

Public Document Pack



To: Councillor McRae, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,
ABERDEEN 06 March 2024

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 14 MARCH 2024 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 15 February 2024 - for approval (Pages 7 - 10)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 11 - 14)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Planning Permission in Principle for Residential-led, mixed use development comprising approximately 1,575 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 - Land at Greenferns, Sites OP28 & OP33, Aberdeen. (Pages 15 - 58)

Planning Reference – 230173

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.2. Detailed Planning Permission for the change of use from class 1A (shops, financial professional and other services) to hot-food takeaway (sui generis) and installation of kitchen extract vent to rear elevation (part-retrospective) - 693 George Street Aberdeen (Pages 59 - 74)

Planning Reference – 231018

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

[Link.](#)

Planning Officer: Alex Ferguson

- 6.3. Detailed Planning Permission for the erection of 18-unit affordable housing development (comprising 10 houses and 8 flats) including associated vehicle access/egress, car parking, amenity/open space and other associated works - site of Former Nursery, Oscar Road, Aberdeen (Pages 75 - 98)

Planning Reference – 231300

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

[Link.](#)

Planning Officer: Robert Forbes

DATE OF NEXT MEETING

- 7.1. Thursday 18 April 2024 - 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

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

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email lymcbain@aberdeencity.gov.uk

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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, 15 February 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar (for items 4 and 5), Greig (as substitute for the Vice Convener, Councillor Bouse), Lawrence and Macdonald.

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

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 JANUARY 2024

1. The Committee had before it the minute of the previous meeting of 18 January 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the committee business planner.

54 GALLOWGATE ABERDEEN - 231371

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

That the Committee approve the modification of planning obligation associated with 221435/S42 regarding affordable housing provision (Clause 5.1) at 54 Gallowgate Aberdeen.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 February 2024

The Committee then heard from Richard Slipper, Claire Crawford and Sam Rosenkranz, agents for the application, who spoke in support of the proposed modification and also answered various questions from members.

The Committee resolved:-

to approve the modification.

OCEANEERING HOUSE, PITMEDDEN ROAD, DYCE ABERDEEN - 231498

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 erection of a Palisade Security Fence and Gates retrospectively at Oceaneering House, Pitmedden Road Aberdeen, be approved subject to the following conditions:-

Conditions

(01) BIODIVERSITY ENHANCEMENT / LANDSCAPING

All soft landscaping and biodiversity enhancement (hedge planting) proposals shall be carried out in accordance with the planting plan hereby approved (drawing ref. 2439/1001 A) and shall be completed during the next available planting season (i.e. by 30/04/2024), or such other date / plan as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the planting, in the opinion of the Planning Authority is dead, severely damaged or has become seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Unless evidence of the implementation of the requisite planting has been submitted to the Planning Authority by 30 April 2024, the approved fencing shall not be retained on the site after 31 May 2024.

Reason - To ensure the implementation of a satisfactory scheme of landscaping, in the interests of visual amenity and biodiversity enhancement.

(02) LIMITED PERIOD FOR PERMISSION

Planning permission for the fencing hereby approved shall be for a limited period of 5 years from the initial erection of the development, expiring on 01/10/27.

Reason: In order to enable the visual impact of the development on the amenity of the surrounding area to be reviewed pending the implementation of the site landscaping, given the risk of its failure and the potential redevelopment of the site.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 February 2024

The Committee resolved:-

to approve the application conditionally.

LAND AT COAST ROAD, ST FITTICK'S PARK/ GREGNESS HEADLAND/DOONIES FARM, ABERDEEN - PRE DETERMINATION ROUTE - 231371

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which explained that the application had been referred to the Planning Development Management Committee under the Pre Determination Hearings Procedure as agreed in April 2020 (Report Number GOV/20/087), whereby under Section 38A(4) of the Town and Country Planning Scotland Act 1997, a planning authority may elect to give an applicant or persons who have submitted representations the opportunity of appearing at a Pre Determination Hearing.

The report sought agreement on whether to hold a hearing and if the hearing and subsequent report would go to this Committee or Full Council.

The report recommended:-

that the Committee –

- (a) agree to hold a Pre Determination Hearing for the application at this Committee;
and
- (b) agree to report back for determination to this Committee.

The Committee resolved:-

to approve the recommendations.

- **Councillor McRae, Convener**

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	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			14 March 2024						
4	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	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
5	Oscar Road Torry - 231300	To approve or refuse the application for erection of 20 dwellings (12 houses and 8 flats)	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
6	693 George Street - 231018	To approve or refuse the application for change of use from Class 1A to hot-food takeaway	On agenda	Alex Ferguson	Strategic Place Planning	Place	1		
7			18 April 2024						
8			16 May 2024						
9			20 June 2024						
10			22 August 2024						
11			19 September 2024						
12			07 November 2024						
13			05 December 2024						

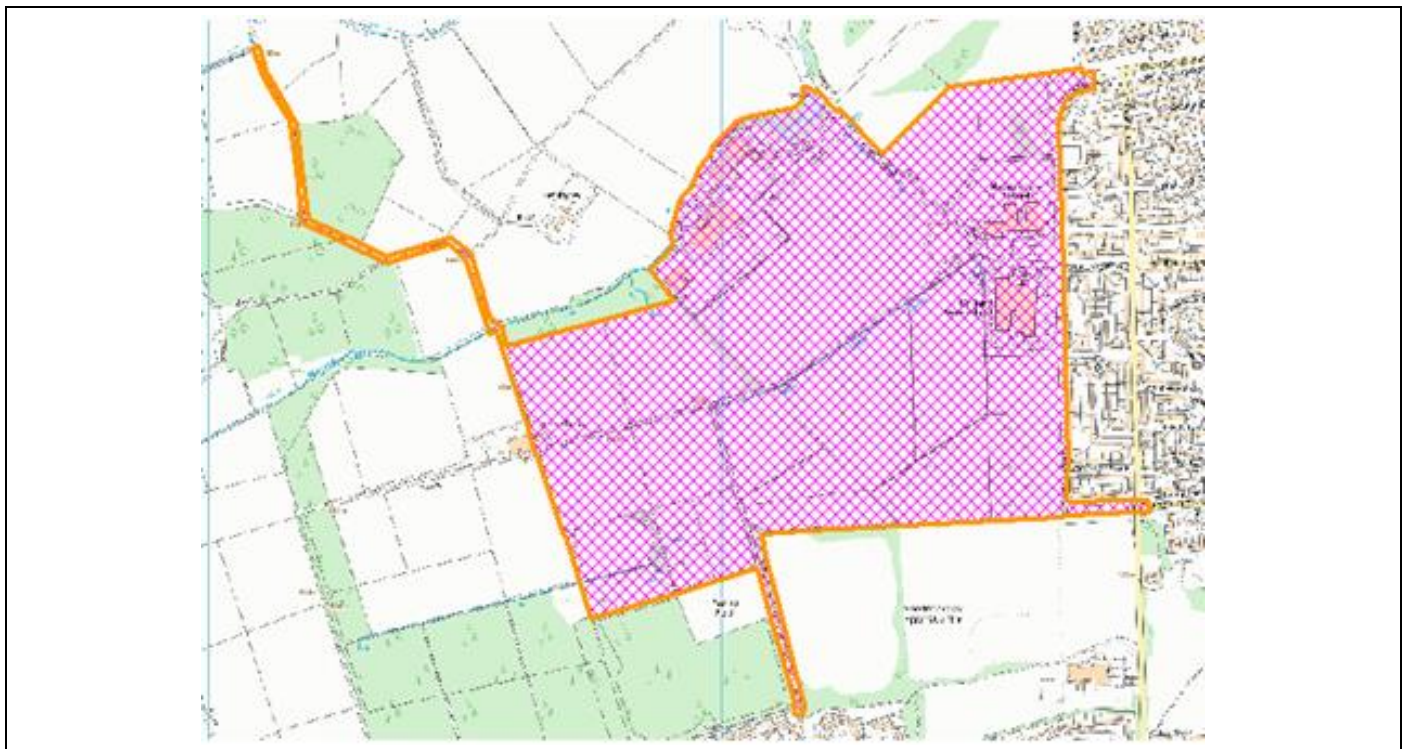
	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
14	Draft Aberdeen Guidance Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5		
15			Future applications to PDMC (date of meeting yet to be finalised).						
16	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		
17	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant with drive thru		Lucy Greene	Strategic Place Planning	Place	1		
18	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
19	Land at Persley Croft, Parkway - 231134	To approve or refuse the application for Battery energy storage system (BESS) development with a capacity up to 49.9MW including erection of welfare unit, substation and fencing; demolition of an existing buildings and associated Infrastructure		Matthew Easton	Strategic Place Planning	Place	1		
20	Land at Rigifa, Cove Road - 231336	To approve or refuse the application for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
21	APG: Health Impact Assessments	To ask to consult		Donna Laing	Strategic Place Planning	Place	5		
22	19 South Avenue - 231605	To approve or refuse the application for sub-division of existing feu and erection of 2no. Semi-detached dwelling houses with associated car parking, landscaping and access		Gavin Clark	Strategic Place Planning	Place	1		
23	Land At Coast Road St Fittick's Park/ Gregness Headland/ Doonies - 231371	To approve or refuse the application for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works		Lucy Greene	Strategic Place Planning	Place	1		
24	Land At Greenferns Landward (OP 22), to the South of Kepplehills Road Newhills, Aberdeen - 240216	To approve or refuse the application for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure		Gavin Clark	Strategic Place Planning	Place	1		
25	31 St Andrew Street - 240097	To approve or refuse the application for the installation of window and door to north elevation (amendment to previous approval ref. 211263/DPP) (retrospective)		Aoife Murphy	Strategic Place Planning	Place	1		
26	Aberdeen Planning Guidance - Short Term Lets	At the meeting on 18 January 2024 it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.			Strategic Place Planning	Place	5		

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 14th March 2024</p>

Site Address:	Land at Greenferns, Sites OP28 & OP33, Aberdeen.
Application Description:	Residential-led, mixed use development comprising approximately 1,575 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:	Kingswells, Sheddocksley and Summerhill and Dyce, Bucksburn and Danestone
Community Council:	Bucksburn and Newhills



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RECOMMENDATION

Approve Conditionally, Subject to Notification to Scottish Ministers and Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site is located to the north-west of Aberdeen, approximately 4.75km from the City Centre and is located to the immediate west of the residential area of Northfield. The site extends to approximately 79.9 hectares, with the majority of the land within the ownership of Aberdeen City Council, with the exception of the existing EnerMech facility, which is situated on the northern boundary of the site around Bucksburn House, extending to 6.4ha. There are two existing schools, Heathryburn and Orchard Brae within the eastern portion of the site.

The predominant land-use at Greenferns is agricultural, used for rough grazing and is characterised by a number of small existing fields, and their associated boundaries made up of drystone dykes, drainage ditches, hedging and belts of mature trees.

The eastern boundary of the site is defined by Davidson Drive, with existing housing (typically two storey semi-detached c. 1950s houses) located on the opposite side which overlooks the site. The northern boundary is defined by the Bucks Burn (in addition to the EnerMech Building) and associated mature and ancient woodland along the route of the Burn. Howes Road forms the north-eastern edge, leading from Davidson Drive and intersecting between the two schools and providing them access before continuing forward, and providing access to, EnerMech and then changing into a core path link to Bucksburn.

The site rises gradually from the Bucks Burn before sloping to the south toward the existing sports pitches which line the southern boundary, with the residential area of Sheddocksley located beyond. The western boundary is defined by existing field boundaries and Greenferns Farm, beyond which lies more open countryside and views toward Kingswells and Brimmond Hill.

The site benefits from an existing path and track network and Core Path 44 is located within the application boundary, connecting Springhill Road to the south to the Bucksburn area in the north via Davidson Drive and Howes Road. There is also a track running west from Howes Road to Greenferns Farm and a track which runs south from the east-west route to connect Core Path 45 to the south of the Sheddocksley sports pitches. At Greenferns Farm there is a formal track which runs across the Bucks Burn to connect Core Path 42 to the Greenferns Landward site to the north.

The Bucksburn Local Nature Conservation Site (LNCS) adjoins the northern boundary of the site and is a non-statutory local nature conservation site.

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 1,650 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.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks Planning Permission in Principle (PPiP) for the creation of a new community at Greenferns, forming an expansion to the north-west of the built up urban area of Aberdeen. The proposal is for a residential-led mixed use development comprising up to 1,575 homes and includes the provision for new employment use, with land identified in the masterplan for a potential future expansion of the existing commercial EnerMech facility.

In addition to the residential and employment uses, a neighbourhood centre is proposed, comprising local retail and commercial provision, as well as the potential for leisure and community uses. The proposal also seeks permission for associated infrastructure to serve the new community, including new and upgraded access roads and associated engineering works. Landscaping and an open space strategy is also proposed.

As this is a PPiP application, there is no detailed plans of the exact layout, siting and design of the development. Instead the supporting Development Framework and Masterplan provide a vision and indicative design parameters for how the site should be developed. This would act as a design guide for future approval of Matters Specified in Condition (MSC) applications.

The technical documents submitted in support of the application assess the impacts of creating a new residential and mixed use community at Greenferns. They provide an overarching strategy detailing how the housing, employment and supporting community uses should be built out across the site, set within a strong landscape and open space network. They indicate how the site would be accessed, serviced and delivered through a phasing strategy and identify any technical and environmental constraints and how they can be mitigated and enhanced as a result of the proposed development.

Development Framework and Phase 1 Masterplan: the Development Framework looks at a variety of issues including the existing site context and looks at matters such as landscaping, drainage, access and connectivity, land uses, phasing and infrastructure delivery. The document shows an indicative layout to the immediate west of Davidson Drive and is focussed around the existing schools and proposed neighbourhood centre and also includes the areas of employment land in its northern section. This would provide a location for the renewable energy centre in the first phase of development. The document indicates that between 300 and 394 dwellings would be provided within this phase of development.

Amendments

Various additional documents have been submitted since the original submission. The development description has been amended from a potential total of 1,650 residential units to 1,575. Additional documentation has included further information to address concerns raised by Roads Development Management, SEPA and the Council's Flooding and Coastal Engineering Team. An updated Tree Report and associated documents were also submitted and a revised Developer Obligations response has been provided in relation to primary school contributions only. Further information has been provided in respect of traffic signal modelling on the surrounding roads network.

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 planning permission in principle application include:

- Development Framework and Phase 1 Masterplan;
- Development Framework Plan;
- Indicative Phase 1 Masterplan Layout;
- Transport Assessment;
- Preliminary Environmental Risk Assessment;
- Technical Addendum – Noise;
- 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.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is an Environmental Impact Assessment (EIA) application for which a valid Environmental

Statement has been submitted. In addition, the proposal is a Major Development and is a significant departure from the adopted Aberdeen Local Development Plan 2023. Consequently, the proposal falls out with the adopted Scheme of Delegation.

Pre-Application Consultation

A Proposal of Application Notice (PoAN) was submitted for the development 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.

Pre-Determination Hearing

The proposed development is classed a ‘major development’ in terms of the Town and Country Planning (Hierarchy of Developments) (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 2023 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 Aberdeen Local Development Plan 2023 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)”*.

Under Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to give the applicant and persons who have submitted representations to the planning authority in respect of an application for planning permission for either national developments or major developments which are significantly contrary to the development plan an opportunity of appearing and being heard at a Pre-Determination Hearing.

In this regard, a Pre-Determination Hearing was proposed to be held on the 27th June 2023, following the agreement of the Planning Development Management Committee on the 1st June 2023 that such a Hearing be held by them. As no interested parties took up the opportunity to be heard by members of the Planning Development Management Committee, the meeting was subsequently cancelled.

Environmental Statement

The proposal was subject to an Environmental Impact Assessment (EIA) Screening Opinion issued by Aberdeen City Council. This confirmed that the project fell within Schedule 2 Class 10 (b) (Urban Development Projects) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Planning Authority confirmed that the characteristics of the site and surrounding area had been fully considered and it is likely that there would be a potentially significant impact from the proposed development on the surrounding area. As such it was concluded that an Environmental Statement would be required with the planning application.

CONSULTATIONS

Aberdeen International Airport – have requested the insertion of conditions in relation to the height of buildings, materials and structures, as well as details of landscaping and the submission of a bird hazard management plan. An informative has also been requested in relation to the use of cranes. Their response will be discussed in greater detail in the evaluation section of this report.

Archaeology Service (Aberdeenshire Council) – content with the findings of the EIA report. Have requested the insertion of a condition in relation to the submission of a written scheme of investigation for each phase of development.

ACC - Developer Obligations – have advised of the required developer obligations, which include either onsite core path contributions, or a financial contribution of £613,800, primary education contributions (£7,540,000), healthcare facilities (£1,688,891), on site open space provision, on site community facilities or a financial contribution (£3,017,025), and on-site sports and recreation contributions or a financial contribution (£1,590,600). They have also indicated that the development should provide 412.5 affordable housing units (based on the original assessment).

ACC - Environmental Health – have provided comments in relation to the air quality impact assessment and noise assessment and are generally content with the findings of each. Further conditions will be required for each phase of development to ensure no adverse impact in terms of each issue.

ACC - Schools Estates Team – advise that the site falls predominantly within the catchment area for Westpark School, whilst the area to the north-east of the site sits within the Heathryburn School catchment area. Note that Heathryburn School is currently oversubscribed and would remain so until at least 2027. Note that extending the school to create additional capacity to accommodate the proposed development is likely to be problematic, so it may be necessary to consider making changes to the catchment areas, so that the whole of the proposed development falls within the Westpark School catchment zone. Any changes to catchment areas would be subject to statutory public consultation.

Westpark School has a pupil capacity of 367, and is currently under-subscribed, with a pupil roll of 278. The pupil roll is expected to continue falling over the next five years. However, due to the scale of the proposed development, to accommodate the numbers of additional pupils it is expected to generate, there would be a requirement to significantly extend and reconfigure Westpark School, to create the additional classroom space required. A contribution from the developer would therefore be required to cover the cost of this extension. The contributions to primary education are detailed within the Developer Obligations response.

ACC - Structures, Flooding and Coastal Engineering Team – in principle, from a flooding perspective, the proposal is acceptable and there is no objection to the Planning Permission in

Principle application. The team has requested that the following be included within any future Approval of Matters Specified in Conditions (MSC) application:

- A Flood Risk Assessment;
- A detailed Drainage Impact Assessment for each phase of development;
- The proposed discharge rates for the 3 catchments on the Drainage Strategy and Flood Risk Part 2, page- 7,8 and 9 are acceptable. If proposed impermeable areas are changed, then updated discharge rates should be discussed with the Flooding team.

The team is aware of flooding/drainage issues at Howes Road either from runoff coming from the land north of Howes Road or from capacity issues with the culvert underneath one of the access roads to EnerMech (which has been raised in representations). Given that the masterplan includes the above area, flooding/drainage issues must be considered and addressed within the detailed drainage proposals. Any proposed mitigation measures should be part of the Drainage Impact Assessment for this phase of development. It is noted that the above drainage and flooding issues are affecting a nearby property.

Note that it is not clear from the submitted documents what the proposed arrangements are for the existing field drains and the open watercourse that runs parallel to Howes Road. There is only reference to the partly culverted watercourse that is located in the west of the site. Further information is required for how the site field drains and the watercourse that runs parallel to Howes Road will be incorporated into the masterplan. Further information was received from the applicant in this regard, and Structures, Flooding and Coastal Engineering confirmed no objection, provided the provision of the details are controlled via condition.

ACC Housing – have advised of the affordable housing requirements for the proposed development. Their response will be discussed in greater detail in the evaluation section of this report. It is noted that the development is included in the Strategic Housing Infrastructure Plan to deliver 350 affordable homes.

Police Scotland – have provided some general guidance and recommend that the architects and design teams consult with Police Scotland at the pre-design stage in order to design out crime. An informative will be added in this regard.

ACC - Roads Development Management Team – have no objection to the principle of development, but have requested further survey work on a number of junctions prior to the commencement of development on site. They have also suggested the insertion of a number of standard planning conditions. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Land and Property Assets – no response received.

Scottish Environment Protection Agency – have no objection to the application on flood risk grounds provided conditions are inserted onto the consent requiring additional information on flood risk is provided once a detailed site layout has been provided (Approval of Matters Specified in Conditions stage), further information in relation to any development on land adjacent to the Bucks Burn, information in relation to the de-culverting of parts of the watercourse through the site from north to south and confirmation that any watercourse crossings would be designed to convey the 0.5% annual probability flood plus appropriate allowance for climate change.

Nature Scot (formerly Scottish Natural Heritage) – do not consider that the effects of the proposal will raise natural heritage issues of national interest and are therefore not providing specific advice. Referred the Council to standing advice and guidance in considering any other effects on nature.

Scottish Water – advise that there is currently sufficient capacity at the Invercarnie Water Treatment works and sufficient capacity at the Persley Wastewater Treatment Works.

ACC - Waste and Recycling – have advised of the Waste Management requirements for the proposed development. Raised specific concerns in relation to the layout of roads, required swept path analysis, location of bins on pick up bays and the location of bin storage facilities in relation to flatted dwellings. It is anticipated that the matters raised would be dealt with at Matters Specified in Condition stage with the detailed required controlled via appropriately worded planning conditions.

ACC - Contaminated Land Team – consider that the potential for significant contamination on the site is low. The site investigation undertaken by Raeburn (comprising 10 boreholes and 25 trial pits) identified only limited made ground deposits (largely associated with former Bucksburn Farm) and the soil samples that were obtained across the site and tested *“do not appear to be indicative of contamination or suggest significant risks to be present”* (Goodson Associates, January 2023).

The Preliminary Environmental Risk Assessment identifies “undocumented infilled ground” and “unknown historical fuel spillage” as “key plausible potential on-site sources” and “recommend an intrusive geotechnical and geo-environmental site investigation is undertaken”. Recommend that a quantitative risk assessment using existing data is carried out in the first instance to inform the requirements for and scope of any future investigation. Suggest that further investigation in and around the former Bucksburn Farm would be sensible.

The Preliminary Environmental Risk Assessment identifies the following additional risk factors:

Radon: The UK Radon interactive viewer confirms that part of the southeast of the site lies in a 1km grid area with maximum radon potential 1-3%. A BGS site-specific radon report was obtained and showed that a small portion of land in the southeast of the site is located in a maximum radon potential of 1-3%. This is likely linked to the area of shallow bedrock identified in Raeburn (2021). Basic radon protection measures are required for development in this area but is otherwise not required.

Unexploded Ordnance (UXO): The majority of the site does not lie in an area considered to be at increased risk from UXO however the area on the far east of the site does lie in an area of moderate bombing density area. An Aberdeen City Air Raid Map15 shows that the far east part of the site lies within an area where two highly explosive bombs are known to have been dropped. A more detailed UXO risk assessment is recommended.

Following the receipt of further information, they confirmed that they were content with the level of information submitted, and any further information could be controlled via appropriately worded planning conditions.

Bucksburn and Newhills Community Council – no response received.

REPRESENTATIONS

Two objections have been received in relation to the application. The issues raised in the representations can be summarised as follows:

1. Concerns regarding the potential loss of trees.
2. Concerns about parking and traffic on the surrounding road network.

3. Concerns about the impact of the development on wildlife, in particular roe deer and pheasants.
4. Concerns in regard to surface water flooding and the impact that the development would have on the property at Howes Cottage. Various photographs and videos were submitted to demonstrate the existing impact of water run off onto Howes Road.
5. Concerns in relation to the Flood Risk Assessment whether this has fully assessed the impact on the surrounding area.
6. Concerns that a new access road would impact on the water supply of neighbouring properties.
7. Concerns about accessing properties during the construction period.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

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

- Policy 1 (Tackling the climate and nature crises)
- Policy 2 (Climate mitigation and adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural places)
- Policy 5 (Soils)
- Policy 6 (Forestry, woodland and trees)
- Policy 7 (Historic assets and places)
- Policy 8 (Green belts)
- 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)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- LR1: Land Release Policy
- LR2: Delivery of Mixed-Use Communities
- OP28 and OP33: Greenferns
- WB1: Healthy Developments
- WB2: Air Quality
- WB3: Noise
- NE1: Green Belt
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- NE5: Trees and Woodland
- D1: Quality Placemaking
- D2: Amenity
- D4: Landscape
- D5: Landscape Design
- R2: Degraded and Contaminated Land
- R5: Waste Management Requirements for New 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

Supplementary Guidance (SG)

- Planning Obligations

Aberdeen Planning Guidance (APG)

- Air Quality
- Noise
- Amenity
- Materials: External Building Materials and Their Use in Aberdeen
- Aberdeen Placemaking Process
- Landscape
- Aberdeen International Airport

- Affordable and Specialist Housing
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Flooding, Drainage and Water Quality
- Trees and Woodland
- Food Growing
- Outdoor Access
- Waste Management Requirements for New Development
- Resources for New Development
- Greenfens Development Framework (2018)

EVALUATION

Environmental Impact Assessment

An Environmental Statement (ES) was required as the development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application, the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application, but it is not part of the application itself. However, provided it serves a planning purpose, any information from the Environmental Impact Assessment process may be material and considered alongside the provisions of the Development Plan.

Adequacy of the Environmental Statement

Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ("2017 Regulations") as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the 'main' or 'significant' environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the 2017 Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. In terms of the current application, overall the ES is considered to be satisfactory, thus meeting the requirements of the 2017 Regulations.

Habitats Regulations Appraisal

It should be noted that a Habitat Regulations Appraisal (HRA) is not required for the current application as the proposals would not impact on a Special Area of Conservation (SAC) or Special Protection Area (SPA), however HRAs were carried out for both OP28 and OP33 during their retention as allocations within the assessment of the Aberdeen Local Development Plan 2023 (ALDP 2023).

The supporting ALDP 2023 text for OP28 advised that the *“site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals. Ecological surveys to assess the presence of and effects on protected habitats and species will be required.”* The Planning Service is of the view that an HRA Screening is not required for the site based on the results of the ALDP 2023 Habitats Regulations Appraisal/ Environmental Report, which identified the 3 main factors to be (1) water abstraction pressures of the River Dee (2) woodland bat habitats and (3) potential impacts on the Green Space Network.

The above mentioned matters have been addressed in the submitted Environmental Statement and are also covered by policies R6 and NE1-NE5 of the ALDP 2023, as such no impacts are anticipated on any protected SAC/ SPA sites in terms of HRA requirements, that have not already been mitigated and accounted for in the ALDP policies e.g. *“all new development must install water-saving technologies in accordance with Policy R6”*.

Suitable habitat and ecological surveys were required, to demonstrate no adverse impact on the integrity of the Green Space Network, and this is considered below. This is separate to the HRA requirements as no protected species or habitats of Special Areas of Conservation/ Special Protection Areas which would be affected by the development as there are none in the area.

Principle of Development

The site is allocated in the ALDP 2023 under OP28 and OP33 (Greenferns). The ALDP indicates that these opportunity sites combined would *“constitute a new place of up to 1,470 homes and 10 hectares of employment land, with shops, parks, public transport and community facilities. Situated on the edge of several existing, well-established communities Greenferns will be a unique and recognisable place which also connects and integrates with the surrounding communities through sensitive design, good pedestrian connections and the potential for shared facilities”*.

In relation to the above, the development proposal incorporates the two Opportunity Sites, proposes 1,575 homes, employment use, a neighbourhood centre comprising local retail and commercial provision, leisure and community uses and associated infrastructure, and represents an increase of approximately 105 homes over the combined allocations. The submitted masterplan indicates a well thought out development, which could accommodate the approximate 7% increase in housing numbers over the development site. As a result, there would be no significant conflict with either OP 28 or OP33 (Greenferns) of the ALDP 2023.

Policy LR1 guides the release of greenfield housing allocations across the city, which are split into two delivery periods advising that *“housing and employment development on existing allocated sites and housing sites for the period up to 2032 will be approved in principle within areas designated for housing or employment”* and 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. Any proposal for partial development of a site allocated in these phases or for development of an adjacent or nearby site will generally be resisted if this would jeopardise the future delivery of the full allocation.”*

In terms of the development as proposed, it is noted that the majority of the OP33 allocation (950 homes and 10ha of employment land) and OP28 (120 homes) would be programmed for delivery in the first period up to 2032. This element of the proposals would therefore comply with the above policy. The proposal however also includes 400 residential units that sit within the post 2032 future development phase that would be set out in a future LDP. The proposal, however, seeks planning permission in principle for the entire allocation plus some additional units in order to achieve an appropriate level of density and mix of uses within the development site, in line with information that was contained within the Greenferns Development Framework (2018) and that is also presented in

the updated Development Framework and Phase 1 Masterplan that form part of the current application. The applicants set out that the provision of the full allocation is necessary in order to maximise the investment in infrastructure being provided to deliver the proposed mixed-use community.

The provision of the 400 additional homes would therefore represent a significant departure from Policy LR1 of the ALDP 2023. Whilst the wording of the aforementioned policy is noted, (it advises that development would “*will generally be resisted if this would jeopardise the future delivery of the full allocation*”). In this case, there is contentment that an appropriately worded condition would ensure that development in Phase 4 (as set out in the supporting documents – but which may be subject to change in a future approved phasing plan) would not be brought forward until after 2032. This would allow the applicant a degree of certainty and for provision of the full allocation for the proposed development. A departure from the ALDP 2023 is therefore accepted in this instance, principally due to the benefits of a holistic approach to the masterplanning of both OP28 and OP33 allocations as currently set out.

Policy LR2 (Delivery of Mixed Use Communities) of the ALDP 2023 advises that: “*developments including provision for both housing and employment land will be required to service the employment land along with the associated phases of the housing development. This means that the road, water, gas and electricity infrastructure will need to be considered for the whole site.*”

The applicants have submitted a Development Framework and Phase 1 Masterplan in support of the application, which details both the housing and employment land which would be provided on the land, with the majority of the employment uses provided within the earlier phases of development. The documents also set out indicatively how roads would be laid out and how matters such as water and electricity provision would be provided throughout. These details would be finalised in subsequent approvals of matters specified in condition applications to ensure compliance with Policy LR2 of the ALDP 2023.

In terms of elements of the proposal which are located on land designated as green belt, these are indicated to relate to the upgrading of existing paths to improve access to recreational facilities both within and out with the development site. There would be no conflict with green belt policies, which allows for the provision of such works. The proposals would therefore be in compliance with Policies NE1 (Green Belt) of the ALDP 2023 and with Policy 8 (Green belts) of NPF4.

Policy 26 (Business and Industry) of NPF4 states that “*development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.*” It is noted that part of the site is allocated for an expansion of the existing business use at EnerMech, which is indicated as being provided within the first phase of the development. This element of the proposal is supported by planning policy and its provision would ensure compliance with Policy 26 (Business and Industry) of NPF4.

OP28 is also covered by an H1 (Residential Areas) designation in the ALDP 2023. The submitted phase 1 masterplan indicates that an appropriate level of residential and mixed-use development could be provided over the OP site without resulting in over development of the site or having an adverse impact on residential amenity and on the character and appearance of the surrounding area. Whilst areas of open space would be lost, this is an unavoidable consequence of enabling the development of the OP allocation. Enhanced quality open space provision throughout the development (as demonstrated in the masterplan) is considered to compensate for the loss. Sufficient evidence has also been submitted to show that, in principle, the proposed non-residential elements of the development could be provided without conflicting with the enjoyment of residential amenity. Finalised details would be controlled in subsequent approval of matters specified in

conditions applications, but in principle the proposals would comply with Policy H1 of the ALDP 2023.

In terms of Policy 27 (City, town, local and commercial centres) of NPF4 the proposed development is to include neighbourhood centre comprising local retail and commercial provision, finalised details of which would be provided at a future approval of matters specified in conditions stage. The provision of such would ensure there would be no conflict with Policy 27 of NPF4.

Development Framework, Phase 1 Masterplan & Layout, Siting and Design

NPF4 Policy 14 (Design, quality and place) states that *“Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale”* and *“Development proposals will be supported where they are consistent with the six qualities of successful places: healthy, connected, pleasant, distinctive, sustainable, adaptable”* whereas Policy D1 (Quality Placemaking) of the ALDP 2023 advises that *“all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.”*

The applicants have submitted an updated Development Framework along with a Phase 1 Masterplan in support of the planning application. The Framework has looked at various aspects of the way in which the site could be developed and included landscaping, drainage, access, land use and phasing strategies along with details on infrastructure delivery. It indicates that the residential development blocks would be located along the southern sections of the site (zones E-M), with mixed use blocks (C-D) located in the north-east section of the site adjacent to the employment land and proposed location for the renewable energy centre. It also provides locations for proposed streets, which would include a primary street running through the site linking Provost Rust Drive (north) to Provost Fraser Drive (south) along with a number of secondary streets.

The landscaping is indicated as running through the site and providing a number of landscape buffers based on existing field boundaries and woodland edges, along with the retention of strips around the Bucks Burn, along with the retention of a number of the existing hedgerows. The neighbourhood centre is also shown as being located on the primary bus route, which would likely be served by an extended bus service.

In terms of the phases of development, the first phase would be located to the immediate west of Davidson Drive and would be focussed around the existing schools and neighbourhood centre. This would include between 300 and 394 residential properties along with the proposed employment land at EnerMech, the renewable energy centre and the mixed-use elements of the proposal.

Phase 2 would include between 503 and 624 residential properties and would see development of the central blocks at Greenferns developed and would be one of the four differing densities of development found throughout the development site. A number of green corridors are also indicated as being provided along with primary streets and path connections. Phase 3 would see the provision of between 120 and 154 units and would include the provision of a parkland area adjacent to the Bucks Burn, along with a number of green corridors, path connections and updated linkages to Sheddocksley. Finally, Phase 4 would see the provision of the final phase of development, which would be of a lower density. This would range between 282 and 388 units and would see the completion of Bucksburn Park, the secondary street loop, woodlands and path connections. This area would not be developed until post-2032 for the reasons detailed above.

The levels, densities and types of development shown within the Development Framework and Phase 1 Masterplan are considered to be acceptable and show that a mixed-use development could be provided that is healthy, pleasant, connected, distinctive, sustainable and adaptable. Any

developments could likely be provided that have been designed with due consideration for their context, could provide a high quality of architecture, provide a well-considered layout, provide sustainable transport opportunities, sustain the attractiveness of the city and be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient. Finalised details would be controlled via condition (see condition 4 and 7 in particular) but, in principle, the proposals would comply with Policy 14 (Design, quality and place) of NPF4, as well as with Policy D1 (Quality Placemaking) of the ALDP 2023.

In addition to the above, Policy D2 (Amenity) of the ALDP 2023 is of relevance. This seeks to address a number of matters including the optimisation of views through appropriate siting, layout and orientation, the provision of appropriate levels of amenity, public faces to street with natural surveillance, appropriate waste facilities and low and zero carbon technologies, privacy, acceptable levels of floor space, garden grounds and parking. The masterplan and supporting information submitted indicate that all of the above could be adequately provided and confirmation to secure all of the above could be controlled via the submission of details contained within MSC application. In principle, the proposal would comply with Policy D2 (Amenity) of the ALDP 2023.

Housing Mix

Policy H3 (Density) advises that *“the Council will seek an appropriate net density of development on all housing allocations and windfall sites.”* and Policy H4 (Housing Mix and Need) of the ALDP 2023 advises: *“housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan.”*

In terms of the density of development, it is likely that these would be finalised at MSC stage, but the submitted masterplan indicates that, given the scale of the site and the levels of development, a range of residential densities would be provided. These would range from low density “city edge” conditions of around 25 dwellings per hectare up to high density “urban character” where blocks of flats and apartments of up to four storeys would be provided. The masterplan also indicates that the development would offer a mixture of housing types and would cover all market sectors. This would include flats/ apartments, terraces and town houses, semi-detached and detached properties. The final mix would be controlled at a future MSC stage.

The level of information submitted to date is considered to be acceptable and it is therefore anticipated that any development would comply with both Policy H3 (Density) and H4 (Housing Mix and Need) of the ALDP 2023.

Policy 16 (Quality Homes) of NPF4 discusses a number of matters including community benefit. Information has been submitted in support of the proposal, which discusses that the proposal will provide 25% of homes as affordable housing, including a number within the first phase of development. The proposals would also include enhanced infrastructure and connections, improve access to core paths and the wider area, would provide a mix of housing including accessible homes, all in accordance with the relevant policies contained within both national and local planning guidance. The proposals would therefore be in compliance with Policy 16 of NPF4.

Policy 15 (Local Living and 20 minute neighbourhoods) of NPF 4 advises: *“development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods.”* In addition to the above, Policy VC12 (Retail Development Servicing New Development Areas) of the ALDP 2023 advises that: *“masterplans for sites allocated for major greenfield residential development will allocate land for retail and community uses at an appropriate scale to serve the convenience shopping and community needs of the expanded local community.”*

The proposals include a mixed used area, which is anticipated to include shops, and other facilities, such as healthcare, which would be utilised by residents and is shown within the Phase 1 masterplan to be included early on in the site development. This would be within a 20-minute walk of all areas of the development site. It is also anticipated that a bus connection would be provided through the site, enhanced walking and cycling facilities would be provided, play area and areas for food growth, sports and recreation and affordable housing would be provided throughout the development. The provision of such facilities would be controlled via appropriately worded planning conditions and would ensure compliance with Policy 15 of NPF4 and with Policy VC12 of the ALDP 2023.

Policy 21 (Play, recreation and sport) of NPF4 advises: *“Development proposals likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.”*

The submitted masterplan/ framework document has shown a development that would provide well-designed and useable areas of open space throughout the whole development site. It is anticipated that the development would include other aspects such as play areas and enhanced sports facilities, with finalised details in this regard controlled via planning condition. This would ensure compliance with Policy 21 of NPF4.

Policy WB1 (Healthy Developments) of the ALDP 2023 advises: *“developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. National and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.”* Policy 23 (Health and Safety) of NPF4 advises *“development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.”*

In regard to the above policy, the submitted information and masterplan documents show a development that would provide large areas of open space and informal recreation areas, which would be seen to promote physical activity and mental wellbeing and the proposals include areas for community food growing and allotments. It is noted that a Health Impact Assessment has not been submitted with the current proposals, with guidance currently limited on the levels of information required for such proposals. The level of information submitted is considered to show that any proposals would comply with Policy WB1 of the ALDP 2023 and Policy 23 (Health and Safety) of NPF4.

Affordable Housing, Developer Obligations/ Infrastructure Delivery

Policy H5 (Affordable Housing) of the ALDP 2023 advises: *“housing developments of five homes or more are required to contribute no less than 25% of the total number of homes as affordable housing. Affordable housing requirements will be delivered on-site.”* Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP 2023 advises that in order to *“create sustainable communities, development must be supported by the required infrastructure, services and facilities to deliver the scale and type of developments proposed.* Policy 18 (Infrastructure first) of NPF4 advises that *“a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. b) The impacts of development proposals on infrastructure should be mitigated.”*

The applicants have indicated that the site forms part of the Council’s Housing Programme and the Council intend to deliver an initial phase comprising affordable housing and housing for varying needs to meet demand. The provision of affordable housing in an early phase of development is

accepted by the Housing Strategy team, with further details controlled via future MSC applications and subject to details contained within the required legal agreement. This would ensure compliance with Policy H5 (Affordable Housing) of the ALDP 2023.

Developer obligations are required for the proposed development and these have been agreed between the applicant and the Council and will be subject to a legal agreement which will require to be concluded prior to the issuing of planning permission. These include the following contributions towards the core path network £613,800, primary education £7,540,000, healthcare facilities £1,688,891, on site open space provision, on site community facilities (or a financial contribution of £3,017,025) and on-site sports and recreation contributions (or a financial contribution of (£1,688,891). 412.5 affordable homes would also be required to be delivered on site within the development. It should be noted that the above figures were based on the initial assessment for 1650 dwellings, whilst the total number has been reduced to 1575 it would be the intention of the Planning Service to proceed by utilising the total costs of mitigation as per the current assessment and profile that as a “per unit” rate on the basis of 1575.

As the Council is the applicant it is not possible to enter into a Section 75 legal agreement. The applicant is therefore proposing to enter into a Section 69 legal agreement with a draft Section 75 (containing the details of Developer Obligations and other requirements) appended to the document. The Section 75 will therefore need to be concluded prior to a Matters Specified in Conditions approval being granted for that phase of development. It is recognised that an alternative means of agreement may be necessary if the Council is a future applicant. Subject to the provision of the above the proposals would comply with Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP 2023 and its associated Supplementary Guidance: Planning Obligations.

Natural Heritage and Landscaping

Policy NE2 (Green and Blue Infrastructure) of the ALDP 2023 advises: *“development proposals will seek to protect, support and enhance the Green Space Network”* whereas Policy 20 (Blue and green infrastructure) of NPF 4 advises that *“development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.”* Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported.

Green Infrastructure: In terms of green infrastructure, various documents have been submitted which note that the new green and blue infrastructure and landscape planting has been proposed as an integral part of the masterplan and would provide a network of green spaces and public areas throughout the site. The submitted information also seeks to retain and enhance the existing field boundaries, tracks, walls and trees, along with a buffer zone along the northern boundary with the Bucksburn LNCS. The retention of these features, where possible, would help maintain the linkages with the wider green space and avoid fragmentation of the habitats. Natural elements such as green corridors and existing lines of trees linking woodlands would be maintained to protect connectivity when combined with pedestrian routes.

The submitted masterplan document includes a number of areas of proposed open space, which would include areas indicatively known as Bucks Burn Park (4.65 ha), Heathryburn Park (1 ha), Greenferns Square/ Park (1 ha), Auchmill Park (1.8ha) and Davidson Drive (0.75ha). There would also be a number of other formal landscaped areas throughout the development, which would provide connections to key and existing areas of open space which would include various links within and out with the development site.

The general details are considered to be acceptable and appropriate and indicate that appropriate levels of green and blue infrastructure would be provided within the development site and would require further information to be submitted in any future MSC applications. This would ensure compliance with Policy NE2 (Green and Blue Infrastructure) of NPF 4 and with Policy 20 (Blue and green infrastructure) of NPF4.

Policy D4 (Landscape) of the ALDP 2023 advises that *“development will provide opportunities for conserving or enhancing existing landscape / seascape / townscape elements (natural and built), including linear and boundary features or other components which contribute to character and ‘sense of place”* and Policy D5 (Landscape Design) of the ALDP 2023 advises that *“proposals will be designed with an effective, functional and attractive landscape framework supported by clear design objectives.”*

Landscape Strategy: the submitted documents advise that the existing landscape and ecology of the site have been key elements that have defined the Development Framework in regards to protection, retention and enhancement of the surrounding area. The framework seeks to provide and retain a robust landscape framework which seeks to:

- Ensure that trees/ woodland and hedgerows continue to be an essential element of the site;
- There would be a restriction on the height of buildings within certain sections of the site;
- Density of the development/ phases would be taken into account;
- The woodland along the Bucks Burn would be retained and enhanced to emphasise the importance of the wooded valley as a topographical feature and create a screened urban edge;
- The retention of established trees along Howes Road; and
- The provision of a landscaped framework to ensure that trees/ woodland and hedgerows continue to be an essential characteristic of the development.

The general layout and information provided is considered to be acceptable, with further information controlled via future MSC applications (see conditions 5, 8, 9 and 18). This would help ensure compliance with Policy D4 (Landscape) and Policy D5 (Landscape Design) of the ALDP 2023.

Protected Species:

A number of protected species surveys have been submitted in support of the application and are contained within the EIA report. This report highlights that habitat interest on site is limited to field boundaries and farm tracks, including grassland, scrub and mature trees. The documents note that bats, otter and badgers are resident in the area and carry statutory obligations, with four species of bat found within the survey area.

The report noted that breeding bird quality is limited by the agricultural use of the land, which mainly consists of pastures for rearing livestock and equestrian interests on several of the fields. It also noted that eleven types of breeding birds of conservation concern and three local bird species would be adversely affected by the development. It however, noted that the level of impact would be on a very local scale and would be unlikely to significantly impact on local breeding populations due to low breeding numbers in the locale. Wintering bird interest was noted to be negligible. No invasive species were noted within the development site (such as Japanese knotweed). Further surveys will also be required for each AMSC application (as detailed in conditions 18-20).

A number of mitigation measures have been proposed including the retention of existing corridors, the retention of the northern boundary trees in the interests of bats and birds, the creation of new

green space and SUDS, natural planting and appropriately landscaped sustainable urban drainage systems, the reinstatement of the piped watercourse and strengthened buffers.

Off-site mitigation measures proposed include the preparation of a Construction Environment Management Plan (see condition 17), incorporating a Pollution Plan and the LNCS boundary being considered as an integral part of the development. On site it is proposed to retain the highest value existing habitats and compensate for the loss of habitats via the retention of existing features. This would mainly be done through the retention of boundary features, woodland, hedges and areas of grassland. There would also be a requirement to minimise impact on breeding birds and key bird species mitigation, which would be quantified and confirmed via the submission of further assessments at Approval of Matters Specified in Condition stage and would likely comprise the retention of larger areas of woodland and hedgerows through the development (which has been proposed by the applicants and indicated within the Masterplan/ Development Framework).

The presence of badgers is also noted within the development site. A Badger Protection Plan (see condition 19) will therefore be required to ensure that they are fully protected for each phase of development and any proposed planting should include berry bearing species commonly visited by foraging badgers, although it is noted that this would also have to be designed and planted in such a way as to avoid plants that attract birds to the flight path (as discussed further in the airport response below).

The information submitted in relation to the above has been fully reviewed by the Natural Environment Policy Team, who are generally content with the finding of the report but note that full surveys and species protection plans must be undertaken for birds, badgers, bats and otter and submitted with each application for the approval of matters specified in condition. They also note that the mentioned "site specific habitat and species action plan" should be updated and re-submitted with the corresponding MSC for each stage.

Subject to the provision of the above it is accepted that the proposals would have no detrimental impact from a natural heritage perspective and would therefore comply with the general principles of Policy NE3 (Natural Heritage) of the ALDP 2023, noting that detailed surveys will be required with future MSC applications.

In addition to the above, Policy 3 (Biodiversity) of NPF4 states that an EIA development will only be supported if it ensures "*significant biodiversity enhancements are provided, in addition to any proposed mitigation*".

The relevant EIA chapter almost exclusively speaks about mitigation and compensation measures, however at the PPIP stage limited information in documents of how biodiversity net gain will be attained on the site has been provided. Any future MSC proposals will need to come forward with detailed biodiversity action plans, not only protect existing features, but also to add features and enhance the biodiversity net value on the site to a clear overall net gain. These features should link to the habitats found outside the red line boundary to create connectivity but also prevent unintended changes to habitats from escaped landscaping plants to existing habitats especially in terms of the Local Nature Conservation Site. The provision of such would ensure compliance with Policy 3 (Biodiversity) of NPF4.

A range of core path connections are also proposed through the site, and include Core Path 44: Newhills Avenue to Auchmill Road and Deveron Road, Core Path 45: Deveron Road to Gillahill Croft, Core Path 42: Kingswells Road to Howes Road, Core Path 46: Sheddocksley to Kingswells a, Core Path 15: Manor Avenue to Eric Hendrie Park and Core Path 93: Sheddocksley Urban Circuit. The provision of enhanced connections to these would be of benefit to the development and

adjoining communities, with finalised details of such connections provided through future applications for approval of matters specified on condition.

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

In relation to the above, whilst the submitted information provides some advice and guidance on how the proposals would comply with the above policies, further information by the way of a biodiversity net gain assessment would be required in support of applications for approval of matters specified in conditions (see conditions 7 and 16-20 in particular). This would help ensure compliance with both Policy 1 and Policy 2 of NPF4.

Policy 4 (Natural places) of NPF4 advises that *“development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.”*

As has been discussed elsewhere, the Bucks Burn Local Conservation Nature site abuts the development boundary to the north. The submitted documents seek to enhance the offering at this location and proposed to retain the existing trees along this northern boundary and provide a robust buffer to the LNCS. It is anticipated that the developments as proposed would not have an adverse effect on the integrity of the LNCS and the proposed enhancements would have key social, environmental and economic benefits to the wider area. The proposals would therefore be in compliance with Policy 4 of NPF4.

Policy 5 (Soils) of NPF4 advises *“development proposals will only be supported if they... minimising the amount of disturbance to soils on undeveloped land; and in a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.”*

In this instance there are no areas of peatland or carbon rich soils on site and the proposed layout could be provided to ensure that there would be no significant impact on soils including compacting and erosion and ensure compliance with Policy 5 of NPF4. This would be confirmed via the detailed layout, which would be provided at Approval of Matters Specified in Conditions stage.

Trees and Woodlands

Policy 6 (Forestry, woodland and trees) of NPF4 states that *“development proposals that enhance, expand and improve woodland and tree cover will be supported”* and Policy NE5 (Trees and Woodlands) of the ALDP 2023 advises *“development should not result in the loss of, or damage to, trees and woodlands. Development proposals will seek to increase tree and woodland cover and achieve the long-term retention of existing trees and woodlands that the planning authority consider worthy of retention.”*

In terms of tree cover on site, a Tree Survey Report was submitted in support of the planning application. This noted that, within the site, beech is the most common species, with a number of mature and semi-mature trees occurring in dense rows along the top of old field boundary dykes. There are also a number of mature hedges and the report notes that a number of trees would appear to be in excess of 200 years old. Other trees found within the development site include ash, sycamore, elm, scots pine and larch. The report looked at tree cover, associated constraints,

retention categories and zones of influence and noted that a number of trees were dead and some were in need of maintenance.

The submitted masterplan indicates that development blocks will incorporate appropriate buffer zones to ensure that the root protection of existing tree stock would be maintained and tree protection measures would be installed during development on each block. These matters would be controlled via an appropriately worded planning condition.

The information has been reviewed by the Natural Environment Policy team who have noted that a detailed Tree Survey will be required for each phase of development. This can be controlled via an appropriately worded planning condition. They have also noted the presence of Ancient Woodland Inventory sites located on the northern boundary of the site adjacent to the Bucks Burn. They have noted that the development should retain these woodlands and increase the overall level of woodland cover, which would be best achieved by planting adjacent to the ancient woodland on its northern boundary. This would likely form part of any MSC application for that phase of development and would be controlled via appropriate conditions (see conditions 15 and 16).

The Team note that the supporting information identifies the presence of trees and hedgerows throughout the development and recognise this is positive in that the proposals seek to integrate these features and that the expansion of these features is encouraged in terms of width and connectivity. Additional planting should be provided to reinforce existing trees and hedges to rejuvenate the features and introduce younger stock to ensure future succession and long-term retention of the features.

Therefore, subject to the submission of a detailed tree survey, tree protection and enhancement details at MSC stage the Natural Environment Policy team are content with the information submitted regarding the proposed development. Consequently the proposals would comply with both Policy 6 (Forestry, woodland and trees) of NPF4, Policy NE5 (Trees and Woodlands) of the ALDP 2023 and its associated Aberdeen Planning Guidance: Trees and Woodlands.

Transport and Accessibility

Policy T2 (Sustainable Transport) of the ALDP 2023 provides various guidance and seeks to minimise traffic generation, increase accessibility, encourage public transport and provide relevant infrastructure within the application site. It also advises that existing routes, such as core paths should be enhanced and retained during development. Policy T3 (Parking) discusses matters such as parking within development and electric vehicle infrastructure.

Policy 13 (Sustainable transport) of NPF4 provides similar guidance and advises that development will be supported where it has been designed in associated with sustainable travel, provides direct links to local facilities, be accessible by public transport, provide electric vehicle charge points, provide safe and convenient cycle parking and consider the needs of all users, as well as mitigate the impact of development on local transport routes. In addition, Policy 18 (Infrastructure first) seeks that proposals will mitigate the impacts of development and that proposals will only be supported where it has been demonstrates that provision is made to address the impacts on infrastructure.

The proposals have been subject to ongoing discussions with Roads Development Management (RDM), the Integrated Transport Systems team and the applicants regarding modelling and junction works with some future works/ analysis still required. It has been established that mitigatory measures are required to offset the impact of the traffic generated by the proposed development at certain junctions on the existing roads network. RDM are content that an engineering solution exists to mitigate the capacity issues, and the modelling/ quantification of these issues can be conditioned to be established at such a time as MSC applications are submitted, and mitigation measures

commensurate for that phase of development identified and agreed. The following junctions have been noted as requiring further modelling, some of which will require mitigation measures, which would be undertaken at appropriate stages of development, and would also be quantified and set out within the required legal agreement:

- Springhill Road/ Provost Fraser Drive – site access south;
- A92 North Anderson Drive/ Cairncry Roaf/ Foresterhill Road/ Provost Fraser Drive;
- A92 North Anderson Drive/ Haudagain Bypass/ Hilton Drive;
- A92 North Anderson Drive/ Land Stracht/ Westburn Road;
- A96 Great Northern Road/ Haudagain Bypass/ A96 Auchmill Road;
- Haudagain Bypass/ Manor Avenue;
- A96 Great Northern Road / A92 North Anderson Drive/ A92 Mugiemoos Road (Haudagain);
- A96 / Dyce Drive / Craibstone Drive;
- A944 Lang Stracht / Springhill Road;
- A944 Lang Stracht / Rousay Drive;
- A944 Lang Stracht / Stronsay Drive;
- A944 Lang Stracht / Summerhill Road / Mastrick Drive;
- A944 Lang Stracht / A9119 Skene Road.

In terms of public transportation routes, it is noted that there are bus stops in proximity to the site on both Provost Rust Drive and Howes Road, which have regular services which provide access to the wider city. It is also noted that the applicant has had discussions with the public transportation operators regarding the servicing of the site, and the applicants will be required to agree a public transportation strategy for the development. A condition is recommended to be added to any consent in this regard (see condition 4).

In terms of vehicular access, the proposed development will be served by a primary road which would loop through the development, extending from Provost Rust Drive (north) and Provost Fraser Drive (south). This arrangement is considered to be acceptable in principle, with finalised details of the road layouts to be controlled via an appropriately worded planning condition. It is anticipated that the road would be at least 6.5m wide and would be utilised as a bus route and would require swept path analysis and be constructed to an adoptable standard. Similarly the secondary roads would need to be designed to a similar width, with other road design details also to be provided at a later stage (see conditions 4, 5 and 6).

In addition, Howes Road is to be re-aligned to link with the easternmost secondary route within the development at a point immediately to the west of the existing bus turning circle. Further details on this will be required via an appropriately worded planning condition (see condition 6).

In terms of general parking arrangements, the applicant has noted the required maximum parking requirements for the development and that the exact number of parking spaces to be provided for each phase of development would be confirmed at the approval of matters specified in condition stage. The parking spaces would need to comply with relevant ACC standards in terms of dimensions and layouts and EV charging facilities would also be required in accordance with standards. In addition, the applicants have proposed car club spaces within the development; again the exact location of these spaces would be controlled via condition (see condition 4).

For developments of more than 100 units there is a requirement for more than two accesses and as three are proposed this is considered to be acceptable. The RDM Team have noted that all roads should be constructed to ACC standards and agreed with ACC in advance. They will also be subject to further control under the Roads Construction Consent process and elements of the proposal would also be subject to Traffic Regulation Orders. In conclusion, the new road designs and

locations are considered to be acceptable in principle, but would be subject to the submission of further information at approval of matters specified in condition stage (see condition 4).

In addition to the above, other further assessments which required will include the submission of residential travel plans, waste strategy plans and construction traffic management plans. Again, these matters would be controlled via the submission of appropriately worded planning conditions (see conditions 4, 17 and 21).

Comments have also been provided in regards to existing and proposed walking routes within the city. There are proposals to upgrade some of these on the perimeter of the site to allow access and the provision of such would be controlled via condition (see condition 4 in particular).

A proposed segregated cycleway is also proposed along the northern side of Provost Rust Drive, linking the proposed development with any existing networks along with other routes along with Provost Fraser Drive, and within the core paths within the development site. This is considered to be a significant benefit to the proposed development, with finalised details to be agreed at approval of matters specified in conditions stage (see condition 4).

In principle, the proposals are considered to be an acceptable form of development and the applicant has demonstrated that the proposals would comply with Policies 13 and 18 of NPF4 and with Policies T2 and T3 of the ALDP 2023.

Flooding, Drainage and Water Quality

Policy NE4 (Our Water Environment) of the ALDP 2023 advises that development will not be supported on sites where there would be an increased risk of flooding both within and outwith the site, adequate provision is not made for the maintenance of watercourses or it would require the construction of new or strengthened flood defences. In addition, there would be a requirement for a Flood Risk Assessment, foul drainage and water connection to the public sewerage system and that all new developments are required to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water.

Similar guidance is provided within Policy 22 (Flood risk and water management) of NPF4, which advises that *“development proposals will: not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS), presume no surface water connection to the combined sewer; seek to minimise the area of impermeable surface, provide a connection to the public sewers and create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure”*.

In relation to the above, a Flood Risk Assessment (FRA) and various documents in relation to site drainage have been submitted in support of the planning application. The FRA looked at all potential sources of flooding from the proposed development.

In compliance with ACC flood risk requirements, the development would be designed to ensure it is not at risk of flooding from a 1 in 200 plus 35% climate change event with all sources of flood risk (including rivers, surface water, sewers, ground water and artificial sources) having been assessed. The 1 in 200 year SEPA flood maps show that the site is not at risk of fluvial flooding.

The submitted documents note that the site could be at risk of rainfall flooding in the low, medium and high likelihood events as it is currently in an undeveloped state. The flooding areas shown on the SEPA flood maps correlate with the overall low points and existing areas of open ditch. Through the development of the site and upgrade of the local surface water drainage arrangements, any

existing local surface water flooding issues (which was a matter raised in representations) would be improved.

In accordance with both local and national guidance, the surface water generated from the areas of development within the site would be treated by a Sustainable Urban Drainage System (SUDS), which would be designed to the appropriate standards. Surface water from areas of new external hardstanding would also incorporate SuDS measures to treat and attenuate the surface water run-off to the agreed discharge limit with attenuation features tested for a 1 in 200 year rainfall event with additional uplift of 40% for climate change resilience.

Source control SuDS features are proposed to remove coarse solids and silts and treatment by a mix of features including a dry swale arrangement for main infrastructure roads and an end of line SuDS detention basin prior to discharge from site.

The Environmental Statement Report also noted that there are no groundwater dependant terrestrial ecosystems on the site and there are no known private water supplies within 1km of the application site boundary. Chapter 10 of the Report also provided details regarding drainage design and note that a number of existing surface water drainage features were identified, with drainage ditches generally located adjacent to the various access tracks at field boundaries and a partially culverted stream routing north through the site. These have been addressed as part of the blue-green network discussed above.

The submitted information has been addressed by both the Flooding team and externally by SEPA. The Flooding team noted that in principle they had no objection to the application, noting the content of the submitted documents but have requested the submission of further information in any future approval of matters specified in conditions applications. This includes the submission of a Flood Risk Assessment for each phase of development depending on the final layout and a Drainage Impact Assessment for each phase of development. They note the discharge rates for the 3 catchments and state that if these are subject to change then further information would be required.

The Flooding team are also aware of the existing flooding/ drainage issues at Howes Road either from run-off from the land to the north of Howes Road or from capacity issues of the culvert underneath one of the access roads to EnerMech (one of the issues raised in representation). Given the impact that this is having on existing properties, flooding and drainage issues will need to be addressed in greater detail within the finalised design, and mitigation measures would need to be included in relation to that phase of development.

Clarification was also submitted by the applicants in relation to existing field drains and watercourses which run through the site. The applicants confirmed that either through the next phase of site investigation or eventual construction activities, these will be fully investigated when encountered. As the proposed development includes a new urban drainage network, which in many cases will negate the requirement for the assumed existing field drainage network, it is likely that the drains themselves could be removed through the development of the site. Prior to removal of any field drainage, the individual runs will be fully investigated to establish the source and outfall locations, ensuring any adjustments to the pre-development scenario will not increase any flooding risk with the site or the surrounding area. The Flooding team noted these works, and requested that they be conditioned as part of any approval.

The proposal was also subject to consultation with SEPA, who have raised no objection to the application on flood risk grounds provided appropriate conditions are attached to the permission. This includes the submission of further information in relation to flood risk details for the entire site layout prior to the commencement of any development, including the watercourse running from south to north through the site and any development of land/ building on the northern section of the

site adjacent to the Bucks Burn to demonstrate that the proposals are not in an area of flood risk and would not increase overall flood risk at the site or elsewhere.

They have also suggested conditions to de-culvert lengths of the small watercourse running through the site to improve the water environment, such as establishing a natural route for the channel and allowing a riparian corridor and water course crossings that are designed to convey the 0.5% annual probability flood plus an appropriate allowance for climate change and separate allowance for freeboard.

To conclude, SEPA note that there were surface water issues within the site and the surrounding area, but that the matter would be considered under the remit of the flooding team.

Therefore, based on the above assessment, the applicants have submitted evidence that the site could be adequately serviced and drained and that there would be no significant impacts in terms of flood risk. The information has been reviewed by both the Flooding team and by SEPA who have raised no objection to the proposals subject to the insertion of appropriately worded planning conditions (see conditions 11 and 12 in particular). This would ensure compliance with Policy NE4 (Our Water Environment) of the ALDP 2023, its associated APG: Flooding, Drainage and Water Quality and with Policy 22 (Flood risk and water management) of NPF 4.

Waste Management

Policy 12 (Waste) of NPF4 advises that *“development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.”* Policy R5 (Waste Management Requirements for New Developments) of the ALDP 2023 advises *“All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.”*

It is anticipated that waste requirement for all elements of the proposal would be controlled via condition, and Waste Management have provided the requirements that would require to be met to ensure that sufficient facilities could be provided for all properties. It is anticipated that this would be provided within the finalised design for each phase of development and would be controlled via conditions (see condition 4) attached to this permission to ensure compliance with Policy 12 (Waste) of NPF 4 and Policy R5 of the ALDP 2023.

Air Quality

Policy WB2 (Air Quality) of the ALDP 2023 advises that *“development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority. Planning applications for such proposals should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed”.*

In relation to air quality, the proposals have been subject to consultation with Environmental Health, who have reviewed the Environmental Statement and in particular the sections in relation to air quality.

Dispersion modelling was undertaken to predict the likelihood of exceedance of the national air quality standards for nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) at sensitive receptors due to emissions from road traffic. Modelling was also used to assess concentrations of nitrogen oxide at sensitive ecological receptor locations within the study area. The review has noted that no exceedances were predicted in terms of increased traffic levels at any of the receptors and the predicted changes would have a negligible impact on human receptors in the surrounding area.

Based on the proposed energy centre design and associated data, they have noted that there would be potential for exceedances of the above standards and have therefore requested the insertion of a planning condition requiring the submission of a further assessment of emissions where appropriate. This would be controlled via a further application for approval of matters specified in conditions (proposed condition 23).

In relation to dust control, Environmental Health are content with the proposed mitigation measures within the Environmental Statement, but recommend that a further condition in relation to site specific measures are undertaken to demonstrate how the controls will be applied in practice. This would be controlled via a further application for approval of matters specified on conditions (proposed condition 17).

Therefore, in relation to the development as proposed, sufficient information has been submitted, or would be controlled via planning condition, to ensure that there would be no adverse impacts from an air quality perspective. The proposal, in principle, would therefore be in compliance with Policy WB2 (Air Quality) of the ALDP 2023 and its associated APG: Air Quality.

Noise

Policy WB3 (Noise) of the ALDP 2023 advises *“in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.”*

In relation to Noise, the proposals have been subject to consultation with Environmental Health, who have reviewed the Environmental Statement, in particular the sections in relation to noise and impact from vibration.

In terms of road traffic, they have noted that the maximum predicted increase in noise levels due to road traffic was 1.3dB at a location close to existing residential properties on Provost Rust Drive, which they did not consider to be significant.

In terms of external amenity, noise at the proposed residential properties to the south-east of the site was determined to be significant. Daytime noise monitoring indicated this area of the site was dominated by aircraft passing overhead and road traffic from Davidson Drive. Noise levels in external amenity areas at all other receptors were determined to be not significant. They noted that the development plans had not been finalised and therefore there was still an opportunity to limit the noise impact from the nearby industrial and commercial premises. They are of the view that appropriate mitigation could be achieved and therefore are not objecting to the proposals. They have requested the insertion of a condition in relation to the submission of a scheme of noise mitigation in relation to each phase of the residential elements of the development. In terms of noise level from road traffic, the predicted noise levels exceeded the target noise levels within habitable rooms at several receptors within the proposed development during the daytime and two receptors in the south-east during night time periods. This will be controlled via an appropriately worded planning condition.

In terms of the noise from the proposed commercial activities, which include the combined heat and power (biomass) plant and other commercial developments, no details are currently available on the source noise levels of these elements, which will be subject to a future approval of matters specified in conditions application and should be designed to meet the relevant criteria. This matter will be controlled via an appropriately worded planning condition.

They have also noted that the Aberdeen Airport noise contours for day and night were reviewed to determine the significance of aircraft noise. The whole site is exposed to a daytime noise level of

less than 57dB and in the evening of less than 50dB and the impact on this element was considered to be neutral.

Subject to the above, the proposals would not be in conflict with Policy WB3 (Noise) of the ALDP 2023 or with its associated Aberdeen Planning Guidance: Noise (see conditions 24 and 25).

Contaminated Land

Policy R2 (Degraded and Contaminated Land) of the ALDP 2023 will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use.

The proposals have been reviewed by the Contaminated Land team, who consider the potential for significant contamination on site to be low. The submitted site investigation identified only limited made ground deposits, mainly associated with the former Bucksburn Farm and the soil samples that were obtained from across the site and tested *“do not appear to be indicative of contamination or suggest significant risks to be present”*.

The Preliminary Environmental Risk Assessment identifies *“undocumented infilled ground”* and *“unknown historical fuel spillage”* as *“key plausible potential on-site sources”* and *“recommend an intrusive geotechnical and geo-environmental site investigation is undertaken”*. It was therefore recommended that a quantitative risk assessment case carried out using the existing data in the first instance to inform the requirements for and scope of any future investigation. It was also suggested that further investigation in and around Bucksburn Farm would be sensible.

The Preliminary Environmental Risk assessment also noted that, in terms of radon, there was a small portion of land in the south-east corner of the site located in a maximum radon potential of 1-3%. Basic radon protection measures are required for development in this area, but otherwise no further assessment would be required. These further details could be controlled via planning condition.

The assessment also noted that, in terms of unexploded ordnance, the far east of the site lies within an area of moderate bombing density, with the far west lying within an area where two highly explosive bombs are known to have been dropped. A more detailed unexploded ordnance risk assessment was therefore recommended. It was confirmed that the submission of this additional information could be controlled via an appropriately worded planning condition and submitted via applications for approval of matters specified in condition (see conditions 13 and 14).

Based on the information submitted, and subject to appropriately worded planning conditions, the information submitted is considered to be acceptable from a land contamination perspective, subsequently the proposals would be in compliance with Policy R2 of the ALDP 2023.

Aberdeen Airport

Policy B3 (Aberdeen international Airport and Perwinnes Radar) of the ALDP 2023 advises that *“any development falling within safeguarded areas identified on the airport safeguarding map will be subject to consultation with Aberdeen International Airport.”*

The proposal has been subject to consultation with the airport, as the development lies on the flight path to the south. They have noted that the development has potential to conflict with the safeguarding criteria unless conditions are inserted requiring the submission of further details in relation to the location, eight, layout, form and materials of buildings within the development, further information in relation to landscaping within the development and the submission of a Bird Hazard

Management Plan. They have also suggested the insertion of an informative in relation to the use of cranes. The above matters are to be added as conditions to the consent, with further information required in future MSC applications. Subject to the insertion of these conditions (see conditions 8-10) there would be no conflict with Policy B3 of the ALDP 2023 and its associated Aberdeen Planning Guidance: Aberdeen Airport.

Renewable Energy

Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP 2023 advises: *“all new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology.”* This information would be clarified/ provided at the approval of matters specified in conditions stage. An appropriately worded planning condition is proposed to ensure compliance with Policy R6 of the ALDP 2023.

Policy R7 (Renewable and Low Carbon Energy Developments) of the ALDP 2023 advises: *“renewable and low carbon energy schemes will be encouraged and supported in principle, where the technology can operate efficiently, and the environmental and cumulative impacts can be satisfactorily addressed.”* Policy R8 (Heat Networks) of the ALDP 2023 advises, amongst other things that major developments and masterplanned sites will *“provide within the site an independent Heating/Cooling network and plant capable of connecting to the network at a future date”*. Similarly, Policy 19 (Heating and cooling) of NPF4 advises that a *“Heat and Power Plan should demonstrate how energy recovered from the development will be used to produce electricity and heat”*.

In relation to the various policies mentioned above, a renewable energy centre is proposed within the first phase of development, which would be utilised to provide heat and electricity to the development. The requirement for a heat and power plan would also be controlled via appropriately worded planning conditions and submitted for each phase of development (see condition 22 in particular). The provision of such facilities would ensure compliance with Policies R7 and R8 of the ALDP 2023 and with Policy 19 of NPF4.

Archaeology

Policy D6 (Historic Environment) of the ALDP 2023 advises that *“Proposals which have the potential to impact on historic environment, historic assets, and heritage assets, or a significant element thereof, will be required to ensure the effective recording, assessments, analysis, archiving and publication of any reports or records to an agreed timeframe. The physical in situ preservation of all scheduled monuments and archaeological sites is expected. Developments that would adversely impact upon archaeological remains, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.”* Policy 7 (Historic assets and places) of NPF4 advises that *“where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.”*

The submitted Environmental Statement noted that there were four known heritage assets within the development site; which includes the Upper Bucksburn farmstead. There are no listed buildings within the application site; although the ES notes that there is one scheduled monument, nine “B” listed buildings and seven “C” listed buildings within 1km of the application site; with none of these being adversely affected by the proposed development. It also noted that there was a low to moderate potential for further archaeological discoveries within the site.

The proposals have been assessed by the Archaeology Service, who are content with the findings of the report. They have requested the insertion of a condition in relation to a programme of archaeological works (see condition 28), which would consist of a 5% archaeological evaluation of the development site. Subject to the insertion of this condition the proposals would comply with Policy D6: Historic Environment of the ALDP 2023 and with Policy 7 (Historic assets and places) of NPF4.

Digital Infrastructure

Policy CI1 (Digital Infrastructure) of the ALDP 2023 advises that *“all new commercial development and residential development where five or more units are proposed will be expected to have access to high-speed communications infrastructure.”* Whereas Policy 24 (Digital Infrastructure) of NPF4 advises that: *“development proposals that incorporate appropriate, universal, and future-proofed digital infrastructure will be supported.”*

The site sits adjacent to the settlement boundary of Northfield, and a check of the OFCOM website confirms that the area has access to standard, superfast and ultrafast broadband. A condition (see condition 26) would also be added to the permission to ensure all properties are provided access to these facilities. Subject to the above the proposals would comply with Policy CI1 of the ALDP 2023 and Policy 24 of NPF4.

Matters Raised in Representations

1. Concerns regarding the potential loss of trees. *Response: matters in relation to the potential loss of trees have been discussed in the above evaluation, with replacement tree planting and tree protection measures required via planning condition.*
2. Concerns about parking and traffic on the surrounding road network. *Response: Roads Development Management have reviewed the proposal, including an analysis of the surrounding roads network, and have accepted that the development as proposed would have no adverse impact, subject to appropriate mitigation measures., which have been discussed elsewhere within this report.*
3. Concerns about the impact of the development on wildlife, in particular roe deer and pheasants. *Response: the Natural Environment Policy team have reviewed the proposals, and the potential impact on protected species. This matter has been discussed elsewhere in this report and it is noted that there would be no adverse impacts in principle, but that further survey information would be required for each approval of matters specified in condition application.*
4. Concerns in regard to surface water flooding and the impact that the development would have on the property at Howes Cottage. Various photographs and videos were sent in to demonstrate the impact of water run off onto Howes Road. *Response: this matter has been discussed in the above evaluation. It is anticipated that the proposed drainage infrastructure would improve the situation in the surrounding area once installed.*
5. Concerns in relation to the Flood Risk Assessment whether this has fully assessed the impact on the surrounding area. *Response: the Flood Risk Assessment has been reviewed by the Flooding team and by SEPA and its findings are considered to be acceptable.*
6. Concerns that a new access road would impact on the water supply of neighbouring properties. *Response: further information would be required with any future approval of matters specified in condition application with regard to road construction to ensure that it*

was designed to an acceptable standard and would have no adverse impact on matters such as water supply.

7. Concerns about accessing properties during the construction period. *Response: access to neighbouring properties would need to be maintained. This would be a civil matter between the applicants and the neighbouring properties and not a material planning consideration.*

Time Limit Direction

Given the scale of development proposed, the standard three-year length of permission for planning permission in principle is not considered to be appropriate. The Planning Service therefore consider a twelve-year permission to be more appropriate, in part due to the restriction in latter phases of the development not being progressed until post 2032. This is reflected in condition 1 of this Planning Permission in Principle.

Scottish Ministers Notification

Under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 applications where the Planning Authority have an interest in the land and where the proposed development would be significantly contrary to the development plan require notification to Scottish Ministers where the Planning Authority are minded to approve planning permission, the reasoning for which has been detailed in the above evaluation.

Legal Agreement

As noted in the above evaluation, the proposals will be subject to a suitable legal agreement. The agreement will cover various aspects including securing affordable housing, the required developer obligations and transport infrastructure improvement works.

RECOMMENDATION

Approve Conditionally, Subject to Legal Agreement & Subject to Notification to Scottish Ministers

REASON FOR RECOMMENDATION

It is noted that the proposals are significantly contrary to Policy LR1 (Land Release) of the Aberdeen Development Plan 2023 in that the provision of 400 additional homes are safeguarded for development following the next Local Development Plan review in 2032. In this case, it is considered that an appropriately worded planning condition would ensure that development within this area of the site would not be brought forward until post 2032. This would allow the applicant a degree of certainty and for provision of the full allocation for the proposed development. A departure from the Aberdeen Local Development Plan 2023 is therefore accepted in this instance, principally due to the benefits of a holistic approach to the masterplanning of both Opportunity Site 28 and Opportunity Site 33 allocations as currently set out.

The principle of development is long-established on site via the allocation of Opportunity Site 28 and Opportunity Site 33 (Greenferns) and the level of development proposed largely accords with the numbers set out within the Aberdeen Local Development Plan, with the applicants having demonstrated that an additional 7% level of development could adequately be accommodated on the development site to allow for the provision of a total of 1,575 units. The Planning Permission in Principle nature of the current application allows appropriate details to be considered and controlled at the Approval of Matters Specified in Conditions application stage in line with the proposed

conditions. The mixed-use elements proposed are also in line with the details contained within the Opportunity Site designations.

The submitted Masterplan, Development Framework, Environmental Statement and other associated documents also indicate that an appropriate level of development could be provided which has been designed with due consideration for its context and would have no adverse impact on the character and appearance of the surrounding area. This would ensure compliance with Policies 14 (Design, Quality and Place), 15 (Local Living and 20-minute Neighbourhoods), 16 (Quality Homes), 18 (Infrastructure First), 23 (Health and Safety), 26 (Business and Industry) and 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 and with Policies LR2: Delivery of Mixed-Use Communities, WB1 (Healthy Developments), H1: Residential Areas, H2: Mixed Use Areas, H3: Density, H4: Housing Mix, D1: Quality Placemaking, D2: Amenity and VC12: Retail Development Serving New Development Areas of the Aberdeen Local Development Plan 2023.

The required works within the green belt setting, which relate to the upgrading of existing paths to improve access to recreational facilities both within and out with the development site, would be in compliance with Policy NE1 (Green Belt) of the ALDP 2023 and with Policy 8 (Green Belts) of National Planning Framework 4.

In addition, the submitted document also demonstrates that the proposal would have an acceptable impact on the surrounding environment, protected species and tree stock, with further biodiversity enhancements proposed. The provision of such information would be controlled via the submission of future approval in matters specified in conditions applications and would ensure compliance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 6 (Forestry, Woodland and Trees) and 20 (Green and Blue Infrastructure), 21 (Play, Recreation and Infrastructure) of National Planning Framework 4 and with Policies NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE5: Trees and Woodland, D4: Landscape and D5: Landscape Design of the Aberdeen Local Development Plan 2023.

The proposal is also considered to be acceptable from a transportation perspective, with information submitted to demonstrate that the proposal would not have an unacceptable impact on the surrounding road network, with some further assessments required and controlled via planning condition and referenced in the legal agreement and other matters such as road junction designs, parking layouts and electric vehicle parking provisions to be controlled via future applications for approval of matters specified in conditions. Appropriate information in relation to waste facilities has also been provided at this stage. This would therefore ensure compliance with Policies 12 (Zero Waste) and 13 (Sustainable Transport) of National Planning Framework 4 and with Policies R5: Waste Management Requirements for New Development, T2: Sustainable Transport and T3: Parking of the Aberdeen Local Development Plan 2023.

Developer obligations have also been agreed and would be controlled via a legal agreement to provide appropriate levels of affordable housing and other associated contributions, therefore ensuring compliance with Policies H5 (Affordable Housing) and I1 (Infrastructure Delivery and Planning Obligations) of the Aberdeen Local Development Plan 2023.

Appropriate information in relation to drainage and flooding, including assessments, has also been submitted to the satisfaction of consultees and would be subject to further detailed information at each stage of development, therefore ensuring compliance with Policy 22 (Flood Risk and Water Management) of National Planning Framework 4 and with Policy NE4 (Our Water Environment) of the Aberdeen Local Development Plan 2023.

Appropriate noise and air quality information has been submitted ensuring compliance with Policies WB2 (Air Quality) and WB3 (Noise) of the Aberdeen Local Development Plan 2023, appropriate safeguarding information has been submitted to ensure compliance with Policy B3 (Aberdeen Airport and Perwinnes Radar) of the Aberdeen Local Development Plan 2023 and appropriate information has been submitted in relation to land contamination to ensure compliance with Policy R2 (Degraded and Contaminated Land) of the Aberdeen Local Development Plan 2023. The proposals also include the provision of an energy facility, which is indicated as being provided within the first phase of development, with provision of such ensuring compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4 and Policy R8 (Heat Networks and Need) of the Aberdeen Local Development Plan 2023. Satisfactory information has also been submitted in relation to historic assets and archaeology to ensure compliance with Policy 7 (Historic Assets and Places) of National Planning Framework 4 and with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2023.

Subject to appropriately worded conditions the proposal would also be comply with Policy 24 (Digital Infrastructure) of National Planning Framework 4 and with Policies R6 (Renewable and Low Carbon Energy Developments) and CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

CONDITIONS

(01) LENGTH OF PERMISSION – PPIP

Applications for the approval of all matters specified in conditions of the Planning Permission in Principle hereby granted must be made before whichever is the latest of the following dates:

- (a) The expiration of twelve years beginning with the date of the planning permission in principle;
or,
- (b) The expiration of six months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.

In relation to any matter under part (b) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development of a subsequent phase hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: to ensure compliance with section 59 (planning permission in principle) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(02) PHASING PLAN

That prior to the commencement of development, an application for the approval of matters specified in conditions comprising a detailed phasing plan, setting out the details of the phasing of the development, shall be submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved Phasing Plan, unless otherwise agreed through the submission of a further matters specified in conditions application for an alternative phasing programme.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

(03) POST 2032 HOUSING

That notwithstanding the description provision of “1,575 homes” of the Planning Permission in Principle hereby approved, no more than 1,175 residential units shall be built on the development site prior to 2033.

Reason: A departure from Policy LR1 (Land Release Policy) of the Aberdeen Local Development Plan 2023, is only accepted on the basis that the housing allocation for the period marked 2033-2040 is not progressed until post 2032.

(04) MATTERS REQUIRING FURTHER APPROVAL CONDITION FOR PLANNING PERMISSION IN PRINCIPLE

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development within or out with any particular phase shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular phase has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block/phase of development;
- b) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development;
- c) details of all cut and fill operations in the relevant phase of the development;
- d) the details of the layout and finish of roads, visibility splays, footpaths, pedestrian connections and cycle routes including the identification of safe routes to school from the development.
- e) the details of all vehicular and motorcycle parking, short and long term secure cycle parking, electrical vehicle charging space and facilities, storage and collection for waste and recyclables
- f) details of any boundary enclosures to be provided within the relevant phase of the development;
- g) details of any play zones and play equipment to be provided within the relevant phase of development;
- h) full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase of development;
- i) details of public open space and core path improvement works; and
- j) full details of the layout, siting, design and finish of all non-residential properties throughout the phase where relevant. This shall include but is not limited to; community facilities, health centre, schools, commercial premises, energy centre, pumping station, and associated infrastructure.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

(05) FUTHER DETAILS – JUNCTION IMPROVEMENT WORKS

No development shall commence on any particular phase, of the development hereby approved until (i) detailed road junction analysis of the impact of the traffic generated by that phase and a scheme for any related mitigation which may be required as a result of the development, on the following road junctions:

- a. Springhill Road/ Provost Fraser Drive – site access south;
- b. A92 North Anderson Drive/ Cairncry Road/ Foresterhill Road/ Provost Fraser Drive;
- c. A92 North Anderson Drive/ Haudagain Bypass/ Hilton Drive;
- d. A92 North Anderson Drive/ Lang Stracht/ Westburn Road;
- e. A96 Great Northern Road/ Haudagain Bypass/ A96 Auchmill Road;
- f. Haudagain Bypass/ Manor Avenue;
- g. A96 Great Northern Road / A92 North Anderson Drive/ A92 Mugiemooss Road (Haudagain);
- h. A96 / Dyce Drive / Craibstone Drive.
- i. A944 Lang Stracht / Springhill Road.
- j. A944 Lang Stracht / Rousay Drive.
- k. A944 Lang Stracht / Stronsay Drive.

has been submitted to, and agreed in writing by way of a Matters Specified in Conditions application by, the planning authority and (ii) the provision of such mitigation works has been secured and agreed in writing by the planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, prior to the occupation of any part of that particular development phase.

Reason - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

(06) ACCESS TO DEVELOPMENT SITE

No development shall take place within each phase of development unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to the development site including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied or brought into use unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation.

Reason: in the interests of road safety.

(07) LANDSCAPING SCHEME

No development within any particular phase, as agreed by the Phasing Plan approved as condition 2 of this Planning Permission in Principle shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works for that particular phase, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved detail.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new (trees, shrubs, hedges, grassed areas and water features)

- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard-landscaping works including (walls, fences, gates, street furniture and play equipment)
- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

(08) LANDSCAPING (ABERDEEN INTERNATIONAL AIRPORT)

That no development shall commence on any phase, of the development as agreed within the approved phasing plan until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority by way of matters specified in condition application in consultation with Aberdeen Airport. Details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at www.aoa.org.uk/publications/safeguarding.asp). These details shall include:

- Any earthworks
- Grassed areas
- Details of any water features
- The species, number and spacing of trees and shrubs
- Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at www.aoa.org.uk/publications/safeguarding.asp).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The scheme shall be implemented as approved.

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

(09) HEIGHT, LAYOUT AND FORM OF MATERIALS (ABERDEEN INTERNATIONAL AIRPORT)

No development within any particular phase, shall take place unless a matters specified in conditions application for that phase, comprising details, location, height, layout, form and materials of buildings and structures within the proposed development have been submitted to and approved in writing by the planning authority in consultation with Aberdeen International Airport. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: Buildings/structures in the proposed development may penetrate the obstacle Limitation Surface (OLS) and/or Instrument Flight Procedure (IFP) surfaces surrounding Aberdeen Airport and could endanger aircraft movements and the safe operation of the aerodrome;

and:

Buildings/structures in the proposed development may interfere with communication, navigation aids and surveillance equipment and could endanger aircraft movements and the safe operation of the aerodrome.

(10) BIRD HAZARD MANAGEMENT PLAN

No development within any particular phase, shall take place unless a matters specified in conditions application comprising a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent;
- Any earthworks;
- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ ;
- Maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(11) SURFACE AND PUBLIC WATER DRAINAGE

No development within any particular phase shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage and foul water drainage for that particular phase has been submitted to any approved in writing with the Planning Authority. The scheme shall:

- a) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hard standing areas) for all areas of roads/ hardstanding/ car parking and one level of SUDS treatment for roof run-off include source control;
- b) provide further details in relation to the proposed urban drainage network, which would negate the requirements for the existing field drainage within the site, and confirmation of where the latter would be retained or removed. This shall include a full assessment of the

- individual runs to establish the source and outfall locations, ensuring any adjustments to pre-development scenario would not increase flood risk to the surrounding area; and
- c) shall be development in accordance with the technical guidance contained in the SUDS manual.
 - d) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the relevant phase of development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
 - e) a scheme for the connection of buildings to the public waste water system for that particular phase has been submitted to any approved in writing by the Planning Authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public wastewater system are in place.

Thereafter development shall be implemented in accordance with the agreed scheme and no building shall be occupied unless connection has been made to the public wastewater network in accordance with the approved details.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

(12) FLOOD RISK ASSESSMENT/ FURTHER DETAILS

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

This shall include:

- a) an assessment of the small watercourse running through the site from south to north (before discharging into the Bucks Burn) to demonstrate that the detailed proposals do not result in a risk to flooding to the proposed properties;
- b) further information in relation to the redevelopment/ new development on land and buildings in the northern part of the site adjacent to the Bucks Burn (in the area of Bucksburn House and to the west) to demonstrate that the proposals are not in an area of flood risk and will not increase overall flood risk at the site or elsewhere.
- c) Proposals to de-culvert lengths of the small watercourse running through the site from south to north and additional measures to improve the water environment, such as establishing a natural route for the channel and allowing a riparian corridor;
- d) Watercourse crossings should be designed to convey the 0.5% annual probability flood plus appropriate allowance for climate change and separate allowance for freeboard.
- e) Full details of field drains and watercourses within that phase of development, and how these are to be altered and impacted by that particular phase of development.

Reason – to ensure that each phase of development would not increase floor risk within the site or in the surrounding area.

(13) RADON ASSESSMENT

No development within the south-eastern section of the application site boundary (as identified on the UK Radon interactive viewer as having a maximum radon potential of 1%-3%) unless a matters specified in conditions application comprising a Radon Assessment has been submitted to and

approved in writing by the Planning Authority for that specific area of the development. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – the submitted documents have indicated a small section of land within this area is in a maximum radon potential of 1-3% and basic radon protection measures are required to be submitted.

(14) UNEXPLODED ORDNANCE ASSESSMENT

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Unexploded Ordnance Assessment, or confirmation that this is not required, has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

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

(15) TREE SURVEY AND PROTECTION PLAN

No development within any relevant phase shall take place unless a matters specified in conditions application comprising a tree survey including tree protection plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

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

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

(16) ADDITIONAL TREE PLANTING

No development within any particular phase shall take place unless a matters specified in conditions application for that phase comprising a scheme of additional tree planting has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

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

The additional tree planting shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 5 years from the completion of the additional tree planting, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

(17) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase (as agreed within the Phasing Plan submitted and agreed by condition 2 of this Planning Permission in Principle) shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address:

- i. surface water management;
- ii. site waste management;
- iii. watercourse engineering;
- iv. pollution prevention including dust management plan;
- v. management of wetland environment to increase its biodiversity value; and
- vi. the protection of the wetland should any major oil spills occur in the area feeding it.

Thereafter development shall be undertaken in accordance with the approved Construction Environment Management Plan.

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

(18) BIODIVERSITY NET GAIN

No development within any particular phase shall take place unless a matters specified in conditions application comprising a statement in relation to Biodiversity Net Gain, with associated measures has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – to ensure that the development proposals will contribute to the enhancement of biodiversity.

(19) BADGER SURVEY

No development within any particular phase shall take place unless a matters specified in conditions application for that phase comprising a badger survey and badger protection plan for that area has been submitted to and approved in writing by the Planning Authority. The protection plan must include:

- i. the measures required to protect badgers during development and any licensable activities required to allow the development to proceed
- ii. appropriate buffer zones to be established around any known active setts in order to avoid disturbance; and
- iii. details of how badger habitat (including foraging areas and connectivity between identified setts) shall be retained and/ or created as part of the development. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with NatureScot best practice guidance.

Reason – in order to mitigate any potential impact on protected species.

(20) BIRD, BAT SURVEY, OTTER SURVEY AND SITE-SPECIFIC HABITAT AND SPECIES PROTECTION PLAN

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific:

- a) Bird Survey
- b) Bat Survey
- c) Otter Survey and
- d) Site Specific Habitat and Species Protection Plan

has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – in order to mitigate any potential impact on protected species.

(21) RESIDENTIAL TRAVEL PACK / GREEN TRAVEL PLAN

No development within any particular phase shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) or both for that particular phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

(22) HEAT AND POWER PLAN

No development within any particular phase shall be occupied unless the following works have been provided:

- (a) Evidence of connection to an existing heat network has been provided where available; or
- (b) Provision has been provided within the site of an independent heating/ cooling network and plant capable of connecting to the network at a later date; or
- (c) where it can be proven that connection to an existing network and the provision of an independent heat network are financially unviable, a network of soft routes will be provided through the development for the future provision of a heat network. In such cases an agreed network design will be required.

Reason: to ensure that the development is properly and efficiently heated and ensure compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4.

(23) ENERGY CENTRE – AIR QUALITY

No development in relation to the proposed energy centre shall take place unless a matters specified in conditions application for that proposal comprising the submission of an Air Quality Impact Assessment has been submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the facility shall be designed such that there is no likelihood of exceedance of the national annual mean or short-term air quality standards for nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}).

Reason: to ensure that the proposed development would have no adverse impacts from an air quality perspective.

(24) NOISE IMPACT ASSESSMENT (HEAT AND POWER (BIOMASS) FACILITY/ COMMERCIAL DEVELOPMENTS)

No development in relation to the proposed heat and power (biomass) facility or any commercial elements of the development shall take place unless a matters specified in conditions application for that proposal comprising the submission of a Noise Impact Assessment has been submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the Noise Impact Assessment requires to follow the methodology within BS4142 (Noise Assessment) or any future British Standard which supersedes this guidance. Confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Local Planning Authority.

Reason – to ensure that the proposed development would have no adverse impact on surrounding amenity.

(25) NOISE IMPACT ASSESSMENT (RESIDENTIAL DEVELOPMENT)

That prior to the occupancy of any development located adjacent to the existing commercial and industrial premises, a further noise impact assessment shall be undertaken and a scheme of noise mitigation shall be submitted to any approved in writing by the Planning Authority, in consultation with Environmental Health. The scheme shall demonstrate adequate protection from noise generated from the adjacent commercial and industrial premises. The assessment shall have been made in accordance with the current version of BS4142 and confirmation of the findings of the assessment shall be submitted to, and agreed in writing by, the Local Planning Authority.”

Reason: in order to protect the amenity of residents of the proposed development and to ensure the development is fit for human occupation.

(26) FULL FIBRE BROADBAND

No development within any particular phase shall be occupied unless a matters specified in conditions application comprising a scheme for the provision of a full fibre broadband connection to each flat or dwellinghouse for that particular phase has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all properties provided with a full fibre broadband connection.

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

(27) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase shall take place unless a matters specified in conditions application comprising an Energy Statement applicable to each building within that phase has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2023 or such other prevailing policy and related guidance that is in place at the time of submission of the MSC.

No building within the development shall be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in prevailing Planning Policy.

(28) PROGRAMME OF ARCHAEOLOGICAL WORKS

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

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

ADVISORY NOTES FOR APPLICANT

BIRD HAZARD MANAGEMENT PLAN

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from NatureScot before the removal of nests and eggs.

USE OF CRANES

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>)

DESIGNING OUT CRIME

It is recommended that the design team consult with Police Scotland Architectural Liaison Officers at the pre design stage, given the future potential for increased Police activity in and around the area. The developer should also liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purposes of designing out crime using the principles of Crime Prevention through Environmental Design (CEPTED). Finally, Police Scotland would encourage the applicant to attain the 'Secured By Design' award and recommend that the development achieves the Police SBD accreditation as part of the planning conditions.

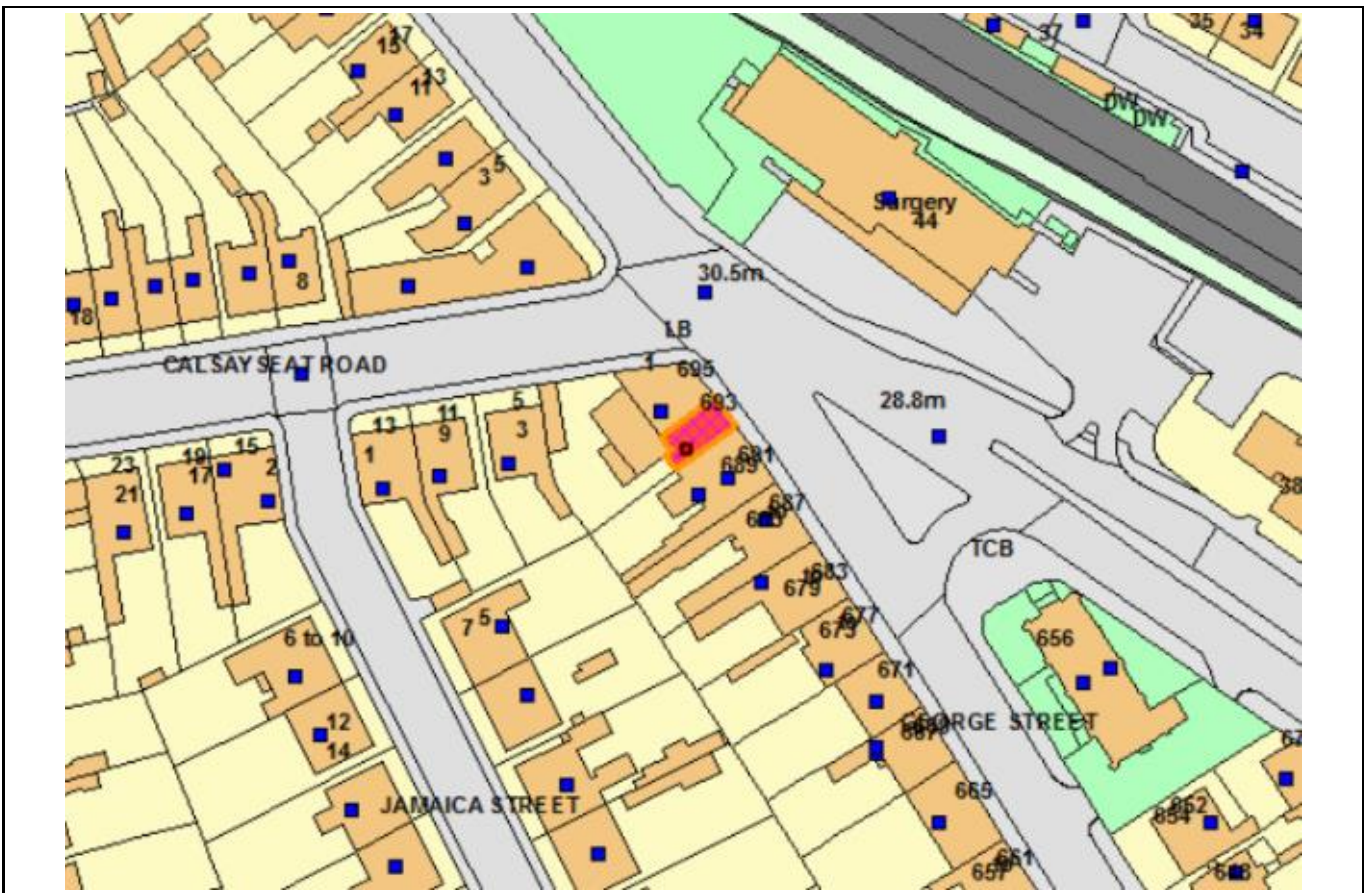
EVIDENCE OF CONCLUSION OF LEGAL AGREEMENT FOR EACH PHASE OF DEVELOPMENT

Prior to the issue of any approval matters specified in conditions permission for any particular phase of development (in line with the Phasing Plan associated with Condition 2 of this Planning Permission in Principle and the terms of the legal agreement), evidence will be required to be submitted to the Planning Authority that the developer obligations, including affordable housing contributions have been agreed, secured and concluded in relation to that particular phase of development and in accordance with the package of developer obligations set out within the draft Section 75 agreement appended to this permission.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 14 March 2024</p>

Site Address:	693 George Street, Aberdeen, AB25 3XP
Application Description:	Change of use from class 1A (shops, financial professional and other services) to hot-food takeaway (sui generis) and installation of kitchen extract vent to rear elevation (part-retrospective)
Application Ref:	231018/DPP
Application Type	Detailed Planning Permission
Application Date:	7 September 2023
Applicant:	Nemzblendz Limited
Ward:	George Street/Harbour
Community Council:	George Street
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a commercial unit which occupies part of the ground floor level of a three storey end-terraced tenement building of traditional design, located on the western side of George Street, immediately adjacent to its junction with Powis Place and Calsayseat Road. The upper floors of the building (and the neighbouring buildings) are in residential use as flats, whilst the neighbouring property at ground floor level to the north is also in commercial use as a pharmacy. The neighbouring property to the south, beyond a communal entrance door to upper floor flats, is in use as a barbers / hair salon. The application property's authorised use is Class 1A (Shops and financial, professional and other services), with the unit having been occupied by various Class 1A uses (barbers, clothes and sporting goods shops and a hair & beauty salon) since at least 2008, prior to its unauthorised change of use to a hot-food takeaway in 2023, for which this application seeks permission retrospectively. It is noted however that the unauthorised hot-food takeaway use ceased operations upon the submission of the current planning application in September 2023. There is an enclosed communal garden area to the rear (west) of the property which is outwith the application site and is understood to be owned by, and shared between, the residents living in the upper floor flats, that are accessed from Calsayseat Road. The adjacent retail unit has a single storey rear extension that projects into the rear garden area.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought, part-retrospectively, for the change of use of the ground floor level commercial premises from a hairdressers / beauty salon (Class 1A) to a hot-food takeaway (sui generis). As part of the change of use, it is also proposed to install kitchen extract equipment within the property, and for the filtered cooking fumes to be expelled from the premises via a new extract grille to be installed just above ground floor level on the rear (west) elevation of the building.

The unauthorised hot-food takeaway use commenced in mid-2023 before ceasing upon the submission of the application in September 2023, whilst the kitchen extract equipment and associated external vent grille have not yet been installed – hence the proposals are part-retrospective.

The applicant's Noise Impact Assessment states that the intended opening hours of the hot-food takeaway would be between 11am and 10pm, seven days a week.

Amendments

The following amendments were made to the application following its initial submission, in agreement with the applicant:

- Noise and Odour Impact Assessments were submitted;
- A floor plan of the unit was submitted;
- Existing and proposed rear elevation drawings were submitted, along with details of the proposed kitchen extract vent grille; and

- A Marketing Statement was submitted.

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=RZL2KHBZMKG00>

- Noise Impact Assessment (Couper Acoustics – 23 January 2024 – Ref: 2010212314 – V1)
- Odour Impact Assessment (Couper Acoustics – 23 January 2024 – Ref: 2010212314 – V1)
- Marketing Statement (Create Studio Architecture – 28 February 2024)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and more than six (sixteen) representations have been received from third parties either objecting to, or raising concerns about, the proposed development.

CONSULTATIONS

ACC - Waste and Recycling – No objection. Commercial waste bins would be stored within the property and collected kerbside by a commercial waste contractor.

ACC - Roads Development Management Team – No objection. The site lies in the inner-city boundary and within controlled parking zone W (CPZ W). Businesses in CPZ W are entitled to apply for two parking permits and the parking allocation for the proposed use does not differ from that of the previous retail use. Being within a CPZ, there are existing parking controls which would prevent and obstructive parking. There are existing public cycle parking spaces across the road. No business bins would be permitted to be stored on the public road (including the footway) outwith collection time.

ACC - Environmental Health – No objection, subject to the implementation of the mitigation measures recommended in the applicant's Noise and Odour Impact Assessments, including:

Odour mitigation

- Grease baffle filters within extract canopy (providing initial grease removal/fire protection)
- An ESP 3000 electrostatic precipitator
- Carbon filtration with a 0.4 – 0.8 second residence time

Noise mitigation

- i. The Local Extract Ventilation System (LEV) shall be installed in general accordance with the proposed Mechanical Extraction System drawing (Create Studio Architecture, Jan 2024).
- ii. The LEV shall have an intake/extract fan with equivalent (or lower) noise emissions to the Vent Axia ACM 315 fan (as detailed in Table 3 and Appendix A).
- iii. The LEV shall be fitted with a single silencer or a combination of silencers on the

atmospheric side of the fan, providing the minimum dynamic insertion loss values shown in Table 4.

- iv. To reduce impact noise from worktops transferred to the first floor via the structural walls, worktops and surfaces in the preparation area should be free standing, ensuring the work surfaces are not rigidly linked to the structural wall.
- v. Tables and chairs (if any) shall be fitted with rubber feet to reduce any noise from movement and the front door shall incorporate an automatic closer system.
- vi. The existing ceiling should be inspected to ensure it is intact. Any areas of damage must be made good. The suspended ceiling with fissure tiles should not be removed and shall be lined with 100mm of mineral wool. Any damaged or missing fissure tiles must be replaced or made good.
- vii. If the ventilation canopy is to be fitted to the original ceiling it must be connected through drop rods with Masons HD acoustic resilient hanger with Unistrut. Hole penetrations should be sealed with everflex non hardening mastic.

The Environmental Health Service also recommend that a condition is applied to any permission restricting the opening hours of the takeaway to between 7am and 11pm on any given day, as noted in the Noise Impact Assessment.

George Street Community Council – No comments received.

REPRESENTATIONS

A total of seventeen representations have been received, with sixteen either objecting to, or raising concerns about, the proposed change of use and one in support of the application. The matters raised in the representations received can be summarised as follows:

Concerns raised:

1. Cooking odours - No kitchen extraction system has been installed and cooking odours emanating from the premises (when it was operating in mid-2023) were harming the amenity of neighbouring residential properties;
2. Waste management – There is no provision for the storage and collection of commercial food waste;
3. Use of communal rear garden area – The hot-food takeaway operator was (when operational) using the shared garden area to the rear of the building for cooking, on land over which they have no ownership / permission to use, to the detriment of amenity and health & safety;
4. Unauthorised use – The property was operational as a hot-food takeaway without first obtaining planning permission for a change of use;
5. Overprovision – There are sufficient hot-food takeaways and fast food outlets in the surrounding area;
6. Character and amenity (opening hours and noise) – The hot-food takeaway would be open late in a largely residential area where existing commercial uses close by 6pm. The new use would create noise arising from customers, kitchen equipment and delivery vehicles, to the detriment of the character and amenity of an otherwise quiet neighbourhood, particularly in the evenings;
7. Litter and vermin – There is the potential for increased litter and food waste to be left on

- the street and associated risks in relation to the presence of vermin in the area;
8. Absence of neighbour notification – Residents within neighbouring buildings advise that they did not receive any formal notification of the application;
 9. Parking – There is no car parking available, being directly adjacent to a junction, therefore the site is not suitable for use as a hot-food takeaway. The new use would also worsen existing on-street parking provision issues;
 10. Fire risk and permission from other owners – The installation of any kitchen extract equipment would need permission from other owners in the building, and would present a fire risk to the dwellings above;
 11. Alternative locations – Albyn Place or Queens Road would be more suitable locations for the proposed premises;
 12. Unacceptable precedent – There are no existing fast food / late opening commercial premises in the area at present and approval of this application would set an undesirable precedent for further such developments.
 13. Kitchen extract equipment – The proposed kitchen extraction equipment would not solve anything, with cooking odours to be expelled directly under the windows of flats above.

Comments in support:

14. The proposed use would be great for the area. The previous occupants of the unit didn't last very long but hopefully this one will.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- 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 23 (Health and Safety)
- Policy 27 (City, Town, Local and Commercial Centres)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)

- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC10 (Local Shop Units)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Harmony of Uses
- Noise

EVALUATION

Main considerations

Although the proposed development is assessed against all relevant policies of National Planning Framework 4 (NPF4) and the Aberdeen Local Development Plan 2023 (ALDP) in the following evaluation, the main considerations for assessment in the determination of this application are as follows:

- Has the change of use resulted in the unacceptable loss of an existing retail unit, without evidence of appropriate marketing for its continued retail use?
- Would the change of use, with the incorporation of newly proposed kitchen extraction equipment, adversely affect the amenity of neighbouring residential properties to any significant degree?
- Would the change of use to a hot-food takeaway undermine the character and amenity of the area or the health and wellbeing of the community?

Principle of development - Loss of a local shop

Policy VC10 (Local Shop Units) of the ALDP states:

Proposals for changes of use from retail to non-retail outwith any of the centres identified in the network of centres will only be allowed if:

- 1. the applicants/agents can demonstrate a lack of demand for continued retail use of the premises;*
- 2. the proposed new use caters for a local catchment;*
- 3. the proposed use creates or maintains an active street frontage and attractive shop frontage; and*
- 4. the alternative use does not conflict with the amenity of the neighbouring area.*

Note – Proposals for a change of use where lack of demand is a factor should provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from letting agents explaining the reasons for the property being unsuitable for retail use.

The change of use of the unit from Class 1A to a hot-food takeaway is assessed against each of the above criteria of Policy VC10 as follows:

1. A Marketing Statement has been submitted by the applicant. It outlines that the unit lay

vacant for a period of four months following the termination of the previous tenant's (hairdresser/beauty salon) lease in September 2022, until the applicant took on a lease for the property in January 2023. During the vacant period the owners advertised the premises via signage and in the press but there was no interest for continued retail use. Whilst the statement does not provide evidence that the property was marketed for at least six months, as generally required by Policy VC10, given the property was vacant for four months and other retail premises in the area are known to currently be vacant, the loss of the existing authorised retail use is considered to be acceptable, on balance.

2. The hot-food takeaway would serve the local surrounding area and it is envisaged that with a significant number of residential properties in the area, the majority of customers would live nearby;
3. The predominantly glazed shopfront of the unit has been retained and no alterations to it are proposed. As such, the takeaway use maintains an active street frontage and an attractive shop frontage; and
4. Subject to the implementation of the noise and odour mitigation measures recommended in the applicant's Noise and Odour Impact Assessments, and a restriction on the opening hours of the takeaway, the new use would not conflict with the amenity of the area / neighbouring uses to any significant degree. Further details of the assessment of the use on amenity are set out below in the section of the evaluation on 'Character and amenity'.

To summarise, in terms of the loss of the previous retail (Class 1A) use of the premises as required to be considered under Policy VC10, it is accepted that the property was marketed for continued retail use for a reasonable period of four months without success. It is also considered that the hot-food takeaway would serve a local catchment area and maintains an active street frontage, without causing significant harm to the amenity of neighbouring properties. The proposals are therefore generally compliant with Policy VC10 of the ALDP.

Principle of development – Character and amenity

Policy 27 (City, Town, Local and Commercial Centres) of NPF4 states:

(c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:

i. Hot food takeaways, including permanently sited vans.

The proposed hot-food takeaway use would likely be open during the day and evening periods (the Noise Impact Assessment advises that the intended opening hours are 11am to 10pm, seven days a week) and it would increase the range of food & drink options available to members of the public in the area surrounding the northern end of George Street.

The application site lies within an area of streets at the northern end of George Street, which is identified as being relatively deprived in relation to some indices (education, housing and crime) of the [Scottish Index of Multiple Deprivation map](#), although the area is not within the top 20% of most deprived areas in Scotland. There are two existing hot-food takeaways on George Street between its junctions with Fraser Place and Calsayseat Road. However, the two existing hot-food takeaways are situated at no's 551 and 554 George Street respectively, which is approximately 320m to the south of the application site. As such, the proposed change of use would not result in any clustering or overprovision of hot-food takeaways in the surrounding area. The change of use would not cause significant harm to the character or amenity of the area, for the reasons set out in the following section of the evaluation.

There is no substantive policy, guidance or evidence to suggest that the provision of a Caribbean hot-food takeaway would be to the significant detriment of the local community's health and wellbeing. Rather it would offer additional choice to the existing offering in the surrounding area, whilst filling an otherwise vacant commercial unit at street level.

The proposals are therefore considered to be compliant with Policy 27 of NPF4 despite some tension with the criteria set out in paragraph (c).

The application site lies in a Residential Area, as defined in the ALDP Proposals Map. Policy H1 (Residential Areas) of the ALDP states:

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

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

Impact on character of the area

Although the area surrounding the application site is zoned as residential in the ALDP Proposals Map, the context of the northern end of George Street is somewhat mixed, with the application property forming one in a row of seven commercial units at the ground floor level of multiple terraced tenement blocks on a 45m stretch of George Street immediately to the south of Calsayseat Road. Additionally, the four storey Calsayseat Medical Group building occupies a prominent position on the opposite side of Powis Place to the northeast. The road junction immediately adjacent to the application site sees George Street join Powis Place, Powis Terrace and Calsayseat Road, and has a large volume of vehicular traffic throughout the day. As a result, the character of the area in the immediate vicinity of the application site is one of a mix of uses, with a significant amount of activity and background noise due to passing road traffic. Therefore whilst there are a significant number of residential properties in the surrounding area, including flats above the application premises, the character of the area is more busy, noisy and vibrant than that of a typical residential street. Given the existing level of activity and associated background noise, the proposed use of the existing commercial unit as a hot-food takeaway (proposed to be open until 10pm) would not have any significant impact on the character of the area. No external alterations to the property are proposed with the exception of the installation of a relatively small kitchen extract vent grille to the rear elevation, therefore the physical external works would also not harm the character of the area.

Impact on amenity

Policy 23 (Health and Safety) (e) of NPF4 states:

- e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.*

Policy WB3 (Noise) of the ALDP states a presumption against noise generating developments, as identified by a Noise Impact Assessment, being located close to noise sensitive developments such as housing, unless suitable mitigation measures are in place to reduce the impact of noise.

The Council's 'Harmony of Uses' Aberdeen Planning Guidance (APG) highlights hot food shops as having the potential to harm amenity, particularly where located below residential flats, due to noise and odour emissions, late opening hours, traffic disturbance and litter.

The applicant has submitted an Odour Impact Assessment (OIA) as part of the application which acknowledges that, without any mitigation, the cooking operations of the unit would pose a very high risk of harm to the amenity of neighbouring (upstairs) residential properties in relation to cooking odours. However, in line with the mitigation measures recommended in the OIA, it is proposed to filter and discharge cooking odours from the hot-food takeaway's kitchen via a new local extract ventilation (LEV) system to be installed internally, which would then be discharged from an extract vent grille to be installed on the building's rear elevation, just above ground floor level.

The applicant has also submitted a Noise Impact Assessment which includes recommended mitigation measures applicable to the LEV equipment and associated internal works, in order to ensure that the amenity of the upper floor flats would not be adversely affected by noise emissions.

The noise and odour assessments have been reviewed by the Council's Environmental Health Service who are satisfied that, subject to a local extract ventilation system being installed prior to the use commencing (or recommencing, given it was operational in 2023), in accordance with the mitigation measures and technical specifications set out in the Noise and Odour Impact Assessments, the proposed development would not adversely affect the amenity of the neighbouring residents in terms of either noise or odour emissions.

Although the implementation of the noise and odour mitigation measures will be sufficient to ensure that the impacts of noise and cooking odours from within the unit on residential amenity will be adequately mitigated, it is noted that hot-food takeaways can result in additional noise emissions from customers (both internal and external) and delivery drivers, particularly in the evening periods which may otherwise be quieter than during the day. As such, in order to minimise the risk of external noise emissions from customers, delivery drivers and other associated activity to impact on the amenity of the flats above, it is recommended that a condition is attached restricting the opening hours of the premises to between 8am and 10pm on any given day, thus prohibiting the use from operating during the quieter, more sensitive late evening and early morning periods.

The applicant's Noise Impact Assessment states proposed opening hours of 11am to 10pm, whilst the Environmental Health Service recommend prohibiting the use between 11pm and 7am. The Planning Service considers that the ambient activity and background noise at the site is likely to be significantly reduced by 10pm to the extent that permitting the use to open until 11pm could cause harm to amenity. A slightly reduced period of opening hours until 10pm, as proposed by the applicant, is therefore considered necessary. 7am is considered by the Planning Service to be relatively early for opening, therefore a restriction of the opening hours to between 8am and 10pm on any given day is considered to be reasonable, proportionate and necessary given the context of the area.

In relation to traffic disturbance, the application site lies within a Controlled Parking Zone and there are double yellow lines immediately in front of the premises on George Street. As a result, the potential for lawful parking by customers or delivery drivers to adversely affect on-street parking supply or road safety is minimal and any unlawful parking in the area would be dealt with under separate legislation if any occurs. Given the site lies in a predominantly residential area, it is anticipated that most customers would likely access the property on foot, thereby not introducing any significant parking issues. Should any customers wish to park in the area whilst

collecting food, there is some pay and display on-street parking available for non-permit holders on Calsayseat Road, as well as permit-only parking which is available to non-permit holders outwith the hours of 8am to 6pm Monday to Saturday. Any parking required for customers would be short-stay only and would not be likely to have any significant impact on local parking supply. In relation to the potential for increased litter, bins would be provided within the unit but beyond the application site any litter dropped by customers would be controlled by separate legislation and cannot be controlled through the planning process.

Therefore, subject to the implementation of the mitigation measures listed in the applicant's Noise and Odour Impact Assessments, and a restriction on the opening hours, it is considered that the proposed use would not adversely affect the amenity of any neighbouring uses to any significant degree. The proposed development is therefore acceptable in accordance with Policies 23 and 27 of NPF4, Policies H1 and WB3 of the ALDP and the guidance set out in the Harmony of Uses APG.

Re-use of vacant premises

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. The reuse of the previously vacant unit is therefore compliant with the aims of Policy 9 of NPF4, subject to the proposed use otherwise being suitable for the context.

Design quality

Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP both seek to ensure that all development is of a high-quality design, appropriate for its context.

The only works proposed to the exterior of the building comprise the installation of a square (450mm x 450mm) metal louvred extract grille on the rear elevation of the building, just above ground floor level. The grille would be the termination point for the expulsion of cooking odours from the kitchen, which would be filtered internally via the new local ventilation extraction system.

The proposed extract grille would be of a small scale and would be discreetly sited on the building's rear elevation, such that it would not significantly affect the external appearance of the building and would not be visible from any public viewpoints. It is thus considered that the proposed extract vent grille would be of an appropriate design quality for the context of the host building and the surrounding context, and it is thus compliant with Policy 14 of NPF4 and Policy D1 of the ALDP.

Transport and accessibility

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP seek to ensure that all new development would be accessible by sustainable and active modes of transport, minimising the need for private vehicle trips. Policy T3 (Parking) of the ALDP states that zero and low car developments will be supported in inner city locations where the application site is accessible via sustainable and active modes of travel.

The application site lies in a highly accessible location outwith, but not a significant distance from, the city centre. The site is accessible by foot, bicycle and public transport. No dedicated car parking is proposed and none is feasible but given the accessible nature of the site and the intended use, none is required. With a significant number of residential properties within walking

distance of the application site, it is anticipated that a large proportion of customers accessing the property to purchase food would do so sustainably (on foot).

The application has been subject to consultation with the Council's Roads Development Management team (RDM), who have raised no objection, therefore the proposed use is considered to be acceptable, in accordance with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements in New Development) of the ALDP both require sufficient space to be provided within new developments for the adequate storage and collection of any waste generated by the development. The applicant proposes to store commercial food waste bins within the property which would then be presented kerbside on George Street for collection by a commercial waste contractor on a weekly basis. The internal storage of commercial waste would therefore not pose any concerns in relation to residential amenity, visual amenity or pedestrian safety. There would be sufficient and appropriate space for the storage and collection of waste generated by the proposed use, in accordance with Policy 12 of NPF4 and Policy R5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The development is sufficiently small-scale such that it does not, in itself, make any direct difference to the global climate and nature crises, nor to climate mitigation and adaptation and the proposals therefore do not conflict with Policies 1 and 2 of NPF4.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development *'to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.'* The proposed change of use is small-scale and the nature of the development is such that it does not offer any opportunities for on-site biodiversity gain, nor would any biodiversity gain be proportionate to the nature and scale of the intended works. It is thus considered that the proposals are acceptable despite some minor tension with Policy 3 of NPF4.

Matters raised in representations

Matters 1, 2, 5, 6, 7, 9 and 13 summarised in the representations above have been addressed in the foregoing evaluation. The remaining matters raised that are not addressed above, are addressed as follows:

3. *Use of communal rear garden area – The hot-food takeaway operator was (when operational) using the shared garden area to the rear of the building for cooking, on land over which they have no ownership / permission to use, to the detriment of amenity and health & safety.*

Response: The communal garden area to the rear of the property is not included within the application site, therefore any cooking or other activities associated to the use of the hot-food takeaway that may take place in the garden area would not be permitted by the

planning permission. If and when such activities may occur, they could be subject to formal enforcement action by the Council's Environmental Health Service and the planning authority. The use of land not owned by the applicant may also constitute a civil matter between the various parties involved.

- 4. Unauthorised use – The property was operational as a hot-food takeaway without first obtaining planning permission for a change of use.*

Response: The unauthorised use of the premises as a hot-food takeaway prior to the submission of the application is not a material consideration in the determination of this application. The earlier breach of planning control has been rectified through the cessation of use and submission of this application.

- 8. Absence of neighbour notification – Residents within neighbouring buildings advise that they did not receive any formal notification of the application.*

Response: Paper neighbour notifications were posted to all of the properties noted in the list of notified neighbours (all properties within 20m of the application site) on the Council's website, both on the 8th of September 2023 and again on the 9th of February 2024. The Planning Authority has complied with the neighbour notification requirements. Whilst unfortunate, any difficulties with the delivery of the neighbour notifications are outwith the control of the planning authority.

- 10. Fire risk and permission from other owners – The installation of any kitchen extract equipment would need permission from other owners in the building, and would present a fire risk to the dwellings above.*

Response: Perceived fire risk from the installation of kitchen apparatus and associated extract equipment is not a material planning consideration. The LEV works may require a building warrant, in which case fire risk may be assessed through that process. Ownership and permissions from owners are not material planning considerations but nevertheless, all of the kitchen extract equipment would be sited within the unit, with the exception of the extract vent grille to the rear, which would also be at ground floor level.

- 11. Alternative locations – Albyn Place or Queens Road would be more suitable locations for the proposed premises.*

Response: Each application must be assessed on its merits and based on the site-specific circumstances. There is no sequential test for hot-food takeaway applications, therefore alternative locations do not require to be considered as part of this application.

- 12. Unacceptable precedent – There are no existing fast food / late opening commercial premises in the area at present and approval of this application would set an undesirable precedent for further such developments.*

Response: Each application is assessed on its own merits. At present the nearest hot-food takeaways are situated approximately 320m to the south of the application site. Should there be any future applications for further takeaways near the application site then the specific circumstances of those applications would be reviewed based on the policy and site context at that time.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The applicant has satisfactorily demonstrated, on balance, that there was a lack of demand for continued retail use of the premises, that the proposed use would serve a local catchment, would maintain an active street frontage and would not adversely affect the amenity of the area, generally in accordance with Policy VC10 (Local Shops) of the Aberdeen Local Development Plan 2023 (ALDP).

Although located in a residential area, there are a mix of uses and there is a significant level of activity immediately adjacent to the application site resulting from the heavily trafficked nature of the adjacent road junction. The proposed hot-food takeaway would not result in the overprovision or clustering of takeaways in the area, would provide wider choice for customers, would preserve the character of the area and, subject to the implementation of noise and odour mitigation measures via condition, the use would not adversely affect the amenity of any neighbouring properties to any significant degree. The proposed change of use is therefore acceptable in accordance with Policies 23 (Health and Safety) and 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4), Policies H1 (Residential Areas) and WB3 (Noise) of the ALDP and the Council's Aberdeen Planning Guidance on Harmony of Uses.

The proposed kitchen extract vent would be discreetly scaled and sited on the building's rear elevation and the external works would be of an appropriate design for the context, in accordance with Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. The proposed development would have sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP. The application site lies in a sustainably accessible location, would likely serve a local catchment area and could be accessed via sustainable and active modes of travel, in accordance with Policies 13 (Sustainable Transport) of NPF4, T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

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

CONDITIONS

(1) ODOUR MITIGATION

The hereby approved use shall not operate unless the critical odour mitigation measures achieving at least an equivalent effect of the measures listed in the approved Odour Impact Assessment (Couper Acoustics – 23 January 2024 - Ref: 2010212314 -V1) have been implemented in full. The mitigation measures shall include (but are not limited to) the installation of:

- Grease baffle filters within extract canopy (providing initial grease removal/fire protection);
- An ESP 3000 electrostatic precipitator;
- Carbon filtration with a 0.4 – 0.8 second residence time.

Reason: In order to protect the amenity of neighbouring residential properties from cooking odour emissions.

(2) NOISE MITIGATION

The hereby approved use shall not operate unless the noise mitigation measures listed in the approved Noise Impact Assessment (Couper Acoustics – 23 January 2024 - Ref: 2010212314 - V1) have been implemented in full. The mitigation measures shall include (but are not limited to):

- i. The Local Extract Ventilation System (LEV) shall be installed in general accordance with the proposed Mechanical Extraction System drawing (Create Studio Architecture, Jan 2024).
- ii. The LEV shall have an intake/extract fan with equivalent (or lower) noise emissions to the Vent Axia ACM 315 fan (as detailed in Table 3 and Appendix A).
- iii. The LEV shall be fitted with a single silencer or a combination of silencers on the atmospheric side of the fan, providing the minimum dynamic insertion loss values shown in Table 4.
- iv. To reduce impact noise from worktops transferred to the first floor via the structural walls, worktops and surfaces in the preparation area should be free standing, ensuring the work surfaces are not rigidly linked to the structural wall.
- v. Tables and chairs (if any) shall be fitted with rubber feet to reduce any noise from movement and the front door shall incorporate an automatic closer system.
- vi. The existing ceiling should be inspected to ensure it is intact. Any areas of damage must be made good. The suspended ceiling with fissure tiles should not be removed and shall be lined with 100mm of mineral wool. Any damaged or missing fissure tiles must be replaced or made good.
- vii. If the ventilation canopy is to be fitted to the original ceiling it must be connected through drop rods with Masons HD acoustic resilient hanger with Unistrut. Hole penetrations should be sealed with everflex non hardening mastic.

Reason: In order to protect the amenity of neighbouring residential properties from noise emissions.

(3) OPENING HOURS

The hereby approved use shall only operate between the hours of 8am and 10pm on any given day.

Reason: In order to protect the amenity of neighbouring residential properties from noise emissions in the late evening and early morning periods.

ADVISORY NOTES FOR APPLICANT

(1) USE OF REAR GARDEN AREA, OUTWITH THE APPLICATION SITE

For the avoidance of doubt, the applicant should be aware that any cooking activities, storage of waste, or any other activities associated with the hereby approved change of use shall be restricted to the confines of the application site, which is the internal footprint of the ground floor unit at 693 George Street only, and does not include the external garden area to the rear of the building. Any cooking, waste storage or other activities in that area may be subject to formal enforcement action being taken by the planning authority in the future should they occur.

(2) ODOUR MANAGEMENT PLAN

It is recommended that the operator establishes a written Odour Management Plan including cleaning and maintenance procedures for the plant corresponding with Sections 5.03 - 5.05 of the approved Odour Impact Assessment report, based on the manufacturer's instructions and extent of use, to reduce the risk of malodour and statutory nuisance going forward.

(3) BUSINESS WASTE INFORMATION

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gully and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available

at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

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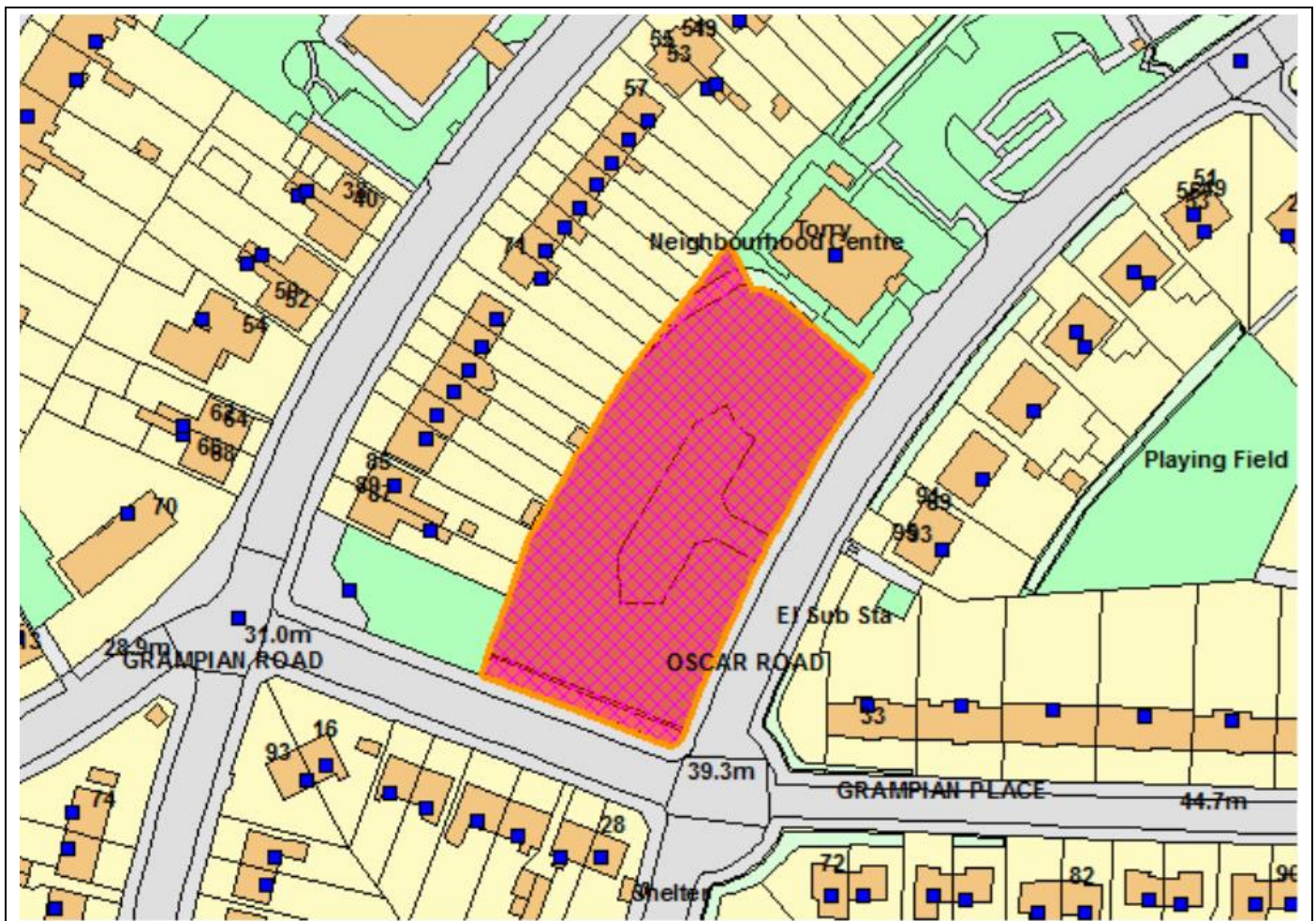


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 14 March 2024

Site Address:	Site of Former Nursery, Oscar Road, Aberdeen, AB11 8ER
Application Description:	Erection of 18-unit affordable housing development (comprising 10 houses and 8 flats) including associated vehicle access/egress, car parking, amenity/open space and other associated works
Application Ref:	231300/DPP
Application Type	Detailed Planning Permission
Application Date:	23 October 2023
Applicant:	MLP Homes Ltd
Ward:	Torry/Ferryhill
Community Council:	Torry



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

This vacant site, which extends to approximately 4,500sqm, was previously occupied by a children's nursery. The building was demolished in 2015 and the site has not since been used, with the access from Oscar Road also disused. The periphery of the site is defined by a mature privet hedge / mature trees which form a strong edge to the street boundaries. The site has a slight westerly aspect and there are significant level changes in surrounding land such that the floor levels of the properties on Grampian Road lie around 5m below the site levels. To the north of the site lies Torry Medical Centre which is a 2-storey building set back from the street with first floor windows overlooking the site. Further to the north-east on Oscar Road lies Torry Sports Centre which has extensive surface car parking. Other nearby community facilities including churches, a public house and the new Greyhope Primary School / community hub. There is a mix of forms and types of dwellings in the surrounding area including 1½ storey semi-detached houses and 2 and 3 storey flatted blocks.

Relevant Planning History

A pre-application enquiry for residential development of the site (erection of 26 houses) was submitted in August 2021 (ref. 211244/PREAPP). The response provided in October 2021 concluded that such development would have adverse environmental impacts (e.g. loss of established trees and open space) and represents overdevelopment of the site. It was considered to be an inappropriate design solution. Substantial amendment of the proposal, including reduction of scale / footprint of development, was requested in order to achieve an acceptable and more sustainable design solution.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the redevelopment of the site as housing. A mix of 10 terraced houses and 8 flats is proposed, all of which would be social rented. Four 1-bed flats are proposed. The remainder of homes would have 4 or 5 bedrooms. The homes would be formed in three 3-storey blocks laid out in a symmetrical courtyard arrangement fronting onto a communal car parking court. A total of 18 communal parking spaces (100%) are proposed with active electric vehicle (EV) charging for 4 spaces. A single vehicular access point is proposed at the existing access point from Oscar Road. Associated private garden ground, communal landscaping, and drainage facilities would be provided. All units would have access to private external garden areas and drying facilities. In addition, the upper floor flats facing Oscar Road would have private balconies. Communal bin storage would be provided adjacent to the car park / pedestrian access points, accessed from Oscar Road. The buildings would have external walls clad with brick, including Flemish bond feature panels. The roofs would be pitched / hipped and clad with synthetic slates. The floor level of the proposed houses at the rear of the site would be set around 1m below the level of Oscar Road. The rear wall of the main terrace would be set 14m from the boundary with the rear gardens of properties on Grampian Road. Air Source Heat Pumps (ASHP) would be provided on the rear elevations of the dwellings.

Amendments

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

- Revised site layout / access
- Reduction in total number of units from 20 to 18.
- Revised landscaping, boundary treatment and tree retention.
- Revised house design, reduced floor levels, and deletion of balconies

- Increased separation distance from housing on Grampian Road.
- Relocated communal bin storage.
- Addition of green roofs.

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=S2MPTSBZGQ500>

- Tree Survey
- Ecological Survey
- Design and Access Statement
- Transport Statement (TS)
- Drainage Strategy / Flood Risk Assessment
- Overshadowing / Daylight Analysis

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because of the number of objections, there is objection from ACC Roads Service and the recommendation is approval.

CONSULTATIONS

ACC - Housing – No objection. Advise that the development is for 100% social rented housing which will be delivered for Hillcrest Housing Association. The site is included in the SHIP 2024/25 – 2028/29 and will be prioritised for funding. The development meets housing need and demand and will provide much needed family homes and 1 bed flats.

ACC - Developer Obligations – No objection. Request contributions regarding enhancement of healthcare (£17,864) core paths (£13,020) and open space (£4,260). Note that the development is for 100% affordable housing.

ACC - Land and Property Assets – No objection or comments.

ACC - Schools Estates Team – No objection. Advise that adequate school capacity exists.

ACC - Roads Development Management Team – Object regarding potential conflict between reversing vehicles within the proposed courtyard car park and other users. Consider that 6 of the 18 parking spaces (4 of which are accessible) are unsafe as they would require drivers to reserve for a prolonged distance through a shared-use area, past multiple cars and past the site access. No objection regarding the proposed site access and servicing / waste uplift arrangement. Consider the level of car parking proposed to be adequate, subject to provision of an on street car club vehicle to address potential overspill car parking pressure in the adjacent area. Consider that full provision of EV chargers is required as per Transport & Accessibility Aberdeen Planning Guidance. All spaces would require active EV charging infrastructure in line with the standards. Residential Travel Packs should be provided to residents, secured through a planning condition. Consider that the proposed surface water drainage arrangements would be appropriate. Do not identify any requirement for off-site road infrastructure enhancement or mitigation (e.g. road / pedestrian / cycle / public transport facilities) other than contribution to ensure car club space provision on Oscar Road (£11,208).

ACC - Waste and Recycling – No objection. Advise that the development will be served by

communal waste bins located on site.

ACC - Structures, Flooding and Coastal Engineering – No objection. Advise that there are no recorded flooding incidents in the area, no nearby watercourse and the Flood Risk Assessment shows that there are no SEPA flood extents.

ACC - Environmental Health – No objection subject to provision of suitable noise attenuation measures to protect occupants. Provide advice regarding construction noise.

ACC - Contaminated Land Team – No objection. Advise that the potential for contamination of the site resulting from its previous use is low. Recommend that a contaminated land risk assessment is carried out prior to development.

Police Scotland – No objection. Recommend that the developer should liaise with the Police Scotland Architectural Liaison Officer service.

Disability Equity Partnership (DEP) – No objection. Provide detailed comments regarding the internal and external layout / design of the development, communal bin storage, maintenance of landscaping, surface water drainage and heating technology. Note that erroneous information regarding connectivity to schools is provided in the transport statement (now addressed).

North East Scotland Biological Records Centre – No objection / records.

Scottish Water – No objection. There is currently sufficient capacity for a foul only connection in the Nigg Waste Water Treatment works. For reasons of sustainability and to protect against potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Torry Community Council – No response received.

REPRESENTATIONS

A total of 16 objections have been received raising the following matters:

- Overdevelopment (excessive building height, scale and massing).
- Inappropriate development form (3 storey houses) relative to existing lower scale houses.
- Overlooking / privacy impact due to proximity and scale of proposed terraced housing, the proposed balconies and windows to existing housing and private gardens.
- Adverse shading impact on and loss of sunlight to adjacent residents – adequate analysis required taking into account level changes.
- Inadequate rear garden sizes.
- Conflict with ACC guidance regarding amenity.
- Inadequate car parking provision on site / potential overspill parking pressure.
- Possible road safety impacts and traffic generation, including adverse impact on safe routes to new primary school.
- Inadequacy / inaccuracy of submitted TS.
- Traffic history record in area not recognised.
- Impact on air quality.
- Adverse noise impact on residents, including due to location of play area / Air Source Heat Pumps (ASHP), use of balconies, bins and traffic.
- Light pollution impact on nearby residents.

- Tree loss / impact and encroachment of development into root protection areas.
- Contradictory information regarding tree retention.
- Excessive vegetation loss, adverse wildlife impact and contravention of National Planning Framework 4 policy 3.
- Surface water drainage impact and inadequacy of proposed SUDS – reduced surface water discharge required.
- Increased crime and anti-social behaviour (e.g. due to location of play area).
- Inadequate track record of applicant.
- Relocation of bin stores to Oscar Road frontage is required.
- Relocation of ASHP to frontages preferred.
- Impact on boundaries / adequacy of ground conditions adjacent boundary to prevent land slippage due to excavation (e.g. for SUDS).
- Potential for provision of drive / path access to rear gardens of adjacent property.
- Impact on medical centre capacity.
- Alternative use of the site should be considered.
- The appropriateness of the development for people with disabilities requires consideration.
- Lack of site investigation for contamination.
- Engagement with the local community is required.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

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 following policies apply:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 5 (Soils)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic assets and places)
- 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 19 (Heat and Cooling)
- Policy 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

The site is identified as the main part of an opportunity site for development (OP103) in the ALDP. The following ALDP policies are relevant:

- Policy CF1 (Existing Community Sites and Facilities)
- Policy CI1 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE2 (Green and Blue Infrastructure)
- 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 for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy R8 (Heat Networks)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Supplementary Guidance (SG)

- Planning Obligations

Aberdeen Planning Guidance (APG)

- Amenity and Space Standards
- Materials
- Landscape
- Affordable and Specialist Housing
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Flooding Drainage and Water Quality
- Trees and Woodlands
- Food Growing
- Outdoor Access
- Waste Management Requirements for New Development
- Resources for New Development

Other National Policy and Guidance

- **Naturescot Developing with Nature guidance:**
<https://www.nature.scot/doc/developing-nature-guidance>

- **Designing Streets 2010:**
<https://www.gov.scot/publications/designing-streets-policy-statement-scotland/documents/>
- **Planning Advice Note (PAN 67) - Housing Quality**
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2003/02/planning-advice-note-pan-67-housing-quality/documents/0026427-pdf/0026427-pdf/govscot%3Adocument/0026427.pdf>
- **PAN75 – Planning for Transport :**
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2005/08/pan-75-planning-for-transport/documents/pan75-planning-transport-pdf/pan75-planning-transport-pdf/govscot%3Adocument/PAN75%2BPlanning%2Bfor%2BTransport.pdf>
- **PAN 77 – Designing Safer Places**
<https://www.gov.scot/publications/planning-advice-note-pan77-designing-safer-places/documents/>
- **PAN 78- Inclusive Design:**
<https://www.gov.scot/publications/pan-78-planning-building-standards-advice-note-inclusive-design/documents/>
- **PAN 2/2010 – Affordable Housing and Housing Land Audits :**
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2010/08/pan-2-2010-housing-land-audits/documents/pan-2-2010-pdf/pan-2-2010-pdf/govscot%3Adocument/pan%2B2%2B2010.pdf>
- **Planning Circular 3/2009 : Notification of Planning Applications:**
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2009/04/scottish-planning-series-planning-circular-3-2009-notification-planning-applications/documents/0079583-pdf/0079583-pdf/govscot%3Adocument/0079583.pdf>
- **Planning Circular 4/1998: the use of conditions in planning permissions:**
<https://www.gov.scot/publications/planning-circular-4-1998-use-of-conditions-in-planning-permissions/>

Other Material Considerations

- ACC Local Housing Strategy 2018-2023 (LHS):
<https://www.aberdeencity.gov.uk/sites/default/files/2018-09/Local%20Housing%20Strategy%202018-2023.pdf>
- Aberdeen City and Shire Housing Need and Demand Assessment 2023-2028 (HNDA):
<https://aberdeencitycouncil0365.sharepoint.com/sites/Project-HNDA/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FProject%2DHNDA%2FShared%20Documents%2FFinal%20Draft%2FHNDA%20Final%20%2D%20Jan%2024%2Epdf&parent=%2Fsites%2FProject%2DHNDA%2FShared%20Documents%2FFinal%20Draft>
- Aberdeen City and Shire Housing Land Audit 2023 (HLA):
https://www.aberdeencity.gov.uk/sites/default/files/2023-09/Aberdeen%20City%20and%20Aberdeenshire%20HLA%202023_0.pdf

- ACC Open Space Audit 2010 (OSA):
https://www.aberdeencity.gov.uk/sites/default/files/2010_openspaceaudit_report_appendices.pdf

EVALUATION

Principle of Development

The principle of re-use / redevelopment of brownfield land within the build-up area of the city accords with NPF4 policy 9 and wider sustainability objectives. The delivery of high-quality affordable housing within an accessible well-connected urban location accords with NPF4 policies 15 and 16.

The ALDP identifies the site as an Opportunity Site (OP103) but does not specify the anticipated end uses. However, the Reporter's ALDP report of examination of the local development plan included reference to the site being developed for residential purposes. ALDP policy CF1 allows for alternative (non-community) uses which are compatible with adjoining uses. The residential uses proposed are in principle compatible with the wider residential area and the adjacent medical centre. As the site is not used as a nursery, there would be no loss of community facilities. Thus, there is no conflict with policy CF1. The delivery of social rented housing accords with key objectives of the HNDA and LHS. The HLA demonstrates that there is adequate effective housing land available in the Aberdeen housing market area. Approval of the development would contribute to that supply as the site has been marketed for sale by ACC.

Design and Scale

The ALDP OP 103 designation does not refer to the need for a masterplan or a development or planning brief for the site. Nor does it identify its associated constraints or the desired scale, form and nature of development. The scale of the site is such that a planning brief or masterplan has not been undertaken. However, the extensive detailed nature of the submitted design statement demonstrates that the development solution has been derived from a clear and thorough understanding and evaluation of the site's context, its constraints and its key features. The design statement addresses the key development constraints and opportunities as identified at pre-application stage and responds to the density and scale concerns identified during the application submission.

Whilst the site lies within an urban area of varied form, age and heights of buildings, the openness and extent of greenspace within the site currently provides a degree of amenity for adjacent residents, which would be affected by any redevelopment. However, given the Opportunity Site designation and previously developed nature of the site it is unreasonable to expect that the site would remain undeveloped and that all existing greenspace would be retained. The amended design solution ensures the retention of the majority of such greenspace (i.e. around 65% of the area identified as open space in the OSA) including the main trees and hedging around the site edge.

The layout and form of development has been influenced by the site context /setting, provision of adequate amenity levels for occupants and neighbours, the need to avoid parking /access roads over-dominating the external space and adversely impacting on the setting of the development, the need to retain trees / greenspace and the need ensure adequate surveillance of car parking.

The terraced / courtyard form of housing proposed would ensure a strong sense of place and positive relationship with the road frontage in accordance with the design quality objectives of Designing Streets. The number and form of homes proposed and the provision of larger family type houses have been influenced by the desire of ACC Housing Service to address social housing demand and the site capacity expectations set out in the ALDP. These considerations are key determinants of the development solution.

The overall design solution is therefore considered to accord with the objectives of NPF4 policy 14 and ALDP policies D1 and D4.

Density

The ALDP Opportunity Site (OP103) designation does not specify the desired density of development. However, the Reporter's ALDP report of examination of the local development plan included reference to an indicative capacity of 45 housing units on the site. Given that figure, it is clear that it was not anticipated that the site would be a low-density suburban housing development and that it would have a higher density in accordance with the expectations of ALDP policy H3. The development would have density of 40 units per hectare and whilst this is not considered to be a high level of density, it is in this instance considered to be an appropriate density. The density figure is influenced by the need to take into account site constraints (e.g. retention of trees and greenspace) and the specific context of this site, which includes a mix of two storey flatted properties and 3 storey tenement flats.

Residential Amenity

Impact on Existing Amenity

Given the proposed residential uses there would be no fundamental conflict with adjacent residential uses or insurmountable adverse noise impact on existing occupants. Whilst there would be a degree of overlooking of adjacent rear gardens and the rear of houses on Grampian Road from upper floor proposed rear windows, such private garden ground is already potentially overlooked from adjacent houses. There is adequate separation distance with such houses (41.5m). The proposal has been amended to delete balconies which were proposed overlooking adjacent private gardens, to relocate bin stores and to delete a play area which could have resulted in unacceptable adverse impact on amenity and to increase the separation distance with the adjacent houses on Grampian Road. The submitted overshadowing and daylight analysis is considered to demonstrate that any impacts on existing dwellings would be limited. Cross sections and shadow-cast analysis have been provided to assess impacts such as over-domination of buildings, overlooking of garden ground and loss of sunlight and daylight. The degree of separation is such that the effects of the development on adjacent amenity would be limited and would not warrant refusal, particularly given that the site has been identified as an opportunity site and any residential development, other than bungalows, would result in a degree of overlooking. A condition is recommended to ensure that light spillage/pollution from external lighting is minimised to protect existing residents. As there would be no substantive detriment to the amenity of the surrounding residential area, the proposal accords with NPF4 policy 14 part c. and ALDP policy H1.

Amenity for Occupants

The proposed layout would provide private garden ground for all dwellings, including opportunity for external seating and clothes drying. Whilst the length of private rear gardens of houses (generally 9m) would be less than specified in the Amenity APG (11m), this is as a result of the need to ensure retention and protection of existing boundary trees / hedging which contribute positively to residential amenity. Communal amenity space would also be provided with opportunity for informal play, food growing, passive recreation, nature and tree planting. These spaces would be well orientated and secluded from vehicles in accordance with Amenity APG. Residents would also benefit from the open outlook from the dwellings and the mature landscape setting of the grounds, whereby existing assets such as the mature tree planting and trees at the boundaries would largely be retained. Overall, the proposed development solution and levels of amenity achieved satisfy the amenity objectives of ALDP policy D2. The site does not lie within a noise sensitive location and there are no conflicting commercial uses, or busy roads in the vicinity, such that there is no requirement for noise mitigation measures or assessment to protect amenity.

Open Space / Greenspace

Whilst parts of the site were identified as open space within the Open Space Audit in 2010, there is no public access to such areas and they do not provide recreational or formal open space. The affected areas were defined as institutional grounds and were not accessible to the public. Thus, there is no loss of public open space. The main areas of value (i.e. the hedging and trees at the site boundaries) would largely be retained. Whilst the proposal would result in a degree of loss of existing greenspace (e.g. trees / hedges / shrubs) within the site and therefore conflicts to an extent with ALDP policy NE2 and related guidance, this does not warrant refusal as retention of such areas would prejudice redevelopment of the site.

Significant usable communal and private open space is proposed. The extent of private garden ground proposed for residents, including flats, would provide opportunity for passive recreation, play space and food growing. The extent of accessible public open space, relative to communal amenity space / garden ground would be limited, such that there would be a degree of conflict with ALDP policy NE2 and related open space guidance which expects provision of natural greenspace, play space, allotments and recreation space within housing development. However, given the limited size of the site and its brownfield nature, it is not reasonable to expect full compliance with the APG.

The development would likely impose increased pressure on the wider open space network. Contribution to enhancement of this has therefore been sought in accordance with policy NE2 and to address the omission of provision of allotments and recreation and play space within the development. Given the variety and quality of open space provided, and developer obligations toward enhanced open space provision, any tension with this policy is not a fatal conflict.

Trees

The existing mature trees and hedges lining the site boundaries are a significant local amenity and landscape asset and their substantive retention has been enabled by the revised layout / design solution. Detailed consideration of how the trees and hedges inform the design solution has been made in the design statement. Whilst there would be a degree of tree loss, this would be the case with any development of the site and has been minimised by the layout. The submitted tree protection plan does not take into account the need for hedge protection. Amended tree protection measures and replacement / mitigatory tree planting can be secured by applying a condition to the planning permission in accordance with NPF4 policy 6 and ALDP policy NE5 and related guidance. The set back of the buildings relative to the site edges is such that the retained trees and hedges would be unlikely to be at risk of future removal due to shading impact on prospective occupants / location within private gardens and would provide a valuable mature landscape setting.

Nature / Climate Crises

There are no records of protective species or habitats being present on site and the ecological survey does not highlight presence of any other species of concern. Whilst the development does not affect any sites or species identified as being of natural heritage interest, it would inevitably result in a degree of loss of greenspace, soil and vegetation and thus mitigation measures are required. Whilst a fox has been observed on land adjacent to the site within the wider OP103 designation, such land does not form part of the application site. Applying a condition to the planning permission is recommended to reduce the risk of temporary site works impacting on such land and to protect existing vegetation that would be retained. Elements of the proposed landscape and biodiversity enhancement plan (e.g. avoidance of rock piles within tree / hedge protection areas) are considered to require adjustment in order to address the detailed comment of ACC Natural Environment Policy Team. However, this can be secured by means of applying a condition to the planning permission in accordance with the objectives of NPF4 policies 1 and 3 and ALDP policy NE3, related APG and Naturescot Developing with Nature guidance.

The development includes extensive use of roof mounted solar panels and air source heat pumps (ASHP) which are welcome low / zero carbon technologies. Details of such equipment and water efficiency measures can be secured by a planning condition in accordance with NPF4 policy 2 and ALDP policy R6 and the related APG. Whilst a heat network is being developed in Torry, there is no connection available adjacent to the site. As no heat network zone has been identified in the ALDP and APG regarding Heat Networks has yet to be developed, there is no conflict with NPF4 policy 19 and ALDP policy R8.

Drainage

The site is not identified as being at risk of surface water flooding within SPEA flood risk maps and there is no requirement to consult SEPA in this instance. The extent of development / hard surfacing proposed on site and loss of green space result in increased risk of surface water run-off and potential water pollution. However, the drainage strategy identifies suitable mitigatory permanent SUDS measures to be provided on site to address such risks in accordance with ALDP policy NE4 and related guidance. This, and temporary SUDS measures, can be required by a condition applied to the planning permission. The extent of impermeable surfacing has been reduced and SUDS integrated with greenspace is proposed in accordance with NPF4 policy 22 part c. It is recognised that provision of alternate open water SUDS features (e.g. a detention pond / basin) has not been considered, but is constrained in this instance due to the limited size of the site and perceived safety risks.

Scottish Water have advised that there is adequate potential for foul drainage connection and currently no capacity issues. As the proposal would be connected to the foul drainage system there is no conflict with NPF4 policy 22 part d.

Built Heritage / Conservation

There are no heritage designations directly affecting the site. Given the built-up urban context and limited scale (height) of development, the setting of nearby designated historic features / assets (e.g. Duthie Park designed landscape, the A listed Wellington Suspension Bridge and Balnagask Motte / Tullos Hill scheduled ancient monuments) would not be impacted. Thus, there is no conflict with NPF4 policy 7, HEPS and ALDP policy D6.

Transport Impact

The scale of development is below the threshold whereby a transport assessment is required. The TS has been updated to take account of concerns raised in objection and errors and its summary and conclusions are generally accepted, with the exception of the section regarding travel planning which recommends implementation of a travel plan. The limited scale of the development is such that the additional vehicle traffic generated would have negligible impact on the network and a travel plan would be an unreasonable burden in this case. Other than car club contribution, no contributions are sought in relation to enhancement of off-site transport facilities (e.g. road, pedestrian or bus facilities).

Access

PAN 75 states that:

“Sustainability in housing should come through design in relation to walking, cycling and public transport networks.”

It is noted that the site is served by adopted footpaths along the frontages to Oscar Road and Grampian Place, which provide connectivity to the wider Torry area and nearby public transport provision. Pavement build-outs and dropped kerbs have recently been installed at the junction of Oscar Road and Grampian Place providing safe access to the local primary school. A local shop and community facilities are provided adjacent to the site / within 50m. The southern edge of the

city centre boundary, as identified on the ALDP Proposals Map, lies 530 north-west of the site, and Torry Town Centre lies around 300m away. Both centres, the primary schools and other facilities (e.g. sports centre and health centre) are accessed via existing footpaths, such that there is good connectivity with supporting facilities in accordance with the expectations of NPF4 policy 13 and 15, PAN 75 and ALDP policy T2. Aberdeen Rail Station is around 1.6km walking distance from the site. Various bus stops are located within 100m of the site providing frequent connection into the city centre and other areas of the city for those who are less ambulant. As regards wider recreational path access, residents would benefit from the proximity of the site to the coastal path at Torry (path 78). Although no upgrade of the coastal path is identified, a contribution requirement has been identified in relation to upgrading of the nearby Core Path network in the wider St.Fittick, Balnagask and Tullos areas.

Whilst cycle access may require travel along streets with steep gradients, Oscar Road itself is relatively level. Both it and adjacent residential streets are relatively lightly trafficked such that they are suitable for on-street cycle usage. In terms of cycle facilities in the wider area, this is limited, other than the Wellington Bridge and Riverside Drive shared path. It is accepted that connectivity to the national cycle route 1 and the shared path across the River Dee on Riverside Drive, accessed via Wellington Bridge, is constrained due to the heavy nature and high speed of traffic using the dual carriageways and arterial routes and limited safe and convenient crossing facilities. However, that is a historic situation and has not changed since the site was allocated for development in 2017. No requirement for contribution to enhancement of off-site cycle infrastructure has been identified by ACC Roads.

The use of the redundant vehicular site access would be appropriate and acceptable to ACC Roads. It avoids multiple vehicle access points / driveways onto the public road and enables maximisation of tree and hedge retention. The revised layout and bin storage solution avoids the need for bin lorries to enter the site and enables servicing via the street which is appropriate in this instance.

Parking

ACC Transport and Accessibility APG regarding car parking standards states that :

“Adequate parking is required to maintain the economic vitality of town centres and to prevent overspill parking into surrounding areas. Over-provision of parking spaces can not only reduce amenity but is wasteful use of land, reducing building density which leads to an increase in distances people must walk between adjacent land uses. It also undermines the promotion of sustainable modes of travel which are sought to improve public spaces, reduce air pollution and to fight against climate change.....Developers should consider providing suitable alternatives to residents such as.....membership of a Car Club”. The APG also states “Where it is necessary to accommodate car parking within a private court, no more than 50% of the court should be taken up by parking spaces and access roads”.

In this case, the site does not lie within a town centre or impact on the viability of such centres. The risk of overspill parking and the need for contributions/ mitigation to limit trip generation is considered below.

Whilst the Policy T3 of the ALDP and the Transport and Accessibility APG allows for zero or low car developments in certain situations, it is accepted that zero car development is inappropriate in this context and a degree of on-site vehicle parking is needed. Evidence has been provided that the development would be for social rented housing for a Registered Social Landlord (RSL), such that, in terms of current Transport and Accessibility APG, a reduced on-site parking ratio of 80% applies. Thus, by applying this parking standard, the development, in effect, becomes a low car development. The APG states

“In recognition of the contribution it can make towards sustainable development and reducing demand for car parking, the Council will support and encourage low or no car development where there is evidence that car ownership and use will be low enough to justify proposals....”.

The proposed extent of parking exceeds the 80% ratio. However, as the development includes large family type houses it is considered appropriate to apply a higher parking ratio (of 100%) in accordance with advice provided in 2021 at pre-application stage. Furthermore, PAN 67 advises:

“Parking provision (should) not overwhelm the development’s visual appearance” and PAN77 seeks to ensure *“All vehicle parking should be subject to good natural surveillance”*.

The proposed level of parking and its position relative to the houses and flats meets these expectations.

In considering the appropriateness of the 100% parking ratio, the site benefits from good walking, cycling and public transport accessibility. There would be no adverse impact on the amenity of neighbouring sites through any significant increase in on-street parking pressure on Oscar Road. Complementary measures would be put in place to remove/reduce the need for residents to own a car through the provision of a Car Club vehicle. Whilst it is not anticipated there would be a significant increase in parking pressure on the adjacent streets and notwithstanding the policy desire to reduce car use, the site lies outwith the city centre boundary and outwith any controlled parking zone and thus there is a risk that some overspill parking pressure could occur in the surrounding area. The provision of a car club space and vehicle on Oscar Road has therefore been agreed with ACC Roads Service and would mitigate against the risk of overspill car parking. Whilst some residents consider that parking in the area is highly pressured, that is not evidenced by the parking survey. ACC has no proposals to expand controlled parking zone (CPZ) controls in the area, although it is possible that future enforcement of the ban on pavement parking, as currently occurs on part of Grampian Place, may increase car parking pressure on Oscar Road. The submitted parking survey demonstrates overnight on-street car parking pressure in the immediate area is limited. Oscar Road currently has significant capacity and on street parking (23 spaces, which is 25% of the available spaces) there does not pose significant safety risk relative to parking pressure on a major / though road or public transport route.

ACC Roads have requested that provision of a travel pack be conditioned. Whilst acknowledging residents would likely be well aware of the proximity of the site to existing supporting facilities / centres and nearby public transport, a travel pack would nevertheless have some value. Thus, it is recommended that a condition is applied to the planning permission and that other related physical measures are implemented. Residents would potentially have access to the Car Club. As the nearest existing space is located adjacent to the former Torry library, around 550m walk from the site, provision of an additional space and vehicle closer to the site has been agreed.

A legal obligation can be entered into to ensure that the development is delivered and retained as social rented housing, thereby limiting the likely car parking pressure in the surrounding area. Conditions are recommended to ensure delivery of the proposed on-site car parking and vehicle charging facilities in accordance with the expectations of NPF4 policy 12, ALDP policy T3 and related APG.

Dwellings would have cycle storage provided within each curtilage. This and on-site visitor cycle parking / pedestrian paths can be required by condition in accordance with the expectations of ALDP policy T3 and related APG.

Road Safety Risk

ACC Roads Development Management do not object to the development on the basis of road safety impact on the existing public road network. However, they object on the basis that vehicles within the proposed private car parking court may conflict with other users (e.g. vehicles entering the site) due to the potential need to reverse within the courtyard, across the internal access /egress, for around 15m. The following factors are relevant in considering this matter.

- It is acknowledged and accepted that there is a degree of risk associated with any reversing vehicles.
- Although the courtyard parking area as a shared use space, segregated access for pedestrians would be provided from the public footway to each of the new homes, negating the need for residents/visitors to walk through the parking area. Thus, any use by pedestrians would be limited.
- There would be no requirement for bin lorries to enter the site or turn within it.
- There would be adequate space for any vehicle entering the site to stop within the site, without obstructing the public road, whilst a reversing vehicle completes its manoeuvre.
- Given that the proposal is for residential use, there would likely be limited turnover of vehicles within car parking spaces.
- Given the limited size of the parking area and access, vehicles reversing within the courtyard or entering the site would likely be traveling at low speed.
- Amendment of the parking layout as requested by the Roads Development Management team would impact on the design quality of the scheme and it would not fully eliminate the need for vehicles to reverse within the site.

Noting the above factors, it is considered that the public safety risk identified by the Roads Development Management team is outweighed by the overall benefits of the scheme in terms of delivery of social rented family housing within an identified opportunity site as explained earlier in this report and does not, on the grounds of the potential risk to public safety, warrant refusal of planning permission.

Waste

Implementation of requisite bin storage on site and measures to minimise waste during construction can be required by condition in accordance with NPF4 policy 12, ALDP policy R6 and related APG.

Other Technical Matters

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location within an urban area and thus no conflict with ALDP policy CI1. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure, which is delivered by private companies. It is noted that the roll out of full fibre broadband within the city is continuing (in part funded by the Scottish Government) and such services are available in the area. Thus, it would not be reasonable to impose a condition requiring any service upgrade. No evidence exists that that the development would adversely impact on existing TV reception or other telecommunications signals.

The concerns raised by the DEP partly relate to the internal arrangement of the dwellings, which are not matters controlled by Planning legislation. The development proposed is not special needs housing. The agent has responded in detail to the detailed points raised by the DEP and the potential occupation of dwellings by people with disabilities has been considered. The appropriateness of the development for people with disabilities, in terms of the internal arrangement of the dwellings, is ultimately a matter for the RSL (Hillcrest Homes) if/when they decide to adapt any of the properties listed as “wheelchair adaptable”, into partial or full use. The external site layout and access arrangement have been revised to enable safe level pedestrian access to the dwellings and to bin

stores for occupants, including disabled users. This is considered to accord with the aspirations of PAN 78. The proposed heating technology (ASHP) is promoted by policy R5 and is considered to be appropriate. The details of the site landscaping will be secured by applying a condition to the planning permission requiring submission of a further detailed landscaping scheme. The surface water drainage arrangements for the site have been designed by an engineer and are considered acceptable.

Infrastructure / Developer Obligations

Contributions as requested by ACC Developer Obligations Team have been agreed and there are no insurmountable infrastructure constraints. The location of the site within an established urban area is such that residents would benefit from access to existing established facilities and there are no insurmountable impact on such assets. Thus there is no conflict relative to NPF4 policy 18 and ALDP policy I1. On-site provision of affordable housing is proposed in accordance with the expectation of ALDP policy H5. The nature and mix of the proposed dwellings has been developed in co-operation with ACC Housing Service and is considered to represent a welcome investment of social family housing within a redevelopment priority area.

Issues Raised in Representations

- Overdevelopment (excessive building height, scale and massing).
Response: Addressed above. The revised development is not considered to represent overdevelopment.
- Inappropriate development form (3 storey houses) relative to existing lower scale houses.
Response: As discussed above the 3 storey form of the houses is considered appropriate.
- Overlooking / privacy impact due to proximity and scale of proposed terraced , the proposed balconies and windows to existing housing and private gardens.
Response: The development has been revised to address privacy concerns and balconies facing Grampian Road deleted.
- Adverse shading impact on and loss of sunlight to adjacent residents – adequate analysis required taking into account level changes.
Response: The development has been revised to address shading concerns and additional cross section provided.
- Inadequate rear garden sizes.
Response: As discussed above the garden sizes are considered adequate.
- Conflict with ACC guidance regarding amenity.
Response: Addressed above
- Inadequate car parking provision on site / potential overspill parking pressure.
Response: Addressed above
- Possible road safety impacts / traffic generation, including adverse impact on safe routes to new primary school.
Response: ACC Roads Service have no safety concerns regarding these specific matters. The route to the local primary school has recently been upgraded by ACC and is safe.
- Inadequacy / inaccuracy of submitted TS.
Response: There revised TS is considered adequate and accurate.

- Traffic history record in area not recognised.

Response: No evidence has been provided of traffic incidents in the area.

- Impact on air quality.

Response: ACC Environmental Health Service have no objection. There is no evidence that adverse impact would occur.

- Adverse noise impact on residents, including due to location of play area / ASHP, use of balconies, bins and traffic

Response: Revised proposals provided. Noise impact resulting from use of the proposed ASHP, or other potential noise impact, has not been raised as concerns by ACC Environmental Health Service and there is no reasonable requirement to provide a noise impact assessment in this instance. There is no evidence that adverse impact would occur.

- Light pollution impact on nearby residents.

Response: This can be addressed by use of a planning condition.

- Tree loss / impact and encroachment of development into root protection areas.

Response: Tree loss / impact would occur but has been minimised by amended proposals.

- Contradictory information regarding tree retention.

Response: Consistent amended drawings have been provided.

- Excessive vegetation loss, adverse wildlife impact and contravention of NPF4 policy 3.

Response: The proposal has been amended to reduce the extent of vegetation loss. Biodiversity enhancement measures can be secured by a planning condition.

- Surface water drainage impact / inadequacy of proposed SUDS – reduced surface water discharge required.

Response: The revised drainage measures are accepted. ACC Flooding Team have no objection to the proposal.

- Increased crime / anti-social behaviour (e.g. due to location of play area).

Response: The play area has been deleted. Redevelopment and active use of the site is considered to reduce risk of anti-social behaviour (e.g. graffiti, dumping of refuse and dog fouling which are evident).

- Inadequate track record of applicant.

Response: This is not a material planning consideration.

- Relocation of bin stores to Oscar Road frontage is required.

Response: The bin stores have been relocated away from the rear of the site.

- Relocation of ASHP to frontages preferred.

Response: Locating such units at frontages would have adverse visual impact. The location of the ASHP at the rear of the dwellings is accepted.

- Impact on boundaries / adequacy of ground conditions adjacent boundary to prevent land slippage due to excavation (e.g. for SUDS).

Response: Ground stability is a matter that would be addressed at building warrant stage. The SUDS have been repositioned away from the site boundary.

- Potential for provision of drive / path access to rear gardens of adjacent property.

Response: This is not a relevant material consideration.

- Impact on medical centre capacity.

Response: This is addressed in the developer obligations and suitable contribution agreed.

- Alternative use of the site should be considered. –

Response : Given that the ALDP identifies the site as a development opportunity, it is not considered necessary or reasonable for the applicant to identify potential alternative uses of the site. Removal of the historic use of the site for community facilities and loss of its potential for alternative community use (e.g. provision of allotments / open space) do not warrant refusal given that the site is identified as an opportunity for development.

- The appropriateness of the development for people with disabilities requires consideration.

Response: The development proposed is not special needs housing. The agent has responded in detail to the detailed points raised by the DEP and the potential occupation of dwellings by people with disabilities has been considered. The appropriateness of the development for people with disabilities, in terms of the internal arrangement of the dwellings, is ultimately a matter for the RSL (Hillcrest Homes) if/when they decide to adapt any of the properties listed as “wheelchair adaptable”, into partial or full use. The design of the development is considered to accord with the aspirations of PAN 78.

- Lack of site investigation for contamination.

Response: There is no evidence that the site is likely to be highly contaminated. Given that the previous use of the site does not result in high risk of contamination, a suspensive condition can be imposed to ensure that a site investigation takes place prior to development in accordance with ALDP policy R2.

- Engagement with the local community is required.

Response: Whilst it is noted that no community consultation was undertaken in advance of the application submission, that is not a statutory requirement in this instance as the proposal is not a major development. The agent has recently undertaken a “drop-in” event in the local community and has appropriately responded to the concerns raised in objection by amendment of the development.

Other Considerations

It is noted that the site has not been actively used since at least 2014, was identified in the 2017 local plan as a development opportunity and has not been subject to any other planning applications or alternative proposals for redevelopment / re-use. This indicates that there is limited interest in its potential as a community or commercial asset and there is risk of long-term dereliction, which would not be in the public interest. The proposed redevelopment and active re-use of the site would benefit the amenity of the wider area (e.g. regeneration of a vacant site). Given the proposed residential uses, the proposal would be unlikely to have significant positive economic impacts, although there would be a degree of employment creation during construction.

Council Interest

Whilst the Council has an interest in the application as owner of the site, there is no requirement to refer the application for scrutiny by Scottish Ministers in this instance as it accords with the development plan.

Heads of Terms of any Legal Agreement

- Restriction of the occupation of the development to ensure that the affordable housing is occupied as social rented housing (as defined in Aberdeen City Council's 'Affordable Housing' Supplementary Guidance), managed and operated by either a Registered Social

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

- Payment of developer obligations regarding enhancement of healthcare (£17,864) core paths (£13,020) and open space (£4,260), as identified by the developer obligations consultee.
- Payment of contributions for implementation of an on-street car club space and vehicle in the vicinity of the site on Oscar Road (£11,208).

Conclusion

The principle of development accords with the development plan and the identification of the site as a development opportunity in the ALDP. The proposal represents a welcome investment of social rented housing in an appropriate urban regeneration priority area that would rejuvenate a long vacant site. The development is well designed and, subject to imposition of conditions and a legal obligation, the relevant impacts can be mitigated. The relevant concerns and objections raised in representations and by consultees do not warrant refusal. It is considered that the limited degree of safety risk identified is outweighed by the overall benefits of the scheme in terms of delivery of social rented family housing within an identified opportunity site and does not warrant refusal.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The principle of re-use / redevelopment of brownfield land within the build-up area of the city accords with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) within National Planning Framework 4 (NPF4) and accords with the OP103 allocation of the site within the Aberdeen Local Development Plan 2023 (ALDP). The delivery of high-quality affordable housing within an accessible well-connected urban location accords with NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) and Policy 16 (Quality Homes). As there would be no detriment to the amenity of the surrounding residential area, the proposal accords with NPF4 Policy 14 (Design, Quality and Place) part c. and ALDP policy H1 (Residential Areas). There is no conflict with ALDP Policy CF1 (Existing Community Sites and Facilities) as there is no loss of community facilities. The proposal would result in the limited loss of urban green space. However, given that no public space is impacted and the developer contribution to enhance open space, any tension with ALDP Policy NE2 (Green and Blue Infrastructure) does not warrant refusal in this instance. The proposal would result in a shortfall in terms of quantity of open space when measured against the criteria as set out in policy NE4 (Open Space Provision in New Development). However, given the quality of open space provided, the brownfield nature of the site and developer obligations toward enhanced open space provision, this policy tension is accepted. Whilst there would be a degree of tree loss, compensatory planting is proposed in accordance with NPF4 Policy 6 (Forestry, Woodland and Trees) and ALDP policy NE5 (Trees and Woodland). There is no conflict with NPF4 Policy 7 (Historic Assets and Places), Policy 19 (Heat and Cooling) and ALDP R8 (Heat Networks).

The proposed site layout and design, density, positioning, scale and massing of the buildings would respect the character and appearance of the surrounding area. The development would represent an acceptable mix of sizes of residential units, taking consideration of the identified need for 1-bed flats and family housing. There would be no demonstrable adverse impact on the residential amenity of neighbouring properties and a good quality living environment would be provided for future residents. Sufficient space would be made available for parking, bike and bin storage. The overall

design solution is therefore considered to accord with the objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policy D1 (Quality Placemaking), D2 (Amenity), H3 (Density) and D4 (Landscape).

Subject to conditions and a legal agreement to cover developer obligations, and to ensure that the units remain affordable housing in perpetuity, the proposal is considered to comply with NPF4 Policy 1 (Tackling the Climate and Nature Crises); Policy 2 (Climate Mitigation and Adaptation); Policy 3 (Biodiversity); Policy 5 (Soils); Policy 12 (Zero Waste); Policy 13 (Sustainable Transport); Policy 18 (Infrastructure First); Policy 20 (Blue and Green Infrastructure) and Policy 22 (Flood Risk and Water Management) and ALDP policies D1 (Quality Placemaking), D5 (Landscape Design), I1 (Infrastructure Delivery and Planning Obligations), T2 (Sustainable Transport); T3 (Parking), H1 (Residential Areas), H4 (Housing Mix), H5 (Affordable Housing), NE2 (Green and Blue Infrastructure); Policy NE4 (Our Water Environment); Policy NE5 (Trees and Woodland); R2 (Degraded and Contaminated Land), R6 (Waste Management Requirements for New Development), R5 (Low and Zero Carbon Building and Water Efficiency) of the ALDP.

The conflict with ALDP policies NE2 (Green and Blue Infrastructure), and CI1 (Digital Infrastructure) and other impacts do not warrant refusal. The proposal represents a welcome investment of social rented housing in an appropriate urban regeneration priority area that would rejuvenate a long vacant site.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

(02) TREE PROTECTION

No development shall take place pursuant to this planning permission unless a further detailed scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority. No fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

(03) CONSTRUCTION MANAGEMENT

No development shall take place pursuant to this planning permission unless a construction environmental management plan for the site has been submitted to, and approved in writing by, the Planning Authority. This plan shall include site-specific measures in relation to minimisation of disturbance of existing vegetation and soils, minimisation of waste generation and avoidance of risk of water pollution during construction of the development, including temporary SUDS measures. Such scheme shall be implemented in full for the duration of construction works on site. For the avoidance of doubt and in order to avoid disturbance to existing habitat features, no temporary buildings / structures, or storage of materials, supplies, plant, machinery, spoil, waste, / excavated materials, chemicals or fuel shall be located / take place within the zone of influence as identified in

drawing no. ORT-2208-TP B or on adjacent undeveloped land located immediately to the south-west of the site. No fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks of trees / hedges on site.

Reason: To ensure adequate protection of the environment and residential amenity during the construction of the development.

(04) LANDSCAPE AND BIODIVERSITY ENHANCEMENT

No development shall take place pursuant to this permission unless a further detailed scheme of landscaping and biodiversity enhancement for the site has been submitted to and approved in writing by the Planning Authority. This scheme shall include details of :

- (i) Existing landscape features and vegetation to be retained, including protection measures.
- (ii) The location of new trees, shrubs, hedges, grassed / herbaceous areas / ground cover.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including fences and gates.
- (v) Proposed biodiversity enhancement measures, including specification of green roofs, climbing plants and habitat piles / features.
- (vi) Physical measures to prevent vehicle encroachment onto landscape areas.
- (vii) A programme for the completion and subsequent maintenance of the proposed landscaping and biodiversity enhancement measures.

All soft and hard landscaping proposals and biodiversity enhancement measures comprised in the approved scheme shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the completion of the development or such other date as may be agreed in writing with the Planning Authority. Any planted areas or features which, within a period of 5 years from the completion of the development, are removed / die or become seriously damaged / diseased shall be replaced in the next planting season with others of an extent / species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

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

(05) SITE / PLOT BOUNDARY TREATMENT

The dwellings hereby approved shall not be occupied unless the specific plot / boundary enclosures as shown on drawing X004 - L(9-)001 D. or such other boundaries as may be approved, have been implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of visual and residential amenity /privacy and to ensure retention of existing boundary hedges / trees.

(06) SITE INVESTIGATION / CONTAMINATION

a) No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment

3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

b) No buildings / dwellings of the hereby approved development 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 buildings has been submitted and approved in writing by the Planning Authority that verifies that remedial works to fully address contamination issues related to the buildings have been carried out.

Unless the Planning Authority has given written consent for a variation, the final building part of the development hereby approved shall not be occupied unless a report has been submitted and approved in writing by the Planning Authority that verifies that the remedial works have been carried out in full accordance with the remediation plan required under b. as set out above.

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

(07) EMISSIONS REDUCTION

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

Reason: To ensure that the development complies with requirements for reductions in carbon emissions and water efficiency as specified in policy R6 (Low and Zero Carbon Building and Water Efficiency) of the Aberdeen Local Development Plan 2023 and the objectives of Policy 2 (Climate Mitigation and Adaptation) within National Planning Framework 4.

(08) CYCLE PARKING / STORAGE / PATHS

The dwellings hereby approved shall not be occupied unless the plot specific bike storage, communal visitor cycle stands and pedestrian access paths as shown on drawing X004 - L(9-)001 D. or such other drawings as may subsequently be submitted to and approved in writing by the Planning Authority, has been made installed / made available for use.

Reason: In the interest of promotion of sustainable transport methods.

(09) VEHICLE PARKING

The dwellings hereby approved shall not be occupied unless the car parking / turning area hereby granted planning permission has been constructed, drained, laid-out and demarcated in accordance with drawing X004 - L(9-)001 D. of the plans hereby approved, or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking / manoeuvring of vehicles ancillary to the development and use thereby granted approval.

Reason: In the interests of residential amenity.

(10) ELECTRIC VEHICLE (EV) CHARGING

No development shall take place pursuant to this planning permission unless a scheme detailing underground electric cabling and associated above ground charging equipment for EV charging on site has been submitted to and approved in writing by the Planning Authority. The development shall not be occupied unless such EV equipment has been provided in accordance with the scheme so

agreed.

Reason: To accord with Aberdeen City Council transport guidance and incentivise the use of electric vehicles.

(11) TRAVEL PACK

No development shall take place pursuant to this planning permission unless a Residents Travel Pack (RTP) has been submitted to and approved in writing by the planning authority. Thereafter the approved travel pack shall be supplied to the first occupants of every residential unit within the development. The RTP shall include information to make occupants of the development aware of sustainable travel options relating to the site /surrounding area by means of provision by the owner of a travel pack to individual tenants on first occupation of dwellings.

Reason: In the interest of discouragement of car use and encouragement of sustainable travel options.

(12) BIN STORAGE DETAILS

The development hereby approved shall not be occupied unless the communal bin stores as shown on drawing X004 - L(9-)001 D or such other drawings as may subsequently be submitted to and approved in writing by the Planning Authority, have been made available for use.

Reason: In the interest of public health and amenity.

(13) SUDS / GREEN ROOF DETAILS

The development hereby approved shall not be occupied unless the permanent site specific Sustainable Urban Drainage works identified in drawing no. J5521-CP-041 A, and green roofs identified on drawing X004 - L(9-)001 D, or such other drawings as may be approved in writing by the Planning Authority, have been implemented in their entirety, unless otherwise agreed in writing by the Planning Authority.

Reason - In order to safeguard water qualities in adjacent watercourses, minimise flood risk and to ensure that the development can be adequately drained.

(14) EXTERNAL MATERIALS

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

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

(15) EXTERNAL LIGHTING DESIGN AND SPECIFICATION

No development shall take place pursuant to this permission unless a scheme of external lighting for the site has been submitted to, and approved in writing, by the Planning Authority, including details of any physical lighting measures. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure protection of adjacent residential amenity due to potential light spillage / pollution.

ADVISORY NOTES FOR APPLICANT

(01) CONSTRUCTION NOISE

Unless otherwise agreed with the Council's Environmental Health Service, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:-

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours

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