid-19 pandemic.

A notice advertising the consultation was published in the Evening Express, posters were delivered to local businesses and community facilities, letters were sent to neighbours of the proposal by post and to the local Community Council and Local Ward Councillors by e-mail. Consultation material was available from a dedicated webpage from the 28 April to the 19 May 2021, with associated feedback form, contact e-mail and mailing address. The online engagement event was held on Wednesday 5 May 2021 from 1400 – 2000.

Seven time slots were booked for the online engagement event, with eleven participants. Fourteen feedback forms were received including a response from Craigiebuckler and Seafield Community Council and a letter. Twenty-two other responses were received during the consultation period. In response to comments made the applicant indicates the initial plans were changed to –

- include a secondary emergency access to the north of the site which could be used as a pedestrian connection;
- Parking to the rear flats was adjusted to sit behind the blocks to increase amenity space and reduce the visual impact of the parking, in turn creating space between existing residents and boundaries (*these flats have since been removed from the proposals*);
- The central landscape square has been rotated to orientate north/south and increased in size to provide additional amenity space for the flats (*these flats have since been removed from the proposals*);
- Tree maintenance and management will enhance the setting and manage the boundaries.

CONSULTATIONS

ACC - Developer Obligations – Developer obligations are required to address the following matters:

- Primary Education – The application site is within the catchment area for Airyhall Primary School. Factoring the proposed dwelling units into the 2020 school roll forecast shows that the development will not result in capacity of the facility being exceeded. No contribution is required.
- Secondary Education – The application site is within the catchment area for Hazlehead Academy. Factoring the proposed dwelling units into the 2020 school roll forecast shows that the development will result in a maximum additional over capacity level of five pupils. A contribution of £13,175 is required.
- Healthcare – A contribution (£42,467) will be required towards internal reconfiguration works to increase capacity at Great Western Medical Practice (Seafield Road) or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity.
- Community Facilities – A contribution (£134,578) has been identified towards Airyhall Community Centre which has proposals in place to create additional capacity to accommodate additional users as a result of the development.
- Open Space – No contribution has been identified towards open space.
- Sport and Recreation – No contribution has been identified towards sports and recreation.
- Core Path Network – A contribution of £27,379 has been identified towards Core Paths 60 (Anderson Drive to Denwood via Craigiebuckler) and/or 64 (Pinewood Park to Springfield Place).

ACC – Housing Strategy – In relation to the off-site affordable housing at Braeside, there are concerns about the 4 bed, 6 person units. These should be 4 bed, 7 person as an absolute minimum to allow housing need and demand from the existing waiting lists to be met and to allow future housing need and demand to be met. There is a requirement for larger family homes, even beyond 4 bed units, so they need to be maximised to allow the greatest flexibility possible. Ideally, should be 8 persons, so 7 person is very much a compromise.

When it comes to funding the project through the Affordable Housing Supply Programme, those homes that meet housing need and demand will always be prioritised first so if there are

developments that are providing what ACC require, these will take priority over those which don't. This is something that perhaps the developer has not considered.

The Council's Strategic Housing Investment Plan (SHIP) is updated annually, and the Braeside site will be included in the next iteration which is due in October 2023.

ACC - Roads Development Management Team – No objection.

Site Accessibility

The site proposes to provide pedestrian connectivity to the existing adopted public footpath network provision along Springfield Road which provides connectivity to the wider area and local community/amenities.

In terms of cycling provision, this shall be on-street within close proximity of the site. Springfield Road forms part of a 'recommended cycle route', which allows cyclists to tie in within other designated cycle routes providing connection across the city.

Public transport provision is available to serve the future residents and visitors of the site on Springfield Road which forms part of regular service route with bus stops located within approximately 200m of the site when heading in either direction.

As per previous comments for this site and application, such bus stops shall require necessary upgrades. Clarification shall be required from ACC Public Transport Unit the exact details and extent of works required along with confirmations if this shall be my means of contribution and/or developer carries out necessary works.

In terms of a 'Safe Routes to School' assessment it is noted and confirmed the applicant has detailed the most direct routes to both the localised primary and secondary schools which identifies safe and designated crossing points. This includes existing signalised crossing facilities over Countesswells Road, to allow future pupils and parents to cross this road safely to gain access to Airyhall Primary School located on the south side of Countesswells Road.

Submission of a Travel Plan/Residential Travel Pack should be conditioned for a final draft be submitted for approval prior to first occupation on site.

Local Road Network

As part of an early scoping exercise prior to commencing with the supporting Transport Statement (TS) it was confirmed that the proposed methodology and parameters for the TS were acceptable.

The TS provides a comparison on associated trips between the former hotel use and the proposed residential use, utilising the TRICS database and selecting the necessary criteria suited to site of this nature (i.e. location, private/affordable etc.). It is noted that during the morning and evening peak periods, the proposed residential use shall in fact incur less associated people trips from the site than previous hotel use, which in turn means less associated vehicular trips. Therefore, it is confirmed that the proposed development would not have a negative impact on the surrounding network and junctions.

While it should be noted that the hotel has been closed for some time and therefore is not contributing associated trips on the local network at the moment, such estimated trips are all based on the pre-covid pandemic situation and when this hotel was in operation. Additionally, it is

acknowledged that since the start of the pandemic, hybrid working patterns between office and home have increased, which also reduces such trips during the peak periods.

As part of the aforementioned scoping, it was clarified and confirmed that given the reduced associated trips on the site and the matter that even when just considering the new proposed residential trips that this would not have a significant impact of the local road network or the nearest formal strategic junctions (Springfield Road / Countesswells Road and Springfield Road / Queen's Road).

It is acknowledged that there have been numerous public comments received in which they refer to the impact and congestion such a development would have on the local network and junction. However, as noted above the proposal is not considered to worsen the current situation in terms of previous use and the number of proposed residential units. Springfield Road is considered a strategic route which connects two main A-class roads in Aberdeen, Queen's Road and North Deeside Road. As such the volume of traffic is not unexpected for a road of this nature.

The signalised junction at Springfield Road / Countesswells Road, now utilises the latest technology that allows for the adjustment of green time on different legs of the junction to allow better efficiency through the junction and this would be continued to be monitored/adjusted where necessary should this application be approved.

Site Access Junction

The existing site has two vehicular accesses from Springfield Road, which operated in an in/out arrangement at the north and south end of the boundary of the site respectively.

As the site proposes to comprise of 77 units, as per ACC supplementary guidance, the site shall require to be served by a minimum of one vehicle access and a secondary route/access for emergency access only. It is noted that the applicant proposes this in the form of a new upgraded access towards the existing southern access to be the main general vehicular access, whilst closing the existing southern access by continuing the footpath across it. To provide the other means of access for emergency vehicles. this shall be via amending the northern access to form a wider pedestrian path/link which shall double-up as the emergency access. It is confirmed that such arrangements are acceptable.

The new main access onto Springfield Road would provide suitable junction radii and visibility splay. Construction of the new junction, closing off of existing southern access and amendments to north access would require Roads Construction Consent.

Site Layout

The layout of the site in terms of its configuration is considered acceptable.

Updated swept path analysis were submitted to evidence that a refuse vehicle can adequately access and serve the entire site. It was also requested that evidence be provided of two-way vehicular movements around the site at bends within the site, to identify if any curve widening etc. is required. This has also been provided within this updated submission and is acceptable.

Parking

The ACC Supplementary Guidance two car parking spaces suggests two parking spaces for dwellings up to 3-bedrooms and three parking spaces for those with 4-bedrooms or more. It is

confirmed that each dwelling unit provides the appropriate car parking provision, whether this in the form of driveways and/or associated/integral garages.

In regard to the block of flats, there is an associated parking provision of 33 spaces, two disabled spaces and five visitor spaces (40 spaces in total). Such provision shall provide at least one space per flat, which while is below the necessary standard of 1.5 spaces per unit, this is considered to be acceptable given that the site provides visitor parking provision, cycle parking for each unit and the site's access to public transport on Springfield Road.

The aforementioned disabled parking provision of two spaces is considered acceptable based on the current volume of proposed parking, as accessible spaces should be provided on a ratio of at least 1 space per 20.

As the Scottish Government has committed to the almost complete decarbonisation of roads transport by 2050, the inclusion of measures such as electric charging points is imperative. Therefore, the applicant shall be required to implement both passive and active provision throughout the site in accordance with the ACC supplementary guidance. Provision is significantly cheaper and less disruptive to install EV infrastructure during or part of any construction than to retrofit at a later date, then ultimately providing future residents the option to utilise/own an electric vehicle. The details should be agreed.

It is confirmed that the parking bays proposed within the site meet the minimum dimensions of 2.5m x 5.0m and provide the required 6m aisle width. All driveway dimensions are also confirmed as acceptable. Each driveway shall require to be internally drained, so if any slope towards the adopted roads/footpaths this shall require a channel drain.

Those dwellings with private garden extents shall all be able to store bicycles securely within their property. In regard to the proposed flats, it is confirmed that a designated cycle store is provided which shall provide 36 spaces, which is in excess of the minimum provision of one space per flat.

Drainage Impact Assessment

The submitted Drainage Impact Assessment provides and details adequate levels of treatment for the surface water in the site, while it is also being noted that applicant/consultants undertook preliminary discussions with appropriate officers in the Council's Structural, Flooding and Coastal Team to confirm such provision.

In terms of roads associated drainage, no water should flow on the adopted road/footpath extents (i.e. from private driveway, parking bays etc.). The new constructed vehicle access shall also require to provide suitable gully/drainage provision which shall form part of the detailed design of this as part of the Roads Construction Consent application(s).

ACC - Schools Estates Team – The site falls within the school catchment zones for Hazlehead Academy and Airyhall Primary School. There is sufficient capacity at Airyhall Primary School to accommodate the number of pupils expected to be generated by the proposed development. However, the development is likely to result in Hazlehead Academy further exceeding its capacity, and so a contribution would be required from the developer to assist with the costs of reconfiguring the school building, to accommodate the additional number of pupils likely to be generated.

ACC - Structures, Flooding and Coastal Engineering – No objection.

Agree with SEPA's comment for a detailed FRA to be submitted to include and assess the flood risk related to the small watercourse that runs within the site.

According to residents, a concern has been raised that the Couper's Pond water level has been gradually reduced in recent years. A leakage may affect it; however, ACC Flooding have no evidence that this is the case. Couper's Pond is outwith the applicant's control however it may affect the proposed site. Therefore, it is recommended an investigation to be carried out to assess if there is any indication of an impact on any part of the site.

On receipt of the updated flood information there are no further comments.

ACC - Waste and Recycling – No objection. Details provided of bin provision for each unit type and provision for area for bins to be left for collection.

Archaeology Service (Aberdeenshire Council) – No objection. Having taken into consideration the extent of demolition and groundworks already undertaken on site under permitted development regulations, and the archaeological work undertaken in 1994 to the west of the site, it is confirmed that in this instance there are no comments on the proposal.

Craigiebuckler and Seafeld Community Council – Object to the original proposal and raise the following matters:

Couper's Pond

The pond to the west of the site is known locally as 'Couper's Pond'. It is located on privately owned land and has an outflow to the east, towards the development site. Unfortunately – and we believe to the detriment of the proposed development – the pond's lining leaks to the extent that, according to our own estimate, it's level drops by about six inches per day after the level of its water has been increased by heavy rainfall. The Flood Risk Assessment refers to "*the high-level overflow pipes from Couper's Pond*". It then reassures the applicant that "*In the event that flows from the pond enter the site, the flows will be conveyed via an existing spillway to the culvert located within the site*".

This assessment, in our opinion, takes no account of the unmonitored leakage from the pond. During a consultation with the developer's representatives, the community council informed them that the pond had a considerable leakage. Yet it seems that no account is taken of the potential of this unseen leakage to flood the site. Until this flow of water from the leaking lining of the pond is detected it cannot be considered in the flood or drainage risk assessments.

West Boundary

Immediately behind the west boundary of the site are the homes in Macaulay Gardens, Place, Walk and Park. There is an embankment between those Macaulay homes and the back of the site where the blocks of flats are planned to be located. A belt of veteran trees, which vary in height between 19m and 28m, sits on top of the embankment. The embankment is between 70m to 71.5m (above ordnance datum), i.e., above sea level. Therefore, the height of the trees is around 93m and 94.5m above sea level. The top of the tallest six storey block of flats is 86.5m AOD.

Although the trees are taller than the proposed blocks of flats, they are not close enough together to form a continuous screen. They are also deciduous. So, for much of the year, the proposed blocks of flats will be visible to the residents of the Macaulay houses whose back gardens will be overlooked.

Block of Flats

Those blocks of flats, according to the drawings, are visible from Springfield Road. Their architecture is retrograde and does not contrast well with the low-level houses to the east of the site. The buildings are too tall, and their height should be reduced. The applicant seems to make no effort to blend them into the overall site.

In the community council's opinion, the proposed development of 89 homes (*now 77*) will have an impact on the roads' infrastructure, the schools, and the medical practice. The traffic movements generated by it will impact considerably on traffic congestion in and around the junction of Springfield Road and Countesswells Road. Not only does additional traffic bring an increased risk to child safety, but there is also the unhealthy effect of idling vehicles to be considered at a time when governments are attempting to take fossil fuel gasses out of the atmosphere.

Road Safety

With pedestrian safety in mind, this development should not be permitted until accident prevention measures such as pedestrian crossings and traffic calming structures are installed at suitable locations on Springfield Road at the applicant's cost.

Community Infrastructure

The applicant is proposing a development which will take advantage of the proximity of a good primary school without any apparent provision of a contribution to manage the impact of the increased pupil numbers. The roll at Airyhall School is 411 children (including nursery).

The community council are aware that the increase in pupils, attributed to major housing developments in the catchment area since the school was built, has meant that any spare rooms and space in the school has already been converted to provide additional classrooms. This has reduced the space available for out of classroom learning (i.e., music, art, and one-to-one learning for pupils with specific learning and support needs). The additional number of children from the proposed development may represent a substantial increase to the school roll, which would significantly impact the ability of the school to deliver the same level of learning and pupil support that is currently experienced.

The same comments apply to consideration of the impact on Hazlehead Academy.

The community council is of the opinion that the cost of mitigating the impact of the increase to the school rolls should be the responsibility of the applicant.

The local medical practice is already struggling to accommodate the increased numbers of patients caused by the recent major housing developments in this area. Even before the advent of Covid-19, patients had to wait three weeks for non-urgent GP appointments. Therefore, the community council considers that it is against the interests of primary health care provision in this area to accept the planning application for 89 dwellings, thus effectively causing another increase in patient numbers to impact on the GP medical practice.

Another 89 households will increase the footfall on the already deteriorating footpath system – a popular amenity which came under heavy use during the Covid-19 pandemic. Consequently, it is hoped that a proportion of the “planning gain” associated with this proposed development will be allocated to the maintenance of the footpaths and an expansion of the footpath system.

Police Scotland (Architectural Liaison) – No objection.

- The site is in a low crime area. The main crime type reported over the last 12 months for Springfield Road has been theft shoplifting. Consideration should be given to crime reduction measures during the construction phase to ensure that goods and materials on site are not subject to criminality.
- Due to the considerable increase in bike theft seen across the UK in the last 18 months, if external bike storage is deemed necessary then it is recommended that enhanced security measures are considered, and advice sought from a Police Scotland Architectural Liaison Officer.
- It is also recommended that the developer should liaise with the Police Scotland Architectural Liaison Officer at each stage of the development, for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design.
- The applicant is strongly encouraged to attain the 'Secured By Design' award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

Scottish Environment Protection Agency – SEPA remove the initial objection to the application provided that the planning condition specified below in relation to flood risk is attached to any grant of planning consent. If this is not applied, then please consider this representation as an objection.

Flood Risk

The proposals are for the redevelopment of a hotel site to housing. Both are classed as 'highly vulnerable' development within SEPA's Land Use Vulnerability Guidance and as such would be acceptable within the Risk Framework in NPF4. However, the block of flats proposed in the northwest of the site is on an area not previously occupied by hotel building and would be the most at risk location from Couper's Pond, if the embankment was breached.

A geotechnical report has been submitted which indicates that the Couper's Pond embankment is structurally sound and unlikely to breach. However, this report only assesses current condition and without regular inspection and maintenance this could degrade over time. Whilst we accept the previous information which suggests inflows to the pond are restricted due to changes in the upstream catchment, a blockage to the 225mm diameter outlet from the pond could result in water levels increasing. It is noted that there is an overflow pipe which then routes to the spillway through the site which reduces the risk of the embankment overtopping but a residual risk remains of failure/overtopping.

The water levels currently typical within Couper's Pond are approximately 1m above the finished floor level of the proposed block of flats and top of embankment is approximately 3m above site levels. As far as SEPA are aware, the embankment is not a formal flood prevention measure, and the pond does not fall under the Reservoirs Act. Therefore, any properties located behind and 'protected' by this embankment could be vulnerable due to the potential for failure and/or overtopping. In cases when such structures fail, areas behind them can be at greater risk than they would otherwise be due to the sudden and rapid inundation, with extremely high velocities and forces. Whilst a geotechnical report has been submitted which indicates at the present time that embankments appear structurally sound and at low risk of breach, as these are not 'formal' structures maintained by a Local Authority as flood prevention measure or reservoir operator, the condition could deteriorate over time.

To address SEPA's concerns for the residual risk to the block of flats from event exceedance, or failure of the outlets or embankment, at the upstream Couper's Pond, a further Flood Risk Assessment has been provided by the applicant. This includes an assessment of the catchment area, design rainfall, storage volume and discharge rate from the pond. Investigations previously have indicated that there is a 250mm diameter outflow pipe from the pond below water level which runs through the site, although this has not been included within the assessment to take a precautionary approach in considering this to be blocked. The results indicate that during a 200-year (plus 30% climate change) event, water levels would be maintained below the top of the embankment but do reach the overspill pipe where they would flow through and then into the existing spillway within the site. As a worst-case scenario, with this overflow pipe also blocked, water will overtop the embankment, but the volumes can be maintained within the spillway.

To ensure there is no risk to properties in the event of exceedance of the embankment or a failure of part of the embankment, information on levels has been provided to show that a flow pathway alongside the existing spillway will be maintained at levels below the proposed block of flats.

SEPA are satisfied that the information provided is sufficient to address concerns with the residual risk from Couper's Pond, provided a condition (specified below) is attached to ensure levels along the flow pathway and spillway are maintained in perpetuity below the level of the flats. SEPA recommend that finished floor levels are raised above ground levels where possible across the site to reduce the risk of surface water flooding.

Condition: The design levels for the site for the spillway channel and overland flow pathway will be set in accordance with drawing 139685/2903 Rev A and finished floor levels for the block of flats (plots 45 – 77) will be a minimum of 68mAOD. This spillway and overland flow pathway will be maintained in perpetuity for the lifetime of the development. This is in order to reduce any residual flood risk resulting from exceedance, or breach, of the Couper's Pond embankment.

Surface water flooding

Couper's Pond does not appear to retain the level of water it previously did and although there are comments that the pond is leaking and may impact the site, there is no indication within the site that this is the case. Matters relating to any leakage from Couper's Pond should be addressed in consultation with ACC Flooding Team.

Water Engineering

The applicant should consult with SEPA direct on matters relating to regulation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). The surface water discharge will require to be treated via a Sustainable Urban Drainage System (SUDS) system and will require a CAR authorisation. Any culvert diversion will require a CAR authorisation. It is understood that the existing spillway channel will be retained. The upgraded culvert may require a CAR authorisation.

Scottish Water – No objection.

- This proposed development would be fed from Invercarnie Water Treatment Works.
- There is currently sufficient capacity for a foul only connection in the Nigg PFI Wastewater Treatment works to service your development.

- The applicant should be aware that we are unable to reserve capacity at our water and/or wastewater treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, the availability of capacity at that time will be reviewed and the applicant advised accordingly.
- According to records, the development proposals impact large diameter assets including a 1200mm combined sewer in the site boundary. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team.

REPRESENTATIONS

98 representations were received during the initial period for representations, including one from the Cragieburn Park Association which represents sixty-five flat owners in the neighbouring site to the north and one from Queens Cross & Harlaw Community Council which covers the neighbouring community council area to the east of Queens Road and Anderson Drive.

After amended plans were received, a second opportunity to submit representations was opened, which resulted in 19 further representations being submitted and 20 individuals confirming their previous representation or providing updated comments. One representation supports the proposals whilst the remainder object or raise concern with the proposals.

Principle

1. Further residential development is not required (various other proposals are suggested including a swimming pool, sports complex, shops, community centre, relocated school and open space).
2. Aberdeen's population is decreasing, no new homes are required.
3. The proposal is a well-considered residential development proposal for this brownfield site. Well-designed scheme providing a range of house types much needed in this area of the city.

Housing Type and Tenure

4. There is already a large number of flats available for sale in the city, no more are required.
5. Not enough consideration has been given to different types of housing to assist independent living, such as bungalows.
6. There is no affordable housing provided on site.
7. In terms of the transfer of affordable housing to an unrelated site at Braeside, each site should have a suitable tenure mix. This is in breach of the ALDP 2017 which states affordable housing should be onsite.
8. The Braeside Site has been removed from the Strategic Housing Investment Plan (2022–2027) which proves that site is unnecessary as a standalone site for affordable housing.

Community Infrastructure

9. Hazlehead Academy, Airyhall Primary School and nursery would be unable to cope with the increased number of pupils generated by the development, with consequences on the standard and range of education which can be provided.
10. Local healthcare services (doctors and dentists) would be unable to cope with the increased number of patients generated by the development.
11. The developer should be supporting improvements in the local area, such as at Springfield Meadows, planting trees, improving paths or providing a play park.

Layout and Design

12. The density of development is too high.
13. Flats are inappropriate for the site.
14. The four and six-storey blocks of flats would be excessive in height. Nothing near six storeys exists in the area and it would be out of context. The area is low level housing. The flats could impact significantly on the quality of natural light reaching some of the flats within Craigieburn Park.
15. Houses would be an eyesore and are not compatible with the residential character of the area.
16. The development would overlook existing homes around the site, compromising privacy.
17. The proposed flats would overlook the proposed houses, compromising privacy.
18. The balconies of the townhouses would overlook The Bungalow and woodland and Macaulay Gardens, compromising privacy.
19. The landscaping plan for the southwest area of the site should be reconsidered in order to maintain the effective screening and privacy of surrounding houses.
20. The block of flats only has a stairwell for access to the upper floors. Not ideal for some residents.
21. The size of the rooms within the flats is of concern.
22. There is minimal garden and open space proposed.

Transport

23. The development would result in increased traffic in the area (specifically Springfield Road and Countesswells Road) and around the school, which combined with traffic associated with other new developments (Pinewood, Countesswells and Aldi) would result in congestion and road safety issues for children and the elderly.
24. Better pedestrian crossing facilities are required on Countesswells Road and Craigton Road.

25. The proposed path from the site to Macaulay Drive, via Couper's Pond, would be the most direct route to Airyhall Primary School for many pupils, resulting in children crossing Countesswells Road at Macaulay Drive and not at the Springfield Road pedestrian crossing.
26. There is insufficient parking provision proposed for the flats (residential and visitor) which could lead to indiscriminate parking.
27. The proposed junction between the site and Springfield Road should be carefully considered as the existing arrangement suffers from visibility issues for drivers. The removal of the one-way entrance and exit arrangement to the site for vehicles and replacement with single junction would be dangerous and result in congestion. The site junction and roads within the development are narrow with bends which is likely to cause problems for vehicles.
28. Vehicles entering the site from Springfield Road may encounter pedestrians.
29. The block of flats provides 33 homes, (43% of all the homes on the site). This means that a significant proportion of vehicles will be heading to this part of the site, with a right-angled turn into the immediate block location. It is suggested this is a safety risk both for motorists and residents of the townhouses
30. Bike stands should be provided in the green space for people passing to take a chance to relax in a nice area and secure their bike.

Drainage

31. Couper's Pond leaks water into the site which has not been addressed by the Flood Risk Assessment.
32. Attention should be given to the drainage/water table in the area, nearby builders such as Dandara have apparently impacted the water table levels with their building works & the drainage in this area is suffering.

Natural Heritage

33. No trees should be removed from the site.
34. Additional planting should be provided, and existing trees maintained, including reinforcing the existing planting along the western boundary.
35. The environmental impact of the proposal should be considered.
36. Local wildlife would be affected.
37. The proposed path linking to Couper's Pond would have a detrimental impact on the green space in that area.

Other

38. The proposed path to Couper's Pond may encourage children to play within the James Hutton Institute's service area, where sheds and machinery are located.

39. The proposed path to Couper's Pond could compromise security of the development and surrounding residential area and attract anti-social behaviour.
40. The proposed car park would create noise.
41. The proposed bin stores would attract vermin and create smells.
42. More litter and dog waste bins should be provided.
43. There would be light pollution from the development.

Administrative

44. The Treetops application is dependent on the Braeside application to be acceptable in order for the affordable housing element to be acceptable. The two applications need to be considered together.

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 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- 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 22 (Flood Risk and Water Management)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan (2017)

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

The following policies are relevant –

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H5 (Affordable Housing)
- Policy C11 (Digital Infrastructure)
- Policy CF1 (Existing Comm Sites and Facilities)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE4 (Open Space Provision in New Development)
- Policy NE5 (Trees and Woodland)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy NE9 (Access and Informal Recreation)
- Policy R2 (Degraded and Contaminated Land)
- Policy R6 (Waste Management Requirements for New Development)
- Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

Proposed Aberdeen Local Development Plan (2020)

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

The following policies are relevant –

- Policy CF1 (Existing Community Facilities)
- Policy C11 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE3 (Our Natural Heritage)

- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Natural Heritage
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

EVALUATION

General

As a residential use proposed within a residential area, the general principle of residential use is acceptable, subject to the criteria set out in relation to Policy H1 of the Aberdeen Local Development Plan (ALDP) below. Whilst the character of the site will change from a vacant area of ground with no activity, to homes that do generate activity, residential use (including the car park for the flats – *Issue 40 in representations*) is not considered to be a disruptive use in itself and therefore further homes would be entirely compatible with the surrounding existing residential area.

Several alternative uses are suggested in representations. However, the planning authority is required to consider the application before it on its own individual merits, rather than potential alternatives that have not been proposed (*Issue 1*).

Land Use Zoning

The site is within an area where Policy H1 (Residential Areas) of the ALDP applies. Within such areas proposals for new residential will be approved in principle if it (i) does not constitute over-development; (ii) does not have an adverse impact to residential amenity and the character and appearance of an area; and (iii) does not result in the loss of open space.

The first matter is considered later in the report. The second is covered in general terms in the previous section, with the issue of the visual appearance and amenity also considered later in the report. The third point does not apply as the site was not open space.

Policy 16 (Quality Homes) of NPF4 states that “*development proposals for new homes on land allocated for housing in LDPs will be supported.*” As a site zoned for residential use in both the current and proposed ALDP, the proposal is supported by this policy.

Brownfield Land

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. It goes on to say that *“development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.”*

The Proposed ALDP indicates that *“Regeneration of city centre sites and other brownfield sites throughout the existing built-up area for appropriate uses is encouraged. Brownfield sites are expected to contribute an increasing amount of our housing requirements over the period to 2032”*.

The site has been vacant for a number of years. Whilst it is suggested in representations that further homes, specifically flats, are not required in Aberdeen, the ALDP is clear that both the development of greenfield sites and the redevelopment of brownfield land is required to meet Aberdeen’s housing land requirement (*Issue 2 and 4*).

The re-use and redevelopment of the Treetops site is therefore lent support by Policy 9 and in general by the adopted and proposed ALDP.

Local Living and 20-minute neighbourhoods

Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4 aims to *“encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.”*

Being located within the existing suburban area, the site benefits from being in close proximity to existing public services and public transport. Airyhall Primary School, Airyhall Community Centre, and Airyhall Library are within a 5-minute walk. Convenience shops and services on Countesswells Road, Springfield Road and a medical practice are within a 10-minute walk away, as is the nursery in the grounds of the James Hutton Institute. Shops at Great Western Road are within a 20-minute walk whereas the Robert Gordon University Garthdee campus is around a 30-minute walk.

The core path network is accessible within a 5-minute walk from the site providing recreation access to the wider area including Hazlehead Park and the former Deeside railway line. The area is served by several bus routes, with stops located on Springfield Road, Craigton Road and Great Western Road (5–10-minute walk) to the south and Queen’s Road to the north (10–15-minute walk), providing access to the city centre and other parts of the city. It is considered that the site is well connected, and its location meets the aims of 20-minute neighbourhood principles.

In summary, the principle of redeveloping the site for residential use is acceptable and in accordance with the principles of NPF4 and the adopted and proposed ALDP.

Policy 16 (Quality Homes) of NPF4 requires that development proposals of 50 or more homes should be accompanied by a ‘statement of community benefit.’ Such a statement has been provided by the applicants, outlining how the development will achieve the following:

- Effective reuse of a redundant brownfield site;
- Delivering additional housing choice and supply in an accessible location;

- Facilitating off site affordable housing;
- Improved footpath links to open space within the site and surrounding area;
- Implementation of woodland and landscape management.

Affordable Housing and Housing Mix

Policy 16 (Quality Homes) of NPF4 indicates that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances otherwise.

Policy H4 (Housing Mix and Need) of the Proposed ALDP requires that housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix should include smaller 1- and 2-bedroom units and should be reflected in both the market and affordable housing contributions. An appropriate housing mix is expected in housing developments to reflect the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

There would be nine house-type designs of semi-detached and detached units, a mixture of 1½ storey, two storey and in the case of the townhouses three-storeys, and a block of flats. Across these house types would be three-, four- and five-bedroom houses and one- and two-bedroom flats. This results in a good mix of housing types across the site (*Issue 5*).

The entire development is to be open market, private housing. Off-site provision for this development is by way of a stand-alone affordable housing development of 30 houses on the former Braeside Primary School site, 0.9km south of the Treetops site, in the same housing submarket area, as proposed through planning application 221310/DPP.

Policy H5 (Affordable Housing) of both the adopted and Proposed ALDP require housing developments of five or more units to contribute no less than 25% of the total number of units as affordable housing. It also states that the provision of affordable housing should not jeopardise the delivery of housing as this would be counter-productive, increase affordability constraints and have other knock-on impacts on the local economy. Therefore, affordable housing requirements must be realistic. Policy H5 of the ALDP sets out that the preference is that affordable housing is delivered on site, integrated with open market housing. In other circumstances, where the Council agrees that onsite provision is not possible, off-site provision may be considered.

As the Aberdeen Local Development Plan 2017 is the adopted Plan, the relevant detailed guidance on the delivery of affordable housing is set out in Supplementary Guidance: Affordable Housing (SG). This includes criteria that must be satisfied in order for off-site provision to be acceptable. Aberdeen Planning Guidance 2023 on Affordable and Specialist Housing is currently subject to consultation, however, it largely reiterates the position set out in the current SG.

The applicant has set out a case that the delivery of affordable housing at the Treetops site would render that development being unviable overall. It is therefore proposed that 27 units of the affordable housing that is proposed through planning application 221310/DPP for the development of 30 affordable houses on the former Braeside School site (also being considered at this meeting of the Planning Development Management Committee) would represent the offsite delivery of the affordable housing requirement of the Treetops development. The Braeside development is to be entirely housing for social rent and operated by Grampian Housing Association.

In assessing this arrangement against the requirements of the SG (Section 4.5), the first consideration is the viability of the Treetops development with onsite provision of affordable housing. The applicant has submitted a Developer Viability Statement that takes account of both the financial viability and design viability of the brownfield Treetops site. In summary this sets out –

- The original Treetops layout contained affordable housing in the form of flatted blocks on the western boundary of the site;
- The affordable housing requirement as confirmed by the Council's Housing Strategy Team is, however, for family housing rather than flats (as was originally proposed), and it was not possible to achieve this alongside the open market housing in a satisfactory layout due to the increased land take and site constraints (such as existing trees);
- The removal of affordable flats addressed concerns regarding the impact of the development on existing neighbouring housing to the west and allowed the development density and housing numbers to be reduced from 89 to 77;
- Residential development on a brownfield site typically requires a return of 25-30% before funding can be secured. Figures have been provided demonstrating that the development with on-site affordable housing in the required format, which would impinge on the mainstream proposals, would result in a return of just over 4%, thus rendering the proposal financially unviable.

A detailed Development Appraisal, including financial analysis of the Treetops development was also provided by the applicants and reviewed by Savills (UK) Limited as a qualified independent third party. Savills were instructed by the Planning Service to review the Development Appraisal prepared by the applicants and advise on its validity, content and conclusions. Savills also provided their own development appraisal of the Treetops proposals with affordable units included.

Savills concluded that this development would produce a profit margin reflecting 3.79% profit on cost and 3.65% profit on gross development value (GDV) / revenue (slightly less than the 'just over' 4% quoted by the applicants). Savills stated that a profit margin in excess of 21% of GDV (less than the 25-30% figure used by the applicants) would be expected for a site of this nature.

Savills therefore agree with the applicant that this site is not viable or deliverable with affordable units included in the format required by the Council. This confirms compliance with the first part of the SG paragraph 4.6 that states '*In specific incidences where a developer can prove that on site provision of Affordable Housing is not viable, and the Council is in agreement, an off-site provision may be considered.*'

With the non-viability of the development having been accepted, the second consideration is the suitability of the off-site provision of affordable housing, in terms of the site characteristics and proposed accommodation.

Paragraph 4.6 of the SG goes on to set out six requirements of the alternative site for off-site provision. Commentary on the 221310/DPP Braeside proposals is added in respect of these:

1. *The ALDP supports residential use in principle.*

The Braeside proposal site is zoned for residential use and identified as a residential development opportunity in both the current and proposed ALDPs.

2. *Located within the same housing sub-market area.*

The Treetops and Braeside sites are both located within the prime sub-market area as identified in the SG.

3. *Located within an area that does not have a concentration of affordable housing.*

The surrounding residential area of Braeside and Airyhall is relatively large and is entirely open market housing.

4. *Site to be transferred to the Council or Registered Social Landlord (RSL) as affordable housing provider.*

The Braeside site would be transferred to Grampian Housing Association which is an RSL and has been working with the applicant and architects throughout the application process.

5. *If Developer is providing the affordable housing, this is linked to release of mainstream housing on primary site.*

Compliance would be achieved through use of phasing details within a legal agreement relative to the Treetops application, where affordable units at Braeside would have to be provided prior to occupation of a defined number of units at Treetops.

6. *The percentage of affordable housing must be based on the total of all units to be delivered in both sites and where relevant the affordable housing delivered on the secondary site does not account for any existing or future affordable housing requirement from that site.*

The 25% requirement across both sites results in a 26.75-unit requirement (25% of 107). Since 30 affordable units are proposed at Braeside, the required number would be provided.

The developer has indicated they wish to 'bank' units over and above this figure (three) to use as an affordable housing contribution against potential future development on another site, which is permitted by the SG, however this is not material to the determination of the current Treetops application.

In terms of the SG, the current proposal represents off site provision as the second preference and social rented housing delivered by an RSL as the preferred housing type, which is welcomed.

In terms of the composition of the affordable housing, The ACC Housing Strategy Team has advised that as many larger 8-person capacity properties as possible should be provided at the Braeside site. In the response, the applicant has reviewed the largest of the house types (HT4) which at present can accommodate 7 persons. As a result, the footprint of HT4 has been increased (400mm wider and 500mm deeper) so that it can accommodate 8 persons. However, due to the tight nature of the Braeside site, it is only possible to accommodate this enlarged version of HT4 on one of the five plots that HT4 is proposed on. To accommodate the updated HT4 on the remaining four plots, would have significant knock-on effect on the layout in terms of addressing other matters such as parking, tree retention and amenity. With the larger version of HT4 now included on one plot, the composition of the development would be 20x five-person houses; 5x six-person houses; 4x seven-person houses and 1x eight-person house.

In a supporting statement, Grampian Housing Association (GHA), has indicated that it has worked closely with the applicant and their design team to create house types which accurately reflect the

needs of GHA's client group and to ensure that adequate provision is made for people on their waiting list with physical disabilities.

Given the small nature of the site and the competing requirements in terms of achieving a satisfactory layout, it is considered that the range of house types and sizes at the Braeside site provides a suitable mix of units, which would help address the housing needs of the community.

The inclusion of a site within the Council's Strategic Housing Investment Plan (SHIP) relates to funding and delivery arrangements for affordable housing. The absence of the Braeside site from the SHIP is not a material planning consideration and does not prevent planning permission being granted. The SHIP is updated annually, and the Braeside site will be included in the next iteration which is due in October 2023 (*Issue 8*).

In summary, it is considered that the proposal for off site provision of the affordable housing contribution of the Treetops development at Braeside has been adequately justified, using the specific criteria and process set out in the Supplementary Guidance: Affordable Housing as referenced in Policy H5 (Affordable Housing) of the ALDP 2017. The proposals are therefore in compliance with Policy H5 of the ALDP and Policy H5 (Affordable Housing) and Aberdeen Planning Guidance 2023 on Affordable and Specialist Housing of the Proposed ALDP 2020, that substantively reiterate this policy stance (*Issue 6, 7 and 44*).

On that basis the proposal meets the requirements of NPF4 Policy 16 and Policy H5 of the ALDP in terms of affordable housing.

Density

In the interests of sustainability and efficient use of land, higher density developments are generally encouraged by the ALDP. Policy H3 (Density) of the ALDP requires development to meet a minimum density of 30 dwellings per hectare, but to also have consideration of the site's characteristics and those of the surrounding area and to create an attractive residential environment and safeguard living conditions within the development. With the site being 2.78 hectares and there being 77 units proposed, the policy would expect 83 units to be provided. The initial layout proposed 89 units; however, this raised several issues with the acceptability of the proposal. The number of units was subsequently reduced, and it is considered that the proposal in its amended form is acceptable, with 27.6 units per hectare being provided in a more satisfactory arrangement and form, and also taking cognisance of the existing trees around the edges of the site (*Issue 12*).

Design, Layout and Amenity

Policy 14 (Liveable Places) of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It requires that Development proposals be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It goes on to say that places should consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities, indicating that development proposals will be supported where they are consistent with these six qualities of successful places. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 (Quality Homes) of NPF4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

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

Policy D2 (Landscape) of the ALDP requires new developments to be informed by their surrounding and consider existing features in layouts. It also requires hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

The Proposed ALDP introduces a new policy on amenity (Policy D2) which sets out design criteria to ensure high levels of amenity in new developments.

Design and Layout

The layout has been arrived at by considering the constraints of the site, which include the trees around the perimeter of the site and a 1200mm diameter sewer which runs north/south within the site adjacent to Springfield Road. The highest point in the site is along a 3m high embankment at the western boundary, with the lowest point being the north-eastern corner beside Springfield Road.

A SUDS detention basin would be located at the front of the site and set within landscaping, which would provide a welcoming and pleasant frontage to the site. A new junction onto Springfield Road, located slightly north of the existing southernmost junction, would be constructed. The existing junction at the northern end of the site would be turned into a pedestrian route, which would also serve as an emergency access route, whereas the existing southern junction would be removed. The provision of the junction and detention pond would however require the removal of tree group 1, which is a linear group of small broadleaf trees, 1m to 7m tall, which front Springfield Road. Whilst the removal of these trees would result in a noticeable change in the streetscape, larger trees which would be retained along the southern and northern boundaries at the front of the site would continue to provide a woodland backdrop.

Beyond the landscaping and detention pond, would be five detached two-storey houses addressing Springfield Road, the closest of which would be set back 25m from the street, with the remaining four 38m–40m back. The remainder of the development would sit behind these units, within the site itself. The units facing Springfield Road provide interaction between the site and the existing street, with the setback maintaining the open and spacious character of the street (*Issue 15*).

The proposed block of flats would be located in the northwest corner of the site, set back from Springfield Road by some 150m. The main five floors would be 15m tall, with the sixth floor which is set back from those below, creating a total building height of 18.5m. The trees along the western boundary and those to the north, against which the block would generally be seen from a distance, range in height from 17m to 26m, with most being over 20m, without taking account of the circa 3m high embankment on which they are located. The site more generally is contained by the trees and surrounding woodland, with limited views into it. In terms of surrounding development, the most recently completed block of flats at neighbouring Craigieburn Park is 15.5m tall and is considerably closer (22m) to Springfield Road than the proposed block. Given this context, it is considered that the new block could be satisfactorily accommodated within the site and surrounding area (*Issue 13 and 14*).

Concern is raised in representations that the block of flats would only have a stairwell and that the rooms are small. The submitted drawings confirm it would include a lift which would serve each floor (*Issue 20*) and the room sizes are not considered to be particularly small, with each flat also including a balcony to provide external private space (*Issue 21*).

Minimal ground level changes would be required to accommodate the development, as such there are no concerns with significant changes in ground levels or how new houses would sit alongside existing houses in this regard.

The proposed external finishing materials (white dry-dash render; grey concrete roof tiles; grey PVCu windows and doors, with sections of fibre-cement cladding in a range of colours) are typical of new build homes and considered acceptable.

Each dwellinghouse would have its own rear garden, which meet the minimum length of 9m, with defensible space enclosed by hedges at the front (*Issue 22*). Paths and parking areas would be overlooked by different properties to provide natural surveillance.

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 development which would increase the risk of suicide occurring.

Waste

Policy 12 (Zero Waste) of NPF4 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy R6 (Waste Management Requirements for New Development) of the ALDP requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Each property would have space within their gardens to store wheelie bins for different types of waste. Areas are identified outside of properties for bins to be collected. A bin store would be provided for the flats within the building's carpark. The arrangements are considered acceptable.

Daylight and Overshadowing

With regards to daylight, all new properties are far enough away from existing properties that they would not affect the receipt of daylight or overshadow existing houses or gardens (*Issue 14*).

New homes would be orientated and spaced out to receive sufficient daylight, with many having habitable rooms with dual aspects.

Privacy

In terms of privacy, the window-to-window distance between the new houses facing Springfield Road and the existing houses on the opposite side of the street (numbers 78 to 88) would be a minimum of 62m, well in excess of the 18m minimum considered necessary to ensure privacy.

Along the northern boundary, houses would be between 30m and 55m away from the existing flats on Craigieburn Park to the north. The trees along this boundary and within the ground of the existing flats would also provide screening.

The new block of flats in the northwest corner of the site would be between 28m and 40m from the closest flats at Craigieburn Park, again with trees providing screening. In terms of its relationship with the new houses within the development, there would be no windows facing directly towards

windows in other properties or any unreasonable overlooking of gardens. Otherwise within the site the 18m window-to-window distance would be met between houses.

In terms of comparison with the houses to the west of the site, the ground level at Macaulay Gardens, Place, Walk and Park sits at around 75m Above Ordnance Datum (AOD). The top of the bank at the back of the Treetops site is between 70m AOD at the north end and 71.5m AOD at the southern end. The Treetops site lies at a lower level, with the finished floor levels (the level of the ground floor) of the townhouses proposed along the western boundary of the site being at between 68.5m AOD and 69.4m AOD.

The new block of flats would be facing towards Couper's Pond, with the closest existing house at Macaulay Gardens being number 6, being 35m away to the southwest, with the house itself 45m away. There is an intervening strip of private woodland which stretches the length of the western site boundary southwards from Couper's Pond. At its northern end it is around 7m wide which provides screening between the site and 6 Macaulay Gardens.

Otherwise, the three-storey townhouses along the boundary would be a minimum of 45m away from homes on Macaulay Gardens, again with the exception of 6 Macaulay Gardens which would be 35m away. On that basis, there is no concern with window-to-window distances between the flats or townhouses and existing houses. The townhouses would include a balcony at first floor level, however due to the differences in levels, with the site sitting lower than Macaulay Gardens and Place, this would result in the balconies being at the same level, or marginally higher, than the garden levels of the existing homes. However, there are no concerns with overlooking, due to the combination of the distance between the balconies and gardens of existing properties (between 23m and 29m), the intervening woodland which means gardens would not be back-to-back and the existing boundary fences, which all combine to provide a suitable buffer between new and existing houses.

The Bungalow, Countesswells Road, which is located at the south west corner of the site, would be directly south of the rear gardens of the proposed townhouses. The townhouses would have no windows facing towards The Bungalow. In terms of overlooking from the balconies, the closest would be 18m from the boundary of The Bungalow's garden and 25m away from the house. At this point the townhouses would still be lower than the neighbouring property so the balconies in relative terms would not be in an elevated position. The trees and shrubs in the corner of the site also provide screening and The Bungalow has a timber fence along the boundary which provides screening (*Issue 18*).

Along the remainder of the southern boundary, new houses would sit at around the same level as existing properties on Springfield Gardens, with a minimum distance of 30m between windows, with rear gardens of both existing and proposed providing separation between the houses. The trees along the southern boundary within the site would also continue to provide a degree of screening.

In summary, there are no concerns with the proposed development in terms of impact upon the privacy of existing residents or future residents living within the development, with the window-to-window distances being in excess of 18m and the changes and levels and trees otherwise minimising any potential for overlooking (*Issue 16 and 17*).

Open Space

Policy NE4 (Open Space Provision in New Development) of the ALDP and associated supplementary guidance of the LDP requires at least 2.8 hectares per 1,000 people of

“meaningful” and “useful” open space in new residential development. For a development of the size proposed, this equates to 0.4 hectares of such space.

The proposals show around 1.04 hectares of amenity and landscaped areas, mainly comprising the area at the front of the site, including the detention basin, the landscaping garden opposite the town houses and the landscaped area beside the block of flats and the proposed path between the Springfield Road and Couper’s Pond (*Issue 22*).

In terms of play areas, the site is within 400m of two existing play areas (*Issue 11*).

The proposed landscaping scheme includes a requirement to provide bins in the public open space (*Issue 41*).

Policy NE9 (Access and Informal Recreation) of the ALDP indicates that wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

A path route would be provided through the northern part of the development, between Springfield Road on the east and Couper’s Pond to the northwest corner. This would enhance connectivity in the area which is welcomed. The James Hutton Institute, which owns the land where Couper’s Pond is located have confirmed it is happy for the link to be provided between the two sites. The institute as part of their Open Science campus strategy encourages members of the public and other key stakeholders to walk through its grounds. It indicates the proposed path would provide additional access to the institute site and allow both the local community and staff to gain access to Springfield Road which previously was not available. A condition is proposed requiring the path to be provided (*Issue 11*). Concern is raised that the path would encourage children to play in the ground of the James Hutton Institute service area or encourage anti-social behaviour at Couper’s Pond. However, these matters are not considered to be material planning considerations in this instance; the institute grounds are already open to the public and there is no reason to believe further access would encourage anti-social behaviour (*Issue 38 and 39*).

Natural Heritage and Biodiversity

With the site being cleared, with the exception of the trees around the perimeter, the site has very limited biodiversity value. Reports were received of red squirrel sightings in the trees and woods around the site. Red squirrels and their dreys (resting places) receive full protection the Wildlife and Countryside Act 1981, therefore a survey was carried out by the applicant to determine the habitat suitability of the site for red squirrel and whether they are present. The survey did not identify any signs of red squirrels within the site boundary. The trees around the perimeter of the site provide good connectivity between nearby wooded areas and an active squirrel drey was found in trees 70m north of the site. It was not possible to determine whether this was a red or grey squirrel drey. The development will not impact this drey, as it is over 50m away from the site and the squirrels will be accustomed to a relatively high level of disturbance being located close to Springfield Road and existing residential uses. The survey was reviewed by the ACC Natural Environment Policy Team and its findings are considered acceptable (*Issue 35 and 36*).

A detailed landscaping scheme would be secured by condition. It would be expected to incorporate features to enhance biodiversity including open, vegetated SUDS, boundary treatments with gaps underneath/or holes and bat/bird boxes. Planting choices for landscaping should include native species and provide a variety of height and texture, which will provide both visual interest and habitat variety. Given the low biodiversity value the site has at the moment it is

considered reasonable to expect that the finished development would enhance biodiversity in accordance with the policy.

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 260. Within and outside the site, 147 trees and eight tree groups were surveyed. Trees are located around all four edges of the site.

Forty-eight trees and two tree groups (at the eastern (front) part of the site and on part of the southern boundary) would be removed to allow for the development to take place. A small section of tree group 4 at the north west corner of the site would also be removed. The individual trees to be removed are generally located along the southern boundary of the site, where a number of trees extend further into the site than others along the boundary, thereby making a suitable layout difficult if they were to be retained. Most of the trees vary in height between 10m and 20m, with some smaller examples 5m or 6m. The larger of the trees in this part of the site which are 20m+, which contribute more to the wider area due to their height would be retained. As well as the individual trees, Tree Group 2 makes up the dense vegetation along the southern boundary of the site, comprising birch and sycamore, encapsulated in dense rhododendron and laurel which are both invasive species. It is proposed to remove the invasive species and selectively thin the birch and sycamore to promote high amenity trees, followed by appropriate shrub planting which would maintain the existing screening between the site and The Bungalow (*Issue 19*).

Similarly, tree group 3, located in the southwest corner of the site and tree group 4 in the northwest corner, would have rhododendron and spruce removed and then be reinforced with new boundary planting of medium sized broadleaf species such as hornbeam, whitebeam, and rowan. The proposed path to Couper's Pond would be located in this area and therefore to minimise impact upon trees an elevated boardwalk is proposed to reduce soil disturbance and potential long-term tree health risks from construction of a path.

Tree Group 1 at the front of the site would be removed to allow for the new junction and detention basin, as described earlier in the report.

Concerns are raised by the Council's Natural Environment Policy Team which considers that the proposed layout does not allow sufficient room for retained tree stock to develop and provide meaningful replacement planting. It is also considered that the layout of the southern boundary does not leave adequate space between the existing tree stock and proposed houses and gardens, which limits the potential growth of retained tree stock due to proximity conflicts with new residents and would not allow for meaningful replacement planting. The team's view is that in order to adequately address the concerns, a substantially revised layout with much less units, preferably set more centrally in the site to avoid impacts on existing tree stock and to provide space for high quality landscaping that has sufficient space to reach maturity would be required.

Notwithstanding, if the proposals were to be amended to the extent suggested, it would significantly reduce the number of units that could be accommodated on the site, making less

efficient use of the land, creating a tension with policies on density and the reuse of brownfield sites. Whilst ideally all new development would sit outside the zone of influence of surrounding trees, it is often not possible to do this when redeveloping a brownfield site where there are numerous competing matters affecting the resultant layout. Many of the homes in the surrounding area are in close proximity to trees and sit comfortably in the context, the mature trees contributing to the character of the area. The proposed layout retains trees around the boundary of the site, including the more substantial trees which contribute positively to the character of the area, and includes additional planting to reinforce what is retained. Therefore, whilst there is tension between the proposal and Policy NE5 of the ALDP it is considered the proposal is acceptable on balance (*Issue 33, 34 and 37*).

Access, Traffic and Parking

New developments are required by Policy T2 (Managing the Transport Impact of Development) of the ALDP to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Additionally, Policy T3 (Sustainable and Active Travel) of the ALDP requires developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must also be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Access

In terms of accessibility of the site, this has been discussed earlier in the report in relation to 20-minute neighbourhoods, with access to service and public transport found to be good.

Pedestrian connectivity in the area is considered to be good. A signalised pedestrian crossing is available on Countesswells Road for school pupils walking to Airyhall Primary School from the site. Should pupils use a route via the proposed path through the Couper's Pond area and Macaulay Drive, there is a traffic island further west on Countesswells Road which could be utilised to reach the school. No requirement for an additional pedestrian crossing in the area has been identified, with local shops and services being accessible by routes with existing signalised crossings (*Issue 24 and 25*).

The new site junction would be located to improve road safety, by removing the current location of the access which almost forms a crossroad with the junction of Viewfield Road onto Springfield Road. The new junction would be completely off-set so as to avoid such an arrangement. Swept path analysis shows that vehicle can safely manoeuvre through the site (*Issue 27 and 28*).

Two bus stops in close proximity to the site on Springfield Road, have been identified for potential upgrades, to mitigate the increased use as a result of the development. This can be included in the legal agreement as part of the developer obligations payments.

Traffic

The applicant's Transport Statement shows that it is predicated that the development would generate 44 two-way private vehicle trips in the AM (morning) peak and 39 two-way vehicle trips in the PM (evening) peak – representing a vehicle entering or leaving the site roughly every 1.5 minutes. Outwith the peak hours, activity would be less and spread throughout the day. With this low level of traffic generation, it is not necessary to undertake any further traffic impact analysis or junction capacity assessments. It is also worth noting that although the hotel closed several years

ago, during the peak hours it would have been expected to generate around 42 and 41 two-way people trips during AM and PM peak hours respectively, which is a negligible difference from the traffic expected to be generated by the proposed development. The ACC Roads Development Management Team has reviewed the traffic assessment and are satisfied with its conclusions (*Issue 23*).

Parking

Driveways would be provided for all houses, with most also having a garage which would result in 3-bedroom houses have two spaces and 4 and 5-bedroom houses having three spaces.

The block of 33 flats would be served by a car park providing 40 parking spaces, comprising spaces at a rate of one per flat, two accessible spaces and five visitor spaces. The parking provision is considered accepted by the ACC Roads Development Team (*Issue 26*).

From 5 June 2023, EV charging comes under the remit of building standards regulations, which will require a far higher level of provision than the current planning requirements do. On the basis that if approved, the development would begin construction after 5 June 2023, it is proposed to attach a condition requiring details of the finalised EV charging provision.

A cycle store would be provided for the flats and a condition attached to require a visitors' cycle stand to be provided, which could also be used by anyone wishing to utilise the open space as suggested in representations (*Issue 30*).

Contaminated Land

Policy R2 (Degraded and Contaminated Land) of the 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.

Whilst it is not anticipated there will be any significant contamination of the site, it is not entirely clear of materials arising from the demolition of the hotel. To ensure that the site is made satisfactory for the proposed new residential use, a condition has been attached requiring a site investigation report to be submitted which would determine whether there is any contamination and required remedial measures.

Drainage

Policy 22 (Flood Risk and Water Management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals will (i) not increase the risk of surface water flooding to others, or itself be at risk; and (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.

Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP requires surface water proposals to be the most appropriate available in terms of sustainable urban drainage systems (SUDS) and avoid flooding and pollution both during and after construction.

Foul Drainage

Foul drainage from homes will be discharged to new drains which will be connected to the existing combined sewer on Springfield Road. Scottish Water have confirmed there is sufficient capacity at the Nigg Wastewater Treatment Works for a new connection from the development.

Surface Water Drainage

Surface water run-off from the roofs of houses, roads and car parks would drain into a new surface water sewer network within the site. Flows would then drain to a new extended detention basin which would be created at the front of the site, which in turn would discharge at a restricted rate into a culvert in the northern part of the site which forms part of the West Burn of Rubislaw.

Couper's Pond

Concern was raised by the community council and in representations with the potential for flooding and alleged leakage from Couper's Pond. To address these concerns a Flood Risk Assessment was carried out to consider the potential risk to the site from the pond.

Anecdotal evidence suggests that historically water levels in the pond were much higher in the past. It is suggested that at some point during the recent development of the Pinewood and Hazledene site to the west, some of the flows feeding the pond may have been re-routed. This may explain the lack of, or very low flows, in the watercourse upstream of the pond.

Below the water level of the pond is an outflow pipe which discharges into a spillway channel, which runs within the northern edge of the Treetops site and then joins the West Burn of Rubislaw culvert within the site. There is also a high-level overflow pipe at the east edge of Couper's Pond. This pipe is set well above the current water level and would only come into use in the unlikely event of the pond being full.

An assessment of Couper's Pond catchment and capacity was carried out to determine whether there was a potential risk of the embankment being breached or overtopped and what impact this would have on the proposed development. The maximum water level is approximately 70.72m AOD, which is 0.28m below the lowest part of the embankment between the pond and the Treetops site. The high-level overflow would operate once the water level reaches 70.36m AOD and would convey a maximum flow of approximately 107 litres per second through to the spillway channel within the Treetops site. Both the existing spillway and the downstream culvert have a capacity significantly higher than this flow rate. As a worst-case scenario check, a situation was assessed where the overflow pipe was blocked, and it was determined that an additional volume of around 840m³ of water can be accommodated in the pond before it overtops the lowest part of the embankment. The maximum rate of spill over the embankment is predicted to be less than 90 litres per second.

Ground levels with the Treetops site would be set to ensure that there is a flow corridor provided between the block of flats and the northern boundary of the site. In the unlikely event that the overflow pipe and spillway were not operational, and flows were to overtop the embankment, water these would be conveyed along this corridor, below the level of the lowest building finished floor level, to the culvert inlet.

In addition, no evidence of the pond leaking was found (*Issue 31*).

SEPA and the Council's flooding officers have considered the Flood Risk Assessment and are satisfied that the information provided is sufficient to address concerns with the residual risk from

Couper's Pond, provided a condition is attached to ensure levels along the flow pathway and spillway are maintained in perpetuity below the level of the flats (condition xx specified at the end of the report).

On that basis it is considered that that the residual risk of flooding from Couper's Pond has been considered sufficiently in terms of Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP (*Issue 32*).

Climate Change and Nature Crises and Biodiversity

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 2 (Climate Mitigation and Adaptation) of the NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) of NPF4 seeks the enhancement of biodiversity.

The sustainable location, within the existing suburban area which is close to services and public transport represents development which has the potential to reduce dependence on the private car and in turn carbon emissions.

In terms of the design of the development, as considered in the Drainage section of the report, the proposal would have regard to climate change through dealing with surface water via a SUDS feature. The risk of flooding has also been satisfactorily considered.

Several trees are to be removed which creates tension with these policies however the planting of new trees would help mitigate their loss. The most significant trees around the site perimeter would be retained.

In terms of the nature crisis, proposed tree and landscaping planting around the site would contribute towards enhancing biodiversity. Measures to reduce water usage would help safeguard protected species in the River Dee and water consumption in general. These aspects all align with Policy 3 of NPF4, which seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Developer Obligations

Policy 18 (Infrastructure First) of NPF4 indicates that *“development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. It goes on to say that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.”*

Similarly, Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP states that *“development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.”*

Concern is raised in representations that community facilities in the area would struggle with accommodating the increase in population that the development would create. The Planning Service use a set methodology to determine the level of contributions a developer must provide to offset the impact of their development. The Planning Obligations Supplementary Guidance emphasises that any infrastructure or contributions sought are proportionate to the development proposed.

- Taking the development into account, Airyhall Primary School has sufficient capacity to accommodate pupils generated by the development, whereas Hazlehead Academy would go over capacity by three pupils. Therefore, a contribution of £13,175 is sought for secondary education. Otherwise, any current issues with the provision of education at the schools is a matter for the Council in its capacity as education authority to address, whereas nursery care is not covered by developer obligations. (*Issue 9*).
- In terms of community facilities, a contribution (£134,578) has been identified towards Airyhall Community Centre and Library which has proposals in place to create additional capacity to accommodate additional users as a result of the development (*Issue 14*).
- Provision of healthcare is the responsibility of NHS Grampian and infrastructure requirements have been calculated with the NHS based on national health standards. In this instance, a contribution (£42,467) will be required towards internal reconfiguration works to increase capacity at Great Western Medical Practice (Seafield Road) or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity. The delivery of increased healthcare (including dental) capacity would be for the NHS to address (*Issue 10*).
- A contribution of £27,379 has been identified towards Core Paths 60 (Anderson Drive to Denwood via Craigiebuckler) and/or 64 (Pinewood Park to Springfield Place).
- No contribution has been identified towards sports and recreation or open space.

In summary, developer obligations would be sought to offset the impact of the development on the relevant community infrastructure in accordance with Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

Low and Zero Carbon and Water Efficiency

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP requires all new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. A condition is proposed requiring that details are submitted demonstrating how the requirement would be met. A second condition would be attached requiring details of water saving technologies.

Digital Infrastructure

Policy 24 (Digital Infrastructure) of NPF4 encourages, promotes and facilitates the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy. Policy C11 (Digital Infrastructure) of the ALDP requires all new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

The site is an area served by City Fibre where a range of packages are available from high-speed broadband providers

Other matters raised in representations

- The bin store for the flats would be designed so as to prevent vermin from entering the store. There is no reason to expect vermin would be attracted to this bin store more than any other in the area (*Issue 41*).

- External lighting would be designed to minimise light spillage. A condition has also been submitted requiring details to be provided, the specification of which would be required to meet the Councils Road Construction Consent standards (*Issue 43*).

Proposed Aberdeen Local Development Plan

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

Heads of Terms of any Legal Agreement

A legal agreement would be required to secure the identified developer obligations. The legal agreement would also require to tie the delivery of the development at Treetops to the delivery of the off site affordable housing at Braeside, on an appropriately phased basis.

RECOMMENDATION

Approve Conditionally Subject to Legal Agreement

REASON FOR RECOMMENDATION

As a residential use proposed within a residential area the general principle of residential use is acceptable and consistent with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP).

The redevelopment of brownfield and vacant land such as the Treetops site is supported by Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of National Planning Framework 4 (NPF4). The ALDP is clear that as well as the development of greenfield sites, the redevelopment of brownfield land is required to meet Aberdeen's housing land requirement. Policy 16 (Quality Homes) of NPF4 supports the development of new homes on land allocated for housing in LDPs.

Being located within the existing suburban area, the site benefits from being in close proximity to existing public services and public transport, supporting the aims of Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4. An acceptable Statement of Community Benefit has been provided, in line with Policy 16 (Quality Homes) of NPF4.

The layout has been arrived at by considering the constraints of the site, which include the trees around the perimeter of the site and combined sewer along the Springfield Road side of the site.

The initial layout proposed 89 units; however, this raised several issues with the acceptability of the proposal. The number of units was subsequently reduced, and it is considered that the proposal in its amended form is acceptable, with the revised proposal having a more satisfactory arrangement and form. There are no concerns in terms of overshadowing, daylight or privacy. Given the context of the site, which is largely enclosed by trees, it is considered that the block of flats, being set 150m back from Springfield Road could be satisfactorily accommodated within the site and surrounding area, which already includes flats at nearby Craigieburn Park. Otherwise, the design and layout of the development is considered acceptable in terms of Policy 14 (Liveable Places) & Policy 16 (Quality Homes) of NPF4 and Policy D1 (Quality Placemaking by Design) and Policy D2 (Landscape) of the ALDP.

The sustainable location, within the existing suburban area which is close to services and public transport represents development which has the potential to reduce dependence on the private car and in turn carbon emissions. The proposal would have regard to climate change through dealing with surface water via a SUDS feature. The site is also not known to be at risk of flooding and the development would not increase the risk of flooding to the site or others, all supporting the aims of Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4.

A path route would be provided through the northern part of the development, between Springfield Road on the east and Couper's Pond to the northwest corner. This would enhance connectivity in the area which is welcomed and in accordance with Policy NE9 (Access and Informal Recreation) of the ALDP.

A degree of tree loss is required to accommodate the development; however, the proposed layout retains trees around the boundary of the site, including the more substantial trees which contribute positively to the character of the area, and includes additional planting to reinforce what is retained. Therefore, whilst there is tension between the proposal and Policy NE5 (Trees and Woodland) of the ALDP, it is considered the proposal is acceptable when balanced against other matters influencing the layout and design.

Beyond the trees and undergrowth around the edge of the site, it has no vegetation and therefore that element has a low biodiversity value. The proposed landscaping measures and water use reduction measures which would help safeguard protected species in the River Dee, all align with Policy 3 (Biodiversity) of NPF4.

A red squirrel survey was carried out to determine the habitat suitability of the site for red squirrel and whether they are present. The survey did not identify any signs of red squirrels within the site boundary. The nearest squirrel's drey was found 70m away from the site so would remain undisturbed.

The development would generate a low level of traffic, with levels expected to be negligibly different from that associated with the previous hotel use. The ACC Roads Development Management Team has reviewed the traffic assessment and are satisfied with its conclusions. The level of parking is considered acceptable, with driveways provided for each house and the block of 33 flats being served by 40 parking spaces.

A Flood Risk Assessment was undertaken to consider the risk of flooding from Couper's Pond. The assessment was considered by SEPA, and the Council's flooding officers who are satisfied that the information provided is sufficient to address concerns with the residual risk from Couper's Pond in the unlikely event that it was to overflow. On that basis it is considered that the matter has been considered sufficiently in terms of Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Suitable developer obligations would be sought to offset the impact of the development on the relevant community infrastructure, so as to accord with Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

The proposal to provide the affordable housing contribution of the Treetops development off site at Braeside has been adequately justified, using the specific criteria and process set out in the Affordable Housing Supplementary Guidance. The development is considered to comply with affordable housing requirements of Policy 16 (Quality Homes) of NPF4 and Policy H5 (Affordable Housing) of the ALDP.

Other technical matters relating to water efficiency, land remediation, waste storage have been addressed satisfactorily or would be subject of 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.

PRE-COMMENCEMENT OF DEVELOPMENT

(02) TREE PROTECTION FENCING

No development (including demolition or site setup) shall take place unless the tree protection measures shown in Arboriculture Impact Assessment 9791 (V9) and drawing 374593-GIS006 (Rev.B) (dated 11 August 2022) by Envirocentre 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) LANDSCAPING AND BIODIVERSITY ENHANCEMENT

No development shall take place unless a detailed scheme of hard and soft landscaping covering all areas of public and private space has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- Existing and proposed finished ground levels
- Existing landscape features, trees and vegetation to be retained or removed
- Existing and proposed services and utilities including cables, pipelines and substations
- Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting
- Proposed measures to enhance biodiversity (see NatureScot's [Developing with Nature guidance](#))
- Proposed hard surface finishing materials
- Location and design of any street furniture
- Location and design of general and dog waste bins
- Arrangements for the management and maintenance of existing and proposed open space and landscaped areas
- A completed checklist from Annex C of the Developing with Nature guidance

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless all paths, hard landscaping and any artificial bio-diversity enhancement features have been constructed or provided and are ready for use.

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

Reason – to satisfactorily integrate the development into the surrounding area, enhance the biodiversity value of the site and to create a suitable environment for future residents.

(04) BOUNDARY TREATMENTS

No development shall take place unless a scheme showing the detailed design of the proposed boundary treatments for the site and individual plots has been submitted to and approved in writing by the planning authority. The scheme shall include retention of the stone wall along the Springfield Road boundary, taking account of the new junction and closure/amendment of the existing openings, with reinstatement of the wall where appropriate.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the said scheme has been implemented, in accordance with the approved details.

Reason – to satisfactorily integrate the development into the surrounding area and create a suitable level of residential and visual amenity.

(05) PROVISION OF PATH TO COUPER'S POND

No development shall take place unless a detailed specification for the path link between the site and Couper's Pond, as generally shown on Halliday Fraser Munro drawing P(00) 302 (Rev.P8), has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit within the development shall be occupied unless the path link has been constructed and is available for use.

Reason – to ensure the development is satisfactorily connected into the surrounding path network.

(06) EXTERNAL LIGHTING

No development shall take place unless a scheme of external lighting for the development, including car parks and paths within the site, has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the external lighting scheme has been implemented in accordance with the approved details.

Reason – to ensure a suitable level of residential amenity & public safety and to minimise the impact upon wildlife.

(07) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

No development shall take place unless 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 has been implemented and charging points are available for use.

Reason – to ensure provision is made for the charging of electric vehicles.

(08) WATER EFFICIENCY

No development shall take place unless a scheme of water efficiency for each house type and the block of flats has been submitted to and approved in writing by the planning authority.

The scheme shall consider the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development, so as to achieve gold standard for water use efficiency in domestic buildings.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless for that unit the approved measures have been implemented and are available for use.

Reason – to reduce pressure on water abstraction from the River Dee, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation.

(09) LOW AND ZERO CARBON BUILDINGS

No development shall take place unless a scheme detailing compliance with the section 4 'Policy Requirement Low and Zero Carbon Generating Technologies' within the Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless any recommended measures specified within the scheme have been implemented in full and are available for use.

Reason – to ensure that the development complies with requirements for reductions in carbon emissions.

(10) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place unless a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) construction site traffic access and egress arrangements.

Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved CEMP.

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

(11) SITE INVESTIGATION REPORT

No development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

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

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

Thereafter, no building(s) on the development site shall be occupied unless –

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

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

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

PRE-OCCUPATION OF UNITS

(12) DRAINAGE

No unit within the development hereby approved shall be occupied unless all drainage works detailed in the approved Drainage Assessment (139685 - DA04 (Rev.2) and drawing 139685/2010 (Rev.B) 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 proposed development can be adequately drained.

(13) PROVISION OF CAR PARKING

No unit within the development hereby approved shall be occupied unless for that unit the associated driveway has provided, or in the case of the block of flats all parking spaces within the communal car park have been constructed and laid out in accordance with Halliday Fraser Munro drawing P(00)006 (Rev.P3) (or such other drawing approved for the purpose). Thereafter, the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those living or visiting the development.

Reason – to ensure a suitable level of parking is provided.

(14) WASTE STORAGE PROVISION

No unit within the development hereby approved shall be occupied unless the bin storage areas for that unit have been provided in accordance with Halliday Fraser Munro drawing P(00)302 (Rev.P8) and P(00) 132 (Rev. P5) or such other drawings as may be approved in writing by the Planning Authority for the purpose.

Reason – to ensure space is available to place bins for collection.

(15) CYCLE STORAGE PROVISION

No flat within the development hereby approved shall be occupied unless (i) the cycle storage building has been provided in accordance with Halliday Fraser Munro drawing P(00)302 (Rev.P8) and P(00) 132 (Rev. P5) or such other drawings as may be approved in writing by the Planning Authority for the purpose; and (ii) short-stay cycle stands for visitors to the flats and adjacent open space has been provided in accordance with details to be submitted to and approved in writing by the planning authority.

Reason – to ensure a suitable level of cycle parking is provided.

(16) RESIDENTIAL TRAVEL PACK

No unit within the development hereby approved shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority.

Thereafter, on first occupation of each unit, the pack shall be provided to the occupier.

Reason – to encourage use of more sustainable modes of transport.

ON-GOING REQUIREMENT

(17) FLOOD PREVENTION

The design levels for the site for the spillway channel and overland flow pathway will be set in accordance with drawing 139685/2903 (Rev. A) (or such other drawings as may be approved in writing by the Planning Authority for the purpose) and finished floor levels for the block of flats (plots 45 – 77) will be a minimum of 68m AOD. This spillway and overland flow pathway will be maintained in perpetuity for the lifetime of the development.

Reason – To reduce any residual flood risk resulting from exceedance, or breach, of the Couper's Pond embankment.

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.

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ABERDEEN CITY COUNCIL

| | |
|---------------------------|---|
| COMMITTEE | Planning Development Management Committee |
| DATE | 25 May 2023 |
| EXEMPT | No |
| CONFIDENTIAL | No |
| REPORT TITLE | Planning Enforcement Activity Report – April 2022 to March 2023 |
| REPORT NUMBER | PLA/23/112 |
| DIRECTOR | Gale Beattie |
| CHIEF OFFICER | David Dunne |
| REPORT AUTHOR | Gavin Clark |
| TERMS OF REFERENCE | 8.5 |

1. PURPOSE OF REPORT

- 1.1 To inform Members of the Planning Development Management Committee of the planning enforcement work that has been undertaken by the Planning Service from 1st April 2022 to 31st March 2023.

2. RECOMMENDATION(S)

- 2.1 That Members note the contents of this report.

3. CURRENT SITUATION

- 3.1 This report provides an annual update for the Planning Development Management Committee regarding the enforcement work that has been pursued by the Development Management Team in Strategic Place Planning.
- 3.2 Appendix 1 to this report identifies all planning enforcement cases which have been investigated with a view to determining whether a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved; updates cases that were under investigation prior to April 2022; and identifies those that have required formal enforcement action. The Appendix provides a summary of the complaint/ alleged breach and an update of the current status and any related action.
- 3.3 The information indicates that a number of cases have been resolved through negotiation and discussion, without recourse to use formal enforcement action. In most circumstances, particularly where householder related matters are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.

- 3.4 A total of 226 new cases have been investigated since 1st April 2022. This is a slight decrease from 261 in the previous reporting year. The majority of these (138) have been resolved without recourse for formal action. Resolution of these cases fell into one of the following categories: -
- By the submission and approval of a retrospective planning application.
 - By informal negotiation resulting in the breach being rectified by the offending party.
 - Constituting a minor breach where it would not be reasonable or economical to progress.
 - No breach of planning control had occurred.
- 3.5 The remaining 88 cases are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant dis-amenity or threat to public safety. 12 formal enforcement related notices have been served during the current reporting period. Of the historic enforcement cases previously investigated (prior to 1st April 2022), 16 are still unresolved and may require formal action to ensure a satisfactory outcome. There would be financial costs associated with resolving these cases, which is discussed further below.
- 3.6 It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature; these are mostly householder cases. As these cases often do not relate to the priorities identified for action in the Council's Enforcement Charter (which are Union Street, properties in conservation areas, involving protected trees or raising issues of public amenity or public safety), they are likely to be of lower priority in terms of consideration of enforcement action, notwithstanding the statutory duty to investigate enforcement complaints. However, these cases can give rise to very strong feelings amongst those affected, often taking up a significant proportion of officers' time in investigating/resolving a dispute, disproportionate to the scale of the breach.
- 3.6 The most significant issue within the reporting period relates to the ability to proceed with direct action following the issue of Enforcement Notices, due to the financial implications associated with any direct action. As described above, a number of formal enforcement notices have not been complied with, and the next step for the Planning Authority would be to proceed with Direct Action to rectify breaches of planning control. This may for example involve commissioning a contractor or other Council service to remove unauthorised physical development. The enforcement team has sought to obtain quotes from other services within the Council to rectify these breaches but has been advised that there are no monies or budgets available to undertake such actions. A number of enforcement cases therefore remain paused in perpetuity due to being unable to move to the next stage of Direct Action.
- 3.7 This has resulted in a number of "paused" enforcement cases, where no further action can be taken. This includes a number of unauthorised shopfronts and signs on Union Street and unauthorised works throughout the city where no further action can be taken until such time as funding is available to take Direct Action to rectify breaches of planning control. It should be noted that, if funding was made available to take such action, then it would make a small but

significant contribution to addressing the poor physical appearance of parts of the built environment of Union Street pursuant to the aims and objectives of the City Centre Masterplan and the regeneration of the city centre.

- 3.9 The following table provides a summary of the enforcement caseload since 1st April 2021 and divides the cases into new and those within the previous reporting period.

| | | |
|---|--|-----|
| New Cases – 1st April 2022 to 31st March 2023 | Cases resolved & no further action required. | 138 |
| New Cases - 1st April 2022 to 31st March 2023 | Under investigation, being negotiated, or application decisions pending. | 88 |
| Enforcement Related Notices served | | 12 |
| Enforcement Notices currently being prepared | | 3 |

- 3.11 An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was first adopted by the Council in June 2009. There is a statutory requirement to review this document every two years and requires to be updated imminently. There have been updates on several occasions since 2009, with the most recent update taking place in July 2022. A copy of this document is appended at Appendix 2 for information. The Charter helps to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications for revenue or capital budgets, property-based budgeting, or state aid arising from consideration of this report. Some costs may be incurred in direct action to secure compliance when an enforcement notice is necessary, however as outlined above, Direct Action is not being progressed at present due to budget constraints. Other costs include title searches relating to the serving of Enforcement Notices, which can generally be accommodated within existing budgets. Actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from this report.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no environmental implications arising from this report.

7. RISK

| Category | Risks | Primary Controls/Control Actions to achieve Target Risk Level | *Target Risk Level (L, M or H) | *Does Target Risk Level Match Appetite Set? |
|------------------------------|---|--|--------------------------------|---|
| Strategic Risk | N/A | | | N/A |
| Compliance | N/A | | | N/A |
| Operational | N/A | | | N/A |
| Financial | Financial costs may be incurred should Enforcement Notices not be complied with and Direct Action is required | The risk can be mitigated by ensuring there is funding available from the appropriate budget for direct action to be taken. In the event that direct action is required we will seek to recover all the costs of the required action from the landowner in accordance with the relevant legislation. | L | Yes |
| Reputational | There may be a negative impact if the Council do not decide to proceed with enforcement action, particularly in the city centre.. | Proceed with the enforcement action where required. | L | Yes |
| Environment / Climate | Not undertaking enforcement action could result in adverse impacts on the built and natural environment | Proceed with the enforcement action where required. | L | Yes |

8. OUTCOMES

| <u>COUNCIL DELIVERY PLAN</u> 2022-2023 | |
|---|---|
| Aberdeen City Council Policy Statement | The proposals in this report have no impact on the Council Delivery Plan. |

| | |
|--|--|
| Working in Partnership for Aberdeen | |
| <u>Aberdeen City Local Outcome Improvement Plan (2016-2026)</u> | |
| Prosperous Economy Stretch Outcomes | The Council aims to support improvement in the local economy to ensure a high quality of life for all people in Aberdeen. This report monitors indicators which reflect current economic activity within the city and actions taken by the Council to support such activity. |
| Prosperous People Stretch Outcomes | The Council is committed to improving the key life outcomes of all people in Aberdeen. This report monitors key indicators impacting on the lives of all citizens of Aberdeen. Thus, the Planning Service will need to measure the effectiveness of measures already implemented, as well as allowing an evaluation of future actions which may be required to ensure an improvement in such outcomes. |
| Prosperous Place Stretch Outcomes | The Council is committed to ensuring that Aberdeen is a welcoming place to invest, live and visit, operating to the highest environmental standards. This report provides essential information in relation to enforcement related issues to measure the impact of any current action. |
| | |
| Regional and City Strategies | N/A |

9. IMPACT ASSESSMENTS

| Assessment | Outcome |
|--|--------------------------------------|
| Integrated Impact Assessment | Full impact assessment not required. |
| Data Protection Impact Assessment | Not required. |

10. BACKGROUND PAPERS

10.1 None

11. APPENDICES

11.1 Appendix 1 – Enforcement Cases – April 2022 to March 2023

11.2 Appendix 2 – Enforcement Charter – July 2022

12. REPORT AUTHOR CONTACT DETAILS

| | |
|----------------------|--|
| Name | Gavin Clark |
| Title | Senior Planner |
| Email Address | gaclark@aberdeencity.gov.uk |

**Registered Enforcement Cases -
April 2022 - March 2023**

| ADDRESS | WARD | COMPLAINT | CURRENT STATUS |
|----------------------------------|------|---|-------------------------------|
| Middlefield Community Project | 4 | Unauthorised works to partially block up an existing garage door and install pass door. | Planning permission granted |
| Land at Sunnyside Livery Stables | 9 | Formation of car parking area without the benefit of planning permission | No breach of planning control |
| 3 Whitehall Road | 10 | Installation of signage to listed building | Pending Consideration |
| 9 Devanha Terrace | 12 | Installaiton of replacement windows to listed building without the benefit of consent | No breach of planning control |
| 10 Spey Road | 4 | Installation of fencing to front without the benefit of planning permission | No breach of planning control |
| 60 Albury Road | 12 | Installation of decking without the benefit of planning permission | Planning permission granted |
| Unit 3, 9 Esplanade | 8 | Formation of covered outdoor seating area without planning permission | Planning permission granted |
| Land Adjacent to 2 Douglas Place | 6 | Installation of security fencing without the benefit of planning permission | Breach rectified by offender |
| 58B Market Street | 1 | Outbuildings being utilised as residential accommodation | No breach of planning control |
| 16 Carden Place | 10 | Installation of replacement windows | Breach rectified by offender |
| 5 Strathmore Drive | 4 | Installation of driveay | No breach of planning control |

| | | | |
|-----------------------------------|----|--|-------------------------------|
| 1 Kingswood Mews | 3 | Installation of fencing to rear of dwellinghouse at a height exceeding 2m | Breach rectified by offender |
| Ground Floor Flat, 69 Hardgate | 12 | Installation of decking and fencing on conservation area without planning permission | Breach rectified by offender |
| 9 Nigg Way | 13 | Removal of brick work | No breach of planning control |
| 7 Ashwood Gardens | 2 | Erection of outbuilding in rear garden | Breach rectified by offender |
| 11 Albyn Place | 10 | Installation of timber planters to either side of the 'path' and timber posts and rails to the east boundary wall | Pending Consideration |
| Stewart Milne Homes, Denview Wynd | 3 | Construction of access and the use of the adjacent field for the site compound (once development has been completed) | Breach rectified by offender |
| 11 Arbroath Way | 13 | Installation of rooflight to principal elevation | No breach of planning control |
| 2 Charleston Park | 13 | Use of dwellinghouse as a sports/ fitness business | No breach of planning control |
| Airyhall House, Airyhall Road | 11 | Unauthorised works within the roof space of the development | No breach of planning control |
| 71 Tollohill Crescent | 13 | Installation of driveway within front garden area without planning permission | Planning permission granted |
| 235 Rosemount Place | 7 | Unauthorised change of use from Class 1 to Class 3 without planning permission | No breach of planning control |
| Boxcar Coffee & Yard | 9 | Non-compliance with Condition 4 (cooking operations) of 211587/DPP | No breach of planning control |

| | | | |
|---------------------------|----|--|--|
| 12C Back Wynd | 8 | Unauthorised change of use from Class 1 to Class 3 without planning permission | Breach rectified by offender |
| 64 Devonshire Road | 10 | Installation of driveway without planning permission | PLanning permission granted and breach rectified by offender |
| The Mount, The Bush | 9 | Extend boundary and felling of woodland | No breach of planning control |
| East End of Grampian Lane | 12 | Unlicenced Commercial activity/change of use without PP | No breach of planning control |
| The Black Dog | 2 | Unauthorised signage and formation of outdoor seating area without planning permission | Planning permission granted |
| 68 Rubislaw Den South | 10 | Replacment of cladding on Listed Building without planning permission or LB consent | No breach of planning control |
| 11 Fraserfield Gardens | 2 | Change of use of garage to residential granny flat | No breach of planning control |
| Stoneywood House | 1 | Installation of CCTV cameras, compliance with planning conditions, use of the property as a bed and breakfast and installation of lighting | Deemed not expedient to enforce |
| Cromwell Tower | 6 | Unauthorised works to the turret on the roof of the Category 'B' listed mediaeval Cromwell Tower, at King's College, Old Aberdeen. | Pending Consideration |
| 68A Rubislaw Den South | 10 | Installation of sash and case windows and part removal boundary wall and gate which forms part of the listing | Pending Consideration |

| | | | |
|-----------------------------|----|---|---------------------------------|
| 5 Whitehills Rise | 13 | Enclosing area of land without planning permission | Deemed not expedient to enforce |
| Holburn Bar | 12 | Formation of outdoor seating without planning permission | Planning permission granted |
| 26 Brooke Rise | 3 | Development not carried out in accordance with approved plans | No breach of planning control |
| 9 Cummings Park Crescent | 4 | Installation of gate exceeding 1m in height to front | Breach rectified by offender |
| Scotia Homes, Shiehill Road | 2 | Non compliance with conditions and unauthorised 'temporary' site works formed within flood zone at north edge of the site | Pending Consideration |
| 33 Frasefield Gardens | 2 | Installation of fence exceeding 1m in height to front | Breach rectified by offender |
| 10 Glenhome Walk | 1 | Erection of outbuildings to the rear of the property without planning permission | Planning permission granted |
| 9 Murtle Den Drive | 9 | Change of Use from Amenity Space to Garden Ground without planning permission | No breach of planning control |
| 11 Kirk Brae Court | 9 | Erection of outbuilding to the rear of property without planning permission | Planning permission granted |
| 10 Earns Heugh Way | 13 | Erection of outbuilding to the rear of property without planning permission | No breach of planning control |
| 21 Newburgh Drive | 2 | Erection of an extension without planning permission | Planning permission granted |
| 66 Braeside Avenue | 11 | Use of dwellinghouse as a hot food takeaway | No breach of planning control |

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| Peterculter Retirement Park | 9 | Alleged that works to create/form a new site have commenced without P.P. | No breach of planning control |
| 16 Whitestripes Path | 2 | Erection of fence in excess of 1m to the front of the property and potential enclosing in public ground without planning permission | Breach rectified by offender |
| 86 Forest Avenue | 10 | Works within the rear curtilage of the property | No breach of planning control |
| 3 Whitehills Lane South | 13 | Installation of electrical charge point and unauthorised groundworks | No breach of planning control |
| Land To Rear Of 7 And 8 Craigden Aberdeen AB15 6YW | 10 | Enclosing in public ground without planning permission | Breach rectified by offender |
| 26 Greenburn Drive | 1 | Installation of fence exceeding 1m and shed to front of flatted dwelling | Planning permission granted |
| 7 Airyhall Place | 11 | Use of dwellinghouse as a hair salon | No breach of planning control |
| 58 Kaimhill Circle | 11 | Installation of outbuilding without planning permission | Planning permission granted |
| 18 Whitehills Street | 13 | Installation of outbuilding within designated car parking space | Breach rectified by offender |
| Land To Rear Of 6 Craigden Aberdeen AB15 6YW | 10 | Enclosing in public ground without planning permission | DC Application submitted |
| Flat 1, 2 Orchard Lane | 6 | Installation of city fibre box to principal elevation | Pending Consideration |
| First Floor, 16 Bon-accord Square | 12 | Installation of city fibre box to principal elevation | Breach rectified by offender |

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| 78 Rosemount Place | 7 | Large amount of discarded materials & debris deposited within the rear area of the property | Notice Issued |
| 15 Whitestripes Path | 2 | Erection of outbuilding which exceeds 50% of the rear curtilage | No breach of planning control |
| 47 Caperstown Crescent | 4 | Erection outbuilding to the rear of the property | No breach of planning control |
| 13 Smithfield Road | 5 | Unauthorised use of premises | Planning permission granted |
| Scotmid, 8-10 Sclattie Park | 1 | Installation of signage to the front of the shop | No breach of planning control |
| St Margarets Chapel, 17 Spital | 8 | Category "A" listed building potentially falling into a state of disrepair | No breach of planning control |
| Shri Bheema's Balgownie Road | 2 | Installation of storage containers without planning permission | Breach rectified by offender |
| 168 Spital | 6 | Unauthorised change of use from class 10 (non-residential institutions) to class 9 (houses) to form 2no. residential dwelling houses | Planning permission granted |
| 11 Forestgait Lodge | 7 | Potential breach of conditions | No breach of planning control |
| 243 Victoria Road | 12 | Construction of gate blocking common right of way | No breach of planning control |
| 62 Fountainhall Road | 10 | Installation of fence within conservation area without planning permission | Breach rectified by offender |
| 8 Whitehills Path | 13 | Erection of outbuilding to the side/rear of dwelling without the benefit of planning permission | Planning permission granted |

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| Central Park, Dyce 2 Carlin Terrace | 1 | Containers on land | Breach rectified by offender |
| | 1 | Installation of fence exceeding 1m in height forward of the principal elevation | Deemed not expedient to enforce |
| Plot 62, Land At Rowett South (Blocks RS:2 - RS:8) | 1 | Development not in accordance with the approved plans - dwellinghouse not completed in accordance with approved plans | Breach rectified by offender |
| Dyce Carriers Ltd, Kirkton Avenue | 1 | Non-compliance with conditions - submission of BHMP | Breach rectified by offender |
| Pavement At Links Road 36E Stafford Street | 2 | Installation of 10m high "pole" | No breach of planning control |
| | 8 | Premises potentially being utilised as a hot food takeaway without the benefit of planning permission | No breach of planning control |
| Balmoral Group Holdings | 13 | Unauthorised change of use from open space to industrial storage yard | DC Application submitted |
| 104 Cadenhead Road | 7 | Installation of driveway at flatted property without planning permission | Deemed not expedient to enforce |
| Lower Birchwood, South Avenue | 9 | Erection of outbuildings without the benefit of planning permission | No breach of planning control |
| Rear Birchwood, South Avenue | 8 | Formation of hardstanding to flatted dwelling without the required planning permission | Planning permission granted |
| Flat A 13 Powis Crescent | 6 | Erection of fence in excess of 1m to the front of the flatted property | Pending Consideration |

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| 25 Cruickshank Crescent | 1 | Erection of porch to flatted property without planning permission | No breach of planning control |
| 67 Grampian Road | 12 | Installation of decking to front of property without planning permission | Breach rectified by offender |
| 9 Royfold Crescent | 10 | Increase in site level due | No breach of planning control |
| 92 Mansefield Road | 12 | Property being used for business purposes and not as a residential dwelling | Breach rectified by offender |
| 23 Westray Road | 3 | Installation of driveway to flatted dwelling without the required planning permission | Deemed not expedient to enforce |
| 6 Princess Way | 1 | Installation of pergola - query along relates to the formation of raised decking and numerous sheds within rear garden area | No breach of planning control |
| Flat C 198 Westburn Road | 7 | Change of use from flat to HMO/ Air BnB | No breach of planning control |
| Whinnyfold, 50 North Deeside Road | 9 | Development not being undertaken in accordance with the approved plans | No breach of planning control |
| Land At/ Adjacent To Mannofield Water Treatment Works | 11 | Siting of various modular buildings | No breach of planning control |
| Former Mariner Hotel, 349 Great Western Road | 11 | Concerns regarding tree felling and noise complaints regarding redevelopment of site | No breach of planning control |
| 339 Union Street | 12 | Installation of unauthorised advertisements to listed building | Notice Issued |
| 18 Holburn Street | 10 | Installation of unauthorised advertisements | Notice Issued |

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| 3-5 Rose Street | 7 | Installation of new shop front and large menu boards on the walls adjacent to | Breach rectified by offender |
| 91 Ashley Road | 10 | Erection of 3m high pole with associated CCTV equipment within rear curtilage of a flatted property | DC Application submitted |
| 16 Huntly Street | 7 | Development not carried out in accordance with the approved plans | No breach of planning control |
| Aldi, Altens Farm Road | 13 | Non-compliance with/ breach of condition 4 and 5 (Tree Protection/ Landscaping) of 210114/DPP | Deemed not expedient to enforce |
| 5 Earns Heugh Circle | 13 | Erection of single storey extension to rear of dwellinghouse | No breach of planning control |
| 66 Kaimhill Circle | 11 | Installation of replacement roof material and erection of outbuilding to rear | Pending Consideration |
| Shelter Coffee, 112 High Street | 6 | Installation of unauthorised signage | Deemed not expedient to enforce |
| 29-35 Esslemont Avenue | 7 | Change of use of properties from serviced apartments to flatted dwellings (see 220913/DPP) | No breach of planning control |
| 110 High Street | 6 | Installation of burglar alarm on principal elevation | Deemed not expedient to enforce |
| Land To The South Of Standish Cottage, The Bush | 9 | Erection of boundary fencing along with possible change of use of open space to private garden ground | Breach rectified by offender |
| 35 Crown Crescent | 9 | Installation of driveway to rear of dwellinghouse | No breach of planning control |

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| 326 Lee Crescent North | 2 | Fencing erected that may exceed PD rights | No breach of planning control |
| CALA Homes, TwentyFour Rosemount | 7 | Breach of condition 14 (191755/DPP) regarding construction traffic | Breach rectified by offender |
| Bieldside Lodge, North Deeside Road | 9 | Potential breach of planning conditions | No breach of planning control |
| 67 Kirk Brae | 9 | Parking of numerous vehicles within the curtilage of the dwellinghouse | No breach of planning control |
| Land At Bay Of Nigg, Coast Road / Greyhope Road | 12 | Requirement to ensure compliance with the mitigation measures as set out in the S69 legal agreement | No breach of planning control |
| First Floor, 77 Greenburn Drive | 1 | Change of use from storage area to flatted dwelling without the benefit of planning permission | No breach of planning control |
| 55 Birkhall Parade | 4 | Erection of fencing exceeding 1m in height to the front of the dwellinghouse | No breach of planning control |
| Land Adjacent To Parkview | 2 | Change of use of public open space to private garden ground and erection of associated fencing | No breach of planning control |
| 29 Claremont Street | 10 | Non-compliance with conditions associated with 161773/DPP - Demolition of existing workshop and erection of 2no. houses | Breach rectified by offender |
| Land At Rubislaw Quarry | 10 | Unauthorised use of the waterbody within the former quarry for water- based leisure activities | No breach of planning control |

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| 1 East Craigbank Crescent | 9 | Development not constructed in accordance with the approved plans | Breach rectified by offender |
| Aberdeen douglas Hotel, 43-45 Market Street | 8 | Takeaway use and shopfront, use of area of Malones with "Bit on the Side", window replacement, arched window frame, outdoor seating area and pergola | Planning permssion granted |
| 371 George Street | 8 | Painting of granite black on principal elevation | Pending Consideration |
| 2 Ashgrove Gardens North | 5 | Erection of unauthorised structure to the front of the dwellinghouse | Breach rectified by offender |
| Hilldowntree Mill Cottage, Leggart Terrace | 13 | Erection of outbuilding and fencing without planning permission | Planning permission granted |
| 26 Charleston Way | 13 | Erection of fence possibly exceeding 2m in height | No breach of planning control |
| 108A North Deeside Road | 9 | Non-compliance with Condition 3 of 190441/DPP and pre-commencement of development in relation to 221146/DPP prior to consent being granted | DC Application submitted |
| 91 High Street | 6 | Installation of unauthorised advertisements | Breach rectified by offender |
| Peter Vardy Land Rover Aberdeen, Wellington Road | 13 | Condition 10 - parking of vehicles on landscaped areas | Breach rectified by offender |
| Merkur Slots, 181A Union Street | 12 | Installation of advertisements not in accordance with the approved plans (blocking up of shop frontage) | Breach rectified by offender |

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| Pro Mobile, 82 Union Street | 8 | Installation of unauthorised advertisements | Deemed not expedient to enforce |
| Smart Phone Lab, 27 Union Street | 8 | Installation of unauthorised advertisements | Pending Consideration |
| Phone Fix Ltd, 33 Union Street | 8 | Installation of unauthorised advertisements | Pending Consideration |
| Filling Station, Springfield Road | 10 | Installation of unauthorised advertisements | Planning permission granted |
| 68 Rosemount Place | 7 | Unauthorised change of use | No breach of planning control |
| 68A Rubislaw Den South | 10 | Installation of sash and case windows to listed building | Pending Consideration |
| 9 Burnett Drive | 9 | Erection of playframe/ outbuilding to the rear of the dwellinghouse | No breach of planning control |
| Don Service Station, 792 King Street | 6 | Installation of launderette structure without planning permission | Planning permission granted |
| 19 Newlands Crescent | 11 | Erection of outbuilding to rear of dwelling | No breach of planning control |
| 4 Wilkie Avenue | 4 | Installation of driveway without planning permission | No breach of planning control |
| Land at Pinewood Gardens | | Removal of trees | Pending Consideration |
| 17 Affleck Street | 12 | Non compliance with planning permission | Pending Consideration |
| Cruickshank Building, University of Aberdeen | 6 | Installation of plaques | Planning permission granted |
| First Floor, 259 Union Grove | 10 | Installation of bollards | No breach of planning control |
| 5 Clunie Place | 4 | Permitted change of use | No breach of planning control |
| 15 Affleck Street | 12 | Erection of fence in excess of 1m forward of the principal elevation | Breach rectified by offender |
| 1 Redwood Crescent | 13 | Erection of fence in excess of 1m fronting a road without the required planning permission | Planning permission refused - further action required |

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| Soul, 333 Union Street | 12 | Installation of unauthorised advertisements | Breach rectified by offender |
| Site At Braeside East Huxterstone | 3 | Potential breach of planning permission | No breach of planning control |
| 32 Greenburn Drive | 1 | Installation of wind turbine and solar panels on garage roof | Breach rectified by offender |
| 25 Ellon Road | 2 | Installation of A/C Unit/ air source heat pump to rear of barbers shop | Planning permission granted |
| 2-4 Balgownie Crescent | 2 | Installation of unauthorised advertisements | Deemed not expedient to enforce |
| Kirkwood Homes, Charleston Grange | 13 | Installation of unauthorised signage throughout the development | Breach rectified by offender |
| 16 Milltimber Gardens | 9 | Change of use from garage to Air BnB | Notice Issued |
| Unit 2, Kincorth Shopping Arcade | 13 | Change of use from class 1 (retail) to a hot food take away (sui generis) with an ancillary seating area | No breach of planning control |
| Second Floor Flat, 489 Great Western Road | 11 | Removal of shed within conservation area | No breach of planning control |
| 256 Mugiemooss Road | 1 | Installation of outbuilding within front curtilage without PP | No breach of planning control |
| 42 Camperdown Road | 7 | Installation of flue without planning permission | Planning permission granted |
| Craigbank, 132 North Deeside Road | 9 | Installation of decking to front of flatted property without planning permission | Planning permission refused - further action required |
| 6 Auchlea Place | 3 | Installation of dorma for conversion of existing attic space to form additional bedroom | No breach of planning control |

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| 7 Burnside Drive | 2 | Erection of single storey extension | Permitted Development |
| Car Park at Loriston Community Centre | 13 | Siting of a storage container without the required planning permission | Deemed not expedient to enforce |
| 36 Cairnfield Place | 7 | Neighbouring extension built on neighbours land | No breach of planning control |
| 51 Cattofield Place | 5 | Erection of wall in excess of 1m fronting a road without the required planning permission | No breach of planning control |
| 6 Hilton Road | 5 | Installation of fence and shed at flatted dwelling | Deemed not expedient to enforce |
| Land at Westburn House | 7 | Installation of container without planning permission | DC Application submitted |
| Esplanade Filling Station | 12 | Breach of conditions in respect of 211462/DPP | Notice Issued |
| 26 Greenfern Avenue | 3 | Erection of outbuilding in rear curtilage | Permitted Development |
| 27 Polo Park | 1 | Installation of flue prior to completion of planning permission 220040/DPP and without variation | Planning permission granted |
| 12 Hilton Road | 5 | Installation of outbuilding within curtilage of flatted property | Deemed not expedient to enforce |
| 47 Victoria Street | 7 | Unauthorised Change of Use to Public Car Park | Pending Consideration |
| Car Park To Rear Of Cromarty House | 8 | Unauthorised Change of Use to Public Car Park | Pending Consideration |
| 18 James Street | 8 | Unauthorised Change of Use to Public Car Park | Pending Consideration |
| Car Park On Commerce Lane | 8 | Unauthorised Change of Use to Public Car Park | Pending Consideration |

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| 2 Victoria Street | 7 | Unauthorised Change of Use to Public Car Park | Pending Consideration |
| 43 Fairview Parade | 1 | Use of outbuilding as a hairdressers without the benefit of planning permission | Breach rectified by offender |
| Denmore House, Denmore Road | 2 | Change of use to car park without the benefit of planning permission | Pending Consideration |
| Area F3 Pinewood | 10 | Carrying out development without the required planning permission | Planning permission granted |
| 24 Hilltop Road | 9 | Development potentially causing a dis-amenity to the character and appearance of the surrounding residential area | Pending Consideration |
| 11 Oldmeldrum Road | 1 | Installation of unauthorised advertisements | Advertisement consent granted |
| 21 Invercauld Gardens | 4 | Erection of outbuilding to the rear of the dwellinghouse | No breach of planning control |
| 6 West Craibstone Street | 12 | Installation of city fibre box to principal elevation | Breach rectified by offender |
| Land To Rear Of 13 Crown Terrace | 12 | Unauthorised Change of Use to Public Car Park | Pending Consideration |
| 9 Invercauld Gardens | 4 | Erection of an extension to rear of dwellinghouse potentially without the required planning permission | No breach of planning control |
| The Powis Gates | 6 | Painting of two black circles on the granite of a Category B Listed Building | Pending Consideration |

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| 4 Thistle Lane | 7 | Installation of windows within roof space within conservation area without the benefit of planning permission | DC Application submitted |
| 33 Belmont Street | 8 | Category "A" listed building potentially falling into a state of disrepair | Pending Consideration |
| Bieldside Lodge, North Deeside Road | 9 | Potential breach of planning conditions | Pending Consideration |
| Land to the east of 27 Whitehills Place | 13 | 2m high heras fencing installed in area of community grounds | Pending Consideration |
| 585 George Street | 8 | Change of use from class 1 [retail] to hot food takeaway [sui generis] | Planning permission granted |
| 199 Johnston Gardens | 9 | Erection of fence potentially enclosing in public ground without planning permission | No breach of planning control |
| 237 Union Grove | 10 | Curtilage of dwellinghouse causing a disamenity to the surrounding residential area | Pending Consideration |
| 197 North Deeside Road | 9 | Change of use from studio to Airbnb forming separate planning unit | Pending Consideration |
| 33 Pittengullies Circle | 9 | Use of outbuilding as a hairdressers without the benefit of planning permission | Pending Consideration |
| Boxcar Coffee & Yard | 9 | Installation of unauthorised structure above seating | Breach rectified by offender |
| 47A Devonshire Road | 10 | Installation of fence within conservation area without planning permission | Planning permission granted |

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| 120 Union Street | 8 | Unauthorised development to Category B Listed Building | Planning permission/ listed building consent granted |
| 31-121 Whinhill Gate | 12 | Unauthorised removal of historic boundary wall in Conservation Area without Conservation Area Consent | No breach of planning control |
| 10 Hazledene Manor | 10 | Erection of fence in excess of 2m without planning permission | Pending Consideration |
| 24 Wellington Terrace | 13 | Erection of outbuilding which potentially exceeds PD rights | No breach of planning control |
| 51 Smithfield Gardens | 4 | Use of dwelling house as nail salon | No breach of planning control |
| 20 Crookfold Place | 2 | Enlargement of dwellinghouse by way of single storey ground floor extension | No breach of planning control |
| Birchwood House Upper Flat | 9 | Formation of area of hardstanding to flatted dwelling without the required planning permission | Planning permission granted (on appeal) |
| 23 Richmond Terrace | 7 | Installation of city fibre box to principal elevation | Pending Consideration |
| 24 Richmond Terrace | 7 | Installation of city fibre box to principal elevation | Pending Consideration |
| 27 Richmond Terrace | 7 | Installation of city fibre box to principal elevation | Pending Consideration |
| 73-79 Union Street | 8 | Removal of vegetation | Pending Consideration |
| 117 Union Street | 8 | Removal of vegetation and graffiti | Pending Consideration |
| 150 Union Street | 8 | Removal of vegetation | Pending Consideration |
| 167 Union Street | 8 | Removal of vegetation and 'ambal's' signage | Pending Consideration |
| 253 Union Street | 8 | Removal of vegetation and cleaning of granite | Pending Consideration |

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| Rosemount Viaduct Pavilion | 7 | Unauthorised signage | Pending Consideration |
| 42 Albyn Place | 10 | Installation of metal railing and formation of car parking spaces within conservation area without planning permission | Pending Consideration |
| Land South of Craibstone Drive | 1 | Failure to provide a road and footway link between Craibstone Drive and the northern extent of Rowett South Drive | Pending Consideration |
| 65 Ashwood Road | 2 | Erection of shed to rear | Pending Consideration |
| Flat 1, 10 Blenheim Place | 10 | Installation of broadband equipment to principal elevation | Breach rectified by offender |
| Land To East Of Charleston Drive | 13 | Unauthorised Works | Pending Consideration |
| Wellington Green/Garden | 13 | Landscaping associated with applications (Ref. 110064 & 110065) not carried out in accordance with approved plans | Pending Consideration |
| Wellington Road | 13 | Non construction of pavillion at Wellington Road | Pending Consideration |
| 150 Union Street | 8 | Unauthorised signage | Pending Consideration |
| 48 School Drive | 6 | Erection of outbuilding at flatted property forward of principal elevation | Deemed not expedient to enforce |
| 273 Clifton Road | 5 | Change of use from shop to dog grooming/cafe and erection of awning | No breach of planning control |
| Pitfodels House | 9 | Installation of replacement floodlighting without the benefit of planning permision | DC Application submitted |

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| Land at Baads Farm | 9 | Siting of two additional caravans in breach of conditions associated with 221571/DPP | Pending Consideration |
| 77 Greenburn Drive | 1 | Erection of extensions to the side and rear without the benefit of planning permission | Pending Consideration |
| Greggs, Unit 2, Burnside Road | 1 | Breach of Conditions 5 (Litter Management) and 6 (Landscaping) | Pending Consideration |
| No 10, 10 Queens Road | 10 | Installation of unauthorised lighting within the rear car parking area | No breach of planning control |
| 10 Deemount Avenue | 12 | Development not in accordance with approved planning permission 210065/DPP | Pending Consideration |
| 70 Shaw Crescent | 7 | Use of premises and communal car park as a car sales and repairs without the benefit of planning permission | No breach of planning control |
| Land adjacent to 7 Rowett South Gardens | 1 | Breach of landscaping strategy with in the installation of 2 visitor spots | No breach of planning control |
| Skene Terrace Car Park | 7 | Installation of signage without advertisement consent | Pending Consideration |
| Forestgait, 22 Kings Gate | 7 | Formation of hardstanding in root protection area | Breach rectified by offender |
| 58 Redmoss Road | 13 | Unauthorised use of domestic garage as residential dwelling | Pending Consideration |

| <u>Current Ward Index and Councillors</u> | | |
|---|--------------------------|--------------------|
| <u>Ward Number</u> | <u>Ward Name</u> | <u>Councillors</u> |
| | | |
| 1 | Dyce/Bucksburn/Danestone | Barney Crockett |
| | | Graeme Lawrence |
| | | Neil MacGregor |
| | | Gill Al-Samarai |
| 2 | Bridge of Don | Nurul Hoque Ali |
| | | Alison Alphonse |
| | | Sarah Cross |
| | | Jessica Mennie |

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| 3 | Kingswells/Sheddocksley/Summerhill | Kate Blake |
| | | David Cameron |
| | | Steve Delaney |
| 4 | Northfield/Mastrick North | Donna Clark |
| | | Gordon Graham |
| | | Ciaran McRae |
| 5 | Hilton/Woodside/Stockethill | Hazel Cameron |
| | | Neil Copland |
| | | Deena Tissera |
| 6 | Tillydrone/Seaton/Old Aberdeen | Ross Grant |
| | | Alexander McLellan |
| | | Kairin Van Sweeden |
| 7 | Midstocket/Rosemount | Jennifer Bonsell |

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| | | Bill Cormie |
| | | Emma Farquhar |
| 8 | George Street/Harbour | Desmond Bouse |
| | | Dell Henrickson |
| | | Michael Hutchison |
| | | Sandra MacDonald |
| 9 | Lower Deeside | Marie Boulton |
| | | Duncan Massey |
| | | M. Tauqeer Malik |
| 10 | Hazlehead/Ashley/Queens Cross | John Cooke |

| | | |
|----|-----------------------------|------------------|
| | | Martin Greig |
| | | Ken McLeod |
| | | Jennifer Stewart |
| 11 | Airyhall/Broomhill/Garthdee | Derek Davidson |
| | | Ryan Houghton |
| | | Ian Yuill |
| 12 | Torry/Ferryhill | Christian Allard |
| | | Lee Fairfull |
| | | Michael Kusznir |
| | | Simon Watson |
| 13 | Kincorth/Nigg/Cove | Richard Brooks |

| | | |
|--|--|----------------|
| | | Alex Nicoll |
| | | Miranda Rsdley |
| | | Lynn Thomson |



Planning Enforcement Charter

a guide to enforcing planning controls

July 2022



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1. Introduction

In Scotland, you need planning permission for most development, except for some minor works (known as permitted development). Sometimes however, someone may carry out work without planning permission, or they don't follow the permission they have been given. The credibility of the planning system depends on effective enforcement action.

This charter explains the purpose of the Council's planning enforcement service, the process for handling enquiries, and sets out the standards of service we seek to achieve. It also explains where planning enforcement has no remit. Like all local authorities in Scotland, Aberdeen City Council has legal powers to enforce planning controls. We do this where we believe that it is in the public interest to do so. We also monitor development that has been given permission, to make sure that it is in line with the approved plans and any conditions that may apply.

Enforcement is one of the most complex parts of the planning system, but it is something that concerns many people and may be their first experience of the planning process. We therefore encourage you to play a role by letting us know if you think planning controls may have been broken.

The Council has statutory powers to investigate breaches of planning control and breaches of planning conditions. Formal action can be taken where a satisfactory outcome cannot be achieved by negotiation. A planning authority is not necessarily required to act in respect of a breach of planning control and any action that is taken must be reasonable and proportionate to the breach.

THIS CHARTER SETS OUT THE PLANNING ENFORCEMENT POWERS CURRENTLY AVAILABLE TO THE COUNCIL AND EXPLAINS HOW WE INTEND TO USE THEM.



A planning authority may issue an enforcement notice where it appears to them to be expedient to do so, having regard to the development plan and to any other material planning considerations.

It is important to remember that a breach of planning control is not a criminal offence unless an enforcement notice has been issued and not complied with. The aim is to resolve breaches rather than punish those who carried out the work. This may be achieved through a retrospective planning application, for example.



2. Identifying and reporting possible breaches of planning control

Members of the public have a vital role to play in the enforcement system by reporting breaches of planning control to us. If you are concerned that someone is carrying out work without permission, or that the works are not in line with the related planning permission, please contact the Enforcement Section of our Development Management Team within Strategic Place Planning. You can phone us on 01224 523470 or email us at pi@aberdeencity.gov.uk to discuss any potential breaches of planning control.

Possible breaches of planning control can include:

- **Works carried out without planning permission or other required planning consents;**
- **An unauthorised change of use;**
- **Departures from plans and drawings approved as part of planning permission or other consent.**
- **Failure to comply with conditions attached to a permission or consent;**

The following information is important and helpful to us when you report a suspected breach in planning control:

- **The address or location of the property or land concerned;**
- **Photographs of the potential breach of planning control;**
- **Details of the suspected breach of planning control (for example, the nature of the building work or activities being carried out and information on who may be responsible for it); and**
- **Dates and times of when the activity is carried out, where appropriate.**

If the suspected breach in planning control directly affects you, or you simply wish to know the outcome of our investigation, please also provide us with your contact details including your name, telephone number, address, and e-mail address (if submitted online).

You can request that your correspondence be treated as confidential. However, whilst we will do our best to honour such requests, this is subject to the requirements of the Freedom of Information (Scotland) Act 2002. Any requests for complete confidentiality may limit our ability to take formal action and we cannot guarantee this if the case leads to court proceedings.

It is important to note that a breach of planning control is not a criminal offence.

The Council does not actively monitor the implementation of consents or search for breaches of planning control and relies on members of the public to report potential breaches. Before reporting a possible breach, you should use the Council's [online planning service](#) to check if the works have the appropriate consents. If you still believe there is a breach, you should submit an enforcement enquiry to pi@aberdeencity.gov.uk providing as much information as possible.

In accordance with the [Environmental Information \(Scotland\) Regulations 2004](#) we will treat the identity of enquirers in confidence. We will only release information regarding the identity of an enquirer where it is in the public interest to do so, as a result of a ruling by the Scottish Information Commissioner or if directed to do so by a court of law.

Our Approach to Enforcement

The planning authority has statutory powers to investigate alleged breaches of planning control and to take enforcement action where it is expedient to do so, having regard to the development plan and to any other material planning considerations.

It is important to understand that planning enforcement is a discretionary power, and it is for the Council to take a view on whether to exercise that power.



Even if there is a breach of planning control, the Council must consider if it is in the public interest to take enforcement action. In doing so, the Council will consider the level of material 'harm' that the breach is causing or is likely to cause. Although not exhaustive, 'harm' in planning terms can include:

- **Impact on the character and appearance of the built and natural environment**
- **Loss of protected trees**
- **Loss or damage to a listed building and demolition of buildings in a conservation area**
- **Impact on amenity including privacy, daylight, overshadowing, noise.**

It may be that these matters require to be properly considered through a planning application.

Some enquiries are about matters that are not breaches of planning control; these may be civil/legal matters, fall under different legislative regimes or cannot be controlled or conditioned through the powers available to planning. These can include the following:

- **Private dispute over landownership/title deeds/right of access/maintenance;**
- **Devaluation of property;**
- **Loss of view;**
- **Competition between businesses;**
- **On street parking or allocation of parking spaces.**

Where appropriate, Planning Enforcement will pass enquiries onto the relevant Council service to investigate.

Council-Owned Land

Sometimes breaches of planning control occur on land which is under the ownership and control of the Council. In these circumstances it is not expedient to take formal planning enforcement action, however, the Planning Enforcement Service will work with other relevant Council services to try to secure an appropriate resolution.

3. Time-Limited Procedures

In some cases, the Council is time-barred from taking enforcement action. The time is limited to four years for enforcement action for “unauthorised operational development” (i.e. the carrying out of building, engineering, mining or other operations in, on, over or under land) and change of use to a single dwellinghouse. This could include development such as replacement windows, extensions, or satellite dishes. After four years following the breach of planning control, the development becomes lawful if no enforcement action has been commenced within the four-year time limit.

A time limit of ten years for enforcement action applies to all other development including change of use (other than to a single dwellinghouse) and breaches of conditions, after which the development becomes lawful if no enforcement action has been commenced within the ten-year time limit.

OTHER ENFORCEMENT CONTROLS

Listed Buildings

Any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest requires listed building consent.

Works carried out without authorisation constitute a breach of listed building control and this is a criminal offence. It is important to note that there is no time limit after which unauthorised works to listed building become immune from enforcement action.

In taking a view on works that are relatively old, the Council will have regard to the nature of the works and whether they have previously given rise to complaints.

It is also important to note that if works to a listed building constitute development then planning permission may be required. Where unauthorised works constitute a breach of planning and listed building control, the Council can act in respect of either or both breaches.

SERVICE STANDARD

BY PUBLISHING OUR STANDARDS AND TARGETS, WE AIM TO IMPROVE OUR ENFORCEMENT SERVICE SO THAT WE CAN RESPOND TO THE NEEDS OF THE PUBLIC. WE WILL MONITOR THE CONTENTS OF THIS CHARTER TO ENSURE THAT WE ARE MEETING OUR STANDARDS AND TARGETS.



4. Monitoring Major Developments

The Planning (Scotland) Act 2019 introduces provision for Planning Authorities to include a statement within their Planning Enforcement Charter setting out how they monitor and record compliance with planning permission for major developments.

It is primarily the responsibility of the developer to ensure they are following the terms of a permission. Where permission has been granted subject to conditions which prohibit the commencement of development on site, Officers undertake to ensure that these conditions are complied with. Information relating to the compliance with conditions is recorded in the application file and is available to view via the planning portal.

Where further guidance relating to monitoring of major developments is brought into force, we will continue to review our processes and will update this statement as appropriate.

Page 132 **Planning enforcement: our processes**

Any information that we receive is checked to ensure that the matter raised involves a possible breach of control and includes all the detail we need for a possible investigation. After these preliminary checks, the complaint will be registered. We will then send a written or e-mail acknowledgement to the person who made the complaint.

When a complaint is registered, it is recorded on the Council's **ENFORCEMENT REGISTER** and delegated to the appropriate officer. Complaints relating to previous/ ongoing applications will generally be dealt with by the officer responsible for that application. The Council's Tree Officer will deal with complaints relating to tree works.

A member of the Planning Service will then establish if a breach has occurred, and if so, to what extent. The main concern when investigating any breach is whether the development or activity requires planning permission or breaches a planning permission or planning condition or has a harmful effect on the area. Where this is the case, we must then decide if action is needed. In some cases, additional investigation, or consultation with external bodies (such as SEPA and Historic Environment Scotland) may be needed.

Throughout this investigative process, we will provide regular updates to the complainant on the progress of the case or the outcome. Example outcomes may include the submission of a retrospective planning application, or confirmation that an operation may be exempt from planning control.

Enforcement investigations and any related discussions or meetings will be clearly documented by the appropriate officer in the electronic case file to ensure transparency and clarity in the process.



If it is decided that an unacceptable breach has occurred, there are three main courses that we may take:

1. **Negotiate a Solution** we will encourage the person responsible for the breach to solve the problem through discussion and negotiation. They may either choose to stop the activity and carry out work to correct the problem, or they may wish to submit a retrospective application. The time given to either of these actions will depend on the severity of the breach and its impact.
2. **Retrospective Application:** a retrospective application is an application for development that is submitted after the work has actually started or has been completed. It should be noted that an owner or developer should never carry out work with the expectation of getting retrospective permission for the work. To do so is taking a considerable risk and may lead to formal enforcement action.
3. **Formal Enforcement Action:** where a breach in planning control is considered to have caused unacceptable harm to the area, and where negotiations have failed to deal with the problem successfully, we will typically pursue formal enforcement action. This may also occur if we have received a retrospective application for a development that is unacceptable in planning terms and cannot be rendered acceptable by applying conditions to any planning approval.

When considering taking formal enforcement action, we will take the following into account:

- **The Local Development Plan, enforcement policies and relevant Circulars;**
- **The severity of the breach and its impact on the surrounding area, including:**
 - ◇ **the visual impact;**
 - ◇ **the environmental impact;**

- ◇ **the effect on residential amenity; and**
- ◇ **the effect on road safety.**

SERVICE STANDARD

THE MOST SIGNIFICANT BREACHES OF PLANNING CONTROL WILL BE GIVEN TOP PRIORITY TO ENSURE THE MOST EFFECTIVE USE OF THE STAFF RESOURCE AVAILABLE IN THE ENFORCEMENT TEAM TO RECTIFY BREACHES THAT AFFECT LONG TERM PUBLIC INTEREST. SUCH CASES INCLUDE:

- **SIGNIFICANT NEGATIVE EFFECTS ON AMENITY;**
- **SIGNIFICANT BREACHES RELATED TO MAJOR DEVELOPMENT;**
- **BREACHES OF PLANNING CONTROL ON UNION STREET**
- **DAMAGE TO LISTED BUILDINGS; AND**
- **UNAUTHORISED FELLING OF, OR DAMAGE TO, TREES PROTECTED BY TREE PRESERVATION ORDERS.**

There are some issues that will arise that the Planning Service has no control over, such as neighbour disputes over the ownership of land.

SERVICE STANDARD

IF YOU PROVIDE US WITH INFORMATION, YOU WILL RECEIVE A FORMAL RESPONSE WITHIN THE TIMESCALES SET OUT IN THE CUSTOMER CHARTER. (see the end of this leaflet)

FOLLOWING OUR INVESTIGATION, YOU WILL ALSO BE ADVISED OF ANY PROPOSED ACTION TO BE TAKEN. THIS MAY INCLUDE THE NEED FOR ADDITIONAL INVESTIGATION PRIOR TO DECIDING ON A COURSE OF ACTION.

WE WILL LET YOU KNOW IF THE MATTER DOES NOT INVOLVE A BREACH OF PLANNING CONTROL.

The length of time required to resolve a case or act can be affected by several factors. Progress can be delayed for the gathering of further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to regularise the breach of control or an appeal against a decision of the planning authority can also delay resolution of the case.

The Council recognises that delays can cause considerable frustration to those people who have submitted information, particularly if they consider their amenity is affected. Throughout this investigative process, we will provide regular updates to the complainant on the progress of the case or the outcome.

5. Acting on breaches of planning control

In some cases, action may not be appropriate, even though planning controls have been breached. As stated previously, the purpose of planning enforcement is to resolve problems, not to punish mistakes. The planning authority must consider each case on its merits and decide on the best solution. We are unlikely to take formal action, for example, over developments which we consider to be acceptable in planning terms. It may be more appropriate in such cases for us to ask for a retrospective planning application to be submitted.

Only a relatively small number of cases require formal enforcement action. This begins with either an enforcement notice or a breach of condition notice being served on those involved in the development. Both notices include the following information:

- a description of the breach of control that has taken place;
- the steps that should be taken to remedy the breach;
- the timescale for taking these steps;
- the consequences of failure to comply with the notice; and
- where appropriate, any rights of appeal the recipient has and how to lodge an appeal.

Appeals against enforcement notices are considered by Scottish Ministers and dealt with, in most cases, by Reporters from the Planning and Environmental Appeals Division. There is no right of appeal against a breach of condition notice.

SERVICE STANDARD

WHERE A PLANNING BREACH CANNOT BE RESOLVED AND ACTION IS JUSTIFIED, A FORMAL NOTICE WILL BE SERVED IN MOST CASES. THIS WILL BE EITHER AN ENFORCEMENT NOTICE OR A BREACH OF CONDITION NOTICE. THE COUNCIL WILL WRITE TO THE RECIPIENT OF THE NOTICE TO EXPLAIN WHAT IS REQUIRED, THE TIMESCALES INVOLVED AND THE AVAILABLE OPTIONS TO RESOLVE THE ISSUE.

If someone does not comply with a notice, we may take further action. This can include a range of possible options including:

- referring the case to the Procurator Fiscal for possible prosecution;
- carrying out work and charging the person for the costs involved;
- seeking a Court Interdict to stop or prevent a breach of planning controls.

SERVICE STANDARD

WHERE THE TERMS OF ANY ENFORCEMENT NOTICE ARE NOT COMPLIED WITH, EVERY EFFORT WILL BE MADE TO RESOLVE THE CASE TO THE SATISFACTION OF THE COUNCIL. THESE OPTIONS INCLUDE:

- **DIRECT ACTION BY THE COUNCIL AND/OR**
- **THE MATTER BEING REFERRED TO THE PROCURATOR FISCAL FOR POSSIBLE PROSECUTION.**

Details of enforcement notices, breach of condition notices, wasteland notices and stop notices are entered into an Enforcement Register amenity. You can inspect these documents [online](#).

The Council has powers to enter any land to:

- establish if there has been a breach of planning control;
 - check if there has been compliance with a formal notice;
- and
- check if a breach has been satisfactorily resolved.

6. Enforcement and advertisements

The display of advertisements is covered by the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Many advertisements are displayed with what is called 'deemed consent' which means they do not require planning permission providing they meet the criteria and conditions set out in the regulations. One of these conditions is that the landowner has given permission for the advertisement to be displayed on their land.

Displaying an advertisement in contravention of the regulations is an offence and, if convicted in court, an offender can be fined. The court can impose further fines for each day the breach of the regulations continues.

The Council has the power to serve an enforcement notice for unauthorised advertisements. This specifies a time period (normally 28 days) for compliance with the notice. However, this period can be reduced to seven days if the Council believes there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being required.

An enforcement notice can also require that a particular piece of land should not be used to display advertisements. This remains in force even if the original advertisement is removed. Any subsequent advertising on this site without permission would be considered as a breach of the notice. Planning control does not cover the actual content of an advertisement. Any complaints about this (for example the use of language or symbols which are perceived to be offensive) should be made to the Advertising Standards Authority.

7. Making a suggestion or complaint to us

Aberdeen City Council hopes the public will be satisfied with the Planning Enforcement Service. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures.

If you would like to make a complaint about how we have followed our procedures and/or failed to comply with the levels of service set out in this Charter, the following course of action is recommended:

1. Please contact the officer dealing with the enforcement to discuss your complaint in the first instance
2. If you need to find out who to contact, please telephone our general enquiries number below or email the address shown below and your complaint will be directed to the appropriate person
3. If you are not satisfied with the response to the complaint, please contact the officer's line manager

If you are still not satisfied your complaint will be dealt with in accordance with the Council's Corporate Complaints Procedure.

THIS CHARTER DOES NOT COMPROMISE AN AUTHORITATIVE INTERPRETATION OF THE PLANNING ACTS.

PLANNING LEGISLATION IS COMPLEX AND THEREFORE IF YOU ARE IN RECEIPT OF ANY FORMAL NOTICE FROM THE COUNCIL YOU ARE ADVISED TO SEEK LEGAL OR INDEPENDENT PROFESSIONAL PLANNING ADVICE.



8. Enforcement powers

Planning Enforcement powers are set out in Part VI of the Town and Country Planning (Scotland) Act 1997, in part VII, regulations 24 to 26A of the Town and Country Planning (Control of Advertisements) (Scotland) regulations 1984, and in Chapter IV of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Government policy on planning enforcement is set out in [Circular 10/2009: Planning Enforcement](#). The Planning Acts and this publication are available online.

Types of Notice

Breach of Condition Notice - Makes provision for enforcing the conditions to which any planning permission is subject. It is effective on the date of service. It may be used as an alternative to an enforcement notice (see below) and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal against this notice. Those receiving the notice may make representations to the planning authority if they believe the notice to be unreasonable. Summary prosecution in Court is available for contravening a breach of condition notice.

Enforcement Notice - This notice is generally used to deal with unauthorised development but can also be used for a breach of planning conditions. There are similar notices and powers to deal with listed buildings (see below), and advertisements. An Enforcement Notice will specify a time period to take effect (usually a minimum of 28 days); and will specify what steps must be taken to remedy the breach and the period by which these steps must be completed. There is a right of appeal against an Enforcement Notice, and the terms of the notice are suspended until a decision is reached on the appeal to the Scottish Ministers. Failure to comply with the terms of an Enforcement Notice within the time specified is an offence and may lead to the imposition of a fine in the Sheriff Court.

Fixed Penalty Notices - Where an Enforcement Notice (or Breach of Condition Notice) has been served and has not been complied with, the Council can serve a Fixed Penalty Notice (FPN) on the recipient of the notice. The fine is £2000 for an FPN relating to a planning Enforcement Notice and £300 in respect of failure to comply with a Breach of Condition Notice. There is no right of appeal against these notices, although timeous payment prevents the council from reporting the non-compliance with the original notice to the Procurator Fiscal.

Listed Building Enforcement Notice - This must be served on the current owner, lessee, occupier and on anyone else with an interest in the property, and the procedures involved are like those outlined above. The notice must specify the steps to be taken to remedy the breach and specify a final date for compliance. If the current owner fails to meet the terms of the notice by the date specified, they are guilty of an offence. There is the right of appeal to Scottish Ministers against the notice. Breaches of listed building controls are a serious matter. It is a criminal offence to undertake unauthorised works to demolish, significantly alter or extend a listed building, and this could, in certain circumstances, lead to either an unlimited fine or imprisonment.

Stop Notice - This is only used in particularly urgent or serious cases where unauthorised activity must be stopped. This is usually where there are implications for public safety or a significant impact on public amenity.

A Stop Notice is served with an Enforcement Notice. A Stop Notice cannot prohibit the use of a building as a dwellinghouse or prohibit the carrying out of any activity if the activity has been carried out for a period of more than four years. If a Stop Notice is served without due cause, or a subsequent appeal against a parallel Enforcement Notice is sustained, the Council may be open to claims for compensation. The use of Stop Notices therefore needs to be carefully assessed by the Council. There is no right of appeal against a Stop Notice, and failure to comply with its terms is an offence.

Temporary Stop Notice - In certain cases where a breach of planning control is considered to have a severe impact on amenity, a Temporary Stop Notice can be served. These do not require to be accompanied by an Enforcement Notice and last for a maximum of 28 days.

Notice Requiring Application for Planning Permission for Development Already Carried out - Where the planning authority considers that a development which does not have planning permission may be acceptable (i.e., they consider that it might be granted planning permission) they may issue a notice requiring the landowner or developer to submit a retrospective planning application. This application will be considered on its planning merits and handled in the same way as any other planning application.

Other Powers

Planning Contravention Notice - Used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier of the land in question; on a person with any other interest in the land; or on a person who is using or carrying out operations on the land. Those who receive a Planning Contravention Notice are required to provide specified information about operations being carried out on the land or relating to conditions or limitations which apply to any planning permission granted in respect of the land. Supplementary information or representations on the matters raised in the notice may also be requested. Failure to comply with the notice within 21 days of it being served is an offence and can lead to a fine in the Courts.

Amenity Notice - under Section 179 (of the 1997 Planning Act) - this allows planning authorities to serve a notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area. It sets out the action that needs to be taken to resolve the problem within a specified period.

Interdict and Interim Interdict - an interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly, and Councils normally only seek interdicts in serious cases or where enforcement notices have been ignored in the past. However, a Council can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict is treated as a contempt of court and carries heavy penalties.

Power to Enter Land - The Council has powers to enter land to find out if there has been a breach of planning control, to check whether there

has been compliance with a formal notice, or to check whether a breach has been satisfactorily resolved. This power applies to any land and may involve officials entering land owned by neighbours adjacent to the site of the breach or alleged breach.

Direct Action - failure to comply with the terms of an enforcement notice within the time specified can result in the Council carrying out the specified work. The Council may recover any costs it incurs from the landowner.

Removal and Obliteration of Placards and Posters - The Council has powers to remove or obliterate placards and posters that do not have express or deemed advertisement consent. If the person who put up the poster can be identified, they have to be given at least two days' notice that the Council intends to take the poster down. If they cannot be readily identified, then the advert can be removed immediately.

Council officials can enter unoccupied land, if necessary, to remove an advertisement. However, they have no powers to remove advertisements displayed within a building to which there is no public access.



Performance Targets

The Development Management Customer Charter contains our performance targets:

| Performance Indicator | Target |
|---|--------|
| Telephone calls answered within 6 rings | 80% |
| Telephone message returned by the end of the next working day | 85% |
| Response to informal emails by the end of the next working day | 85% |
| Visitors to reception (with an appointment) seen within 5 minutes of their appointment time | 95% |

The [Development Management Charter](#) can be found online.

9. How to contact us

T: 01224 523470

E: pi@aberdeencity.gov.uk

W: www.aberdeencity.gov.uk/services/planning-and-building

Our address:
Development Management
Strategic Place Planning
Commissioning
Marischal College
Ground Floor North
Broad Street
Aberdeen
AB10 1AB

Development Management Manager: **Daniel Lewis**

Interim Chief Officer – Strategic Place Planning: **David Dunne**

10. Useful Links

Aberdeen City Council planning information:

www.aberdeencity.gov.uk/planning_environment/planning/planning_sustainable_development/pla_planning_home_page.asp

Aberdeen City Council Corporate Complaints procedure:

<https://www.aberdeencity.gov.uk/services/have-your-say/make-complaint>

Scottish Government Planning - for legislation:

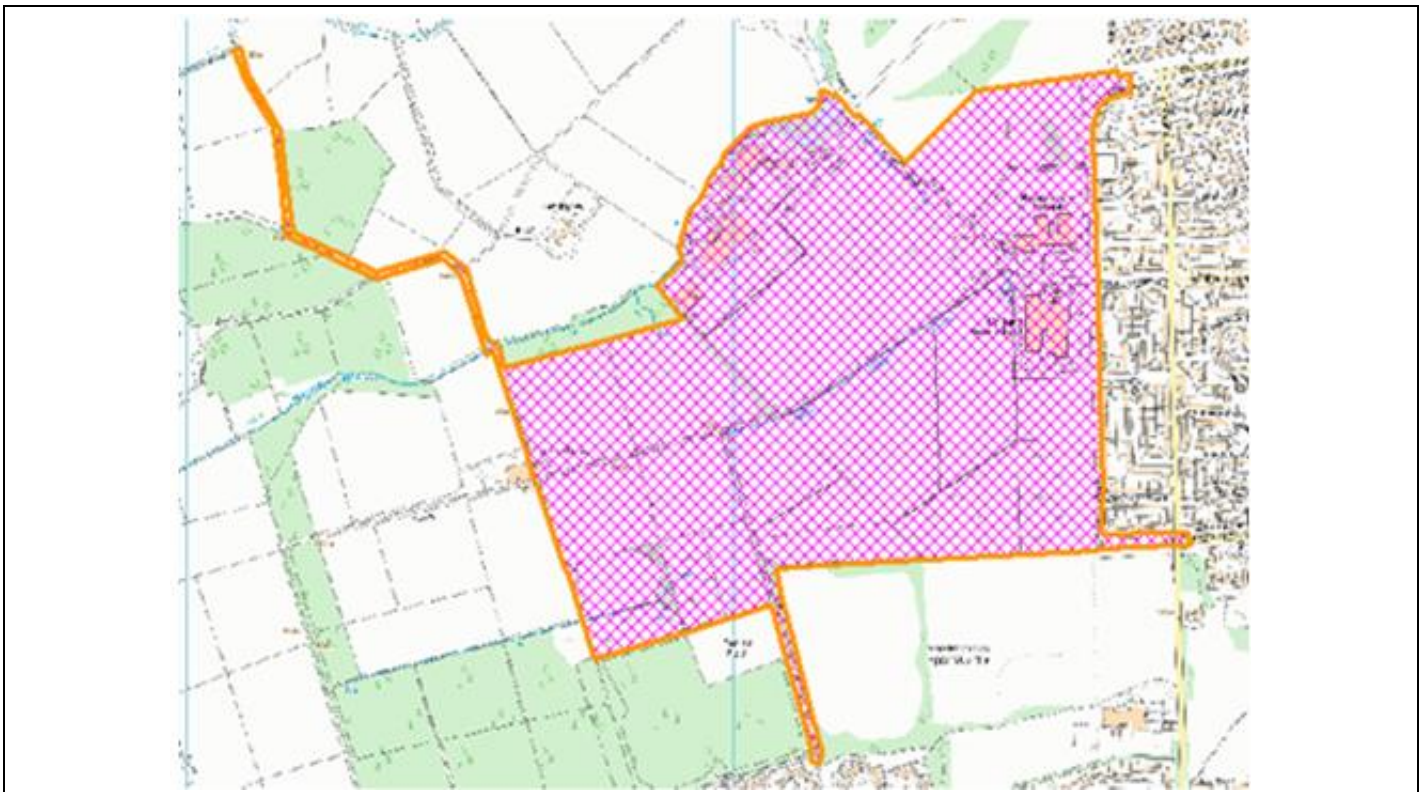
www.scotland.gov.uk/Topics/Built-Environment/planning

Strategic Place Planning, Marischal College, Business Hub 4,
Ground Floor North, Broad Street, Aberdeen AB10 1AB



| | |
|---|--|
|  <p>ABERDEEN CITY COUNCIL</p> | Planning Development Management Committee |
| | Report by Development Management Manager |
| | Committee Date: 25th May 2023 |

| | |
|---------------------------------|---|
| Site Address: | Land at Greenferns, Sites OP28 & OP33, Aberdeen |
| Application Description: | 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 |
| Application Ref: | 230173/PPP |
| Application Type | Planning Permission in Principle |
| Application Date: | 10 February 2023 |
| Applicant: | Aberdeen City Council |
| Ward: | Dyce/Bucksburn/Danestone |
| Community Council: | Bucksburn and Newhills |
| Case Officer: | Gavin Clark |



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1. PURPOSE OF REPORT

- 1.1 This report considers whether planning application 230173/PPP, which triggers the statutory criteria to require that a Pre-Determination Hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council.

2. RECOMMENDATION(S)

That the Committee:

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

3. BACKGROUND

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

4. APPLICATION BACKGROUND

4.1 Site Description

The application site extends to approximately 79.9 hectares and is located on the western edge of Aberdeen, to the west of the established residential area of Northfield and south of the Bucks Burn. The application site is identified within both the adopted Aberdeen Local Development Plan 2017 and the Proposed Aberdeen Local Development Plan 2020 as Opportunity Sites OP28 and 33 suitable for a combined total of around 1470 homes and 10 hectares of employment land. OP28 at the edge of Northfield includes recent development comprising the Heathryburn and Orchard Brae Schools. The EnerMech commercial site lies within the OP33 allocation at the northern edge.

4.2 Relevant Planning History

A Screening Opinion (Ref: 220427/ESC) was submitted on the 31st March 2022 in relation to a proposed residential-led mixed use development including approximately 1650 homes, employment use, 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. The Planning Service responded to this request on the 14th April 2022 advising that an Environmental Impact Assessment (EIA Report) would be required to accompany any future planning application for the site.

A Scoping Opinion (Ref: 220478/ESP) was also submitted on the 31st March 2022 in relation to the above proposals. The Planning Service responded to this on the 10th May 2022 advising on the level of information which would be required to be submitted with an EIA Report.

4.3 Description of Proposal

The proposal seeks planning permission in principle for a residential-led, mixed use development comprising approximately 1,650 homes, employment uses, 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 associated engineering works.

4.4 Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RPV5EABZGFS00>

The Environmental Statement

The Environmental Statement (ES) reports on the findings of an Environmental Impact Assessment (EIA) for the proposed development. An EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to identification and incorporation of appropriate mitigation measures. The range of the potential impacts considered in the ES fall under the following headings:

- Chapter 1: Introduces the Development
- Chapter 2: Provides further information in relation to the need for the development
- Chapter 3: Discusses the proposed development
- Chapter 4: Consideration of Alternatives
- Chapter 5: Environmental Assessment
- Chapter 6: Figures
- Chapter 7: Population and human health
- Chapter 8: Ecology and nature conservation
- Chapter 9: Land use ground conditions and land contamination
- Chapter 10: Water environment flood risk and drainage
- Chapter 11: Noise and vibration
- Chapter 12: Air quality
- Chapter 13: Landscape and visual impacts
- Chapter 14: Cultural Heritage
- Chapter 15: Disruption due to construction
- Chapter 16: Summary of environmental commitments
- EIA Non-technical summary
- EIA Appendix 1 – Consultations
- EIA Appendix 2 – Draft Construction Environment Management Plan
- EIA Appendix 3 – Cultural Heritage
- EIA Appendix 4 – Ecology (non-confidential)
- EIA Appendix 5 – Air Quality

Other documents forming part of the PPP application include:

- Development Framework and Phase 1 Masterplan
- Development Framework Plan
- Indicative Phase 1 Masterplan Layout

- Transport Assessment
- Preliminary Environmental Risk Assessment
- Pre-Application Consultation Report (with associated Appendices)
- Tree Survey Report
- Tree Survey Schedule & Drawings
- Planning Statement
- Drainage Strategy and Flood Risk Assessment
- Air Quality Impact Assessment
- Surface Water Features and Hydrogeology

4.5 Pre-Application Consultation

A Proposal of Application Notice (PoAN) was submitted for the site on the 13th May 2022 outlining the proposed development description and detailing the public consultation strategy to be undertaken prior to submission of any formal planning application.

The public consultation process was undertaken during the defined “Emergency Period” contained within the related Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 and the engagement operated a hybrid format of both online and face-to-face exhibitions held in the Middlefield Community Hub.

The initial online consultation in June 2022 involved the creation of a dedicated consultation website containing details of the proposed development and an opportunity for the public to feed back. Additionally, a live interactive event took place on the consultation website via a web chat function, which allowed interested parties to ask questions of the design team.

A second face-to-face public drop-in exhibition of the proposals was undertaken in August 2022, where members of the design team were available to discuss the proposals. Feedback forms were provided at this event and a summary of the responses was provided within the Pre-Application Consultation (PAC) Report.

4.6 Requirement for a Pre-Determination Hearing

The proposed development is classed a ‘major development’ in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of the proposal being contrary to Policy LR1 (Land Release) of the Aberdeen Local Development Plan 2017 and the Proposed ALDP 2020 in that 400 homes within the application (part of the Greenferns OP33 allocation) are identified for development within the future plan period 2033-2040.

Policy LR1 (Land Release Policy) of the Proposed ALDP (it is anticipated that this will be adopted and become the Aberdeen Local Development Plan 2023 at the time this application is determined) states that *“Housing and employment development on sites allocated in the period 2033-40 are safeguarded for future development and will be released by a review of the Local Development Plan. Development on a site allocated in these phases or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused. The housing and employment land sites for the period 2033-40 are as follows; OP33 Greenferns – 400 homes (from a total of 1,350)”*.

Given that the current application includes the future housing allocation, it represents a significant departure from the LDP. Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-determination Hearing before such applications may be determined.

A previous requirement for such applications to be determined by Full Council has been removed by the revised legislation under the Planning (Scotland) Act 2019, and in March 2020 the Council delegated authority for these statutory hearings and determinations to Planning Development Management Committee as part of the Scheme of Governance review. It is therefore for Members to decide whether the hearing and subsequent determination of this application are conducted in front of Planning Development Management Committee, or whether there are any particular issues that would warrant referral to Full Council in this instance.

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

5. CONSULTATIONS

5.1 A full list of consultations and their responses will be outlined in the subsequent Pre-Determination Hearing Report and Committee/Full Council Report, as a note the following bodies have been consulted:

- Aberdeen International Airport
- Archaeology Service (Aberdeenshire Council)
- ACC – City Growth
- ACC – Developer Obligations
- ACC – Environmental Health
- ACC – Schools Estates Team
- ACC – Structures, Flooding and Coastal Engineering
- ACC – Housing
- ACC – Natural Environment Policy Team
- Police Scotland
- ACC – Roads Development Management Team
- ACC – Land and Property Assets
- Scottish Environment Protection Agency
- Scottish Government
- NatureScot
- Scottish Water
- ACC – Waste and Recycling
- ACC – Contaminated Land Team

6. REPRESENTATIONS

6.1 The period for public comments expired on the 27th March 2023 and details of all comments received will be outlined in the subsequent Pre-Determination Hearing Report and Committee/Full Council Report.

6.2 The proposal has been subject to two letters of representation, both of which object to the planning application.

7. MATERIAL CONSIDERATIONS

7.1 Legislative Requirements

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

7.2 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 12 (Zero waste)
- 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 19 (Heating and cooling)
- Policy 20 (Green and blue infrastructure)
- Policy 21 (Play, recreation and sport)
- Policy 22 (Flood risk and water management)
- Policy 23 (Health and safety)
- Policy 24 (Digital infrastructure)
- Policy 26 (Business and industry); and
- Policy 27 (City, town local and commercial centres)

7.3 Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period and is still the extant LDP at the time of writing.

The following policies are relevant –

- LR1: Land Release Policy
- LR2: Delivery of Mixed-Use Communities
- OP28: Greenferns

- OP33: Greenferns
- D1: Quality Placemaking by Design
- D2: Landscape
- D5: Our Granite Heritage
- I1: Infrastructure Delivery and Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- B4: Aberdeen Airport
- H1: Residential Areas
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE1: Green Space Network
- NE2: Green Belt
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded and Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- R8: Renewable and Low Carbon Energy Developments
- CI1: Digital Infrastructure

7.4 **Supplementary Guidance (SG)**

- Landscape
- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Air Quality
- Noise
- Natural Heritage
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

7.5 **Proposed Aberdeen Local Development Plan (2020)**

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

the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- LR1: Land Release Policy
- LR2: Delivery of Mixed-Use Communities
- OP28: Greenferns
- OP33: Greenferns
- WB1: Healthy Developments
- WB2: Air Quality
- WB3: Noise
- WB5: Changing Places Toilets
- 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 Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- R7: Renewable and Low Carbon Energy Developments
- R8: Heat Networks
- H1: Residential Areas
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix and Need
- H5: Affordable Housing
- VC12: Retail Development Serving New Development Areas
- I1: Infrastructure Delivery and Planning Obligations
- T2: Sustainable Transport
- T3: Parking
- CI1: Digital Infrastructure
- B3: Aberdeen international Airport and Perwinnes Radar

8 DISCUSSION

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

- 8.2 The scale of the proposal, being a 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, is such that it represents a 'major development' in terms of the relevant hierarchy of developments and is a large scale land release in the context of the City.
- 8.3 With regards the nature of the departure from the Development Plan, this principally relates to the inclusion of 400 homes within the application being identified for development within the plan period 2033-2040, rather than this part of the allocation being the subject of a separate future application. The proposals are therefore contrary to Policy LR1 (Land Release) of the Aberdeen Local Development Plan 2017 and the Proposed ALDP 2020.
- 8.4 Considering the scale of the proposal, the level of public representation and the content of the Proposed Local Development Plan, it is considered that the Planning Development Management Committee is equipped to provide the necessary public scrutiny via a statutory Pre-Determination Hearing and determination of the application thereafter, and that referral to Full Council would not be necessary in this instance.

9 NEXT STEPS

- 9.1 A hearing will be arranged in accordance with the Committee's instructions, subject to there being interest in attending from those who have made representation in relation to the application.
- 9.2 Following any hearing, a report will be prepared by officers for Full Council or Planning Development Management Committee (per Committee's instruction). This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.

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