

Public Document Pack



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

Town House,
ABERDEEN 14 August 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, 22 AUGUST 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>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

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

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

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

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 20 June 2024 - for approval (Pages 7 - 24)
- 4.2. Minute of Meeting of the Planning Development Management Committee Public Hearing of 28 May 2024 - for approval (Pages 25 - 38)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 39 - 42)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the erection of 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 - Land at Persley Croft, Parkway, Aberdeen (Pages 43 - 74)

Planning Reference – 231134

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.2. Detailed Planning Permission for the change of use of flat to short term let accommodation with maximum occupancy of 2 people - Second Floor Right, 6 Howburn Place Aberdeen (Pages 75 - 86)

Planning Reference – 240743

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

[Link.](#)

Planning Officer: Roy Brown

DATE OF NEXT MEETING

- 7.1. Thursday 29 August 2024 - Pre Determination Hearing (9am) and Thursday 19 September 2024 (PDMC) - 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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ABERDEEN, 20 June 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, 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 15 MAY 2024

1. The Committee had before it the minute of the previous meeting of 15 May 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.

The Committee resolved:-

to note the committee business planner.

PLANNING APPEAL UPDATE

3. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

The Committee resolved:-

to note the information.

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FLAT F, 37 HOLBURN STREET ABERDEEN - 240227

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

That the application for Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people, at Flat F, 37 Holburn Street Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

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

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

(02) TIME LIMIT ON SHORT-TERM LET USE

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

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

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

The Committee then heard from Iona Francis, who objected to the proposed planning application and asked that it be refused.

The Committee resolved:-

to refuse the application for the following reasons:-

The site was in close proximity to a mixed use area in the city centre and would be compliant in principle with Policy 30 (Tourism), paragraph (e) part (i) of National Planning Framework 4. Nevertheless, it was considered that the proposed change of use of the

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property to Short Term Let (STL) accommodation would likely result in significant detrimental impacts upon the amenity of the immediate neighbouring residential properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation through noise disturbance, the frequency of changes in occupants, particularly at unusual hours, and the impact on security, real or perceived, within the communal areas of the building. The proposed change of use was thus considered to be contrary to Policy H2 (Mixed Use Areas) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.

LAND SOUTH OF NORTH DEESIDE ROAD MILLTIMBER - 240488

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

That the application for a Section 42 (Variation to Conditions) - Variation of condition 3 (Scale of Development - Residential) of application reference to increase the maximum number of residential units from 80 to 99, at land south of North Deeside Road Milltimber, be approved subject to the following conditions:-

CONDITIONS

1. MATTERS REQUIRING FURTHER APPROVAL

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 outwith any particular block or area 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 block or area has been submitted to and approved in writing by the Planning Authority. The application shall comprise:

- (i) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels of all buildings relative to existing ground levels and a fixed datum point;
- (ii) Details of the layout and finish of roads, visibility splays, footpaths, pedestrian connection across North Deeside Road, and cycle paths including the identification of safe routes to school from the development;
- (iii) Details of layout, design and external appearance of buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and recyclables; boundary enclosures around individual homes and other premises; and details of play zones and play equipment to be provided.

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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).

2. ACCESS TO NORTH DEESIDE ROAD

No development shall take place 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 North Deeside Road (A93), 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 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.

3. SCALE OF DEVELOPMENT (COMMERCIAL)

That notwithstanding the description provisions of “retail of up to 2,000 sqm” of the Planning Permission in Principle hereby approved, no more than 1,225 square metres gross floor area (GFA) of commercial use shall be built on the development site and the detailed commercial development proposals to be considered through any subsequent related applications for Matters Specified in Conditions (MSC) shall not exceed a combined maximum of 1,225 square metres gross floor area (GFA).

Reason: To ensure accordance with the OP114 Milltimber South allocation of the Aberdeen Local Development Plan 2023.

4. LANDSCAPING SCHEME

No development shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

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

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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.

5. TREE PROTECTION MEASURES

No development shall take place unless a matters specified in condition application comprising a scheme/ details showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented.

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

6. TREES – STORAGE OF MATERIALS

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

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

7. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place (including site stripping, service provision or establishment of site compounds) unless a matters specified in conditions application comprising a site-specific Construction Environmental Management Plan(s) (the

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“CEMP”) has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) site waste management including details of re-use on-site and off-site disposal of demolition materials. Thereafter development shall be undertaken in accordance with the approved CEMP.

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

8. LOW AND ZERO CARBON

No development shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full.

Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Aberdeen Planning Guidance: Resources for New Development.

9. NOISE ASSESSMENT

No development shall take place unless a matters specified in conditions application comprising a Noise Impact Assessment (NIA) has been submitted to and approved in writing by the Planning Authority. The NIA shall evaluate the impact on road traffic and quarrying operations on the development and shall be carried out in accordance with a methodology agreed with the Council's Environmental Health service. This assessment should:

- (i) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- (ii) Identify the existing sources of noise potentially impacting on the proposed development;
- (iii) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences;
- (iv) The methodology for the noise assessment should be submitted and agreed in writing with the Environmental Protection Team in advance of the assessment.

Reason: in order to protect residents of the development from roads and quarrying noise.

10. AIR QUALITY (DUST) RISK ASSESSMENT

No development shall take place (including site stripping or service provision) unless a matters specified in condition application comprising the submission of an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted

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to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan.

Reason: in order to control air pollution from dust associated with the development in accordance with Policy WB2 – Air Quality of the Aberdeen Local Development Plan 2023.

11. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a matters specified in condition application comprising the submission of a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities, and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy WB2 – Air Quality of the Aberdeen Local Development Plan 2023.

12. ROUTE OF WATERCOURSE

No development shall take place unless a matters specified in conditions application comprising the results of an investigation to prove the existence and route of the watercourse/drain through the eastern part of the site. Thereafter no development shall take place over any culverted watercourse/drain. Priority will be given to de-culverting any watercourse/drain and the creation of blue-green infrastructure along its route. Details of such an investigation shall be submitted to, and approved in writing by the Planning Authority, in consultation with SEPA.

Reason: In order to protect and enhance the water environment.

13. ENHANCEMENT OF THE WATER ENVIRONMENT

No development shall take place unless a matters specified in conditions application comprising:

- a) An investigation of and where viable, detailed information relating to the realignment of any watercourses on site;
- b) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1

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in 200-year flow unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority.

Reason: to improve and protect the water environment and to prevent an increase in flood risk.

14. GREEN AND BLUE MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless an application for approval of matters specified in conditions comprising a schedule of green measures. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full.

Reason: to ensure adequate protection of the water environment and contribute to and enhance the natural environment in accordance with National Planning Framework 4 and the relevant policies of the Aberdeen Local Development Plan 2023.

15. BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) shall commence on site 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 International Airport. The submitted plan shall include details of monitoring of any standing water within the site temporarily or permanently and 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" and thereafter the agreed measures shall be implemented in full.

Reason - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

16. PROGRAMME OF ARCHAEOLOGICAL WORKS

No development 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

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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 in the area.

17. BADGER PROTECTION PLAN

No development shall take place unless a matters specified in conditions application 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.

18. SURFACE WATER DRAINAGE

No development within any particular block or area shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular block or area has been submitted to and approved in writing with the Planning Authority. The scheme shall (i) 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; (ii) include source control; and (iii) shall be development in accordance with the technical guidance contained in the SUDS manual. Thereafter development shall be implemented in accordance with the agreed scheme.

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

19. WASTEWATER CONNECTIONS

No development within any particular block or areas shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular block has been submitted to and 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, no building shall be occupied unless

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connection has been made to the public wastewater network in accordance with the approved details.

Reason – in order to ensure the sewage is satisfactory treated and disposed of.

20. RESIDENTIAL TRAVEL PACK/ GREEN TRAVEL PLAN

No development within any particular block 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) for that particular 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 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.

21. COMPLIANCE WITH ECOLOGICAL REPORT

The development hereby approved shall be undertaken in complete accordance with the Updated Ecological Appraisal (Brindley Associates – October 2019 – Rev A – submitted under application 200535/PPP) hereby approved unless the Planning Authority have provided written agreement on a variation to the approved scheme.

Reason: to ensure that the development is carried out in accordance with the recommendations of the report.

22. FULL FIBRE BROADBAND

No unit shall be occupied unless a matters specified in conditions application detailing a scheme for the provision of a full fibre broadband connection to each flat for that phase or block has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented as approved and all flats 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 2023.

The Committee heard from Scott Leitch, Team Leader, who spoke in furtherance of the application and answered various questions from Members.

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The Committee then heard from Guus Glass on behalf of Cults, Bieldside and Milltimber Community Council and Steve Horton, who both spoke against the application and asked that it be refused.

The Committee then heard from Natasha Douglas, applicant for the proposed application who was supported by her colleagues for questions from Members. Ms Douglas spoke in support of the application.

The Convener moved, seconded by Councillor Alphonse:-

That the application be approved in line with the recommendation.

Councillor Boulton moved as an amendment, seconded by Councillor Greig:-

That the application be refused for the following reasons.

The proposal would be contrary to Policy I1 (Infrastructure Delivery and Planning Obligations) of the Aberdeen Local Development Plan by virtue of the fact that there is insufficient capacity in the local primary and secondary schools to accommodate the additional number of children generated by the development.

On a division, there voted – for the motion (4) – the Convener and Councillors Alphonse, Farquhar and Lawrence – for the amendment (5) – the Vice Convener and Councillors Boulton, Copland, Clark and Macdonald.

The Committee resolved:-

to adopt the amendment and therefore refuse the application.

WOODEND, CULTER HOUSE ROAD, ABERDEEN PETERCULTER - 210889

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

That the application for Planning Permission in Principle for the erection of 19 self-build dwelling houses with associated landscaping, access and infrastructure, at Woodend, Culter House Road, Aberdeen Peterculter, be approved subject to the following conditions and with a legal agreement:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 5 years beginning with the date of this notice. If development has not begun at the expiration of the 5-year period, the planning permission in principle lapses.

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

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(02) MATTERS REQUIRING FURTHER APPROVAL – SITE WIDE

That an application 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 shall take place unless a matters specified in conditions application comprising the detailed layout and design of vehicular access and roads, landscaping and drainage has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a. Details of the layout and finish of all roads and junction onto Culter House Road, visibility splays, swept path analysis and footpaths;
- b. Details of strategic landscaping and site boundaries including the communal open space; boundary along Culter House Road; structural boundary hedges between 'courtyards' and along the main access road and along the rear boundary of the residential plots marking the position of the buffer zone;
- c. Details of design and layout of drainage and SUDS features;
- d. A scheme for the phasing and delivery of all of the above matters. For the avoidance of doubt, this phasing plan shall indicate when communal infrastructure including the main road through the site, central communal open space and drainage shall be constructed. Furthermore, this phasing plan shall set out that the boundary between the buffer zone shown in pink on drawing 464(PA)009/RevB and the rear boundary of residential plots shall be implemented prior to commencement of any works on site, and shall be retained in perpetuity.

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) and to ensure all strategic infrastructure will be constructed and available for use when required.

(03) MATTERS REQUIRING FURTHER APPROVAL – RESIDENTIAL PLOTS

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 any individual plot shall take place unless a matters specified in conditions application(s) comprising the detailed layout and design of access, buildings, landscaping and boundary treatments for that individual plot has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a. Details of layout, positioning, design and external appearance of buildings and ancillary structures in accordance with the 'Design Code' approved as part of this application;

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- b. Details of landscaping, boundary treatments and hard surfacing;
- c. Details of bin storage, parking

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).

(04) STRATEGIC LANDSCAPING - DETAILS

No development shall take place unless a matters specified in conditions application(s) comprising a scheme of hard and soft landscaping works covering the entire site, but excluding the individual residential plots, has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a. Existing trees and vegetation to be retained and an indication of existing trees, shrubs and hedges to be removed;
- b. The location of new trees, shrubs, hedges and grassed areas;
- c. A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- d. The location, design and materials of all hard-landscaping works, including walls, bin stances, street furniture and play equipment;
- e. Schedule for implementation of landscaping scheme;
- f. A programme for completion and subsequent maintenance of the proposed landscaping.

For the avoidance of doubt, all usable granite from the farmhouse to be demolished and existing walls within the site shall be reused within the boundary treatments starting at the junction and boundary along Culter House Road and working its way west into the site.

Reason: To ensure a satisfactory finish of the development and to ensure biodiversity enhancement

(05) STRATEGIC LANDSCAPING – IMPLEMENTATION

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed in accordance with the approved schedule for implementation as specified in the aforementioned condition (05)(e) or such other date as may be agreed in writing by the Planning Authority. Any planting or trees which, within a period of five 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 or trees of similar size and species to those originally required to be planted.

In addition, all management and maintenance of the landscaped areas and structural planting shall be implemented, in perpetuity, in accordance with the approved programme as specified in the aforementioned condition (05)(f).

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Reason: To ensure a satisfactory finish of the development and to ensure biodiversity enhancement.

(06) TREE PROTECTION (01)

No development shall take place unless a matters specified in condition application(s) comprising a scheme/ details showing all trees to be removed and those to be retained, and a scheme for the protection of all trees to be retained on site during construction works has been submitted to, and approved in writing by the Planning Authority, and any such approved scheme has been implemented.

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

(07) TREE PROTECTION (02)

That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before any of the residential properties hereby approved are first occupied.

Reason: In order to preserve the character and visual amenity of the area.

(08) TREE PROTECTION (03)

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

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

(09) PROTECTED SPECIES

That no development shall take place unless a matters specified in conditions application comprising a further updated badger survey and badger protection plan for the site has been submitted to and approved in writing by the Planning Authority. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with NatureScot best practice. A licensed badger ecologist will be required to monitor the site during and post construction.

Reason: To mitigate any potential impact on protected species.

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(10) SUDS – DETAILS

That no development shall take place unless a matters specified in conditions application comprising a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme.

Reason: In order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(11) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

That no development shall take place unless a matters specified in conditions application comprising a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues:

- a. Surface water management, including construction phase sustainable drainage measures;
- b. Measures to ensure that no sediment or pollution from the site enters the Buckler Burn and affects the River Dee Special Area of Conservation; and
- c. Site waste management including details of re-use on-site and off-site disposal of demolition materials.

Reason: To minimise the environmental impact of construction and demolition and to ensure no adverse impact on the Buckler Burn and the River Dee SAC.

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

The Committee resolved:-

to approve the application conditionally with a legal agreement.

DRAFT ABERDEEN PLANNING GUIDANCE: HEALTH IMPACT ASSESSMENTS - CR&E/24/190

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented a draft Aberdeen Planning Guidance (APG) document on Health Impact Assessments (Appendix 1).

The report sought approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to the Planning Development Management Committee for approval within six months of the end of the consultation period.

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The report recommended:-

that the Committee –

- (a) approve the content of the draft Aberdeen Planning Guidance document; Health Impact Assessments (Appendix 1), and instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Aberdeen Planning Guidance documents for an eight week non-statutory public consultation; and
- (b) 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.

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

The Committee resolved:-

to approve the recommendations.

BRIEFING NOTE - SITE OF FORMER CORDYCE SCHOOL, RIVERVIEW DRIVE, DYCE, ABERDEEN

8. With reference to article 6 of the meeting of the meeting of 24 August 2023, the Committee had before it a briefing note from the Chief Officer – Strategic Place Planning, which explained that in August of 2023 this Committee approved application (221232/DPP) for 91 homes at the former Cordyce School subject to a Section 75 legal agreement. Within the report it was noted that the delivery of affordable housing was to take the form of:

“A total of 22 affordable housing units were to be provided on-site with a monetary contribution agreed for the remainder. Affordable units would provide a mix of one-bed cottage flats, 3-bed terraced properties and 4-bed detached dwellings, with tenure being social-rented.”

The report noted that as the drafting of the Section75 Agreement for the site had progressed, following agreement by PDMC, changes outside the control of either the Council or the developer BDW North East Scotland Limited (Barratt) had meant that the availability of grant funding to deliver the affordable housing was at risk.

The Committee heard from David Dunne, Chief Officer – Strategic Place Planning, who provided more information on the paper and also answered various questions from Members.

The report recommended:-

that the Committee –

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- (a) agree that Barratt would deliver the 22 social rent units for Grampian Housing Association as intended, and allow 12-months from commencement of development to confirm Scottish Government funding; and
- (b) agree that where that was not forthcoming, Barratt would then switch to an off-site commuted payment for the affordable units. On the basis that they were currently over-providing affordable units at Riverside Quarter for Places for People, the Council would be permitted, in this instance to off-set those units against the commuted sum at Cordyce.

The Convener moved, seconded by the Vice Convener:-

That the Committee approve the recommendations contained in the briefing paper.

Councillor Macdonald, seconded by Councillor Lawrence, moved as an amendment:-

That the Committee agree that all 22 affordable houses should be delivered on site agreeing entirely with the Council Policy on Affordable Housing that “Developers should note that subsidy for the provision of affordable housing is not guaranteed. Where subsidy is not available, the policy requirement to deliver affordable housing remains.”

On a division, there voted – for the motion (7) – the Convener, the Vice Convener, and Councillors Alphonse, Boulton, Copland, Clark and Farquhar – for the amendment (2) – Councillors Lawrence and Macdonald.

The Committee resolved:-

to adopt the motion and therefore approve the recommendations.

- **Councillor Ciaran McRae, Convener**

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 28 May 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Boulton, Clark, Copland, Lawrence, Macdonald and McLeod (as substitute for Councillor Farquhar).

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

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

DECLARATIONS OF INTEREST OR CONNECTIONS

1. The Convener advised for reasons of transparency that he was an employee of the Scottish Ambulance Service, however they had not made a representation in regards to the proposed application, therefore he did not feel it necessary to withdraw from the meeting.

DETAILED PLANNING PERMISSION FOR THE ERECTION OF MIXED USE RESTAURANT (CLASS 3) AND TAKEAWAY (SUI-GENERIS) WITH CAR PARKING, LANDSCAPING, PLAY FRAME AND ASSOCIATED WORKS INCLUDING DEMOLITION - ROSEHILL HOUSE, 202 ASHGROVE ROAD WEST, ABERDEEN

2. The Committee conducted a site visit prior to the hearing. The Committee was addressed at the site by Ms Lucy Greene, Senior Planner, who summarised the proposal for the overall site.

The Convener explained that the Committee would return to the Town House to commence the hearing.

At the start of the hearing, the Committee heard from the Convener who began by welcoming those present at the hybrid Pre-Determination Hearing and providing information on the running order. The Convener explained that the site under review at the hearing was for the erection of a mixed use restaurant (class 3) and takeaway (sui-generis) with car parking, landscaping, play frame and associated works including demolition at Rosehill House, 202 Ashgrove Road West, Aberdeen, planning reference 230414. The Convener explained that the first person to address the hearing would be Ms Lucy Greene, Senior Planner and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Ms Lucy Greene, who addressed the Committee in the following terms.

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Ms Greene explained that the proposed planning application was for Detailed Planning Permission for the erection of a mixed use restaurant (class 3) and takeaway (sui-generis) with car parking, landscaping, play frame and associated works including demolition.

The site lay on the junction of Ashgrove Road West and Anderson Drive adjacent to the former SSE Headquarters and close to the NHS Foresterhill site and Aberdeenshire Council's Woodhill House lying to the south east and south respectively. Immediately to the north was a telephone exchange building and the site was roughly square shaped of approximately 0.54ha in size and occupied by a vacant former social care day centre building of one and two storeys, as well as a large number of mature trees. The building had a narrow, roughly 'U' shaped footprint and a small off-street car park lay within the northern area of the site. The building was most recently used as a temporary covid testing centre during 2021.

In terms of the proposal, Ms Greene indicated that the application proposal was for a single detached building to be used as restaurant and takeaway with click and collect service. This would be sited at the northern part of the site with car parking and internal road network proposed to the south. The building would provide a single storey of floorspace, with solar panels and plant accommodated on the roof and concealed behind extended elevations, resulting in a 'stepped' elevational appearance. A 'corral' area would be formed by an enclosure on the west side of the building. Externally there would also be ancillary structures including a playframe, patio with outdoor tables to the south and east of the building, fencing and lighting to the outdoor seating area and a cycle store to the front.

The restaurant would provide seating for seventy-six people, dining area of 78m², within an overall floorspace of approximately 377m². The 'corral' included areas for deliveries and also for refuse management, with a refuse compacter on site.

Elevational cladding materials to the main building would be a roughly equal mix of timber effect cladding panels in a variety of shades and dark grey engineering brick. There would be full height glazed windows and doors on the southern frontage, and white canopies at two fascia levels. The 'corral' and stores areas would be clad in dark grey and lighter grey stone effect panels.

The plans also indicated a 1.4m high timber close boarded fence around the site perimeter, with steel mesh panels within 'timber effect' posts, handrails and approximately 2m high lampposts around the pedestrian and patio areas close to the building.

Ms Greene advised that the landscaping plan showed some existing trees retained on the site boundaries, together with grassed and landscape planted borders. 33 trees were shown as being planted along the site boundaries, with hedging and ground planting. The applicant's tree survey indicated 55 trees lay within the site in addition to one group of trees along the northern boundary. 29 trees would need to be removed for development, whilst 26 trees and the group, would remain. Offsite, trees between

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Ashgrove Road West inset road and the Ashgrove Road West A9011 were surveyed. This included 17 individual trees and one group, located close to the corner of Ashgrove Road West and North Anderson Drive. The report concluded that none of these would be required to be removed although the widening would take place within root protection areas of several. The landscape plan indicated the planting of 28 trees around the site edges. These were detailed as 3.5-4.0m heavy standards of species red maple, hornbeam and silver birch.

Ms Greene explained that the nearest residential properties were those to the south within the Woodhill House site (approximately 45m from the edge of the site), those on the west side of Anderson Drive (approximately 77m from the site) and Woodhill Court, a sheltered housing block of 18 storeys, which lay 94m to the north, with the three-storey telephone exchange building in between.

Ms Greene then spoke about the consultation responses to the proposed application. 295 letters of objection had been received with 33 letters received in support and the objections were summarised as:-

- The health impact of fast food and car borne service;
- Children from local schools would be attracted to the restaurant/takeaway at lunchtime and concerns related to obesity and the crossing of busy roads;
- The change to the Click and Collect service was no different to the drive-thru option that was previously proposed;
- The impact on visual amenity of the building, signage and advertising;
- Environmental claims were meaningless with no improvement for the community and impact of vehicle pollution;
- Misleading statements about community support;
- Increase in the amount of litter and potential for vermin;
- Increase in traffic with road safety implications and delays for public transport and emergency services. The data provided was queried;
- Air quality impact of increased amounts of traffic;
- The area was unsuitable for the proposal, with many elderly and young residents being negatively affected;
- Other fast food establishments were nearby therefore this was not required;
- Alternative sites were available;
- Proximity of the ambulance station and the impact on their access;
- Tree loss with replacements not adequately compensating;
- Reference to the Scottish Government's report on healthy diets; and
- Lack of integration with Ashgrove Connects sustainable transportation project;

In terms of the letters in support they were summarised as:-

- McDonald's would enhance the area compared to the existing site;
- There would be an investment in the local area through business rates receipt;
- 120 jobs would be provided for the local community, with more in construction and through the supply chain; and

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- It would be a good facility for hospital staff, patients and visitors.

In terms of consultee responses, the following was noted:-

- Roads Development Management
 - The site was out with parking control zones and was accessible by extensive walking and cycling networks and crossings and bus stop provision. Provision of the proposed path into the site from North Anderson Drive should be conditioned;
 - Parking provision exceeded standards, although take away restaurants were heavily utilised and additional parking would prevent over-spill. Electric vehicle charging points were required.
 - Internal site layout and servicing arrangements were acceptable, subject to conditioning size of vehicle;
 - Alterations to Ashgrove Road West / Castleton Drive junction would be altered as part of the proposals and it was expected that Ashgrove Road West should be resurfaced by the applicant. These should be conditioned. 'Wig-Wag' signals would be provided to assist access from the ambulance station; and
 - Balance of hard to permeable surface remained unacceptable. Drainage was otherwise acceptable.
- Environmental Health - Odour Impact Assessment and dust management considered acceptable. In respect of noise, they accepted the proposal only providing time restrictions (closed between 00:00 and 06:00, no deliveries between 23:00 and 07:00) be applied along with the noise mitigation measures identified in the assessment.
- Waste and Recycling – general comments relating to commercial waste collection;
- Scottish Ambulance Service - no objection providing the 'Wig-Wag' lighting system was installed at no cost to the ambulance service;
- Scottish and Southern Electricity Networks objected due to concern relating to high power cable running adjacent to the southern site boundary;
- Rosehill and Stockethill Community Council objected to the application
 - There would be a negative impact on the health of type of fast food offered and the nature of the proposed use in relation to active lifestyles. Reference was made to 'A Healthy Future – Scotland's Diet & Healthy Weight Delivery Plan' 2018.
 - Drive thru lane removed, however, customers would drive up, order on the app and food delivered to car. This was 'drive-in'.
 - There would be a heavily car dependent use of the site;
 - The area around the site was deprived with socially vulnerable groups;
 - The loss of community asset and lack of consultation. Rosehill House should be reused;
 - Improvement initiatives on Ashgrove Road West, and impact of proposal thereon;
 - Precedent for this type of use near schools and healthcare facilities;

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- Impact on access, parking and road safety- including proximity to schools. Traffic data was queried;
- Number of fast-food outlets in city and therefore not required;
- The design and visual amenity of the building, associated signage and play frame;
- Loss of trees;
- Impact on residential and visual amenity;
- Increase in litter and anti-social behaviour – youth disorder at Kittybrewster McDonald's;
- Conflict of interest with Aberdeen City Council being the landowner and planning authority;
- Net Zero claim ignored environmental impact of food production and vehicles visiting the premises;
- Treatment of employees by applicant;
- Sequential test approach was queried; and
- The value of biodiversity measures queried on busy site.

Ms Greene then spoke about policy considerations. In regards to the Aberdeen Local Development Plan 2023, the following policies were relevant:-

- B2 Business Zones
- CF1 Existing Community Sites and Facilities
- WB1 Healthy Developments
- WB2 Air Quality
- WB3 Noise
- 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
- R5 Waste Management Requirements for New Development
- R6 Low and Zero Carbon Buildings, and Water Efficiency
- VC2 Tourism and Culture
- VC3 Network of Centres
- VC9 Out of Centre Proposals
- I1 Infrastructure Delivery and Planning Obligations
- T2 Sustainable Transport
- T3 Parking

In relation to the National Planning Framework 4, the following policies were relevant:-

1. Tackling the climate and nature crises

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2. Climate mitigation and adaptation
3. Biodiversity
4. Natural places
5. Soils
6. Forestry, woodland and trees
9. Brownfield, vacant and derelict land and empty buildings
12. Zero waste
13. Sustainable transport
14. Design, quality and place
15. Local living and 20 minute neighbourhoods
18. Infrastructure first
19. Heat and cooling
20. Blue and green infrastructure
21. Play, recreation and sport
22. Flood risk and water management
23. Health and safety
25. Community wealth building
26. Business and industry
27. City, town, local and commercial centres

The Committee then had the opportunity to ask Ms Greene questions and the following was noted:-

- In regards to a query about the refuse compacter, Ms Greene advised that she would clarify the situation and include the information in the final report;
- In relation to the location of electric charging points and cycle storage, if the application was approved these elements would be conditioned.

The Committee then heard from Mr Scott Lynch, Engineer, in relation to the roads aspects.

Mr Lynch explained that the area was a well serviced area and was located in the outer city, outwith any controlled parking zone and the site was accessible via extensive existing walking and cycling infrastructure, as well as crossings.

The Roads department's Supplementary Guidance document highlighted a requirement of 1 parking space per 12m² for restaurants in the outer city. This equated to a parking provision of 30 parking spaces, with 3 disabled parking spaces. The applicant was proposing to provide 50 car parking spaces, which included 3 accessible spaces. Mr Lynch indicated that the proposed level of parking exceeded the standards outlined in the Supplementary Guidance document .

Mr Lynch advised that the applicant was proposing 10 covered cycle parking spaces (5 Sheffield stands) for both staff and customers, and motorcycle parking was also proposed, all of which were acceptable.

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In terms of the local road network, Mr Lynch advised that the applicant estimated, based on surveys of other McDonalds, that the predicted peak traffic was 40 trips in the AM peak, 78 trips in the PM peak, and 116 trips on the Saturday peak. They then noted that 69% (weekday) and 81% (weekend) of these trips were already on the network, which would reduce the traffic generated to 12 combined Friday AM peak, 24 combined Friday PM trips, and 22 combined Saturday peak trips. They then concluded by saying “it was considered that this level of additional traffic would have no material impact on the operation of the local road network” and, consequently, no junction analysis had been undertaken.

Mr Lynch also explained that as part of the proposals the applicant was proposing alterations to Ashgrove Road West to facilitate their development, and these alterations came in the form of:

- Realigning the Ashgrove Road West / Castleton Drive junction;
- Widening Ashgrove Road West to formalise the on-street parking adjacent to the SSE offices and to provide a 5.5m two-way carriageway past these parking bays to facilitate access to McDonalds;
- A new access to the site from Ashgrove Road West, with the existing access being closed and the footway reinstated. The new access would have a pedestrian refuge which would aid pedestrian crossing and restrict the site from being serviced by oversized vehicles.
- Wig-Wag signals on Ashgrove Road West as well as the required lining and signing to facilitate these. This would alleviate any concerns over the proposals preventing ambulance access/ egress onto Ashgrove Road West. The specifics of the lining and signing would be covered during the Road Construction Consent stage.

Mr Lynch advised that due to the increase in traffic which would be brought about by the proposed change of use it would be expected that Ashgrove Road West (inset road) be resurfaced by the applicant from the junction with Castleton Drive up to the proposed site access, which would be conditioned.

The Committee then heard from the applicant and the presenters consisted of Mat Carpenter, Planware Town Planning consultants, Catherine Champman, ADL Traffic & highways and Abbie McGrath and Andrew Cruther, McDonald's.

Ms McGrath began by explaining that McDonald's brand was globally recognised and had been trading in the UK since 1974 with more than 1450 McDonald restaurants across the UK and Ireland, employing around 180,000 people. In 2023, McDonald's sites across Scotland contributed £457.2 million to the national economy and supported 15,425 jobs across Scotland. McDonald's had identified a need for further investment on new sites across Aberdeen.

Ms McGrath advised that they wanted Aberdeen to be a city where everyone thrived with jobs and training for young people, and they shared the ambition to make

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Aberdeen a more prosperous place, noting that if the application was approved the following benefits would be achieved:-

- The creation of 120 new jobs in a range of full and part time positions;
- It would generate an additional £6million in gross investment;
- They would offer an increased choice and variety of food/drink outlets in the city;
- There would be the generation of approximately £74,000 per year in business rates to support key local services;
- Aiding the local voluntary sector, with franchises supporting a range of charitable and community causes.

In regards to the planning history of the proposed application it was noted that an initial application was submitted in 2022 but was withdrawn in September 2022 and a refreshed application was resubmitted in 2023 and was reviewed in line with National Planning Framework 4.

Ms McGrath then spoke about environmental issues and noted that they shared the Council's commitment to addressing the Climate Emergency and had pledged to achieve net zero carbon emissions by 2024 across the entire UK and Ireland business, and restaurants would be designed, built and operated to UK Green Building Council Net Zero Framework and Standards. 100% of the power used by the restaurant would be from renewable sources and they planned to source all of their packaging from renewable and recyclable materials by 2025. Ms McGrath indicated that over 80% of kitchen waste was recycled which equated to 40% of total waste, and they had been a zero landfill business since 2020.

The Committee then heard from Catherine Chapman in regards to road and transport issues. Ms Chapman explained that a Transport Assessment had been prepared for the site and expected traffic levels were 20 vehicles in the AM peak, 39 vehicles in the PM peak and 58 vehicles at Saturday peak time. This equated to 31% additional weekday trips and 19% additional Saturday trips. Ms Chapman indicated there was no material impact on Castleton Drive/ Ashgrove Road junction of A92/Ashgrove Road signal junction, and the site was accessible by walking, cycling and by public transport.

Ms McGrath then explained that McDonald's shared the Council's commitment to a healthier city and community and noted their goal was to help people balance health, taste and value by working to improve choice and show the nutritional information on their products. She indicated that 54% of their menu was now classified as not high in fat, salt or sugar and 89% of their items in the core menu contained under 500 calories. McDonald's were also the first major restaurant to display nutritional information on their menu boards, over 30 years ago.

In terms of employment, Ms McGrath advised that the new restaurant would create between 100 and 120 new jobs with a clear development path to management and McDonald's were rated a Times Top 100 Graduate Employer. They also invested

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£43m in training and educating their staff each year which included basic courses in English and Maths through to business degrees.

In regards to anti-social behaviour, Ms McGrath advised that they had invested in Staff Sale in the restaurants which provided staff and customers with added security should they experience any issues, which essentially was a direct link to a call room who could liaise directly with the police should it be required.

In relation to cleaning up the local area, Ms McGrath advised that working alongside their neighbours and local community was of utmost importance and a big part of that was ensuring the roadsides and local areas were litter free. All of the restaurants carried out at least three litter patrols every day and recently some restaurants in Aberdeen and Aberdeenshire had partnered with Keep Scotland Beautiful to complete a litter pick of Seaton Park.

Members were then given the opportunity to ask questions of the applicants and the following was noted:-

- There would be 53 car parking spaces in total which would include 3 disabled spaces;
- 6 spaces would have electric vehicle charging points;
- In terms of parking, it was noted that McDonalds actively managed their car parks and if required they could introduce a 90 minute limit in order to stop people attending other places whilst parking in the car park;
- In terms of landscaping, each franchise had a gardener and they maintained the greenspace to a high standard;
- There was not a proposal for a barrier for the car park;
- It was envisaged that that the opening hours would be from 6am to 12am, with midnight being last orders.

The Committee then heard from Dr Martin Mosley, on behalf of Rosehill and Stockethill Community Council.

Dr Mosley explained that the local community objected to the planning application, noting that it was an area of multiple deprivation and advised that although some changes had been made to the application, much of the original application remained and he had concerns in this regard.

Dr Mosley explained that there were four key themes to their objection.

1. Increased risk to children, pedestrians, cyclists and residents' property;
2. The application was inconsistent with the Local Development Plan and improvement initiatives;
3. It was inappropriate. A precedent would be set and there would be exposure of deprived residents/children; and

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4. There would be many negative impacts. The health and wellbeing of residents, amenity and loss of the potential benefit of a community asset.

Dr Mosley also advised that there would be a loss of good quality trees and felt that the roads and access to the site would have a negative impact to residents.

In summary Dr Mosley outlined that the local community felt that the proposed development was a flawed proposal and he knew people who were keen to take on Rosehill House, without requiring it to be demolished.

The Committee then heard from Jamie Leadbeater, Scottish and Southern Electricity Networks (SSEN), who objected to the proposed application. Mr Leadbeater explained that they were the only transmission operator in Aberdeen and provided a safe and reliable supply to the local area. Mr Leadbeater highlighted that their objection was based on the fact that they operated high voltage 132kV underground cables which ran through the southern edge of the site and the cables were integral to Aberdeen electricity transmission. Mr Leadbeater noted that the cables were of a significant age and were much more fragile than other cables, and the proposed new road would be on top of these cables. He indicated that any breakage to the cables would cause a significant supply issue, and the cables were very difficult to mend.

Members asked a number of questions of Mr Leadbeater and he advised that (1) they were looking to update the cables after 2026, but at the moment there was no guarantee of this happening and (2) there were two cables roughly two metres down from the ground and about one to two metres apart.

The Committee then heard from Mr Martin Shaw, who also objected to the proposed planning application. Mr Shaw advised that he had a strong objection to the proposal and feared if it went ahead it would cause anti social behaviour in the area as well as having concerns with traffic levels. He noted that at peak hours the road network was very busy and this would cause more issues, and more carbon monoxide in the local area. Mr Shaw also explained that there were significant health challenges in the local area and a new McDonald's would encourage unhealthy food choices.

Mr Shaw indicated that there were multiple McDonald's in the close vicinity and there was no need for another one, noting that a fast food restaurant did not align with the aesthetics in the area. He also felt it would attract littering especially in the later hours, and felt that the safety of children in the local area should be paramount, and the increase in traffic would affect them. In conclusion he asked that the proposed application be refused.

The Committee then heard from Mr Brian Rattray who also objected to the proposed application. Mr Rattray explained that the original planning application was for a 24 hour drive through however this was removed and replaced with a pick up facility, but he felt that drive through and pick up appeared to be the same thing but with a different name, and felt that McDonald's were trying to manipulate residents and were treating them with contempt. He noted that there were two lots of eighteen storey buildings

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close by with elderly and disabled residents that did not need the noise and pollution that this application would create.

Mr Rattray highlighted that consideration must be given to all residents in the local area and noted that there were over 300 objections by residents with only 32 in support. Mr Rattray also explained that the ambulance station was close by that required 24 hour access and felt that this application would affect the service and also indicated that the increased traffic to the local area would cause congestion and affect the air quality in the area which was very worrying.

Mr Rattray then highlighted that there was the possibility of pupils from Northfield Academy crossing the very busy dual carriageway to access the proposed facility, which would cause a danger to themselves and other vehicle users. He also indicated that the littering would become a haven for seagulls, rats and other vermin.

Mr Rattray concluded that the senior and disabled council tenants in the area should have their voices listened to and this application should be refused.

The Committee then heard from Dr Martin Mosley, who spoke as an individual and objected to the application. Dr Mosley explained that he had two main concerns that he would like to be addressed.

Firstly, did the current Aberdeen City Council (ACC) planning process cover the consideration of the broad scope of "Health and Wellbeing", which included eat well, have a healthy weight, within the Health Impact Assessment and secondly what was the current position of ACC in regards to the "whole systems approach to promoting a healthy weight and active living", as proposed by NHS Grampian and its interaction with the planning process.

Dr Mosley spoke about ultra processed food and their effects on individuals and also the cost of obesity, noting that the impacts of poor diet were profound, and that they affected not only people's health but also their ability to lead happy and fulfilling lives. Obesity had also led to increased unsustainable demands on NHS Grampian and other public services.

In response Ms Greene explained that in regards to the Health Impact Assessment, this would be covered in more detail when the report was brought forward to Planning Development Management Committee and the policy would be a material consideration.

The Committee then heard from Ms Fiona Meade who also objected to the proposed planning application. Ms Meade explained that she lived on Ahs Grove Road West about 300 metres from the site and indicated that she had major concerns about the increase in traffic this development would create.

Ms Meade advised that McDonald's referred to local passing traffic as being their main target market, bearing in mind that the entrance to the restaurant would be off Ashgrove

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Road West. Ashgrove Road West had been downgraded to a C road, with a recommended 20MPH speed limit and no longer functioned as a priority route. Ms Meade believed it was naïve to think McDonald's were not looking at North Anderson Drive as their primary source of customers, feeding large volumes of extra traffic onto Ashgrove Road West. After 8pm, there was very little traffic on Ashgrove Road West at present and this application would encourage increased traffic up until midnight.

In terms of road safety, Ms Meade explained that there had been 17 reported accidents between 2012 and 2022. However, these were only accidents that had been reported to Police Scotland, and she noted that social media showed there had been at least an additional two accidents.

Ms Meade then spoke about sustainable transport and explained that the buses on Ashgrove Road West and North Anderson Drive were regional buses serving Inverurie, Elgin and Oldmeldrum, not functional local routes. Pedestrians coming from Westburn Road bus routes and beyond would have to cross at the Westburn Road/ North Anderson Drive junction which had no pedestrian crossing. Ms Meade felt that the restaurant would attract people in cars, and the use of more cars would increase local emissions.

In terms of anti social behaviour, Ms Meade advised that the area was a quiet area with a high proportion of vulnerable elderly people and she had concerns that it would be a focus for anti social behaviour particularly in the evening. Residents would find the area less safe and uncomfortable to walk in the dark, noting that local policing was already stretched in the local area.

Ms Meade also advised that Dunfermline, Fort William, Falkirk and Glasgow restaurants had to introduce youth bans, along with hiring bouncers and involving the police. The Dunfermline restaurant was granted permission after much local objection and was run by the same franchise holder who proposed to run the Ashgrove Road West branch, Mr Buchanan-Smith.

Ms Meade also explained that the proposed restaurant would create a lot of litter and litter picks would not be undertaken enough to deal with the situation.

In terms of the community benefit, Ms Meade advised that the McDonald's consultation website stated they were partners with Friends of Westfield Park and Bridge of Don's men's shed, however she stated that this was not true and they had asked McDonald's to remove these claims, but they had not.

In summary, Ms Meade highlighted that this site was one of the few large publicly owned buildings in the local area and if it were to sold to a multinational company then a valuable asset would be lost forever, and she stated that increased traffic would affect the local roads and pedestrian safety, reducing air quality for local residents.

The Committee then heard from Mr Mikael Reid who also objected to the proposed application. Mr Reid explained that the area was zoned as specialist employment area

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

28 May 2024

and only a class 4 application should be considered in this location, however the proposed application was a class 3.

Mr Reid indicated that planning policy T2 stated that new developments must demonstrate trying to reduce traffic, but he felt that this proposal would increase traffic dramatically.

Mr Reid also advised that there were seven other McDonald's restaurants, five of which had drive thru facilities in Aberdeen, so there was not a deficiency in provision for fast food facilities and therefore this one was not required.

Mr Reid also advised that the number of staff related car journeys detailed in the travel plan amounted to 4 x car journeys per shift, leading to a total of 24 car journeys per day. He felt this was unacceptable in terms of the remit of the developer to minimise traffic generated and there was a failure to mention anywhere in the Travel Plan the total car journeys generated in a residential area. Mr Reid also disagreed with the statement from Roads Development Management who stated that the Travel Plan was fulfilling the Local Plan Policy T2 requirement on minimising traffic generated by the development and that the plan was acceptable.

Mr Reid also felt that there was a conflict of interest with Aberdeen City Council being the landowner of Rosehill House, and determining this proposed planning application.

The Convener thanked all those who attended the hybrid hearing, specifically those who had presented their case, submitted representations and provided information. He advised that the Chief Officer – Strategic Place Planning would prepare a report for submission to a meeting of the Planning Development Management Committee (PDMC) for subsequent consideration and determination.

- **Councillor Ciaran 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			22 August 2024						
4	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		
5	Second Floor Right, 6 Howburn Place - 240743	To approve or refuse the application for change of use of flat to short term let accommodation with maximum occupancy of 2 people		Roy Brown	Strategic Place Planning	Place	1		
6	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	D	Additional information was submitted and requires to be assessed.
7			19 September 2024						
8	St Machar Park - 240741	To approve or refuse the application for installation of roadside art work/sculpture		Laura Robertson	Strategic Place Planning	Place	1		
9			07 November 2024						
10			05 December 2024						

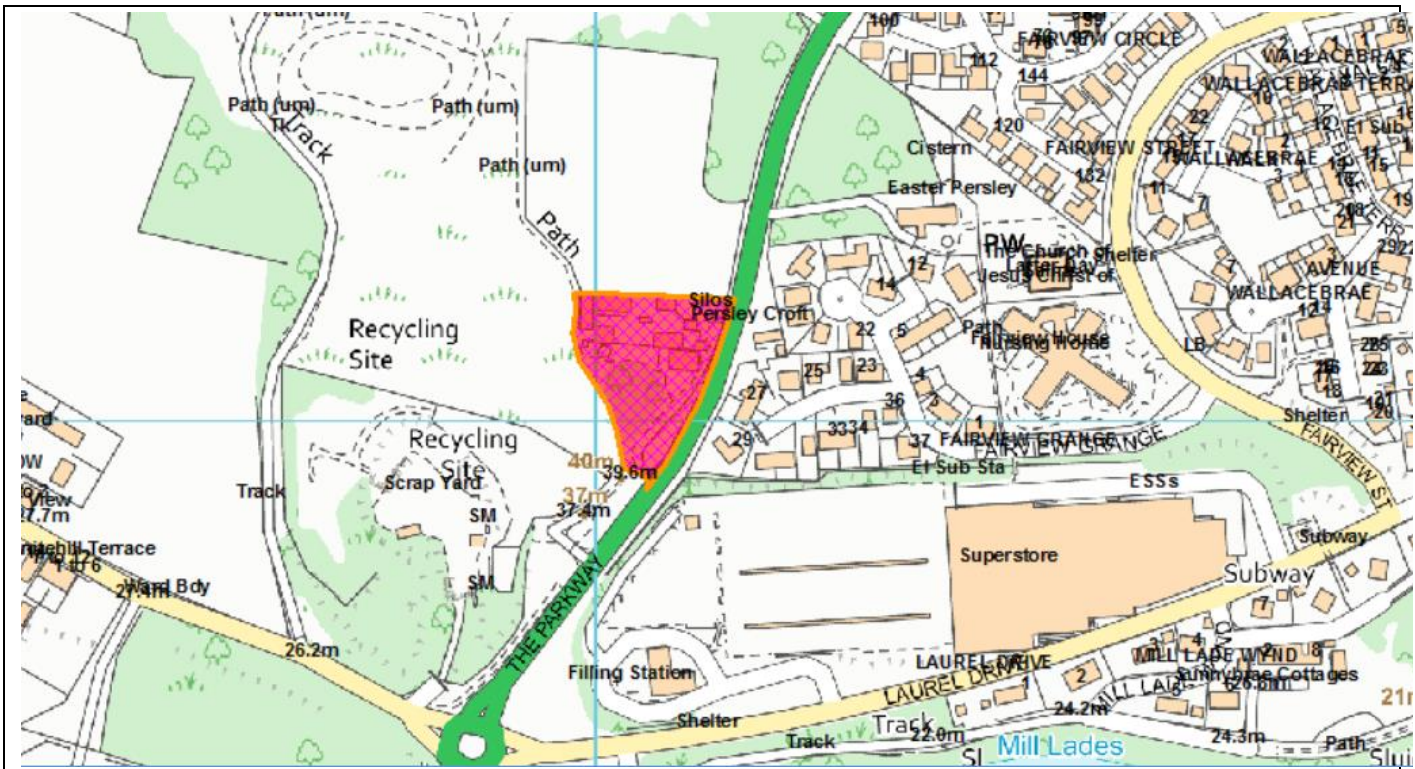
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	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
11	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		
12			Future applications to PDMC (date of meeting yet to be finalised).						
13	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant/takeaway		Lucy Greene	Strategic Place Planning	Place	1		
14	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
15	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		
16	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		
17	Land At Craigshaw Drive - 240313	To approve or refuse the application for erection of electric vehicle charging depot and battery facility, comprising of vehicle charging power units and upstands, grid-scale battery electricity storage units, welfare units, associated plant, equipment and car parking and other associated works		Roy Brown	Strategic Place Planning	Place	1		

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18	Land at Newton of Pittfodells - 240614	To approve or refuse the application for installation of a grid battery energy storage facility (up to 40MW), with associated development		Aoife Murphy	Strategic Place Planning	Place	1		
19	108 Cornhill Road - 240664	To approve or refuse the application for change of use to mixed class 3 use and hot food take-away		Robert Forbes	Strategic Place Planning	Place	1		
20	152 Don Street - 231244	To approve or refuse the application for erection of Class 1A (shops) retail unit, installation of fencing with associated car parking, access, landscaping and associated works		Aoife Murphy	Strategic Place Planning	Place	1		
21	Land adjacent to 593 and 595 King Street - 240648	To approve or refuse the application for installation of 2no EV charging points, feeder pillar and cabinet and associated works (retrospective)		Roy Brown	Strategic Place Planning	Place	1		
22	University Of Aberdeen Zoology Building - 240678	To approve or refuse the application for installation of 12 antennas (paired off on 6 pole mounts), 6 cabinets and all ancillary development		Roy Brown	Strategic Place Planning	Place	1		
23	First Aberdeen bus depot, 395 King St - 240769	To approve or refuse the application for hydrogen refuelling station works		Robert Forbes	Strategic Place Planning	Place	1		

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	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
24	Planning Guidance	At the meeting on 15 May 2024, it was agreed to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.		David Dunne	Strategic Place Planning	Place	5		
25	Draft Aberdeen Planning Guidance: Health Impact Assessments	At the meeting on 20 June 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.		Donna Laing	Strategic Place Planning	Place	5		

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 22 August 2024</p>
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Site Address:	Land at Persley Croft, Parkway, Aberdeen AB22 8AN
Application Description:	Erection of 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
Application Ref:	231134/DPP
Application Type	Detailed Planning Permission
Application Date:	12 September 2023
Applicant:	Persley Croft BESS Ltd
Ward:	Bridge of Don
Community Council:	Danestone



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site relates to a group of derelict agricultural buildings, structures and associated land extending to around 0.7 hectares on the edge of Danestone. It is located immediately west of the Parkway (A92). There is a vehicular access road which has a junction onto the Parkway at the southern end of the site and at the north end there is a secondary access. The site slopes gently from north to south.

The buildings and structures are in a dilapidated state, some having partially collapsed with open roofs. Yard space surrounds the buildings, with areas of dense scrub and scattered self-seeded trees.

To the north is an agricultural field; to the west is an area of scattered trees and improved grassland forming the former Persley Quarry; to the south is the RGS Hutchison & Sons scrap yard; and to the east across the Parkway are residential properties forming Fairview Grange and the Tesco supermarket slightly further south, forming part of the wider Danestone residential area. A house known as Persley Croft is the closest residential property and faces onto the Parkway, opposite the site, circa 20 metres away.

Relevant Planning History

- The applicant submitted an environmental impact assessment ('EIA') screening opinion request (230453/ESC) in April 2023. It was determined that the proposal is not an EIA development and submission of an environmental report is therefore not required.
- The applicant submitted a proposal of application notice (230447/PAN) in April 2023, indicating their intention to submit a planning application for the proposed development and seeking confirmation of the public consultation required. It was confirmed that some further public consultation would be required, in addition to that proposed by the applicant.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the construction of a grid scale battery energy storage system ('BESS') with a capacity of up to 49.9 megawatts.

The facility would be an enclosed compound accommodating a range of equipment and small buildings located on concrete pads, surrounded by a gravel surface. The equipment housings would generally have the appearance of shipping containers, whereas the buildings would have the appearance of small buildings or enclosures that would typically be found within an electricity substation.

<u>Item</u>	<u>Quantity</u>	<u>Item Dimensions (L x W x H)</u>
Battery energy storage container	20	6.1m x 2.4m x 2.9m
Inverter and transformer unit	10	6.1m x 2.4m x 2.9m
Auxiliary transformer and feeder pillar	1	2.7m x 2.4m x 2.4m

Customer switch room	1	14.0m x 3.3m x 3.5m
Customer control building	1	4.9m x 5.8m x 3.7m
Customer store building	1	12.2m x 2.4m x 2.6m
Distribution Network Operator control building	1	4.9m x 5.8m x 3.7m

The compound area containing the buildings set out above would be enclosed by a 4.0m high acoustic fence around the north, east and south boundaries and a 2.4m high metal palisade fence along the western boundary. There would be eight pole-mounted CCTV cameras and lights, each 4.1m high sited at various points around the perimeter.

On the south side of the main compound would be a smaller secondary compound containing equipment required by the Distribution Network Operator, which in the north of Scotland is Scottish and Southern Electricity Networks ('SSEN'). This compound would accommodate a control building (4.9m x 5.8m x 3.7m) and storage container (3.0m x 2.1m x 2.1m). It would be enclosed by a 2.8m high perimeter palisade fence on its east, south and west boundaries and the 4.0m high acoustic fence of the main compound on its north side.

The existing southern junction with the Parkway would be retained to provide vehicular access to the site. It would be altered to create a left-in/left-out arrangement. An access road would lead to the compound where a gate would provide access to a loop road within. A personnel gate would be provided within the fence on the east side of the compound, accessed from the secondary access road which would be altered to provide agricultural access for the field to the north of the site.

Amendments

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

- Access road realigned and site access junction design amended.
- Internal service road route adjusted to form a loop.
- Layout and design of battery equipment amended.
- Minor adjustments to the extent of the compound and consequential changes to landscaping.
- Amended drainage arrangements to include an attenuation tank and pollution control device.

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=S0TQY5BZFJY00>

- Alternative Site Assessment
- Arboricultural Impact Assessment
- Construction Traffic Management Plan
- Design and Access Statement
- Drainage Impact Assessment (and addendum)
- Ecological Impact Assessment
- Heritage Buildings Summary Note
- Landscape Visual Appraisal

- Noise Impact Assessment
- Outline Battery Safety Management Plan (and associated Fire Safety Technical Note)
- Phase 1: Desk Study
- Planning Statement
- Pre-Application Consultation Report
- Transport Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee for two reasons –

- it is being recommended for approval and has been the subject of formal timeous objection by the local community council within whose area the application site falls; and
- has been the subject of six or more timeous letters of representation that express objection or concern about the proposal.

Pre-Application Consultation

The applicant undertook statutory pre-application consultation which included –

- A meeting was held with Danestone Community Council on 10 May 2023. The project team presented the proposal to attendees, answered questions and attained feedback on the scheme.
- Two public consultation events held at Danestone Congregational Church on Thursday 11 May and Thursday 25 May 2023. Two newspaper adverts were placed, and leaflets were distributed to 840 addresses in the area surrounding the application site, inviting residents to the public events and providing details of the project website. The first event was attended by 19 members of the public, as well as community council representatives, whereas 21 members of the public and community council representatives attended the second event. The applicant collated and reviewed feedback received, and where feasible has made changes to the proposals accordingly.
- The applicant presented to the Council's Pre-Application Forum on Thursday 25 May 2023 (minutes of meeting).
- An online meeting was held with Jackie Dunbar MSP on 1 June 2023.

CONSULTATIONS

ACC - Environmental Health – No objection. The Noise Impact Assessment has been reviewed and it is considered reasonable. Therefore, the proposed development is accepted provided that:

- The BESS comprises the plant detailed in Section 4.1 (20x Battery Energy Storage Units [with integrated inverter] and 10x Transformers), with A-weighted sound power levels not exceeding those detailed in Table 2 and is arranged as shown on the site layout plan.
- Prior to construction of the BESS, the warranted sound power levels, number of items and location of the chosen plant shall be checked against the assumptions considered in the

assessment and where the proposed items are found to vary (i.e., in sound power level, location or number) an updated assessment shall be undertaken to confirm that the operational noise levels meet the relevant criteria (noise limits).

- A 4m high acoustic barrier is installed as shown on the site layout plan, providing (as a minimum) the acoustic absorption coefficients detailed in Table 3 of the report. The acoustic barrier must meet the following minimum specifications:
 - Minimum mass per unit area of 15 kg/m².
 - Minimum sound absorption performance equivalent to or greater than the values shown in Table 3.
 - The absorptive acoustic barrier must be a solid sealed construction with no holes or gaps.
 - The absorptive acoustic barrier must be properly installed with the base of the barrier sealed into the ground along the base.
 - Junctions between any lengths of the absorptive acoustic barrier must also be properly sealed with no holes or gaps.
- To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the hours of Monday to Friday 0700 to 1900 and Saturday 0800 to 1300.

ACC - Environmental Health (Contaminated Land) – No objection. The Phase 1 Desk Study has been reviewed and the Environmental Health Service is in general agreement with the conclusions and recommendations. There is no objection to the approval of this application, but it is recommended that a condition is attached to any approval, requiring a phase 2 Site Investigation (intrusive investigations) to verify the assumptions made in the Preliminary Conceptual Site Model and to provide data for foundation design. It is recommended that any site investigation works are undertaken following the demolition of the existing structures. Given the age and nature of the existing buildings, it is likely that asbestos containing materials ('ACMs') are present. It is recommended that an asbestos survey is undertaken prior to demolition, with any ACMs removed from site to a licensed waste management disposal facility. The works should be undertaken by a licensed contractor with any waste transfer notes retained for future reference.

ACC - Roads Development Management Team – No objection.

- Like other BESS sites, once operational the site shall not generate any daily vehicular trips in/out of the site given there shall be no physical presence on site. It is anticipated that a maximum of one maintenance vehicle trip per month would be required, which obviously shows the extremely low use of access required to the site.
- With the above in mind, it is noted that the site has an existing vehicular site access onto the Parkway (A92) which is located within the south-east corner of the site and would be retained. This means of access is considered acceptable given the volume of vehicular movements proposed.
- However, the access is located at a point on the Parkway in which there is a dual lane heading northbound, which would make it difficult for any vehicles exiting the site to cross all lanes to head southbound. This is safety concern and therefore the junction requires to be adjusted to a left in/left out arrangement and designed to force such manoeuvres to alleviate these concerns.

- The applicant has provided a design for an upgraded access, which is considered acceptable. It would provide a splitter island, associated signage and visibility splay, commensurate with the number of trips associated with the site and the speed limit on the Parkway. The matter of the visibility splay southwards is a key requirement and shall require a lot of vegetation to be cut back which is out with the redline boundary of the site, so this requires to be reaffirmed and conditioned (if necessary).
- The upgraded/amended site vehicular access would require a section 56 roads construction consent application and the visibility splay and cut back of vegetation shall be a key part of such application.
- The site would be securely gated across the vehicular access which is appropriately offset to allow a vehicle to be fully off the road when opening and closing the gate, so as to not interfere with the flow of vehicles on the Parkway and to avoid the potential for collision.
- Within the site, there would be adequate space and parking to accommodate the estimated volume of maintenance vehicles to manoeuvre within the site and turn and exit in a forward gear. The layout also provides access for fire service vehicles across all areas of the site.
- As with any development, there would be a certain level of impact during the construction phase. The applicant and contractors would be required to liaise with ACC Roadworks Coordination Team to programme the works and allow for appropriate traffic management measures to be in place.

Archaeology Service (Aberdeenshire Council) – No objection. Taking into account the Heritage Buildings Summary Report, which includes a photographic survey of the surviving buildings, the 20th century date of the structures and their former use as a piggery, it is confirmed that the survey provides an acceptable record of the site prior to any demolition or development works. There is no further comment to make other than to thank the applicant for providing this information at this stage of the planning process.

Danestone Community Council – Object to the application. Bad neighbours should be sensitively sited. This development has the potential to be a bad neighbour and siting it so close to existing and future houses.

1. BESS Regulation – It is understood this type of facility is required in the future as renewable energies supply more of our energy needs. Aberdeen City Local Development Plan 2017 (3.143) only mentions renewable energy in terms of generation, and this is a plan for storage only. There have been questions asked in Parliament that councils are not prepared to know what regulations these facilities should comply with (Sir David Evennett MP, September 7 2022, and Dame Maria Miller MP, July 2023).
2. Traffic Safety – The development is located near the Parkway (A92), a three-lane road with limited visibility and a 50mph speed limit, posing risks of accidents due to slow lorries turning in or out of the site. Visibility is poor for vehicles exiting the site. Police Scotland reported 15 collisions in the Danestone area of the Parkway over the last three years, including during the pandemic.
3. Site Planning History – Houses were previously rejected on this site in 2015, due to access issues.

4. Environmental and Health Risks – The proposed development poses fire risks, particularly involving lithium batteries, which can lead to hazardous contamination and release of flammable gases. The proximity to a scrapyards, care home, nursery, and doctors' surgery raises concerns about the impact of fires and the need for effective emergency response measures.
5. Noise Pollution – The acoustic fence proposed will bounce back noise of traffic towards the housing which increase noise considerably. In the noise report they have not given the distance from the nearest house to the installation to get a true reading. There is concern is this has not been measured fully and this will be noisier than suggested.
6. Grid Connection – The facility would be linked to the Persley Grid substation across the River Don at Station Road, Woodside. It should be clarified how the facility and substation would be connected as any connection would have to cross the river.
7. Wildlife Impact – The development could contaminate the River Don and harm local wildlife, including otters, salmon, and various bird species.
8. Drainage Issues – Increased drainage from the site could exacerbate dampness problems at RGS Hutchison Metals and affect nearby football fields.
9. Community Disruption – The construction phase, estimated to last nine months, will cause noise, dust, and commuting issues, with no suitable transportation options for construction workers. In terms of construction vehicle access, this is a narrow bendy residential 20 mph family housing estate. There are concerns about this as residents have already raised complaints and concern about the traffic in a built-up area. There are concerns about how this is going to impact residents' health with it being so close to residents' properties, especially with the removal of asbestos and other hazardous goods.
10. Anti-Social Behaviour – There are concerns about potential graffiti and vandalism due to the site's accessibility and the area's existing anti-social behaviour problems.

Health and Safety Executive – For grid scale BESS there are statutory requirements for duty holders to notify the fire and rescue service to inform their emergency response planning.

There is a robust regulatory regime in place which addresses the risks associated with grid scale BESS. Of relevance are the Dangerous Substances and Explosive Atmospheres Regulations 2002 which set out minimum requirements for the protection of workers and others from fire and explosion risks; the Electricity at Work Regulations 1989 which require precautions to be taken against the risk of death or personal injury from electricity in work activities; and the Management of Health and Safety at Work Regulations 1999 which require risks to be assessed and appropriately managed.

The fundamental principle of health and safety law is that those who create risks are best placed to control them so far as is reasonably practicable. Designers, installers, and operators all have a duty to ensure this is the case. HSE expects the duty holder to assess the specific situation and implement necessary control measures, to manage the risks of fire and other hazards.

Scottish Environment Protection Agency – BESS developments do not fall within category 3 (energy generation) of SEPA's Triage Framework. Therefore, please refer to SEPA's standing advice, SEPA do not require consultation on this application. SEPA are aware of potential legislative changes to how battery storage proposals, such as the one in question, are regulated. As a result, SEPA may respond differently to these types of developments in the future.

Scottish Fire and Rescue Service – SFRS direct the planning authority to the guidance from the National Fire Chiefs Council ('NFCC'): 'Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services'.

In response to the initial plans as submitted:

- Battery units would be separated by 3m – NFCC guidance is 6m.
- Whether the fire suppression is water or gaseous is not specified – NFCC recommends water.
- Separation distances from the site boundary to residential areas is compliant but no mention of distance to vegetation. Areas within the boundary would be landscaped and seem to indicate trees, it is assumed to limit the visual impact of the site – NFCC recommend 10m distance to any combustible vegetation.

In response to the amendments made by the applicant to address the above comments, SFRS welcome the additional fire safety measures taken.

Scottish Water – No objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

REPRESENTATIONS

Sixty representations have been received. Two are neutral, whereas fifty-eight object to the application. Most of the representations come from residents of Danestone and wider Bridge of Don area, including an objection on behalf of the members of Danestone Congregational Church. The matters raised are summarised below –

Location

1. The development would be too close to housing in Danestone; there are other locations, such as an industrial estate, which would be more suitable.
2. The site should be used for housing.
3. The application lacks information on why this site is considered suitable over other sites.

Technical

4. It is not clear what the capacity of the BESS is.
5. A route for the underground cable for the grid connection to the electricity substation has not been indicated.

Amenity

6. The BESS equipment would generate noise and affect residents. The acoustic fence does not go around the whole site.
7. There would be noise during construction.
8. There would be vibrations from the BESS equipment.
9. The development would have an adverse visual impact.

Environment

10. Removal of the existing buildings would negatively affect local wildlife, such as bats, owls, swallows and swifts, which rely on outbuildings such as those on the Persley Croft site for nesting sites.

11. Should a fire occur, a large volume of water is likely to be required for firefighting. The water run-off would be contaminated by the batteries and could adversely affect the environment.
12. Lithium batteries cannot be recycled, where would they end up?

Transportation

13. There is concern with the increased risk of an accident on the Parkway (which is already a busy road with fast moving traffic) due to vehicles entering and exiting the site.
14. There is no information on how the left-in/left-out junction would be monitored and enforced. There is already a left-hand only entrance / exit further up the road to the new housing estate, which is not always adhered to.
15. Concern with the implication on road safety during construction. How would any traffic management be monitored and enforced?
16. A planning application for housing at the site was previously refused due to issues relating to access, it is not clear why an access would now be acceptable.

Safety

17. Lithium batteries present a risk of fire and explosion, with resultant toxic fumes.
18. There is a petrol station close by and scrap merchants yard.
19. The adjacent scrap merchants yard is the frequent target of fire raising and vandalism. This poses a risk of introducing external heat to the BESS, which will depend on keeping its batteries cool.
20. A BESS fire in Liverpool during 2020 occurred despite a fire suppression system being installed. The fire spread so quickly the suppression system did not activate and the conclusion was that such a system would have had little to no effect on the resulting fire. How would it be ensured that the installed fire suppression system would be fit for purpose?
21. There are no emergency services based in Danestone to deal with any issues arising from this installation.

Other Matters

22. The demolition of the buildings could result in rats being displaced.
23. Who would take responsibility to dispose of the lithium batteries and restore the site if the operating company ceased to trade?
24. The development would be unmanned with monitoring taking place via CCTV cameras. Where would they be linked to, who would be responsible if anything happened and what response time would be in place.
25. Property values in the area would be adversely affected.
26. A second BESS development is proposed in the area.
27. The proposed site is on a busy helicopter flight path.
28. The supporting information states that the site would be accessible by workers who walk to the site. There is no pavement on that side of the Parkway at that location, leaving people to either cross a 50mph road, or walk alongside it on no pavement, both of which increase the likelihood of accidents.
29. The supporting information states that a publicly accessible board would be erected with details of site management etc. Without a pavement, or vehicle draw in, this is not publicly accessible.
30. What compensation or philanthropic initiatives does the applicant propose for surrounding community?

Administrative

31. Despite two public consultations, inadequate information has been made available to the local communities. There are many people in Danestone, and in the wider Bridge of Don, who were not informed of this application by the applicants and have no idea of the plans.

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 8 (Green Belts)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 11 (Energy)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan (2023)

- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy NE1 (Green Belt)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy T2 (Sustainable Transport)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Flooding, Drainage and Water Quality
- Landscape
- Natural Heritage
- Noise
- Transport and Accessibility
- Trees and Woodlands

Other National Policy and Guidance

- Energy Storage: Planning Advice (Scottish Government)

Other Material Considerations

- Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services (National Fire Chiefs Council)

EVALUATION

Background

Renewable energy sources such as wind and solar power rely on the weather to generate electricity. This means that renewable sources cannot adjust to demand from consumers and businesses as easily as fossil fuels and nuclear power can. Therefore, with the national energy system increasingly relying on renewable sources, it will need to be underpinned by technologies that can respond to fluctuations in supply and demand, such as battery energy storage, gas with carbon capture and storage, and hydrogen.

Grid scale battery energy storage systems ('BESS') store energy that is produced when demand is lower than supply. The energy stored in batteries can be released when energy demand exists but there is little wind and sun, to ensure the demand can always be met, a process known as "grid balancing." Without such facilities, excess energy is wasted as any surplus cannot be stored in the electricity network.

The Scottish Government's planning advice on energy storage states that *"A clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland."*

According to the UK Government's Renewable Energy Planning Database, in Scotland as of January 2024, there were 15 operational BESS and 124 BESS that were awaiting a planning application determination or were under construction. Across the UK there were 105 operational BESS and 596 have been given planning consent and are awaiting or were under construction.¹

¹ [Renewable Energy Planning Database, Department for Energy Security and Net Zero, GOV.UK](#)

Principle of Development

Energy Developments

Policy 11 (Energy) of National Planning Framework 4 ('NPF4') at a strategic level seeks to encourage, promote, and facilitate all forms of renewable energy development onshore and offshore. In terms of considering planning applications, Policy 11 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, with battery energy storage being listed as one of these technologies.

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

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. With the generation of energy being a significant generator of carbon emissions, the decarbonisation of the energy system is an important element of addressing the global climate and nature crises.

These policies establish that the principle of renewable energy developments, such as the proposed BESS, is acceptable and indeed in recognition of their importance in achieving net zero targets, such developments are lent substantial support at both national and local level.

Brownfield, Vacant and Derelict Land and Empty Buildings

The site comprises brownfield land as it has previously been developed. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 explains that "*development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.*"

The existing agricultural premises are understood to have last been used as a piggery and appear to have been derelict for at least fifteen years, with no productive use during that period. The buildings are in an increasingly dilapidated state, accompanied by overgrown vegetation throughout the site and buildings. The reuse of the site would therefore be lent support from Policy 9. Matters relating to biodiversity are considered later in the report.

Policy 9 goes on to say that "*Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.*" Policy R2 (Degraded and Contaminated Land) of the ALDP contains similar provisions.

A phase 1 desk study has been undertaken by the applicant and considers that the site is likely to be contaminated, with the potential sources being construction/demolition waste and possibly oils or fuel from vehicle spills from the former use as a piggery and the adjacent former quarry. Asbestos could be present within the old structures. These potential contaminants are commonly associated with the former uses. The study recommends a phase 2 site investigation should be undertaken to verify the assumptions made in the initial study and to provide data for foundation design. The report recommends that any site investigation works are undertaken following the demolition of the existing structures. The Council's Environmental Health Service has reviewed the phase 1 study and found the recommendations to be acceptable. A condition is proposed requiring the phase 2 study to be

carried out and submitted for approval. The proposals are therefore in accordance with Policy 9 of NPF4 in this regard and Policy R2 of the ALDP (*Community Council issue 9*).

Green Belt

The site is zoned as green belt where Policy 8 (Green Belts) of NPF4 applies and has the aim of encouraging, promoting and facilitating compact urban growth and use the land around our towns and cities sustainably. Development in the green belt is strictly controlled. For proposals to be supported, they must fall into one or more of the categories of development which are acceptable in the green belt as policy exceptions. Thereafter, should they fall into one of these categories, they must also meet a range of other requirements to ensure the integrity of the green belt is retained.

In terms of being an acceptable development type, the proposal falls into two categories of development which are generally permitted in the green belt. The first relates to essential infrastructure, which under Policy 8 is described as '*essential infrastructure or new cemetery provision*' and in Policy NE1 as development that "*is directly associated with essential infrastructure such as telecommunications, electricity grid connections, transport proposals identified in the Plan or roads planned through masterplanning of sites, if they cannot be accommodated anywhere other than the Green Belt;*'

The second category relates to renewable energy, which under Policy 8 is categorised as '*minerals operations and renewable energy developments*' and in Policy NE1 as development that '*is related to the generation of renewable energy (wind turbine, solar farm, or hydro scheme) and/or heat;*'

As described earlier in the report, given the emphasis placed on achieving net-zero targets and the essential role battery energy storage plays in decarbonising the UK's electricity network, such developments are therefore considered to be essential infrastructure and related to renewable energy development. Therefore, with it established that the development is of a type acceptable as an exception within the green belt, the second element of Policy 8 requires a range of other matters to be demonstrated which are discussed below.

1. *Why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;*

The UK's electricity grid is highly constrained and therefore identifying a location where battery energy storage can be connected to the electricity grid is a significant challenge. Typically, for a grid scale facility to be commercially viable it must be located within 2km of a grid supply point that has available capacity. The greater the distance from the grid supply point, the greater the electricity transmission loss and greater the cost to lay a cable to the connection point. Even within 2km, viability relies upon there being no significant physical obstacles which would make the laying of a cable between the two locations technically or financially unviable.

In this case, the applicant has the offer of a connection to SSEN's Persley Grid Supply Point at Station Road, Woodside, situated around 0.9km to the southeast of the site, south of the River Don.

The applicant has submitted an Alternative Site Assessment which considers why a green belt site is necessary to accommodate the development. It provides a comparative analysis of sites which were considered as potentially being capable of accommodating the development within a 2km radius of Persley Grid Supply Point.

- Five brownfield sites were identified from the Council's Brownfield Urban Capacity Study. However, all are unavailable or are being developed for other uses. Four of the sites were

also located south of the Aberdeen to Inverness railway line, which presents a significant barrier in terms of making a connection to the grid supply point.

- Existing business and industrial land (four sites) and mixed-use areas (five sites) were considered, such as Aberdeen Innovation Park, Twin Spires Business Park, Northfield Industrial Estate, St. Machar Road Industrial Estate. The areas considered either have no available land, are too small to accommodate the development or other are otherwise unsuitable.
- Nine sites designated as opportunity sites within the ALDP were also considered. Five are below the minimum sites size and the remainder are being developed for other purposes, such as residential use.
- Greenfield sites outside the green belt were considered, but all are protected as urban green space, so are not suitable for a battery energy storage development.

The assessment has demonstrated that there is no suitable site outside the green belt within the 2km search area.

2. the purpose of the green belt at that location is not undermined;

The ALDP states that the aim of the Aberdeen green belt is to maintain the distinct identity of Aberdeen, and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the green belt helps to avoid coalescence of these settlements and sprawling development on the edge of the city, maintain Aberdeen's landscape setting, and provide access to open space. The green belt directs planned growth to the most appropriate locations and supports regeneration.

Being a previously developed site within the green belt, the site can be described as brownfield, rather than being an undeveloped greenfield site. Therefore, its redevelopment would not represent urban sprawl or any increase in the level of development within the green belt. Due to the small scale and brownfield status of the site, the development would not lead to any coalescence between settlements.

3. the proposal is compatible with the surrounding established countryside and landscape character;

Policy D4 (Landscape) of the ALDP indicates that development should avoid adversely affecting the character of landscapes which are important for the setting of the city, including the coast, river valleys and hill landscapes.

The Parkway is the boundary between the green belt and this part of the developed edge of Danestone. The Parkway represents the transition between the developed suburban area to the east and the open countryside to the west. However, both the derelict application site and neighbouring scrap yard, although being to the west of the Parkway and within the green belt, have a negative influence on its character, due to their industrial appearance and in the case of the application site, its dilapidated state. Taking this baseline character into account, the redevelopment of the site would, through the removal of the derelict buildings, enhance the visual amenity of this part of the green belt

In terms of the new development, most of the equipment would be located within the main compound, with the site boundaries being what would predominately be seen from the

surrounding area. Both the main and secondary compounds would be partially screened by landscaping, which over time would mean they would sit comfortably within their surroundings.

With respect to its relationship with the wider green belt and countryside to the west, the site is largely contained within the landscape, with long views being restricted due to the screening effect of the surrounding topography, which falls gently towards the River Don to the south. There is also a tree shelterbelt between the area surrounding the site and the fields further west, beyond which the character is more open. The areas of woodland to the north, beyond the field, would also shield the development from long views from the north, as would trees surrounding the scrap yard. Therefore, as a site which is on the edge of the green belt and suburban area and in a relatively contained situation in relation to the rest of the green belt, the redevelopment of the site would ensure that the integrity of the wider green belt is not compromised.

4. *the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and*

Battery storage facilities typically have an industrial and utilitarian appearance, similar to an electricity substation. In this case, the equipment enclosures, most of which would have the shape and appearance of shipping containers, would sit within an enclosed compound, with the tallest units being 3.7m high. The compound would be surrounded on its north, east and south boundaries by a 4.0m high solid fence. This would screen the equipment from external views from these directions. The western boundary of the compound would comprise a metal palisade fence, which given the limited views and existing screening on this side of the site, would be acceptable.

The development would occupy a prominent position alongside the Parkway and would be visible by those using the road. When travelling southbound towards the site the site benefits from sitting lower than the land immediately to the north and is seen against the backdrop of trees behind it which are generally taller. When approaching in a northbound direction along the Parkway and when alongside it, the development would be prominent, although would be seen against the backdrop of trees further north. At 4m high, the fence around the compound itself would have a visual impact, however this is necessary to screen the equipment from view and to act as a noise barrier as discussed later in the report. To soften the appearance of the compound, the fence would be coloured green, and landscaping would be provided between the fence and road carriageway. The landscaping would comprise native tree planting (heavy standard, 3.0–3.5m tall at planting) and shrub planting. The existing grass, gorse and scrub vegetation along the adopted verge of the Parkway would be retained. The outline landscaping scheme would be in accordance Policy D5 (Landscape Design) which requires development proposals to be designed with an effective, functional and attractive landscape framework.

The secondary smaller compound enclosing DNO equipment, essentially an electricity substation, would be enclosed by a 2.8m high perimeter palisade fence on its east, south and west boundaries and the 4.0m high acoustic fence of the main compound on its north side. It would be surrounded by shrub planting helping to soften its appearance.

5. *there will be no significant long-term impacts on the environmental quality of the green belt.*

The site has limited ecological value at present, which could be enhanced through suitable landscape planting. The removal of the derelict buildings would enhance the environmental quality of the greenbelt through the remediation of the site and removal of any contaminants.

In summary, the proposal is for a development type which is permitted within the green belt, subject to other criteria being met, as described above. Due to the specific locational characteristics of the

site, on the edge of the greenbelt and suburban area, the criteria which all developments within the green belt are required to adhere to can be met.

The removal of the derelict buildings would enhance the environmental and visual quality of the greenbelt. Whilst the compound would have a visual impact, with the provision of suitable landscaping this can be mitigated to an acceptable level.

Representations raise concern that there is no information on why this site is considered suitable over other sites and indicating that there are other locations, such as an industrial estate, which would be more suitable. However, through the assessment to justify why a green belt location is essential and why the development cannot be located on an alternative site outwith the green belt, the applicant has demonstrated why other sites within a 2km radius of the grid connection point are not suitable. Notwithstanding, beyond the green belt assessment, there is no requirement for the applicant to consider other sites. The proposal at this site must be considered on its own merits, rather than being compared with other hypothetical sites (*issue 3 in representations*).

Economic Benefit

Policy 11 (Energy) of NPF4 explains that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities.

Battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets, by increasing the productivity of renewable generators elsewhere on the grid. The provision of a secure electricity system brings economic benefits across the national economy. The construction and decommissioning of the development presents supply chain opportunities for business and would contribute to local economic activity.

Project Design and Mitigation

As well as supporting energy developments in general, Policy 11 (Energy) of NPF4 expects the design of projects and any associated mitigation measures to demonstrate how the following impacts are addressed. Many of these matters are aimed more towards considering large scale renewable projects, such as wind farms, nonetheless each is considered in relation to this application. Policy R7 of the ALDP also contains such criteria, much of which reiterates that in Policy 11, however where there are additional requirements, they are highlighted in the relevant part of the discussion or considered at the end of this section.

In considering all these impacts, Policy 11 requires significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The significant weight required to be given to the global climate and nature crises by Policy 1 of NPF4 must also be considered. The substantial support for the principle of the development should not be outweighed by other matters, unless it can be demonstrated that significant harm would be caused.

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

Policy 14 (Design, Quality and Place) of NPF4 is relevant and requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy D1 (Quality Placemaking) contains similar provisions.

In terms of visual impact on residential properties, the Parkway provides an element of separation of uses and signals a change in character between the established residential area on its east side and the woodland and agricultural character to the west. Apart from the closest dwelling known as Persley Croft, which faces onto the Parkway directly opposite the site, all other houses face eastwards towards their respective streets, with their rear gardens backing onto the Parkway and facing towards the site.

Due to the setting of the dwelling at Persley Croft with its south east facing frontage, it is unlikely that the development would typically be seen from any windows at the property, as none are present on the property's west elevation. Views of the site would be available from within the curtilage of the house; however, the amenity of this area is already impacted upon by the A92. There would be views of the site from upper storey windows within dwellings on Fairview Grange, but the site is likely to be largely screened from ground floor windows and gardens due to boundary fences and vegetation.

As described above in relation to the visual impact on the green belt, the compound fence would be a noticeable feature along the Parkway. However, the height of the fence is essential for it to provide the necessary noise mitigation. The compound would generally be seen against the surrounding areas of woodland to the west and the proposed landscaping around it would soften its visual impact.

Furthermore, the facility would have a generally lower profile than the former agricultural buildings it would be replacing. The existing derelict state of the buildings adversely affects the character and amenity of the area, so through suitable design and landscaping, the introduction of the proposed use has the potential to actually enhance the visual appearance and character of the area.

To summarise, once complete there would be a change in visual impact for nearby residential properties, however when compared to the current situation, this would be an improvement due to the removal of the derelict buildings. The test within Policy R7 of the ALDP is that "*proposals will not have a significant adverse impact on the amenity of dwelling houses.*" In this case, although there would be an impact upon visual amenity, it would represent an improvement on the existing situation.

In terms of other aspects of amenity, the distance between the site and any surrounding uses ensures there would be no impact on daylight availability or overshadowing. Shadow flicker is associated with wind energy development, with none being generated by the proposed facility.

In relation to noise, there is the potential for the equipment to generate sound which could adversely affect nearby residential properties. Policy 23 (Health and Safety) of NPF4 explains that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. Similarly, Policy WB3 (Noise) of the ALDP indicates that there will be a presumption against noise generating developments, as identified by a noise impact assessment, being located close to noise sensitive developments, such as existing or proposed housing, without suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

The applicant has carried out a noise impact assessment ('NIA') which has been reviewed by the Council's Environmental Health Service. A baseline noise survey was carried out and computerised noise model has been developed, based on the anticipated noise emissions with the proposed equipment operating simultaneously. Any noise generated from the equipment is expected to be tonal (a continuous note such as a hum), with no intermittent (noticeable on/off) or impulsive (sudden) sounds. With the exceptions of the inverters, the noise model assumes all cooling equipment (the primary noise generator) would be operating at maximum noise level output. However, this would only occur when ambient temperatures are high, or the equipment is under full

load. Most of the time, the facility would be functioning at lower capacities and overall sound output would be considerably lower than the modelled noise levels.

The NIA determined that to ensure the nearest residential properties are protected from noise, a 4m high acoustic barrier should be installed around the north, east and south perimeters of the compound. With the barrier in place, noise in the external areas of the nearest homes during the day and night would be within the ACC Environmental Health requirements. For internal noise break-in to nearby dwellings, the calculated noise levels are low in absolute terms and meet ACC Environmental Health requirements, both during daytime and nighttime, even with windows partially open. At times when windows are closed, the indoor noise levels would be considerably lower still.

Concern was raised in representations that the noise barrier would reflect traffic noise from the Parkway back towards dwellings. However, the noise model takes into account distance attenuation of sound to the nearest dwellings, ground absorption (negligible in this case) and up to two orders of reflections and acoustic screening provided by the barrier.

The assessment was carried out on the assumption that equipment would operate within certain noise limits. Therefore, a condition is proposed which requires confirmation to be provided that the equipment installed is within these limits before the facility is brought into use. A condition is also recommended requiring the noise barrier to be in place and to be maintained for the life of the facility.

Concern is raised with the potential for construction noise. It is inevitable that there would be some disruption during construction. The applicant would be required to adhere to reasonable working hours as specified in the advisory note at the end of the report. Where complaints are received enforcement action may be initiated under the Control of Pollution Act 1974 by the Council's Environmental Health service (*issue 7 in representations*).

With these measures in place, noise levels associated with the development would be within acceptable limits at the nearest noise sensitive properties and there would be no tension with Policy 23 (Health and Safety) of NPF4 in relation to noise and Policy WB3 (Noise) of the ALDP (*issue 6 in representations and Community Council issue 5*).

Although not mentioned in Policy 11, the issue of ground-based vibrations being generated by the battery equipment has been raised in representations. The applicant has advised that none of the equipment would be expected to generate any significant vibration. There are no items of plant with large rotational generation, instead electrical generation would be undertaken via electrical inverters, with transformers used to step up the voltage, resulting in any vibration from the equipment being electrical in origin and of much lower amplitude. Such vibrations would be absorbed in the ground quickly near the originating plant. Where specified by manufacturer guidelines, any larger pieces of equipment would be mounted using anti-vibration pads (*issue 8 in representations*).

In summary, despite being in relatively proximity to a residential area, the amenity impacts of the development upon the community would be negligible and could be satisfactorily managed through mitigation measures (*issue 1 in representations*).

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

This matter has been considered under the green belt assessment.

(iii) public access, including impact on long distance walking and cycling routes and scenic routes.

The former Persley Quarry to the west of the site is used by the public for walking, being accessed from an unmade footpath from Upper Persley Road to the west and from an informal route along the western boundary of the application site. Access to the former quarry would be maintained and would not be affected by the development. No core paths, long distance walking and cycling routes or scenic routes are present close to the site.

(iv) impacts on aviation and defence interests including seismological recording.

It is noted in a representation that the area is on a helicopter flight path. There is no requirement to consult Aberdeen International Airport or helicopter operators in relation to the application. No impact on aviation or defence interests is anticipated (*issue 27 in representations*).

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

No impacts on telecommunications and broadcasting installations are expected.

(vi) impacts on road traffic and on adjacent trunk roads, including during construction.

Policy 13 (Sustainable Transport) of NPF4 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy T2 (Sustainable Transport) of the ALDP has similar provisions.

The submitted Transport Statement indicates that once operational, the facility would generate very infrequent vehicle trips. It is anticipated an average of two vehicles would travel to and from the site per month to undertake routine maintenance. This would have no discernible impact on traffic levels or road safety on the local road network or trunk roads (*issue 13 in representations*).

The existing access road into the site from the Parkway would be retained. Notwithstanding, the very low traffic levels that would be associated with the facility, in acknowledgement of the 50mph speed limit on the Parkway, the access road junction would be altered to create a left-in/left-out arrangement, to avoid vehicles trying to cross both lanes of the road when entering or exiting. The ACC Roads Development Management Team have reviewed the proposal and are satisfied with the junction design. Adherence to such arrangements is the responsibility of drivers and enforceable by Police Scotland (*issue 14 in representations*).

The access road would lead to a gate which would provide access to a loop road within the compound. A second minor access, further north on the Parkway and along the eastern perimeter of the site, would also be retained and provide a separate access into the field to the north of the site.

Reference is made in representations to a previous failed bid to have the site reallocated for housing as part of the preparation for the last ALDP, adopted in 2017. A significant reason for the site being inappropriate was due to accessibility and its location on the opposite side of the Parkway from the residential area of Danestone. The accessibility and transport requirements for housing developments are significantly different and more onerous than a facility that would have no human presence for much of the time and would generate insignificant levels of traffic (*issue 16 in representations and Community Council issue 3*).

Construction of the facility would be expected last approximately twelve months. There would inevitably be traffic associated with the construction, however this is not expected to be at significant

levels. The applicant would be responsible for obtaining roads construction consent for the junction works and obtaining consent for any associated temporary traffic management measures. Again, adherence to such measures is the responsibility of drivers and enforceable by Police Scotland (*issue 15 in representations and Community Council issue 9*).

Concern is raised with how construction workers would reach the site. The Construction Traffic Management Plan notes the presence of the pavement on the opposite side of the Parkway from the site, which could be used by workers before crossing the road. Although this stretch of the Parkway has a 50mph limit, it is expected any worker choosing to walk to the site would be capable of safely crossing the road. It is expected that most workers would travel to the site in works vehicles or their own vehicle (*issue 28 in representations*).

The ACC Roads Development Management Team have no concerns with the proposal. In summary, the impact of the proposals on the transport network would be insignificant and there would be no tension with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP (*Community Council issue 2*).

(vii) impacts on historic environment.

The site is not within a conservation area and there are no historic assets, such as listed buildings or scheduled monuments, either within the site or in the surrounding area that would be affected by the proposed development. The applicant has submitted a Heritage Buildings Summary Note, which provides a photographic record of the site as it is at present. This has been reviewed by the Council's archaeology advisor and is acceptable for the purposes of recording the building prior to development.

(viii) effects on hydrology, the water environment and flood risk.

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

In terms of flooding, the site has not been identified as being at any particular risk from fluvial, tidal or surface water flooding. The proposed drainage scheme would see surface water from hard surfaces and gravel within the site collected in an underground attenuation tank which would then release water to an underground soakaway at a controlled rate.

Should an accident occur at the site, such as a fire, there is the potential that surface water, including water used for firefighting, becomes contaminated by battery chemicals and affects the surrounding environment. In response, the applicant has re-designed the drainage proposals so that in the event of an emergency, an alarm would be triggered which would activate a pollution control device to prevent surface water flowing from the attenuation tank into the soakaway. Once any incident was over, potentially contaminated water would be collected from the tank by tanker and safely disposed of off-site. The attenuation tank is designed to store a combination of a 200 year +38% climate change allowance, and the minimum amount of water required in fighting a fire, calculated in accordance with the National Fire Chiefs Council guidance (*issue 11 and Community Council issue 7 in representations*).

There would be no toilets or kitchens which would generate wastewater at the site, therefore a foul water connection to the public sewer is not required. No other impacts upon hydrology or the water

environment have been identified. There is no reason to believe that redevelopment of the site would increase dampness at neighbouring properties (*Community Council issue 8*).

The drainage proposals are acceptable, subject to a condition requiring the finalised drainage design, including groundwater testing results, to be submitted for approval.

(xi) biodiversity including impacts on birds

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

The existing site comprises predominantly hard surfaces forming the yard space around the buildings, associated with the previous agricultural use. There is also area of dense scrub and scattered self-seeded trees. There are no watercourses in or adjacent to the site.

An area of approximately 0.12 hectares in the centre of the site is designated as green space network in the ALDP, part of a wider area of network to the west and north of the site. The area is a small area of broadleaved trees comprising around nine closely spaced self-seeded young beech trees, five sycamore trees, and a single semi-mature oak tree with extensive upper canopy dieback. Several mature trees have recently been felled after storm damage, with stumps and dead trunks piled up.

A Pre-liminary Ecological Assessment has been undertaken by the applicant which has determined that the site has limited biodiversity value. In terms of species, the buildings have negligible suitability for bat roosts and the wider site has low suitability for foraging and commuting bats. The woodland to the immediate west of the site provides a green corridor and would be retained. The survey found no evidence of badger or their setts, or any indication of other protected species, including birds (*issue 10 in representations*). The tree and scrub habitats on the site may provide a small number of opportunities for a limited range of common nesting bird species. Remaining cover of buildings may also provide nesting opportunities.

The provision of native species as part of the landscaping scheme discussed earlier in the report would contribute towards the aim of Policy 3 (Biodiversity) to enhance biodiversity.

In summary, the biodiversity value of the site is limited. There are opportunities to enhance the biodiversity value through appropriate landscaping planting (*issue 10 in representations*).

(x) impacts on trees, woods and forests

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland and trees. It goes on to say that Development proposals that “*enhance, expand and improve woodland and tree cover will be supported*” and that “*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value*”. Policy NE5 (Trees and Woodland) largely reiterates these aims.

The submitted Arboricultural Assessment identified ten individual trees and seven groups of trees. One tree and two groups were allocated a moderate retention value, eight trees and seven groups were allocated a low retention value, and two trees and three groups were deemed unsuitable for long-term retention regardless of the development proposals.

The development would require the removal of a single low-quality tree and a low-quality group. Three trees and two groups located within the development footprint are also recommended for removal as they are unsuitable for retention regardless of the development proposals. The assessments have been reviewed by the Council's Natural Heritage Policy Team and found to accurately reflect the general low quality of the tree cover and its physiological condition. The proposed tree removal is acceptable, subject to satisfactory replacement planting, which can be secured by condition through the landscaping scheme.

The tree removal would include the area designated as Green Space Network, which would be removed to allow for development. It is therefore necessary to consider against Policy NE2 (Green and Blue Infrastructure) which states that –

Development proposals will seek to protect, support and enhance the Green Space Network. This broadly encompasses the wildlife, biodiversity, ecosystem services & functions, access, recreation, landscape and townscape value of the Green Space Network. Development that does not achieve this will not be supported.

Coherence of the Green Space Network should also be maintained when considering any development and infrastructure proposals. Where infrastructure projects or certain developments necessitate crossing the Green Space Network, they should maintain and enhance the coherence and quality of the network. In doing so, appropriate provision should be made for access across roads for wildlife and outdoor recreation.

The area in question represents a small part of the wider Green Space Network which it forms. As discussed above, the value of the trees is low, and their removal is considered acceptable. This would not result in a severance of the network, as the trees and area to the immediate west of the site would be unaffected and would remain as a continuous green link between the areas to the north and south. The overall coherence and function of the network in the area would be retained. Therefore, the requirements of Policy NE2 (Green and Blue Infrastructure) would be met.

(xi) proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration; and (xii) the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

Policy 12 (Zero Waste) seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy.

It is anticipated that the proposed facility would be operational for 40 years and would then be decommissioned and the land restored to a suitable state.

Although currently a costly and complex process, lithium batteries can be recycled. It is expected that over the 40-year life of the facility battery recycling technology will significantly improve. The battery supplier would be obliged to recycle the batteries under current legislation or such equivalent regulations in force at the time of decommissioning (*issue 12 in representations*).

Given the small scale of the development and limited visual impact it would have, a bond or other financial security, which is typically used for large wind farm projects, is not required.

Should the operator cease to exist at any point during the life of development, the responsibility for the site would be with the party that gains control of it through the insolvency of the company. This is not a material planning consideration (*issue 23 in representations*).

(xiii) cumulative impacts.

A second battery energy storage system facility is proposed on land to the north of Persley Waste Water Treatment Works, Upper Persley Road, approximately 200m to the southwest of the application site. The proposal is for a facility with a capacity exceeding 50 megawatts, therefore the consenting authority is the Scottish Ministers, rather than the Council. The application (ACC ref: 240791/S36) is with Scottish Ministers and currently pending, with a decision expected towards the end of 2024.

A combination of vegetation, existing development and undulating topography, means the area from where the second facility can be seen would largely be restricted to the immediate area around which it is located, with glimpses available from limited locations to the south. It is not anticipated that there would be any significant cumulative impacts if both developments were to be constructed (*issue 26 in representations*).

Otherwise, there are no other developments in proximity which in combination with this development would generate any unacceptable impacts.

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

(i) will not negatively impact on air quality.

The battery energy storage facility would not emit any emissions and its use in the wider scale would assist in the transition to renewable energy sources, thereby indirectly reducing emissions from non-renewable energy sources and improving air quality.

(ii) will not negatively impact on tourism

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

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

Health and Safety

Although safety incidents for battery storage energy systems are rare, a common concern is the potential fire risk from the lithium-ion batteries which are used. Lithium-ion batteries can catch fire because of a process known as “thermal runaway” which can occur, if for example part of a battery is damaged or there is a manufacturing fault. This concern is reflected in numerous representations.

Policy 23 (Health and Safety) of NPF4 does not cover such developments specifically, however it has a general intent to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

There are no specific planning or health and safety laws relating to battery energy storage systems. However, they are typically subject to general health and safety laws that impose obligations on all

employers. The Health and Safety Executive (HSE), the national regulator for workplace health and safety, was consulted on the application and has provided a neutral response, with no specific comments to make, other than to highlight that it is the responsibility of the site operator to control any risk arising from their operation so far as is reasonably practicable and to implement any necessary control measures through compliance with relevant legislation.

Planning Advice Note 51 (Planning, Environmental Protection and Regulation) explains that planning decisions should always be made on planning grounds and in the public interest. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Even where legal or administrative measures outwith the planning system may exist for controlling a particular activity, this can still be a consideration to which weight is given in reaching a planning decision.

Therefore, whilst health and safety is a legitimate material planning consideration, in considering the planning application the focus should be on locational, design and layout aspects of the proposal, rather than any concern with the principle of using such technology or the technical design of equipment, which is controlled by health and safety and other legislation and industry standards.

To demonstrate that safety has been an integral part of the design process, the applicant has submitted an Outline Battery Safety Management Plan and an accompanying Fire Safety Technical Note, which explains the range of design and operational safety measures to protect people, the surrounding areas and the facility in the unlikely event of an incident occurring. The safety mechanisms would reduce the likelihood of accidents occurring and if they do occur, reduce their potential impact.

Although not a statutory consultee in the planning process, the Scottish Fire and Rescue Service has been consulted on the application. The fire service highlighted the document '*Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services*' published by the UK National Fire Chiefs Council's (NFCC) in April 2023, which it would expect the applicant to consider in designing the facility. The fire service has also reviewed the proposal and made recommendations. In respect to health and safety, the key design and layout measures incorporated into the layout and design are –

- The closest properties on the east side of the Parkway would be at least 30m away from the closest battery units, which themselves would be behind the 4m high noise barrier, which would also act as a fire barrier. The NFCC guidance recommends an initial minimum distance of 25 metres is provided between any occupied buildings and battery units, prior to considering any mitigation.
- There are two entrances to the site, the main vehicle entrance and a personnel gate on the east boundary, which in the event of a fire would allow firefighting to take account of opposite wind directions.
- The loop road within the compound would allow fire service vehicles to access the whole facility and enter and exit in a forward gear.
- The compound would be free from vegetation, with a gravel base, which would limit the ability of a fire to spread.

The physical distance between equipment is the most significant factor in how fire can spread within a battery energy storage facility, so maintaining adequate separation is crucial to minimising its potential impacts. Containers housing battery cells, being the most likely source of a fire, must be separated from each other and from other equipment such as transformers, control equipment, office buildings, and from the site perimeter. Following comments from the fire service, the following amendments were made –

- The distance between the battery units was increased from 3m to 6m, as recommended in the NFCC guidance. The guidance is based upon the Property Loss Prevention Data Sheet on BESS published by commercial insurance provider FM Global. Since the NFCC guidance was adopted, the FM Global data sheet has been updated, which reduces the recommended distance to 1.5m, where units have cooling systems, which would be the case here. Therefore, the distance between the battery units would significantly exceed the current recommendation.
- The fire service recommends that a 10m separation distance is provided between battery units to any surrounding vegetation, to ensure that there is no increased fire risk on the site or to cause ignition of local vegetation. The closest battery units would be 3m away from vegetation which would be outside the site, however the noise barrier around the north, east and south boundaries would also act as 'fire walls', preventing or delaying the spread of any fire, achieving the same aim as the recommended 10m separation distance.

The Outline Battery Safety Management Plan also explains the other technical design and operational safety measures that would be employed.

- The BESS has been designed in accordance with UK and international standards, recognised best practice guidance and codes of practice
- Lithium iron phosphate batteries would be used as they have a higher thermal runaway temperature threshold than alternative battery types.
- The facility would be monitored and controlled remotely 24 hours a day by staff.
- Cooling, ventilation and monitoring systems would be incorporated into the enclosures to ensure operational safety by maintaining the batteries at a stable operating temperature and removing excess heat in the event of overheating.
- The battery units would be installed with a fire detection and alarm system. If an alarm is triggered, the remote operator is informed, and the BESS operation would stop.
- Once the site is fully tested and operational, equipment maintenance would be undertaken at intervals as recommended by the original equipment manufacturer.
- An emergency response plan would be agreed with the fire service and other emergency services.
- The site has access to a firefighting water supply, with the closest fire hydrant on the Parkway, opposite the site boundary and a second hydrant just north of the site.

An incident at a battery energy storage facility in Liverpool and use of a fire suppression system is referred to in representations. This is the only known serious incident involving such a facility in the UK and since the Liverpool facility was constructed in 2018, battery energy storage system design and technology has been continuously improving. Following advice from the fire service, a revised fire suppression system would be installed, utilising water rather than being solely gaseous, as recommended by the NFCC guidance (*issue 20 in representations*).

Concern is raised in representations that Danestone has no dedicated emergency service cover. Emergency cover and response times are the responsibility of the relevant emergency services, however the fire stations at North Anderson Drive, Dyce and Mounthooly Way, are all within a 5 to 10-minute drive of the site (*issue 21 in representations*).

In summary, whilst the facility would be located relatively close to the suburban area, it would be separated from residential properties by the Parkway and exceed the recommended minimum distance from occupied buildings. In the unlikely event an incident does occur, the layout and design of the facility has been planned to limit the impact of such an incident, through the spacing of battery units, enclosure of the compound in a 4m high fence and providing emergency services with suitable access to respond. Otherwise, as with a wide range of other activities and industries, the health and safety aspects of the design and use of the facility are governed by non-planning requirements

which the applicant must adhere to. There are no objections from the Scottish Fire and Rescue Service or Health and Safety Executive (*issues 17, 18, and 19 in representations and Community Council issue 4*)

Climate Mitigation and Adaptation

Policy 2 (Climate Mitigation and Adaptation) of NPF4 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It goes on to require development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and adapt to current and future risks from climate change. In this regard, the site is not at any known risk of flooding, with drainage proposals designed to accommodate anticipated future rainfall. More generally, the development itself would contribute towards minimising emissions by allowing renewable energy to be used to its full potential.

Other Matters Raised in Representations

- *Community Council Issue 10 – There are concerns about potential graffiti and vandalism due to the site's accessibility and the area's existing anti-social behaviour problems.*

Graffiti and vandalism would be dealt with by Police Scotland as criminal offences. The derelict state of the existing buildings already appears to attract such activities, whereas the development would benefit from CCTV surveillance and would see the dilapidated buildings removed.

- *Issue 2 – The site should be used for housing.*

The proposal must be considered on its own merits, rather than being compared with hypothetical proposals that do not exist. The site is not zoned for residential use and a bid to have the site re-zoned for housing in the 2017 ALDP was not progressed.

- *Issue 4 – It's not clear what the capacity of the BESS is.*

The installed capacity of the facility would be 49.9 megawatts, which refers to the rated power capacity of the site, the maximum amount of power that the facility can generate at any particular time. The total amount of energy that the battery facility could store and provide would be 99.9 megawatt-hours, therefore the facility could provide energy for approximately two hours.

- *Issue 5 and Community Council issue 6 – A route for the underground cable for the grid connection to the electricity substation has not been indicated.*

The applicant has advised that the grid connection would be via a cable laid between the site and Persley Grid Supply Point. Such works would be managed and undertaken on behalf of Scottish and Southern Electricity Networks ('SSEN'), the Distribution Network Operator for north Scotland. SSEN are a statutory undertaker for planning purposes and benefit from permitted development rights which allow, subject to certain conditions, the installation of electric lines under land, without the requirement for planning permission. Therefore, the installation of the grid connection does not form part of this application.

- *Issue 22 – The demolition of the buildings could result in rats being displaced.*

Although not a material planning consideration, the applicant would be expected to implement best practice measures to minimise any dispersion of pests prior to demolition. Any displaced pests would be a matter for the particular landowner.

- *Issue 24 – The development would be unmanned with monitoring taking place via CCTV cameras. Where would they be linked to, who would be responsible if anything happened and what responses time would be in place.*

These are operational matters for the applicant rather than material planning considerations. It is the responsibility of the applicant to ensure that the facility is operated safely.

- *Issue 25 – Property values in the area would be adversely affected.*

Any impact upon property values because of a development is not a material planning consideration.

- *Issue 30 – What compensation or philanthropic initiatives does the applicant propose for surrounding community?*

Community benefits schemes are a well-established, integral part of larger renewable energy developments such as onshore wind farms. They are voluntary initiatives; they are not a material consideration in the planning process. In this case the applicant has not indicated that they intend on setting up a community benefit scheme.

Administrative Matters

Issue 31 – Despite two public consultations, inadequate information has been made available to the local communities. There are many people in Danestone, and in the wider Bridge of Don, who were not informed of this application by the applicants and have no idea of the plans.

Statutory public consultation was undertaken by the applicant prior to submission of the application, including two public events, creation of a website and leaflet drop to 840 addresses in Danestone. The proposals were also subject of press coverage. On submission of the application, the planning authority undertook the statutory neighbour notification, and an advert was placed in the *Evening Express*. Sixty representations have been received, which is a relatively high number, suggesting that a significant number of people were aware of the application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Policy 11 (Energy) of National Planning Framework 4 ('NPF4') and Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan ('ALDP') require decision makers to place significant weight on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. This is echoed by Policy 1 (Tackling the Climate and Nature Crises) of NPF4 which requires significant weight to be given to the global climate and nature crises when determining all applications. The principle of the proposed battery energy storage facility is therefore lent substantial support by these policies.

The proposal is for a development type which is permitted within the green belt, subject to specific criteria being met. Due to the specific locational characteristics of the site, notably its previously used, brownfield nature, on the edge of the greenbelt and suburban area, coupled with design and mitigation measures, the criteria which all developments within the green belt are required to adhere

to can be met. The removal of the derelict buildings would enhance the environmental and visual quality of the green belt and surrounding area.

Otherwise, with suitable mitigation measures in place, the proposals satisfactorily address how the potential impacts in Policy 11 (Energy) would be addressed, ensuring the protection of residential amenity and the environment. The most significant impact would be the visual impact of the compound, however with appropriate landscaping the facility could be satisfactorily be integrated into its surroundings, with the residual impact being minimal.

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

CONDITIONS

(01) DURATION OF PERMISSION

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

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

PRE-COMMENCEMENT OF DEVELOPMENT

(02) TREE PROTECTION FENCING

No development (including demolition or site setup) shall take place unless

- (i) a scheme to protect the trees to be retained out with the site has been submitted to and approved in writing by the planning authority; and
- (ii) the approved tree protection fencing is in place.

Thereafter, the fencing shall remain in place for the duration of construction of the development.

Reason – to protect trees and vegetation from damage during construction.

(03) SITE INVESTIGATION

No development (including demolition or site setup) shall take place unless a scheme to deal with any contamination on the site has been submitted to and approved 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 BS 10175 (Investigation of Potentially Contaminated Sites – Code of Practice) and other best practice guidance and shall include:

- a) an investigation to determine the nature and extent of contamination,
- b) a site-specific phase 2 risk assessment,
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

The development shall not be brought into use unless –

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

Reason – to ensure that the land is made suitable for the new use and avoid unacceptable risks to human health and the environment.

(04) NOISE – EQUIPMENT

No development shall take place unless evidence has been submitted to and approved in writing by the planning authority that the warranted sound power levels of the chosen equipment meets the assumptions considered in the Noise Impact Assessment P-22-489-R02v5 produced by Hepworth Acoustics.

Where the proposed items are found to vary in sound power level from the assumptions, to confirm that the operational noise levels will meet the relevant criteria (noise limits) an updated noise impact assessment shall be undertaken and submitted to and approved in writing by the planning authority.

Reason – to protect surrounding residential properties from any unreasonable noise generated by the development.

(05) LANDSCAPING

All soft landscaping proposals shall be carried out in accordance with the approved scheme of landscaping (Pegasus Group drawing P22-2723_EN_0004 (Rev.E) or such other drawing approved for the purpose) and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority.

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

Reason – to satisfactorily integrate the development into the surrounding area and enhance biodiversity.

PRE-USE OF DEVELOPMENT

(06) DRAINAGE

The development hereby approved shall not be brought into use unless all drainage works detailed in the approved Drainage Assessment (8600 (Rev. P03) and drawing 8600-MJM-XX-XX-DR-C-5200 (Rev. P07) produced by MJM (or such other details approved for the purpose) have been installed in accordance with the approved details and are available for use.

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

(07) PROVISION OF NOISE BARRIER

The development hereby approved shall not be brought into use unless the noise barrier recommended in Noise Impact Assessment P-22-489-R02v5 produced by Hepworth Acoustics has been installed in accordance with paragraph 4.10 and figure 2 of the assessment (or such other details approved for the purpose).

Thereafter, the barrier shall remain in place for the duration of the life of the development and shall be maintained to ensure that it continues to perform to the minimum specifications in paragraph 4.10 of the assessment.

Reason – to protect surrounding residential properties from any unreasonable noise generated by the development.

(08) LANDSCAPING

All soft landscaping proposals shall be carried out in accordance with the approved scheme of landscaping (Pegasus Group drawing P22-2723_EN_0004 (Rev.E) or such other drawing approved for the purpose) and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority.

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

Reason – to satisfactorily integrate the development into the surrounding area and enhance biodiversity.

RESTORATION

(09) CESSATION OF OPERATION

The operator of the battery energy storage system shall notify the planning authority in writing if the site does not function for a continuous period of more than six months. The notification must occur within one month of the expiry of the six-month period.

Reason – to define the cessation of operation and to give effect to the restoration of the development site.

(10) DECOMMISSIONING

Six months prior to the decommissioning of the battery energy storage system, a decommissioning and site restoration scheme shall be submitted for the written approval of the planning authority.

The scheme shall provide details of (i) how equipment, ancillary structures and infrastructure located within the development hereby approved would be decommissioned and removed and the site made good and (ii) a timescale for these actions.

Thereafter, decommissioning and the making good of the site shall be carried out in accordance with the approved restoration scheme.

Reason – to ensure satisfactory restoration of the site and continued integrity of the green belt.

ADVISORY NOTES FOR APPLICANT

(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

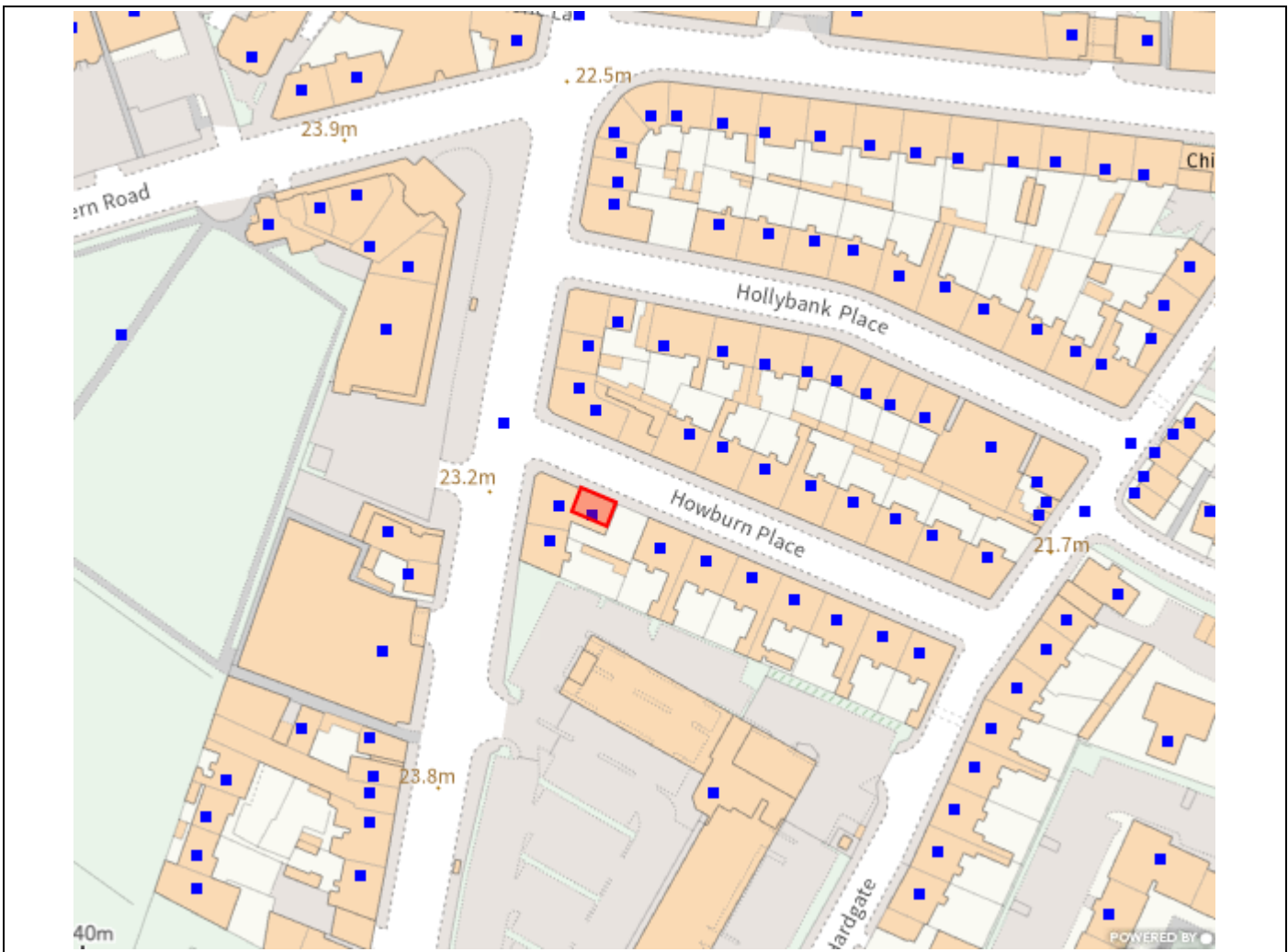
Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00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

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

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 22 August 2024

Site Address:	Second Floor Right, 6 Howburn Place, Aberdeen, AB11 6XX
Application Description:	Change of use of flat to short term let accommodation with maximum occupancy of 2 people
Application Ref:	240743/DPP
Application Type	Detailed Planning Permission
Application Date:	18 June 2024
Applicant:	Avalon Real Estates Ltd.
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a second floor residential flat within a four-storey granite tenement block in the Holburn Street Neighbourhood Centre. It comprises one bedroom, a kitchen/living room, a bathroom and a hallway.

The ground floor of the building is in Class 1A use as a dentist and a residential flat, 4 Howburn Place, which are accessed separately. The upper storey comprises a block of nine residential flats, with three on each floor. They are accessed from a communal entrance door on Howburn Place. A review of the Short Term Let and Houses in Multiple Occupation Registers demonstrates that there are no other properties in either STL or HMO use and thus all properties in the block are understood to be in mainstream residential use. A shared garden is located to the side and rear.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the proposed change of use of the property from a mainstream residential flat to short term let accommodation with a maximum occupancy of two people at any given time. The property would be cleaned after each stay by a professional cleaning company. Waste storage arrangements have, however, not been specified.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SF7Q67BZGRP00>

- Short Term Let Planning Checklist

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 has been the subject of six or more timeous letters of representation that express objection or concern about the proposal.

CONSULTATIONS

ACC - Roads Development Management Team – No objection – The site is in the Inner City Parking Zone and is in Controlled Parking Zone (CPZ) H. As this is in a CPZ, there are existing parking controls which would limit any obstructive or indiscriminate parking. The site is accessible by walking, cycling and public transportation. Properties and businesses in this CPZ are entitled to

apply for two parking permits. Business bins are not permitted to be stored on the street outwith collection times. The applicant should ensure that they have the correct permits, should this be classified as a business.

ACC - Waste and Recycling – No objection – The development is classified as commercial and therefore would receive a business waste collection. Current bins should be used until commercial status can be determined. General advice regarding business waste requirements has been provided.

Ferryhill and Ruthrieston Community Council – No response received.

REPRESENTATIONS

Six representations, all of which are objections, have been received. The matters raised relate to:

- Noise and disruption from comings and goings from different people. It is noted there is no specific soundproofing because of the age of the building.
- The impact of safety, security and sense of security as a result of strangers accessing the building and it being turned into what is considered a hotel lobby. It is noted that the building is currently safe and quiet and the neighbours know each other. Concerns relating to women's safety have also been raised in this regard.
- The impact on on-street parking provision.
- There is suitable short term let accommodation across the street and therefore the proposal is unnecessary.
- Concern with respect to litter.
- Concern regarding the type of people that would use the flat and for what purpose, including illegal activity.
- Concerns with respect to drunken disorder, noting the proximity of a nearby licenses premises, the Hawthorn Bar, and resultant fire risk.
- Concerns with respect to the maintenance of communal repairs/cost sharing.
- The proposal would not benefit either the property or the other residents.
- A key box has been installed prior to planning permission being granted.

Matters have been raised relating to the ability of the saleability of a neighbouring flat and the impact on insurance, which are not material planning considerations.

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy VC8 (Town, District, Neighbourhood and Commercial Centres)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Network of Centres
- Short-term Lets
- Transport and Accessibility

Other Material Planning Considerations

Scottish Government publications:

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

EVALUATION

Key Considerations

The determining material consideration in the assessment of this planning application is whether the use of the property as short term let (STL) accommodation would result in unacceptable harm to the amenity of the area – particularly to the neighbouring residential dwellings. These matters and all other material considerations are assessed in the context of the relevant policies of the Development Plan as set out below.

Aberdeen Local Development Plan Zoning

The application site is zoned within the Holburn Street Neighbourhood Centre on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP). Policies 27 (City, Town, Local and Commercial Centres) of NPF4 and VC8 (Town, District, Neighbourhood and Commercial Centres) of the ALDP are thus of relevance.

Policy 27 of NPF4 states that *'development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.'*

Policy VC8 of the ALDP states that: *'Proposals for development, including change of use, will only be acceptable if the proposal:*

- 1. makes a positive contribution to the vitality and viability of the centre;*
- 2. will not undermine the principal function of the centre in which it is located;*
- 3. caters for a catchment appropriate to the centre in which it is located;*
- 4. creates or maintains an active street frontage and attractive shop frontage;*
- 5. does not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre; and*
- 6. does not conflict with the amenity of the neighbouring area/existing commercial uses.'*

Whilst there is no definition of a 'principal function' of a centre in the ALDP, the Network of Centres Aberdeen Planning Guidance defines Neighbourhood Centres as providing *'local retail provision, primarily of a convenience nature. These serve a local catchment area (majority of customers living within 800 metres walking distance).'*

The proposal would make a positive contribution to the vitality and viability of the centre in that it could increase footfall in the local retail and hospitality premises as well as those in the city centre, which is within walking distance. It would be of a minor scale as it would comprise the change of use of a single flat to STL accommodation and it would have a maximum occupancy of two occupants and thus it would not materially impact the function of the Neighbourhood Centre in terms of it serving the local area. The proposal would not affect the street frontage given the unit is on an upper storey and solely comprises a change of use. In terms of criteria 5, the proposal would not result in an overprovision and/or clustering of STL accommodation in the area whereby it could undermine the character and amenity of the centre. Whilst there is short-term stay accommodation in the form of a block of serviced apartments within 7 Howburn Place, known as 'Howburn Residence', there are no individual STL units on the Short Term Let Register with the same postcode as this this property, nor are there any in the block. Noting the absence of nearby individual STL units, the provision of such a use of the minor scale proposed would be suitable for the local catchment of the centre. The proposal would not conflict with the amenity of the adjacent commercial uses, notably the dentist premises at ground floor level. As has been set out in detail below, the proposal would not adversely affect the amenity afforded to the neighbouring residential flats by any significant degree, notably in terms of noise, privacy, security and sense of security. The proposal therefore accords with Policies 27 of NPF4 and VC8 of the ALDP.

Provision of Short Term Let Accommodation and Impacts on Character and Amenity

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

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

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

The Short-term Lets Aberdeen Planning Guidance (APG) states that the following matters will be taken into consideration in the assessment of planning applications for STL accommodation:

- *Whether the property is the only or principal home of the applicant;*
- *If the property is a flat, what floor of the building it is located on;*
- *The maximum number of occupants / guests that will use the STL at any one time;*
- *Whether the property is to be used as an STL on a full-time or part-time basis;*
- *Parking arrangements;*
- *Anticipated turnover of guests / length and frequency of stays;*
- *Arrangements for the storage and collection of waste from the property.*
- *How many other properties the STL shares an access and / or communal areas with;*
- *Details of any communal amenities and / or external amenity space that the property has access to; and,*
- *Character of the surrounding area, including existing uses.'*

Impact on Character and Amenity of the Area

In terms of Paragraph (e) of Policy 30, the proposed STL would not adversely impact the character of the Holburn Street Neighbourhood Centre in the ALDP. It is recognised that Howburn Place is residential in character and there are a large number of residential properties on the street in its tenements. Given its siting within the Holburn Street Neighbourhood Centre, however, there is a high degree of activity and footfall. The use of the application property as STL accommodation would require access by transient guests and cleaners, presenting a minor increase in activity and coming and goings, compared to mainstream residential use. However, the proposal is small-scale as it comprises a two-bed unit and it is stated that it would have a proposed maximum occupancy of two people at any given time. In its context, the use of this property by non-residential occupants with the expected level of activity proposed would not significantly change the character of the surrounding area. Therefore, the character of the area would be preserved.

The qualities of successful places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to support the prioritisation of women's safety and improving physical and mental health. Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and in terms of noise. Policy D2 (Amenity) of the ALDP) seeks to ensure that the occupants of residential developments are afforded adequate levels of privacy.

The property shares an entrance door and stairwell with eight residential flats in a tenement building, with the application property located on the second floor. There are two other flats on the same floor and flats above and below. There is a shared garden to the side and rear. The change of use from a flat to STL accommodation could result in increased harm to the amenity of the neighbouring properties beyond that which would typically be expected from a property in mainstream residential use if the impact from the following issues would be significant:

- The potential for the disturbance of privacy and the impact on safety and security, whether actual or perceived, resulting from the use of the property by transient persons unknown to the permanent residents of the adjacent flats, and their use of the communal stairwell and garden.
- The potential for noise transmission from customer activities within the property through the floor, ceiling and walls, and in the communal stairwell and external amenity space to the rear, particularly in the quiet and sensitive late evening and early morning periods – especially if used as a 'party flat'.

As the STL accommodation would be located on the second floor of the building, it is recognised that the transient occupants and cleaners would need to access the communal stairwell and pass

residential flats to access the property. It is also recognised that, being a historic tenement building, there is unlikely to be significant soundproofing between the residential flats.

However, the property has a minor 37sqm floorspace, there is only one bedroom, and it has been stated that there would be a maximum of two occupants that would stay. Due to the layout of the building, the door to the application property is relatively distant from the other flats on the floor. Given the minor scale of the proposal, as well as its distance from the entrances to the other flats, it is considered that noise transmission and disruption within the communal areas in the building or from within the property itself would not be to a degree whereby it would harm the amenity of the other residents of the other flats in this block. It is highly unlikely that the property would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise emissions during the more sensitive late night and early morning periods, given the low number of occupants that would stay. Such activities could also take place in the property if operated as mainstream residential accommodation. It is considered that noise transference through the floor, ceiling and walls would likely be minor and not materially different to its existing residential use. With respect to the rear garden, given the low number of occupants that would stay, the garden would unlikely become a place of congregation for prolonged periods of time by multiple transient persons and thus the level of noise generation from the use of this space would not be materially different to the existing situation. The change of use would thus have minimal impact on the neighbouring residential properties in terms of noise emissions. In the event any issues were to arise, they could be addressed under separate legislative powers by either the Police or the Council's Environmental Health Service at the time, as well as the STL licensing scheme.

In terms of the potential for the disturbance of privacy and the perceived impact on security from the use of the communal areas by transient non-residents, the garden and stairwell serve nine flats in an urban area and therefore there is already the possibility that the residents in the building experience people unknown to them using the spaces. Eight of the nine flats (89%) would remain in residential use and therefore the communal hallway would remain predominantly residential in nature and the vast majority of those accessing the communal space would be the residents rather than the transient persons of the proposed STL accommodation. On the second floor itself, the property is located relatively far from the doors of the two other residential flats, which are both located close to each other. There would be a degree of natural surveillance from two of the three flats on the floor being in residential use. Having regard to prioritising women's safety, it is considered that the actual or perceived reduction in safety and security afforded to the neighbouring residents as a result of this change of use to STL would be very limited because proportionately very few of the occupants of the building would be transient, it would be located centrally in the hallway away from the two other flats and there would be a degree of natural surveillance within the building.

It is considered that the small-scale nature of the application property (with a maximum of two customers when in use and periods of time when the property will likely not be in use), and the number of other properties in the building combined with the context of the surrounding area, would be sufficient to ensure that its use as an STL would not, in itself, cause any significant harm to the amenity of the neighbouring mainstream residential properties within the building beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use. Although a reduction in safety and security for the permanent residents in the building, whether actual or perceived, resulting from the use of the property as an STL could occur, it is considered that any such reduction would be minor and mitigated by appropriate management of the property – ensuring that the risk of actual harm to safety and security would be low.

There are also no other STL or HMO uses in the building. Therefore, there would be no cumulative impact as a result of this change of use to STL accommodation, in accordance with the Short-term Lets Aberdeen Planning Guidance.

It is considered that the change of use of the property from a residential flat to STL accommodation with a maximum occupancy of two people would not cause significant harm to either the character or amenity of the area, in accordance with Policies 14 and 30(e)(i) of NPF4 and D1, D2 and VC8 the ALDP.

Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

Although there is currently limited evidence on the local economic benefits would be derived from the use of this application property as an STL, as required by Policy 30(e)(ii) of NPF4, as the Short-term Lets Aberdeen Planning Guidance recognises that as STLs are generally expected to be used by tourists and / or business travellers, it is envisaged that businesses in the local tourism and hospitality sectors may experience some economic benefits as STL occupants are likely to use the services of these sectors. This is supported in general terms by the Scottish Government publication 'Research into the Impact of Short-Term Lets on Communities Across Scotland'. The site is also 120m from the defined City Centre boundary. Policy VC2 (Tourism and Culture) of the ALDP states that:

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

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

Whilst not located within the city centre, given its 120m proximity to the defined City Centre boundary, as a visitor facility, the proposal also accords with the aims of Policy VC2 to sequentially locate visitor facilities into the city centre.

In relation to impacts on local housing need and demand, the Short-term Lets Aberdeen Planning Guidance states:

'Although the most recent Housing Need and Demand Assessment (HNDA) has demonstrated a need for new open market housing in Aberdeen, and that there is also a significant need for more affordable housing, there is not currently understood to be any significant additional pressure placed on local housing need by the conversion of existing residential accommodation to STLs in the City. In this respect, the situation in Aberdeen is different from other areas of Scotland where the number of STLs has placed significant pressure on the availability and affordability of housing (for example in Edinburgh and parts of the Highlands and Islands). At present, the loss of residential accommodation resulting from changes of use to STLs is therefore considered unlikely to have any significant detrimental impact on local housing need within Aberdeen.'

'Nevertheless, it is recognised that housing need and demand can be subject to significant change over time, and HNDAs are updated regularly (normally every five years) to ensure that conditions and changes in the local housing market are appropriately identified and understood.'

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

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

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

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

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

Transport and Accessibility

Policies 13 (Sustainable Transport) on NPF4 and T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. The site is accessible via sustainable and active travel methods, with it being located within the Holburn Street Neighbourhood Centre and approximately 120m from the defined City Centre boundary. The nearest bus stop is approximately 50m away on Holburn Street and is thus less than 400m from the nearest bus stop, in accordance with Policy T2 of the ALDP. It has a route that leads to the city centre. The proposal would have a negligible impact on parking provision in the area and the local transport network, given the small-scale nature of the proposal which would generate similar parking demand to the existing use, it is within a CPZ and it is accessible using sustainable and active travel methods. The Roads Development Management Team agree with this position. The proposal therefore complies with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. The Council’s Short-term Lets APG states in relation to waste storage and collection:

‘It should be noted that STLs are classified as a commercial/ business use. Applicants will therefore need to enter into a contract with the Council’s Business Waste and Recycling team or another licensed waste contractor operating within the City to make appropriate arrangements for waste collection and disposal. A Waste Transfer Notice (WTN) must be obtained by STL operators. WTNs are issued by commercial waste contractors. Business waste should never be put into public or domestic bins (without a supporting WTN).’

The applicant advises that a professional cleaning company would attend the site to clean the property following guests checking out. However, the disposal of waste and recycling has not been specified. The Waste and Recycling Team have been consulted and have stated that current bins should be used until its commercial status has been confirmed. As there are on-street bins outside the block, waste and recyclables generated by the customers of the property can be adequately stored and collected and the proposal accords with Policies 12 of NPF4 and R5 of the ALDP.

An advisory note has been added for the applicant to be aware of in relation to guests and cleaning staff being made aware that they are not authorised to utilise the communal domestic street bins nearby in the absence of a commercial agreement with Aberdeen City Council for the use of those bins by customers or cleaning staff.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (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. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The development, comprising the change of use of an existing property, is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities that can be identified to minimise greenhouse gas emissions given the nature of the proposal. Therefore, the change of use from a residential flat to STL accommodation is compliant with Policies 1 and 2 of NPF4. Whilst this proposal would not include measures to enhance biodiversity, which would have some minor tension with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements.

Matters Raised in the Representations

The matters raised in relation to noise and disruption as well as on-street parking provision have been addressed in this evaluation. Likewise, the impact on safety and sense of security, including women's safety, has been considered in this evaluation. There is no evidence to support that the change of use to STL accommodation would result in litter and waste would be disposed of by cleaners after each stay.

Possible illegal, drunken and antisocial activity are not material planning considerations and would be addressed by separate legislative powers through the Environmental Health Service or Police Scotland. Responsible management of this premises would also be addressed separately through the licensing process. Aberdeen City Council applies a licence condition to every STL licence for license holder to take reasonable steps to prevent and deal with antisocial behaviour. Fire risk is also addressed separately through the licensing process.

The necessity of the proposal is not a material planning consideration. As set out in the evaluation, the proposal would not result in a clustering or overprovision of STL accommodation in the area.

The installation of the key box is not 'development' in terms of the Town and Country Planning (Scotland) Act 1997, as amended. It therefore does not require planning permission and is not relevant to the determination of this application.

Matters relating to the impact on property values, insurance premiums and communal repairs are not material planning considerations. The responsibility for communal repairs is a civil matter to be addressed by the relevant parties.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The grant of planning permission for the change of use of the existing residential flat to short term let accommodation with a stated maximum occupancy of two occupants would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring flats, beyond what could typically be expected if it were to be used as mainstream residential accommodation, in accordance with the aims of Policies 14 (Design, Quality and Place) and 30 (Tourism) of National Planning Framework 4 (NPF4), as well as, D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023 (ALDP) and the Aberdeen City Council Short-term Lets Aberdeen Planning Guidance.

Commensurate with the scale of the proposal and the limited number of similar uses in the area, the proposal would make a positive contribution to the vitality and viability of the Holburn Street Neighbourhood Centre, would not undermine its principal function, would cater for a catchment appropriate to the centre in which it is located and it would not create overprovision and/or clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre. The proposal therefore complies with Policies 27 (City, Town, Local and Commercial Centres) of NPF4 and Policy VC8 (Town, District, Neighbourhood and Commercial Centres) of the ALDP. As a visitor related facility located 150m away from the defined boundary of the City Centre, the short term let accommodation accords with the aims of Policy VC2 (Tourism and Culture) of the ALDP to sequentially locate visitor facilities into the city centre. The change of use to short term let accommodation would likely provide some local economic benefits, particularly to the tourism and hospitality sectors without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of NPF4.

The development would be accessible using sustainable and active modes of transport and it would be within 400m of the nearest bus stop. It would have minimal impact on parking provision in the area and the local transport network, in accordance with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

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

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

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) TIME LIMIT FOR SHORT-TERM LET USE

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

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

ADVISORY NOTES FOR APPLICANT

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

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

If any waste generated is to be collected and disposed of by a commercial waste contractor then the applicant should advise STL guests that they are not authorised to deposit waste in the communal domestic street bins adjacent to the property.

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

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

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

businesswaste@aberdeencity.gov.uk