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

Town House,
ABERDEEN 31 October 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, 7 NOVEMBER 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 7 - 8)

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 19 September 2024 - for approval (Pages 9 - 14)
- 4.2. Minute of Meeting of the Planning Development Management Committee of 29 August 2024 - Pre Determination Hearing - for approval (Pages 15 - 36)

COMMITTEE PLANNER AND PLANNING DIGEST

- 5.1. Committee Planner (Pages 37 - 40)
- 5.2. Planning Digest Update (Pages 41 - 44)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Planning Permission in Principle for proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure - land at Coast Road, St Fittick's Park/ Gregness Headland/ Doonies Farm Aberdeen (Pages 45 - 104)

Planning Reference – 231371

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

[Link.](#)

Planning Officer: Lucy Greene

- 6.2. Detailed Planning Permission for the erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road - Land at Rigifa Farm, Cove Road, Aberdeen (Pages 105 - 130)

Planning Reference – 231336

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.3. Approval of Matters Specified in Conditions - Approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (Ref: 191904/PPP) for the erection of 67 homes, supporting infrastructure and open space - Claymore Drive Bridge of Don Aberdeen (Pages 131 - 156)

Planning Reference – 240839

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

[Link.](#)

Planning Officer: Roy Brown

- 6.4. Detailed Planning Permission for the erection of 2no. battery storage containers, associated ring main unit and transformer housings, 3m high acoustic fence and associated works - First Bus, 395 King Street Aberdeen (Pages 157 - 164)

Planning Reference – 240961

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

[Link.](#)

Planning Officer: Robert Forbes

- 6.5. Detailed Planning Permission for the installation of hydrogen refuelling station plant equipment with enclosure and acoustic barrier fence - First Aberdeen Ltd, 395 King Street Aberdeen (Pages 165 - 172)

Planning Reference – 240769

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

[Link.](#)

Planning Officer: Robert Forbes

- 6.6. Detailed Planning Permission for the installation of two EV charging points, feeder pillar and cabinet and associated works (retrospective) - land Adjacent To 593 And 595 King Street, Aberdeen (Pages 173 - 180)

Planning Reference – 240648

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

[Link.](#)

Planning Officer: Roy Brown

- 6.7. Detailed Planning Permission for the change of use to dwellinghouse (Class 9) including installation of fence to rear and associated landscaping front and rear - 54 Queen's Road Aberdeen (Pages 181 - 194)

Planning Reference – 240816

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

[Link.](#)

Planning Officer: Roy Brown

- 6.8. Detailed Planning Permission for the erection of replacement 2 storey dwelling house with verandah and detached double garage with all associated works - Janefield, 43 Hillview Road Cults Aberdeen (Pages 195 - 216)

Planning Reference – 240368

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

[Link.](#)

Planning Officer: Rebecca Kerr

- 6.9. Detailed Planning Permission for the formation of driveway and access gate to front - 3 Craigielea Mews, Aberdeen (Pages 217 - 226)

Planning Reference – 240982

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

[Link.](#)

Planning Officer: Rebecca Kerr

- 6.10. Detailed Planning Permission for the erection of single storey extension to rear - 47 Thorngrove Avenue Aberdeen (Pages 227 - 236)

Planning Reference – 240888

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

[Link.](#)

Planning Officer: Jack Ibbotson

OTHER REPORTS

- 7.1. Annual Effectiveness Report - CORS/24/328 (Pages 237 - 250)

DATE OF NEXT MEETING

- 8.1. Date of Next Meeting - Thursday 5 December 2024 - 10am

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

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

Website Address: aberdeencity.gov.uk

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

Agenda Item 1.1

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

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

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 19 September 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.

DECLARATIONS OF INTEREST OR CONNECTIONS

1. Members were requested to intimate any declarations of interest or transparency statements in respect of the items on today's agenda, thereafter the following was intimated:-

In regards to item 8.1 on the agenda, land at Newton of Pitfodels, the Vice Convener and Councillor Macdonald advised that they both lived locally to the application site, however they did not consider that this connection amounted to an interest which would prevent them from participating in the consideration and determination of the item.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 22 AUGUST 2024

2. The Committee had before it the minute of the previous meeting of 22 August 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the committee business planner.

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PLANNING APPEAL DIGEST

4. 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 contained in the planning appeal digest.

ARTICLE 4 DIRECTIONS - CR&E/24/277

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which presented two draft proposals in relation to Article 4 directions which were (1) introducing new Article 4 directions relating to the removal of permitted development rights for replacing windows within Bon Accord/Crown Street, the City Centre and Old Aberdeen Conservation Areas; and (2) cancellation of Article 4 Direction for Burnbanks Village, reinstating permitted development rights.

The report also sought approval to undertake public consultation for a 6 week period on these proposals, with the results of the consultation and any recommendations reported back to this Committee for approval.

The Committee was addressed by Councillor Kusznr, raising concerns in relation to the recommendations on behalf of his constituents.

The report recommended:-

that the Committee –

- (a) instruct the Chief Officer – Strategic Place Planning to publish the proposed Article 4 Direction changes for a six-week period of non-statutory public consultation; and
- (b) instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.

The Committee resolved:-

to approve the recommendations.

108 CORNHILL ROAD ABERDEEN - 240664

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

That the application for Detailed Planning Permission for the change of use from class 3 to mixed use class 3 (food and drink) and hot food take-away (sui generis) and installation of roof-mounted extract flue (part retrospective) at 108 Cornhill Road Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

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

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

(02) NOISE AND ODOUR MITIGATION

The use hereby approved shall not take place unless the noise and odour mitigation measures specified in section 6.2 of the revised noise and odour impact assessment dated 20/06/24 (ref. 1191212314 – V1) have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved class 3 use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of noise and odours.

(03) WASTE AND RECYCLING STORAGE

The use hereby approved shall not take place unless the proposed bin store, associated screen fencing, refuse / recycling storage and drainage facilities as specified on drawing no. L(00)07 B hereby approved have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to ensure waste storage on site, preserve the amenity of the area and ensure that the bins are suitably screened from the adjacent public road.

(04) CYCLE PARKING

The use hereby approved shall not take place unless the proposed cycle stands as specified on drawing no. L(00)07 B hereby approved have been implemented in full,

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unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In the interest of sustainable transport and reduction of vehicle traffic.

(05) OPERATING HOURS RESTRICTION

The use hereby approved shall not operate outwith the hours from 07.00 – 20.00 on any day of the week.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of late night noise / disturbance.

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

The Committee then heard from George Crossland, who objected to the proposed planning application.

The Committee also heard from Councillor Bonsell, who spoke as a local ward member.

The Committee resolved:-

to approve the application conditionally, with conditions 2 and 5 amended to read:-

(02) NOISE AND ODOUR MITIGATION

The use hereby approved shall not take place unless the noise and odour mitigation measures specified in section 7.01 - 7.07 of the revised noise and odour impact assessment dated 20/06/24 (ref. 1191212314 – V1) have been implemented in full, unless otherwise agreed in writing by the Planning Authority. The approved use shall not take place unless the approved mitigation measures have been installed in their entirety and photographic evidence of implementation of the requisite physical measures to be installed on site has been provided to the Planning Authority.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of noise and odours.

(05) OPERATING HOURS RESTRICTION

The use hereby approved shall not operate outwith the hours from 07.00 – 20.00 on any day of the week. For the avoidance of doubt, no cooking of food, food deliveries, food collection or servicing of the premises shall take place outwith those hours, nor shall it be open to the public.

Reason – In order to preserve the amenity of adjacent residential premises by reason of the generation of late-night noise / disturbance.

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LAND AT NEWTON OF PITFODELS, ABERDEEN - 240614

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

That the application for Detailed Planning Permission for the installation of a grid battery energy storage facility (up to 40MW), with associated development, at land at Newton of Pitfodels, Aberdeen, be refused for the following reasons:-

Whilst developments such as this can be generally accepted within a green belt location, given their classification of being an essential infrastructure, thus complying with part of Policy 8 (Green Belt) and Policy 11 (Energy) of the National Planning Framework 4 (NPF4) and Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP), overall it was considered that this development in this location would undermine the integrity and purpose of the green belt. This was due to the development being sited within an area of rural countryside that is relatively unspoilt by development, particularly developments of this industrial nature. Whilst mitigation measures have been put forward by the applicant which would seek to lessen the visual impact, the concerns related to the siting of such a facility in this location remain and it is also expected that there would be a significant negative visual impact on the landscape as well as those residential dwellings that sit in close proximity to the site. The proposal was therefore contrary to Policy 8 (Green Belt), Policy 11 (Energy) and Policy 14 (Design, Quality and Place) of NPF4 and Policy NE1 (Green Belt), Policy D1 (Quality Placemaking), Policy D4 (Landscape) and Policy R7 (Renewable and Low Carbon Energy Developments) of the Aberdeen Local Development Plan.

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

The Committee then heard from Colin Morsley on behalf of Cults, Bielside and Milltimber Community Council and Val Milne on behalf of Braeside and Mannofield Community Council, who both objected to the proposed planning application.

The Committee then heard from Kirsten Buck, William Sell on behalf of Alison Laing and Alan Moulton who also all objected to the proposed planning application.

Finally the Committee heard from Colin Lavety, agent for the application and James Young, applicant. They spoke in support of the application and answered various questions from Members.

The Convener moved, seconded by Councillor Copland:-

That the application be approved for the following reasons:-

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The principle of the proposed battery energy storage facility was lent substantial support by 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') which required 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 was 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.

The proposal was for a development type which was permitted within the green belt, subject to specific criteria being met. Whilst industrial in character and isolated from the built up area, the landscape planting proposed for the development screened it effectively in views from public vantage points in the Green Belt with the result that the proposal would not have a significant visual impact or adverse impact on the landscape setting of the City.

With suitable mitigation measures in place, the proposals satisfactorily addressed the criteria in Policy 11 (Energy) to ensure the protection of residential amenity and the environment.

All other material considerations, including those relating to health and safety, drainage, accessibility and transport had been satisfactorily addressed or were 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 was considered the proposal was in accordance with the development plan.

The Vice Convener, seconded by Councillor Boulton, moved as an amendment:-
That the application be refused in line with the recommendation.

On a division there voted – for the motion (3) – the Convener and Councillors Alphonse and Copland – for the amendment (6) – the Vice Convener and Councillors Boulton, Clark, Farquhar, Lawrence and Macdonald.

The Committee resolved:-

to adopt the amendment and therefore refuse the application.

- **Councillor Ciaran McRae, Convener**

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ABERDEEN, 29 August 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Greig, Convener; and Councillors Boulton, Clark, Copland, Farquhar, Lawrence, and Macdonald.

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

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PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED BUSINESS/INDUSRIAL DEVELOPMENT (CLASS 4/5/6); ROAD INFRASTRUCTURE, ACTIVE TRAVEL CONNECTIONS, LANDSCAPING AND ENVIRONMENTAL WORKS INCLUDING DRAINAGE AND OTHER INFRASTRUCTURE AT LAND AT COAST ROAD, ST FITTICKS PARK/ GREGNESS HEADLAND/ DOONIES FARM, ABERDEEN - 231371

1. 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 proposed business/ industrial development (class 4/5/6), road infrastructure, active travel connections, landscaping and environmental works including drainage and other infrastructure at land at Coast Road, St Fittick's Park/ Gregness Headland/ Doonies Farm Aberdeen, planning reference 231371. 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.

Ms Greene advised that the application was for Planning Permission in Principle and as such further applications would be required for Matters Specified in Conditions prior to any commencement of development. If approved, development would consist of the erection of buildings, and laying of external hard surfaced yard areas in business, office, industrial and or storage and distribution use and this would include creating level areas and buildings of relatively large footprint. Ms Greene indicated that the site plan showed the three areas that were the subject of the application.

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Ms Greene advised that the application proposal included the following:

At St Fittick's (Zone A) indicative plans showed development platforms of overall size 73,000m² (7.3ha) to the north and south of the East Tullos Burn which provided indicative 13,600 m² gross floor area (GFA) in three buildings (the largest being a 10,000m² unit to the west of the Waste Water Treatment Works (WWTW). Indicative building heights, which were used as the basis for a series of photomontage viewpoints, were 12m for the two smaller units to the north of the burn and 15m for the larger unit adjacent to the WWTW. These were indicatively envisaged as single storey industrial type units.

This would involve removal of:

- An area of woodland to the west and north of the WWTW;
- A grassed recreational area to the west of the WWTW;
- The East Tullos Burn would be realigned along the stretch to the north of the WWTW;
- The Coast Road would be realigned into the area to the north of the burn, and would sweep west and then north, close to the south side of St Fittick's Church and through the area currently used as a laydown area for the South Harbour, which was part of St Fittick's Park. The northern development site would be created to the north east of the realigned road, i.e. alongside the harbour.

Mitigations and compensation were proposed in the form of:

1. Improvements to open spaces within Torry / Balnagask with final locations and design subject to community consultation;
2. St Fittick's Church interpretation and repair works;
3. Path network enhancements within St Fittick's Park outside the site;
4. Improving water quality in East Tullos Burn;
5. Improving the path network and access to Tullos Wood;
6. Enhancing play and recreational equipment and areas and habitats with pollinator planning and management for biodiversity in St Fittick's Park;
7. Replacement sports pitch at Tullos playing fields and enhancing recreational and leisure provision to complement existing Multi Use Games Areas (MUGA), subject to consultation with community;
8. Enhancement to coastal path connections leading northwards to Torry Battery and south via Gregness and
9. Compensatory tree planting on and off-site.

At Gregness (Zone B) indicative plans showed a developable area of 4.2 hectares with a building of 5,600m² Gross Floor Area (GFA), shown of the same maximum height (18m) and on a roughly similar footprint as the current portal frame industrial building (temporarily required for the South Harbour construction) and grassland around the edges of the headland area. Access to the harbour's southern breakwater would also be required to be taken through this site from the Coast Road. The indicative plans showed a site access at the north end and a reduction in 'bare ground' (formerly grassland and currently lay down area) from 6.21ha to 4.2ha. with grassland being

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proposed in the reinstated area. The coastal path around the eastern edge of the site would be restored. The site was in a prominent location on a headland with the land falling from an elevation of 40m Above Ordnance Datum (AOD) to 18m AOD on the east side, to the east of the site boundary there was a steep fall to the sea.

Linked off-site mitigation and compensation for Gregness was identified as enhancement to the coastal path between Doonies and Aberdeen South Harbour.

Ms Greene advised that at Doonies (Zone C) indicative plans showed a developable area of 5.34 ha, with five units of overall 30,650 m² GFA. Indicative building heights were 12m. This site area included roads links through to Peterseat Drive. The existing site contained Doonies Farm, with the farmhouse, steadings and yards within an area of approximately 1 hectare, and fields (improved grassland) covering 4.34 hectare and scrub / grassland covering 4.35 hectares. Ground contours fell from west to east with levels of roughly 60m AOD to the west, falling to around 33m AOD to the east.

The end users of the development were unknown and it was not therefore possible to provide further details about characteristics of the development at this stage. These details would be provided as part of any subsequent Matters Specified in Conditions applications. The land as OP61 was gently sloping and of an open agricultural character.

Linked off-site mitigation was indicated as enhancement of the coastal path between Doonies and Cove and improving paths to Tullos Wood from Doonies (mainly within the site). The proposals for the Coast Road / Aberdeen South Harbour Link Road (ASHLR), were the subject of a current planning application (240620/DPP) and were likely to impact the Coast Road edge of the site.

In terms of surface water drainage it was stated that discharges to coastal waters did not mandatorily require Sustainable Urban Drainage Systems (SUDS) however, there remained an obligation to avoid pollution. The submissions stated that final layout and end-use of sites would determine what was required.

Surface water from the northern area of the Doonies site was proposed to be drained to an existing pipe under the Coast Road and railway and into coastal waters, whilst a new pipe would be proposed from the southern area. At this point the railway was on an embankment where it crossed on a bridge over a field access track. It was proposed that an outfall would pass under the railway at this point.

Ms Greene advised that combined and foul sewers existed within or close to each site where connection could be made subject to any mitigations required by Scottish Water.

In terms of the application site, Ms Greene explained that the development site was approximately 35.35 hectares in total and consisted of three linked areas – St Fittick's Park (Zone A), Gregness (Zone B) and Doonies (Zone C). These areas were allocated for development in the Aberdeen Local Development Plan 2023 as follows: Zone A –

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OP56 (St Fittick's) and small section of OP62 (South Harbour); Zone B – OP62 (South Harbour / Gregness) and Zone C – OP61 (Doonies).

Ms Greene advised that the St Fittick's Park (A) area covered 15.5ha and included the south east area of the park, with the East Tullos Burn and wetlands, woodland, open space and a recreational area. The Scheduled Monument of St Fittick's Church was close to the northern boundary of this site. The River Dee Special Area of Conservation lay 630m to the north of St Fittick's Park and a large Waste Water Treatment Plant operated by Scottish Water bordered the site to the south east.

Ms Greene indicated that Gregness (B) covered an area of 8.67ha and was immediately adjacent to the coast and to Nigg Site of Special Scientific Interest (SSSI), designated for geological reasons, with the Coast Road forming the boundary to the west. It was formerly coastal grassland but had been used more recently as a storage and production area in association with the construction of the new South Harbour in Nigg Bay immediately to the north of the site and it contained an industrial type building. Gregness was also covered by the Balnagask to Cove (Site 1) Local Nature Conservation Site (LNCS) designation. The LNCS included mixed habitats supporting herb rich grasslands, heathland, rocky cliffs, insect fauna and nesting sea birds. Access onto the south breakwater was taken through this site.

Ms Greene advised that Doonies (C) covered approximately 10.5ha and included a granite farmhouse and steading together with fields previously used by Doonies Rare Breeds Farm and scrubland to the west/rear. Two linear areas connected the main site to Peterseat Drive which was within the northern part of the Altens Industrial Area, to allow for potential future access linkages. Along the northern site boundary a footpath provided access to Tullos Wood from an existing public car park on Coast Road.

Ms Greene explained that footpaths, including core paths, the railway, cycle routes and Coast Road ran through the sites and residential areas in Balnagask and Torry lay close to the St Fittick's Park site to the north west and Burnbanks Village lay further away to the south of Doonies.

Ms Greene advised that in terms of representations, 221 letters of objections were received with 12 in support. Torry Community Council objected to the proposals and SEPA requested modifications to the application which related to the site boundary to exclude the flood risk area. Roads Development Management had no major concerns and Environmental Health were generally in agreement with the proposal. Network Rail objected to the proposals, stating that further information was required and that the issues related to existing and new surface water drainage infrastructure proposed under the railway.

The Committee then heard from Mr Jack Penman, Engineer, in relation to the roads aspects.

Mr Penman explained that this application was for Planning Permission in Principle (PPiP) and as such many of the details would be required to be provided in any future

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Matters Specified in Conditions applications. Full Roads comments were available online, but Mr Penman provided a summary.

Mr Penman advised that in support of this application the applicant submitted a Transport Assessment which had been reviewed by Roads and been found to be acceptable. He explained that Members would be aware the External Transportation Links to Aberdeen South Harbour (ETLASH) project was being progressed by Aberdeen City Council, as Local Roads Authority. The project aimed to improve access to the Aberdeen South Harbour / Nigg bay area for all modes. Planning permission had been submitted for the Aberdeen South Harbour Link Road (ASHLR) project which would impact on this proposal. Roads advised the applicant to contact the ASHLR project team to discuss their proposal to ensure there would be compatibility between the two projects and no abortive works should they both proceed.

Mr Penman indicated that the three sites were in the outer city boundary and were not within a controlled parking zone.

In relation to walking and cycling, as part of the Traffic Assessment, the applicant undertook analysis of the accessibility of the site by walking and cycling modes. It was noted that there were existing pedestrian/cycle facilities around the sites but these were of mixed quality and desirability. These included shared use footway, shared use paths (including Core Paths 78, 95 and 108) and National Cycle Route 1. As previously noted the ASHLR project if progressed would bring benefits for travelling by these modes. Mr Penman advised that as this was a PPIP application, Roads Development Management were content that as part of any detailed applications, details of the safe walking and cycling routes to the site(s) should be provided for review and agreed by Roads. This could take into account any new infrastructure and would include any improvements the applicant was proposing such as those to core paths.

In regards to public transport, there were currently no public transport stops within 400m of any of the proposed sites. As part of any future detailed application the applicant would be required to submit a Public Transport access strategy plan for Roads to review.

In relation to car parking, the applicant had indicated that parking would be provided in line with Roads standards. Details would be considered at any future application, and this included aspects such as Electric vehicle parking, cycle parking and accessible parking.

In regards to site access, primary access to the site would be using the Hareness Road/Coast road route. Roads Development Management would be seeking measures to be in place that would ensure there were no inappropriate freight movements through Torry to or from the sites. Specific site access junctions were to be designed in coordination with ACC Roads and subject to the final Coast Road Upgrade alignment. The proposed Peterseat Drive link would require to be justified by the applicant to ensure that it did not cause any adverse impacts on the operating of Coast Road

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through increased traffic volumes using this route. All roads, accesses etc. would be required to be designed and built to ACC standards.

In regards to modelling, the applicant had utilised the TRICS data base to derive trip rates as per best practice. Owing to the uncertainty of end user for each site/building type the applicant had undertaken the assessment using the 'worst-case' land use in terms of traffic generation for each plot. (Worst case 220 AM peak and 201 PM Peak) This was agreed with officers during earlier scoping discussions and provided a robust assessment when exact end user / land class was not known. The conclusions of the applicant's modelling showed that the proposal would have no significant detriment on the local road network. There were periods of operational queues on Wellington Road which were highlighted by the modelling which would be reviewed at detailed design stage. The traffic modelling had been considered acceptable.

In conclusion, Mr Penman indicated that there should be travel plans for the sites to encourage sustainable trips and a waste management plan was required. A drainage impact assessment plan was also required and no water retaining features would be permitted within 5m of the public road (including footway). Mr Penman noted that Roads had no significant concerns with this proposal at this stage but many of the details would require to be addressed as part of future applications.

The Committee were then given the opportunity to ask questions of both Ms Greene and Mr Penman and the following was noted:-

- There was engagement with Scottish Forestry about compensatory tree planting and the conversation would continue with the Environmental Planning team;
- In regards to sports facilities, it was noted that there was a proposal for the replacement for the recreational ground at St Fittick's Park. Sportscotland responded to the second round of consultation and said they would be interested in seeing further details of the sports pitch replacement; and
- In terms of the Aberdeen South link road application and whether it would come before Committee for a decision, Mr Penman advised that it was not a major application and may not need to be determined at Committee, but it would likely be determined by the end of the year.

The Committee then heard from the applicant and the presenters consisted of Maggie McGinley, ETZ Ltd, Elaine Farquharson-Black, Brodies and Henry Farrar, Ironside Farrar. Neil Young and Kim McLaren were also available for questions.

Ms McGinley advised that she was the Chief Executive of ETZ Ltd and provided an update on the combined efforts which were being made to reposition the city and region at the very forefront of energy transition. Ms McGinley indicated that ETZ Ltd was a not-for-profit company that was enabled by significant funding from the private sector through Opportunity North East and public funding from both the Scottish and UK Governments. The majority of the funding was to be used to take forward the largest dedicated energy transition complex in Scotland – the Energy Transition Zone.

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Ms McGinley indicated that it was very fitting that this complex was to be built in Aberdeen given the region's ambition to be the net zero energy capital of Europe and it was a vital step in the City's ability to unlock the vast opportunities afforded by green energies in offshore wind, hydrogen and Carbon Capture Utilisation and Storage (CCUS).

As part of the energy transition, ETZ had already made a significant investment in revitalising brownfield sites in Altens, which included

- the National Floating Wind Innovation Centre, a world first,
- the W-ZERO 1 building which was now at capacity and home to a range of exciting and growing companies;
- The Energy Transition Skills Hub - which would equip future generations with the skills required, and
- the Energy Incubator and Scale-up Hub which ensured the North East retained its reputation for excellence in innovation and entrepreneurship.

Ms McGinley intimated that the big prize on offer, was for Aberdeen to become the port of choice for the high value manufacturing of components to deliver offshore renewables projects, particularly floating wind, things like moorings, anchorings, and cable manufacturing. It was noted that these technologies provided sustainable, long-term employment and career opportunities, jobs such as welding and fabrication, electricians, and engineers across a range of disciplines.

Ms McGinley also advised she aimed to provide an illustration of the scale of the opportunity, noting over 11,000 new moorings would be required to deliver the UK market demand associated with ScotWind and INTOG. This type of activity required manufacturing at scale and required direct access to a deep-water port, because the components were incapable of being transported by road.

Ms McGinley highlighted that the ability to connect land with port assets, and transport large components to and from the quayside, was a fundamental requirement to catalyse further investment, particularly for offshore wind. It was noted that the transformational, deep water Aberdeen South Harbour combined with the Energy Transition Zone allowed the City to attract investment, create jobs and positioned the City and wider region as a global hub for offshore renewables. Ms McGinley highlighted that these were opportunities the city could not afford to miss and the Council had already recognised this in allocating land for the Energy Transition Zone in the Local Development Plan and approving a masterplan for the overall area.

Ms Farquharson-Black then focused on the legal framework in which the decision must be taken.

Ms Farquharson-Black indicated that as confirmed by the courts, by National Planning Framework 4 (NPF4) and reconfirmed by the Chief Planner in recent guidance, the policies in the development plan must be read as a whole. Many of the objections to the

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application focused only on the loss of greenspace and impacts on biodiversity. Objections by their very nature focused on perceived negative issues from a development and were silent on the benefits.

Ms Farquharson-Black advised that as the Planning Authority, Elected Members needed to consider the overall development and how it complied, or not, with all relevant national and local policies. It was not only policies on greenspace and biodiversity, but also policies on climate change, energy transition, employment, community wealth building and how the proposals contributed to those policy objectives.

Ms Farquharson-Black highlighted that even if an application was considered to be contrary to one policy, the courts had confirmed that did not mean that the application was contrary to the development plan as a whole.

Furthermore, material considerations could support granting permission contrary to the development plan. The starting point for determining this application was that the application covered land which was allocated by the Council for the establishment of the Energy Transition Zone under Policy B5 in recognition of the importance of energy transition to the city, to the region and to Scotland and under Policy B4 Aberdeen Harbours.

Ms Farquharson-Black advised that Members could take comfort that the allocation of the land had already been through a thorough review process and the Council's allocation of the Energy Transition Zone was fully explored by an independent Reporter at the Local Development Plan examination. Many of the issues which had been raised by objectors to the current planning application were raised as in principle objections to the allocation of the land and were considered and addressed by the Reporter. As such, these issues should not be re-opened at this stage of the planning process.

Ms Farquharson-Black explained that the principle of the proposed development of the ETZ was not a matter for debate. The land had been allocated for the proposed use. The Reporter acknowledged that there were difficult choices to be made in order to strike a balance between the need to allow a transition in the economy and employment of the city region and the provision of open space and biodiversity. Having heard all the evidence, the Reporter highlighted that the land had been identified as part of a systematic process and agreed with the Council that the wider environmental, economic and societal benefits justified allocation of the land and those acknowledged benefits still applied.

Ms Farquharson-Black indicated that the Council's allocation of the land for the Energy Transition Zone in the adopted Local Development Plan (LDP) created a legal presumption in favour of granting planning permission for the specified purpose and this legal presumption in favour of the application was the starting point for determination of this application. She also advised that the LDP specified that a Joint Masterplan was needed for the development of sites OP56, 61 and 62 and the joint masterplan should consider the following matters:

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- The extent of the developable area within the B5 Energy Transition Zone zoning;
- Areas which should remain undeveloped and the extent of any buffer zones;
- Mitigation measures to ensure the continued viability of linear habitats including the East Tullos Burn, recreation and core path network;
- Options for the use of the wastewater treatment plant; and
- Measures to avoid, minimise, mitigate, and compensate potential impacts on biodiversity/greenspace that would ensure at least no net-loss of biodiversity across the masterplan area.

Ms Farquharson-Black advised that there would also be a fourth stage for the ETZ, as the current planning application only established the principle of development. Separate applications would be submitted for individual buildings within the development areas and so the detailed design and layout of each building was not an issue for this application.

SEPA had highlighted that part of the site was currently within a floodplain, which would contravene Policy 22 of NPF4, however SEPA were happy that the proposed realignment of the burn and compensatory flood storage would allow development of the site. Ms Farquharson-Black indicated that the proposed development complied with relevant development plan policies when considered as a whole and with the principles outlined in the 6 masterplan areas. Material considerations supported the granting of permission.

Mr Farrar then spoke about the approved masterplan. He advised that the planning application had emerged directly from the masterplanning process and confirmed that the proposed development was fully compliant with the principles, guidance, and key requirements that it established – most importantly around reducing development areas within St Fittick’s Park, retaining and enhancing the East Tullos Burn and wetlands, and incorporating measures to improve the surrounding greenspace and connections across the Green Network.

The application related to three linked development zones at St Fittick’s Park, Gregness and Doonies all of which were Local Development Plan allocated Opportunity Sites. Within each, the proposals were seeking to deliver flexible development plots which were purpose planned for high-value energy transition industries, including manufacturing for offshore wind, hydrogen production and distribution, and wider green energy supply-chain activity. Directly linked to this, and embedded within the application, the proposals included a range of place-making and landscaping measures, as well as supporting transport, drainage and other infrastructures.

In relation to St Fittick’s Park, Mr Farrar noted that in keeping with the principles set out in the adopted masterplan, the proposed development provided for two development plots, separated by a potential re-alignment of the Coast 7 Road. Both plots were capable of being directly integrated and functionally associated with the South Harbour, and the scale of buildings and external working areas, represented typical requirements for energy transition users, especially those involving large-scale and heavy

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components which required proximity to quayside. Importantly, the proposed developable area was substantially reduced compared to the extents of the LDP Opportunity Site allocations, seeking to minimise impact on green space as far as possible and in keeping with the principles established by the Masterplan.

As well as avoiding and minimising the loss of greenspace, the proposals included commitments to a range of measures to enhance the quality and accessibility of local greenspace. Within St Fittick's Park this would include:

- Interpretation and restoration works to St Fittick's Church;
- Improving path network connections across the Park, Burn & wetlands;
- New wayfinding, lighting and pathway improvements to better connect Tullos Wood to communities; and
- Providing improvements to the existing play and recreation facilities and the provision of a replacement sports pitch to complement those existing playing fields.

Mr Farrar indicated that biodiversity enhancement was also delivered in line with the principles established in the masterplan, by retaining those most important and valuable assets, particularly the East Tullos Burn and wetlands, and enhancing them through water quality improvements, wetland habitat planting and landscape management, and partial re-alignment of the Burn which would replicate and lengthen the existing channel.

He stated that the unavoidable loss of some semi mature woodland and grassland would be addressed through compensatory native species tree and pollinator planting, both within the site and off-site in the close vicinity. Further biodiversity measures and landscaping would also be integrated into the development plots across the site as these came forward, in line with the principles set out in the submitted Biodiversity Protection & Enhancement Plan. Mr Farrar advised that it was important to highlight that the specific siting and design of the indicative proposals shown, which included mitigation and enhancement measures, would be secured via conditions, and developed with the Community, as well as Council officers, to ensure local priorities and needs were met and that this was appropriately coordinated across development.

Mr Farrar advised that at Gregness, industrial development was proposed at the northern end of the site, closest to the Harbour. Following discussion with officers the scale and footprint of the proposed building had been reduced since the original submission, now mirroring the existing temporary building on the site, plus a potential extension. The option of retaining and repurposing that building remained under consideration by ETZ, providing potential Circular Economy and embodied carbon benefits. In line with the Masterplan, the proposals were configured to ensure that operational requirements of the Harbour were maintained, the Coastal Path around the site could be reinstated, and that coastal heath habitats at the site fringes could be retained and supported as a key biodiversity feature.

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Mr Farrar indicated that at Doonies, again in accordance with the approved masterplan, the proposals provided for a multi-user Campus focused on the hydrogen sector, with a flexible mix of industrial buildings, set around a new link road connecting from the Coast Road to Altens Industrial Estate. This would complement the planned Coast Road upgrade as well as supporting revitalization of brownfield land within Altens.

Mr Farrar highlighted that the application had been supported by detailed environmental and technical assessments, including an Environmental Impact Assessment (EIA), Transport Assessment, and Flood Risk Assessment. A Health Impact Assessment was also undertaken as part of the EIA and considered the potential for impacts to local health and wellbeing. It concluded that the proposed development would have a positive impact on a range of health determinants especially around local economic activity and job creation, as well as active travel and exercise. It recognised the importance of local greenspace to local health outcomes and the potential for impacts from development, but concluded that the proposed measures committed within the application to improve the quality and accessibility of surrounding greenspace would provide appropriate mitigation and ensure that the Park continues to contribute positively to health and wellbeing.

Mr Farrar indicated that these assessments had been reviewed and consulted on extensively, and the application had no objections from key consultees including Historic Environment Scotland, and Scottish Water, as well as the Council Roads officers, Flooding, Archaeological and Environmental Health Officers. SEPA had submitted an objection in relation to Flood Risk matters, on the basis that a small area of the site was within an existing floodplain. However, both SEPA and the Council's Flooding Officers acknowledged that this objection arose due to the interpretation of policy in NPF4, rather than any direct concern over the proposals for flood management. The approach in the Flood Risk Assessment was accepted and this set out clearly that the proposals provided a nature-based solution that would increase resilience and capacity through the re-alignment of the Burn, and ensure that neither the proposed development nor any other receptors would be at increased risk of flooding.

In summary the proposed development complied fully with the adopted Masterplan for the site, and directly met the requirements of Local Development Plan policies and Opportunity Site allocations which designated and provided a presumption in favour of Energy Transition Zone use. The proposals represented balanced, sustainable, and masterplanned development that would realise the significant economic opportunity for job-creating, high-value development around the South Harbour, whilst also providing for enhancement to local greenspace and biodiversity, with ETZ committed to the long-term delivery of those benefits to the community.

In conclusion, Ms McGinley highlighted that the proposals showed how they would develop the Energy Transition Zone in a sustainable, integrated and balanced way, which protected key elements of the surrounding environment whilst realising the significant potential of the land to deliver jobs and investment. It was noted that approving the application would help the city achieve its over-riding goal of protecting

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and creating as many jobs as possible and delivering a sustainable just transition and vibrant future for the North East and the people who live and work there.

The Committee then had the opportunity to ask questions of the applicants, and the following was noted:-

- It was noted that 11000 moorings would be required to be made on site, and a detailed Noise Impact Assessment had been undertaken as part of the Environmental Impact Assessment and Council officers were satisfied with the methodology and the approach that had been taken in regards to the moorings;
- In terms of the operating hours of the sites, this could not be determined at this stage, as it would depend on what investment came forward, and once that was known, they would be part of a separate planning application.

The Committee then heard from Richard Caie, on behalf of Torry Community Council. Mr Caie advised that he was there to oppose the masterplan that had been prepared for St Fittick's Park, noting he vividly remembered the anger that was felt from residents in Torry following a presentation from Ms McGinley in regards to the Energy Transition Zone, and felt that, the presentation would linger negatively in a lot of people's minds for a long time.

Mr Caie advised that the idea that a zone should be the place for energy transition was fanciful, stating that energy transition should be all around. He also queried why new homes which had been built in Aberdeen in recent years had not been fitted with mandatory solar panels and the highest standards of insulation.

Mr Caie indicated that granting permission to this masterplan would also be breaking the bond of trust with the Torry Community. He stated that in the early 2000's, community pressure and involvement led to the first makeover of St Fittick's Park, and thousands of trees were planted by community members, many of them children.

Mr Caie advised that through Community Council meetings and the Citizens and People's Assembly which had taken place in recent years, the overwhelming feeling was that Torry residents were disenfranchised and felt that things were done to Torry, not with the people of Torry.

In regards to the statement above, Mr Caie explained how residents opposed the incinerator being built in Torry, noting that it went ahead and puffed out its smoke daily, only a few hundred yards from Tullos Primary School. A campaign against the new harbour was also unsuccessful and the beach was lost. He also mentioned RAAC and the constant threat for Torry pupils having to walk to Lochside Academy. He noted that there was now this vague masterplan which would destroy the wild natural spaces of St Fittick's Park with unknown and unquantified pollution of all sorts, which would include lights and noise, probably on a 24/7 basis.

Mr Caie indicated that during COVID, St Fittick's Park had been a wonderful source of comfort for a lot of residents who maybe did not have private garden ground, helping

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individuals with their physical and mental health. He also felt it was a lovely wild space for children to explore and was recently enhanced by an outdoor classroom which was championed for by Friends of St Fittick's Park. Mr Caie advised that a lot of people did not have cars to escape to nature, and many homes did not have garden space, and they were now being faced with replacing their local park with 60,000 sqm of factories or industrial sites.

Mr Caie also queried how Aberdeen City Council could be the decision makers on the proposed application, when they were the applicant for the proposals.

Mr Caie also discussed a few other aspects and stated that there was an investment zone being talked about but he had found it really difficult to find information on it and queried if there would be consultation with the public.

Mr Caie also indicated that there was no evidence to support the merits or benefits of the proposal under their terms. He advised that ETZ had been founded by taxpayers to the sum of £53,000, to then destroy large areas of greenspace in one of the poorest communities in Aberdeen in the vague name of climate action and on public land owned by the citizens of Aberdeen.

Mr Caie concluded on behalf of Torry Community Council and asked that the proposed application be refused when it was determined.

Members then had the opportunity to ask Mr Caie questions.

The Committee then heard from Javier Dominguez who objected to the proposed application.

Mr Dominguez advised that his presentation would be short and stated that the proposal was going against the will of locals and it represented a threat. It had been proposed in the wrong place and in the wrong location. He stated that he did not feel it was about the project but of the location.

Mr Dominguez advised that transitioning to being more green was very important, but the Energy Transition could not start by concreting up a wetland of incredible ecological value and felt the proposal was wrong and unwanted in Torry.

Members then had the opportunity to ask questions of Mr Dominguez.

The Committee then heard from Scott Herrett who also objected to the proposed application.

Mr Herrett explained that he had lived in Aberdeen for eight years, and the last three years as a resident in Torry, noting that he worked for 15 years in the civil engineering industry project managing mitigation infrastructure.

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Mr Herrett concentrated his objection on flooding risks and the biodiversity mitigation measures in St Fittick's Park, advising that the site regularly flooded and the impact from raising and concreting over a large section of the park would be very difficult to mitigate. Mr Herrett advised that for the last two years after winter storms, he had witnessed flooding in the park larger in extent than that shown on the one and 200 year flood extent plans. He indicated that climate change was here, stating that impacts were often underestimated.

Mr Herrett explained that the development itself would be at severe risk from flooding, even with the stated mitigation measures and any land raising would displace water and cause problems and restrict use to the public elsewhere in the park. National Planning Framework 4 noted that if development did go ahead, there should be no reduction in the floodplain capacity and increased risks to others.

Mr Herrett advised that the method in which ETZ wished to get around this was to essentially move the floodplain, which would involve extensive earthworks and would be catastrophic to nature. According to National Planning Framework 4 (NPF4), Mr Herrett advised that no new developments should be built on a flood risk area unless the development met at least one of the exceptions described in policy 22 of NPF4.

Mr Herrett indicated that two exceptions most relevant were essential infrastructure, where the location was required for operational region reasons and there was no other suitable site or water compatible uses. He felt that Aberdeen City Council's position was the proposal did not qualify for an exception and therefore the plans before members were not fit for purpose because the proposals fell within the flood zone. Therefore he felt there was no alternative than to refuse the application.

Mr Herrett advised that there was the possibility pressure would be placed on officers to change this position and he urged members to monitor this and if the position did change, then an independent review should be carried out into the veracity of the claims by ETZ Ltd that the numerous brownfield sites were unsuitable for this plans.

Mr Herrett indicated that you could offset the damage caused by concreting over the park by creating new habitat elsewhere, using concepts such as biodiversity net gain, but he urged Councillors to fully understand what these concepts were and look at case studies elsewhere. He advised that biodiversity net gain or its related concept to biodiversity offsets was not a new idea and there were many UK examples and around the world where these schemes did not deliver on their own merits.

Mr Herrett advised that the plans did not acknowledge or mitigate for potential deep losses and encouraged members to consider this in the decision making.

Members were given the opportunity to ask questions of Mr Herrett.

The Committee then heard from Frieda Burns who also objected to the application.

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Ms Burns advised that she was there to speak on behalf of the underdogs, and stated that having access to greenspace was a human right, and removing the greenspace for the residents was immoral. If ETZ were given permission to remove half of Torry's greenspace, it would impact both physically and mentally on the Torry Community.

Ms Burns intimated that the citing of the incinerator, very near to Tullis Primary School, had been acknowledged by members of the medical profession that this would have a negative effect on longevity. Ms Burns questioned how much the people of Torry had to endure and lose, effectively taking away half of the greenspace in the local area.

Members were given the opportunity to ask questions of Ms Burns.

The Committee then heard from Dr Adrian Crofton who also objected to the application. Dr Crofton advised that he was a GP in Torry and spoke about the health impact of the local residents and how there were no adequate mitigations that could be carried out.

Dr Crofton advised that the health impact assessment from the applicant should have been at the very highest standard according to the national and international guidance, given the size and likely impacts of the project and should have included extensive dialogue with the most impacted communities like Balnagask from the very beginning of the project. Dr Crofton intimated that Councillors should not rely on the health impact assessment as a useful document for their decision making.

Dr Crofton intimated that the assessment understated the existing health inequalities in the area and he along with a group of city clinicians wrote an open letter that was covered in the national and local press that outlined these differences in mortality and the importance of greenspace for tackling these health outcomes. Dr Crofton advised that sadly, national data indicated that those differences had only got worse, noting that there was a 13 year life expectancy difference between the area boundaries and the west of the city, and 25 years of unhealthy life expectancy.

Dr Crofton noted that whether elected members were looking at the health of the local population or the finances of the region, he asked that Councillors humbly firstly did no harm and also asked them to imagine if this application was proposed in their ward and for their constituents, querying what members would do, and questioning why it was happening yet again to the residents in Torry.

Members were then given the opportunity to ask questions of Dr Crofton.

The Committee then heard from Chris Aldred who also objected to the application. Ms Aldred advised that she moved to Scotland more than 50 years ago and settled in Torry in 1980. Ms Aldred indicated that Torry felt like a proper community and had wild and wonderful views with a dramatic coastline. The formal grounds for her objection were set out in her letter of objection and she wished to highlight the points that mattered to her.

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Ms Aldred explained that 20 years ago her children played in the triangle park, and at that time the burn was polluted and a stinking stream. She never realised how much it had changed until the COVID lockdown meant that she explored the area once again, where she found a wonderful wetland which was rich with species and teemed with birds and wildlife. She felt it was unlike any other space she had seen before in the city.

Ms Aldred advised that sadly, her discovery coincided with the realisation that there were plans for the further development in the park already being defiled by spoil heaps and debris from the harbour construction. Ms Aldred indicated that she had began chatting to other regular users of the park, noting that one gentleman had lost his view of the sea, one workmate who stated that her walks in the park had helped her with the stress of living in one of the RAAC houses and excited children careering down the hill from the flats to ride scooters and bikes or play in the woods or fields.

Ms Aldred felt that the voices of the residents of Torry had not been heard as consultees at events managed by ETZ, and the organisation had already made up their minds about their masterplan. Ms Aldred also indicated that the rezoning of the park snuck into the Local Development Plan at the last minute was a pre-emptive strike at morale and potential fight back in Torry. Consultation was never framed in terms of development.

Ms Aldred indicated that her objection was based on the failure of the consultation to hear the views of Torry people and the emotional investment residents had with the park. She also highlighted that the park was such an important wild area to so many people and was a unique and strategic importance to so many people of Torry.

Members were then given the opportunity to ask Ms Aldred questions.

The Committee then heard from Jean Boucher who also objected to the application. Dr Boucher indicated that he was an environmental sociologist and often carried out research at the James Hutton Institute. Dr Boucher advised that Torry seemed to be the gift that just kept giving, with the incinerator being built, becoming an industrial area, the 13 years of life expectancy difference, the taking of the bay for the new harbour and now the proposal to take away St Fittick's Park. He stated that in America, this was known as a sacrifice zone, and felt that if this was what Torry was becoming, that a warning should be highlighted so that residents were aware if they moved here their life expectancy could be lower.

Dr Boucher said he felt nervous for what was to come and felt that residents' views had not be listened to and questioned how residents could get involved with this kind of governance, noting that residents had been depoliticised and disenfranchised. They were not part of the decision making, but these decisions affected them and were happening to them. Dr Boucher advised that he had been door to door knocking on residents' doors and was often told he was wasting his time as there was nothing they could do to change things, stating that people felt they fought and fought, then things just happened to them.

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Dr Boucher highlighted that the transition was going to create winners and losers and the winners would be lining up to make a lot of money. He noted that he was not against transition and felt that it would be lovely to see the north east of Scotland to be a world leader, but questioned why it had to be at the expense of residents in Torry, and why you would take a park away from a poor community. He felt there had been a lack of imagination and a lack of creativity and was not inspired and felt that it was not aligned with being a well-being economy.

Dr Boucher concluded that history was happening right here right now and asked that members did the right thing, and asked that no more be taken from the residents of Torry.

Members were then given the opportunity to ask Dr Boucher questions.

The Committee then heard from Richard Caie, speaking as an individual, who also objected to the proposed application. Mr Caie explained that he lived a few hundred yards from St Fittick's Park and also had relatives buried in St Fittick's Park so this proposal was very personal to him. He indicated that the future of the greenspace was of upmost importance, noting that it was not only important to the residents of Torry but to all Aberdonians and the very reputation of the Granite City itself.

Mr Caie indicated that due to the work carried out by the Friends of St Fittick's Park, their campaign had gone global and the eyes of the world were on the decision. Mr Caie advised that the application was for permission for developers to build huge factories but queried what their purpose was, as no one knew. He also queried the building of moorings and the potential noise impact. He also indicated that the buildings would be on the floodplain.

Mr Caie also highlighted that most of the mature trees from the sewerage works would be felled and replaced with saplings, and questioned how anyone could do this. He also indicated how much biodiversity would be concreted over, noting the park was a vital ecosystem, a haven for wildlife, especially migratory birds, and the source of immeasurable joy and tranquillity for countless residents of Torry and Aberdeen.

Mr Caie advised that by preserving the ecosystem, Members would be doing their bit to safeguard the future of our planet for generations to come. He stated that there were individuals who would like to see this natural treasure transformed into an industrial wasteland, sacrificing its beauty and ecological significance for short term economic gains. Mr Caie outlined that we all despair when we see Amazon forests being fouled and destroyed, so questioned why we were not angry about all the trees that would be lost in St Fittick's Park.

Mr Caie concluded that the green space extended far beyond monetary considerations, and it enriched so many people's lives in countless ways. It provided a much needed escape from the stresses of urban life, fostered a sense of community, and contributed to the overall health and well being for all citizens in the city. It was also only ten

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minutes from the city centre on three different bus routes. Mr Caie asked that the proposal be rejected.

Members were then given the opportunity to ask questions of Mr Caie.

The Committee then heard from Dr Ishbel Shand, who also objected to the proposed application.

Dr Shand advised that property developers in the oil industry wanted to make money and maintain power. Members of the public did not want to lose a public park for private profit and stated that elected members should be serving the public interest. Dr Shand indicated that a FOI request had revealed that many had worked behind closed doors to advance business interests and stated that a planning advice note had indicated the obligation on local authorities for community engagement and planning authorities must ensure that the Community was given the opportunity, as early as possible in the preparation of the Local Development Plan and engagement must be meaningful and proportionate.

Dr Shand advised that wherever local authorities had a land ownership or financial interest, development proposals should be handled with greater transparency and rigour, but despite this, the people of Aberdeen were excluded from the decision to rezone. As an example, Dr Shand indicated that a bid for all of the land around the South Harbour was made by Port of Aberdeen at 13.45 on the last day of a ten week consultation on the main issues report and felt the public were kept in the dark. 13 days later, Dr Shand advised that a senior officer commissioned a feasibility study for the Energy Transition Zone on the land, the harbour that they had asked for. This was done under delegated powers and without the involvement of Councillors. Dr Shand indicated that long established policies were then altered to allow the rezoning of greenbelt.

Dr Shand advised that in January 2020, Sir Ian Wood, the Council's partner in the City Region deal, unveiled his plans for a so-called Energy Transition Zone at South Harbour and the feasibility study commissioned by the Council was used to validate the rezoning of St Fittick's Park. Dr Shand indicated that the SNP learned of this in late February 2020 and tried and failed to have St Fittick's and Doonies removed at the Full Council meeting in March 2020. This was when the public heard about the plan for the first time.

Dr Shand highlighted that evidence that plans were already advanced came to them from the strategic infrastructure report produced by a former Director of Corporate Governance produced in April 2020, with reference to the rezoning and the siting of a hydrogen storage and distribution centre on the land. Dr Shand felt that there had been no successful or meaningful community engagement, no transparency and no rigour.

Dr Shand also indicated that Aberdeen City Council, Scottish Enterprise and Port of Aberdeen produced a business plan with the assistance of the Scottish Government, which came out in February 2021. However public access to this was only obtained

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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following the intervention of the Information Commissioner. The plan was used to draw down public funding from Westminster to Holyrood and this money was used to create ETZ Ltd to carry out the development agenda to employ consultants to masterplan the area. The masterplan was adopted as non statutory planning guidance and Councillors were now being asked to approve Planning Permission in Principle, which she felt was a theft of a public good.

Dr Shand concluded that a great deal of taxpayers' money had been spent on speculative schemes that had come to nothing and asked that permission for this application be refused.

Members were given the opportunity to ask Dr Shand questions on her presentation.

The Committee then heard from Julia Strickland, on behalf of the Aberdeen Civic Society, who also objected to the application.

Ms Strickland advised that Aberdeen Civic Society was founded in 1964 and their role in the city as an amenity group was to stimulate public interest in and care for the beauty, history and character of the city of Aberdeen and its surroundings. Also to encourage the preservation, development and improvement of features of general amenity and historic interest.

Ms Strickland indicated that they believed the beauty, history and character of Aberdeen was not just in its buildings but also in the quality of its parks and green open spaces. She highlighted that we were fortunate to have a great variety of these in the city, large and small and these included celebrated landscapes such as Duthie and Victoria Parks but also expanses of grassy fields, edged by mature trees that were visible all over the city. Ms Strickland highlighted that parks were not just nice to have in cities but were also necessary for building urban resilience in the face of climate change and provided environmental services that helped sequester carbon and manage flooding. They provided habitat for imperilled biodiversity and this understanding was reflected in the recent flood prevention improvements made by Aberdeen City Council to the Aberdeen Burn.

Ms Strickland indicated that the proposed industrial development in the park would take half its area into private hands and a section of the East Tullos Burn would be removed and re-channelled alongside a new Harbour access road. 3 and a half hectares of existing woodland would be cut down to create new development platforms on raised land, which would alter the hydrology of the entire park. Ms Strickland advised that the applicant insisted that the park would be improved by their interventions but removing large areas of wood and grassland, covering sections of existing wetland and disturbing what remained would destroy resident animals and plants.

Ms Strickland concluded that given the challenges to urban liveability posed by climate change, Aberdeen Civic Society urged decision makers to carefully consider the prioritisation of nature, which was foregrounded in the Aberdeen Local Development Plan and the National Planning Framework 4. Whilst industrial development may serve

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private economic interests, she suggested that the existing park should remain in its entirety, with its successful mixture of amenity and greenspace. Ms Strickland felt that the park made Aberdeen a better place to live and would only become more valuable in the future, into an environmentally uncertain future.

Members were given the opportunity to ask Ms Strickland questions based on her presentation.

Finally, the Committee heard from Dr Susan Smith, who also objected to the planning application.

Dr Smith advised that she wanted to touch on the defective community consultation and the non evidence based claims of economic and climate change mitigation benefits made for the project and the lack of capacity for offshore wind development in St Fittick's Park. Dr Smith indicated that innovative consultation methods were promised in the instructions to tender but felt these did not materialise in spite of several consultation events. The community had been completely excluded from the decision making process. Dr Smith highlighted the proponents had reassured them that concessions had been made in the face of their comments and feedback.

Dr Smith indicated that the area allocated in OP56 was for half of St Fittick's Park, but noted that the ETZ feasibility study in February 2020, identified more than 30 hectares of land, with a figure given of 66% of the park.

Dr Smith advised that their view was that the environmental damage after mitigation would be moderately severe and therefore the damage was so great that even mitigation and compensation method measures would be quite separate from and in addition to the developer obligations that would be required. She felt the mitigation measures needed to be established before the developer obligations were negotiated.

Dr Smith highlighted that the authority had requested further information from the applicant and from statutory consultees, but the details were still missing. The report also required that these compensation measures were enforced by time bound periods by legal agreement.

Dr Smith then spoke about major economic benefits and energy transition opportunities that had been repeatedly cited by proponents of the project. She felt they were not evidence based and it was unclear what the jobs were and these had not been known since the proposal was cited in 2020, with mentions of hydrogen and offshore wind. Dr Smith indicated that predictions previously for offshore wind jobs in Scotland made in 2014 had been notoriously over optimistic and she felt it seemed likely that these ones would be as well.

Members were given the opportunity to ask questions of Dr Smith.

The Convener thanked all those who attended the hybrid hearing, specifically those who had presented their case, submitted representations and provided information. He

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29 August 2024

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 Martin Greig - 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			07 November 2024						
4	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		
5	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		
6	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		
7	First Aberdeen bus depot, 395 King St - 240769	To approve or refuse the application for the erection of battery storage / associated works		Robert Forbes	Strategic Place Planning	Place	1		
8	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		
9	Claymore Drive - 240839	To approve or refuse the application for approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (ref 191904/PPP) for the erection of 72 homes, supporting infrastructure and open space		Roy Brown	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
10	54 Queen's Road Aberdeen - 240816	To approve or refuse the application for Change of use of office to class 9 (houses) including installation of fence and associated landscaping to rear		Roy Brown	Strategic Place Planning	Place	1		
11	3 Craigielea Mews - 240982	To approve or refuse the application for formation of driveway and access gate to front		Rebecca Kerr	Strategic Place Planning	Place	1		
12	47 Thorngrove Avenue - 240888	To approve or refuse the application for the erection of single storey extension to rear		Jack Ibbotson	Strategic Place Planning	Place	1		
13	Janefield, 43 Hillview Road, Cults - 240368	To approve or refuse the application for the erection of replacement 2 storey dwelling house with verandah and detached double garage with all associated works		Rebecca Kerr	Strategic Place Planning	Place	1		
14	Annual Effectiveness Report	To note the annual effectiveness report		Lynsey McBain	Governance	Place	GD8.7		
15	PRE APPLICATION FORUM - The Quad, Howe Moss Avenue Dyce - 240991	To hear from the applicant in relation to the Proposal of Application Notice for a major development for a proposed business and industrial development, comprising c7,500 sqm of class 5 and 6 uses with ancillary class 4 use and associated works, at the Quad, Howe Moss Avenue Dyce Aberdeen.		Gavin Clark	Strategic Place Planning	Place			
16			05 December 2024						
17	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		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
18			16 January 2025						
19			13 February 2025						
20			13 March 2025						
21			24 April 2025						
22			22 May 2025						
23			19 June 2025						
24			21 August 2025						
25			25 September 2025						
26			30 October 2025						
27			04 December 2025						
28									
29			Future applications to PDMC (date of meeting yet to be finalised.						
30	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant/takeaway		Lucy Greene	Strategic Place Planning	Place	1		
31	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
32	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		
33	Land North Of Aryburn Farm, Dyce, Aberdeen - 241197	To approve or refuse the application for erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
34	201 Union Street	To approve or refuse the application for change of use from class 1A (shops, financial professional and other services) to class 3 (food and drink) including installation of extract vent to rear flat roof with associated works		Roy Brown	Strategic Place Planning	Place	1		
35	1 Anderson Avenue - 241094	To approve or refuse the application for change of use to class 1A (shops and financial, professional and other services), alterations to frontage to install sliding door and glazing infill, form slap to install side door, build up doors and all other associated works		Rebecca Kerr	Strategic Place Planning	Place	1		
36	The Works, the Bush - 241112	To approve or refuse the application for replacement of workshop building (in Class 5 use) and associated works		Roy Brown	Strategic Place Planning	Place	1		
37	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		
38	Article 4 Directions	At the meeting on 19 September 2024, it was agreed to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Placing Planning	Place	5		
39	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		

Planning Development Management Committee

7 November 2024

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) 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) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Appeals Determined

None

Appeals Pending

Type of appeal	Enforcement Notice Appeal	Application Reference	ENF240121
Address	Duncansgate, 26 Hopetoun Grange		
Description	Without Planning Permission, The Alleged Erection Of Boundary Fencing Exceeding 1M In Height From Ground Level Forward Of The Principal Elevation Of Dwellinghouse		
History	The appeal has been placed on hold pending the submission of missing information		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Listed Building Consent	Application Reference	231347/LBC
Address	Kingswells House, Skene Road		
Description	Erection Of Replacement Single Storey Extension And Alterations To Door; Internal Alterations To Include Upgrading Existing Doors, Repair And Maintenance Works		
History	Refused under delegated powers on 9 July 2024		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Advert Consent	Application Reference	240459/ADV
Address	Facing Queen Elizabeth Bridge Roundabout - South Advertising Station, Craig Place		
Description	Installation Of 1 Illuminated Free Standing Digital Display		
History	Refused under delegated powers on 13 August 2024. Allocated to a reporter.		
DPEA weblink	Scottish Government - DPEA - Case Details		

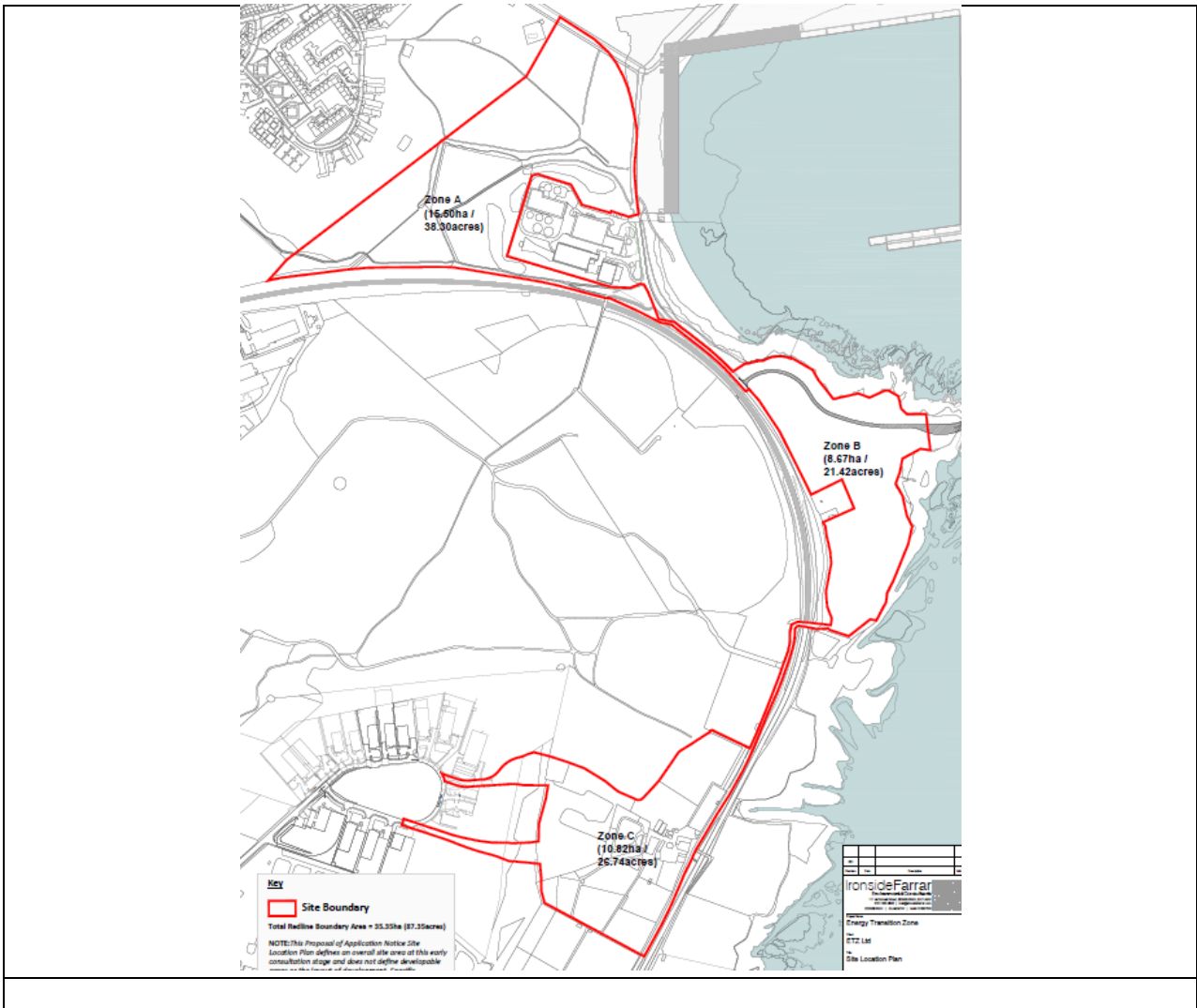
Type of appeal	Planning Permission	Application Reference	231422/DPP
Address	Alba Gate, Stoneywood Park		
Description	Demolition of existing building and re-development of site to include change of use to form a mixed-use of 4 business units (Class 4), 2 ancillary cafe/restaurant units (Class 3) with drive thru takeaway (sui generis), electric vehicle charging hub, car parking, soft landscaping and associated works		
History	Refused by Planning Development Management Committee of 15 May 2024. Allocated to a reporter.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber		
Description	Variation Of Condition 3 (Scale Of Development - Residential) of Application Reference 200535/PPP to increase the maximum number of residential units from 80 to 99		
History	Refused by the Planning Development Management Committee of 20 June 2024. Allocated to a reporter.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Date: 7 November 2024</p>

Site Address:	Land At Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm, Aberdeen
Application Description:	Proposed business / industrial development (Class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure
Application Ref:	231371/PPP
Application Type	Planning Permission in Principle
Application Date:	1 November 2023
Applicant:	ETZ Ltd.
Ward:	Torry/Ferryhill
Community Council:	Torry



RECOMMENDATION

Willingness to Approve conditionally, subject to referral to the Scottish Ministers due to SEPA objection.

APPLICATION BACKGROUND

A Pre-Determination Hearing on the planning application was held with Members of the Planning Development Management Committee (PDMC) on 29th August 2024.

A number of members of public from the local community, as well as the applicant and their agents made verbal representations. The minutes of that meeting are available here:

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=9460&Ver=4>

Since the PDH, further information and clarifications have been sought from the applicant to address matters raised at the PDH. This information is considered in the evaluation below.

Site Description

The development site is approximately 35.35ha in total and consists of three linked, but separate development areas – St Fittick’s Park (Zone A), Gregness (Zone B) and Doonies (Zone C). These areas are allocated for development in the Aberdeen Local Development Plan 2023 (ALDP) as follows: Zone A – OP56 (St Fittick’s) and a small section of OP62 (South Harbour); Zone B – OP62 (South Harbour / Gregness) and Zone C – OP61 (Doonies). All three are zoned in the ALDP under Policy B5 Energy Transition Zones, with the exception of the northern part of the Gregness site that is zoned under Policy B4 Aberdeen Harbours.

The St Fittick’s Park (A) area covers 15.5ha and includes the south east area of the park, with the East Tullos Burn and wetlands, woodland, open space and a recreational area. The Scheduled Monument of St Fittick’s Church is close to the northern boundary of this site. The River Dee Special Area of Conservation lies 630m to the north of St Fittick’s Park. A large Waste Water Treatment Plant operated by Scottish Water borders the site to the south east. There are a number of items of play equipment currently in the park, some in a state of disrepair.

Gregness (B) covers an area of 8.67ha and is immediately adjacent to the coast and to Nigg Site of Special Scientific Interest (SSSI), designated for geological reasons, with the Coast Road forming the boundary to the west. It was formerly coastal grassland but has been used more recently as a storage and production area in association with the construction of the new South Harbour in Nigg Bay immediately to the north of the site. It contains an industrial type building, previously used for the manufacture of coastal defence accropodes used for the new Harbour breakwater. Gregness is also covered by the Balnagask to Cove (Site 1) Local Nature Conservation Site (LNCS) designation. The LNCS includes mixed habitats supporting herb rich grasslands, heathland, rocky cliffs, insect fauna and nesting sea birds. Access onto the south breakwater is taken through this site.

Doonies (C) lies west of the coast road and railway line and covers approximately 10.5ha and includes a granite farmhouse and steading together with fields previously used by Doonies Rare Breeds Farm and scrubland to the west/rear. Two linear areas within the application site boundary are proposed to connect the main site to Peterseat Drive which is within the northern part of the Altens Industrial Area, to allow for potential future access road linkages. Along the northern site boundary a footpath provides access to Tullos Wood from an existing public car park on the Coast Road.

Footpaths, including core paths, the railway, cycle routes and the Coast Road run through the sites. Residential areas in Balnagask and Torry lie close to the St Fittick’s Park site to the north west and Burnbanks Village lies further away to the south of Doonies.

Relevant Planning History

A Masterplan for the ETZ was approved by Planning Development Management Committee on 18 January 2024 and is now Aberdeen Planning Guidance in support of the Aberdeen Local Development Plan 2023.

Application Number	Proposal	Decision Date
230890/ESS	Proposed business / industrial development (Class 4/5/6) road infrastructure, active travel connections, landscaping and environmental works including drainage and other infrastructure	Screening opinion issued 9 August 2023, confirming that EIA was required.
230707/PAN	Proposed business/industrial development (class 4/5/6); road infrastructure; active travel connections; landscaping and environmental works including drainage and other infrastructure	Response issued 7 July 2023, confirming proposed consultation adequate
240620/DPP	Upgrade and realignment of link road to include walking, wheeling and cycling provision, new bridge over railway and associated works at Hareness Road and Coast Road	Current pending application on adjacent land

APPLICATION DESCRIPTION

Description of Proposal

The application is for Planning Permission in Principle (PPP) and as such further applications would be required for Matters Specified in Conditions (MSC) prior to any commencement of development. Development would consist of the erection of buildings and laying of external hard surfaced yard areas in business / office, industrial and / or storage and distribution use. This would include creating level areas and buildings of relatively large footprint, representing a substantial change to the current undeveloped nature of most of the land. Plot boundary enclosures would also be formed. The buildings indicated in the photomontages provided as part of the current planning application are indicative in terms of building heights and reflect typical industry requirements, envisaging approximately 50,000m² of gross floorspace in total. The proposed uses, falling within Use Classes 4 (Business), 5 (General Industrial) and 6 (Storage / Distribution) are envisaged to relate to Energy Transition supply chain related activities and uses. Such uses might include the storage and distribution of large scale, high value components associated with this industry. It should be noted that the ALDP requires that any development within the St Fittick's Zone A is required to have a functional association with the Aberdeen South Harbour that means it cannot be located elsewhere. Strategic landscape planting and footpath and open space upgrades are also proposed.

The application proposal includes:

At St Fittick's (Zone A) indicative plans show development platforms of overall size 73,000m² (7.3ha) to the north and south of the East Tullos Burn providing an indicative 13,600 m² gross floor area (GFA) in three buildings (the largest being a 10,000m² unit to the west of the Waste Water Treatment Works (WWTW). Indicative building heights, which are used as the basis for a series of photomontage viewpoints, are 12m for the two smaller units to the north of the burn and 15m for the larger unit adjacent to the WWTW. These are indicatively envisaged as single storey industrial type units.

This would involve removal of:

- An area of woodland to the west and north of the (WWTW); and,
- A grassed recreational area to the west of the WWTW;
and,
- The East Tullos Burn would be realigned along the stretch to the north of the WWTW;
- Indicative plans show the realignment of the Coast Road into the area to the north of the burn, so that it would sweep west and then north - close to the south side of St Fittick's Church and through the area currently used as a laydown area for the South Harbour, which is part of St Fittick's Park. The northern development site would be created to the north east of the realigned road, ie alongside the harbour quayside.

Mitigations and compensation are proposed in the form of:

1. Improvements to existing green and brownfield open spaces within Torry / Balnagask with final locations and design subject to community consultation;
2. St Fittick's Church interpretation and repair works;
3. Path network enhancements within St Fittick's Park inside and outside the site;
4. Improving water quality and habitat in and around East Tullos Burn;
5. Improving the path network and access to Tullos Wood, including legible entrance(s);
6. Enhancing play and recreational equipment and areas;
7. Enhancing habitats with pollinator planning and management for biodiversity in St Fittick's Park;
8. Replacement sports pitch at Tullos School playing fields and enhancing recreational and leisure provision to complement existing Multi Use Games Areas (MUGA), subject to consultation with community;
9. Enhancement to coastal path connections leading northwards to Torry Battery and south via Gregness;
10. Enhancement / extension to the existing skate park;
11. Provision of 'pump' track;.
12. Compensatory tree planting on and off-site.

At Gregness (Zone B) indicative plans show a developable area of 4.2 ha with a building of 5,600m² Gross Floor Area (GFA), shown of the same maximum height (18 m) and on a roughly similar footprint (albeit larger) as the current portal frame industrial building (temporarily required for the South Harbour construction) and grassland around the edges of the headland area. Access to the harbour's southern breakwater would also be required to be taken through this site from the Coast Road. The indicative plans show a site access at the north end and a reduction in 'bare ground' (formerly grassland and currently lay down area) from 6.21ha to 4.2ha. with grassland being proposed in the reinstated area. The coastal path around the eastern edge of the site would be restored. The site is in a prominent location on a headland with the land falling from an elevation of 40m Above Ordnance Datum (AOD) to 18m AOD on the east side. To the east of the site boundary there is a steep fall to the sea.

Linked off-site mitigation and compensation for Gregness is identified as enhancement to the coastal path between Doonies and Aberdeen South Harbour.

At Doonies (Zone C) indicative plans show a developable area of 5.34 ha, with circa five units of overall 30,650 m² GFA. Indicative building heights are 12m. This site area includes potential road links through to Peterseat Drive. The existing site contains Doonies Farm, now closed, with the farmhouse, steadings and yards within an area of approximately 1ha, and fields (improved grassland) covering 4.34ha and scrub / grassland covering 4.35ha. The land is gently sloping and

of an open agricultural character. Ground contours fall from west to east with levels of roughly 60m AOD to the west, falling to around 33m AOD to the east.

The end users of the development are unknown, and it is not therefore possible to provide further details about characteristics of the development at this stage. These details would be provided as part of any subsequent Matters Specified in Conditions applications. Linked off-site mitigation is indicated as enhancement of the coastal path between Doonies and Cove and improving paths to Tullos Wood from Doonies (mainly within the site). The proposals for the Coast Road / Aberdeen South Harbour Link Road (ASHLR), are the subject of a current planning application (240620/DPP) and are likely to impact the Coast Road edge of the site.

In terms of surface water drainage, it is stated that discharges to coastal waters do not mandatorily require Sustainable Urban Drainage Systems (SUDS). However, there remains an obligation to avoid pollution. The submissions state that final layout and end-use of sites would determine what is required.

Surface water from the northern area of the Doonies site is proposed to be drained to an existing pipe under the Coast Road and railway and into coastal waters, whilst a new pipe would be proposed from the southern area. At this southern point the railway is on an embankment where it crosses on a bridge over a field access track. It is proposed that an outfall would pass under the railway at this point.

Combined and foul sewers exist within or close to each site where connection could be made subject to any mitigations required by Scottish Water.

Amendments

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

Supplementary information has been submitted. The indicative building at Gregness has been reduced in massing with a reduction in length and the height indicated as partially 8m and partially 18m, which is more closely comparable with the building that exists on site. Revised CGI viewpoints have been submitted accordingly.

Further plans and sections have been submitted that provide clarification of the proposals on all three site areas in terms of existing and proposed (indicative) ground levels, on and off site compensation and mitigation proposals.

A revised Biodiversity Protection and Enhancement Plan (BPEP) and associated EIA Report Chapter 8: Biodiversity, Ecology and Nature Conservation of the have been submitted.

A revised Tree Loss and Compensation Plan has been submitted.

A layout plan indicating the proposals for the Coast Road/Aberdeen South Harbour Link Road (ASHLR) as per the current planning application Re. 240620/DPP overlaid onto the ETZ application proposals. It should be noted that the ASHLR proposal has recently been revised and this very recent change is not reflected in the ETZ plan.

Following receipt of these amendments the application was re-advertised in the press (Evening Express on 31 July and Edinburgh Gazette on 2 August 2024), site notice posted and neighbours re-notified.

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=S3FQANBZH5900>

Environmental Impact Assessment Report (EIAR) by Ironside Farrar, October 2023, including need for the project, description of proposal, alternatives considered, summary of environmental commitments and environmental assessment with the following:

- Revised Chapter 8: Biodiversity, Ecology and Nature Conservation;
- Landscape Framework, Landscape and Visual Impact Assessment (LVIA) by Ironside Farrar, including updated viewpoints (July 2024);
- Biodiversity Protection and Enhancement Plan, Version 5, June 2024, by ECOS Countryside Services LLP;
- ETZ / Aberdeen South Harbour Link Road (as proposed) overlay drawing;
- Tree Survey by Struan Dalgleish Arboriculture;
- Population and Health Report by Dr Martin Birley ;
- Cultural Heritage Report by CFA Archaeology Ltd;
- Air Quality, Climate Change and Noise & Vibration by ITPEnergised Ltd.

Statement of Community Benefits by Ironside Farrar October 2023;

Planning Statement by Ironside Farrar;

Site Investigation - Doonies by Ironside Farrar;

Site Investigation – Gregness, by Ironside Farrar;

Site Investigation – St Fittick’s, by Ironside Farrar;

ETZ Masterplan (Draft) by Ironside Farrar;

Transport Assessment by Systra;

Pre-Application Consultation (PAC) report by Ironside Farrar, October 2023;

Flood Risk Assessment Version 2.0 by Kaya, August 2023;

Drainage Assessment V1 by Ironside Farrar.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because it is a Major Development in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and is recommended for approval whilst being the subject of more than 5 letter of objection and an objection from the local Community Council and Scottish Environment Protection Agency. The application therefore falls outwith the Council’s Scheme of Delegation

Pre-Application Consultation

The applicant presented to the Pre-Application Forum on 24 August 2023.

The applicant undertook statutory pre-application consultation which included:

Two public events:

Event 1- Thursday 29th June 2023, 3pm-8pm

The first consultation event included a series of boards which provided information on the site and emerging proposals with the opportunity to comment, raise issues or ask any questions to members of the Project Team.

Event 2- Thursday 3rd August 2023, 3pm-8pm

A second consultation event provided further developed proposals and responses to issues previously raised with the opportunity to comment, raise issues or ask any questions to members of the Project Team.

In addition, throughout the consultation period, questions or comments could be made by:

- Phone - (0131) 550 6500 (Mon - Fri, 9am - 5.30pm).
- Email – etz@ironsidefarrar.com
- Post to 111 McDonald Road, Edinburgh, EH7 4NW.

Consultation material was published online to a dedicated ETZ website (<http://www.ironsidefarrar.com/etz.htm>), allowing those unable to attend the event to review and comment on the proposals.

The event was advertised as follows:

- Proposal of Application Notice was sent to Aberdeen City Council, Torry Community Council, Cove & Altens Community Council and Local Members for Torry / Ferryhill Ward and Kincorth / Nigg / Cove Ward.
- A local flyer-drop advertising the event to c. 9,000 residential addresses within communities of Torry, Balnagask and Cove.
- Circulation of a consultation event flyer via email to all attendees of previous ETZ Consultation Events that have provided contact details and wish to be kept informed about further consultations.
- Circulation of a consultation event flyer to local community media and groups and organisations with capacity to circulate: SHMU/Torry Vision, Old Torry Community Centre, Altens Community Centre, Balnagask Community Centre, Tullos Management Committee, Torry Community Group, King's Community Church, Tullos Community Garden, Old Torry Heritage Group, Torry Library, Cove Library, Greyhope Bay, Cultivate Aberdeen, Torry People's Assembly, St Fittick's Church, Jesus House, Sacred Heart Roman Catholic Church, Friends of St Fittick's, Big Noise Torry, GREC, Balnagask Golf Club, Deeside Family Resource Centre.
- A newspaper notice advertising the consultation arrangements and events was published at least 7 days before the events took place in accordance with Regulations.

CONSULTATIONS

ACC - Roads Development Management Team – As this application is for 'Planning Permission in Principle', full details of much of the proposed shall be required to be conditioned and purified as part of future MSC applications. There are no significant concerns.

It is noted that the further information shows the potential direct access between Plot C at St Fittick's/Zone A and the South Harbour. Specific requirements would need to be agreed with ACC Roads and the Port of Aberdeen.

Other projects, notably upgrades to Coast Road in the form of the Aberdeen South Harbour Link Road (ASHLR) propose to bring substantial upgrades to the adjoining network which will improve/provide new active travel facilities and provide new links to these proposed development sites. The further information from the applicant notes that, as the current application ('ETZ application') and the Coast Road application progress, plans and drawings will be updated to combine the respective proposals. The Roads Team consider it acceptable that this could be managed via appropriately worded conditions requiring layout plans of the Doonies/Zone C and Gregness/Zone B sites showing locations of buildings, landscape and other infrastructure.

Noted that changes to core paths are proposed and these will be developed further through consultation and detailed applications.

Ensure that an active travel link is provided from the St Fittick's Park site, on core path 108 through to Girdleness Road and Kirkhill Place. This link would provide a route to Wellington Road and greater connectivity of existing active travel/core path network. This would further help facilitate active travel choices to and from the site.

A number of matters would need to be agreed at detailed stage:

- Transport Assessments where required in accordance with the APG: Transportation
- Bus stops should be provided and public transport access strategy;
- Vehicle and cycle parking, space sizes and electric vehicle charging;
- Access via upgraded Coast Road / Hareness Road is acceptable but contingent on upgrades progressing. Measures may be required to enforce the use of this route;
- Construction traffic routing;
- Accesses on the public road, possibly requiring level changes as part of the Coast Road upgrades;
- Visibility splays;
- Safe pedestrian routes within sites;
- Vehicles being able to enter and exit in forward gear;
- Access strategy for abnormal loads;
- Travel Plan;
- Waste Management Plan, including storage of refuse and access for collection vehicles;
- Drainage Impact Assessment – no water retaining features would be permitted within 5m of public road/footway.

The scope of traffic modelling was discussed with the Roads Team. The conclusion of the modelling work is accepted, and it is noted that the impact on the road network does not appear to be significant. It is noted that there are queues at Wellington Road junctions, and possible impact on junctions in Torry, these may require to be considered further.

Measures such as signage and calming measures may be required to ensure that larger vehicles do not travel west and north along St Fittick's Road. Previously it has been considered acceptable for smaller vehicles to use links to north and west, however, at detailed stage impacts on junctions in Torry will need to be considered.

Impacts of link through to Peterseat Drive will also require to be considered at detailed stage.

ACC - Environmental Health – The Air Quality Impact Assessment (ITP Energised, October 2023) has been reviewed and its findings are considered acceptable – “no mitigation measures are deemed to be required with regard to operational traffic emissions”.

Environmental noise (operational phase): generally in agreement with findings:

- no significant effects from road traffic
- noise limits set for proposed developments, assessment will be needed at detailed stage. Condition recommended.

Construction noise and dust:

- Construction Environmental Management Plan should be updated at detailed design stage.

ACC - Structures, Flooding and Coastal Engineering – Does not object following review of: 1) the updated Flood Risk Assessment Rev 3.0 dated March 2024 and 2) the Environmental Impact Assessment Report (EIAR) Chapter 10: Water Environment, Flood Risk and Drainage dated October 2023 and has the following comments:

- The proposed developed area of St Fittick's/Zone A sits partially within the baseline flood risk area, therefore according to Policy 22 of the NPF4 should not be acceptable unless it falls into one of the exceptions under the same policy. However, the proposed developed area of Zone A sits outside of the flood risk area after the proposed works. Proposed works include the realignment of East Tullos Burn and land raising. From a flooding perspective, the Flood team has no concern as the proposed realignment of East Tullos burn and land raising do not pose flood risk to a future development in Zone A or increase flood risk elsewhere outside the site. Any decision regarding NPF4 Policy 22 falls under the remit of the Council's Planning Service.
- The Water Environment, Flood Risk and Drainage document proposes that there will be no attenuation volumes and restriction on the forward discharge rate due to direct connection to coastal waters. From the flooding perspective, this is generally acceptable, however it is proposed that the new hardstanding areas would be connected to existing pipes (for example under the railway line). This may increase flood risk within the pipes or elsewhere so there may be a requirement for attenuation. The above is noted to be considered for any future planning applications and detailed drainage proposals.
- Encouragement is given to SUDS types / designs (Sustainable Urban Drainage Systems) that increase biodiversity and amenity.

Scottish Environment Protection Agency (SEPA) – commented as follows:

Flooding

Request a modification to any consent granted, if this is not made, SEPA object. The requested modification relates to the site boundary to exclude the flood risk area – this is detailed further below. SEPA state that if the planning authority propose to grant planning permission contrary to SEPA's advice, the proposal would be likely to require notification to the Scottish Ministers.

Policy 22 (Flood risk and water management) of NPF4 states that development will only be supported where it falls into one of the exceptions in section a). Any such development proposal would also need to provide adequate compensatory storage provision.

SEPA is satisfied that the Flood Risk Assessment (FRA) gives an appropriate representation of flood risk and accords with information held by SEPA. It is noted that work is ongoing between consultants to ensure and review data. The FRA shows that an area on the left/north bank of the burn is within the flood risk area. On the basis that none of the Policy 22 exceptions apply to the application proposal, the site boundary would need to be modified, with this feeding through to plans for the St Fittick's/Zone A area at the detailed planning stage.

The FRA includes proposals for realignment of the burn and compensatory flood storage which would allow development of the currently proposed site, such that SEPA are satisfied with the technical information provided. If the application proposal fell within one of the policy exceptions, SEPA would not object on technical grounds, although would require a condition for an updated FRA once the review noted above has been completed. SEPA confirm that it would not object (subject to FRA) if more limited works, of a nature compatible use (nature conservation and biodiversity) were proposed to the burn. .

SEPA's Hydromorphology team are broadly satisfied with what was proposed, ie that there would be no reduction in wetland area and that the channel works are potentially consentable under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

SEPA have no objection to the proposals at Gregness/Zone B and Doonies/Zone C. The objection relates to the inclusion of part of the northern area of St Fittick's/Zone A within the development / land raising area as this is a 1 in 200 year + climate change flood plain.

Water Quality in Tullos Burn

It is also noted that SEPA have been involved with a programme of measures to improve water quality in East Tullos Burn (some of which falls outwith the scope of the planning application). This may include proposals for an attenuation basin on the burn, to retain sediment and pretreat to address heavy metal and hydrocarbon pollution originating from the East Tullos Industrial Estate.

Air Quality

In terms of air quality, the site is not within an Air Quality Management Area (AQMA) However, there is potential cumulative impact upon local air quality particularly from changes to traffic density/ flow during the construction phase. Short-term particulate emissions associated with construction activities may also be an issue.

The Air Quality Assessment uses industry standard modelling (ADMS Roads) and Defra background modelled pollution concentration maps and validates the outputs against automatic and relevant passive nitrogen dioxide monitoring data to predict negligible impact on sensitive receptors and no exceedances of any National Air Quality Objective levels. SEPA agree with the adoption of this methodology.

SEPA notes that ACC, in their capacity as the Planning Authority will need to be satisfied that any subsequent impact on the surrounding road network, and in particular, the impact of this development on near-by receptors does not have the potential to lead to any future air quality issues and that conditions of the dust management plan are implemented in full.

Drainage

During the consultation stage, roadside SUDS were agreed with ACC, to ensure that roads would not drain without treatment to the sea. Detailed drainage proposals should be confirmed to the satisfaction of ACC.

Discussions included the use of filter trenches. With a road serving an industrial area, it would be difficult to ensure no pollution entered the environment without some form of quality treatment. While there is no requirement for SUDS to coastal waters, there is still an obligation to ensure that a discharge does not contain pollution. CAR General Binding Rule 10 subsections (b) - (h) still apply, even if SUDS are not required because the discharge is to coastal waters. Additionally, high risk areas should not drain to surface water, even where that surface water is the sea.

The SUDS proposals state that they will retain the existing hydrological regime, but without attenuation. It is unclear how a greenfield site can be developed and maintain the hydrological regime if no form of attenuation is proposed. Whilst this is a matter for ACC, we would highlight that the only proposal is for 'source control' without any specification as to what that might comprise.

Pollution Prevention

The Construction Environment Management Plan (CEMP) contains no details of soil type investigations or how the construction phase drainage will be designed. Lenses of highly charged fine clay soil were found during the south harbour works. There is the potential for additional lenses to be in the area.

Regardless of the requirement for SUDS, there remains an obligation to prevent pollution of the water environment, and construction phase drainage should be implemented to control pollution from construction activities. The Surface Water Drainage Scheme does not refer to construction phase drainage design. When detailed planning permission is sought more detailed drainage proposals, during the construction phase, will need to be brought forward to ensure regulatory compliance.

Historic Environment Scotland (HES) – HES do not object. Although there would be a significant impact on the integrity of the setting of the scheduled monument St Fittick's Church (SM10400) as a result of the proposals, the mitigation and compensatory measures proposed are welcomed. They would not fully mitigate, but would lessen, the adverse impact.

Agree that impact on Tullos Cairn Scheduled Monument is minor, although moderate when considered with the proposed consented solar farm at Ness Landfill.

Network Rail – Object - further information is required. Issue relates to existing and new surface water drainage infrastructure proposed under the railway. No further comments were received following re-consultation.

Scottish Forestry – National Forest Inventory identifies greater area of tree loss than the application submissions in Zones A (St Fittick's) and C (Doonies). In Zone A compensatory planting is insufficient to offset previous and proposed loss of woodland. The discrepancy between the figures should be ground truthed and corresponding compensatory planting areas should be sought. No response was received to the re-consultation.

Health and Safety Executive (Explosives) – The development site at St Fittick's falls within the consultation distances of the nearby Health and Safety Executive (HSE) licensed explosives site at South Harbour. HSE has considered the effect that the explosives operations permitted under the licence might have on the proposed development and has concluded that if the development is granted permission to proceed, the external population density permitted in the reference zone for the explosives site will be exceeded. Therefore, whilst the probability of a major accident involving explosives is low, the consequences for people at the development could be serious and so if permission were granted for the development at St Fittick's HSE would review the explosives site licence. This review may result in the facility's explosives capacity being significantly reduced, potentially impacting the commercial viability of the site.

HSE advised that the Planning Authority may wish to discuss the consequences of the proposed development with the licensee of the explosives facility before making its decision, see below. The Licensee is Aberdeen Harbour Board (XI/4811/92/9 – latest licence number)

Aberdeen Harbour Board / Port of Aberdeen – Notes recent correspondence from the Health and Safety Executive (HSE) in respect of this planning application.

Confirms that Port of Aberdeen's North Harbour has been a Health and Safety Executive (HSE) Licenced Explosives handling site since 2007. Following a robust and extensive evaluation process by the HSE, the port was granted the same status for its South Harbour in March 2024. The process considered the suitability of the location, risks to surrounding areas and structures and operations at South Harbour.

Advised that explosives licences are granted with specified maximum limits and are then routinely reviewed to take into account any future developments in the surrounding area. Vessel arrivals with explosives (e.g. well decommissioning) are risk assessed to consider existing activity in the port.

Port of Aberdeen continues to support the Planning Permission in Principle application and will review the impact of the license or comment accordingly as detailed applications come forward.

NatureScot – Object unless the proposal is made subject to certain measures to avoid adversely affecting the natural heritage interests of national importance at Bay of Nigg SSSI. It is noted that it is proposed to address these concerns through on-site surface water controls agreed as part of a Construction Environment Management Plan (CEMP) and SUDS.

Previously advised the proposal would have no adverse effect on the integrity of the River Dee Special Area of Conservation (SAC) – this was confirmed in response to the Council's Habitats Regulation Appraisal (HRA) on the Energy Transition Zone Masterplan (ETZ Masterplan).

Note findings of otter survey, however, aware that otters may make use of area, and pre-commencement surveys would be required for St Fittick's Park (Zone A).

ACC - Waste and Recycling – Business waste collections would be required for the uses proposed. Swept path analysis to show refuse vehicles accessing each site and bin storage, would be required.

ACC - Developer Obligations – Given the scale of development it is considered that the mitigation measures - core path enhancement, enhanced quantity/quality of open space and recreational facilities should be provided by the developer through new and enhanced infrastructure within the masterplan area and this would be preferred over financial contributions. The impacts on community infrastructure that require to be mitigated to make the application acceptable in planning terms should be recognised separately to that of the wider community benefits package. Further detail of the mitigation measures should therefore be provided as part of the planning application which sets out the type, location, timing and responsibilities for delivery of mitigation measures required to make the development acceptable under Policy I1 and how these interventions will be implemented in advance of, or alongside, future detailed planning applications for the individual sites across the ETZ area. The measures will need to be secured through either planning condition or, where that is not competent, then by a suitable legal agreement.

It should be noted that the further submissions include addition information about mitigation measures, and these will be the subject of further consultation in terms of Developer Obligations.

sportscotland – Site includes a recreational playing field within the St Fittick's Park area. Policy 21 of NPF4 states that loss of sports facilities will only be supported where replacement or upgrade of existing facilities is provided, in a convenient location, or there is a clear excess of provision. This should be informed by the authority's Open Space Strategy and/or Plan Sufficiency Assessment and in consultation with sportscotland. Proposal would need to be justified against the provisions of the policy.

There is an existing set of combination MUGA goal units within the playing field to the West of the Scottish Water Nigg treatment works. Given the existence of an outdoor sports facility at the site sportsotland would seek justification for the proposal against the provisions of policy 21 NPF4 and LDP Policy NE2 as detailed above.

The Planning Supporting Statement sets out local policy assessment against LDP Policy NE2 relating to the impact on green infrastructure within the site, including St Fittick's Park, under 'Green & Blue Infrastructure' p44-48. Reference is made to improvement and enhancement measures that will be made to off-set impacts and meet policy provisions, delivered by way of planning conditions/obligations. It states that further consultation with local communities and stakeholders will be undertaken. A list of measures is contained within the Planning Supporting Statement, this includes - "Provision of improved play and recreation facilities within St Fittick's Park, to improve the overall quality of infrastructure."

The principle of compensatory measures to off-set the impacts of the development on outdoor sports facilities is generally accepted, provided these are dealt with through a linked, robust delivery mechanism such as a time-limited planning condition or obligation and that compensation is adequate. sportsotland request further consultation on both the proposed measures and detailed wording of the planning condition.

In an advisory capacity, sportsotland state that the exercising of access rights is critical to participation in a range of outdoor sports and support measures where these are adequately protected.

Archaeology Service (Aberdeenshire Council) – Past archaeological trial trenching found limited remains, with further potential especially around St Fittick's church. A watching brief would be required. On other sites micro-siting of works around boundary stones would be required. A standing survey is required for Doonies farmhouse, which would be demolished.

Mitigation is required for the visual impact on the setting of the Scheduled Monument of St Fittick's Church – this is proposed in the EIA.

Agrees with the results, assessments, conclusions and recommendations in the EIA and requires conditions to be attached to any approval – requiring watching brief, survey of farmhouse and protective fencing to features during construction.

Scottish Water – No objection. Unable, at this stage, to confirm water supply capacity. Suggests applicant submits an enquiry. Currently there is sufficient capacity for foul water treatment only, at Nigg WWTW. Surface water typically would not be permitted into combined sewer system. There is live infrastructure in the proximity of the development area – various water mains, this may put restrictions on construction

North East Scotland Biological Records Centre – Responded with search data for all notable species records, habitats and conservation sites within a 200m radius of the site.

ACC - Land and Property Assets – No comments received.

ACC - City Growth – No comments received

Torry Community Council – Object in the strongest terms to allowing construction on part of St Fittick's Park. St Fittick's Park is green belt and is the only green space left in Torry for the use of the people of Torry.

Granting of this planning permission would have severe impact on the people of Torry, not only due to losing the last green space available, but also to their physical and mental well-being and due to losing the abundance of wildlife in this area. There are ample sites in the nearby area of Altens that can be used for the purpose of the ETZ.

Police Scotland – This is a medium crime area. Comments in relation to: crime reduction measures during construction phase; creating environments that reduce opportunities to commit crime with design led solutions as cost effective, resource efficient and highly impactful means of improving the quality of life. Attributes of sustainable communities should be incorporated. Vehicular and pedestrian routes should be open, direct and well used. Further detailed advice is provided.

Scottish Government – No comments received

Royal Society for the Protection of Birds (RSPB Scotland) – No comments received

REPRESENTATIONS

Following receipt of further information on 16th July 2024, neighbours were re-notified, re-consultation took place and the application was re-advertised. The period for receipt of representations expired on 2nd September 2024 and no further representations from third parties were received.

Representations have been made by a total of 233 people. This includes 221 letters of objection and twelve (12no.) letters of support.

The material planning considerations raised in objection can be summarised as follows:

- Loss of valuable green open space / St Fittick's Park;
- Impact on health and well-being of local community;
- Impact on wildlife;
- Impact on wetlands and Tullos Burn;
- Impact on historic environment;
- Appropriateness of sites and alternatives;
- Contrary to NPF4 and ALDP Policy;
- Lack of meaningful participation and consultation with local people;
- Inadequate mitigation measures;
- Insufficient information to properly assess the application – development details and community benefits;
- Aberdeen City Council is involved with the development and not an appropriate body to decide application;
- Inappropriate if Net Zero is to be achieved at the expense of social justice and biodiversity conservation;
- Preferable to use existing brownfield land rather than greenfield.

The material planning considerations raised in support can be summarised as follows:

- Essential development for NE Scotland to secure strategic investment in renewable energy;
- Would address shortage of commercial opportunities around the South Harbour;
- Addresses currently inadequate infrastructure for the renewable energy sector;
- Boost for local economy and positive message for a just transition.

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. Relevant policies are:

1. Tackling the climate and nature crises
2. Climate mitigation and adaptation
3. Biodiversity
4. Natural places
5. Soils
6. Forestry, woodland and trees
7. Historic assets and places
8. Green belts
9. Brownfield, vacant and derelict land and empty buildings
10. Coastal development
11. Energy
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
24. Digital infrastructure
25. Community wealth building
26. Business and industry

Aberdeen Local Development Plan (2023) (LDP)

B5 – Energy Transition Zone B4 – Aberdeen Harbours
Zone A – OP56 (St Fittick’s) and small section of OP62 (South Harbour)
Zone B – OP62 (South Harbour)
Zone C – OP61 (Doonies) WB1 – Healthy Developments
WB2 – Air Quality
WB3 – Noise
NE1 – Green Belt
NE2 – Blue and Green Infrastructure:

NE3: Our Natural Heritage
NE4: Our Water Environment
NE5: Trees and Woodland
D1 – Quality placemaking
D2 – Amenity
D3 – Big Buildings
D4 – Landscape
D5 – Landscape Design
D6 – Historic Environment
D7 – Our Granite Heritage
R5 – Waste Management
R6 – Low and Zero Carbon Buildings and Water Efficiency
R8 – Heat Networks
I1 – Infrastructure
T1 – Land for Transport
T2 – Sustainable Transport
T3 – Parking
C11 – Digital Infrastructure
B1 – Business

Aberdeen Planning Guidance

- [Energy Transition Zone Masterplan](#)
- Natural Heritage
- Open Space and Green Infrastructure
- Flooding, Drainage and Water
- Air Quality
- Waste Management Requirements for New Developments
- Resources for New Developments
- Landscape
- Big Buildings
- Transport and Accessibility
- Outdoor Access
- Trees and Woodland
- External Materials and Their Use – including on green roof and wall infrastructure

EVALUATION

Environmental Impact Assessment

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

Adequacy of the Environmental Statement

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

As the application is for Planning Permission in Principle, together with future applications for Matters Specified in Conditions (MSC), it would be considered a ‘Multi-Stage Consent’ in terms of the EIA Regulations. As such, MSC applications linked to any permission granted would need to either fall within the scope of those environmental impacts considered in the EIA, or would need to be accompanied by additional supplementary information. Where that is not supplied by an applicant, the planning authority may require it to be provided.

Habitats Regulations Appraisal

It should be noted that a Habitat Regulations Appraisal (HRA) was carried out for the ETZ Masterplan and the current application falls within the scope of that appraisal, with the findings being that there would be no significant impact on a Special Area of Conservation (SAC)

Principles of Development

St Fittick’s / Zone A is zoned under ALDP Policy B5 – Energy Transition Zones where there is a presumption in favour of the development, production, assembly, storage and/or distribution of infrastructure required to support renewable energy related industries; this includes offshore wind, tidal, hydrogen and solar.

Infrastructural/transport improvements directly related to the wider Energy Transition Zone will be permitted where they have a functional requirement to be located there. Development proposals will be required to include suitable open space and landscape enhancements for the wellbeing of people and wildlife.

St Fittick’s is also covered by the OP56: Energy Transition Zone, and OP62: South Harbour land allocations is the ALDP. The OP56 description states that this site, along with OP61 (Doonies), will support renewable energy transition related industries in association with Aberdeen South Harbour. Any development at this site must have a functional association with the South Harbour which precludes it being located elsewhere, such as the size of the infrastructure preventing transport from other locations or requiring ‘roll on / roll off’ level access to the South Harbour.

The OP56 description also states that appropriate environmental assessments will be required, including a Habitats Regulations Appraisal to accompany development proposals in order to avoid adverse effects on the qualifying interests of a range of European sites. A Flood Risk Assessment is also required. Other issues which need to be addressed include water quality and habitats

associated with the East Tullos Burn, heritage impacts, recreational access, habitat connectivity, compensatory planting and landscape buffering with residential areas.

The OP56 description also requires a joint masterplan for OP56, OP61 and OP62. This has been approved by committee and is a key document in the consideration of the application.

The indicative proposals within this PPP application at St Fittick's are similar to those in the ETZ Masterplan. In terms of Policy B5: ETZ, a condition is recommended, which would appropriately restrict the uses proposed under future MSCs, to those noted within the policy and quoted above. The realigned road which is indicated along the southern edge of the northern part of the site, would fall within the Policy as a transport improvement. Open space and landscape impacts are covered below.

In addition to the requirements of Policy B5, OP56 requires there to be a functional association with South harbour and this is also proposed to be controlled via condition. A Habitats Regulations Appraisal has been carried out and finds no impact on the qualifying interests of European sites of the River Dee SAC. A flood risk assessment has been submitted and this is covered below. Water quality of East Tullos Burn, and other matters are covered below.

A small section of St Fittick's Park, namely, the area to the north east which was used as a compound by the Harbour, is within the OP62 Bay of Nigg (Aberdeen South Harbour) site, and this has similar information requirements to OP56, with no similar requirement for a functional association with the Harbour which precludes it being located elsewhere. However, given that the northern area of the site partially extends into OP56 and the inter-relationship between the two areas, the recommended condition applies the requirement for a functional association with South Harbour to the full extent of St Fittick's/Zone A. Zone A has been treated as a single development area in both the Masterplan (known as the Marine Gateway) and supporting information as part of the current PPP application. It is also recognised that the future development area with the OP62 part of Zone A has the highest potential for a harbour related use, given its quayside location.

Gregness / Zone B is partly zoned under Policy B5 – Energy Transition Zones and partly under ALDP Policy B4 – Aberdeen Harbours. Within B4 areas there is a presumption in favour of harbour infrastructure and ancillary uses, which are required for the effective and efficient operation of the harbour, and which have a functional requirement to be located there. This may include administrative offices, warehousing and storage (including fuel storage), distribution facilities and car/HGV parking. Other harbour-related uses will be considered on their merits.

Mixed-use development within the area surrounding the harbour must take account of the character of the area and avoid undue conflict with adjacent harbour-related land uses. New development must not impinge upon the viability or operational efficiency of the harbour, or of existing businesses within the harbour zoned area. Mitigation measures may be required in order to permit uses which could otherwise give rise to such conflict.

The whole of the Gregness site falls within Opportunity Site OP62: Bay of Nigg (Aberdeen South Harbour) and is identified as part of Aberdeen Harbour expansion. As noted earlier it is covered by the ETZ Masterplan, and key issues are identified as re-instatement of the coastal path and recreational access.

The indicative proposals at Gregness are also similar to those in the Masterplan, with the exception of the indicative building heights, which have been reduced to those of the existing building on the site.

In terms of the use of the site, the northern portion is covered by Policy B4: Harbours and OP62, whereas the southern half of the site is covered by Policy B5: ETZ and OP62.

Policy B4 notes harbour related uses as being treated on merit, with a presumption in favour of harbour infrastructure and ancillary uses which are required for the effective and efficient operation of the harbour and have a functional requirement for a harbour location. This requirement would be covered by condition which requires renewable energy related uses with a relationship to the Harbour.

The southern portion of the site falls within Policy B5: ETZ and OP62. This area would therefore not be required by Policy B5 and OP62 to have a functional association with the Harbour, although it would be required to contain renewable energy related uses; however, the Masterplan states the site benefits from the proximity to the Harbour and the ability to transport materials downhill over a very short distance. The indicative plans show a building on the northern portion with small scale use or yard areas to the south it is also noted that plans submitted for the separate Coast Road project (under application Ref. 240620/DPP) show the southern area of Gregness as being required for the realigned Coast Road.

Doonies/Zone C is zoned under ALDP Policy B5 – Energy Transition Zone where, as previously noted, development must relate to renewable energy industries.

The Opportunity Site OP61 covers Doonies: it states that this area along with OP56 (St Fittick's) will support renewable energy transition related industries in association with Aberdeen South Harbour. Similar requirements apply as for OP56, in terms of Habitat Regulations and ecological surveys.

The principle of development on these sites is established by Policy B5 in the LDP and by the ETZ Masterplan. The indicative proposals, with conditions, would comply in principle with the development plan and it is the details of the extent of developable areas and suitable mitigations that fall to be considered below.

LDP Policy B1 – Business: supports development of business, industrial and storage and distribution uses. A Small area adjacent to Peterseat Drive falls into this designation.

Policy 11: Energy in NPF4 promotes all forms of renewable energy development, with its Policy Outcome aims being the expansion of such technologies. The ETZ policy B5 in the LDP requires development on the application site to be related to renewable energy and this is controlled by the conditions recommended. The proposals would therefore facilitate the aims of Policy 11, in principle, whilst not necessarily consisting of energy generation, distribution or storage in and of themselves.

In the NPF4 Annex B, National Development 14: Aberdeen Harbour, it is recognised that the Harbour can act as a cluster of port accessible services, including for manufacturing. It states that at South Harbour the focus should be on regenerating existing industrial land and reorganising land use around the Harbour in line with the spatial strategy of the LDP. It is recognised that environmental benefits such as enhancing access and improving quality of green space should be designed in to help off-set any potential impacts on the amenity of the local communities. However, the extent of inclusion of additional business and industrial development outwith the north and south harbours is to be determined by the LDP – as has been described above.

Flooding and Drainage

The St Fittick's/Zone A site includes an area shown as flood plain on SEPA's flood maps as noted above. The area in question is to the north east of the Burn and largely falls into the area used until recently as a construction compound for the ASH. It is currently being cleared of rubble and

materials. NPF4 Policy 22: Flooding, states at a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

It is considered that the proposal does not fall within any of the above exceptions, for the following reasons:

- i. The end users of the development sites are unknown, however, at St Fittick's these would be restricted (by condition) to renewable energy related uses with a functional locational requirement to be adjacent to the south harbour. Essential Infrastructure is defined in NPF4 as including: all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution. To accord with the condition proposed an end user would need to support renewable energy transition related industries. It is therefore concluded that, whilst development would not fall into the definition of 'essential infrastructure', it would be closely related.
- ii. The proposed uses are not water compatible, which includes uses such as harbours.
- iii. and iv. The proposal would not consist of redevelopment of an existing building or site, or previously used site within a built up area.

It is concluded that the proposal does not strictly fall within any of the categories of exceptions to the general presumption against development within flood plains in Policy 22 of NPF4. As a result, any decision by PDMC to approve the application would need to be subject to referral to Scottish Ministers due to the objection in principle from SEPA.

Policy NE4 in the ALDP contains a subtly different approach, stating: "Development on the functional floodplain will only be considered where its location is essential for operational reasons and for water compatible uses." As noted above the uses approved under future MSCs at St Fittick's would need to comply with the recommended condition in relation to energy transition related uses that have a functional association to be close to the Harbour and precludes them from being located elsewhere. Such uses would therefore have to justify why the location is essential for operational reasons, and it is considered that any use complying with the condition would also accord with the above noted requirement of Policy NE4 regarding flooding considerations.

In terms of evaluating the application against section a)i. of NPF4 there are a number of considerations:

- Indicative proposals for the area indicated as flood plain are for the locally realigned St Fittick's Road/Coast Road and two units with harbour side yard area.
- The functional relationship of end uses to the Harbour would be required by the attachment of condition.
- It is noted that the South Harbour itself is Essential Infrastructure in terms of NPF4 Policy 22 and that the proposal would be part of the clustering of intrinsically linked uses around the Harbour, as envisaged by the Energy Transition Zone allocations in the LDP. Such land adjacent the Harbour is a finite resource, with the site in question being in a key position to take advantage of the proximity of the harbour side.
- The applicant states in their letter of 14th June 2024 on this matter, that the area of floodplain arose from a local low point in the bank to the north of the Burn, associated with the 2014 restoration works and due to backing up of water from the culvert under the Coast Road downstream.
- As noted below, post development, this area would no longer be a flood plain and would not result in flooding elsewhere.

Policy 22 goes on to require that in the case of the exceptions noted above, where development within a flood risk area is accepted, all risks of flooding are addressed; there is no reduction in capacity increased risk for others, or need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate the effects of climate change.

ALDP Policy NE4 – Our Water Environment states that development will not be supported if; it increases the current and/or future risk of flooding on site or elsewhere by reducing the ability of the functional flood plain to store and convey water; or through the discharge of additional surface water; or by harming flood defences. Nor would development be supported where it would be at risk of flooding itself; there would not be adequate buffer strips to watercourses, or it would require new flood defences.

In terms of technical matters, a recommended condition would require the submission of a detailed Flood Risk Assessment as part of MSC applications on the relevant site areas. This would ensure due to level changes that the development would not be at risk of flooding itself, and this aligns with indicative plans that have been submitted.

The submitted FRA demonstrates that there would be no reduction in capacity as a result of the development on St Fittick's Park as flood water would instead be accommodated in the wetland area of the Park, which would itself be configured as part of the works to the Burn. There would be no flood risk passed on to other sites or requirement for flood defences and from the flooding perspective there would be adequate buffer strips to the Burn.

In terms of Flooding Policy in the development plan, the proposal would not comply with the uses permitted in a flood plain by NPF4, although there are considered to be a number of mitigating factors. The proposal would comply with the principles in ALDP Policy NE4 and in technical terms

would be compliant with the requirements of both policies. Both SEPA and the Council's Flood Team agree that the technical aspects of the proposal in relation to flooding are acceptable, subject to condition requiring development specific details at MSC stage.

With regard to drainage details, this is the subject of conditions and would also be the subject of MSC applications. This would include clarifications sought by Network Rail on the Doonies' drains which pass underneath the railway to the coast. The applicant has confirmed that the southern drain is underneath a track which passes under the railway, whilst the northern Doonies drain requires further investigation regarding condition and capacity but passes underneath the railway close to the northern end of the Doonies' site.

Trees and Woodland

Trees are protected by Policy NE5 - Trees and Woodland of the ALDP. Development proposals must seek to increase tree cover and achieve the long-term retention of existing trees. The policy states that where removal takes place, replacement planting will be required to ensure an overall net gain in tree cover and that development that does not achieve this will not be supported. Structures should be sited to take into account the predicted growth of trees, with root protection areas established and protected during development. Policy 6 of NPF4 is similar in effect.

The overall totals of tree loss and planting across all three ETZ sites (St Fittick's, Gregness and Doonies) are set out in the table below, demonstrating a resulting net gain in tree cover: in accordance with ALDP Policy NE5

Existing On-Site Tree Removal	3.73 ha
Aberdeen South Harbour Planting (previously proposed / committed)	1.57 ha
TOTAL Tree Loss / Removal	5.29 ha
On-Site Tree Planting Zone A (St Fittick's Park)	1.39 ha
On-Site Tree Planting Zone C (Doonies)	0.90 ha
Off-Site Tree Planting (St Fittick's Park + Tullos Wood)	4.60 ha
TOTAL Proposed Tree Planting	6.89 ha

Looking in more detail at the individual sites, the proposals for St Fittick's/Zone A would result in significant loss of trees and woodlands. They lie within a public park and are of value for public health, wildlife, biodiversity, visual, landscape and climate change reasons.

The second row of the table indicates the area within St Fittick's/Zone A used as a construction compound by ASH, at the north east corner of the site adjacent to St Fittick's Road / Coast Road. This area contained newly planted trees prior to its temporary use by Port of Aberdeen. Were development not to take place on this area, it would be largely replanted with trees, as required by conditions on the South harbour permission. The area is therefore included within the areas of tree loss and the biodiversity 'baseline' assumes that it contains young trees.

Indicative areas of replacement and compensatory tree planting are proposed and shown on plans. The areas shown for tree planting are both on and off site and include: areas within St Fittick's Park alongside the Burn corridor and within the park outside the application site. Elsewhere, further compensatory areas of planting on Tullos Hill have been identified. Within the St Fittick's Park (on and off site) a total of 2.74ha of tree planting is indicated, with 3.25ha in Tullos Wood, making a total of 5.99ha. Tree loss at St Fittick's / Zone A is 5.29ha. Based on these indicative figures a net gain in tree cover would be achieved. The submissions indicate that this would be a broadleaved mix,

incorporating native species where feasible, resulting in a qualitative improvement in the wildlife/biodiversity value afforded by the tree planting as well as an increase in the planted area.

In terms of the initial comments from Scottish Forestry, a revised Tree Loss and Compensation Plan and Illustrative Site Plans have been submitted in pursuance of this issue. These provide an accurate 'ground truthed' assessment of the impact on trees and woodland.

There are no trees at Gregness/Zone B.

At Doonies/Zone C the tree survey report shows mixed hedges along the site boundaries to the base of Tullos Hill, sections of hedges along field boundaries and well established planting (up to 4m) along the southern boundary with the ACC/Suez Recycling Centre as well as areas of gorse with willow and elder within the bank to the west side of the site. The Tree Loss and Compensation Plan shows an area of trees to be lost by development lies to the west/rear of the site along the corridor which is included as potentially being required for a link to Peterseat Drive. Indicatively, 0.9ha of trees would be lost. Replacement planting is indicated along the Coast Road site boundary. The condition also requires that the hedges along the base of Tullos Hill remain, whilst the hedge to the south is outwith the application site.

A condition is recommended to be attached in respect of both St Fittick's / Zone A and Doonies /Zone C to require detailed assessment of the extent of tree loss at MSC stage and for the details of compensatory areas to be provided.

Natural Heritage and Biodiversity

The Biodiversity Protection and Enhancement Plan June 2024 (BPEP) describes the various habitats impacted by the development. The most significant of these is the coastal heathland at Gregness. The wetland running water and broadleaved woodland habitat at St Fittick's is also of importance. The report describes how the habitats most impacted are those of lesser value in terms of biodiversity and rarity – namely, mixed plantation, scrub/neutral grassland, unvegetated surface (former construction compound) and 'mosaic of developed and natural surface 'city farm' at Doonies. Plans illustrate areas of habitat, and thirteen different types are shown at St Fittick's/Zone A – the most diverse site.

NPF4 Policy 3 Biodiversity, seeks to protect biodiversity and reverse its decline by delivering positive effects from development and strengthening nature networks. All proposals must contribute to enhancing biodiversity, whilst major proposals will only be supported where they conserve, restore and enhance biodiversity and will have to meet the following criteria, which are listed below, with analysis. ALDP Policy NE3 – Our Natural Heritage also requires provision to achieve overall biodiversity gains for the site.

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

An EIAR has been submitted and this satisfactorily considers the characteristics of the site and its context. Relevant designations are noted in the Description section and the Gregness site is part of the coastal Local Nature Conservation Site (LNCS) which covers land east of the railway. A number of habitats exist especially within St Fittick's/Zone A, notably the wetlands and Burn.

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

In terms of the development platforms, details of the proposals will be subject to MSC applications. SUDS and potential for green walls and roofs have been included in conditions. The potential for biodiversity enhancement lies within the mitigations, including onsite – the wetlands, burn realignment and planting, on and off site. These are detailed further below.

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

The ETZ Masterplan contains a mitigation hierarchy for each site. It identifies a number of mitigations and these are taken forward in the BPEP for the application, together with enhancements to biodiversity:

- The St Fittick's/Zone A site allocation (a combination of OP56 and OP62) is approximately 21ha. (It should be noted that OP56 includes the WWTW at approximately 3.4ha). The application site is 15.5ha (as it excludes the WWTW and strips of land including railway), with 7.3ha being development platforms and the remainder - a significant area of 8.2ha - would be undeveloped and contribute to biodiversity.
- A broad (75 – 100m wide) area of land within the site would remain undeveloped along the unaltered stretch of the Burn. Roughly half the length of the Burn within the site would remain as existing, with the remainder being realigned.
- The BPEP contains a number of measures to mitigate impacts. The requirement for detail to come forward as part of Biodiversity Plans for each development area is proposed to be controlled by conditions with the timing to be approved via a phasing condition. The measures include, amongst other things, new pre-treatment measures upstream to improve water quality and enhancements to Tullos Burn, planting and landscaping, including broadleaved trees and coastal heath, provision of an otter holt, bat boxes and seeding with specially selected mixes and wetland enhancement – all constituting a significant package of biodiversity improvements that, once fully established, is considered to represent a biodiversity net gain resulting directly from the development mitigations.

v. local community benefits of the biodiversity and/or nature networks have been considered.

A number of the mitigations and enhancements proposed would involve further consultation with the local community at MSC and detailed planning stage before the specific measures are finalised. Included are works to enhance small green areas within the residential area. These would include biodiversity, tree planting and amenity / open space / micro-recreational features. The existing hard

surfaced, brownfield area adjacent to 276 Girdleness Road is also identified as one of the areas for enhancement and is ideally located at an entrance point to St Fittick's Park from the north in terms of potential for beneficial use by local people.

Paths along the coast, through the Park and linking to Tullos Hill are included amongst the mitigations and enhancements, these would facilitate human enjoyment of the enhancements to the natural environment.

Paragraph d) of NPF4 Policy 3 states:

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Adverse impacts have been identified above and most significantly would include impacts on the Burn and wetlands, trees and coastal heath. As noted in respect of iv. above, measures are included that would mitigate and enhance these habitats.

Policy 4. Natural places in NPF4 and Policy NE3 of the ALDP seek to protect natural places with a focus on designated areas and protected species. The River Dee Special Area of Conservation (SAC) lies to the north and a Habitats Regulation Appraisal (HRA) was carried out for the ETZ Masterplan, and it was concluded in agreement with NatureScot, that there would be no adverse effect on the integrity of the SAC.

The relevant points from Policy 4 and NE3 are:

Policy 4 a) 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 – where development is likely to affect natural heritage assets protected by law or designation, or of regional or local nature conservation value if must be demonstrated that alternative solutions have been considered and ruled out.

The St Fittick's / Zone A site is of local nature value, although not formally protected, whilst Gregness is a LNCS. Red list birds and badgers are recorded at St Fittick's and both St Fittick's and Doonies/Zone C are used by foraging bats. These are covered further below. In terms of alternative solutions, the sites are allocated for development in the ALDP 2023 following a process of considering alternatives. The ETZ Masterplan process then identified areas for development based on a number of factors, including (but not limited to) the proximity to residential areas, use of the Park, and the Burn. It is therefore considered that whilst adjustments may be made to the developable areas through this application process and the determination of further detailed MSC applications, alternatives were considered at an earlier stage.

However, taking into account the mitigations and enhancements noted above and below, it is considered that the development overall would not have an unacceptable impact. Impacts on designated sites are discussed below.

c) Proposals that will affect a Site of Special Scientific Interest will only be supported where: i. the objectives of the designation and its overall integrity will not be compromised; or ii. Significant adverse effects are outweighed by social, environmental or economic benefits.

NatureScot has noted that it would not object if the application is made subject to conditions requiring details of on-site surface water controls through a Construction Environmental Management Plan (CEMP) and Sustainable Urban Drainage Systems (SUDS) to protect the Bay of Nigg SSSI. Subject to the attachment of the relevant conditions, as recommended, the application proposal is considered to comply with Policy 4 c).

d) Proposals that affect a local nature conservation site (LNCS) will only be supported where: i. development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Significant adverse effects on the integrity of the area are outweighed by social, environmental or economic benefits of at least local importance.

Policy NE3 echoes d) stating that impacts on local designated sites should be minimised through careful design and mitigation measures, with any unavoidable impacts being outweighed by benefits of city-wide importance.

The Gregness site is within the Coastal LNCS and the development would potentially affect the coastal heathland for which it is designated. There is an existing building and yard area on site, which were used until recently for the construction of the South Harbour. Figure 6 in the BPEP shows the area of coastal grassland remaining. It is noted that conditions on the South Harbour application would require the site reinstatement, however, the ETZ intends to re-purpose the building or to erect a building and yard on similar development footprint. The indicative proposals include the potential loss of 0.02ha of coastal heath. The BPEP plan priorities table indicates that this could be prevented by detailed design at MSC stage. Measures for restoration, enhancement and compensation are also set out and involve re-seeding bare areas. Reinstatement of the coastal path is also identified in the indicative proposals, possibly on an alignment slightly in-land to allow for the retention of the coastal grassland that has re-grown during the use of the site for the South Harbour. The details would be approved through any future MSC application for the site.

Section f) of Policy 4 relates to protected species and require potential impacts to be considered. Surveys took place for bats, otter, badger, red squirrel, water vole and birds. The findings are:

Bats - a summer bat roost was identified in Doonies, with Zones A and C being valuable for five species for foraging and commuting.

Otter – no evidence at St Fittick's, although local reports of occasional use by otter at wetlands.

Red Squirrel and water vole – absent at time of survey

Badger – off site breeding presence and use of latrines and foraging at St Fittick's/Zone A. No setts found on site, not within 100m of boundaries.

Brown hare, toad and hedgehog – not recorded, however, noted as possibly overlooked as habitat is suitable.

Thirteen red list birds (extinction risk) were recorded in low numbers, as well as forty amber and green list birds.

Protection measures are the retention of their habitats, whilst enhancement and compensation are proposed in the form of bat roost boxes in Doonies/Zone C, native tree, hedge and scrub planting, bat friendly lighting, a log-pile otter holt to the Burn corridor, SUDS ponds, seed rich grassland, aim to introduce a breeding population of toad and possible introduction of Wych Elm, gorse for breeding linnet and yellowhammer and nest boxes for red list and common species of birds.

Measures are also recommended during construction to avoid displacing species across the whole site and to remove Invasive Non-Native species (INNS) that border Doonies/Zone C.

The recommended conditions require detailed Biodiversity Protection and Enhancement Plans for each development area at MSC stage, based on the BPEP submitted.

Green Space Network, access and core paths

LDP Policy NE2 – Blue and Green Infrastructure seeks to protect the Green Space Network, including its value for wildlife, biodiversity, ecosystems, access, recreation, landscape and townscape, with development not being supported where it does not achieve this. Where developments necessitate crossing the GSN they should maintain the coherence and quality of the network.

Policy NE2 also states that new development will maintain and enhance existing access rights, including during construction and operation phases. Where, in exceptional cases, routes are affected by development, it is necessary to provide an alternative path that is safe, high quality and convenient. New or improved provision for public access should be included in new developments.

The entire application site is within the GSN, other than the farmhouse, steadings and immediate yard area at Doonies. On all three site areas, developments would take place within the GSN. At St Fittick's, both the northern and southern sites are shown on indicative plans as being bound by natural green spaces. A tree belt would be retained and enhanced between the Waste Water Treatment Works (WWTW) and the southern site and a 15m wide strip of land containing the Burn and riparian buffers would be formed between the two sites and woodland planting to the west side of the northern site. With the attachment of the conditions recommended, mitigation and enhancement to green spaces on and off site, replacement pitch, habitat creation for wildlife and tree planting would take place, which would ensure there that there would be no overall detriment to the network of green spaces in terms of links remaining, albeit that green space would be developed.

Footpath links would remain, be restored and realigned so that the area can be crossed both north/south and east/west. The access link into the Park to the south of the Burn from Coast Road would however, be lost, with the pedestrian route from the east being only along the footway on the realigned road to the north of the Burn. However, access is maintained from the east and a network of footpaths would be provided within the Park, including crossing the Burn and with links to Tullos Hill and westwards to join up with Core Path 103, which leads through Tullos in a south westerly direction to Wellington Road and Kincorth Hill Local Nature Reserve the link from Doonies to Tullos Hill and along the coast southwards as far as Cove.

Natural Water Environment

This section is only relevant to St Fittick's/Zone A as the other site areas do not contain watercourses.

LDP Policy NE3 – Our Natural Heritage states that Buffer Strips are required alongside watercourses, for protection and enhancement, including of biodiversity. Further guidance is provided in Aberdeen Planning Guidance and NatureScot Guidance.

LDP NE4: Water Environment also states that development will not be supported if adequate provision is not made for watercourses to be maintained as naturalised channels with riparian buffer strips for maintenance access and erosion prevention.

Aberdeen Planning Guidance: Natural Heritage contains technical advice on buffer strips for water bodies. This states that buffers are to help protect from the physical and polluting impact of adjacent land uses, whilst they are also valuable habitats and recreational opportunities. The recommended width of the buffer strip depends on the width of the Burn, site conditions and topography. In this case a minimum of 6m on either side of the watercourse is considered appropriate. East Tullos Burn is shown in cross sections as 3m wide as realigned, and the guidelines are for a 6m-12m buffer,

however, here where is steeply sloping ground, run-off will be faster, and a wider buffer will be required. The APG also states that where there is a semi natural habitat the whole of this should be protected and encouragement is given to the re-meandering of straightened water bodies.

The proposal includes the realigning of approximately 364m length of meandering burn, which currently winds its way across an area of ground measuring roughly 327m in length. The realignment would move the course north eastward before following a less meandering course within a roughly 15m wide strip of land to the point where it exits under Coast Road and into the Harbour (at the same culvert as existing). Two cross sections have been submitted. One of these is through the burn at a point close to the upstream/western extent of the burn channel that would run between the two development areas. At this point the Burn is 3m in width, with the water channel being contained within steep banks of 2m in height. To either side of the burn channel the banks flatten out to lesser gradients with the steeper side being to the south where the bank rises a further 1.5m to the level of the development area. The Burn is indicatively shown as 1m deep, with a 3.5m height difference between its bed and the developable area to the south. The road level to the north is indicated as roughly 1.8m above the Burn bed. It is also noted that the width and bed level of the Burn would increase/lower as it flows eastwards, and the cross section is therefore taken at the point where the banks would be least steep along this realigned channel. The plans are indicative at this stage; however, it can be noted that for the width of Burn at 3m and a reasonably steep bank to the south side, there would be tensions with Policy NE3 and NE4 and the Natural Heritage APG in respect of allowance for physical separation, ensuring against pollution and erosion prevention. In order to address this a condition is recommended, which requires that buffers be provided in accordance with the APG, which would require a minimum of 6m buffers to either side of the Burn. The details approved through MSC would allow for adjustment of the development sites to allow for the buffers at an appropriate width, allowing for the constraints of the site.

In terms of maintenance access, this would be adequately provided due to the proposal for the road to be realigned along the north side of the Burn. Even without the road, provision may still be made at MSC stage for yard areas to make allowance for maintenance access to the Burn.

Open Space and Recreation

LDP Policy NE2 – Blue and Green Infrastructure seeks to protect urban green space (parks, playing fields, sports pitches, outdoor sports facilities and woods) which includes open space, woodlands, food growing areas (green infrastructure).

Policy 21 in NPF4 states;

a) Development proposals which result in the loss of outdoor sports facilities will only be supported where the proposal:

- i. is ancillary to the principal use of the site as an outdoor sports facility; or*
- ii. involves only a minor part of the facility and would not affect its use; or*
- iii. meets a requirement to replace the facility which would be lost, either by a new facility or by upgrading an existing facility to provide a better quality facility. The location will be convenient for users and the overall playing capacity of the area will be maintained; or*
- iv. can demonstrate that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.*

This should be informed by the local authority's Open Space Strategy and/or Play Sufficiency Assessment and in consultation with sportscotland where appropriate.

Within St Fittick's/Zone A there are various types of open space as follows:

Grassland, including the triangular recreational area with multi use goals west of the WWTW and the area south of St Fittick's Church where there is scattered play equipment. There are also areas of rough grassland with scattered scrub, woodlands crossed by paths, marshy ground and standing water with a bridge crossing. The area of former construction compound would be tree planted if reinstated as per conditions on the South Harbour planning permission and its reinstatement is taken into account as part of the land that would be available.

The areas that would be lost for development are as follows:

- One hectare of modified grassland – includes recreation area, playing field, and play equipment areas;
- 0.55 hectares of neutral grassland – rough grassland closer to the wetland area;
- 0.51 hectares of neutral grassland / scrub;
- 0.03ha of broadleaved woodland (5% of the total);
- 3.34 ha of mixed woodland / plantation (54% of total);
- 2.18 ha of unvegetated surface and 0.53ha of road (former construction compound, reinstatement required under Harbour permission approved as mainly tree planting across this area).

It is not possible to entirely replace the open space to be lost in the immediate vicinity of the site. To compensate for this the proposals include measures to improve the quality of open space within the allocated sites and improve access to, and environmental enhancements to other spaces in the Balnagask / Torry / Tullos areas, and this approach accords with the ETZ Masterplan. The indicative plans show the replacement of the triangular recreation area on an alternative area of existing grassland close to the Cruyff Court pitches near Tullos Primary School. This is indicated as a MUGA pitch and details would be submitted as a MSC application required by the recommended conditions. This element requires assessment under Policy 21 of NPF4 (see above). The proposal would comply with part iii. as it would result in the upgrading of an existing area of grass playing field to provide a better-quality facility, with MUGA goals. The location would be convenient for users and the overall playing capacity of the area would be maintained. However, the details of the provision would be subject to community consultation as specified in the recommended condition. SportsScotland's consultation response notes the proposal and states that SportsScotland should be consulted on the details of the provision.

A range of mitigation and compensatory measures are proposed to replace the recreation and play function of the open spaces that would be lost. These are shown on the 'Illustrative Plan & Recreation Masterplan Visualisation – Zone A' and would include a range of facilities that would be required to be agreed as part of MSC(s) and be subject to community consultation. More specifically these would include an upgrade or extension to the Skate Park, a pump track, improvements and additions to existing play equipment and improvements to under-utilised open spaces within the surrounding area to provide small-scale locally accessible greenspace close to housing. An area of brownfield land, consisting of an unadopted road / car park is included in the indicative plans as one of the areas for local green spaces / parklets. These are subject to MSC applications and community consultation, however, the reuse of this area of land, which is located between Girdleness Road and St Fittick's Park, would comply with Policy 9, as it would result in the sustainable reuse of brownfield land that is currently unused.

Taking the foregoing into account it is concluded that the proposal meets a requirement of Policy 21 a) of NPF4 in that it compensates for the loss of existing recreational facilities by upgrading existing

facilities and providing better-quality facilities in locations that are convenient for users and the overall playing capacity of the area would be maintained

Replacement footpaths and trees are considered separately in other sections of this report and are covered by similar conditions.

Gregness/Zone B would be reinstated as coastal heath under conditions on the South Harbour should permission not be granted for development, or implementation take place, in either scenario public access is mainly along the coastal path rather than use as public open space of the central area of the site. Doonies/Zone C consists of yards to buildings, fields and grassland/scrub. Paths provide access to Tullos Hill. The latter two sites are considered under the biodiversity and core paths sections.

Soils and Geology

Policy 5. Soils in NPF4 and Policy NE3 seek to protect areas of peatland or other carbon rich soil and sites designated for geodiversity value.

Figures 9.1 – 9.3 in the EIAR show the solid and drift geology and land capability for agriculture. These show that the site does not include peat and carbon rich soil and is not prime quality agricultural land.

Part of the coastal cliffs of the former Bay of Nigg are adjacent to the Gregness site and is designated as a SSSI for its geological interest. A condition is recommended to be attached to any approval which requires details of the management of surface water run-off to avoid the SSSI. This accords with the requirements requested by NatureScot in their consultation response.

Green Belt

Only a very small area of the application site is designated as Green Belt, this lies between the Doonies ETZ designation and the Peterseat Drive Industrial Area. The policy contains a presumption against development with certain exceptions. One of these exceptions notes roads that are planned through masterplanning of sites. These areas are included with the aim of providing roads linking Doonies to Peterseat Drive and reflect what is shown the Masterplan. With the foregoing in mind the application is acceptable in principle in terms of development plan policy on the green belt. Landscaping and design / layout are dealt with above.

Historic Environment

LDP Policy D6 – Historic Environment: Requires assessment of impact on setting of nearby Scheduled Ancient Monuments (SAMs), including St Fittick's Church and the Cairns on Tullos Hill.

NPF4 Policy 7. Historic assets and places seeks to protect and enhance historic assets, with neglected buildings being brought back into use and recognises the social, environmental and economic value of the historic environment to the economy and cultural identity.

In accordance with development plan policy the proposals are accompanied by an assessment of the significance and likely impact on the historic environment.

There are no Scheduled Monuments, listed buildings within the proposed development zones, nor are the zones covered by any heritage designations. However, St Fittick's Church, a Scheduled Monument, lies immediately to the west of the St Fittick's/Zone A. Indicative plans show the edge of

the development site relatively close to the churchyard and it is acknowledged in the EIA Report (Chapter 15) that the proposal would have a medium-magnitude adverse impact on the setting of St Fittick's Church. Mitigation measures are proposed in the form of tree planting in the area between the Church and the development area. The setting of the Church has already been impacted adversely by the construction of the South Harbour, however, it currently remains within an open landscape with views to, and from, the coast. This would change under the proposal, with both the development itself and landscape screening. The Monument is in a poor state of repair and the development would present an opportunity to improve its condition. A condition is recommended that would require approval and implementation of a Conservation Plan for repairs, and also installation of on-site interpretation information for visiting members of the public.

Heritage assets within the wider surrounding area are identified in the EIA Report. Tullos Primary School is a Category B listed building and lies to the west of St Fittick's Park, facing north onto Girdleness Road. Its setting would not be significantly affected by development. The Girdleness Lighthouse is a Category A listed building on the headland to the northeast of the St Fittick's/Zone A and directly north of Gregness/Zone B, across the bay. Its setting would not be significantly affected by development. The Cairns on Tullos Hill are Scheduled Monuments, with Tullos Cairn on the north side and Crab's Cairn to the east, as the closest. These are of national importance and their setting would be impacted.

Various undesignated historic assets and archaeological finds lie, or were found, within the surrounding area and development zones. The proposal at Doonies / Zone C would also result in direct adverse impact on Doonies Farmhouse, and the Gregness/ Zone B proposal may impact upon boundary stones at Bridge of One Hair (Coast Road bridge over railway). There is also potential for further archaeological finds.

Section h) of NPF4 Policy 7 is relevant and states that: *proposals affecting scheduled monuments will only be supported where:*

- i) *Direct impacts are avoided – there are no direct impacts*
- ii) *Significant adverse impacts on the integrity of the setting are avoided*
- iii) *Exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.*

There would be a significant impact on the integrity of the setting of the St Fittick's Church Scheduled Monument as a result of the proposals. Mitigation and compensatory measures would lessen but not fully address the impact. Historic Environment Scotland's consultation response is in agreement with this analysis and the approach taken in the EIA Report. In terms of the Cairns, and in particular Tullos Cairn, HES agrees with the findings of the EIAR that given the distance and location of development from the Cairn, and including taking into account cumulative impact with the solar farm proposed on the former Ness landfill, there would not be a significant impact on key views from the monuments. The conclusion is similar for Girdleness Lighthouse.

It is considered that the extent of impact on Scheduled Monuments and listed Girdleness Lighthouse is justified taking into account the mitigations and given the allocation of the St Fittick's/Zone A site for renewable energy and harbour related uses for which this location is critical and taking into account that, in respect of historic environment, the proposals follow the approach set out in the ETZ Masterplan.

Section o) seeks the protection of non-designated historic environment assets, places and their setting where feasible, and where there is potentially buried archaeology, developers should provide an evaluation. Impacts should be minimised, with records taken.

The Archaeology Service agreed with the findings of the EIA Report and conditions are recommended requiring a programme of archaeological works to take place, protective fencing around historic features and a standing building survey for Doonies Farmhouse.

LDP Policy D7: Our Granite History, seeks retention of all granite buildings. Doonies Farmhouse and Steading require to be considered under this policy. In addition, NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings encourages reuse of buildings and states:

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Doonies Farmhouse and associated steadings are unlisted and do not lie within a Conservation Area. The buildings are granite built and typical of the style of traditional buildings of this type. Whilst the policies noted above favour retention for sustainability and historic environment reasons, the buildings would not suit usual modern requirements for Class 4/5 or 6 use, which is the LDP allocation for the site. The Masterplan also envisages that these buildings would be removed rather than reused. The detailed MSC application for this area of the site will need to provide justification for removal of the buildings in terms of the proposed use, as well as details of the reuse of the granite and these matters are the subject of a condition.

Transportation

LDP Policy T2 – Sustainable Transport requires new developments to demonstrate that sufficient measures have been taken to minimise traffic; developments must be accessible by a range of modes; existing access rights including core paths and other paths will be protected and enhanced.

Traffic modelling took place based on a worst case scenario for each use class as end users are not known. The Roads Team are satisfied that the impact of the development on the road network would not be significant. Once end users are known further detailed assessment would be required to consider whether there would be an impact on the local network and junctions. In accordance with the Transportation APG the size of units would require Transport Assessment and these would need to include assessment of the impact on junctions at Wellington Road and in Torry.

Conditions are recommended to be attached to require that either the ASHLR (Coast Road upgrade) is in place (as is expected) or that any missing links in the active travel provision along this route are infilled, so that in either scenario the development sites would be accessible by all modes of transport.

Core paths and footpaths have been covered above.

Parking would also be subject to detailed consideration via future MSC applications, with electric vehicle charging and cycle parking also being subject to conditions. Proposals would thus accord in principle with Policy T3 – Parking and the Transportation APG.

LDP Policy T1 – Land for Transport Aberdeen South Harbour and associated infrastructure as a transport project and the Aberdeen South Harbour Link Road is the subject of a current planning application (Ref. 240620/DPP). The widening and local realigning of the road with new railway bridge to the south of Gregness is likely to require a portion of the south end of the Gregness site. An indicative plan of the line of the road works submitted with the application shows that the

development of the site would not be compromised by the ASHLR project. The ASHLR project would also incorporate active travel measures which would benefit users of the ETZ sites and the two developments would be complementary in terms the aims of climate change mitigation.

Public Health

LDP Policy WB1: Healthy Developments states that developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. It requires a Health Impact Assessment (HIA) to be submitted for major developments to enhance health benefits and mitigate any impacts on the determinants of health.

NPF4 Policy 23: Health and Safety states that proposals likely to have a significant adverse effect on health will not be supported.

A HIA has been submitted as part of the EIA with the application, as Chapter 7 of the EIAR, with further submissions in the Ironside Farrar letters of 27 June 2024 and 26 September. Health impact has been raised in a large number of objections.

The HIA looks at how determinants of health would be altered by the proposed development, given that the site is allocated for development in the LDP. The local community experiences significant levels of socio-economic deprivation, with outcomes well below local and national averages and a high level of concern has been expressed in representations over the impact of the development proposals on health and well-being. The HIA notes that looking at the proposals and mitigations most of the changes are benign, with negative impacts low or negligible and makes recommendations for safeguarding, mitigating and enhancing population health.

The loss of greenspace at St Fittick's Park/Zone A is a key issue because greenspace loss may contribute to detriment to physical and mental health. The mitigations in the form of improving the quality and accessibility of remaining greenspace within St Fittick's and off-site within the area, as proposed by the applicant (and to be the subject of community consultation) would, it is concluded, result in an overall positive contribution to the determinants of health associated with environment, climate, economy, diet, active transport, exercise and health inequality. The implementation of the full range of mitigation and compensation measures proposed at MSC stage will be key to supporting improvements to health.

After the submission of the application the presence of Reinforced Autoclaved Aerated Concrete (RAAC) has been identified in about 504 homes in Balnagask in close proximity to the site. This issue will clearly have a significant impact on the health and well-being of the community and there would be a cumulative affect with the proposed development. However, it is considered that the mitigation and enhancement measures proposed through this application are considered to provide a positive contribution to a range of health determinants. Specific health determinants such as air quality, noise, flooding and drainage and environmental impacts have been assessed and these will be subject to further detailed assessments once end users are identified. Assessments in principle find that there would be either a low or negligible impact.

An Integrated Impact Assessment (IIA) has been carried out and informed the consideration of the planning application. The IIA has confirmed that the development will have low negative impact or no direct impact on groups with protected characteristics and that the impact is capable of being fully mitigated, via the mitigation measures identified.

Explosives Licence

Policy 23: Health and Safety in NPF4 covers protecting people from risks arising from safety hazards. As noted above HSE has concluded that, if the development is granted permission to proceed, the external population density permitted in the reference zone for the explosives site at Aberdeen South Harbour would be exceeded. Therefore, whilst the probability of a major accident involving explosives is low, the consequences for people at the development could be serious. Consequently, if permission were granted for the development at St Fittick's, HSE would review the explosives site licence. This review may result in the facility's explosives capacity being significantly reduced, potentially impacting the commercial viability of the site. Since the HSE explosives licence is for storage of substances in quantities that do not require Hazardous Substances Consent there is no remit for the planning authority. The control of these hazardous substances, the granting of the licence and ensuring that there is no health and safety risk is therefore the responsibility of the HSE and the Port of Aberdeen.

Air Quality

Policy WB2 requires an air quality impact assessment, together with mitigation measures. An air quality impact assessment has been submitted with the application, and the potential impacts identified are considered acceptable by Environmental Health. As the end users of the development are not yet known and the details of the use and physical works would be subject to MSC applications, conditions are recommended requiring the submission of air quality impact assessments for the individual uses.

Noise

Policy WB3 requires an noise impact assessment, together with mitigation measures. A noise impact assessment has been submitted with the application, covers all three site areas, and its conclusions are accepted by Environmental Health. As the end users of the development are not yet known the details of the use and physical works would be subject to MSC, conditions are recommended requiring the submission of noise impact assessments for the individual uses.

Waste

In accordance with LDP Policy R5: Waste Management, sufficient space is required for storage and collection of refuse and recycling. The indicative plans include sufficient space that waste storage could be accommodated and the details of this provision are the subject of condition as part of MSC application(s).

Design, Landscape and Visual Amenity

Policy D1 requires high standards of design and layouts with design strategy to be submitted. Particular consideration needs to be given to visual impact, including consideration of materials and green roofs and walls. Policy D2 Amenity: Including ensuring that refuse and recycling, cycle storage, low and zero technology and plant and services are sensitively integrated. Policy D3: Big Buildings requires assessment of impact of such buildings on their context although usually related to the city centre, this is of relevance in terms of visual impact. Policy D4 – Landscape – requires consideration of the impact on landscape setting of the city. Policy 14. Design, quality and place refers to the Six Qualities of Successful Places and supports prioritising women's safety, improving physical and mental health, creating pleasant spaces that are well connected, distinctive and sustainable.

At this stage indicative buildings have been shown on submitted plans, in order to assess their visual impact from various viewpoints. Seventeen viewpoints were selected based on a 'Zone of Theoretical Visibility' with photomontages provided at year one of the development and after fifteen years. A detailed Landscape and Visual Impact Assessment has been carried out and is contained within Chapter 11 of the EIAR. This notes the network of Core Paths, coastal paths, park and greenspace, with nearby residents and users of the area, as receptors to the visual impact. Overall, it is noted that remaining and proposed landscape features would assist with integrating the proposed development, however, there would be a significant adverse effect on the local landscape character of the development zones and immediate surroundings. Those most affected would principally be the residents of Balnagask to the north of the St Fittick's/Zone A area, users of nearby greenspaces and roads and the golf course at Balnagask. It is noted that all significantly affected receptors would lie within a 1.2km distance of the proposed development. There would also be a cumulative impact with the consented solar farm on the former NESS landfill to the west of Gregness.

Viewpoints submitted are from: St Fittick's Road to the north of St Fittick's Church, Pentland Place (the edge of residential area to north west, Balnagask Circle (3 storey flatted blocks on the western edge of the park), Balnagask Golf Course to the north, Tullos School and from two points on Tullos Hill, Greyhope Road by Girdleness lighthouse, at two points along the coastal path, two points close to Doonies are from the railway bridge and the coast at Souter Head Two more distant viewpoints were selected, from Kincorth Hill and Aberdeen Esplanade at King's Links.

The character of the area is a mix of residential flats and houses to the north and west, with the introduction of South Harbour having a significant impact with the large ships and other infrastructure forming a dramatic and dynamic view to the east. To the south west, the industrial area of East Tullos Industrial Estate is visible, with the Energy from Waste Centre being highly visible, noise and fumes from the engine test facility and smells emanating from the Waste Water Treatment Works, which sit fairly low in the landscape. The rising ground of the former landfill site terminates the view to the south, with extant permission for a solar farm, albeit mainly on the south and east facing slopes, rather than the slopes directly facing St Fittick's Park.

As can be seen on the Zone of Theoretical Visibility modelling plan, the areas potentially visually impacted by the units at St Fittick's/Zone A and Gregness/Zone B would be the Park itself, the immediately adjacent area of Balnagask, to the south of Girdleness Road, Balnagask Golf Course / Walker Park, the former Ness landfill site, the north slopes of Tullos Hill and also views along streets and from within amenity spaces within residential areas to the west and north.

From St Fittick's Road and Balnagask to the north west, the proposed units on the northern side of the Burn would be highly visible and dominate the view to the south. The relatively recent construction of the Harbour brought a significant change in the character and visual appearance of the surrounding area, although only a temporary construction area had direct impact on the Park. The two units to the north of the Burn would be erected on approximately the same area as the former construction compound, with the locally realigned St Fittick's Road running along the edge of the park. There would be a significant change to the character of the landscape within this area. Tree planting between the church and the site would partially screen the units at year fifteen. However, the trees themselves would also screen the currently open views to the sea and create a much more enclosed setting to the Church and this area of the park.

Development at Gregness would be highly visible on the coastline especially from the north and on approach to the Harbour from the sea. The EIAR notes the strong coastal character of this area of coastline, albeit influenced by Altens Industrial Estate, with medium/high sensitivity to the proposed development.

Proposed development at Doonies would result in large scale industrial buildings on the west side of Coast Road and mainly against a backdrop of industrial buildings. The impact would be significant within the immediate locality, with receptors being mainly walkers and cyclists on the coast and road users.

From existing housing areas at Burnbanks Village and Cove there would be no visibility of the proposals, whilst Torry and Balnagask would be impacted with flats on Balnagask Circle at 60m from St Fittick's/Zone A. From Tullos Hill the EIAR notes that impacts would be indirect and substantially screened by topography and other development.

In terms of building massing, elevational design, detailed siting and materials, these matters are covered by conditions and would be considered at the stage of MSC applications. At that stage Police Scotland would also be consulted and the proposals considered in terms of guidance on planning out crime. This together with conditions requiring details of external lighting would cover the requirements of NPF4 Policy 23 on Health and Safety and Policy 14 on women's safety.

Landscape

D5 – Landscape Design – requires design to be informed by a framework strategy.

The ETZ Masterplan sets out the broad parameters of the landscape strategy whilst highlighting that each site or plot would be subject to a landscape plan at detailed MSC stage. The proposals indicate the broad principles for landscaping, which also complement biodiversity enhancement measures. Landscape planting and maintenance plans are required by conditions.

Low and Zero Carbon Emissions and Water Efficiency

LDP Policy R6 – Low and Zero Carbon Buildings and Water Efficiency requires that all new buildings provide a proportion of the carbon emissions reductions required by Buildings Standards via low and zero carbon generating technology. Water efficiency measures are also required. Further details on this policy are provided in the Aberdeen Planning Guidance: Resources for New Developments. These matters are the subject of recommended conditions whereby details would be submitted via MSC.

Heat Network

LDP Policy R8 – Heat Networks requires that major developments connect to existing networks or provide an independent network within the site, or to prove that these are not financially viable, whilst providing a network of routes within the site for a future heat network. Developments with large demand or excess heat will be encouraged to develop networks, designed to enable connections and provide routes within developments for the future and to safeguard strategic routes. The submissions detail review work that is ongoing in relation to industrial uses within the site potentially connecting to the existing heat network within Torry and potentially to waste heat capture at the WWTW. This will depend on the nature of end users and will be the subject of conditions.

Digital Infrastructure

Policy C11 – Digital Infrastructure in the LDP requires that all new commercial development is expected to have access to high speed communications. Conditions are recommended which require confirmation of this.

Climate Change, Nature Crisis and Mitigation

In considering all development proposals, significant weight will be given to the global climate and nature crises in accordance with Policy 1 in NPF4.

Climate change and nature crisis mitigation run through consideration of the subject matters above.

Matters Raised in Representations

Many of the material planning considerations raised through third party representations have been addressed in the above evaluation and commentary. Specific points can be responded to as follows:

- Appropriateness of sites and alternatives;

The proposed development sites have been allocated for the proposed uses in the ALDP, it is not therefore necessary to consider alternatives as the principle has been established through the ALDP preparation and adoption process.

- Lack of meaningful participation and consultation with local people;

The current planning application and agreed ETZ Masterplan have been subject to extensive consultation with local communities, as required by legislation.

- Insufficient information to properly assess the application – development details and community benefits;

Sufficient information has been provided through the current PPP application to adequately assess the proposals. Further information and details will be provided and considered at the MSC application stage.

- Aberdeen City Council is involved with the development and not an appropriate body to decide application;

It is recognised that Aberdeen City Council is landowner, however this is not unusual and the planning process operates entirely independently of land ownership considerations.

- Preferable to use existing brownfield land rather than greenfield.

The proposed development sites have been allocated for the proposed uses in the ALDP, it is not therefore necessary to consider alternatives as the principle has been established through the ALDP preparation and adoption process.

RECOMMENDATION

Approve conditionally, subject to referral to the Scottish Ministers for confirmation of whether they wish to call-in the application due to the objection by SEPA.

Reason for Recommendation:

The application is for planning permission in principle (PPP) for renewable energy related uses on land allocated in the adopted Aberdeen Local Development Plan 2023 (ALDP) under Policy B5: Energy Transition Zones (St Fittick's/Zone A, southern half of Gregness/Zone B and Doonies/Zone C) and Policy B4: Aberdeen Harbours (northern half of Gregness). Policy B5 supports renewable energy related uses and Policy B4 considers harbour related uses on their merits. LDP Opportunity Sites 'OP56: St Fittick's', OP61: Doonies and OP62: Bay of Nigg also cover the entire site between them, supporting renewable related uses; OP56 requires a functional association with the Harbour, while OP61 supports such uses that are associated with the Harbour and OP62 requires a joint masterplan with the former two.

St Fittick's is covered by OP56 and Policy B5 which together support renewable energy related uses that have a functional association with the Harbour; Gregness is covered by OP62, Policy B5 and B4, it therefore supports renewable energy related use and activities related to the Harbour; Doonies is covered by Policy B5 and OP62, with the exception of the road links into Peterseat which are Policy NE1: Greenbelt and B1: Business and Industry. Policy NE1 allows for infrastructure which has a locational justification and Policy B1 supports the uses proposed.

The approved ETZ Masterplan promotes the application site for renewable energy related uses with the relationships to the Harbour as prescribed by the LDP and these two factors would be controlled and ensured by the attached conditions, with details of uses to be provided in detail via Matters Specified in Conditions applications. The proposal for renewable energy related uses furthers the aims of Policy 11: Energy in National Planning Framework 4 (NPF4) which seeks the expansion of renewable energy generation, distribution and storage.

The proposal is therefore considered acceptable in principle, in line with the aforementioned adopted development plan policies and the approved ETZ Masterplan, subject to detailed consideration of the boundaries of the development areas and the proposed mitigation, compensation and enhancement that is considered to outweigh the impacts including the impacts on nearby residents, recreational users and the natural and historic environment. Renewable energy transition is a key issue in combatting climate change, with measures to ensure that biodiversity is enhanced within the wider area, the proposal is considered acceptable in relation to policies 1 and 2 of NPF4 on Tackling the climate and nature crises and Climate mitigation and adaptation.

Part of the northern area of the St Fittick's Zone A site is a floodplain related to East Tullos Burn and the proposal therefore does not comply with Policy 22 in NPF4 as it is not essential infrastructure. In considering Policy 22, factors taken into account were: the key location of this site area in terms of proximity to the Harbour with the site having been allocated for its specific location for energy transition supply chain companies with a functional relationship with Aberdeen South Harbour requiring direct access to the quayside for the movement of large and/or heavy components and that preclude it being located elsewhere. NPF4 also recognises that the South Harbour can act as a cluster of port accessible offshore renewable energy research, manufacturing and support services. Whilst not essential infrastructure, the application proposal at St Fittick's is intrinsically linked to the presence of the Harbour. Conditions require there to be operational reasons for any development to be located on the application site, and the proposed development will not result in flood risk, therefore the proposal complies with LDP Policy NE4: Our Water Environment.

Conditions require development on each site (or sub-site) to come forward via MSC applications that include on and off-site mitigations proportionate to that site and to be detailed following community consultation. Dependent on the impact of the particular site, these would include replacement multi use sports pitch, greenspace creation and enhancement within residential areas ('parklets'), additional and replacement play equipment within St Fittick's Park, skate park extension and pump track, repairs and interpretation boards at St Fittick's Church, biodiversity enhancements including tree planting and landscape planting, water quality and wetland enhancement off site to the East Tullos Burn, as well as improvements to core path and footpath links, including the coastal path. The HIA identifies qualitative improvements that would be implemented to improve the quality, wildlife habitat, recreational facilities and accessibility of remaining green space within the surrounding area to be key to ensuring a positive outcome in respect of health and wellbeing of the local community and other users of the area. Taking into account the mitigation and enhancement measures the proposals are considered to comply with development plan policies including: LDP policies NE5: Trees and Woodland, WB1: Healthy Developments, NE2: Green and Blue Infrastructure, NPF4 policies 23: Health and Safety. The outcome of an Integrated Impact Assessment has been taken into account, considering the potential impacts of the development on protected characteristics, including those with socio-economic inequalities. The strategic decision

to allocate the site for development was taken at the LDP preparation stage and the approved ETZ Masterplan set the broad development areas. The mitigation and enhancement measures proposed will be subject to further community consultation at detailed/MSA application stage.

On the basis of the Biodiversity Protection and Enhancement Plan (BPEP), further detailed biodiversity plans would be required by MSA for each development site and delivery controlled by conditions. However, in principle, it is considered that biodiversity enhancement is achievable and capable of delivery based on the variety and quantity of biodiversity enhancements proposed in the submitted BPEP. Buffer strips to either side of the realigned Burn would be required by condition in accordance with the Aberdeen Planning Guidance: Natural Heritage. The proposal therefore accords with Policy 3: Biodiversity in NPF4 and LDP Policy NE3 – Our Natural Heritage.

Conditions are attached relating to further detailed air quality assessment, noise assessment and a Construction Environmental Management Plan, including for dust management. However, on the basis of the assessments it is considered that there is unlikely to be an adverse impact and that the proposal is capable of complying in this respect with Policies WB2: Air Quality and WB3: Noise in the LDP and Policy 23: Health and Safety.

Although subject to MSA applications relating to massing, siting and design of built fabric and associated yard and boundary infrastructure, the size of buildings likely to be required by the uses envisaged would have a significant adverse impact on the landscape character within the surrounding area. Whilst the foregoing factors result in tensions with LDP Policy D4 on Landscape, tree and landscape planting would, in time, act to soften and partially screen the buildings, and the character of the existing area is already impacted by the Harbour and nearby industrial areas. Furthermore, the impact is localised and the land is allocated for the uses proposed and is in a key location adjacent to the South Harbour. These material considerations weigh in favour of the proposed development.

It is concluded that the proposals would have an impact on the setting of St Fittick's Church, which is a Scheduled Monument, however, the impact would be mitigated to some extent by tree planting in the adjacent area and repairs. Conditions require a programme of archaeological work, recording and protecting. The proposal is therefore considered acceptable and compliant with LDP Policy D6: Historic Environment, Policy D7: Our Granite Heritage and NPF4 Policy 7. Historic assets and places.

On the basis of the traffic modelling, it is considered that there would not be a significant impact on the transport network, however, MSA applications would require transport assessment, parking, access from Coast Road and active travel are subject to conditions that would ensure there is no adverse impact due to traffic, on residential areas and the site is accessible by all modes of transport. The proposal would accord in principle with LDP policies T1: Land for Transport, T2: Sustainable Transport and T3: Parking.

An Integrated Impact Assessment has confirmed that the development will have low negative impact or no direct impact on groups with protected characteristics and that the mitigation measures identified would result in a neutral or positive impact.

Having regard to the foregoing, the application is recommended for conditional approval.

Conditions:

1. LENGTH OF PERMISSION

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

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

In relation to any matter under part (b) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle. The development of a subsequent phase hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

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

ST FITTICK'S / Zone A (as defined on Illustrative Masterplan Visualisation 2366907 ^[OBJ])

2. USE AND FUNCTIONAL ASSOCIATION WITH HARBOUR

That the development sites and buildings in St Fittick's/Zone A shall not be used other than for uses that support renewable energy transition related industries in association with Aberdeen South Harbour and that have a functional association with the Aberdeen South Harbour, which precludes them from being located elsewhere such as the size of the infrastructure preventing transport from other locations or requiring 'roll on / roll off' level access to the South Harbour. Details of such a functional association and preclusion shall be set out in a statement as part of any application for Matters Specified in Conditions (MSC) for approval by the planning authority. -

Reason: in accordance with the Opportunity Site description for OP56 and Policy B5 in the Aberdeen Local Development Plan 2023 (or subsequent plan) as land adjacent to the Aberdeen South Harbour is a finite resource justifying restricting its uses with the functional locational requirement. The quayside location for such development is the justification for development within the floodplain.

3. PROVISION OF COAST ROAD UPGRADE

That no development within St Fittick's/Zone A shall be occupied unless the Coast Road upgrade works (known as Aberdeen South Harbour Link Road: [External Links to Aberdeen South Harbour | Aberdeen City Council](#)) (as per application 240620/DPP or a subsequently approved related planning permission) are substantially complete and the road open to vehicular, foot and wheeled traffic, unless otherwise agreed in writing with the planning authority following submission of an access strategy and the implementation of:

- a) works to complete any missing links in safe walking and cycling routes.

In either case there shall be implemented :

- b) measures to prevent vehicular traffic associated with the construction and operation of the site from using routes through nearby residential areas

Both a) and b) above shall be in accordance with details submitted to, and approved in writing by, the planning authority by way of an application for matters specified in condition.

Reason: In the interests of residential amenity, public health and safety.

4. PHASING

That no development shall take place within the St Fittick's/ Zone A, unless a phasing plan has been submitted to and approved in writing by the planning authority, by way of a formal matters specified in condition application. Development shall not take place other than in accordance with any such approved plan, or other as is subsequently approved through this condition. The phasing plan shall include the relative timings of:

- a) The erection of buildings on each individual plot including SUDS, car parking and other associated infrastructure and landscape planting;
 - b) The new/replacement section of St Fittick's Road / Coast Road through St Fittick's/Zone A ;
 - c) The realignment of the East Tullos Burn, off site/on-site water quality enhancement and landscaping;
 - d) On-plot landscaping;
 - e) On-site (boundary of PPP application) tree and landscape planting;
 - f) Off-site compensatory and mitigatory tree and landscape planting;
 - g) Provision of off site/on-site play equipment, including skate park, pump park and upgrade of existing play equipment;
 - h) Provision of replacement for existing MUGA equipment (west of Waste Water Treatment Works);
 - i) Parklets within residential areas (off-site mitigation);
 - j) Provision of replacement green space and/or qualitative improvements to brown or green space (off-site mitigation);
 - k) Provision of footpaths (on and off-site) including Tullos Gatteway;
 - l) Provision of measures from detailed Biodiversity Protection and Enhancement Plan to be agreed through condition 9;
 - m) Measures identified within the Public Transport Access Strategy.
- All in accordance with details indicated in the approved plans listed below and approved as part of this application

Reason: In order to control and co-ordinate delivery of essential mitigations for the development

5. DESIGN, LAYOUT, SITING, MASSING

That no development of any individual plots / units shall take place unless a matters specified in conditions application has been submitted to the planning authority for the details listed below.

- a) A description of the proposed use(s), including in relation to the Use Classes Order;
- b) Elevational design and layout of all built structures, including external materials, boundary enclosures and external lighting, with details of measures to avoid light spill into adjoining areas to protect wildlife;
- c) Cross sections through the site as necessary showing the proposed height of buildings, and site levels as proposed with an indication of the levels as existing, including a cross section through St Fittick's Church and the realigned St Fittick's Road and northern site area if within the St Fittick's/Zone A;
- d) Existing and proposed topographical survey plans;
- e) Details of cut and fill operations;

- f) Details of external finishing materials, including any green walls and samples where requested by the planning authority.
- g) Site plan and details of vehicle, motorcycle and short and long term cycle parking, yards, electric vehicle charging points, pedestrian routes and other hardstanding external storage and surface water drainage features, identifying the use of all external spaces.
- h) Details of refuse storage areas and swept path analysis showing access for refuse collection vehicles
- i) Layout and finish of roads and access junctions onto the adopted road network, including details of any direct access and integration between any individual plot and Aberdeen South harbour via a managed crossing of the Coast Road;
- j) Enabling works and infrastructure.

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

6. CYCLE PARKING AND OTHER PRE-OCCUPATION REQUIREMENTS

That the use of any individual unit shall not take place unless the matters listed below have been provided in accordance with plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application:

- a) Cycle parking on site (long stay and covered);
- b) Core paths, and informal footpaths on and off-site, including an active travel link between Core Path 108 and Core Path 103, to ensure that a direct link is provided to Wellington Road;
- c) Vehicle parking in accordance with a parking strategy;
- d) Electric Vehicle charging;
- e) Surface water drainage systems (SuDS);
- f) High-speed communications infrastructure;
- g) Refuse storage facilities.

Unless otherwise agreed in writing with the planning authority.

Reason: In the interests of encouraging sustainable and active travel and to avoid surface water flooding.

7. REALIGNMENT OF ST FITTICK'S/ COAST ROAD

The northern development site in St Fittick's/Zone A (area to north of East Tullos Burn) shall not be occupied unless the realigned St Fittick's/Coast Road within Zone A is substantially complete and is open to foot, wheeled and vehicular traffic (or other such road arrangement to the satisfaction of the planning authority), in accordance with detailed plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in condition application.

Reason: In the interests of road safety and to ensure that development related traffic is routed via the Coast Road

8. DETAILS OF EAST TULLOS BURN WORKS

That no development shall take place within St Fittick's Zone A unless the details listed below have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application (the implementation of these works shall be controlled by condition 4 on phasing):

- a) Restoration design for the Burn to include a natural meandering course;

- b) Details of dimensions of the burn channel and buffer zones throughout length of Burn within the PPP application site;
 - c) Details of how park users would access the burn for recreational purposes;
 - d) Detailed plans and technical information showing the de-silting pond or other measures to improve water quality;
 - e) Buffers to be a minimum of 6m wide to each side of Burn.
- all in accordance with the Natural Heritage APG

Reason: In the interests of the water environment and biodiversity mitigation and enhancement.

9. BIODIVERSITY PLAN

That no development shall take place of any individual plot / unit unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed Biodiversity Protection and Enhancement Plan related to that plot/unit based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

Reason: To ensure biodiversity mitigation and enhancement in accordance with Policy NE3 and the ETZ Masterplan.

10. LANDSCAPING SCHEME

That no development to any individual plot / unit pursuant to the planning permission hereby approved shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site and off site areas to be included as mitigation and compensation Such as scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details (numbers and area of woodland) of those to be removed and any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting on-site and off-site including details of numbers, densities, locations, species, sizes and stage of maturity at planting

Reason: In order to ensure adequate protection for the trees on site during the construction of the development and mitigate, compensation and enhance the tree coverage in the area.

11. LANDSCAPE PLANTING AND MAINTENANCE

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme agreed through Condition 10 and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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.

12. FLOOD RISK ASSESSMENT

That no development shall take place unless there has been submitted to and agreed in writing by the planning authority by way of a matters specified in conditions application, a detailed Flood Risk Assessment (FRA) based on the Kaya FRA V3 March 2024 and the development shall not be operational unless the recommendations have been implemented in full and are fully operational on site.

Reason: In order to avoid flood risk and pollution of the water environment in accordance with Policy NE4 of the LDP 2023.

13. PUBLIC TRANSPORT ACCESS STRATEGY

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a Public Transport Access Strategy and Travel Plan with the aim of increasing access to public transport options.

Reason: To increase access to public transport

14. TRANSPORT ASSESSMENT

That no development shall take place to any individual plot unless there has been submitted to and agreed in writing with the planning authority by way of a matters specified in conditions application a Transportation Assessment of the impact on the local network and junctions on the A956 Wellington Road and in Torry and and access strategy including a strategy for abnormal loads, in accordance with an agreed scope. Thereafter development shall not be brought into use unless any recommendations of transport assessment and access strategy have implemented to in accordance with a timetable submitted to and approved through a MSC application.

Reason: In the interests of road safety.

15. HEIGHT OF BUILDINGS

That no buildings on the site shall exceed the heights indicated on the Land Use and Development Capacity Plan (16 July 2024) above existing ground level (AOD) unless otherwise agreed in writing with the planning authority following submission of a justification including photomontage viewpoints via a Matters Specified in Conditions application. Existing ground levels on a sloping site shall be taken to be the lowest level of ground within the building footprint.

Reason: In the interests of visual amenity and to minimise the impact of the development on landscape character.

16. CEMP

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a MSC application a detailed Construction Environmental Management Plan, including but not limited to, dust management, surface water management, ecological clerk of works and other measures noted within detailed Biodiversity

Protection and Enhancement Plan. Construction shall not take place other than in full accordance with the CEMP as so agreed unless otherwise agreed in writing by the planning authority.

Reason: To prevent pollution and damage to environment and wildlife.

17. SURFACE AND FOUL DRAINAGE

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

a) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.

b) A scheme for the connection of buildings to the public waste water system has been submitted to any approved in writing by the Planning Authority.

c) Details showing how drainage infrastructure will cross/crosses underneath the railway line.

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

SUDS measures for sites adjoining the Tullos Burn corridor shall be located adjacent to the burn unless otherwise agreed in writing with the planning authority.

Reason: in order to ensure adequate protection of the water environment from surface water run-off and maximise the visual, landscape and biodiversity benefits of SUDS measures. In the interests of rail safety.

18. NOISE

That no development shall take place to any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application an appropriate noise assessment by a suitably qualified consultant to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note. (The methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.)

The use shall not take place unless the recommendations of the noise assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the amenity of nearby residents and occupiers

19. AIR QUALITY

Development shall not take place to any individual plot unless there has been submitted to and approved in writing by the planning authority an appropriate air quality assessment by a suitably qualified consultant to predict any impact on sensitive receptors and specify control measures, unless otherwise agreed with the planning authority based on the proposed use. (The methodology should be submitted and agreed in writing with the planning authority in advance.)

The use shall not take place unless the recommendations of the air quality impact assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health

20.MITIGATIONS

That no development shall take place to any individual plot within St Fittick's / Zone A unless there has been submitted to, and approved in writing by, the planning authority by way of a matters specified in conditions application, details of the proposed mitigations for that development plot. (It is expected that all the listed mitigations, or similar as agreed based on the approved drawings, would be implemented for development of Zone A and they are split proportionately between the plots within the zone.). Mitigation works shall be carried out in accordance with the timing agreed in condition 4 (Phasing) above.

Details shall include a description of community consultation that has taken place on the proposed mitigations, and location, layout and elevational plans as required, details of materials, planting, seed mixes and maintenance of landscaped spaces.

- a) Improvements to existing green and brownfield open spaces within Torry / Balnagask; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- b) St Fittick's Church interpretation and repair works- details to include Conservation Management Plan and plans of interpretation board(s); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- c) Path network enhancements and wayfinding features in St Fittick's Park inside and outside the site – details to include schedule of works to the paths as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- d) Improving water quality in East Tullos Burn – details to be agreed through condition 8 as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- e) Tullos Wood – access and pathway improvements, including more direct and legible entrance(s) and landscaping; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- f) Enhancing play and recreational equipment and areas, based on the list of off-site mitigation and compensation on the 'Illustrative Play and Recreation Masterplan Visualisation – Zone A Oct 2024 2391330' which includes enhancement / extension to the existing skate park and provision of 'pump' track – details to include specifications and layout plans.
- g) Enhancing habitats with pollinator planting and management for biodiversity; as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329
- h) Replacement sports pitch at Tullos Primary School playing fields and enhancing recreational and leisure provision to complement existing Multi Use Games Areas (MUGA); as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

- i) Enhancement to coastal path connections leading northwards to Torry Battery and south via Gregness. as indicatively shown on Illustrative Masterplan Visualisation Oct 2024-2391329

Reason: To provide mitigation for loss of greenspace, recreational facilities, paths and path space; in accordance with Policies NE2 and NE3 in the LDP 2023 and the ETZ Masterplan.

21.PROGRAMME OF ARCHAEOLOGICAL WORKS

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

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

22.PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. by way of a matters specified in conditions application. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

23.LOW AND ZERO CARBON TECHNOLOGY, WATER EFFICIENCY AND HEAT NETWORKS

That no buildings shall not be occupied unless a scheme detailing:

- a) compliance with the Aberdeen Planning Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full
- b) an Energy Statement in compliance with Policy R8: Heat Networks has been submitted to, and approved in writing by the planning authority and any measures as so agreed have been implemented in full

Reason: to ensure that this development complies with requirements for reductions in carbon emissions

GREGNESS / ZONE B (as defined on 'Illustrative Masterplan Visualisation' received 16 July 2024)

24.PROVISION OF COAST ROAD UPGRADE

That no development within Gregness / Zone B shall be occupied unless the Coast Road upgrade works (known as Aberdeen South Harbour Link Road: [External Links to Aberdeen South Harbour | Aberdeen City Council](#) and as per application 240620/DPP or a subsequently approved related planning permission) are substantially complete and the road open to vehicular, foot and wheeled traffic, unless otherwise agreed in writing with the planning authority following submission of an access strategy and the implementation of:

a) works to complete any missing links in safe walking and cycling routes.

In either case there shall be implemented:

b) measures to prevent vehicular traffic associated with the construction and operation of the site from using routes through nearby residential areas

Both a) and b) above shall be in accordance with details submitted to, and approved in writing by the planning authority by way of an application for Matters Specified in Conditions.

Reason: In the interests of residential amenity, public health and safety.

25.DETAILS OF BUILDING, SITE LAYOUT AND DESIGN, INC COAST ROAD

That no development shall take place unless there have been submitted to and approved in writing by the planning authority matters specified in conditions application the details listed below. Thereafter the development shall take place in accordance with the details as so agreed, or other as is subsequently approved through this condition.

a) A description of the proposed use (s) of the unit(s), including in relation to the Use Classes Order and justification in terms of relationship to renewable energy and need for a location which is close to the harbour;

b) Elevational design and layout of all built structures, including boundary enclosures and external lighting;

c) Cross sections through the site as necessary showing the proposed height of buildings, and site levels as proposed with an indication of the levels as existing, including cross sections through the site showing the relationship with the coastal edge and the Coast Road (including the upgrade project);

d) Existing and proposed topographical survey plans;

e) Details of any cut and fill operations;

f) Details of external finishing materials, including any green walls and samples where requested by the planning authority.

g) Site plan and details of siting of buildings, vehicle, motorcycle and short and long term cycle parking car parking areas, yards, electric vehicle charging points, pedestrian routes and other hardstanding and external storage and surface water drainage features, identifying the use of all external spaces and including the layout of the ASHLR/Coast Road upgrade project.

h) Details of refuse storage areas;

- i) Layout and finish of roads and access junctions onto the adopted road network, including the ASHLR (upgrade of Coast Road) where appropriate;
- j) Enabling works and infrastructure;
- k) Marine Noise modelling, or a statement justifying why this is not required.

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).

26.CYCLE PARKING AND OTHER PRE-OCCUPATION REQUIREMENTS

That the occupation of the development shall not take place unless there has been provided and implemented the matters listed below in accordance with plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application:

- a) Cycle parking on site (long stay and covered);
- b) Coastal path upgrades, including linkages to paths off site, improvements to the Coastal Path south as far as the settlement of Cove Bay and details of arrangement for crossing the access to the South Breakwater;
- c) Vehicle parking in accordance with a parking strategy;
- d) Electric Vehicle Charging;
- e) Surface water drainage systems (SuDS);
- f) High-speed communications infrastructure.

Reason: In the interests of encouraging sustainable and active travel and to avoid surface water flooding.

26.HEIGHT OF BUILDINGS

That no buildings on the site shall extend more than the heights indicated on the Land Use and Development Capacity Plan (16 July 2024) above existing ground level (AOD) unless otherwise agreed in writing with the planning authority following submission of a justification including photomontage viewpoints via a MSC application. Existing ground level on a sloping site shall be taken to be the lowest level of ground within the building footprint.

Reason: In the interests of visual amenity and to minimise the impact of the development on landscape character.

27.BIODIVERSITY PLAN

That no development shall take place unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed biodiversity Protection and Enhancement Plan based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

Reason: To ensure biodiversity mitigation and enhancement.

28.LANDSCAPING

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning

authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting

Reason: in the interests of the amenity of the area.

29.LANDSCAPE PLANTING AND MAINTENANCE

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

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.

30.PUBLIC TRANSPORT ACCESS STRATEGY

That no unit of the development shall be occupied unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a Public Transport Access Strategy and Travel Plan with the aim of increasing access to public transport options

Reason: To increase access to public transport.

31.TRANSPORT ASSESSMENT

That no development shall take place unless there has been submitted to and agreed in writing with the planning authority by way of a matters specified in conditions application a Transportation Assessment of the impact on the local network and junctions on the A956 Wellington Road and in Torry and access strategy including for abnormal loads, in accordance with an agreed scope. Thereafter development shall not be brought into use unless any recommendations have been carried out or are implemented to the satisfaction of the planning authority in accordance with a timetable for implementation submitted to and approved through a MSC application.

Reason: In the interests of road safety.

32.CEMP

That no development shall take place unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions application a detailed Construction Environmental Management Plan, including but not limited to, dust management, surface water management and other measures noted within detailed Biodiversity Protection and

Enhancement Plan. Construction shall not take place other than in full accordance with the CEMP as so agreed unless otherwise agreed in writing by the planning authority.

Reason: To prevent pollution and damage to environment and wildlife.

33.SURFACE AND FOUL DRAINAGE

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

- a) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- b) Details of measures to ensure that surface water would be discharged away from the Nigg Bay SSSI,
- c) A scheme for the connection of buildings to the public waste water system has been submitted to any approved in writing by the Planning Authority.

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

Reason: in order to ensure adequate protection of the water environment from surface water run-off and protecting the Nigg Bay SSSI.

34.NOISE

Development shall not take place unless there has been submitted to and approved in writing by the planning authority an appropriate noise assessment by a suitably qualified consultant to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note. (The methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.)

The use shall not take place unless the recommendations of the noise assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the amenity of the occupiers of nearby buildings.

35.AIR QUALITY

Development shall not take place unless there has been submitted to and approved in writing by the planning authority an appropriate air quality assessment by a suitably qualified consultant to predict any impact on sensitive receptors and specify control measures, unless otherwise agreed with the planning authority based on the proposed use. (The methodology should be submitted and agreed in writing with the planning authority in advance.)

The use shall not take place unless the recommendations of the air quality impact assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health

36.PROGRAMME OF ARCHAEOLOGICAL WORKS

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

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

37.PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment."

38.LOW AND ZERO CARBON TECHNOLOGY, WATER EFFICIENCY AND HEAT NETWORKS

That no buildings shall not be occupied unless a scheme detailing:

- a) compliance with the Aberdeen Planning Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full
- b) an Energy Statement in compliance with Policy R8: Heat Networks has been submitted to, and approved in writing by the planning authority and any measures as so agreed have been implemented in full

Reason: to ensure that this development complies with requirements for reductions in carbon emissions

DOONIES / ZONE C (as defined on 'Illustrative Masterplan Visualisation' received 16 July 2024)

39. PROVISION OF COAST ROAD UPGRADE

That no development within Doonies/Zone C shall be occupied unless the Coast Road upgrade works (known as Aberdeen South Harbour Link Road: [External Links to Aberdeen South Harbour | Aberdeen City Council](#) (as per application 240620/DPP or a subsequently approved related planning permission) are substantially complete and the road open to vehicular, foot and wheeled traffic, unless otherwise agreed in writing with the planning authority following submission of an access strategy and the implementation of:

a) works to complete any missing links in safe walking and cycling routes.

In either case there shall be implemented:

b) measures to prevent vehicular traffic associated with the construction and operation of the site from using routes through nearby residential areas

Both a) and b) above shall be in accordance with details submitted to, and approved in writing by, the planning authority by way of an application for matters specified in condition.

Reason: In the interests of residential amenity, public health and safety.

40. PHASING

That no development shall take place on any individual site within Doonies/ Zone C, unless there has been submitted to, and proved in writing by the planning authority via a MSC, a phasing plan. Development shall take place in accordance with such a plan, or other as is subsequently approved through this condition. The phasing plan shall include the relative timing of:

- a) The buildings on the individual development sites including SUDS, car parking and other associated infrastructure and landscape planting;
- b) The new road between Peterseat Drive and Coast Road;
- c) On-site strategic tree, shrub and plant planting;
- d) Any off-site compensatory and mitigatory tree planting (if required);
- e) Provision of footpaths on and off-site including improvement of the recreational path from the site onto Tullos Hill;
- f) Provision of measures from Biodiversity plan.

Reason: In the interests of avoiding pollution, flooding, access and biodiversity and to ensure that tree planting take place timeously.

41. DETAILS OF BUILDING, SITE LAYOUT AND DESIGN, INC COAST ROAD

That no development shall take place of any individual plot until there have been submitted to and approved in writing by the planning authority by way of a matters specified in condition application the details listed below. The development shall be implemented fully in accordance with the details as so agreed.

- a) A description of the proposed use of the unit, including in relation to the Use Classes Order and the relationship of the use to the renewable energy industry and association with the South Harbour;
- b) A statement of justification in terms of Policy 9 in NPF4 for the demolition of Doonies Farmhouse and granite steadings and suitability for conversion to the proposed use, or reuse of those buildings;

- c) Elevational design and layout of all built structures, including boundary enclosures and external lighting;
- d) Cross sections through the site showing the height of buildings and ground levels;
- e) Existing and proposed topographical survey plans;
- f) Details of cut and fill operations;
- g) Details of external finishing materials including green walls and roofs where appropriate, including samples as requested.
- h) Details of the reuse of granite from Doonies Farmhouse and steading, where these are to be demolished as part of the development.
- i) Site plan showing siting of buildings, vehicle parking areas, yards, electric vehicle charging points, pedestrian routes, other hardstanding and external storage and surface water drainage arrangements and with the use of all external spaces identified;
- j) Layout and finish of roads and access junctions onto the adopted road network, and including the links to Peterseat Drive;
- k) Locations, siting and design of refuse storage areas and swept path analysis showing access for refuse collection vehicles;

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).

42.CYCLE PARKING AND OTHER PRE-OCCUPATION REQUIREMENTS

That the occupation of individual units shall not take place unless there has been provided the matters listed below in accordance with plans that have been submitted to and approved in writing by the planning authority by way of a matters specified in condition application:

- a) Cycle parking on site (long stay and covered);
- b) Core paths, and informal footpaths on and off-site, including footpath link to the path to Tullos Hill;
- c) Vehicle parking strategy;
- d) Electric vehicle charging;
- e) SUDS;
- f) Refuse storage facilities;
- g) High-speed communications infrastructure.

Reason: To help facilitate active travel choices to and from the site and prevent pollution.

43.HEIGHT OF BUILDINGS

That no buildings on the site shall exceed more than 12m above existing ground level (AOD) unless otherwise agreed in writing with the planning authority following submission of a justification including photomontage viewpoints via a matters specified in condition application. Existing ground level on a sloping site shall be taken to be the lowest level of ground within the building footprint.

Reason: In the interests of visual amenity and to minimise the impact of the development on landscape character.

44.BIODIVERSITY PLAN

That no development of any individual plot shall take place unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in conditions

application a detailed biodiversity Protection and Enhancement Plan related to that plot based on the principles and measures described in the BPEP Version 5, June 2024 and the ETZ Masterplan and including the requirements of Policy NE3: Natural Heritage in the adopted Aberdeen Local Development Plan 2023, or such other as is subsequently adopted.

The measures identified in the BPEP shall be implemented fully in accordance with the phasing plan agreed under condition 4.

Reason: To ensure biodiversity mitigation and enhancement.

45.LANDSCAPING SCHEME

That no development pursuant to the planning permission hereby approved shall be carried out on any individual plot unless there has been submitted to and approved in writing for the purpose by the planning authority by way of a matters specified in condition application a further detailed scheme of landscaping for the on site and off site areas to be included as mitigation and compensation, which scheme shall include indications of all existing trees, hedges and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting

The existing hedges along the northern site boundary, along the base of Tullos Hill (shown as G22 in the Tree Survey report by Struan Dalgleish Arboriculture, June 2023) shall remain unless otherwise agreed in writing by the planning authority.

Reason: in the interests of the amenity of the area.

46.LANDSCAPE PLANTING AND MAINTENANCE

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

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 by way of a matters specified in condition application. 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.

47.CEMP

That no development on any individual plot at Doonies/Zone C shall take place unless there has been submitted to and approved in writing by the planning authority as part of an matters specified b in condition application, a Construction Environmental Management Plan, including but not limited to, dust management and surface water management. The measures shall be implemented in full and thereafter remain in place and fully operational throughout the construction period.

Reason: In the interests of avoiding pollution.

48.SURFACE AND FOUL DRAINAGE

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

- a) A detailed drainage plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the development, including how surface water run off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures.
- b) Details of all drainage infrastructure to be utilised that passes under the railway
- c) A scheme for the connection of buildings to the public waste water system has been submitted to any approved in writing by the Planning Authority.

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

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

49.NOISE

Development shall not take place on any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application an appropriate noise assessment by a suitably qualified consultant to predict the impact on sensitive receptors and specify control measures. The assessment should be undertaken in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note. (The methodology should be submitted and agreed in writing with the Environmental Protection Team in advance.)

The use shall not take place unless the recommendations of the noise assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the amenity of the occupiers of nearby buildings.

50.AIR QUALITY

Development shall not take place on any individual plot unless there has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application an appropriate air quality assessment by a suitably qualified consultant to predict any impact on sensitive receptors and specify control measures, unless otherwise agreed with the planning

authority based on the proposed use. (The methodology should be submitted and agreed in writing with the planning authority in advance.)

The use shall not take place unless the recommendations of the air quality impact assessment have been implemented in full and are fully operational, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health

51.TRANSPORTASSESSMENT

That no development shall take place on any individual plot unless there has been submitted to and agreed in writing with the planning authority by way of a matters specified in conditions application a Transportation Assessment of the impact on the local network and junctions on the A956 Wellington Road and in Torry and access strategy including for abnormal loads, in accordance with an agreed scope. Thereafter, development shall not be brought into use unless any recommendations in the approved assessment have been carried out or are implemented to the satisfaction of the planning authority in accordance with a timetable submitted to and approved through a MSC application.

Reason: In the interests of road safety.

52.PUBLIC TRANSPORT ACCESS STRATEGY

That no unit of the development shall be occupied unless there has been submitted to and approved in writing by the planning authority, by way of a matters specified in condition application, a Public Transport Access Strategy and Travel Plan with the aim of increasing access to public transport options

Reason: To increase access to public transport

53.PROGRAMME OF ARCHAEOLOGICAL WORKS

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

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

54.PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority by way of

a matters specified in condition application. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment

55.STANDING BUILDINGS SURVEY (Doonies)

No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures associated with Doonies Farm on the application site has been undertaken and has been submitted to and approved in writing by the planning authority by way of a matters specified in condition application. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

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

56.LOW AND ZERO CARBON TECHNOLOGY, WATER EFFICIENCY AND HEAT NETWORKS

That no building hereby approved shall be occupied unless a scheme has been submitted by way of a matters specified in condition application detailing:

- a) compliance with the Aberdeen Planning Guidance: Resources for New Development has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full
- b) an Energy Statement in compliance with Policy R8: Heat Networks has been submitted to, and approved in writing by the planning authority and any measures as so agreed have been implemented in full

Reason: to ensure that this development complies with requirements for reductions in carbon emissions

ADVISORIES

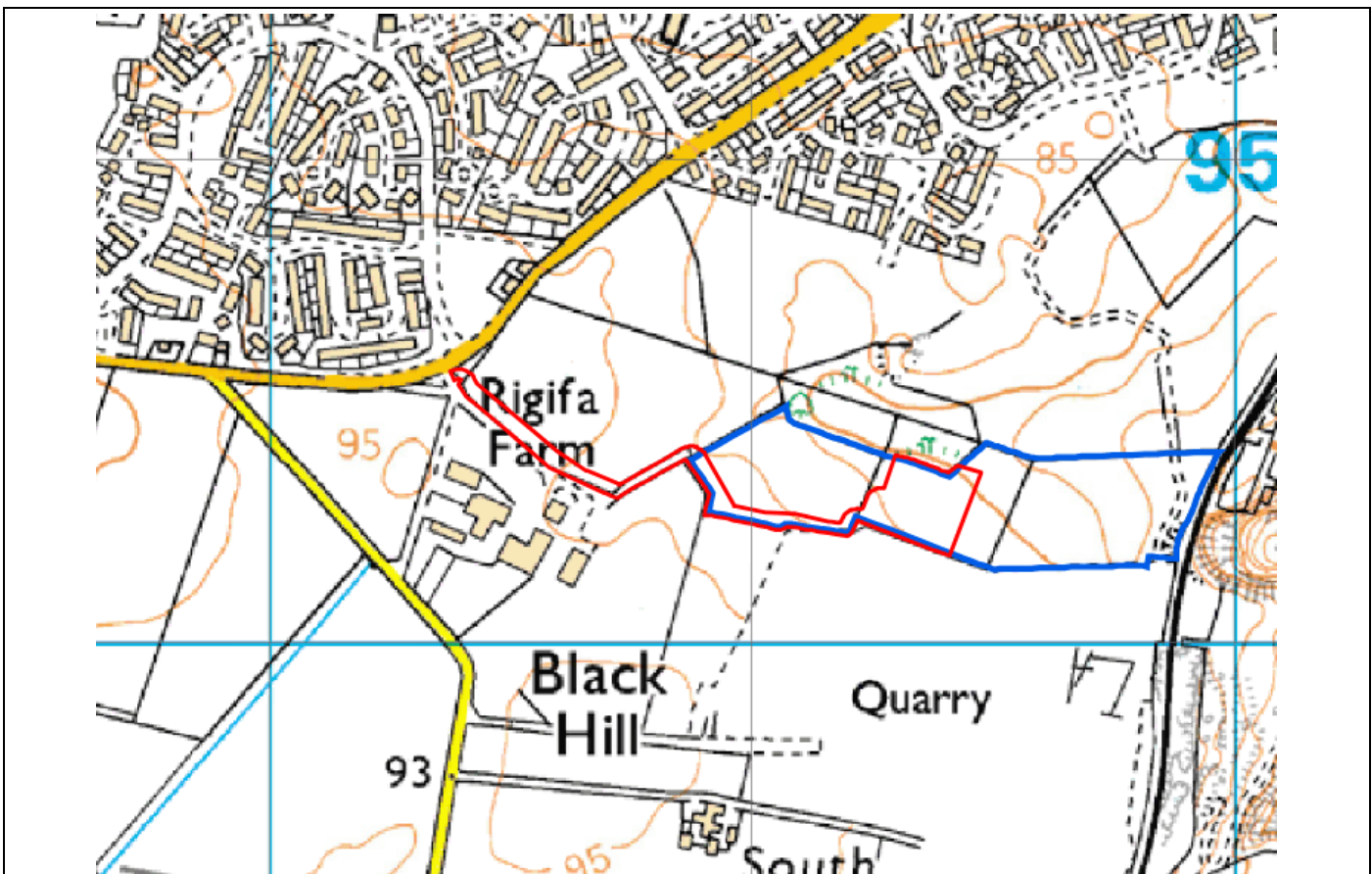
1. To protect the amenity of existing receptors, it is recommended that development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
 - Saturday 0800 hours to 1300 hours
2. For the avoidance of doubt, all conditions that require submission of further information for the approval of the planning authority shall be by way of a formal application for Matters Specified in Condition in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended)

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 7th November 2024

Site Address:	Land at Rigifa Farm, Cove Road, Aberdeen AB12 3LR
Application Description:	Erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road
Application Ref:	231336/DPP
Application Type	Detailed Planning Permission
Application Date:	25 October 2023
Applicant:	Source Galileo Limited
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove and Altens



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site relates to an area of agricultural land extending to approximately 1.58 hectares within an area designated as Green Belt. The site is located to the immediate north of the operational Blackhills Quarry and associated business uses. The site is approximately 130m south of the settlement edge of the residential area of Cove. A community woodland and reservoir is located to the north of the application site, providing a buffer between housing and commercial uses. The site slopes from west to east, where the land eventually meets the east coast railway line, which itself is located approximately 190m to the east.

Relevant Planning History

- A Proposal of Application Notice (Ref: 230397/PAN) was submitted in March 2023 for proposed battery storage units with associated infrastructure, control and switch building containers and associated works including access.
- A Screening Opinion (Ref: 221556/ESC) was issued in January 2023 in for the erection of containerised battery storage units, control building, switch room, inverter containers, lighting and associated works. This opinion advised that an Environmental Impact Assessment was not required.
- There have also been various planning applications associated with the adjacent Blackhills Quarry, with the most recent (Ref: 191056/S42) granting planning permission for the continued use of the quarry until November 2050.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks detailed planning permission of the construction of a grid scale battery energy storage system (BESS) with a capacity of up to 49.9 megawatts. The facility would consist of the siting of containers which would each house batteries together with inverters and electrical transformers, substation buildings, fencing and new planting. The development would be served by an access track from the existing junction off Cove Road that serves Blackhills Quarry and its associated business uses. The equipment would comprise:

- 28x battery energy storage containers (8.5m x 4m)
- 14x battery unit panels (1.9m x 0.8m)
- 14x power conversion system kiosk units (3m x 2.2m)
- 7 x ring main unit containers (6m x 3m)
- 1x customer compound (14m x 14m)
- 1x district network operator compound (16m x 14m)

The BESS facility would be enclosed by 3m high acoustic fencing around the northern, eastern and part of the western boundaries and 2.4m high security fencing around the southern boundary of the site. It is the applicant's intention to incorporate living walls to the fencing around and there would be six 4m high pole mounted CCTV cameras with associated infrared lighting provided within the compound. The lighting would only be activated if someone were in the compound.

A new access road would also be provided, which would connect the site to the existing access to the Leith's Quarry office building and associated facilities on Cove Road, with finalised details to be controlled via condition. This access road would be approximately 660m in length and would run along the southern boundary of the existing agricultural field to the immediate north of the Blackhills Quarry site (predominantly abutting areas of car parking and office building and associated facilities rather than the operational areas of the quarry itself). The northern boundary of the quarry site is defined by grassed bunding.

Landscaping is also proposed along the boundaries of the site and would predominantly be located around the northern, western and eastern boundaries of the site. Finalised details of the planting and species would be controlled via planning condition.

The proposed development would be used to store excess electricity from the national grid and then release this energy in periods of high demand. Therefore, the development must be connected to the grid and in this instance, it is understood that the development's grid connection would be via the existing substation at Redmoss approximately 1.7km north of the application site at the A956 roundabout. It is anticipated that the connection would be via buried cables within roadside verges, potentially along Cove Road, Old Wellington Road and Wellington Road, however this information has not been formally submitted as part of the planning application. It should be noted that if the cable were to be located underground it may be deemed permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 if installed by a statutory undertaker (such as Scottish and Southern Electricity Networks).

Amendments

The proposal has not been amended, however various documents have been submitted in support of the application since the original submission. These have included the following:

- Noise Impact Assessment – including amended boundary details to include the required acoustic fencing
- Fire Risk Management Plan
- Flood Risk Assessment
- Sequential Test Assessment and Site Selection Information
- Arboricultural Impact Assessment
- Responses to Objections
- Third Party engineer's review of quarry blast assessment and mitigation proposals and Independent Check Certificate

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=S2ZLPEBZGX100>

- Landscape and Visual Appraisal and Appendices (October 2023)
- Cultural Heritage Impact Assessment (October 2023)
- Planning, Design and Access Statement (October 2023)
- Construction Traffic Management Plan (October 2023)
- Noise Impact Assessment (December 2023)
- Ecological Assessment (October 2023)
- Sequential Test Assessment and Site Selection Assessment Addendum/ Matrix (May, July AND September 2024)

- Arboricultural Impact Assessment (May 2024)
- Drainage Impact Assessment (October 2023)
- Fire Risk Management Plan (November 2023)
- Technical Response – Quarry Objection (May and July 2024)
- Utility Data Appendix (May 2024)
- Flood Risk Assessment (May 2024)
- Third Party Memorandum and Independent Check Certificate (September 2024)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is a Major development. The proposal subsequently falls outwith the Scheme of Delegation.

Pre-Application Consultation

The applicants undertook statutory pre-application consultation, which included two public consultation events, held on 10th and 25th May 2023 and an online event on 19th May 2023. The applicants noted that approximately eight people attended the events, and provided feedback to the applicants. Various comments were received in relation to construction traffic and quarrying operations, biodiversity and habitat impacts, fire safety, noise and the benefits of the development to the local community.

The proposals were also subject to consultation with the local Cove and Altens Community Council and Ward Councillors and the above public events were advertised in locations in close proximity to the application site within Cove. The proposals were also presented to the Pre-Application Forum on 21st September 2023.

CONSULTATIONS

Health and Safety Executive (Quarries) – no response received.

Aberdeen International Airport – advise that the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. They therefore have no objection to the application. They have, however, requested the insertion of an informative in relation to the use of cranes, were planning permission to be approved.

Archaeology Service (Aberdeenshire Council) – have reviewed the submitted Cultural Heritage Impact Assessment and agree with its conclusions. Confirm that no archaeological mitigation works are required ahead of the development and have no further comments to make on the application.

ACC - Developer Obligations – advised that, given the type and scale of built floorspace proposed within the site it is not considered that infrastructure (Core Paths and Open Space) would be impacted to the extent that further mitigation is required through planning obligations.

ACC - Environmental Health – have reviewed the updated Noise Impact Assessment and consider it to be acceptable. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Structures, Flooding and Coastal Engineering – consider the Flood Risk Assessment to be acceptable and have provided comments on the submitted Drainage Impact Assessment. Their response will be discussed further in the evaluation section of this report.

ACC - Roads Development Management Team – have confirmed that they have no objection to the planning application.

Scottish Fire and Rescue Service – do not have any specific comments to make regarding the application, but have provided guidance on BESS sites from the National Fire Chiefs Council and the Fire Protection Association.

Cove and Altens Community Council – no response received.

REPRESENTATIONS

A total of 10 written representations (1 objection and 9 in support) have been received. The letter of objection was received from Leith's Scotland Ltd, being the operator of the adjacent quarry with the majority of the letters of support being from businesses in the surrounding area. The matters raised can be summarised as follows:

Support

1. Note that having flexible and responsive local storage is key to supporting an energy grid powered by renewables, noting that such facilities would be beneficial to the local business community.
2. A reliable energy storage facility can contribute to a stable energy supply, which is beneficial to the local business community.
3. Note that the grid cannot cope at certain times, and having the demand needed at peak times, such infrastructure is critical to give energy security in the future.
4. Note that the facility is sited on poorer quality land and would have little effect on agricultural production.
5. Having a BESS storage site close to the Aberdeen Energy and Innovation Park strengthens the reputation of the region as a pioneer of green energy.

Objection

6. Note Policy R1 (Minerals) of the Aberdeen Local Development Plan and that Blackhills Quarry is a safeguarded site. Encroachment has been prevented to ensure that quarry operations can continue and that important reserves are not sterilised. Note that a permanent 400m wide zone has been maintained around the quarry free of development. Also note that the safeguarding of mineral resources is recognised by NPF4.
7. Concerns in relation to fire/ thermal runaway and the impact that this would have on the neighbouring uses.
8. A store used for storing explosive materials for quarry blasting adjoins the proposed BESS access road and is in operation and required in relation to quarry operations. There were concerns about the proximity of a high voltage underground cable in proximity to the store and raised concerns about the consenting scheme for this element of the proposal.

9. Key concern in relation to quarry blasting and vibration, noting that frequent blasting takes place at the quarry as part of the rock extraction, which creates ground vibration. Note that there are still reserves within the existing quarry and note that Blackhills is a “first come” development and therefore have concerns that the BESS facility may impact on quarry operations. Note that information (originally) shared by the applicant doesn’t contain any information in relation to blasting and no guarantees have been provided that the presence of the BESS facility would place no restriction or curtailment on the current and future operation of the quarry.
10. Note that minerals can only be worked where they exist in a quantity and quality which allow for economic recovery and Blackhills Quarry is such a location and should be protected.

Following neighbour re-notification, which was required due to the submission of revised supporting documents, further comments were received from the same objector raising the following matters:

11. In terms of blasting and vibration, noted that the Leith’s office building is located further from the quarry than the proposed facility, and state that blasting and extraction of rock may still take place on the northern boundary of the quarry, noting that there are still some unworked rock reserves in the north west corner of the quarry, therefore the applicants’ assumption that blasting is expected to be more than 300m from the BESS location is wrong.
12. The applicant should be prepared to mitigate and construct a facility to accept a PPV (Peak Particle Velocity) higher than 50 mm/s. Leiths cannot accept a limit of 50 mm/s at the BESS facility.
13. Note that frequent blasting may take place at the facility.
14. The applicant should be required to produce a detailed design for the BESS facility with foundation/ isolation design to accept a higher PPV limit, which may be generated by the quarry operations now, or in the future.
15. Note that if planning permission is approved, a condition should be imposed which requires the submission of a scheme for approval which provides a detailed design for the access road and includes protection measures close to the explosives store.

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 7 (Historic Assets and Places)
- Policy 8 (Green Belts)
- 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)
- Policy 33 (Minerals)

Aberdeen Local Development Plan (2023)

- OP55: Blackhills Quarry
- Policy D1 (Quality Placemaking)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- 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 B3 (Aberdeen International Airport and Perwinnes Radar)
- Policy R1 (Minerals)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Landscape
- Natural Heritage
- Noise
- Transport and Accessibility

Other Material Considerations

- Battery Energy Storage Systems – Research Paper (House of Commons Library)
- Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Services (National Fire Chiefs Council)
- Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems (Department for Energy Security & Net Zero)

EVALUATION

Background

Renewable energy sources such as wind and solar power rely on the weather to generate electricity. This means that renewables cannot adjust to demand from consumers and businesses as easily as fossil fuels and nuclear power can. Therefore, with the 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 the energy that is produced when demand is lower than supply. The energy stored in batteries can be released when 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, as of January 2024, in Scotland there were 18 operational BESS and 259 BESS that have applications submitted or are under construction. Across the UK there were 116 operational BESS and 1026 have been given planning consent and are awaiting or under construction (as of October 2024).

Principle of Development

Green Belt Designation

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. Thereafter should they fall into ones 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 Green Belt of the ALDP 2023 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 BESS plays in decarbonising the UK's electricity network, such developments are therefore 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 –

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 a BESS can be connected to the electricity grid is a significant challenge. Typically, for a grid scale BESS 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 indicated that the facility would be connected to SSEN's Redmoss Supply Point on Langdykes Road in Cove, situated approximately 1.7km to the north of the application site.

At the request of the Planning Authority, the applicant has submitted a Site Selection Matrix and Sequential Test Assessment (which was further updated at the request of the Planning Authority) which considered why a number of brownfield sites in closer proximity to the application site were discounted and why a green belt site is necessary to accommodate the development. The documents submitted provide an analysis of sites which were considered as potentially being capable of accommodating the development in closer proximity than the current site.

- A number of brownfield sites in the Altens Industrial Estate were considered, however these were discounted for a number of reasons, including the presence of utility infrastructure within the curtilage of the site, flood risk, impacts on residential amenity, planning permissions for alternative uses having been granted on the site, the presence of Scheduled Ancient Monuments and insufficient size. One of the sites (Altens Site 3) was considered potentially suitable, but the applicants failed to reach an agreement with the landowner along with an inability to secure the necessary land rights.
- Four brownfield sites in the Balmoral Business Park were also considered and were discounted for similar reasons but primarily due to the size of the development sites and flood risk.
- No assessment of other green belt sites were considered, although it is noted that there are no other significant areas of Green Belt in close proximity to the site. The large OP51 Loirston allocation is for residential development. The applicants have also indicated that the current site was chosen to minimise the impact on the green belt and to utilise poorer agricultural quality land due to its lower lying location compared to the rest of the land.

Therefore, whilst there are brownfield sites available in close proximity to the application site, particularly in the Altens area which could accommodate the development, the applicant has

adequately demonstrated that these are not available for development and therefore that a green belt site is required, in order to be in the necessary 2km proximity to the Redmoss grid connection.

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

Policy NE1 of the ALDP 2023 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.

The site itself has not been developed previously and sits adjacent to Blackhills Quarry. This particular area of green belt acts as a visible buffer between the settlement of Cove and Blackhills Quarry and runs from west to east as it heads towards the North Sea. The application site would be seen against the backdrop of the bunding associated with Blackhills Quarry and would be surrounded by mitigatory planting. The proposals would be visible from certain public vantage points when viewed from Cove Road or the Cove Woodland Walk but, in time, would have a limited impact on the landscape setting of this area of green belt once the landscaping had matured. The provision of "living wall" fencing would also lessen the visual impact in this instance. In addition, the proposals would not result in the loss of or access to open space, given that the fields are currently utilised for agricultural purposes. An area of green belt land approximately 225m wide would be maintained between the southern edge of housing in Cove and the application site.

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.

This particular area of green belt acts as a visual buffer between the settlement of Cove and Blackhills Quarry. The land undulates from west to east and has is utilised for agricultural purposes, although it is noted by the applicants that this particular field is not of a high agricultural quality. The BESS structures would be seen against the backdrop of bunding associated with the quarry and landscaping would be provided around its periphery which would be appropriate for its setting, which would help lessen the visual impact of the development. It is therefore the view of the Planning Service that the proposals could be accommodated on site without having an adverse impact on the countryside or landscape setting of this particular area of green belt.

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

Subject to mitigation measures, it is the view of the Planning Service that the development could be accommodated on site without having an adverse impact on the Green Belt setting and would be also be seen against the backdrop of the bunding associated with Blackhills Quarry, with sufficient planting and boundary treatments provided to minimise the visual impact of the development. Overall, the landscape and visual effects would be localised and limited in nature.

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

The site has limited ecological value and the applicant has indicated that the land is of limited agricultural value, even though the land appears to still be in such use.

In summary, the proposal is for a development type which is permitted within the green belt. Due to the specific locational characteristics of the site, on the edge of the greenbelt and seen against the backdrop of the quarry, with sufficient landscaping in place to mitigate the visual impact of the development, the criteria which all developments within the green belt are required to adhere to can be met. The proposals could therefore be seen to be in compliance with Policy 8 of NPF4 and Policy NE1 (Green Belt) of the ALDP 2023.

In addition, Policy 1 (Climate and Nature Crises) of NPF4 requires decision makers to give significant weight to the global climate and nature crises when considering nature proposals. Battery storage would support Scotland's transition to renewable energy, a major part of addressing climate change. The proposal would therefore attract support from this policy.

Minerals Impact

In terms of the principle of development, there are a number of other policies that require to be considered in the assessment of this application. Firstly, Policy R1 (Minerals) and OP55: Blackhills Quarry) of the ALDP 2023, which states that *"sites identified for mineral extraction are safeguarded from development which will sterilise the mineral resource or which compromises the safe operation of a quarry."* Blackhills Quarry was granted planning permission (130490) in January 2015 to continue hard rock extraction and processing within the quarry. This permission remains valid until 2050.

Policy 33 (Minerals) of NPF4 states that *"development proposals that would sterilise mineral deposits of economic value will only be supported where: there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken"*.

It is noted that a number of concerns have been raised by the operator of the quarry in terms of proximity of the proposed BESS facility to the quarry and the potential for the development to adversely impact on its operation. Further concerns were also raised in relation to noise, vibration and fire risk associated with the proposed use. It was also stated, in line with the above policy that the quarry should take some form of precedence as it has been operational for a number of years, with a consent in place for its retention until 2050, with further extraction possible along the northern boundary of the site. The quarry operators therefore consider that the quarry should be protected.

In response to the above objection, further supporting information was requested and received from the applicants which sought to address the matters raised by the quarry operators. In addition, and at the request of the Planning Authority, an independent third party assessment of the proposals was undertaken by a certified consulting engineering firm. The applicant's legal representative also submitted a statement which noted that the applicants had provided a comprehensive technical assessment that demonstrated that the development would not adversely impact on the quarry's operation or sterilise the mineral resource or compromise the safe operation of the quarry. This statement also set out that it was up to the Planning Authority to assess the acceptability of the proposals and not be seen to take the side of either the applicant or objector when making an assessment of the acceptability of any proposals.

The independent review was undertaken by Thornton Tomasetti, a *"multi-disciplinary engineering consultancy firm specialising in developing unique and innovative solutions to some of the most challenging problems that exist today"*.

In this assessment, they concluded that the design of the BESS, including the proposed mitigation measures (where it is essentially going to be installed on isolation mounts with associated foundation designs) would ensure that the future quarrying operations in the area would not be restricted by the presence of the BESS. They concluded that the applicant's analysis appeared accurate, supported by data showing that blasting activities could continue within the quarry with no impacts on mineral accessibility.

It was also noted that ongoing and future operations of the quarry should not be restricted by the BESS. The submitted vibration analysis demonstrated that the quarry's blasting activities, even with higher maximum instantaneous charge or closer proximity, would not adversely affect the BESS due to implementation of isolation mounts and conservative modelling. The review considered these mitigation measures to be technically sound, with the applicant proposing industry standard practices to ensure that there would be no restrictions imposed on the adjacent quarrying activities.

In terms of futureproofing, the potential for increase in maximum instantaneous charge was assessed by the applicants in their response to the objectors' concerns. This modelled larger maximum instantaneous charge values up to 144kg and predicated peak particle velocity levels at various distances from the blast site, including as close as 40m. The mitigation measures proposed, particularly the use of isolation mounts, indicate that a system could be designed to handle the higher peak particle velocity associated with the increased maximum instantaneous charge. The third party review concluded that this conservative approach would ensure that the BESS facility would be future proofed against potential future increases in blasting power.

In terms of quarry primacy, the review concluded that the BESS has been designed to ensure that the development would not interfere with quarry operations. It also concluded that the proposals had taken into account the quarry's potential for future expansion and operational needs.

The analysis also noted that the foundation design would incorporate dynamic loading considerations, with the foundations capable of handling high-frequency short duration blasts and even at higher peak particle velocity, the BESS structure would remain stable. The performance of isolation mounts also indicates an 87.5% reduction in peak particle velocity and that these types of mounts are a widely acceptable solution. The analysis also concluded that the mounting systems can reduce the impacts to within safe operational limits, even when blasts occur at closer distances (than 40m).

The analysis therefore concluded that the applicant's technical claims appear to be well supported by industry standard practices and robust data. The mitigation measures proposed (which would be controlled via appropriately worded planning conditions) including the isolation mounts, vibration modelling and advanced foundation design are comprehensive and appropriate for ensuring the safe operation of the BESS facility alongside the ongoing quarrying activities. It was therefore advised that with ongoing collaboration and monitoring, both operations could co-exist without compromising safety or efficiency.

The Planning Service has taken a balanced approach, noting the specific circumstances of the proposed BESS site, the adjacent quarry, the legitimate matters raised by the quarry operator, and has ensured a robust assessment of the issues arising, having regard to the requirements of Policy R1.

Therefore, when assessing the proposals against Policy 33 (Minerals) of NPF and Policy R1 (Minerals) of the ALDP 2023, it is the view of the Planning Authority that the applicant have demonstrated the need for the facility in this location, which, subject to appropriate mitigation measures, could be provided without sterilising the existing quarrying operation, which is consented

until 2050. The proposed development could therefore be provided to ensure compliance with these policies.

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.

Energy Developments and Design Impacts

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 (Renewable and Low Energy Developments) of the ALDP 2023 also contains such criteria, much of which reiterates that in Policy 11. Where Policy R7 has additional requirements, they are highlighted in the relevant part of the discussion or considered at the end of this section.

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

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

In considering these matters, Policy 14 (Design, Quality and Place) of NPF4, Policy D1 (Quality Placemaking and D2 (Amenity) of the ALDP 2023 are 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.

The site has a fairly open aspect and would be visible from both Cove Road and the community woodland located to the north of the site and would essentially be viewed against the bunds for Blackhills Quarry, which is located to the immediate south.

BESS facilities are considered to have an industrial character and appearance, similar to that of an electricity substation. In this case, the equipment and associated structures would be relatively low in height and would sit less than 3m above ground level. The equipment would sit within an enclosed compound, surrounded by a 2.4m high fence, and a 3m high acoustic fence on the northern, and partially on the eastern and western boundaries. Planting is also proposed along the northern, eastern and western boundaries, which would help to screen the equipment from Cove and the woodland to the north. The provision of such landscaping, which would help screen the required

fencing would lessen the overall visual impact of the development and help the facility to blend in with the existing bunding located to the rear of the site at Blackhills.

The proposals are also located a significant distance from any residential properties, with those nearest being located on Creel Wynd, approximately 220m to the north and separated by areas of mature planting and woodland. The visual impact and amenity impact on residential properties is therefore considered to be negligible in this instance.

In the wider context, the site itself is relatively open in nature and acts as a buffer between the settlement of Cove and Blackhills Quarry. The area is characterised by rolling agricultural land and woodland which gradually slopes from west to east as it heads towards the North Sea. The submitted Landscape Visual Appraisal considers the visual impact of the development from several locations in the wider area. It determines that there would be little to no visual impact from more distant views. Overall, the landscape and visual effects would be localised and limited in nature.

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

The distance between the site and any surrounding uses ensures there would be no impact on daylight availability or overshadowing. There would be no shadow flicker generated by the BESS.

In terms of noise, the applicants have submitted a Noise Impact Assessment in support of the application, which has been reviewed by colleagues in Environmental Health. They were content with the findings of the NIA, provided the proposal comprises the plant detailed in Section 3.58 (28 battery storage units with associated PCS and transformer units), with A-weighted sound power levels not exceeding those detailed in Table 3-5, and is arranged as shown on the infrastructure layout plan (Resources Unlimited LLP, SEC0001 Rigifa Farm [Version 1]).

In addition, they have noted that 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). This matter could be controlled via an appropriately worded planning condition.

Finally, they have noted that a 3 metre high acoustic grade fence (minimum surface density of 15 kg/m²) is installed around the northeast half of the proposed development as detailed in Figure 3.2, Appendix 3A.

Provided the above works and recommendations have been carried out, they have advised that the proposed development would be acceptable from a noise perspective. The proposals would therefore be in accordance with Policy 23 (Health and Safety) of NPF4, Policy WB3 (Noise) of the ALDP 2023 and its associated APG: Noise.

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

As has been discussed elsewhere in the report, the proposed facility would be located adjacent to Blackhills Quarry and would be seen against the backdrop of the bunding associated with this facility. Whilst the structures would be fairly industrial in nature, they would be enclosed by a mixture of acoustic and security fencing, which in turn would be bound by a mixture of mature landscaping

(details of which would be controlled via an appropriately worded planning condition. The LVIA submitted in support of the application has also looked at the structures from a number of key viewpoints and its setting is considered to be acceptable in this regard. Appropriate mitigation measures would therefore be provided and could be controlled via an appropriately worded planning condition.

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

As operational agricultural land, there is no public access to the site at present, and this would remain the case. The community woodland, which includes a footpath network within it would remain unaffected.

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

The proposals have been subject to consultation with Aberdeen International Airport, who have noted that the proposed development does not conflict with safeguarding criteria and therefore have no objection to the proposed development. They have, however, requested the insertion of an informative in relation to the use of cranes, were planning permission to be approved for the proposed development. Subject to the above, the proposed development would comply with Policy B3: Aberdeen International Airport and Perwinnes Radar of the ALDP 2023.

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

No impacts on telecommunications and broadcasting installations are expected.

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

Although there would inevitably be construction traffic associated with the installation of the equipment, this is not expected to be significant. Operationally, only occasional maintenance vehicles would be required to attend the site. The ACC Roads Development Management Team was consulted and no concerns have been raised (as is discussed further below).

- vii. *impacts on historic environment.*

The proposal was subject to consultation with colleagues in the archaeology service, who have reviewed the submitted Cultural Heritage Impact Assessment and agree with its conclusions. They confirmed that no archaeological mitigation works are required ahead of the development and have no further comments to make on the application. The site is not within a conservation area and there are no historic assets, such as listed buildings or scheduled monuments, either within the site or in the surrounding area that would be affected by the proposed development.

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

Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE4 (Our Water Environment) of the ALDP 2023 relate to surface water drainage and in summary require all new developments to incorporate Sustainable Urban Drainage Systems (SUDS) to manage surface water; presume no surface water connection to the combined sewer; and to minimise the area of impermeable surface.

The proposal was originally subject to consultation with colleagues in the flooding team, who noted that there is a small dam located on the northern boundary of the site and therefore requested the submission of a Flood Risk Assessment. They also confirmed that there appeared to be a culverted

watercourse draining into the dam and located parallel to one of the proposed sections of the access road. Investigations were therefore required for a proposed crossing or relocation of the proposed access road, noting that the above information was required prior to determination of the application.

They also originally noted that the proposed attenuation storage at 32m³ would not be realistic given the size of the site and the proposed discharge rates for a 1 in 200 year-event. They also requested that the detailed drainage design should include any drainage arrangements for the proposed access road.

Subsequently, the applicants submitted a Flood Risk Assessment in support of the application, which looked at a number of aspects and noted that there appeared to be no internal watercourses within the application site. Colleagues in FPU accepted the findings of the report but noted that they were aware of a watercourse crossing the site and one located parallel to the access road. They have advised that this should be considered during the works and excavations and further conditions could be attached to the consent in this regard.

In addition, they have noted that a detailed Drainage Impact Assessment would be required in support of the proposals, but noted that this could be submitted as a condition of the planning permission.

Therefore, subject to the above works taking place and controlled through suitable conditions, the proposals would be acceptable in principle from a flood risk and drainage perspective and would therefore be in compliance with Policy 22 of NPF 4 and Policy NE4 of the ALDP 2023.

ix. *biodiversity including impacts on birds.*

Policy 4 (Natural Places) of the NPF4 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. In addition, Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change and Policy 3 (Biodiversity) of NPF4 requires proposals for local development *'to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.'*

An ecological assessment was submitted in support of the application, this looked at various aspects and noted that there would be an indirect loss of habitat due to noise and vibration disturbance along with potential dust and water pollution during the construction phase of development. The report concluded that these short term impacts would not be significant if the recommended mitigation is undertaken, which would include the implementation of new habitat creation, along with a new wildflower meadow and hedgerows. These works would take place around the periphery of the site and would have the potential to increase local wildlife. The report was subject to consultation with colleagues in Natural Environment Policy, who were content with the findings of the report, where implementation of the recommendations could be controlled via an appropriately worded planning conditions to ensure compliance with the aforementioned policies.

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

An arboricultural impact assessment was submitted in support of the application, which noted that no trees are proposed for removal in order to implement the development, and that there was sufficient space within the land to accommodate new tree, hedge and shrub planting (which would

be controlled via an appropriate planning condition). The findings of the report were considered to be acceptable to colleagues and the proposals would have no adverse impact on existing tree stock.

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

The proposals are designed to operate for 25 years, after which they would be removed. The construction works would not require a significant physical intervention, so their removal would also be a relatively simple process.

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

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

- xiii. *cumulative impacts.*

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

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

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

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

- ii. *will not negatively impact on tourism*

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

In relation to such development specifically, Policy R7 requires proposals to meet the following requirements –

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

The proposal has been subject to consultation with the airport, who have raised no objections to the proposals and it is not anticipated that such facilities would have any impacts in terms of glint and glare.

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

It is noted that the site is partially utilised for the grazing of animals, but the applicants have indicated that this particular area of land is of a particularly poor quality given its close proximity to the bunding associated with the quarry. Given the large amount of land that would remain, the impacts in these regards would be minimal.

In summary, both Policy 11 of NPF4 and Policy R7 of the ALDP require decision makers to give significant weight to the benefit which the development of renewable energy project in terms of

reducing carbon emissions. It is considered that the criteria contained within Policy 11 in terms of potential impacts because of the development have been satisfactorily addressed and that any impact as a result of the proposal would be localised and minor. None would outweigh the significant weight which should be attached to the benefit of reducing carbon emissions.

Transportation

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

The proposals, which include the erection of an approximately 660m long access road, that would take access from an unadopted road that serves the office and associated facilities at the quarry from a junction off Cove Road, have been subject to consultation with colleagues in Roads Development Management. They have noted that the existing road is capable of accommodating larger vehicles as evidenced in the submitted swept path analysis and that the proposed visibility splay is appropriate for the development as proposed.

No staff would be located on site on a permanent basis, and the submitted site plan notes that parking would be available within the curtilage of the site where permeable hardstanding is to be located. The applicant has also noted that *“a designated turning space has been included to accommodate the largest vehicle expected to use the site”*. The submitted swept path, which shows a large vehicle entering and existing the site, is considered to be acceptable.

Colleagues in Roads Development Management have also noted that the applicant has stated that the connection to the substation would be via an underground cable and they have advised that the proposals should be discussed with colleagues in Roadworks Coordination at the earliest opportunity to discuss the necessary permits and approvals.

Subject to the above, the proposals would be in general compliance with Policies T2 and T3 of the ALDP 2023 and its associated APG: Transport & Accessibility.

Noise

Policy 23 (Health and Safety) of NPF4 indicates 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. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.”* In addition, Policy WB3 Noise of the ALDP 2023 requires that there will be a presumption against noise generating developments, being located to noise sensitive developments, such as existing or proposed housing, with suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

The applicants have submitted a Noise Impact Assessment in support of the application, which has been reviewed by colleagues in Environmental Health. They are content with the findings of the NIA, provided the proposal comprises the plant detailed in Section 3.58 (28 battery storage units with associated PCS and transformer units), with A-weighted sound power levels not exceeding those detailed in Table 3-5, and is arranged as shown on the infrastructure layout plan (Resources Unlimited LLP, SEC0001 Rigifa Farm [Version 1]).

In addition, they have noted that 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). This matter could be controlled via an appropriately worded planning condition.

Finally, they have noted that a 3 metre high acoustic grade fence (minimum surface density of 15 kg/m²) is installed around the northeast half of the proposed development as detailed in Figure 3.2, Appendix 3A.

Provided the above works and recommendations are carried out, they have advised that the proposed development would be acceptable from a noise perspective. The proposals would therefore be in accordance with Policy 23 (Health and Safety) of NPF4, Policy WB3 (Noise) of the ALDP 2023 and its associated APG: Noise.

Health and Safety

Policy 23 (Health and Safety) of NPF4 aims to protect people and places from environmental harm and mitigate risks arising from safety hazards. The Planning Service is aware of concern surrounding battery storage and their associated fire risk, as well as recent incidents with such facilities in the UK and abroad. Therefore, as part of any planning application the applicant has been asked to submit details of the measures which would be employed to mitigate such a risk.

The applicants have submitted a Fire Risk Management Plan in support of the application. This document noted that the main risks associated with such a facility are fire within components of the BESS, poor waste management and maintenance of vegetation and arson attacks on the structure. In order to mitigate against fire, the individual components have been designed to specific electrical codes so that the risk of them overheating and starting a fire are minimised. They are also constructed of materials that are difficult to ignite and any combustible materials are kept to a minimum. The combustible materials within the current proposals relate to the transformers, which are to be oil cooled. The transformers have also been located an appropriate distance from the site boundary and the site is to be monitored using infrared CCTV cameras. Therefore, with the provision of the Fire Risk Management Plan, and the production of a future emergency plan, the potential for fire risk would be minimised and appropriate mitigation measures have been proposed.

The findings and recommendations of the FRMP are considered to be appropriate, and the document has been subject to consultation with the Scottish Fire and Rescue Service, who provided some general advice in relation to the proposed development, and a condition has been inserted requesting the submission of an Emergency Plan (condition 9), which would be subject to further consultation with the Fire Service. Provided the mitigation measures and conditions are adhered to the development would not conflict with Policy 23 of NPF4.

Cultural Heritage

Policy D6 (Historic Environment of the ALDP aims to ensure that *“proposals which have the potential to impact on historic environment, historic assets, and heritage assets, or a significant element thereof, will be required to ensure the effective recording, assessments, analysis, archiving and publication of any reports or records to an agreed timeframe”*. Policy 7 (Historic Assets and Places) of NPF4 provides similar guidance.

In response to the above, a Cultural Heritage Assessment was submitted in support of the application, which has been reviewed by colleagues in the Archaeology service. They agree with its conclusions and have confirmed that no archaeological mitigation works are required ahead of the

development and had no further comments to make on the application. Subsequently there would be no conflict with either Policy 7 of NPF4 or Policy D6 of the ALDP.

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.

Matters Raised in Representations

Support

1. Note that having flexible and responsive local storage is key to supporting an energy grid powered by renewables, noting that such facilities would be beneficial to the local business community. *Response: comments noted, an evaluation of the acceptability of the proposals have been provided above.*
2. A reliable energy storage facility can contribute to a stable energy supply, which is beneficial to the local business community. *Response: comments noted, an evaluation of the acceptability of the proposals have been provided above.*
3. Note that the grid cannot cope at certain times, and having the demand needed at peak times, such infrastructure is critical to give energy security in the future. *Response: comments noted.*
4. Note that the facility is sited on poorer quality land and would have little effect on agricultural production. *Response: comments noted, an assessment of the acceptability of the site has been provided above.*
5. Having a BESS storage site close to the Aberdeen Energy and Innovation Park strengthens the reputation of the region as a pioneer of green energy. *Response: the Planning Service is unsure of the relevance of these comments, given the above innovation park is located approximately 11km away in Bridge of Don.*

In terms of the matters raised in objection, these can be addressed as follows:

1. Note Policy R1 (Minerals) of the ALDP) and that Blackhills Quarry is a safeguarded site and encroachment has been prevented to ensure that quarry operations can continue and that important reserves are not sterilised. Note that a permanent 400m wide zone has been maintained around the quarry free of development. Also note that the safeguarding of mineral resources is recognised by NPF4. *Response: this matter has been addressed in the above evaluation, where it has been adequately demonstrated that the development could proceed without having an adverse impact on the operation of the quarry.*
2. Concerns in relation to fire/ thermal runaway and the impact that this would have on the neighbouring uses. *Response: an adequate Fire Risk Management Plan has been submitted and a the submission of an Emergency Plan would be controlled via an appropriately worded planning condition.*

3. A store used for storing explosive materials for quarry blasting adjoins the proposed BESS access road and is in operation and required in relation to quarry operations. There were concerns about the proximity of a high voltage underground cable in proximity to the store and raised concerns about the consenting scheme for this element of the proposal. *Response: it is considered that this could be provided, and a condition has been attached to the consent to provide a detailed design for the proposed access road, including cross-sections to ensure that the road can be provided without detriment to any facilities or utilities in the surrounding area.*
4. Concern in relation to quarry blasting and vibration, noting that frequent blasting takes place at the quarry as part of the rock extraction, which creates ground vibration. Note that there are still reserves within the exiting quarry and note that Blackhills is a “first come” development and therefore have concerns that the BESS facility may impact on quarry operations. Note that information shared by the applicant doesn’t contain any information in relation to blasting and no guarantees have been provided that the presence of the BESS facility would place no restriction or curtailment on the current and future operation of the quarry. *Response: this matter has been addressed in the above evaluation.*
5. Note that minerals can only be worked where they exist in a quantity and quality which allow for economic recovery and Blackhills Quarry is such a location and should be protected. *Response: this matter has been addressed in the above evaluation.*

Following neighbour re-notification further comments were received as follows:

6. In terms of blasting and vibration, noted that the Leith’s office building is located further from the quarry than the proposed facility, and note that blasting and extraction of rock may still take place on the northern boundary of the quarry, noting that there are still some unworked rock reserves in the north west corner of the quarry, therefore the applicants assumption that blasting is expected to be more than 300m from the BESS location is wrong. *Response: this matter has been addressed in the above evaluation.*
7. The applicant should be prepared to mitigate and construct a facility to accept a PPV higher than 50 mm/s. Leiths cannot accept a limit of 50 mm/s at the BESS facility. *Response: this matter has been addressed in the above evaluation.*
8. Note that frequent blasting may take place at the facility. *Response: this matter has been addressed in the above evaluation.*
9. The applicant should be required to produce a detailed design for the BESS facility with foundation/ isolation design to accept a higher PPV limit, which may be generated by the quarry operations now, or in the future. *Response: this matter has been addressed in the above evaluation, with detailed design controlled via condition to ensure compliance with the recommendations of the submitted information.*
10. Note that if planning permission is approved, a condition should be imposed which requires the submission of a scheme for approval which provides a detailed design for the access road and includes protection measures close to the explosives store. *Response: a condition has been attached in relation to the above.*

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Policy 11 (Energy) of NPF4 and Policy R7 (Renewable and Low Carbon Energy Developments) of the ALDP require decision makers to place significant weight on the contribution of development 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. The stated absence of suitable alternative sites outwith the green belt by the applicant has advised of no suitable brownfield sites in proximity to the substation and is accepted. The specific locational characteristics of the site, seen against the backdrop of bunding associated with Blackhills Quarry coupled with design and mitigation measures, will reduce visual impacts, and accordingly the criteria which all developments within the green belt are required to adhere can be met.

The applicants have adequately demonstrated that the proposed facility could be accommodated on site, subject to appropriate conditions, without having an adverse impact on the operations of the adjacent Blackhills Quarry. The proposals are therefore in compliance with Policy 33 (Minerals) of National Planning Framework 4 (NPF4) and Policy R1 (Minerals) of the Aberdeen Local Development Plan (ALDP) 2023.

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. The proposed development would therefore be in compliance with Policies 4 (Natural Places), 6 (Forestry, Woodland and Trees), 8 (Green Belts), 14 (Design, Quality and Place) and 23 (Health and Safety) of NPF 4 and with Policies D1 (Quality Placemaking), D4 (Landscape), D5 (Landscape Design), NE1 (Green Belt), NE2 (Green and Blue Infrastructure), NE3 (Our Natural Heritage), and NE5 (Trees and Woodland) of the ALDP

All other matters raised, including those relating to health and safety, noise drainage, accessibility and transport have been satisfactorily addressed or can be controlled via appropriately worded planning conditions which would ensure compliance with Policies 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 12 (Zero Waste), 13 (Sustainable Transport), 22 (Flood Risk and Water Management) and 23 (Health and Safety) of NPF4 and with Policies NE4 (Our Water Environment), B3 (Aberdeen International Airport and Perwinnes Radar), WB3 (Noise) and T2 (Sustainable Transport) of the ALDP.

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) LANDSCAPING

All soft landscaping proposals shall be carried out in accordance with the approved scheme of landscaping (Neo Environmental drawing: NEO01249_026_B) 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.

(03) 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: 231336-04 Rev D produced by Neo Environmental. Where the proposed items are found to vary in sound power level from the assumptions, confirmation is required that the operational noise levels will meet the relevant criteria (noise limits) through an updated noise impact assessment to be submitted to and approved in writing by the planning authority.

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

(04) PROVISION OF NOISE BARRIER

The development hereby approved shall not be brought into use unless the noise barrier recommended in Noise Impact Assessment 231336-04 Rev D produced by Neo Environmental has been installed in accordance with paragraph 3.70 and Figure 3.2 of the assessment along with the detailed design shown on Drawing No: J7/01166 and PLN00XX REV 1 (or other such 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 of the assessment.

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

(05) 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.

(06) 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.

(07) DETAILED DESIGN – ACCESS ROAD

No development shall take place unless a detailed design for the proposed access road, including detailed cross-sections and protection measures for parts of the road adjacent to any existing infrastructure shall be submitted to and approved in writing by the Planning Authority. Thereafter, the proposed access shall be completed in accordance with the approved details.

Reason: to ensure that the proposed access road can be adequately constructed and in the interests of road safety.

(08) MITIGATION SCHEME – DESIGN OF BESS

No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include:

- (a) design (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed' and
- (b) detailed design of the structures including foundations and insulation mount design to accept a higher peak particle velocity limit as detailed in the supporting documents "Response to Quarry Objection" and the updated Design and Access Statement.

Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details and maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

(09) FUTURE EMERGENCY PLAN

In line with the recommendations of the approved Fire Risk Management Plan and prior to the occupation of the proposed facility, an emergency plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: to ensure that any potential fire risk/ accidents are adequately mitigated against and to ensure that appropriate mitigation measures are put in place.

(10) DRAINAGE DETAILS

That prior to the commencement of development, a Drainage Impact Assessment shall be submitted to, and approved in writing by the Planning Authority. For avoidance of doubt, the detailed drainage design should also include any drainage arrangements for the proposed access road. Thereafter, the proposals shall be implemented in full accordance with the approved scheme.

Reason: to ensure that the proposed site and mitigation measures are fit for purpose, and to ensure that the site can be adequately drained.

ADVISORY NOTES FOR APPLICANT

(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place 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.

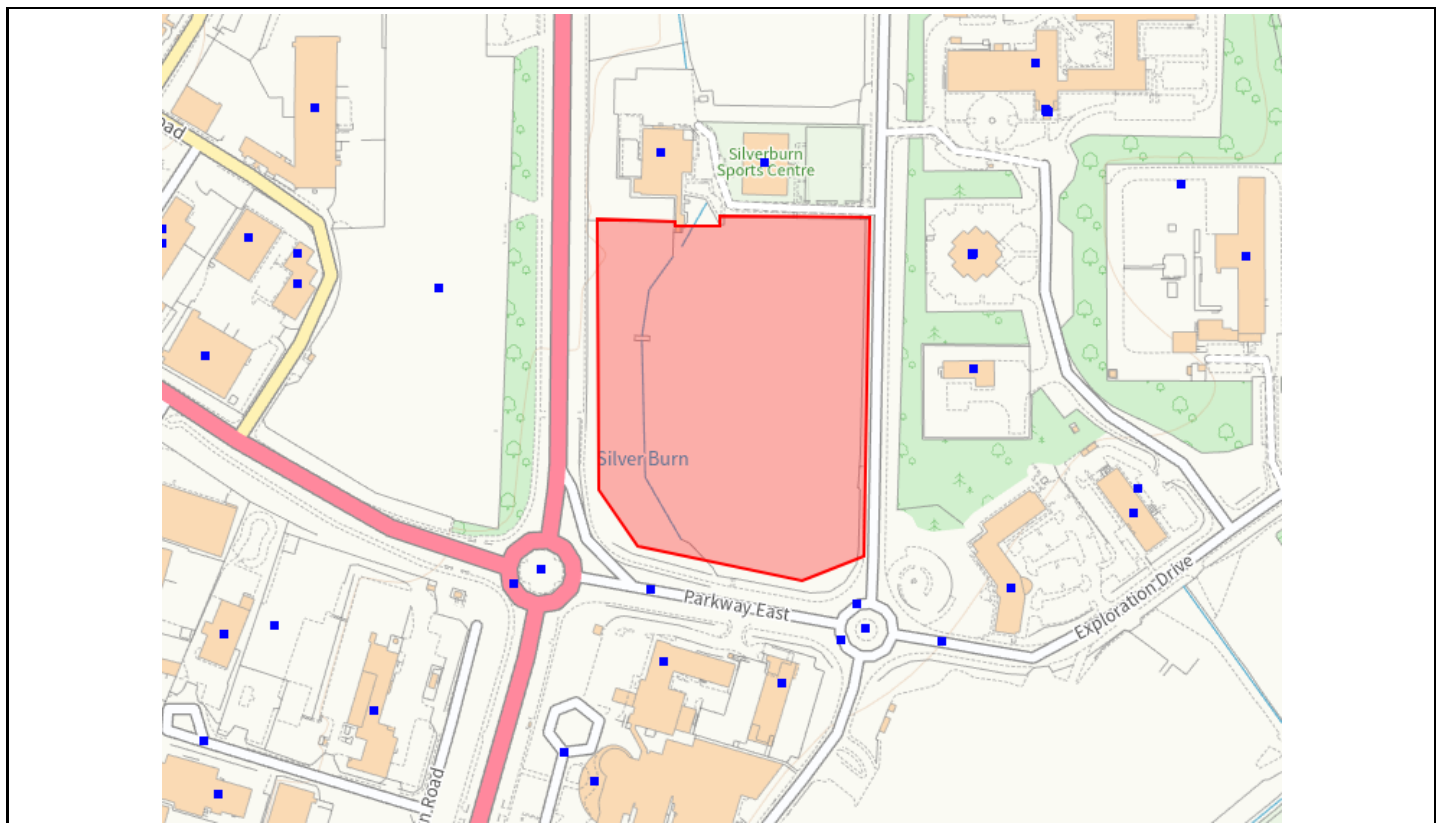
(02) ROADS COORDINATION

It is noted that the cables would be routed underground. The applicant should discuss the proposed routing with colleagues in Roadworks Coordination at their earliest convenience (roadworkscoordination@aberdeencity.gv.uk). These works will require the necessary permits and approvals.

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

Site Address:	Claymore Drive, Bridge Of Don, Aberdeen AB23 8GD
Application Description:	Approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (Ref: 191904/PPP) for the erection of 67 homes, supporting infrastructure and open space
Application Ref:	240839/MSC
Application Type	Approval of Matters Specified in Cond.
Application Date:	9 July 2024
Applicant:	Cala Homes (North) Limited
Ward:	Bridge Of Don
Community Council:	Bridge Of Don



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site is that of the former Silverburn House, a demolished office building located in a prominent position on a main route (A92 Ellon Road) into Aberdeen from the north.

The application site is allocated as Opportunity Site 12 – Silverburn House (OP12) as an opportunity for 100 homes on former employment land and is zoned under Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2023 (ALDP).

The site is largely cleared following the building being demolished in 2019. The application site covers an area of c.3.4 Hectares. The Silver Burn crosses the site from north to south and the land between the burn and the western boundary has become naturally maturing open space. There is an existing footbridge on the site over the burn. Bands of maturing trees are located along the eastern and southern boundaries of the site, which form part of a uniform landscaped tree line around Claymore Drive. The application site boundary is slightly smaller than that of the Planning Permission in Principle (reflecting what is included within the title boundary). The application site boundary in the PPIP covers a total area of c.3.7 Hectares. The areas omitted from this application site boundary include a 10m wide strip to the west, a 6m wide strip to the south and areas to the southwest and southeast. It is understood these areas will remain as open green space.

The site is bounded to the west by Ellon Road (the A92), to the south by Parkway East, to the east by Claymore Drive, beyond which is the business and industrial premises of the 'Aberdeen Energy Park', and to the north by Silverburn Gymnastics Centre and the Bridges Pre School Nursery Silverburn Lodge. To the south and southeast of the site lies the former Aberdeen Exhibition and Conference Centre (AECC). Whilst much of that former complex has been demolished, there remains the substantial western section, which is currently in Class 10 use by 'King's Church' as well as an adjacent vacant hotel, both of which are to the south of the application site beyond Parkway East. Other than the site of the vacant hotel, the former AECC is allocated as an Opportunity Site 13 - AECC Bridge of Don (OP13) in the ALDP. Around 180 metres to the north of the application site is Opportunity Site 2 - Cloverhill (OP2), which is currently being developed as a residential led development of circa 530 homes under planning permission 210884/MSC.

Relevant Planning History

On the application site, Planning permission in Principle 191904/PPP granted the erection of a residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of up to 500 sqm of commercial floorspace (within classes 1 (shops), 2 (financial, professional and other services) and/or class 3 (food and drink)) with associated works.

In 2021, Planning Permission in Principle P150824 granted the redevelopment of OP13 (the former AECC to the southeast of the site) by way of the erection of a mixed use development to include approximately 498 residential units, commercial and business uses, a recycling centre and a park and ride facility. A Matters Specified in Condition (MSC) application (Ref: 240850/MSC) was submitted in July 2024 for the erection of 333 homes and associated works and is currently pending. The same year, MSC application 210884/MSC granted the erection of 536 homes on OP2 to the north of the site, as well as commercial/community/sports facilities and associated landscaping, open space and infrastructure.

APPLICATION DESCRIPTION

Description of Proposal

Approval is sought for the matters specified in conditions (MSC) 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (Ref: 191904/PPP).

These matters relate to the erection of 67 dwellings, supporting infrastructure and open space. The dwellings would comprise 51 mainstream dwellinghouses (of which there would be 37 detached, 6 semi-detached and 8 terraced dwellinghouses) and 16 affordable dwellings (comprising 12 flats, 2 semi-detached dwellinghouses and 2 terraced dwellinghouses).

Amendments

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

- The reduction in the number of homes from 72 to 67, primarily as a result of the revision to accommodate the central open space and a public footpath between ‘Road 1’ and ‘Road 2’.
- Various revisions to the proposed layout, including but not limited to:
 - The incorporation of an open space centrally within the development;
 - The incorporation of play equipment in the form of an active trail area in the open space to the west;
 - The addition of a path and recreational play space in the open space to the west of the site;
 - Alterations to the parking layout of the affordable homes;
 - Ensuring acceptable garden lengths and window-to-window distances;
 - Alterations to boundary treatments;
 - Adjusting the layout to orientate dwellings towards Claymore Drive;
 - The inclusion of visitor parking.

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=SGAM4LBZHH600>

- Arboricultural Impact Assessment
- Construction Environmental Management Plan
- Dust Risk Assessment
- Energy Statement
- External Materials
- Noise Impact Assessment
- Parking Schedule
- Residential Travel Pack

- River Condition and Enhancement Report
- River Assessment Statement
- Safe Route to School Assessment
- Geo-Environmental Interpretative Report
- Statement on Housing Mix
- Watercourse and Flooding Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal timeous objection by the local (Bridge of Don) Community Council within whose area the application site falls.

CONSULTATIONS

ACC - Contaminated Land Team – Has reviewed the Geo-Environmental Interpretative Report (Fairhurst) submitted in support of the above development and is satisfied that there is no evidence to suggest that significant contamination is present. Recommend that the associated planning conditions (21 and 22) are discharged.

The team agrees with the recommendation in the report of preparing a ‘Detailed Material Management Strategy’, that UKWIR testing is undertaken in accordance with the latest Scottish Water guidance on completion of the earthworks and once the final alignment of the water main is agreed and that waste management guidelines/regulations should be followed with respect to any surplus materials that require removal offsite.

ACC - Developer Obligations –The development is covered by an existing Section 75 legal agreement which identifies the planning obligations required to mitigate the impact of development. Any permission granted by an MSC would be bound by the terms of the existing agreement which would accommodate the development through proportionate contributions payable on a per unit basis, quarterly in arrears.

ACC - Environmental Health – No objection raised.

Condition 18 – Noise

The Noise Impact Assessment prepared by Envirocentre (Document no 14389) in September 2024 for Cala Homes has been reviewed. It should be noted that normal noise criteria required by the Service will not be met with open windows at this development. In order to meet the noise criteria requested windows will need to be kept closed and trickle ventilation installed to meet minimum noise requirements. All noise mitigation measures detailed within section 6.2 of the report should be fully implemented.

Condition 19 – Dust

The Dust Risk Management Plan prepared by Fairhurst for the Silverburn Development on Claymore Drive (July 2024 – Issue 3) has been reviewed and mitigation measures detailed within the plan will meet the criteria requested by this Service. On this basis it is considered that Condition 19 has been met.

ACC - Housing - Affordable housing provision should comprise a minimum of 16 units provided on-site as social rent and 0.75 units as a commuted sum. A minimum of 3 affordable homes should be wheelchair accessible. They recommend that the developer enters into early

discussions with a rented social landlord regarding the purchase of these units as social rent.

The units delivered need to meet housing need and demand, which currently means there is little requirement for 2 bed units. Family sized houses are the greatest need and therefore the development should provide affordable houses which adequately reflects the development as a whole. Bedrooms should be double bedrooms where possible.

ACC - Roads Development Management Team – There are no outstanding roads concerns with this proposal.

Phasing

The development will not be completed in phases and works and infrastructure will be planned based on delivery of the whole development. This is noted and accepted. It should be ensured that construction is undertaken in such a way that there is always suitable vehicular and pedestrian access.

Drainage

The submitted drainage assessment utilises the simple index approach to assess the suitability of the proposed SUDS measures. The hazard mitigation indices exceed the pollution indices for all proposed SUDS measures. There are no concerns in this regard.

The SUDS pond has been designed to be at least 5m from any adoptable surface. This is acceptable.

Street Design

The level of visitor parking has been agreed upon and is acceptable. The locations shown are also acceptable, subject to a revised landscaping drawing showing that these spaces are practical. Should such a drawing be submitted, no further consultation is needed on this matter.

The positioning of the affordable housing is somewhat unfortunate, as it appears to be placed where there is no scope for on-street parking. If there is insufficient parking, it will be difficult for residents to park near to their homes. Because more parking provision would be provided than is required in current Aberdeen Planning Guidance this is a note, and not a concern which needs actioned.

The pedestrian crossings at the site access have been extended into the site to provide safer crossing locations away from the junction.

Adequate traffic calming has been included within the site layout.

The applicant has confirmed that all driveways adhere to ACC minimum size requirements.

Regarding dropped kerb lengths, the applicant has confirmed that some double-double driveways are required. The applicant has been informed that these prolonged lengths of dropped kerb may hinder gully placement and they should ensure that this layout does not impede their drainage layout which will be assessed at the RCC stage or redesign may be required.

The applicant has done a very good job of designing the site to adhere to the junction spacing requirements which have recently been highlighted as being mandatory.

The cross corner and forward visibilities shown are acceptable.

The applicant notes that “all homes will be designed to be highly energy efficient and incorporate electric vehicle charging.” This is noted and accepted. The EV provision should adhere to Building

Standards requirements.

The affordable housing refuse store and collection points are noted, and no concerns are raised with respect to these.

Pedestrian Crossing (Condition 13)

The applicant has submitted a drawing showing the proposed toucan crossing layout, and how its provision would alter the existing road. This is acceptable at a high level, however the geometry and finer details will be assessed with more scrutiny as part of the required Road Construction Consent application.

Traffic Regulation Orders (Condition 14)

The applicant notes that, through pre-application discussions with the planning authority, ACC stated 'we can confirm that this has been undertaken already as part of the delivery of the Cloverhill Development ... As such, the matter specified has been addressed and no further information is required.' This is noted and accepted.

Bus Stop Upgrades (Condition 15)

It had been advised previously that a bus shelter would be required on the South side, and a standalone pole would suffice on the North side. These details are shown on the associated site drawings.

The extent of bus stop upgrades has been agreed upon with the applicant. No consideration has been given to amending the bus stop locations as they are existing and this application would have no reason to warrant moving them.

Safe Routes to School (Condition 16)

The applicant has submitted a Safe Routes to School Assessment. This assessment has been subject to revision as a result of discussions with ACC – Roads Development Management Team. The new revision of the document is considered acceptable and highlights safe routes to school.

Residential Travel Pack (Condition 17)

The submitted Residential Travel Pack is acceptable.

ACC - Schools Estates Team – No response received (as they have no comments to make).

ACC - Structures, Flooding and Coastal Engineering – Reviewed the updated 'Watercourse Investigation and Assessment of Flooding, Sep 2024' and the drawing 'Overland Flood Routing' submitted on 2 October and have no further comments.

ACC - Waste and Recycling – No objection. General guidance for the developer, what would be provided by Aberdeen City Council and the fees has been provided in the response.

Aberdeen International Airport – No objection – The development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Bridge of Don Community Council – Objection – Whilst having reviewed the updated Safe Routes to School Assessment, they are more comfortable with the suggestions given in the document, they remain concerned with the speed not being reduced at the Toucan crossing on Parkway East during school times. The crossing would not just serve the housing within this development but would have some of the children from the Cloverhill development too, in total having children from approximately 600 properties. Ellon Road is becoming a property corridor, the speed limit from B&Q to the Parkway should be 40mph, however this is frequently exceeded and Police have been informed. There should be a deterrent in place before another development

is started.

Police Scotland – It is recommended that the developer liaise with the Police Scotland Architectural Liaison service at each stage of the development for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CPTED). Due consideration should be given to crime reduction measures during the construction phase to ensure that goods and materials are not subject to theft. Police Scotland encourage the applicant to attain the ‘Secured By Design’ award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

Scottish Environment Protection Agency (SEPA) – Following the submission of further information, SEPA is satisfied with the information submitted and that it is sufficient to discharge the condition 6 and 9 in terms of their interests. The proposal is considered acceptable and the site would be at a low risk of flooding and there would be no resultant increase in flood risk elsewhere. With respect to condition 10, SEPA do not object to the discharge of this condition if (1) the Silverburn River Condition Assessment and Enhancement Report and the CEMP are revised to indicated that invasive non-native species material will be removed from the site (and appropriately disposed of) and (2) the management proposals outlined in section 5 of the Silverburn River Condition Assessment and Enhancement Report (October 2024) are implemented. They recommend that the culverts and channel of the Silver Burn are cleared and kept maintained as they are indicated to be partially blocked by silt and vegetation (since this consultation, it has been confirmed that the channel will be cleared of silt).

Scottish Water – No objection – There is sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service the development, although further investigations may be required once the formal application has been submitted. Scottish Water will not accept any surface water connections into the combined sewer system except in limited exceptional circumstances on brownfield sites and there being significant justification. Further general guidance has been provided.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

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 5 (Soils)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 20 (Blue and Green Infrastructure)
- Policy 21 (Play, Recreation and Sport)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy 23 (Health and Safety)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Affordable & Specialist Housing
- Amenity & Space Standards
- Flooding, Drainage & Water Quality
- Landscape
- Materials
- Natural Heritage
- Noise

- Outdoor Access
- Open Space & Green Infrastructure
- Planning Obligations
- Resources for New Development
- Transport & Accessibility
- Trees & Woodlands
- Waste Management Requirements for New Developments

EVALUATION

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities, when considering all development proposals, to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) seeks the enhancement of biodiversity.

Condition 1 (Phasing)

This condition requires a phasing programme to be approved by the Planning Authority outlining the delivery of buildings, open spaces and roads infrastructure across the entire application site with trigger points for the delivery of retail and/or commercial use to meet local need generated by new residential development.

In this instance, the agent has confirmed that the application will not be completed over multiple phases. The works and infrastructure – including the delivery of buildings, open spaces and roads infrastructure are thus planned based on the delivery of the whole of the development in a single phase. The timing in terms of the implementation of the infrastructure and provision of landscaping are stipulated in the conditions of the PPIp.

Whilst there was retail and/or commercial floorspace included in the PPIp, the detailed design is a residential development and no retail or commercial uses are proposed. There are existing retail and commercial uses in the area that satisfy the needs of the development and meet the aims of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. Consequently it is not necessary for such uses to be included in this development in order to meet the local need that would be generated.

Condition 2 (Detailed Design)

Condition 2 sets out the level of detail that must be submitted with an MSC application regarding the detailed design. The information that has been submitted with the application is in accordance with the specific details required by this condition as detailed plans, elevations, landscape, waste collection and drainage details having all been submitted.

Policy 14 (Design, Quality and Place) of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Similarly, Policy D1 (Quality Placemaking) of the ALDP requires all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Design and Placemaking

Vehicular access to the development would be taken from three junctions on Claymore Drive, the southernmost of which is existing. Within the development there would be a primary loop road (Road 1) connecting two of these accesses and another road (Road 2) connecting the middle access to the loop road. This network would serve most of the development, however there would also be two shared driveways each serving two detached houses. This arrangement would provide satisfactory levels of permeability and avoid cul-de-sacs, limiting the instance in which larger vehicles such as refuse collection vehicles would need to reverse. The Silver Burn would not be re-routed and the existing mature open space to the west and southwest of the site and the existing bridge over the burn would remain, providing an attractive setting for the housing. The landscaping scheme in this open space would include a path connecting to the north of the site and a recreational play space which would be in clear sight of the dwellings (Plots 28-32) on 'Road 1', providing natural surveillance.

A formalised footpath would connect the development with Parkway East to the south and the Toucan crossing across Parkway East would be on the desire line on Parkway East path connection. The application has been revised since submission so that the development would have a central area of open space with a footpath running centrally between 'Road 2' and the northern section of 'Road 1' through the area of central open space. This would provide suitable access to the open space from everywhere in the development in relatively short distances as well provide a pleasant focal point to the layout and good pedestrian permeability. The development would accord with the principles of 'Crime Prevention Through Environment Design' as it would incorporate suitable natural surveillance with front doors facing the streets, blank walls have generally been avoided in the design and the development would incorporate 'defensible space' in that there would be clearly defined front gardens, rear gardens and public open space. Following the submission of amendments to the design, the siting of open space, roads and paths, the layout is considered acceptable and there is a cohesive residential layout incorporating acceptable placemaking characteristics, working within the technical constraints of the site in terms of drainage and flood risk from the existing Silver Burn, providing opportunities for sustainable and active travel and having safe road design and acceptable parking provision (which is addressed in the evaluation of the relevant conditions below).

The development would incorporate acceptable street scenes which would relate to its site context. Road 1 would run parallel with, and have dwellings orientated towards the Silver Burn, providing an attractive outlook. The eastern part of the development would predominantly have a frontage onto Claymore Drive, which would integrate the development into the existing established streetscape, and blank gables have been avoided. There would be a consistent colour palette, comprising white render, light grey roughcast, natural stone, grey uPVC windows and doors and dark grey concrete tiles with the addition of front porches and gables adding variety. The dwellings would be acceptable in terms of their two storey forms, being of a scale and height proportionate to the length of the rear gardens to allow for sufficient sunlight within the development. In terms of its integration into the existing landscape, many of the dwellings would be orientated to the roads outside the site, including some on Claymore Drive which would directly front the existing road. To the south of the housing, a soft landscaped buffer would remain along Ellon Road and Parkway East. It is recognised that the scale and form of the dwellings would not necessarily be consistent with the scale of the existing roads infrastructure and the former AECC buildings to the south of the site, although would become so once OP13 has been developed for housing. It is considered that the proposed development would be of design, set within the established boundaries of the site, that would contribute to the local landscape and townscape character, in accordance with the aims of Policy D4 (Landscape) of the ALDP.

The supporting text for OP12 states that the site is an 'opportunity for 100 homes on former employment land' and that it needs to link into OP2 (Cloverhill) and OP13 (former AECC). The proposal would link to these sites using the existing footways on Ellon Road and Parkway East respectively. Whilst this would not follow a desire line through the development via the open space to the west, such a route would not be feasible because it would involve the development of a path on land outwith the control of the applicant. As such, it has not been proposed. The development would link to OP13 using the proposed toucan crossing. The pedestrian connections elsewhere and accessible walkable nature of the layout would support the aims of Policies 1 and 2 of NPF4.

Amenity

Policy D2 (Amenity) of the ALDP states that development will be designed to ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook. The qualities of successful placemaking referred to in Policy D1 (Quality Placemaking) of the ALDP also expects development to avoid unacceptable impacts on adjoining uses in terms of invasion of privacy.

All dwellings would be afforded acceptable levels of sunlight and daylight and garden areas and the internal floorspace of the dwellings would be acceptable. Rear gardens would be an appropriate length of at least 9m and there would be acceptable window-to-window distances to maintain adequate levels of privacy. With the proposed noise mitigation measures including acoustic fencing in specific locations (to be implemented as required by Condition 18), the dwellings and private gardens would not be subject to significant noise levels from any industrial activity or road traffic. The development would meet the requirements of the Amenity and Space Standards Aberdeen Planning Guidance. As such, the dwellings would be afforded acceptable levels of residential amenity, in accordance with Policies 14 of NPF4, and D1 and D2 of the ALDP.

Housing Density

Policy H3 (Density) states that the Council will seek an appropriate net density of development on all housing allocations. It seeks that for all residential developments over one hectare, the net density of new development is generally sought at no less than 50 dwellings per hectare. This is to achieve efficient use of land in terms of the scale and layout of the site and its context. This is a brownfield site that is well-serviced in terms of roads infrastructure and public transportation, adjacent to a primary route through the city. The total number of dwellings envisaged in the PPIp was 100-150 dwellings. 110 dwellings as well as commercial floorspace were shown on the indicative site plan submitted with that application. This application would result in there being 67 dwellings on the application site and a housing density of 20 dwellings per hectare across the site, in conflict with Policy H3 of the ALDP.

The applicant's Statement of Housing Mix sets out why a greater number of units could not be achieved. The PPIp indicated that the Silver Burn would be re-routed to the west of the site, creating a larger developable area and solely proposed flats and terraced dwellings to facilitate the density of development that had been allocated in the ALDP. The applicant sets out through the current application that due to the restriction on the title (resulting in the application site boundary in this application), the change in ground levels along the west of the site where the burn was previously proposed to be re-located and thus the limited land available to re-route the burn would have likely have required significant earthworks to existing mature open space and would have resulted in development being located in close proximity to Ellon Road with minimal buffer. The burn would not be re-routed in the proposed layout in this MSC, with the area to the west of the burn instead being an open space buffer with the road. The layout in the PPIp would have also utilised a road outside the application site boundary to the north, which due to ground levels would

not be feasible. The indicative layout in the PPIp also planned for the development to have unadopted roads and the areas of SUDS (sustainable urban drainage systems) indicated would not be of a size that would meet Scottish Water requirements. These matters when taken together demonstrate that the total area available for residential plots is significantly less than what was shown in the indicative layout of the PPIp. The result is that the proposed layout incorporates substantial areas of open space and sufficiently sized SUDS to the south and west. In terms of the resulting developable area, excluding the Silver Burn, the proposed open space to its west and south, and the SUDS proposed to the southeast, the density would be 28.6 dwellings per hectare.

In terms of having a greater density within the developable area available for residential dwellings, it is considered that the proposed layout could have incorporated a greater number of dwellings than what is being proposed, noting the significant number of detached dwellinghouses proposed. In terms of urban form, there are large buildings to the immediate south, notably the King's Church (the former AECC), and thus residential buildings on this site of more than two storeys could have been considered as an alternative in this context. A greater number of terraced and semi-detached dwellings with private gardens (including 'townhouse' style housing types) in place of some of the large, detached dwellings could have increased the overall density.

It is however acknowledged in terms of meeting affordable housing need and demand, there is no current need for the provision of two-bedroomed flats, which provides justification for not providing such housing types. The Statement of Housing Mix presents that the development of flats and smaller dwellings on this site would not be viable from a marketing perspective taking into account the number of smaller units being proposed as part of the OP13 and that adding smaller units to increase numbers would likely impact the rate of sales for the proposed development that currently offers a different housing type to much of what has been submitted in OP13 (Ref: 240850/MSC). The applicant considers that this would make it unviable, slowing the delivery of this prominent vacant brownfield site.

Taking into account the limited developable area, even if such revisions had been made, it is unlikely that the number of dwellings could have been significantly increased whilst also affording the occupants acceptable levels of amenity, open space and the required levels of infrastructure. Taking into account that much of the site would remain undeveloped as publicly accessible open space, that it would have acceptable placemaking characteristics (as set out below) and the justification presented, the conflict with Policy H3 is not to a degree that warrants refusal.

Housing Mix and Affordable Housing

The existing legal agreement requires affordable housing to be delivered on-site. Policies 16 (Quality Homes) of NPF4 and H5 (Affordable Homes) of the ALDP require the provision of at least 25% of the total number of homes to be affordable housing. Policy 16 states that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs will be supported. The development requires 16.75 affordable homes based on the number of units proposed. As required, the proposal incorporates 16 dwellings as affordable housing and the 0.75 fractional amount can be paid as a commuted sum as part of agreed developer obligations.

Policy H4 (Housing Mix) requires housing developments of larger than 50 units to achieve an appropriate mix of dwelling types and sizes. The proposed layout includes a range of unit types, giving variety to the development. The development would have a mix of housing types with slightly higher density residential blocks located towards the north and centre of the site. The dwellings would comprise 51 mainstream dwellinghouses (of which there would be 37 detached, 6 semi-detached and 8 terraced dwellinghouses) and 16 affordable dwellings (comprising 12 flats, 2 semi-detached dwellinghouses and 2 terraced dwellinghouses). There would be eleven house

types, which would provide interest and avoid significant repetitiveness. The units would range from one-bedroom affordable 'cottage' flats, three-bedroom affordable terraced dwellings, three-bedroom semi-detached dwellings, four-bedroom and five-bedroom detached dwellings, providing a variety of accommodation sizes. There would be accessible three one-bedroom cottage flats, which would be affordable housing. The affordable housing tenure is to be sold to a Rented Social Landlord for the provision of social rented affordable housing units. It is understood that at the time of writing that the provider has not been agreed.

There is a range of housing types, including affordable housing types and a sufficient number of affordable dwellings is proposed, as required by the legal agreement and in accordance with Policies 16 of NPF4 and H4 and H5 of the ALDP.

Waste Storage and Collection

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

A refuse vehicle swept path analysis has been submitted which shows where waste and recycling would be stored and that there would be sufficient space for waste refuse vehicles to manoeuvre. The carry distance for the occupants of the dwellings accessed via shared driveways would not be excessive. Bins for the would generally be stored in gardens and presented on driveways or bin stances for collection day. On-street bin stores would be provided for some of the affordable dwellings.

Suicide

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

Summary

In summary, notwithstanding the conflict with Policy H3 (Density), the layout and design of the development are acceptable and accord with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policies D1 (Quality Placemaking), D2 (Amenity), H4 (Housing Mix) and H5 (Affordable Housing) and that any deviations from the detailed layout of Planning Permission in Principle have been justified. Condition 2 requires the design and layout to be implemented in accordance with the approved details.

Condition 3 (landscaping information) and Condition 4 (trees)

Condition 3 requires landscape details to be submitted. In general terms, it requires details of existing and proposed soft and hard landscape features, trees, water features, boundary treatment and play equipment. It furthermore requires a tree survey, arboriculture impact assessment and tree protection plan, a management plan for watercourse buffer strips and a programme for the completion and subsequent of landscaping. This information has been submitted accordingly.

Policy 3 (Biodiversity) of NPF4 requires development proposals to incorporate biodiversity enhancements.

Open Space Provision and Landscape Design

Policy NE2 (Green and Blue Infrastructure) of the ALDP requires the provision of biodiverse, usable and appropriate open space in new developments to ensure functionality. The proposed development would incorporate various green and blue infrastructure into the development. Policy D5 seeks development to be designed with an effective, functional and attractive landscape framework.

The Silver Burn would have a 6m wide buffer and the open space to its west would primarily comprise meadow grassland and would have a path within it. The mature trees in this area, which contribute significantly to the landscape setting of the site and provide a buffer from Ellon Road, would be unaffected by this development and would be retained. Additional planting is proposed along this corridor to enhance the soft landscape setting. SUDS would be included in the southeast corner. Distinct formalised areas of open space would be incorporated into the development with the central area of open space forming a focal point within the development and amenity land would be included along key sightlines to soften the streetscape. This would include an area of open space in the southeast corner and areas of amenity space to the east, which would retain the soft landscaped edge on Claymore Drive. Alongside the open space contributions required by the existing legal agreement, the development would incorporate acceptable and varied areas of open space throughout with a variety of planting of varying species. The retention of the existing area of open space to the west of the Silver Burn (also formerly undeveloped as amenity space) is maturing into meadow grassland. As such, the retention of this and its incorporation into the landscape design of the wider development, in addition to the proposed SUDS and planting would be positive and enhance the overall existing biodiversity of the site.

Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland and trees. It goes on to state 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 development proposal would result in the removal of approximately 20 maturing maple trees that bound the site along Claymore Drive together with other trees within the development itself. Whilst this presents tension with policies 6 and NE5, approximately 83 new trees are proposed throughout the site. Hedge and replacement tree planting is proposed along much of this boundary which would be interspersed by dwellings which are orientated towards Claymore Drive, which contribute to the local landscape character. Alongside the proposed planting throughout the site, biodiversity enhancements are proposed in the form of bee hotels, hedges and meadow grassland. As such, taking into account the proposed planting and biodiversity enhancement measures, the loss of these trees would not be to a degree that warrants refusal.

Maintenance Details

Policy 20 (Blue and Green Infrastructure) of NPF4 states that development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Condition 3 requires that all soft and hard landscaping proposals are carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement the development (or such other date as may be agreed in writing with the Planning Authority). It also requires any planting which, within a period of 5 years from the

completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, to be replaced by plants of similar size and species to those originally required to be planted.

Condition 4 requires that no units are occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved by the planning authority.

The proposed landscaping would be provided and maintained in accordance with the landscape plan. It states that a factor will be appointed to assist in the establishment of a residents' association to follow the proposed landscape maintenance. Tree protection details have been set out in the Arboricultural Impact Assessment. These details are satisfactory for the purpose of these conditions.

Benches and Play Equipment

Policy 21 (Play, Recreation and Sport) of NPF4 states that development proposals likely to be occupied by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development. It also seeks new streets and public realm to be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

The proposal would include benches at appropriate locations within the development including within the central open space, at the southern end of the site adjacent to the Silver Burn and the SUDS, as well as the active trail area. Open spaces would be provided with adequate levels of natural surveillance and the active trail would include play equipment, to the benefit of children and young people, in accordance with the aims of Policy 21.

Boundary Treatments

Boundary treatments would take the form of 1.8m high timber fences to enclose rear gardens and masonry walls in areas where the boundaries are more prominent. The front gardens of the majority of the dwellings would be bounded by hedges, adding visual interest and softening the streetscape. The boundary treatments are acceptable.

Summary

The development would include acceptable tree planting and biodiversity enhancements are proposed throughout the site, including flower beds, shrubs, hedges, as well as bee hotels which would offset the loss of these trees, which would provide a strong landscape framework. The proposed landscape details are acceptable and include a variety of clearly defined open space and biodiversity enhancements. The landscape details accord with the aims of Policies 1, 2 and 3 of NPF4, as it would give significant weight to the global climate emergency and nature crisis and incorporate biodiversity enhancements. The development would include usable and appropriate open space to ensure functionality, in accordance with Policies 20 (Blue and Green Infrastructure) and NE2 (green and Blue Infrastructure) of the ALDP. The development would have an attractive landscape framework, in accordance with Policy D5 (Landscape Design) of the ALDP.

Conditions 5 (drainage) and 7 (SUDS)

Condition 5 requires details of the proposed means of disposal of foul and surface water in the form of sustainable urban drainage systems (SUDS) and for a 'development impact assessment' and detailed design and methodology statement. Condition 7 requires a scheme detailing the levels of SUDS surface water treatment, an assessment to demonstrate how the layout and design has considered the feasibility of de-culverting any watercourses within the site. A maintenance schedule has also been submitted. The conditions require these matters to be agreed, in consultation with SEPA.

Proposed Drainage System

Policies 22 (Flood Risk and Water Management) of NPF4 and NE4 (Our Water Environment) of the ALDP requires surface water to be managed through SUDS and to avoid flooding and pollution both during and after construction.

A drainage assessment, drainage strategy plan, drainage adoption plan and overland flood flow routing plan have been submitted which details the levels of SUDS. The development would include SUDS in the form of a drainage basin in the southeast corner of the site that will attenuate surface water and discharge into the existing sewer to the east of Claymore Drive. For building roofs, the water would drain via downpipes to new gravity drains, which would discharge via disconnection chambers to the new surface water sewer network. This would then drain to the detention basin to the south. From here the water would discharge at a restricted rate to the existing surface water sewer. Drainage channels would be provided between driveways and the public road to intercept water and to gullies. The Roads Development Management Team confirm that the hazard mitigation indices exceed the pollution indices and, as such, the measures would be sufficient.

Consideration for Re-aligning Watercourse and the 6m Buffer Between the Burn and Private Plots

The re-alignment of watercourses on the site, specifically the Silver Burn, would not be feasible (as explained in evaluating the matter of housing density in Condition 3). Condition 7 requires a minimum 6m buffer to be maintained between the development (including garden ground and property boundaries) and the top bank of the Silver Burn and any proposals to de-culvert watercourses through the site. There would be a minimum 6m buffer between the proposed development and the nearest property boundary, in accordance with this condition, and as accepted by SEPA.

Connection to Existing Public Sewer System

Condition 5 also seeks that the development connects to the public sewer system and that the dwellings are not occupied unless the drainage system has been provided and is operational. The development would connect into the existing public sewer system, with the intention for these to become adopted and thus maintained by Scottish Water. Scottish Water has been consulted and confirm that there is sufficient capacity. Policies 22 of NPF4 and NE4 of the ALDP both have a presumption against surface water connections to the combined sewer system and therefore the proposed arrangements are in full accordance with these planning policies.

Conditions 5 and 7 – Summary

The proposals are in accordance with Policy NE4 (Our Water Environment) which requires proposals to be the most appropriate in terms of SUDS. The original condition requires work to be undertaken in accordance with the approved scheme. The measures would support the aims of policies 1, 2, 3 and 22 of NPF4 through the use of more sustainable methods deal with surface water run-off.

Condition 5 requires that the development is occupied unless the agreed drainage system has been provided, is operational. Condition 7 requires the works to be carried out in accordance with the approved levels of SUDS surface water treatment. Policy 5 requires the drainage system is maintained throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Condition 6 (historic drainage)

Condition 6 requires a scheme for the treatment/decommissioning/removal of historic site drainage infrastructure to be submitted and approved in writing by the planning authority, in consultation with SEPA. The reason for the condition is to prevent the abandonment of waste and pollution of the environment.

Section 3.0 of the Drainage Assessment states that all historic private drainage infrastructure will be investigated and removed from the site and that should be necessary to retain any of the existing drainage, then proposals will be provided to justify its retention. SEPA are satisfied that this is sufficient for the purpose of this condition. As set out in addressing Conditions 21 and 22 below, there is no risk of land contamination on the site. The Contaminated Land Team have not objected to the application. The Construction Environmental Management Plan also demonstrates that there would be no risk of water pollution from the development. These details are acceptable as a scheme to address the matters specified in this condition.

Condition 8 (de-culverting/realignment)

Condition 8 requires a detailed scheme for the protection and enhancement of the water environment to be submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. The details required have been specified in the condition and the information has been submitted, as required.

The Silver Burn would not be realigned and there are no other watercourse engineering works proposed and it would not be feasible given the site constraints. No other permanent engineering activities are proposed in the water environment. The existing bridge over the watercourse would be incorporated into the development and would be used for access to the open space to the west. Surface water run-off would not be directed into the Silver Burn. SEPA have no objection with respect to the information submitted to address the matters specified in this condition. The proposal would include a 6m buffer between the development of the site and the corridor. The information submitted to discharge this condition is in accordance with the aims of Policies 22 and NE4 of the ALDP.

Condition 9 (flood risk assessment)

Condition 9 requires a Level 2 Flood Risk Assessment to be submitted and approved in writing by the planning authority, in consultation with SEPA, and sets out the details that are required within that submission.

Policy 22 (Flood Risk and Water Management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. In terms of the layout, the burn would not be re-aligned, there would be an acceptable buffer between the residential plots and the Silver Burn, and the development would avoid the functional floodplain (taking into account climate change).

Policy 22 of NPF4 seeks development to not be located within areas at risk of flooding (which it defines as land or built form with an annual probability of being flooded greater than 0.5%, including an appropriate allowance for future climate change). Whilst no detailed modelling had been provided, the information outlines the flows likely to reach the site along the Silver Burn and that the channel on the site would have capacity to convey these without impact on the development. SEPA accept this and have stated that this information is in accordance with all other information they hold on flood risk for the area. The Silver Burn channel would not overtop its channel and thus there would be no such risk to flooding within the development itself. In terms of culvert blocking, the culvert at the north of the site would be removed to prevent any risk from if it were blocked. The River Condition and Enhancements Report states that silt will be removed from the channel, as recommended by SEPA.

The exception in terms of flooding would only be if the culverts were to be blocked within and immediately downstream of the site, where they would a slight overland flow over the path at the south of the site, adjacent to the existing bridge to the west, and the footway to the southeast of the site adjacent to the SUDS. Otherwise, the development would not be at risk of flooding and the development would not result in additional flood risk off-site, in accordance with Policies 22 and NE6 of the ALDP.

SEPA also recommends that the culverts are unblocked. This has been added as an advisory note.

Condition 10 (environmental enhancements)

Condition 10 requires a scheme of environmental enhancements, including reference to those listed in paras 5.2 and 5.3 of SEPA's consultation response for the PPIP (dated 11 February 2020), to be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

The paragraphs in the response are wide ranging and include details relating to incorporating resource-efficient buildings, open space, biodiversity, sustainable and active travel. These matters have been addressed throughout this evaluation. It sought the development to have a 'horse-shoe' of open space, which it would have to its west and south, include SUDS and have a path over the Silver Burn to encourage resident interaction with the green/blue space. It would maintain the landscaping belt of open space along Parkway East and furthermore none of the trees along the southern boundary would be affected by the development. Invasive non-native species would be removed from the burn. The environmental enhancements proposed are acceptable. SEPA have stated that they have no objection to the discharge of this condition if the invasive non-native species are removed and appropriately disposed of, and if the biodiversity enhancements are implanted. It has accordingly been stated in the documentation that both these measures will be implemented and they are acceptable. The condition requires the scheme of environmental enhancements to be implemented in full.

Condition 11 (CEMP)

Policy NE3 (Our Natural Heritage) of ALDP states a CEMP may be required to address any potential adverse impacts on waterbodies during construction. Condition 11 requires a site-specific Construction Environmental Method Plan (CEMP) to be submitted and approved in writing by the planning authority in consultation with SEPA. This is in order to minimise the impacts of necessary demolition and construction works on the environment.

A CEMP has been submitted accordingly, which sets out how demolition and construction works would take place, the health and safety procedures, and procedures to minimise disturbance in

terms of noise, hours of construction (which would take place during standard working hours), mud on the road, lighting, dust, preventing pollution, waste storage and prevention. It also states that the invasive non-native species (INNS) would be removed from the Silver Burn and appropriately disposed of. SEPA have not commented on this condition. However, the CEMP is acceptable. The condition requires that the works are undertaken in accordance with the details agreed.

Condition 12 (street design)

Condition 12 requires the submission of details in relation to the proposed street design, including a parking strategy, road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; footway and cycleway provision; gradient; level details; finishing/surfacing materials and crossing points. The condition is in the interests of road safety. These details have been submitted with the application.

The development would have acceptably sized roads, traffic calming measures on both 'Road 1' and 'Road 2', acceptable visibility splays and swept path analysis would ensure that drivers, including refuse vehicles, would not need to undertake excessive manoeuvres and there would be adequate visibility. There are no cul-de-sacs, with the two turning heads in the shared driveways in this development being for individual dwellings.

An acceptable level of car parking would be provided, including visitor parking provision located in the south and west of the development adjacent to 'Road 1' and with the affordable housing provision. The proposed car parking provision is in accordance with the Transport and Accessibility Aberdeen Planning Guidance. Parking provision for detached houses would be in-curtilage and parking provision for the affordable housing would be in the form of a parking court adjacent to the affordable housing, including accessible parking spaces on both sides of the street. Driveways would be spaced at sufficient intervals to ensure parking would not dominate the space (allowing space for trees the front gardens of some of the detached dwellings. Since June 2023, the Building Standards Domestic Technical Handbook imposes requirements in terms of EV charging which supersede planning requirements, which would ensure that electric vehicle charging provision would be provided.

Condition 12 requires that no building will be occupied unless the streets and parking areas for the respective block are complete and available for use.

Conditions 13 (pedestrian crossing) and 15 (Bus Stops)

Condition 13 requires a scheme for a 'toucan' pedestrian crossing across Parkway East has been submitted to and approved in writing by the planning authority. This is to ensure that the site has appropriate pedestrian infrastructure to allow connection to local schools, shops and services in the surrounding area.

Condition 15 requires a scheme of upgrades to the bus stops on Parkway East to be submitted to, and agreed in writing by the planning authority. This is to provide the necessary infrastructure to make the development accessible by public transport and to encourage travel by sustainable means.

Policy T2 of the ALDP states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. It also states that where sustainable transport links to and from new developments are not in place, developers will

be required to provide infrastructure to support such facilities or a suitable contribution towards implementation.

The proposed layout would include such a crossing across Parkway East. A detailed plan of this and the alterations to the existing road has been submitted. This would be appropriately located on a desire line adjacent to the end of the southern footpath into the site and provide connection to the wider area to the south, as well as the local schools. The Roads Development Management Team accept this information and the drawings of the crossing that have been submitted, albeit they advise that the geometry and finer details will be assessed in greater detail separately through a Road Construction Consent application.

The proposal would upgrade the existing bus stops to the south of the application site on Parkway East and details of these have been submitted. A shelter would be located on the south side, and a standalone pole be located on the North side. The proposed crossing and bus stop upgrades are acceptable for meeting the requirement of Conditions 13 and 15, in accordance with Policies 13 of NPF4 and T2 of the ALDP.

Conditions 13 and 15 of the PPiP require no buildings within the development to be occupied unless these have been provided.

Condition 14 (traffic regulation orders)

Condition 14 requires Traffic Regulation Orders to have been obtained for the reduction of speed limits on the A92 to 40mph, including provision for temporary 20mph limits during school travel times prior to the occupation of any of the buildings within the development.

This was also a condition of the delivery of OP13 - Cloverhill and the speed limit along the A92 has already been reduced to 40mph, with a provision for temporary 20mph speed limits during school travel times, in line with housing having now been delivered and occupied at Cloverhill. As such, this matter has been addressed.

Condition 16 (safe routes to school)

Condition 16 requires a scheme providing safe routes to school to be submitted to, and approved in writing by the planning authority, and that the scheme includes the details of measures, including a timetable for implementation, required to help ensure safe travel to school. In response to this condition, the applicant has submitted a Safe Routes to School Assessment and this has been updated since submission.

In summary, to reach Scotstown Primary School, the pupils would cross the proposed toucan crossing on Parkway East (required by Condition 13), cross the toucan crossing on Ellon Road south of the Parkway roundabout and walk south along Ellon Road before turning west to walk along North Donside Road before reaching a signalised crossing on Scotstown Road. To reach Braehead School and Bridge of Don Academy, pupils would cross the proposed toucan crossing on Parkway East and the existing crossing on Ellon Road and would walk along the south side of the Parkway, using the existing footpath network. They would reach the existing zebra crossing on Scotstown Road and would be able to use Core Path 13 to reach them. The Roads Development Management Team have raised no concerns with respect to the proposed safe routes to school. The route avoids the need to traverse any industrial road, notably Broadfold Road.

The condition requires that no residential units are occupied unless the route has been provided (which would require the toucan crossing on Parkway East to be provided).

Condition 17 (residential travel pack)

Condition 17 requires the submission of a Residential Travel Pack based on the principles set out in the Travel Plan Framework agreed in the PPIp and containing proposals for reducing dependency on the private car. That Travel Plan Framework, in general terms, requires it to address matters to increase awareness among residents of travel choices, promote sustainable and active travel, increase health benefits from such and reduce single car occupancy trips.

Policy T2 (Sustainable Transport) indicates that travel plans will be required where thresholds set out in Aberdeen Planning Guidance are exceeded. The Transport and Accessibility APG states that a travel plan is a general term for a package of measures aimed at promoting more sustainable travel choices to and from a site, with an emphasis on reducing reliance on the private car, thereby lessening the impact of that site on the surrounding road network.

A residential travel pack has been submitted, which provides details on transport options for those living in the development following the principles of the Travel Plan Framework in the Planning Permission in Principle. The travel pack is considered acceptable and highlights opportunities for active travel and public transport, contributing towards the aims of Policies 13 of NPF4 and T2 (Sustainable Transport) of the ALDP. The Roads Development Management Team accept the contents of the Residential Travel Pack. The condition requires the approved travel pack to be provided to residents on first occupation.

Condition 18 (noise assessment/mitigation measures)

Condition 18 requires a noise assessment based on the final design and layout and details of any necessary noise mitigation measures to be submitted to, and agreed in writing by, the planning authority. A noise impact assessment has been submitted.

Policy D2 (Amenity) of the ALDP requires development to ensure that occupiers are afforded adequate levels of amenity in relation noise. Policy WB3 (Noise) of the ALDP states that housing and will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

Policy 23 (Health and Safety) of NPF4 states that the agent of change principle applies to noise sensitive development. The proposed residential development would be a 'noise sensitive development' in terms of Section 41A of the Town and Country Planning (Scotland) Act 1997, as amended. This requires the planning authority to take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing businesses in the vicinity of the development. Section 41A states that a planning authority may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise.

As such, any necessary noise mitigation measures must be delivered at the expense of the developer. A Noise Impact Assessment has been submitted to address this condition. It identifies the surrounding noise sources as being road traffic, industrial activities from the business premises to the east. It found that, without any mitigation, external and internal noise exposure from these would be unacceptable. As such, mitigation has been designed into the scheme through a combination of acoustic timber fencing and enhanced façade design. The proposed layouts of many of the dwellings has been revised since submission so that the dwellings themselves would lie between the rear gardens and the noise sources, which would serve to mitigate noise levels in the rear curtilage of the dwellings, particularly along Claymore Drive.

ACC – Environmental Health have noted that that normal noise criteria required would not be met with open windows in this development. In this regard, the Noise Aberdeen Planning Guidance states that ventilation may be required where it is not possible to achieve these criteria with traditional window designs and windows partially open for ventilation.

With the proposed glazing, including a closed window design with appropriate trickle ventilation specifications (set out in Section 6.2 of the Noise Impact Assessment), along with acoustic fencing around rear gardens, the design and mitigation measures would be effective in minimising noise impact and would ensure that the dwellings would not be exposed to significant noise levels whereby the occupants would be afforded unacceptable levels of residential amenity, in accordance with Policies 23 of NPF4, D2 and WB3 of the ALDP. These measures would be incorporated into the design of the development itself, as required by Section 41A of the Town and Country Planning (Scotland) Act 1997, as amended.

Condition 18 requires that no residential unit within the development is occupied unless the approved mitigation measures for that unit have been implemented in full.

Condition 19 (dust risk assessment)

Condition 19 requires both an Air Quality (Dust) Risk Assessment and a site-specific Dust Management Plan based on the outcomes of that assessment to be submitted. It requires that the Dust Management Plan details the necessary control measures to be implemented, monitoring protocol and schedule and the responsible person for dust control on-site. This is to mitigate the impact of dust from construction activities associated with the development on local air quality.

Policy WB2 (Air Quality) of the ALDP requires development proposals which may have a detrimental impact on air quality to propose measures to mitigate the impact of air pollutants and an associated assessment to be submitted. The Aberdeen Planning Guidance states the six qualities of placemaking referred to in Policy D1 (Quality Placemaking) seeks that development avoids unacceptable impacts on adjoining uses in terms of dust and air quality.

A Dust Risk Assessment and Management Plan has been submitted to address the matters specified in this condition, which takes identifies the uses in the area and identifies the risks from the construction activities, which relate to earthworks, construction and 'trackout' from the movement of vehicles and it identifies the recommended mitigation measures, which would be monitored, recorded and controlled by the site manager.

The Environmental Health Service accepts the dust risk assessment and management plan on the assumption that that the dust management plan is fully implemented for the duration of the construction period. The Dust Risk Assessment and Management Plan and the recommended mitigation measures are acceptable. Condition 19 requires all works to be carried out in accordance with the control measures agreed, which would ensure these measures would be implemented accordingly for the duration of the construction period.

Condition 20 (commercial floorspace)

Condition 20 imposes a limitation on the total gross floor area of commercial units within the development, as well as further details required for any Class 3 (food and drink) use which may be proposed.

As the proposed final layout would include no commercial floorspace and it is solely a residential development, no further information is required. The matters specified in this condition are thus addressed.

Condition 21 (Contaminated Land (A)) and Condition 22 (Contaminated Land (B))

Condition 21 requires no development to be undertaken unless it is in accordance with a scheme to address any significant risks from contamination on the site which has been approved in writing by the planning authority. The condition sets out the information that must be included in the scheme as well as it being conducted by a suitably qualified person.

Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 and R2 require land that is suspected to be unstable or contaminated, development proposals to demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

The applicant has submitted a 'Geo-Environmental Interpretative Report' (prepared by Fairhurst) alongside a 'Contaminated Land Summary Letter' to address the matters specified in this condition. The investigations identify that there is no evidence to suggest that significant contamination is present on this site. The Contaminated Land Team has reviewed this report and are likewise satisfied that there is no evidence to suggest that significant contamination is present. They accordingly recommend that the associated planning conditions are discharged.

Condition 22 applies if the site were found to be contaminated and remediation required. As the information submitted evidences that there is not significant contamination, there is no additional information required with respect to this condition, given the information that has been submitted with this application.

The evidence submitted is satisfactory in demonstrating that the site would be suitable and fit for human occupation, as required by these conditions, in accordance with Policies 9 of NPF4 and R2 of the ALDP.

Condition 23 (carbon reduction/water efficiency)

Condition 23 requires a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) to be submitted and approved in writing by the planning authority.

Whilst the guidance referred to in this condition has been superseded, Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP requires the proposed buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology and all new buildings to use water saving technologies and techniques, with the level of information required to comply with the policy being specified in the Resources for New Developments Aberdeen Planning Guidance.

An 'Energy Statement' has been submitted to address this condition which notes that air source heat pumps would be used alongside suitable thermal insulation. In terms of water efficiency measures, controlled shower flow rates, dual flushing toilets and water saving appliances would be designed into the dwellinghouses. The details submitted are acceptable, with the original condition requiring their implementation. The measures would support the aims of policies 1 and 2 of NPF4.

Matters Raised by Bridge of Don Community Council

With respect to the concern that the speed limit would not be reduced at the Toucan crossing on Parkway East during school times, there is no requirement within the condition of the PPIp to reduce the speed limit on Parkway East. This is a matter that is outwith the control of the applicant

and this MSC application and it would be for the roads authority to consider whether to alter speed limits, noting that Roads Development Management are content with the proposal toucan crossing location and design based on current speed limits, that include the 20mph limit applying on the A92 around school travel times. Should this remain a concern to Bridge of Don Community Council, this is a matter that could be raised outwith the planning process. With respect to concerns regarding the speed of vehicles on Ellon Road, which has since become a 40mph limit, this would be a matter for the police and traffic management. This is not within the scope of the planning application process.

DECISION

Approve Unconditionally

REASON FOR DECISION

The layout and design of this development are in general accordance with the principles of National Planning Framework 4 and the Aberdeen Local Development Plan 2023. The development would respond to the site context and there would be a variety of house types, sufficiently sized and appropriately located gardens, on-site affordable housing of differing types, and substantial and varied open space which would be acceptable in terms urban and landscape design. The residents, including children and young people would be afforded acceptable levels of residential amenity. The development proposal accords with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4), D1 (Quality Placemaking), Policy D2 (Amenity), D4 (Landscape) and D5 (Landscape Design) of the Aberdeen Local Development Plan (ALDP). Likewise, the road layout and parking provision would be acceptable such that there would be acceptable levels of road safety and indiscriminate parking would be minimised. The details and siting of the toucan crossing and bus stop upgrades would be acceptable and would encourage sustainable and active travel, in accordance with Policies 13 (Sustainable Transport) of NPF4, as well as T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

It is acknowledged that the detailed layout would have 67 dwellings on the site compared to 'around 100 to 150' indicatively referred to in the Planning Permission in Principle and that this proposal would conflict with Policy H3 (Density) of the ALDP in terms of its total site area, as there would be approximately 20 homes per hectare and this policy aspires to 50 homes per hectare. However, due to the site constraints in terms of the Silver Burn, which would not be culverted or realigned, and that much of the site would remain undeveloped as publicly accessible open space with acceptable placemaking characteristics, the density is not to such a degree that warrants refusal.

It is likewise acknowledged that approximately 20 maturing trees would be required to be felled along the eastern boundary on Claymore Drive, presenting tension with Policies 6 of NPF4 and NE5 of the ALDP. However, the development would include the planting of approximately 83 trees and biodiversity enhancements throughout the site, including flower beds, shrubs, hedges, as well as bee hotels, which would offset the loss of these trees. Environmental enhancements are proposed along the Silver Burn. The landscape details accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) of NPF4, as well as Policy NE2 (green and Blue Infrastructure) and D5 (Landscape Design) of the ALDP.

Otherwise, satisfactory information has been submitted on matters relating to layout, design, drainage, environmental enhancements, noise, dust, energy efficiency, flood risk, land

contamination and the other requirements of the conditions, in accordance with NPF4 and the ALDP.

ADVISORY NOTES FOR APPLICANT

(01) EARTHWORKS

Significant cut and fill earthworks are required and there is a considerable material surplus. The ACC - Contaminated Land Team recommends the preparation of a 'Detailed Material Management Strategy'. Waste management guidelines/regulations should be followed with respect to any surplus materials that require removal offsite.

It advises that UK Water Industry Research (UKWIR) testing is undertaken in accordance with the latest Scottish Water guidance on completion of the earthworks and once the final alignment of the water main is agreed.

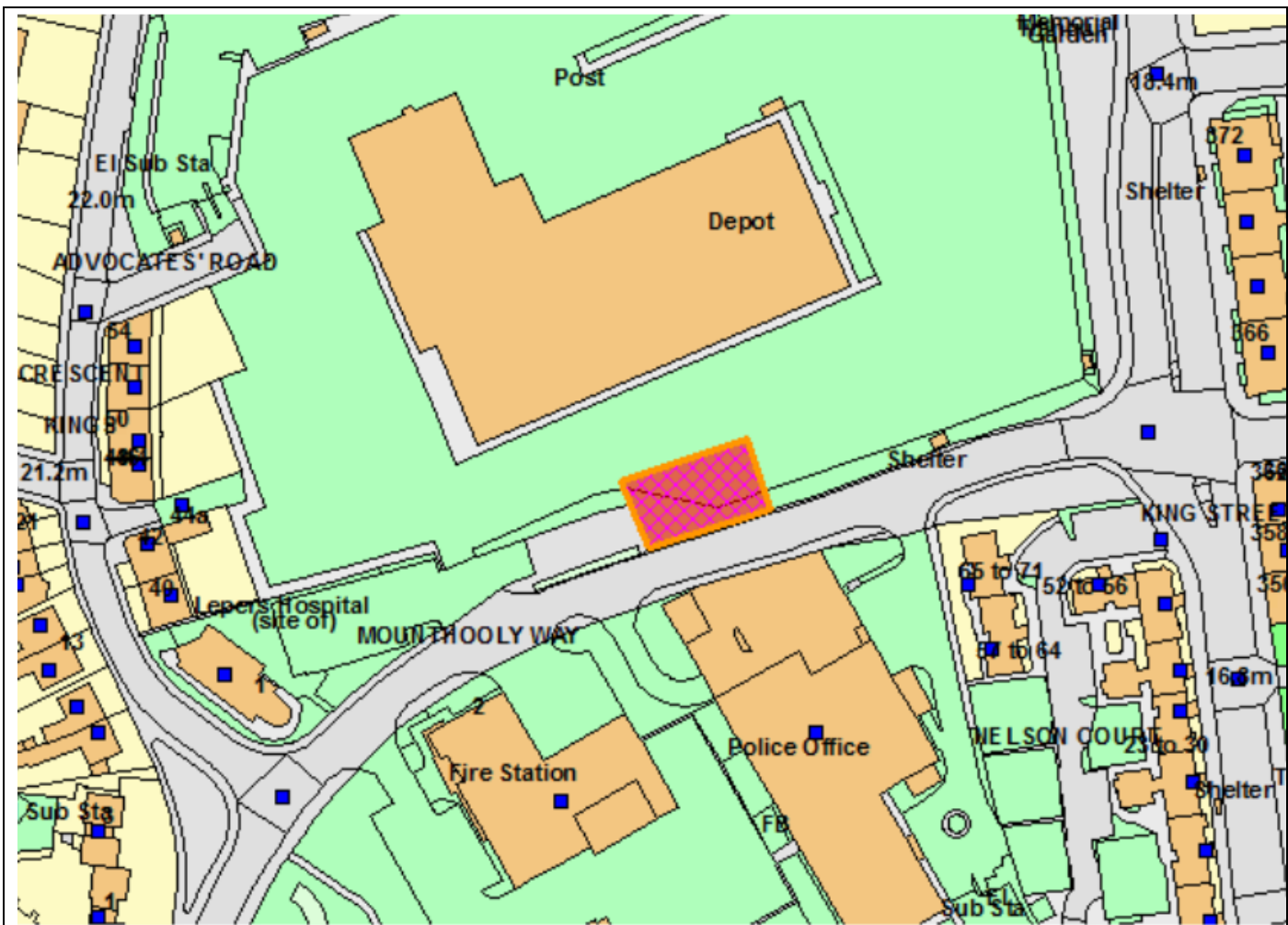
(02) CLEARING OF SILT WITHIN CULVERT

As advised by SEPA, as the culverts are currently indicated to be partially blocked by silt and vegetation, it is recommended that these are cleared. Thereafter, it is recommended that the culvert and channel are kept maintained.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 07 November 2024</p>

Site Address:	First Aberdeen Ltd, 395 King Street, Aberdeen AB24 5RP
Application Description:	Erection of 2no. battery storage containers, associated ring main unit and transformer housings, 3m high acoustic fence and associated works
Application Ref:	240961/DPP
Application Type	Detailed Planning Permission
Application Date:	14 August 2024
Applicant:	FirstBus
Ward:	George Street/Harbour
Community Council:	Old Aberdeen



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises part of a bus depot, situated on the west side of King Street, and north of Mounthooly Way. The wider depot site was substantially redeveloped in accordance with planning permission granted in 2008. The works relate to the yard area located south of a large workshop building of industrial appearance located centrally within the depot and used for vehicle maintenance. This has grey composite panel clad walls and vehicle access doors on its south elevation. The wider site includes a category C granite listed building of 19th century origin which fronts onto King Street, around 100m north of the site. The main depot access /egress is from King Street. There is established soft landscaping, hedging and trees at the depot frontage onto King Street. The south boundary of the yard, adjacent Mounthooly Way, is defined by a 2m high retaining wall surmounted by 2m high chain-link fencing. A 2m high close-boarded timber fence screens the south edge of the yard.

There is a mix of uses in the vicinity including student accommodation, residential, retail, a fire-station and police offices. Old Aberdeen Conservation Area lies around 120m west of the site at its closest point. The closest residential premises are flats, at Nelson Court, which are 44m south-east of the site, beyond Mounthooly Way.

Relevant Planning History

Application Number	Proposal	Decision Date
221328/DPP	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works	12.01.2023 Status: Approved Conditionally
151508	Installation of 2 external condenser units.	25.01.2016 Status: Approved
070366	Redevelopment of depot and offices	13.02.2008 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

Two battery storage units (each 6m long by 2.4m wide by 2.6m high) and two electrical transformers (each 3.1m long by 3.1m wide by 2.5m) are proposed. The battery storage units would be of metal construction and would incorporate access doors. The transformers would be mounted on a concrete plinth 150mm high and would have glass reinforced plastic walls with louvre panels on the sides. These units would be placed in a row along the south boundary of the site. A 3m high vertical boarded timber screen fence would be formed along the west, south and east site boundaries. This would have a total length of 52m.

The works are supported by the Scottish Zero Emission Bus (ScotZEB) challenge fund which has the aim to support swift and significant change in the bus market in favour of zero-emission technologies.

Amendments

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

- Revised layout plan to include landscaping (climbing plants)

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=SI5Z4TBZIKB00>

- Noise Impact Assessment (NIA)
- Design Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application has been the subject of formal timeous objection by the local Community Council within whose area the application site falls, and the recommendation is approval.

CONSULTATIONS

ACC - Environmental Health – No objection. Advise that the NIA has been reviewed and is accepted, provided that the noise attenuation measure (fencing) is implemented.

ACC - Roads Development Management Team – No objection / concerns.

Old Aberdeen Community Council – Object on the basis of potential noise impact to local residents. Advise that noise nuisance concerns have been raised in relation to previous electric vehicle infrastructure development at the site and request that is investigated.

REPRESENTATIONS

Objections from a heritage body and from one local resident has been received raising the following concerns:

- Adverse noise impact on nearby residents (e.g. of Kings Crescent) due to noise generation associated with electrical charging equipment, sleep deprivation and consequent conflict with ALDP policy H2.
- Concerns regarding the competency / accuracy of the NIA as originally submitted. Request that a revised NIA is submitted, and neighbours renotified.
- Request that determination of the current application is deferred until existing noise nuisance concerns at the site are addressed.
- Request that installation of further EV charging equipment at the site is deferred until existing noise concerns in relation to previously consented EV charging equipment are addressed.
- Request that the Council undertakes noise monitoring at the site.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 11 (Energy)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant:

- Policy H2 (Mixed Use Areas)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy WB3 (Noise)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE3 (Our Natural Heritage)

Aberdeen Planning Guidance (APG)

- Noise APG

Other National Policy and Guidance

- Planning Advice Note (PAN) 1/2011: Planning and Noise.
- Energy Storage: Planning Advice (2013).
- Naturescot Developing with Nature Guidance.

Other Material Considerations

- Scottish Zero Emission Bus (ScotZEB) challenge fund : <https://www.transport.gov.scot/public-transport/buses/scottish-zero-emission-bus-challenge-fund/>
- Scottish Government Climate Change Plan 2018-2032
- ACC Strategic Infrastructure Plan – Energy Transition – 2020
- Net Zero Aberdeen – Mobility Strategy and Energy Supply Strategy- 2022

EVALUATION

Principle of Development

As the works are directly related to public transport infrastructure and the authorised use of the wider site as a bus depot, they accord with the intent of NPF4 Policy 13 and ALDP Policy T2. The proposal also accords with the intent of NPF4 Policies 1, 2 and 11, ALDP policy R7 and other relevant plans, strategies and advice. These include the Scottish Government Climate Change Plan 2018-2032, Energy Storage: Planning Advice (2013), ACC Strategic Infrastructure Plan – Energy Transition, and Net Zero Aberdeen – Mobility Strategy. This is because it would enable the expansion of electric vehicle charging at the site and reduction of carbon emissions and pollution associated with traditional vehicle fuels (e.g. diesel).

Amenity / Noise Impact

It is noted that the site forms part of a long-established bus depot located within an urban area. Given this context, it is expected that the existing residential amenity of dwellings located close to the site is likely to be affected to a degree by noise (e.g. due to vehicles and noisy operations within the wider site and on adjacent public roads). However, it is likely that such noise disturbance would be limited outwith the active operational hours of the depot. An amended noise assessment (NIA) has been provided by the agent addressing concerns regarding the original NIA. The closest dwellings on Kings Crescent lie 93m from the site. The closest dwellings (flats) to the south of Mounthooly Way (at Nelson Court), are 44m from the site at their nearest point. Given the proximity of the residential premises to the south and east of the site, there is potential for limited adverse impact on their amenity due to noise generation associated with use of the proposed plant at night. However, the NIA concludes that the noise impact from the proposal would be negligible and is below the level at which adverse impacts are likely. This revised NIA has been assessed by ACC Environmental Health officers and its findings are accepted. Thus, subject to implementation of the proposed mitigation measures (e.g. 3m high acoustic barrier / fence within the site) there would be no adverse impact on residential amenity that would warrant refusal. A condition is proposed to ensure that such measures are implemented in order to ensure compliance with the expectations of NPF4 policy 23 part e), ALDP policies H2 and WB3 and related guidance.

Design / Heritage Impacts

The proposed transformers and battery storage units would be of limited scale relative to the adjacent maintenance building. They would be screened from adjacent public places as they would be set behind the proposed acoustic barrier fence. The development would be seen against the backdrop of the industrial shed-like bus depot building and in the context of the bus storage yard. Thus, it would have limited impact on its context. The fence would be located adjacent to and substantially elevated above the public road. It would be higher than the existing fence (around 0.6m) and thus would have increased visual impact when viewed from Mounthooly Road, in particular when approaching the site from the west. In order to address this concern, the applicant has amended the proposed design to include climbing plants on the west and south elevations of the fence. It is considered that such planting would provide suitable mitigation of the visual impact of the fence and can be required by condition. The overall works have no impact on heritage constraints (e.g. the listed building fronting King Street and Old Aberdeen Conservation Area) due to the intervening workshop building / yard which acts as a visual barrier. Thus, subject to implementation of a condition there would be no conflict with NPF4 policies 7 and 14 and ALDP policies D1 and D6.

Biodiversity / Nature Crisis

The development has been amended to include a degree of planting (climbing plants) to accord with the expectations of NPF4 policies 1 and 3 and ALDP policy NE3.

Parking / Traffic / Road Safety

There would be no impact on the adopted / public road network. No new access is proposed and there are no public road safety concerns. As the development does not generate increased travel demand or need for parking, there is no conflict with ALDP policy T3. As this part of the yard is used for open storage, there would be no reduction in bus parking within the yard.

Matters Raised in Representation

The NIA has been assessed by the appropriate consultee and its findings are accepted. Whilst ACC Environmental Health Service are not the regulatory authority with regard to assessment of other health and safety risks, no evidence exists that the proposed development would result in insurmountable health and safety impacts (e.g. sleep deprivation of nearby residents).

Given that ACC Environmental Health Service do not identify a requirement for noise monitoring to be undertaken at the site and the submitted NIA does not require this, imposition of such a burden would be an unreasonable requirement and thus would not meet all of the tests for conditions set out in Planning Circular 4/1998: the use of conditions in planning permissions.

Given that separate powers exist in relation to investigation of alleged noise nuisance, outwith the scope of planning legislation, and that such allegations do not relate to the proposed development, there is no justification for deferring determination of the current planning application pending the outcome such investigation. The current application requires to be assessed and determined on its own merits.

Whilst some representations question the effectiveness of the noise attenuation installed in relation to previous consented development at the wider bus depot site, that is not a material consideration in relation to assessment of the current planning application. The concerns regarding alleged non-compliance with the previously consented development have been investigated by the Planning Authority. The requisite noise attenuation fencing has been installed relative to all the electric vehicle charging equipment which has so far been installed at the wider site in relation to implementation of planning permission ref. 221328/DPP. Whilst that development has only partly been implemented, any evidence of non-compliance would be investigated by the Planning Authority.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed development accords with the intent of NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 11 (Energy) and Policy 13 (Sustainable Transport) within National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) within the Aberdeen Local Development Plan 2023 (ALDP) because it would enable the expansion of electric vehicle charging at the site and reduction of carbon emissions and pollution associated with traditional vehicle fuels. Conditions are imposed to address the amenity, noise and landscape impact of the works and ensure compliance with the expectations of NPF4 Policy 1 (Tackling the Climate and Nature Crises), NPF4 Policy 3 (Biodiversity) and NPF4 Policy 23 (Health and Safety), ALDP Policy H2 (Mixed Use Areas), ALDP Policy WB3 (Noise), ALDP NE3 (Our Natural Heritage) and related guidance. There would be no conflict with NPF4 Policy 7 (Historic Assets and Places) and NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking), ALDP Policy D6 (Historic Environment) and ALDP Policy T3 (Parking).

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) ACOUSTIC ATTENUATION

The equipment hereby approved shall not be used unless the following noise attenuation measures, as specified in the approved noise assessment (ref. NIA/10512/22/10893/v2/395 King Street, Aberdeen – dated 05/09/24) have been implemented in full, or alternative measures have been approved in writing by the Planning Authority and implemented in full

- The battery storage units and associated transformers are located as detailed in the GA Site Plan (Drawing No: 1300 - 201A), with the noise level of each unit not exceeding 83 dB LwA.
- An acoustic barrier is installed in accordance with, and to the specification shown in, the Detailed Plan (Drawing No: 1300 - 202C).
- GRP Housing is installed around the transformers as shown in the Detailed Plan (Drawing No: 1300 - 202C).

Reason – In order to protect the amenity of nearby residential premises due to noise emission from the proposed plant.

(03) LANDSCAPE / BIODIVERSITY ENHANCEMENT

The approved equipment shall not be used, nor shall the fence be installed unless:

- the approved landscape plan and planting (Drawing no. 1300 – 202 C) has been installed on site or,
- alternative landscape measures have been approved in writing by the Planning Authority and implemented in full.

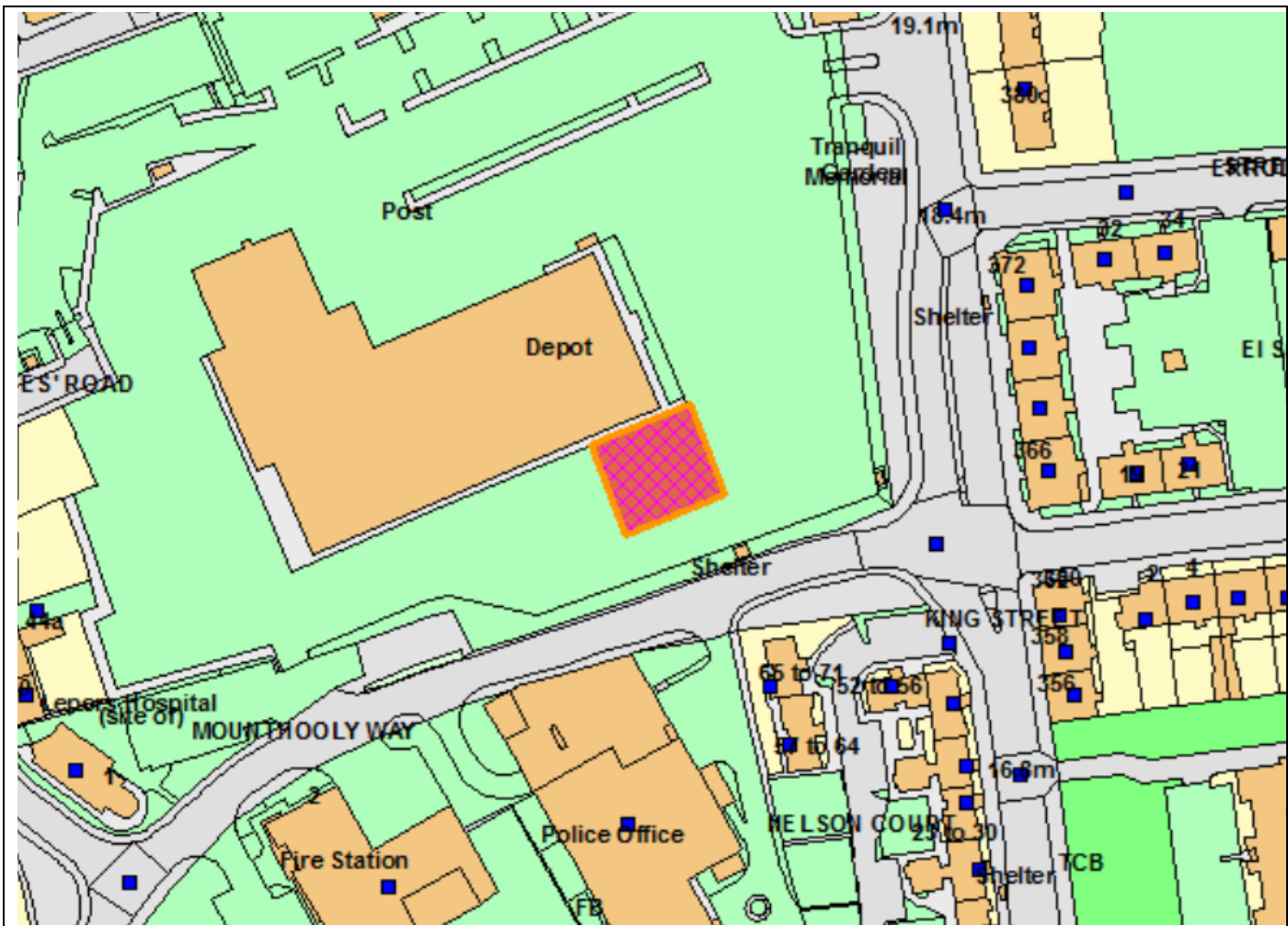
and the planting is subsequently retained.

Reason: In order to address the visual impact of the proposed fence when viewed from Mounthooly Way and secure biodiversity enhancement on site.

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 07 November 2024

Site Address:	First Aberdeen Ltd, 395 King Street, Aberdeen AB24 5RP
Application Description:	Installation of hydrogen refuelling station plant equipment with enclosure and acoustic barrier fence
Application Ref:	240769/DPP
Application Type	Detailed Planning Permission
Application Date:	25 June 2024
Applicant:	Logan Energy Ltd.
Ward:	George Street/Harbour
Community Council:	Old Aberdeen



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises part of a bus depot, situated on the west side of King Street, and north of Mounthooly Way. The wider depot site was substantially redeveloped in accordance with planning permission granted in 2008. The works relate to the yard area located south of a large workshop building of industrial appearance located centrally within the depot and used for vehicle maintenance. This has grey composite panel clad walls and vehicle access doors on its south elevation. The wider site includes a category C granite listed building of 19th century origin which fronts onto King Street, around 100m north of the site. The main depot access /egress is from King Street. There is established soft landscaping, hedging and trees at the depot frontage onto King Street. The south boundary of the yard, adjacent Mounthooly Way, is defined by a 2m high retaining wall surmounted by 2m high chain-link fencing.

There is a mix of uses in the vicinity including student accommodation, residential, retail, a fire-station and police offices. Old Aberdeen Conservation Area lies around 120m west of the site at its closet point. The closet flats, at Nelson Court, lie 25m south of the site boundary, across Mounthooly Way.

Relevant Planning History

Application Number	Proposal	Decision Date
221328/DPP	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works	12.01.2023 Status: Approved
151508	Installation of 2 external condenser units.	25.01.2016 Status: Approved
070366	Redevelopment of depot and offices	13.02.2008 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

Formation of a hydrogen refuelling station for buses within the existing yard located south of the maintenance building. The refuelling station would have a maximum height of 4.2m and would comprise various elements including a metal clad container and canopy. This would be around 10m long and 2.5m wide. A 3m high acoustic fence is proposed within the yard. This would be set around 20m off the southern edge of the existing yard boundary. It would have a thickness of 220mm, including noise absorbent material and structural elements, and a length of 6m.

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=SFFO98BZGX100>

- Noise Impact Assessment (NIA)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of five valid objections has been received and the recommendation is approval.

CONSULTATIONS

ACC - Environmental Health – No objection. Advise that the recommendations of the Noise Impact Assessment (NIA) (e.g. provision of acoustic barrier on site) are accepted.

ACC - Roads Development Management Team – No objection or safety concerns. Note that the proposed infrastructure does not affect any adopted road surface.

Old Aberdeen Community Council – No objection. Comments provided in relation to need for detailed noise assessment (operational assessment), potential adverse noise impact on nearby residents and assessment of safety risk due to hydrogen plant affecting nearby residents. Question if Environmental Health is best suited to assess potential Health and Safety risks.

REPRESENTATIONS

A total of 7 objections from Aberdeen residents and a local amenity body which raise the following matters:

- Hydrogen explosion risk and related public safety risk to nearby residents.
- Need for revised noise assessment related to impact of proposed plant on nearby residents.
- Alleged ineffective noise attenuation measures and noise nuisance to nearby residents related to existing EV plant on the wider bus depot site.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

NPF4 is the long-term spatial strategy for Scotland. It contains a comprehensive set of national planning policies that form part of the statutory development plan. The following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 11 (Energy)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant:

- Policy H2 (Mixed Use Areas)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy WB3 (Noise)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE3 (Our Natural Heritage)

Aberdeen Planning Guidance (APG)

- Noise APG

Other National Policy and Guidance

- Planning Advice Note (PAN) 1/2011: Planning and Noise.
- Energy Storage : Planning Advice (2013). This states that:

“The scale of plant associated with hydrogen storage and fuel cell varies relative to the scale of operation. Hydrogen tends to be stored in steel cylinders or bottles and fuel cells tend to be contained within boxed housing. Connecting pipes, cooling units, electrical units and separating walls are also a feature. Overall it is industrial in appearance and would normally require attention to screening or building design.”

Other Material Considerations

- Scottish Government Climate Change Plan 2018-2032
- Scottish Government Hydrogen Policy Statement 2020:

“Significant investment in infrastructure will be needed to support new emission reduction technologies such as ...hydrogen.”

- Scottish Government Hydrogen Action Plan 2022:

“Electrification will do the heavy lifting in our march towards net zero, but there are parts of our economy and energy system that are very difficult to electrify, and hydrogen could provide a solution for sectors such as heavy-duty on and off-road transport...”

- ACC Strategic Infrastructure Plan – Energy Transition – 2020
- Net Zero Aberdeen – Mobility Strategy and Energy Supply Strategy- 2022
- Aberdeen City Region Hydrogen Strategy and Action Plan 2015-2025 :

https://hyacinthproject.eu/wp-content/uploads/2013/12/A_Hydrogen_Strategy_for_the_Aberdeen_City_Region_2015-2025.pdf

“Overall this strategy looks to secure investment for further vehicle deployments initially, followed by new infrastructure investment from 2018 when capacity will be maximised.”

EVALUATION

Principle of Development

As the works are directly related to public transport infrastructure and the authorised use of the wider site as a bus depot they accord with the intent of NPF4 Policy 13 and ALDP Policy T2. The proposal accords with NPF4 strategy for the North East which states that:

“Action is required to tackle industrial emissions and transition towards a greener future... Greener energy choices, including hydrogen have a natural home here and will be at the heart of the area’s future wellbeing economy.... Significant infrastructure will be required to deliver a hydrogen network for Scotland, including repurposing of existing facilities and the creation of new capacity.”

Whilst hydrogen energy is not a form of renewable energy, use of green hydrogen (derived from use of renewable energy) as an alternative to other fossil fuels has potential positive effects in terms of reduction of greenhouse gas emissions. The proposal therefore accords with the intent of NPF4 Policies 1, 2 and 11, ALDP policy R7 and other relevant plans and strategies. These include the Scottish Government Climate Change Plan 2018-2032, Scottish Government Hydrogen Action Plan 2022, ACC Strategic Infrastructure Plan – Energy Transition, Net Zero Aberdeen – Mobility Strategy and Aberdeen City Region Hydrogen Strategy and Action Plan 2015-2025. This is because it would enable the expansion of hydrogen fuel technology and displacement of carbon emissions / pollution associated with traditional vehicle fuels.

Design / Heritage Impacts

The proposed plant would be of limited scale relative to the adjacent maintenance building located to its north. It would be largely screened from adjacent public places as it would be set behind the proposed acoustic barrier fence, set back from public roads and is of limited height. Whilst the top section of the plant would be visible above the proposed fence, the development would be seen against the backdrop of the shed-like bus depot workshop building and in the context of the bus storage yard. Thus, it would not adversely impact on its context. The fence would be substantially recessed from adjacent public roads and the construction details provided demonstrate that it would be of appropriate design quality. The overall works have no impact on heritage constraints (i.e. the listed office fronting King Street) due to the intervening building and yard. Thus, there would be no conflict with NPF4 policies 7 and 14 and ALDP policies D1 and D6.

Amenity / Noise Impact

It is noted that Scottish Government Planning Advice issued in 2013 regarding Energy Storage contains the following advice related to noise from plant equipment:

“The mechanical process of hydrogen storage is not expected to create any noise nuisance.”

In this instance, given the proximity of residential premises to the south and east of the site, there is potential for adverse impact on their amenity due to noise generation associated with use of the proposed plant, particularly during the night. The submitted NIA, which recommends the implementation of an acoustic barrier (fence) on site to mitigate this impact, has been assessed by ACC Environmental Health officers. Its findings are accepted. Thus, subject to implementation of the proposed acoustic barrier / fence within the site, there would be no adverse noise impact. A condition is recommended to ensure that such barrier is implemented in order to ensure compliance with the expectations of NPF4 policy 23 part e), ALDP policies H2, WB3 and related guidance.

Public Safety / Explosion Risk

Scottish Government Planning Advice issued in 2013 regarding Energy Storage makes no reference

to explosion risk being a relevant material consideration in relation to the matter of hydrogen storage. With regard to safety / public health considerations, the advice states that :

“Demonstration projects have shown that hydrogen storage is a safe technology subject to some limited locational considerations, despite negative public perceptions.”

The health and safety risk in relation to hydrogen facilities is a matter that is dealt with by separate legislation, protocols and controls and the detailed safety matters related to hydrogen lie outside the remit or control of the planning system. The health and safety aspects of a hazardous substance such as hydrogen only become a material planning consideration in certain volumes or concentrations as specified in the Hazardous Substances Regulations, (2 tonnes in the case of hydrogen) at which point there is a requirement for an application to be made to the planning authority for Hazardous Substances Consent. In this instance, the maximum volume of hydrogen stored at the site would be 0.6 tonnes and thus is below the threshold volume. As with a wide range of other activities and industries, the health and safety aspects of the design and use of hydrogen facilities are governed by non-planning requirements which the applicant must adhere to, and which provide the necessary safety controls. Under the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) an employer, or his representative, must carry out a risk assessment of any work activities (including maintenance) involving dangerous substances (these being defined as flammable liquids, gases, vapours or dusts).

The need for a safety / risk assessment is not referenced in related planning policy and guidance and strategies, which are focused on expansion of hydrogen facilities and usage as a key objective. Thus, notwithstanding the urban location of the site, the absence of such a risk assessment and the perceived safety risks raised do not warrant refusal in this instance. The responsibility for undertaking such a risk assessment lies with the operator of the proposed facility.

Given that the works directly relate to an existing bus depot, which already accommodates hydrogen fuelled buses, there is no evidence that there would be any substantive additional public safety risks, notwithstanding the location of the site within an urban area and the presence of nearby residential premises. Consequently, there is no conflict with NPF4 policy 23.

Parking / Traffic / Road Safety

Although the works would result in a marginal reduction in bus parking within the yard, there would be no impact on the adopted / public road network, no new access is proposed and there are no public road safety concerns. As the development does not generate increased travel demand or need for parking, there is no conflict with ALDP policy T3.

Biodiversity / Nature Crisis

Notwithstanding the expectations of NPF4 policy 3 and ALDP policy NE3, given that no substantive physical development is proposed, it would be unreasonable to require the development to address biodiversity matters. Any such policy tension with therefore does not warrant refusal in this instance.

Matters Raised in Representation

The NIA has been assessed by the Council's Environmental Health officers and its findings are accepted. Whilst ACC Environmental Health Service are not the regulatory authority with regard to assessment of other health and safety risks (e.g. explosion), no evidence exists that the proposed development would result in insurmountable health and safety impacts (e.g. related to sleep deprivation of nearby residents). The matter of public safety / explosion risk and noise impact relating to the proposed development are addressed above.

Whilst some representations question the effectiveness of noise attenuation in relation to previous consented development at the site, that is not a material consideration in relation to assessment of

the current planning application. It is noted that separate (non-planning) legislation exists in relation to investigation and control of alleged noise nuisance.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The development accords with the intent of NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 11 (Energy) and Policy 13 (Sustainable Transport) within National Planning Framework 4 (NPF4) and Policy R7 (Renewable and Low Carbon Energy Developments) and Policy T2 (Sustainable Transport) within the Aberdeen Local Development Plan 2023 (ALDP) because it would enable the expansion of hydrogen fuel technology and displacement of carbon emissions / pollution associated with traditional vehicle fuels. A condition addressing noise mitigation is recommended to ensure compliance with the expectations of NPF4 Policy 23 (Health and Safety) part e), ALDP Policy H2 (Mixed Use Areas), Policy WB3 (Noise) and related guidance. There would be no conflict with NPF4 Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking), Policy D6 (Historic Environment) and T3 (Parking). Any conflict with NPF4 Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage) does not warrant refusal.

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) ACOUSTIC ATTENUATION

The Hydrogen Refuelling Station (HRS) hereby approved shall not be used unless the following noise mitigation measures, as identified in the approved Noise Impact Assessment (NIA) dated 28/08/24, as undertaken by RMP Acousics (ref. L-10000-CM2-RGM), have been implemented:

- The HRS is located as detailed on Proposed Site Plan (Drawing No. 3186-OBE-ZZ-00-D-A-010103 P04), with sound levels not exceeding those detailed in Table 2 of the NIA report.
- A 3 metre high 'Noistop' noise-absorbing fence (lined with Sealed Air Whisper absorptive material), or suitable equivalent alternative fence of specification to be agreed in writing by the Planning Authority, is installed adjacent to the south elevation of the Hydrogen Refuelling Station (HRS) as detailed in 'Proposed Site Section' plan (Drawing No. 3186-OBE-ZZ-ZZ-D-A-010301 P05), 'Proposed South Elevation' plan (Drawing No. 3186-OBE-ZZ-ZZ-D-A-010201-P01) and Figure 3 of the NIA report. The acoustic barrier must prevent line-of-sight between noise generating element (fan or louvres) and noise sensitive receptors.

Reason – in order to protect the amenity of nearby residential premises due to noise emission from the proposed plant

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 7 November 2024</p>

Site Address:	Land Adjacent To 593 And 595 King Street, Aberdeen, AB24 5SP
Application Description:	Installation of two EV charging points, feeder pillar and cabinet and associated works (retrospective)
Application Ref:	240648/DPP
Application Type	Detailed Planning Permission
Application Date:	29 May 2024
Applicant:	FOR:EV Limited
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a public car park located to the southwest of the roundabout junction of King Street (A956) and St Machar Drive (B991). The site is located within the Old Aberdeen Conservation Area. To the south of the site is a two-storey granite-built building containing two residential flats, 593 and 595 King Street. Two electric vehicle charging upstands and associated infrastructure have been installed in this car park without planning permission and are thus unauthorised.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the installation of two electric vehicle chargers serving four electric vehicle charging bays, a feeder pillar, cabinet and associated works, which replaced standard parking spaces and hard surfaces. The charging upstand structures measure approximately 1.2m in height and 0.3m in width and are a maximum of 2.4m in height including the cabling. They are finished in a laminated blue vinyl and are located in the southeast corner of the site. The feeder pillar measures 2.7m in height and is 3.2m in width and the cabinet measures 0.7m in width and c.2.2m in height. They are located in the southeast corner of the site to the east of the upstands. These are finished in green glass reinforced plastic.

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=SDZZ68BZFZW00>

- Details of finishing materials
- Response to Queries from Aberdeen City Council Planning (regarding the siting and dimensions of the infrastructure)
- Charging Post Additional Info
- Cover Letter

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Old Aberdeen Community Council has objected to the application.

CONSULTATIONS

ACC - Roads Development Management Team – No objection - It provides sustainable provision for electric vehicles while formalising some of the parking within this small private car park. The apparatus is located such that it would not impede parking or manoeuvrability within the car park.

Old Aberdeen Community Council – Objection – The installation appears to have proceeded without due consideration for the conservation area. The equipment is neither in aesthetic keeping with its immediate surroundings, nor is the largest equipment of appropriate scale given the proximity to the boundary and how it towers above the adjacent walls and pavement. The installation significantly detracts from visual amenity. Comments were raised regarding the limited details on the superseded site plan (which have been addressed through the submission of a revised site plan).

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 7 (Historic Assets and Places)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy CF1 (Existing Community Sites and Facilities)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy T2 (Sustainable Transport)

Aberdeen Planning Guidance

- Transport and Accessibility

Other Material Planning Considerations

- Old Aberdeen Conservation Area Character Appraisal

EVALUATION

Climate Change and the Decarbonisation of Transport

In respect of National Planning Framework 4 (NPF4), Policy 1 (Tackling the Climate and Nature Crises) states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 (Climate Mitigation and Adaptation) states that development proposals will be sited and designed to adapt to current and future risks from climate change and that development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 13 (Sustainable Transport) of NPF4 supports proposals for electric vehicle charging infrastructure and electric vehicle forecourts. Transport Scotland's *'A Network Fit For The Future: Vision for Scotland's Public Electric Vehicle Charging Network'* seeks local communities, businesses and visitors to have access to a well-designed, comprehensive and convenient network of public charge points, where these are needed.

Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 (ALDP) is supportive of alternative fuel vehicle initiatives. The Transport and Accessibility Aberdeen Planning Guidance encourages existing developments to consider installing electric vehicle charging infrastructure, as has been proposed.

The provision of electric vehicle infrastructure supports the decarbonisation of transportation. The electric vehicle charging infrastructure is located in a convenient location in an existing publicly accessible car park in close proximity to both the University of Aberdeen campus and the Seaton Neighbourhood Centre, in accordance Policies 13 of NPF4 and T2 of the ALDP. The proposal thus also accords with Policy 1 of NPF4 by being of a nature and siting to place significant weight to climate crisis, as well as Policy 2 of NPF4 as it comprises a proposal to retrofit measures to an existing development to reduce emissions and support adaptation to climate change.

The parking spaces are of acceptable dimensions and the development does not adversely affect manoeuvrability within the car park. The Roads Development Management Team have raised no concerns with respect to road safety and have not objected to the application.

The development comprises provide safe and accessible electric vehicle charging infrastructure, in accordance with Policies 1, 2 and 13 of NPF4, T2 of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance.

Aberdeen Local Development Plan Zoning

The application site is on land zoned as Policy CF1 (Existing Community Sites and Facilities) on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP). Despite its proximity to the University of Aberdeen campus the site is in use as a stand-alone private car park rather than an existing community site. Policy CF1 states that:

'Where a CF1 area contains uses other than that for which the area has been designated (and these uses make a positive contribution to the character and community identity of the area), any proposals for development will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community.'

The ALDP defines 'vitality' as *'a reflection of how lively and busy a centre is at different times and in different parts.'*

Vitality of the Local Community

Commensurate with the minor scale of development, the provision of electric vehicle charging infrastructure in the car park contributes to the vitality of the local community by providing electric vehicle charging provision in a publicly accessible car park adjacent to the University of Aberdeen campus, the surrounding retail and food and drink uses of the Seaton Neighbourhood Centre, as well as the nearby student accommodation, in accordance with Policy CF1 of the ALDP. The presence of electric vehicle infrastructure in close proximity to these uses encourages footfall within the centre and supports the continued use of the existing community facility. Those charging their vehicles are likely use the nearby facilities whilst their vehicles charge.

Impact on the Character and Appearance of the Conservation Area

The impact on *'the character of the area'*, as required by Policy CF1 of the ALDP is considered in the context of its siting within the Old Aberdeen Conservation Area and the duty placed upon the planning authority, under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy 7 (Historic Assets and Places) of NPF4 states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Policy D6 (Historic Environment) of the ALDP states that development must protect, preserve and enhance Aberdeen's historic environment, including its historic fabric.

To determine the effect of this building on the character and appearance of the area it is necessary to assess it in the context of Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy D1 requires all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

It is acknowledged that the upstands, associated feeder pillar and cabinet are of modern utilitarian design and bright in terms of their colour. The cabinet and feeder pillars are readily visible from the street given their close proximity to the eastern boundary of the car park and because their height exceeds that of the adjacent boundary wall with the street. The applicant has confirmed that the feeder pillar and cabinet are necessary for the development, that the location of the structures is determined by the Distribution Network Operator as well as needing to be as close as possible to the chargers for technical reasons.

The site is nevertheless located in an existing car park that is in very close proximity to a highly trafficked roundabout, associated street infrastructure and many buildings which are of limited architectural interest and vary in terms of their architectural design, scale and quality. This includes two large modern buildings, King Street Exchange (student accommodation) to the east of the site

and the Macrobert Building to the west. The SWOT analysis in the Old Aberdeen Conservation Area Character Appraisal identifies the weaknesses of this part of the conservation area as being the *'weak character on the edges of the campus'*, the *'lack of architectural and public realm coherence on the east side of campus creating a weak sense of place'* and *'the amount of visible car parking'*. In this specific context, and taking into account the minor scale of development, the utilitarian design and prominence of the structures do not detract from the streetscape, or the character and appearance of the conservation area, by any significant degree.

Whilst the utilitarian design and prominence of the structures are not sympathetic to the historic character and appearance on the conservation area, which has tensions with Policies 7 and 14 of NPF4 and D1 and D6 of the ALDP, the development does not adversely affect the character and appearance of the conservation area, nor the character of the existing community facility, by any significant degree.

Summary

The benefits that the development provides in terms of addressing climate change, contributing to the decarbonisation of transport and the enhancement to the vitality of the area outweighs the very minor adverse impact of the design and prominence of the structures on the historic character and appearance of the conservation area. On balance, the proposal accords with the aims of Policy NC1 (Existing Community Sites and Facilities) of the ALDP.

Residential Amenity

The granite boundary wall between the development and the residential dwellings to the south partially screens the structures from those properties. The structures are not of a scale whereby they are overbearing and adversely affect the level of residential amenity afforded to those properties, in accordance with the aims of Policy D2 (Amenity) of the ALDP.

Tackling the Nature Crisis and Biodiversity

In considering the nature crisis as required by Policy 1 (Tackling the Climate and Nature Crises) of NPF4, Policy 3 (Biodiversity) is of relevance. This policy states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance and that measures should be proportionate to the nature and scale of development.

The proposed development is of a sufficiently small-scale whereby there is no opportunity to meaningfully enhance on-site biodiversity, therefore the minor tension with Policy 3 (Biodiversity) of NPF4 is not significant. Taking into account the aforementioned contribution of this proposal to facilitating the decarbonisation of transport, this proposal would accord with Policy 1 of NPF4.

Matters Raised by Old Aberdeen Community Council

The matters raised by Old Aberdeen Community Council in relation to design, siting and scale of the infrastructure and impact on the character and appearance of the conservation area has been addressed in this evaluation. Taking into account its specific location within the conservation area, the benefits that the development provides in terms of addressing climate change, the decarbonisation of transport and the enhancement to the vitality of the area outweighs the very minor adverse impact of the design and prominence of the structures on the character and appearance of the conservation area. The comments raised regarding the limited details on the superseded site plan have been addressed through the submission of a revised site plan.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposal, to provide safe and accessible electric vehicle charging infrastructure places significant weight to the climate and nature crises and contribute to climate change mitigation by supporting the decarbonisation of transportation, in accordance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Change Mitigation and Adaptation) and 13 (Sustainable Transport) of National Planning Framework 4 (NPF4), as well as Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023 (ALDP) and the Transport and Accessibility Aberdeen Planning Guidance.

Commensurate with the scale of the development, it enhances the vitality of the local community because it provides electric vehicle charging provision in a publicly accessible car park located adjacent to the University of Aberdeen campus and the surrounding retail and food and drink uses of the Seaton Neighbourhood Centre. Whilst the utilitarian appearance and the prominence of the feeder pillar and cabinet from public area has a very minor adverse impact on the character and appearance of the Old Aberdeen Conservation area, which has tensions with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP, given the specific site context, the benefits that the development provides in terms of addressing climate change, the decarbonisation of transport and the enhancement to the vitality of the area outweighs this minor adverse impact. On balance, the proposal accords with the aims of Policy NC1 (Existing Community Sites and Facilities) of the ALDP.

The development is of a sufficiently small-scale whereby there is no opportunity to meaningfully enhance on-site biodiversity. The minor tension with Policy 3 (Biodiversity) of NPF4 is not significant.

The structures are not of a scale whereby they are overbearing and adversely affect the level of residential amenity afforded to the neighbouring dwellings, in accordance with the aims of Policy D2 (Amenity) of the ALDP.

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Planning Development Management Committee

Report by Development Management Manager

Committee Date: 7 November 2024

Site Address:	54 Queen's Road, Aberdeen, AB15 4YE
Application Description:	Change of use to dwellinghouse (Class 9) including installation of fence to rear and associated landscaping front and rear
Application Ref:	240816/DPP
Application Type	Detailed Planning Permission
Application Date:	3 July 2024
Applicant:	AB Robb Investments Ltd
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a late 19th century granite-built two-storey (plus attic) building on the northern side of Queen's Road. The Category B-Listed building was originally built as a dwellinghouse. It is currently vacant but has been in long-standing office use. The building is semi-detached and adjoins 52 Queen's Road to its east. The southeast facing principal elevation of both buildings mirror each other and each have wide recessed doorways and decorative granite bays rising through the floors. Both buildings are currently amalgamated by door openings in the attic and ground floors. The application site is in the Albyn Place and Rubislaw Conservation Area and the grandeur of the principal elevation and its siting within the established set-back building line on Queen's Road contributes to the character and appearance of the conservation area.

Both the front and rear curtilage of the building is predominantly hard surfaced and is used as car parking provision. There is a shared vehicle access onto Queen's Road with 52 Queen's Road at the front of the building. To the rear, there is a separate vehicular access and a garage outbuilding which fronts the rear onto Spademill Lane.

Relevant Planning History

On 10 October 2024, the associated listed building consent (Ref: 240814/LBC) was granted under delegated powers for internal alterations to partitions to the building to sub-divide the building from 52 Queen's Road and form the residential dwelling proposed.

Equivalent planning and listed building consent applications (Refs: 240817/LBC and 240818/DPP) have been submitted for the change of use of 52 Queen's Road to a dwellinghouse (Class 9), and associated alterations, fencing and landscaping. These applications have been approved, but have not been implemented.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the change of use of the building to a dwellinghouse (Class 9) including, the installation of fencing to rear and associated landscaping front and rear. No external alterations to the building are proposed.

In the front curtilage, an approximate 60sqm area between the parking area and southeast boundary of the site would be converted from a hard surfaced parking area into soft landscaped curtilage. The proposed front curtilage design would mirror that of the approved layout for the change of use of 52 Queen's Road (Ref: 240818/DPP).

The rear curtilage, which is currently predominantly hard surfaced as car park, would be landscaped into a rear garden with substantial areas of soft landscaping, areas of planting and would include a path. The 2m high grey-painted timber fence would divide part of the rear curtilage with its rear parking area. The existing garage outbuilding would remain and would be unchanged.

The site would retain the vehicular access shared with 52 Queen's Road at the front of the property and the existing rear access. As part of the proposed changes to the layout, there would be three parking spaces at the front of the property and one at the rear.

Amendments

In agreement with the applicant, the application has been revised since submission in that:

- The total car parking area would be reduced in both the front and rear curtilage and additional areas of soft landscaping within the proposed residential curtilage would be incorporated into the proposal.
- There was initially space for six parking spaces in the front curtilage and approximately two parking spaces at the rear. As revised, there would be three parking space in the front of the property and one in the rear.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SFY9Q1BZH8000>

- Photographic Record of No 54.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal objection from the Roads Authority.

CONSULTATIONS

ACC - Roads Development Management Team – Objection - The site is located in the outer city, in controlled parking zone X.

The proposed use as a 4 bedroom dwelling has an associated requirement of 3 parking spaces. It is noted that the rear is amended to include a garden, but also retain some parking, whilst the large driveway to the front is also retained. Our standards state:

"Where properties have suitable existing facilities at the rear of the property it is unlikely that permission will be granted for further crossings at the front of the building"

Our standards also stipulate that typically only one site access is permitted where the frontage of a property does not exceed 30m, which appears to be the case here. There is a rear building labelled as an outbuilding which has a large door (suitable to admit car access) onto the lane which was likely a garage historically. As such, the property potentially had 5 spaces (3 to the front, 1 in the rear garden, and the outbuilding).

The applicant was asked why they are retaining two accesses and why they have an overprovision of parking. The response stated that the rear access is not unsafe, that it is existing, and they are reducing parking on the site relative to the current use. These statements are correct and not in dispute. However, as this is a new planning application with significant landscaping occurring to the rear, and as there are no mitigatory circumstances as to why this dwelling should have an overprovision of parking, nor why it should retain an unnecessary number of accesses, Roads Development Management have to apply modern standards to the assessment of the application. It should also be noted that the existing use requires more parking, so a reduction is mandatory to

make this acceptable as a dwellinghouse from an RDM perspective. It is not clear as to why, when reducing the parking anyway, it was not reduced to an appropriate amount.

Electric vehicle charging is shown to the front. This is acceptable.

In summary, Roads Development Management would object to this application. There is a presumption against providing both front and rear access for parking to a dwellinghouse - particularly when there is a proposed overprovision of parking, rendering one of the accesses redundant.

ACC - Waste and Recycling - Aberdeen City Council intend to provide the waste and recycling services upon completion. Bins must be presented onto Spademill Lane on day of collection. Developers must contact Aberdeen City Council a minimum of one month before properties will be occupied to ensure that bins are on-site prior to residents moving into the properties and to give enough time to allow the development to be added to the refuse vehicle routes. Other general advice regarding waste storage has been provided.

ACC - Environmental Health – No objection provided any necessary sound insulation measures are incorporated into the design of the house to ensure that, under reasonable circumstances, the indoor ambient noise levels for dwellings criteria detailed in BS 8233:2014 are met, namely 35 dB (LAeq) within living/bedrooms during the daytime (07:00 to 23:00) and 30 dB (LAeq) within bedrooms during the night (23:00 to 07:00).

Construction Noise

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 following hours:

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

Scottish Water – No objection.

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D5 (Landscape Design)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC6 (West End Area)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Amenity and Space Standards
- Noise
- Transport and Accessibility

Other National Policy and Guidance

- Historic Environment Policy for Scotland

EVALUATION

Climate Change, Biodiversity and the Re-use of the Building

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 whilst Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 seeks to support

development proposals resulting in the sustainable reuse of brownfield land and the principle of re-using existing buildings and minimising demolition is also reflected in the objectives of Policy 12 (Zero Waste) of NPF4.

The proposed change of use to a single dwellinghouse, with no requirement for demolition, no external alteration to the building and minor alterations within the curtilage, would have minimal impact on the global climate and nature crises. The development would re-use the embodied energy of the historic building and the dwellinghouse would be located on a brownfield site. The proposal would contribute, albeit in a limited way, towards addressing housing need, assisting in reducing future pressure on releasing greenfield land for housing elsewhere.

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 states development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, it states that consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development into the surrounding area. This includes local access to sustainable modes of transport, employment, shopping, health and social care facilities, open space and recreational facilities. The dwellinghouse would be located in a sustainable and accessible location. Given the mixed use character of the West End Area, the proximity of schools, employment and health and care facilities, there is a significant variety of uses within reasonable distance of the site which are accessible by walking, wheeling or cycling. The site is also located adjacent to a bus route to the city centre. The proposal would contribute to local living and accords with the principles of Policy 15 of the ALDP.

In addressing the nature crisis referred to in Policy 1, Policy 3 (Biodiversity) of NPF4 is also relevance. This policy requires proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity. The proposed layout would include the removal of hard surfaces and incorporate soft landscaped areas of front and rear garden ground with edge planting proposed, which would provide areas to enhance biodiversity. To ensure biodiversity enhancement would be provided, the recommendation includes a condition to require a landscape and biodiversity enhancement scheme based on this layout to be submitted to, and approved in writing by the planning authority, prior to the change of use. Recommended biodiversity enhancement measures are added as an advisory note for the applicant.

Commensurate with the scale of development proposed, the proposal would give sufficient weight to the global climate and nature crises, it would minimise lifecycle greenhouse gas emissions and it would enhance biodiversity, in accordance with Policies 1, 2, 3 and 9 of NPF4.

Aberdeen Local Development Plan Zoning

The application site is zoned as Policy VC6 (West End Area) of the ALDP. The area identified as Policy VC6 (West End) is centred around Queen's Road, Carden Place and Albyn Place and comprises a mix of offices, residential, schools, hotels and a hospital. Many residential properties are located within close proximity to the application site, including along Queen's Road and to the north of the site across Spademill Lane on Rubislaw Den South, which is zoned under Policy H1 (Residential Areas) of the ALDP.

Policy 16 (Quality Homes) of NPF4 states that development proposals for new homes on land allocated for housing in LDPs will be supported. Policy VC6 of the ALDP states that in the area, the principle of change of use from office to residential will be supported. As such, the principle of the change of use to a residential dwelling from an office accords with this policy in principle. However, the policy also requires all development, including changes of use, to take into account existing uses and avoid undue conflict with the adjacent land uses and amenity, and to respect the

special historic and architectural character of the West End. These matters are considered under the following headings.

Impact on Adjacent Uses and Amenity

The 'Qualities of Successful Places' referred to in Policy 14 (Design, Quality and Place) of NPF4 and the 'Qualities of Successful Placemaking' referred to in 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 ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook.

Given the reduced scale and intensity of the development relative to its most recent office use, the proposed dwelling would not adversely affect the amenity of the existing uses, nor the approved use of 52 Queen's Road, in terms of noise and privacy.

Policy 23 (Health and Safety) of NPF4 states that the agent of change principle applies to noise sensitive development. The proposed residential development would be a 'noise sensitive development' in terms of Section 41A of the Town and Country Planning (Scotland) Act 1997, as amended. This requires the planning authority to take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing businesses in the vicinity of the development. Section 41A states that a planning authority may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise.

Whilst there are business uses in the area, including offices adjacent to the property and a hotel and restaurant (Malmaison) located opposite the site, c.50m to the southeast, there are no noise-generating businesses within close proximity of the development which could be adversely affected by this change of use. The Environmental Health Service have been consulted and have not objected to the application, nor have they raised that it would be necessary for a noise impact assessment to be submitted, other than recommending that any necessary sound insulation measures are incorporated into the design of the house. Taking into account the surrounding uses, there is no identifiable risk of nearby businesses being harmed in terms of the agent of change principle, in accordance with Policy 23 of NPF4.

The development would not adversely affect existing uses and would avoid undue conflict with the adjacent land uses and amenity, in accordance with Policies 14 of NPF4, D1 and D2 of the ALDP, and thus Policy VC6 of the ALDP.

Impact on Historic and Architectural Character of the West End

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Policy D6 (Historic Environment) of the ALDP states that there will be a presumption in favour of the retention and appropriate reuse of historic environment assets that contribute positively to Aberdeen's character. Policy D7 (Our Granite Heritage) of the ALDP states that the council seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings. As such, the principle of retaining and re-using this vacant historic granite building is in accordance with these policies in principle.

Policy 7 (Historic Assets and Places) of NPF4 states that development proposals for the alteration of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Likewise, it states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. In this instance, no external alterations are proposed to the building or the listed boundary walls around the building.

The Albyn Place and Rubislaw Conservation Area Character Appraisal identifies the 'loss of vegetation in the front courtyard and rear gardens due to car parking' as a weakness to the character of this conservation area. In the front curtilage, an approximate 60sqm area between the parking area and southeast boundary of the site would be converted from a hard surfaced parking area into soft landscaped residential curtilage and the proposed layout would mirror the approved front garden layout of 52 Queen's Road. The development would replace the rear car park with a rear garden, which would include varied areas of soft and hard landscaping. There would resultantly only be one parking space at the rear. Whilst a fence is proposed within the curtilage, which is not a boundary feature that is consistent with the historic character of the building, the fence would be located centrally within the garden rather than form boundary treatment and it would have minimal impact on the visual amenity of the streetscape. Taking into account the finalised landscaping and biodiversity enhancement details which would be ensured through an appropriately worded planning condition, the proposed landscape design would be an enhancement to the character and appearance of the streetscape of both Queen's Road and Spademill Lane.

The proposal would be an enhancement to the setting of the listed building and the character and appearance of the Albyn Place and Rubislaw Conservation Area, in accordance with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, as well as Policies D1 (Quality Placemaking), D6 (Historic Environment) and D7 (Our Granite Heritage) of the ALDP, HEPS, and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal.

Summary – Policies 16 (Quality Homes) of NPF4 and VC6 (West End Area) of the ALDP

For the reasons set out above, the change of use of this office to a dwellinghouse would take into account existing uses, avoid undue conflict with the adjacent land uses and amenity and would respect the special historic and architectural character of the West End. The development is thus in full accordance with Policy 16 (Quality Homes) of NPF4 and Policy VC6 (West End Areas) of the ALDP.

Residential Amenity of the Proposed Dwelling

Policies 14 (Design, Quality and Place) of NPF4, and D1 (Quality Placemaking) and D2 (Amenity) of the ALDP also require the proposed dwellinghouse itself to have an acceptable level of residential amenity in relation to privacy, daylight, sunlight, noise, air quality and immediate outlook. It also requires the development to meet minimum standards of internal floor space and private external amenity space.

The Amenity and Space Standards of the Aberdeen Planning Guidance requires four-bedroom dwellings to have a floorspace of 100sqm. The proposed dwelling would have a floorspace of approximately 390sqm, which would thus be well in excess of the minimum space standard. It would incorporate an acceptable street frontage onto Queen's Road and a private garden to its rear. An approximate 18m long section of the rear curtilage would be fully enclosed by the existing boundary wall and the proposed 2m high fence. Noting the rear garden is to the north of building, the length of the rear curtilage (excluding the parking area) would be sufficient to ensure acceptable levels of sunlight into the garden. The building itself has a dual aspect with a public

face onto Queen's Road and an orientation which would provide good levels of daylight, sunlight and outlook to the front (south) and rear (north) elevations. The building is set back from the front road, which would mitigate significant exposure to traffic noise and pollution.

It is recognised that the development would share a vehicular access with the transient employees of the existing office use at 52 Queen's Road (assuming that the 240818/DPP for the change of use of that building is not implemented), which could result in a degree of disturbance for the occupants of the dwelling. It is also recognised that the rear garden would not be fully screened from the elevated positions of the neighbouring buildings, including 52 Queen's Road.

Nevertheless, the proposed garden for the dwellinghouse would be of a sufficient size and be adequately enclosed to enable an adequate level of privacy to be afforded to the dwelling, appropriate for its urban context. The dwelling would have significant internal floorspace and would include acceptable levels of privacy, sunlight, noise, air quality, daylight and would include a private residential garden to the rear, which cumulatively would afford the dwelling with an acceptable level of residential amenity, in accordance with Policies 14 (Design, Quality and Place) of NPF4 and D1 (Quality Placemaking) and D2 (Amenity) of the ALDP and the Amenity and Space Standards Aberdeen Planning Guidance.

Transport and Accessibility

Policy 13 (Sustainable Transport) of NPF4 promotes and encourages the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T2 (Sustainable Transport) of the ALDP states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport.

The application site is a highly accessible location in terms of both active and sustainable travel. Queen's Road is a bus route which is a main thoroughfare into the city centre. The nearest bus stop is only 18m from the front of the property, in accordance with Policy T2 of the ALDP, which requires development to be within 400m of the nearest bus stop. As explained above, there are a range of uses within walking, wheeling and cycling distance of the site and the development would accord with the principles of local living. There would be ample opportunity for accommodating secure cycle storage on the site.

Policy T3 of the ALDP requires the number of parking spaces to comply with the Parking Standards in the Transport and Accessibility Aberdeen Planning Guidance. Paragraph 11.24 of the ALDP states that the Council '*recognises that parking is an essential facility for many developments but will ensure that the level of parking complements its commitment to sustainable transport, through reducing emissions and congestion.*'

In this case, the Parking Standards require the proposed development to have no more than three parking spaces. Including the existing garage, five parking spaces are proposed, the development would conflict with this guidance and Policy T3 of the ALDP. One of the grounds of the ACC Roads Development Management Team objection is because of this proposed over-provision of parking.

As a change of use from an office use to a single dwellinghouse, the development would significantly reduce the level of traffic to and from the site relative to the existing situation. The vast majority of the parking spaces on the site would be removed as part of this development. An adequate level of garden ground has been proposed, which would provide an acceptable level of residential amenity for the future occupants and its landscape design would enhance the character and appearance of the conservation area. The level of parking provision proposed would be

proportionate to the significant size of this dwelling in terms of its floorspace and as a property on Queen's Road. Many of the large dwellinghouses in the area, including on Queen's Road, Rubislaw Den North and Rubislaw Den South have large parking areas and entrances to the front of properties. Acknowledging the existing number of parking spaces on this site, the level of parking provision proposed would be a significant betterment and would not detract from the character and appearance of the surrounding area by any significant degree.

Policy T3 (Parking) of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance also require new developments to install appropriate electric vehicle charging infrastructure. The development would include an electric vehicle charging point in the front curtilage, in accordance with this policy and guidance.

The Transport and Accessibility Aberdeen Planning Guidance states: *'In general, only one footway crossing per property is permitted. In some situations this may be relaxed, for example at large houses with a frontage in excess of 30m where an "in" and an "out" may be permitted. Where properties have suitable existing facilities at the rear of the property it is unlikely that permission will be granted for further crossings at the front of the building.'*

The ACC Roads Development Management Team have stated that *'our standards also stipulate that typically only one site access is permitted where the frontage of a property does not exceed 30m, which appears to be the case here.'* One of the grounds of the ACC Roads Development Management objection is that *'there are no mitigatory circumstances as to ... why it should retain an unnecessary number of accesses'*.

It must be noted that the Aberdeen Planning Guidance does not state that typically only one site access is permitted, it states that *'in general, only one footway crossing per property is permitted'*. In this instance, the site would be served by only one footway crossing. This is the footway crossing on Queen's Road. There is no footway crossing to the rear because there is no footway on Spademill Lane. The presence of two accesses would have no conflict with the Transport and Accessibility Aberdeen Planning Guidance.

Due consideration has been given to whether there are any other material planning considerations as to why this property having two accesses would be unacceptable. As noted by the ACC Roads Development Management Team, the applicant was asked why they are retaining two accesses and why they have an overprovision of parking. The response stated that the rear access is not unsafe, that it is existing, and they are reducing parking on the site relative to the current use. ACC Roads Development Management Team consultation response states that statements are correct and not in dispute. There are thus no identified road safety concerns with respect to there being two accesses to this dwelling. The two accesses to the site exist already and significantly more traffic is likely to enter and exit the site from both accesses in its current office use. As such, in its proposed use, there would be a reduced level of vehicular activity and there would thus be less vehicles entering and exiting from these accesses. From this, it can be deduced that there would thus be less road safety risk as a result of this proposal than its existing use.

There are no material planning considerations that warrant refusal on the basis that two existing vehicular accesses and the existing garage to the site would be retained. The development would not adversely affect road safety and the level of parking on the site would be acceptable in this particular instance, as set out above. The grounds for the ACC Roads Development Management objection, whilst a material planning consideration, is not to a degree that warrants refusal.

It can be noted that the applicant was given the opportunity to address the objection the of ACC Roads Development Management Team to remove the rear access. In consultation with ACC Roads Development Management Team, it had been suggested a revision to the application to

remove the access and reinstate a granite boundary wall to enclose the boundary on Spademill Lane (sympathetic to the site context of being a B-Listed Building within the Albyn Place and Rubislaw Conservation Area). However, the applicant chose not to submit such a revision.

In summary, the development would result in less traffic than the existing use as an office, there would be significantly less parking spaces on the site, the proposed development would be accessible by a range of transport modes, with an emphasis on active and sustainable transport. It accords with the principles of local living. The proposal thus accords with the aims of Policies 13 and 15 of NPF4 and T2 of the ALDP. The singular conflict with Policy T3 of the ALDP and the Transport and Accessibility Aberdeen Planning Guidance in terms of the number of parking spaces being two more than the maximum permitted is not to such a degree that it warrants the refusal of planning permission, taking all other material planning considerations into account. Likewise, there are no material planning considerations that warrant refusal on the basis that two existing vehicular accesses and the existing garage to the site would be retained. The grounds for the ACC Roads Development Management objection, whilst a material planning consideration, do not warrant refusal, taking all other material planning considerations into account.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 seeks development to reduce, reuse or recycle materials. Policy R5 (Waste Management Requirements for New Development) of the ALDP requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposal has identified an appropriate area within the rear curtilage for this purpose and bins would be collected from Spademill Lane. ACC Waste and Recycling Team have been consulted and have raised no concern with the proposed waste and collection arrangements. The development therefore accords with Policy R5 of the ALDP.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed change of use of this office building to a dwellinghouse is in full accordance with Policy VC6 (West End Areas) of the Aberdeen Local Development Plan 2023 (ALDP) as it would take into account existing uses, avoid undue conflict with the adjacent land uses and amenity and would respect the special historic and architectural character of the West End. The development would thus comply with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4)

The proposed dwellinghouse would be afforded an acceptable level of residential amenity and would not adversely affect the amenity, or conflict with the adjacent uses, in accordance with Policies 14 (Design, Quality and Place) of NPF4, D1 (Quality Placemaking) and D2 (Amenity) of the ALDP and the Amenity and Space Standards Aberdeen Planning Guidance (APG).

Likewise, the proposal would be an enhancement to the setting of this listed building and the character and appearance of the Albyn Place and Rubislaw Conservation Area. The principle of retaining and re-using this vacant historic granite building is in full accordance with these policies and the removal of car parking areas and reinstatement of landscaped garden ground would be in full accordance with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, as well as Policies D1 (Quality Placemaking), D4 (Landscape Design), D6 (Historic Environment) and D7 (Our Granite Heritage) of the ALDP, the Historic Environment Policy for Scotland, and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal.

The development would have sufficient space for the storage of waste and recyclables, in accordance with Policy R5 (Waste Management Requirements in New Development) of the ALDP.

The proposed change of use to a single dwellinghouse, with no requirement for demolition, no external alteration to the building and minor alterations within the curtilage, would have minimal impact on the global climate and nature crises. The development would re-use the embodied energy of the historic building. The proposed dwellinghouse would be located in a sustainable and accessible brownfield site in close proximity to a range of uses in the West End and would therefore accord with the principles of local living and '20 minute neighbourhoods'. Subject to a condition requiring a scheme of the finalised landscape design and biodiversity enhancement measures, commensurate with the scale of development proposed, the proposal would give sufficient weight to the global climate and nature crises, it would minimise lifecycle greenhouse gas emissions and it would enhance biodiversity, in accordance with Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation, and Adaptation), 3 (Biodiversity) and 9 (Brownfield, Vacant and Derelict Land and Empty Building) and 15 (Local Living and 20 Minute Neighbourhoods) of NPF4.

The proposed use would result in less traffic than the existing use as an office, there would be significantly less parking spaces on the site as a result of the development, and it would be accessible by a range of transport modes, with an emphasis on active and sustainable transport. The proposal thus accords with the aims of Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP. The singular conflict with Policy T3 (Parking) and the Transport and Accessibility Aberdeen Planning Guidance in terms of the number of parking spaces being two more than the maximum permitted is not to such a degree that it warrants the refusal of planning permission, taking all other material planning considerations into account. Likewise, the grounds for the ACC Roads Development Management objection, whilst a material planning consideration, do not warrant refusal, taking all other material planning considerations into account.

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) BIODIVERSITY AND LANDSCAPING ENHANCEMENTS

That no development shall take place unless a scheme of soft and hard landscaping proposals and biodiversity enhancement measures 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.
- 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.
- v. All proposed biodiversity enhancement measures.

All soft and hard landscaping proposals and biodiversity enhancement measures shall be carried out in accordance with the approved scheme and shall be completed prior to the occupation of the

dwellinghouse. 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 the same size and species to those originally required to be planted, or of a similar size and species to be agreed in writing by the planning authority.

Reason - To ensure the implementation of a satisfactory scheme of landscaping and biodiversity enhancements which will help to integrate the proposed development into the local landscape, in the interests of the character and appearance of the conservation area and tackling the climate and nature crises.

(03) LAYOUT OF CURTILAGE

That the dwellinghouse hereby approved shall not be occupied unless the front and rear garden ground layout and boundary treatment within the curtilage as shown on Drawing SP02 REV C has been implemented in full in accordance with the approved plan and the scheme of soft and hard landscaping proposals and biodiversity enhancement measures referred to in Condition 1.

Reason: In the interests of the historic environment, the character and visual amenity of the surrounding area, to ensure a satisfactory residential environment is created for the occupants of the dwelling and to ensure there would not be an excessive provision of car parking.

ADVISORY NOTES FOR APPLICANT

(01) Details in Condition (02)

In providing the details referred to in Condition 2), the following recommendations are made:

- To maximise biodiversity value, native planting with a range of wildflowers, shrubs and trees should be provided. A small pond or water feature would boost biodiversity would be suitable. Night scented flowers can also boost nocturnal wildlife into the space.
- Where possible, impermeable surfaces should be avoided. Grasscrete paving would be appropriate in the rear parking area.
- Opportunities should be explored to utilise SUDs to assist with the infiltration of surface water run-off.

(02) Construction Noise

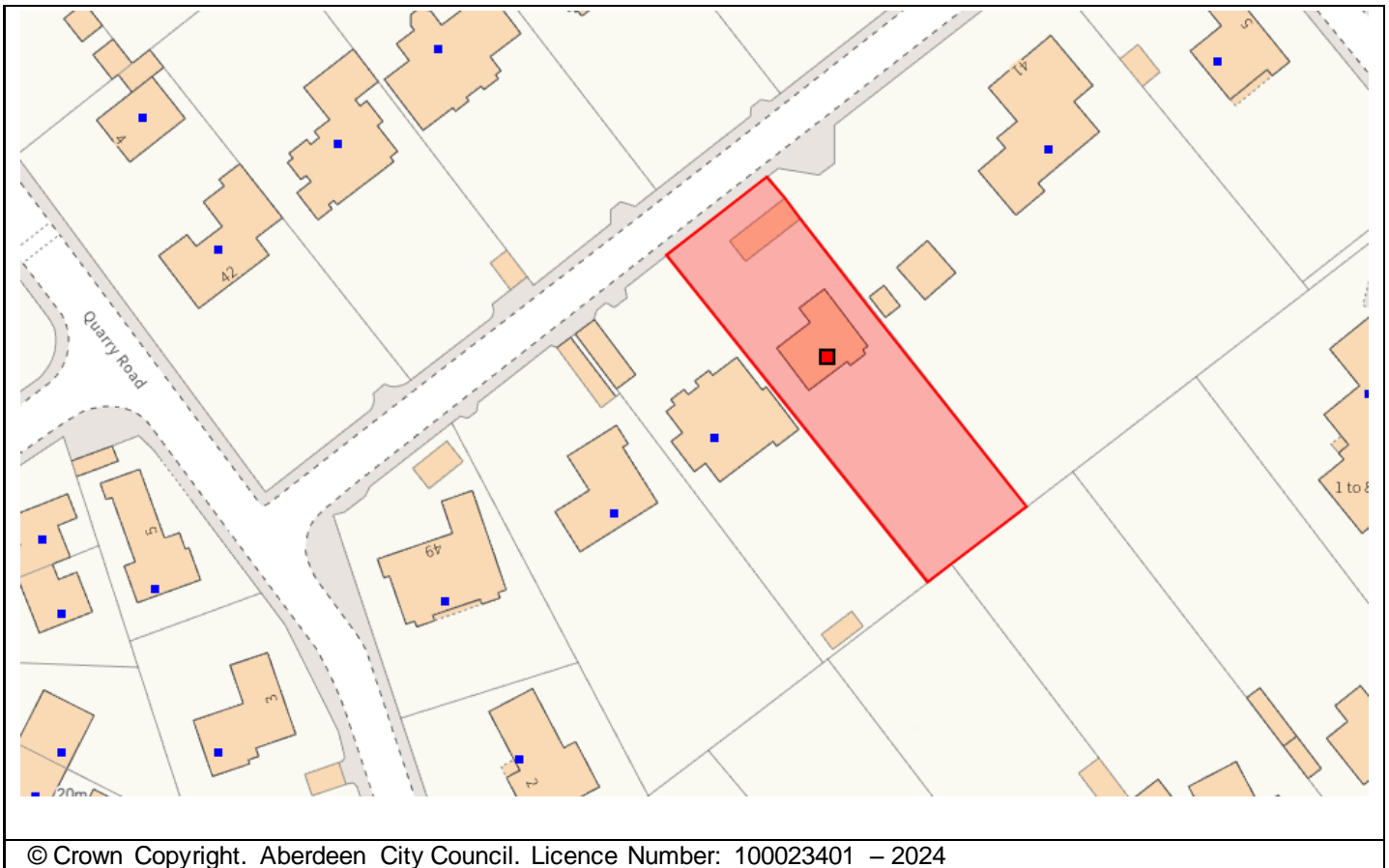
To protect the amenity of neighbouring properties/occupants, development works (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

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

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 7 November 2024

Site Address:	Janefield, 43 Hillview Road, Cults Aberdeen AB15 9HA
Application Description:	Erection of replacement 2 storey dwelling house with verandah and detached double garage with all associated works
Application Ref:	240368/DPP
Application Type	Detailed Planning Permission
Application Date:	25 March 2024
Applicant:	Mr & Mrs B Yule
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site, which extends to c.1340m², comprises the curtilage of 'Janefield', a 1½ storey detached granite dwelling house, with detached single garage, situated on the southern side of Hillview Road, in the residential suburb of Cults. The application site is positioned approximately 80m north-east of Hillview Road's junction with Quarry Road. The surrounding area is characterised as an established suburban street, whereby the front boundaries of each property features a high degree of soft landscaping. This soft landscaping extends in between the properties, and combined with the relatively large plot sizes, contributes significantly towards the 'sense of place' of the street. There is no over-riding material finishes or architecture and the context is one where each plot is different, and this mix adds to the place interest.

In terms of the layout of the site, this is organised by front court parking with a detached garage, the dwelling, terrace and garden ground to the rear (south). The overall site extends to 67m in length and there is approximately a 5.3m change in levels from the front (north) to the rear (south) plot boundaries, resulting in an average 1:12 gradient overall. Whilst this change in levels is mostly gradual, there is a sudden drop in levels of around 1m in the middle of the site where the external patio steps down to the remaining garden ground. The application site is bound on all sides by neighbouring detached residential properties, with 45 Hillview Road to the west, 41 Hillview Road to the east, and 422 and 424 North Deeside Road to the south. The mutual boundaries are lined with; mature hedging to the west (c. 1.2-2.0m height) and granite rubble walling of varying heights, predominantly c.1.8-2.4m along the eastern boundary, with the lowest section of wall to the rear (southern) boundary of c. 0.8-1m. The footprint of the existing dwelling is 106m², the existing detached single garage is 45m², with other areas of development (i.e. hardstanding, driveway and shed) extending to 316m², with the remainder of the site comprising soft landscaped garden ground (876m²).

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a two-storey, 5-bedroomed, detached dwelling house, with front entrance portico, external tiered patios to the rear and a detached double garage and driveway. The existing dwelling and detached garage would be demolished to facilitate the new development. Given the level of development proposed, including demolitions, there would be a requirement for some degree of excavations of the plot, and an existing garden pond is proposed to be removed as part of the development.

The proposed dwelling would measure 8m in height to the ridge at the highest point, 5.2m (front) and 5.7m (rear) to the eaves, 14.5m in width and 15.3m in length. In terms of length, an additional tiered patio area to the rear would project a further 5.7m. With respect to the mutual boundaries, the proposed dwelling would sit c 3.4m off the western boundary and 2.9m and 3.1m off the eastern boundary.

To the front, the proposal would see the formation of a new driveway (104m²), leading directly from Hillview Road through a 3.8m wide opening in a proposed new 1.2m high front boundary wall. A bin stance area would be located to the side (north) elevation of the proposed garage.

Amendments

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

- A series of design revisions to the proposal were made, including;
 - Reduction in ridge height, lowering of dwelling into the plot to match ground floor level of existing house and remove any foundation platforming, and alteration to roof form to introduce hipped roof elements.
 - Removal of the side utility wing from the eastern elevation and centralised positioning of dwelling in the plot to increase separation from the plot boundaries.
 - Repositioning of the detached double garage further north in the plot, reorientation of roof, removal of upper floor window, reduced roof pitch and introduction of granite detailing.
 - Reduction in size, height, positioning and extent of external rear patios, to remove raised nature and pull away off the western boundary of the plot, inset 3m off the south-western corner of the rear elevation, centralised positioning of steps and provision of privacy screen.
 - Elevational detailing to dwelling to include simplified window surrounds, granite features, central mullions to window, feature window and terracotta ridge tiles.
 - Reduction in level of hardstanding across the site, including extent and positioning of driveway and ancillary paths.

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=SAWEHMBZLIE00>

- Planning Statement
- Drainage Statement (inc. layout and construction details)
- Tree Report (inc. protection and management plan)
- Arboricultural Impact Assessment
- Demolition Justification Statement (inc. surveyors report)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has received more than five timeous objections to the proposal, including an objection from the local Community Council.

CONSULTATIONS

ACC - Environmental Health – No objection. Reviewed the proposal and were satisfied that the proposed air source heat pump should not cause a noise nuisance to nearby noise receptors. It was also advised that hours of construction should be restricted in order to protect the amenity of neighbouring properties/occupants. As such, an advisory note has been attached for the applicant to be aware of in relation to appropriate hours for construction works, in the event the application is approved.

ACC - Roads Development Management Team – No objection. Advised that the proposed

single access, as existing, is acceptable to serve the development. The proposed development would be adequately served by the 3 parking spaces required, through means of a double garage and driveway, with sufficient space for parking and turning. The dimensions of the proposed double garage meets the minimum internal dimensions (5.7m x 5.7m) and is acceptable.

Scottish Water – No objection. Advised that the applicant should submit a Pre-Development Enquiry directly to them to regarding water capacity to service the development. There is adequate provision for waste water connection. Advised that a 225mm combined sewer infrastructure is within the application boundary and the applicant must contact Scottish Water to discuss any potential conflicts and restrictions, i.e. proximity of construction. No surface water connections into the combined sewer system are accepted. Additional general advice about water connections and best practice was also provided.

ACC - Structures, Flooding And Coastal Engineering – No objection. Initially, raised concerns regarding the surface water connection to the existing water feature and further investigation was requested to assess the existing water feature, its source and outflow of water, and the presence/ route of any land drains on the site. Precise location to show where infiltration testing was taken for the proposed soakaway was also requested. Upon receipt of further information, the proposed soakaway and drainage systems was considered to be acceptable. Further investigations of the land drain would still be required and is recommended to be secured via a suitably worded planning condition.

Cults, Bieldside and Milltimber Community Council – Object to the proposal for the reasons summarised below:

1. Concern with scale and massing of the proposed house. Overbearing nature of the house which is substantially larger than the existing and closer to boundaries, including ridge 2m higher than neighbouring property.
2. A two-storey dwelling would be contrary to general built form of the south side of Hillview Road and does not reflect the established pattern of development and is contrary to the Sub-Division and Redevelopment of Residential Curtilages APG and Policy D1.
3. Overlooking and privacy concerns to neighbouring properties from upper level windows and from raised rear patio.
4. No site sections have been provided.
5. Sun-path analysis would be required.
6. Number of trees and shrubs have been already been removed by the applicant. Neighbouring tree root protection areas likely to be impacted by the development and further information on re-landscaping the site required.
7. Drainage has not been fully considered and it is understood there are existing field drains across the site to North Deeside Road and issues with waterlogging.

REPRESENTATIONS

A total of 20 representations have been received as a result of two neighbour notification periods undertaken for the planning application (15 objections, 4 in support and 1 neutral). A second neighbour notification process was undertaken following submission of additional drainage and arboricultural information, and thus the proposal was available for additional comments as part of this, which took place prior to final design revisions being submitted. The matters raised in representations can be summarised as follows –

Concerns raised:

1. Adverse and overbearing impact on amenity of the area and neighbouring properties.

Property is too close to neighbour and greater separation is required.

2. Overdevelopment of the plot and contrary to the 'Sub-division and Re-development of Residential Curtilages' Aberdeen Planning Guidance.
3. Replacement of bungalow with two-storey house does not reflect established pattern of development, ridge and eaves height exceeds that of surrounding buildings, resulting in a dominant and intrusive house which interferes with established vistas and does not contribute to the character of the street.
4. Concerns raised due to submission lacking a solar analysis, photomontage, cross-section, street elevation and inaccuracies in some drawings (i.e. representation of trees and landscaped features).
5. Adverse and unacceptable impact on neighbouring properties amenity, light receipt, privacy and overlooking. Particularly to rear garden grounds (including towards properties to the south) as a result of the raised external patio and windows on the proposed rear elevation.
6. Raised nature of the house and patio exacerbates privacy and overlooking concerns, raised patio being too high above ground at almost 3m, which is higher than the adjacent hedging which forms the boundary treatment to the west and would not be alleviated by the privacy screening.
7. Prior to application submission mature trees and bushes have been cleared from the front (west side of the existing front driveway) and rear section of the garden earlier this year. Will take years to regrow and so has affected privacy/screening.
8. Concerns raised about impact on local wildlife (e.g. bats), landscape features, existing and surrounding trees along the boundaries alongside their associated root protection zones.
9. Clarity is required for all proposed boundary treatments and replacement planting to ensure the development can be successfully integrated into the local landscape.
10. Object to oversized garage, which is bigger than a double garage and with ridge height equal to house it will dominate the street. It could be used for additional accommodation and object to a window on the street elevation as it affects neighbouring privacy.
11. Construction time condition should be stated to protect residential amenity.
12. Concerns regarding inadequate drainage, and assessment thereof, for the proposed development. There is an ongoing issue causing localised flooding to the gardens of 422, 424 and 426 North Deeside Road. This is likely connected to the field drain which runs through the site and diverting system to the existing water feature, but this is not mentioned and it's unclear where water will flow to. Any restriction of field drains can cause flooding up or downstream and a drainage survey and flood risk assessment should be provided to support the application and confirm that development does not exacerbate the situation and that Scottish Water infrastructure in the site is suitably accommodated to avoid damage.

Comments made in support of the application:

1. Support the replacement of the existing old house with a new modern, energy-efficient home.
2. Existing house is an anomaly being substantially smaller than its close contemporaries or others on the street. In context of the street a two-storey building fits into the existing mix, and there are a number of other two-storey houses on the street with a mix of roof heights. The proposed ridge height has also been reduced.
3. Whilst being larger, the proposed house is aesthetically pleasing and in keeping with character of the street. It does not result in overdevelopment as per 33% maximum guidance and is not positioned too close to its neighbours.
4. The trees removed from the site were overgrown and had no tree protections, with new plans showing how existing trees will be protected and new landscaping proposed.
5. Overlooking is not a concern and has been addressed by the applicant.
6. Flood risk assessment not required. Drainage is existing problem and not exacerbated by this development, but helps with a solution and the applicant has employed a consulting engineer to address this matter.

Comments made neither objecting nor in support:

- Object to the exaggerated and derogatory remarks about the neglected state of the existing house.

Matters raised which are non-material planning considerations:

- Additional third storey roof space could in future potentially be further accommodation.
- Adverse impact on view across to the Dee Valley and affects property values.
- Adverse impacts on views.
- The proposed composite fencing (rear of garden) is not in keeping with Feu Charter forming the burdens under the property title deeds.
- Additional building of a summerhouse at end of application site garden would impact on existing trees.

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 (NPF)

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 Adaption)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 5 (Soils)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes) of NPF4
- Policy 20 (Blue and Green Infrastructure)
- Policy 22 (Flood Risk and Water Management)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

- Policy D5 (Landscape Design)
- Policy D7 (Our Granite Heritage)
- Policy H1 (Residential Areas)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements from New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance (APG)

- The Sub-division and Redevelopment of Residential Curtilages
- Amenity & Space Standards
- Materials: External Building Materials and their Use in Aberdeen
- Landscape
- Transport and Accessibility
- Flooding, Drainage and Water Quality
- Natural Heritage
- Trees and Woodland
- Waste Management Requirements for New Developments
- Resources for New Development
- Air Quality

EVALUATION

Principle of Development

New Residential Development

The application site is located within an established residential area, as such Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) is relevant. Whilst Policy H1 is the principal policy with respect to land zonings, as represented on the ALDP 'Proposals Map', other relevant policies in the ALDP and National Planning Framework 4 (NPF4) will be used to assess the overall principle of development, as outlined in subsequent paragraphs below. Policy 16 of NPF4 encourages the delivery of high quality homes to suit diverse housing needs and in existing established areas new homes would be supported if they are otherwise consistent with relevant spatial planning, local living, 20 minute neighbourhood and climate change adaptability policies. Proposals should also not have a detrimental impact on the character or environmental quality of the area or the amenity of neighbouring properties. Policy H1 of the ALDP states that within existing residential areas, proposals for new residential development will be supported if it does not constitute over development, does not have an adverse impact on residential amenity and the character and appearance of an area; and does not result in the loss of open space. In respect to the final point, the proposal is within a private curtilage and therefore would not result in the loss of open space. Matters relating to overdevelopment, design, character and impact on amenity are considered in further in the evaluation below.

Demolition of Existing Dwelling

With respect to NPF4, Policy 1 (Tackling the Climate and Nature Crises) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals, with Policy 2 (Climate Mitigation and Adaptation) requiring 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. Therefore, the demolition of the existing dwelling and construction of a new replacement dwelling would have an impact on climate change. Furthermore, with respect to the demolition of the existing dwelling to allow for the proposed replacement house, section (d) of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 advises that as there is a need to conserve embodied energy through support for the reuse of existing buildings, with demolition being regarded as the least preferred option. In the first instance, it is therefore important to set out whether the principle of replacing the existing dwelling can be supported. In addition, section (b) of NPF4 Policy 12 (Zero Waste) supports development proposals which reuse existing buildings, minimise demolition and salvage materials for reuse in construction.

Supporting information has been provided by the applicant to justify the demolition, namely a Demolition Justification Statement, including surveyors report and Energy Performance Certificate (EPC). This information notes that the existing property is a 1½ storey early 1930s house with hipped slate roof, and cat-slide dormer to rear, providing living space and two bedrooms on the ground floor and a further two bedrooms on the upper floor. The upper level bedrooms are noted as being restricted due to heavily sloped ceilings. It is argued that the house has inadequate levels of roof insulation and no wall insulation is present, resulting in a low EPC rating of 'E'. The window units have failed, there is evidence of water ingress to the roof, broken rainwater goods, evidence of damp, there are no damp proof courses and the building is in a general state of disrepair. The justification statement includes a fairly extensive list of repairs which would be required to bring the house up to modern living standards and claims that the existing house fails under every standard. The statement concludes that it is only feasible to demolish the existing building and construct a new dwelling for buildability, financial and practical reasons. However, no evidence to demonstrate financial unviability has been provided.

Firstly, it should be highlighted that an existing house is deemed to satisfy the building regulations of its time, and the Building Standards Team would not dictate or insist on renovations up to modern standards as part of repair renovations to an existing dwelling. This concludes that much of the works required to bring the house up to modern living standards could be considered along the lines of repairs and improvements. Secondly, it is recognised that through letters of representation submitted whether neutral, in support and objection to the proposal, there are different viewpoints on the state of repair and comfort of the existing dwelling. The type of construction method for the house, being solid granite stonework with cavity, then lath and plaster, is not an uncommon traditional construction method. It could be argued that the types of repairs required, as indicated in the single survey, are to be expected for a property of this nature and age (95 years). The level of repair work and alterations desired could also be argued is subjective, depending on the needs of the homeowner. The EPC also shows reasonable modifications could be made to improve the energy performance of the existing structure. This does determine that the existing house is capable of repair and could be retained, and as such there is some conflict with NPF4 Policies 9 and 12 in this regard.

Taking into account the nature of the repairs and renovations which could potentially be required to modernise the existing house, it could be reasonably expected that such works would likely be at considerable cost and the construction of a replacement dwelling would offer an alternative option. Such a house could also be designed to suit the needs of the homeowner and meet current standards, which would be a practical option, despite being more expensive. Such practicalities are embedded in that the proposal would utilise and adapt an existing plot of land for the creation of a new home which would be energy efficient. In addition, efforts to reuse existing

salvaged granite building stone from the doughtings are proposed, for reuse in granite detailing, within the proposed garage and garden landscaping – which is consistent with the aims of NPF4 Policy 12 (Zero Waste) and Policy D7 (Our Granite Heritage) of the ALDP. Whilst at this stage the exact amount of reusable granite cannot be accurately determined, a suitable granite reuse condition could be attached should the application be approved. It is also worth noting that the dwelling is neither listed, nor situated within a conservation area, and that due to the wide range of dwelling types and styles in the surrounding area, the loss of the existing dwelling and its replacement with a dwelling of a more contemporary design, would not adversely affect the character of the area (further assessment in this regard is set out below). Taking account of all the above, while it is acknowledged that the existing house is capable of repair, its demolition would not harm the character of the area, the proposed replacement dwelling would be built to modern building standards, with resultant enhancements in terms of post-construction carbon emissions. Therefore, on balance, the tension with Policies 9 and 12 of NPF4 in terms of the demolition and rebuild approach is not considered sufficient to warrant refusal of the application.

Design and Impact on Character of the Area

The interrelationship between overdevelopment, design and impact on character mean that such matters are considered together alongside other relevant policies and guidance which directly support Policy H1. The Council's Sub-division and Redevelopment of Residential Curtilages Aberdeen Planning Guidance (APG) must be considered, as well as Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. Both Policy D1 and Policy 14 require high standards of design and development which contributes to successful places, consistent with the six qualities. To support assessment against these policies, the agent has submitted street elevational drawings and plan references (for example adjacent building ridge heights) have been checked for accuracy. Whilst a specific photomontage has not been provided, the submitted information, alongside site visit photographs, is considered acceptable to assess the design impact on the character of the area.

With respect to the APG on Sub-division and Redevelopment of Residential Curtilages, this guidance is applicable for the redevelopment of residential curtilages, where complete demolition of an existing house and its replacement with a new house is proposed. It is recognised that the guidance cannot account for all scenarios, but it does provide specific guidance on the most commonly encountered situations. The guidance outlines that the location, scale, massing, density and layout of any new development must be appropriate for the site and in-keeping with the established spatial character, pattern and built form of the surrounding area. The specific points of this guidance are addressed below, in turn.

Firstly, it is recognised that due to the nature and layout of the surrounding properties on the street, there is no obvious or defined building line. In terms of pattern of built form however, it is established that the houses along Hillview Road generally comprise large houses set within generous plots. Frontages are generally set back around 16-30m from the road (more consistently 30m to the north side of the street, and lesser set-back on the south side). As such, the proposed new house being set-back 20m is considered acceptable in its context, would similarly reflect the set-back of the existing dwelling, the neighbouring dwelling to the west, and would not adversely affect, or project forward of, any generally established building line. Furthermore, the established pattern of development for the dwellings along Hillview Road is predominantly tiered, comprising driveway access from the road, leading to front driveway and court parking, dwelling house, then rear garden ground, which is often tiered to account for topography and changes in site levels. The proposed dwelling reflects this established arrangement and is arranged on a similar basis to the existing, with both the dwelling, driveway, garage and gardens to follow the same site ordering.

Upon receipt of revised plans, which notably removed an initially proposed utility room side

extension, the proposed house is considered to be suitably positioned centrally within the plot in terms of width and allows for an appropriate separation distance between it and the adjacent properties. This has considered the spacing both to the physically closest neighbour to the west, and suitable spacing away from the traditional granite boundary wall to the east, which forms the mutual boundary with the neighbour. This spacing is consistent with other properties on the street and would allow space for soft landscaping between the plots, including the retention of existing trees and hedging to the west.

In terms of the overall scale, massing and height of the proposed dwelling, it is recognised that the overall ridge height would be higher than adjacent dwellings, and due to the nature of the proposed dwelling being two storey, the wallheads would also be higher. This matter is primarily with regard to the neighbouring property to the west, as the other neighbour at 41 Hillview Road is positioned a considerable distance away and beyond a high level traditional granite wall. On this point, the proposal has been amended to alter the roof form and pitch, and to lower the ground floor level to match the level of the existing house, so that overall the house has been reduced in scale and height compared to the original proposals (c. 1.7m as measured from the front elevation). However, the ridge height would still be slightly higher than the adjacent dwelling, which presents some tension with guidance. In assessing the magnitude of this tension, it is recognised that there is no overall or consistent building height (or architectural style), and the street is made up of a variety of ridge and wallhead heights. Some properties also appear lower from the street elevation and higher as viewed from the rear garden elevation, due to site levels. The proposed ridge height difference would be relatively small, around 0.6m higher than the highest ridge height of closest neighbour, and as such there would not be an easily discernible difference between the properties when viewed from the street or surrounding area. The revised hipped roof design would also ensure that the volume and mass of the roof is pulled back away from the sides of the plot, thus reducing the overall sense of scale and massing to an acceptable level. Furthermore, it is recognised that the properties on the south side of the street in the immediate surroundings exhibit a tendency for their principal elevations to face south, however the architectural expression of this is somewhat unclear in some instances due to extensions and additions over time. Most properties to the south appear to have some form of entrance and parking access facing north, and due to the plot arrangement the southerly-aspect predominantly serves as the rear garden-facing elevation. Whilst it is recognised that the proposed principal elevation faces north, due to the specific nature of the plot and its site levels in the specific context, the north elevation would be well set back into the plot, so that no defined street frontage or character is adversely affected by the proposed dwelling's principal elevation facing north onto the street. Furthermore, in terms of the wider street context, properties further along the street to the east beyond the junction with Netherby Road, do have their principal elevations to the street (north-facing) and therefore the proposed dwelling's orientation would not be unusual on this street. Finally, the proposed development would also replicate the consistent overall plot arrangement, with parking and access to the north and generous garden ground to the south.

It is also important to note that there is significant soft landscaping, including mature trees, along many of the front boundaries on the street. Combined with the relatively large set-backs of the properties from the street, views of multiple houses in any one viewpoint are not common, and as such, the proposed increase in ridge height and its relationship with neighbouring properties would not be readily apparent from many public viewpoints. Taking account of this and that suitable spacing is afforded to either side of the proposed dwelling, the higher wallhead and ridge height would not adversely impact on the character of the surrounding area and is of a scale with is consistent with the varied architecture evident on the street. Furthermore, revised plans have sought to alter the roof form and pitch to bring this height down as far as practical. Whilst it could be argued that the specific plot lends itself to a split dual-level house design, nevertheless it is the duty of the Planning Authority to assess each application on its own merits and the proposed height in this context is considered to be acceptable.

With respect to the proposed detached garage, its orientation and positioning within the plot, material detailing and ridge height have been amended so that it is considered to be acceptable. The gable of the proposed garage would face into the plot and replicates the existing courtyard parking arrangement. The revised design does not feature any upper level windows and has introduced terracotta ridge tile detailing and the use of salvaged granite stone. Whilst the ridge height would be 1.5m higher than the existing garage and, due to the higher pitch, there would be more roof than wall ratio visible from the street, nevertheless the proposed garage form and design is considered acceptable and it would present a similar relationship to the street as existing, suitably maintaining the character of the street scene. The garage would also be screened to an extent by existing and proposed soft landscaping, including shrubs and trees.

With regard to density, the guidance outlines that as a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon. It is important to note that this part of the guidance relates to all development not just the footprint of the proposed dwelling. In terms of site coverage, the proposed dwelling extends to 205m² and the proposed double garage is 55m² (together totalling 259m²). The other areas of development proposed, which includes the external areas of hardstanding (i.e. tiered patios, paths and driveway) extends to 240m², with the whole developed area extending to 499m² of the 1343m² site. Taking all built development into account, including the proposed dwelling, garage and areas of hardstanding, determines that the total development would slightly exceed one third of the site. One third of the site (1343m²) equates to 448m², and the total built development would equate to 499m², which results in a plot coverage of 37%. In assessing the magnitude of this tension, it is recognised that 37% only results in a rise of 2% above that of the existing site, which is 35%. Revised proposals have also sought to reduce both the scale of the dwelling in terms of footprint by removing the side utility wing and reducing all areas of hardstanding and exterior spaces, such as driveway, paths, patio etc. It is also recognised that there are some other properties in the immediate surrounding area which exceed one third (33%) of their respective plots which are developed, as identified and highlighted in supporting information submitted by the agent. It is thus concluded that the proposed density of the development, whilst being slightly higher than one third, would not increase the density of the site to a degree which is considered to be detrimental to the plot or the character of the surrounding area.

Regarding the architectural design of the proposed dwelling, this would be characterised as a typical modern house, with rendered walls and grey tiled roof. Due to the range of architectural styles and material finishes on the street, the proposed design is considered acceptable in this established residential context. As discussed above, the development follows the established character of a large detached house set back from the road, with front courtyard parking and large gardens to the rear. During assessment of the application the design was simplified in terms of its architectural detailing. In particular, the window lintels were simplified, window mullions increased in size to give a more robust appearance, helping to add definition to the façades. In addition, as has been discussed, the roof ridge height and pitch angle were lowered in order to reduce the overall volume of the roof form to better integrate with the character of the street. The proposed use of rendered walls and small pane astragalled window design is also consistent with other dwellings on the street, therefore the proposed new dwelling would provide sufficient visual integration in its context. Architectural detailing would be further expressed through introduction of natural granite detailing to the public elevation (e.g. window surrounds, front low boundary wall and garage), terracotta ridge tiles, well-proportioned portico feature to main entrance and feature window above this at first floor level.

With respect to Policy D7 (Our Granite Heritage) of the ALDP, the applicants have advised that reclaimed granite would be used in the construction of the proposed new double garage, as well as within the site preparation and garden landscaping works. Overall, this is acceptable in terms of

the requirements of Policy D7 and taking into account the demolition aspects of the proposal as discussed above. All other proposed materials have been reviewed and there are no conflicts with Policy D1 (Quality Placemaking) or the Materials APG. Overall, and taking into account that there is no consistent architectural building material palette in the surrounding area, all the proposed materials, including front portico, are considered appropriate for use in the construction of modern dwellings, are considered to be of equal standard to that of other dwellings on the street and would suitably maintain the character of the street, in accordance with the Sub-division and Redevelopment of Residential Curtilages APG. There is some concern with the extensive use of smooth white renders, as expressed in the Materials APG, due to their longevity (weathering/discolouration) and sometimes stark appearance, however it is considered that a suitable off-white render colour is acceptable in this context and that the exact colour and texture finish of the proposed render for the proposed dwelling house can be secured by a suitably worded condition.

Summary

A number of matters raised in representations relate to the overall building scale, footprint and impact on character of the surrounding area. The assessment of the proposal, as outlined in the above evaluation, has been based on an objective evidence-based analysis and appraisal of the scale, design and siting of the proposal, the site's characteristics and context, its relationship with the neighbouring properties, and the architectural form of the street. This assessment has demonstrated that the proposed development would not result in the overdevelopment of the site and would be of a density, scale and layout that would not adversely affect the character and appearance of this street or surrounding area. The proposals are thus compliant with the requirements Policies 14 and 16 of NPF4, Policies H1 and D1 of the ALDP, and its associated APG on the Subdivision and Redevelopment of Residential Curtilages, and Materials.

Residential Amenity

Both Policy D2 (Amenity) of the ALDP and the Amenity & Space Standards APG advise that *"Amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing"*. Consideration must be given to the quality of amenity for the future occupants of the proposed dwelling, and also whether there would be any adverse impacts on the amenity of the existing neighbouring dwellings, taking into consideration aspects such as daylight and sunlight receipt, outlook and privacy. In addition, criterion 2 of Policy H1 (Residential Areas), Policy D2 (Amenity) of the ALDP, Amenity & Space Standards APG, and section 2.3 of the Sub-division and Redevelopment of Residential Curtilages APG all advise that new residential development should not borrow amenity from, or prejudice the development of adjacent land, or adversely affect existing development in terms of impact on privacy, daylight, general amenity, and immediate outlook. In addition, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area, and that an appropriate quantity and quality of internal floorspace and private external amenity space should be ensured. In this instance the relevant calculations and advice contained in the above mentioned APGs is considered sufficient to assess amenity without the requirement for a sun-path/solar analysis, discussed further below.

With respect to sunlight and daylight receipt, the proposed dwelling would be in receipt of sufficient daylight, with the majority of the solar gain being accounted for the rooms facing south on the ground and first floor. The majority of the main living spaces would be located with aspects benefitting from south facing windows. The north facing aspect would primarily serve bedrooms, formal lounge and entrance hallway. Other rooms with either west or east facing windows would primarily be bathrooms. Policy D2 requires new development to make the most of any opportunities offered by the site to optimise sunlight receipt through appropriate siting, layout and

orientation. Due to the orientation of the proposed dwelling, with its entire rear elevation facing south, the proposed dwelling would maximise opportunities for sunlight and passive solar gain.

Turning to impacts on sunlight and daylight receipt for the neighbouring properties, specifically 41 Hillview Road to the east and 45 Hillview Road to the west, concerns regarding amenity have also been raised within submitted representations. The neighbouring property to the east is considered to be a sufficient distance away such that there would be no impacts on sunlight or daylight receipt in that direction. Due to the siting of the proposed dwelling in its plot relative to the neighbouring property to the west, the rear building line of the proposed dwelling would be in line and as such there would no adverse impact with regard to daylight receipt to habitable rooms or sunlight receipt (overshadowing) of any garden ground. Whilst the relevant calculations (45° Method) indicates that the eastern gable of the neighbouring property at 45 Hillview Road may receive less early morning daylight, any such impact would be minimal, would not affect the closest rooflight windows on the south-east roofslope of the neighbouring dwelling, would not affect any habitable living spaces, and is considered to be within tolerable limits. Again, using the relevant calculations (45° Method) determines there is no impact on any neighbouring properties from the proposed projecting privacy screen to the rear patios, with any overshadowing from this only affecting the applicants own garden ground or rear-facing windows to the family room. Furthermore, the neighbouring property would continue to enjoy its existing south-facing aspect to its garden-facing elevation (south), which would be unaffected by the proposed development.

With respect to impacts on privacy and outlook, the main considerations are the presence of a new two-storey house, the resulting impact on privacy from windows on the rear elevation wall, and from the proposed external patios. Privacy and outlook concerns have also been raised through submitted representations. Firstly, the neighbouring properties to the east and south are all considered to be a sufficient distance away such that there are no significant adverse concerns in relation to the privacy or overlooking to those neighbours. Whilst the proposed development would place windows at upper level, which would afford more visibility out over the surrounding garden areas, the window-to-window distance to the nearest rear elevation to the south (422 North Deeside Road) is some 82m distance which alleviates any adverse impacts and thus raised no privacy concerns. In terms of outlook, whilst it is recognised that the proposed replacement house would alter the view looking northwards from neighbouring properties located to the south, due to the significant separation distances and generous rear garden plots present for properties in the immediate surrounding area, this changed impact on outlook would not be considered to be adverse or overbearing. It is recognised that the recent loss of some trees from the southern end of the application plot has exacerbated this feeling of change, however there would be sufficient boundary treatments in place to ensure there would be no direct overlooking from the respective areas of garden ground to that of any neighbouring properties. Boundary treatments would comprise a mix of retained high stone walling to east and west, 1.8m height fencing to the south and 1.4-1.8m high hedging to the west. The proposed 1.8m high fencing to the rear would constitute permitted development under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. Further soft landscaping is proposed which, in time, would help to soften the visual impact of proposed development, but would not be required for privacy screening purposes alone. With regard to the neighbouring property to the west, again it is recognised that there would be a changed impact in the outlook from the rear garden of this property when looking northwards, however due to the separation between properties, the generous size of the plots, and following a reduction in the overall height of the proposed dwelling (including roof and pitch), the proposed two-storey house would not be overbearing or otherwise cause any undue harm to the amenity of this neighbour, whose main aspects and outlooks are north, towards the street, and south, over their own private rear garden.

With respect to proposed windows on the rear elevation, it is recognised that the presence of a two-storey house would place some windows at a higher level than currently exists and this would

represent a changed impact in terms of outlook, which in general would afford more visibility over the immediate surrounding gardens (as outlined above). However, due to the alignment between the proposed dwellings' and its closest neighbour's (45 Hillview Road) south-facing building lines, all of the proposed rear facing windows would be in line and would face directly out onto the applicant's own garden ground, such that at this angle, there would be no direct overlooking of any neighbouring private patio areas and that any visibility over the immediate surrounding gardens would not be considered to significantly affect amenity in terms of overlooking concern. The proposed windows on the east and west elevations cause no privacy or overlooking concerns.

Finally, the proposed external patios to the rear have been amended since the application was submitted, altering the overall scale and form, including reducing their height, stepping them in from the boundaries, stepping in off the south-west corner of the rear elevation and centralising the steps. Such amendments were requested due to the adverse impact the originally proposed raised patio would have had on the neighbouring property to the west. The patio would now be formed of two terraces (total footprint of 60m²), stepping down three times by 670mm in height each time between terraces, before reaching the lower garden level. No part of the proposed patio would be raised at the ground floor level of the proposed house, and a series of steps would now be required leading immediately down from the rear sliding doors. The proposed patio would be inset off the south-west corner of the proposed dwelling by 3m, 6.3m overall off the mutual boundary, to allow sufficient separation space. The proposed patio would also include a privacy screen fitted to the south-west corner of the upper level patio and the centralised steps remove any circulation space from being positioned on the western side of the plot. As a result of the amendments to the proposed patio, in particular the reduction in height and tiered relationship to the sloped rear garden, there would be no significant adverse privacy or overlooking concerns to the neighbouring property to the west.

In summary, due to the generous size of the existing plot, the window to window distances and amendments to the design of the external rear patios, the amenity and space standards can be met without any significant adverse impact to any neighbouring properties, – in accordance with Policy 16 (Quality Homes) of NPF4, Policies D2 (Amenity) and H1 (Residential Areas) of the ALDP, and with the associated Amenity and Space Standards, and Householder Development Guide APGs.

Trees, Landscaping and Biodiversity

NPF4 Policy 6 (Forestry, Woodland and Trees) and Policy NE5 (Trees and Woodland) of the ALDP seek to protect and expand forests, woodland and trees, and state that development should not result in the loss of, or damage to these assets. As such, a tree survey and arboricultural impact assessment was requested and subsequently undertaken on the plot in light of the potential impact on trees resulting from the proposed development (Tree Protection and Management Plan Ref: HRC-2405-TR Rev A; October 2024). It is acknowledged that some tree removal was undertaken on the development site prior to the application being submitted, as identified through representations and evidenced on the site visit. These trees have also not been included in the submitted Tree Report. These trees included a couple removed from the rear (southern) edge of the garden, with stumps evidenced, and a mature copper beech tree was also removed from immediately behind the existing timber gate at the driveway entrance to the site, including stump removal. Whilst in the context of associated planning policies the loss of these trees is unfortunate, the trees which were removed were not covered by a Tree Preservation Order thus it was within the homeowner's rights to remove these trees from their garden without consent.

Notwithstanding this, due to the generous size of the plot and the level of mature planting which is proposed to be retained on site, there would be an adequate level of landscaping and tree species

to conclude that the proposal complies with the overall aim of Policy 3 of NPF4 (Biodiversity). However, as part of the proposed development a suitable condition is recommended as part of any consent so that details of landscaping improvements are provided to ensure biodiversity net gain for the overall site is deliverable, such as replacement tree planting – which supports the aims of Policy 3 (Biodiversity) and Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE3 (Our Natural Heritage), Policy NE5 (Trees and Woodland) and Policy D5 (Landscape Design) of the ALDP. Furthermore, in accordance with Policy NE3 (Our Natural Heritage), a preliminary investigation was carried out to consider the potential for the existing trees to support bat roosting habitats, which determined there are no constraints in this regard, and the development would have no adverse impact on any protected species or habitats.

With respect to impacts on existing trees, the Tree Report identifies that one apple tree is to be felled for management due to poor condition, one cherry tree and a few shrubs are to be removed for the proposed house and patio, and an existing magnolia would be transplanted elsewhere within the garden – all of which is considered to be acceptable. The Tree Report also highlights that removal of the existing single garage will remove strength from the mutual boundary wall, which is already under pressure from Tree 16 (copper beech) and showing evidence of cracking. Appropriate repairs and rebuilding of the wall would be required when the wall is able to be inspected following the proposed removal of the garage, and this is considered acceptable on a like-for-like repair basis, which would suitably maintain the character of the existing wall. The proposed new surface water soakaway as part of the drainage strategy, discussed further below, would be appropriately positioned outside of any root protection areas and a suitable distance from plot boundaries.

The main elements of potential impact relating to trees therefore, are to those located within neighbouring properties and in particular, any potential impacts on trees in the neighbouring plot to the west at 41 Hillview Road, where all trees within this plot are covered by a Tree Preservation Order (No. 208). Trees to the east, and their root protection areas, could also be affected by the proposed development despite the presence of the high mutual stone boundary wall (identified as trees 9-16 in the Tree Report) which will have inhibited growth to some extent. During assessment of the application, it was highlighted that further soil investigation would be required in relation to potentially affected trees along the eastern boundary. It was subsequently advised that the intention would be for hand dug trenches as part of the excavations at this part of the site, opposite the three largest trees, to ascertain the below ground structure of the wall, depth of foundations and the presence of any potentially affected roots. This approach is considered to be acceptable, alongside any necessary rebuilding of the boundary wall, and a full methodology can be secured via a suitable planning condition.

In addition, trees to the west along the mutual boundary could also be partially affected as their root protection areas extend into the proposed development site. Whilst it is recognised that these trees (trees 3 and 4 in the Tree Report) are already partially impacted from the existing driveway, the relatively light trafficking of this area is unlikely to have inhibited root growth and there was concern infill and the use of a cellular confinement system in this area could affect the long term successful growth of this shallow rooted tree species (cypress). As such, the proposed driveway extents, infill and any laying of paths to the west of the site have all been reduced and pulled back from the root protection areas of trees 3 and 4 in order to alleviate any adverse impacts on these trees. Remaining areas of upfill in the site to accommodate the development should be tolerable given the specific on site constraints and tree species. Revised proposals have been reviewed by the Council's Natural Environment Policy Team and are found to be acceptable, thus the proposed works comply with NPF4 Policy 6 (Forestry, Woodland and Trees), Policy NE5 (Trees and Woodland) of the ALDP, and the associated Trees and Woodlands APG.

Drainage

Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE4 (Our Water Environment) of the ALDP outline that development will not be supported if it increases the current and/or future risk of flooding, in particular through the discharge of additional surface water. All new developments and redevelopments are required to incorporate sustainable urban drainage systems to manage surface water, however this is with the exception of single dwellings.

Using the SEPA Flood Risk Maps, the site is not identified as being at risk of flooding, however it is understood that there is a land/field drain which runs through the development site. These land drains are recognised to impact upon the drainage and flows of water through the site, and it has been implied through representations this negatively affects the site. Due to the nature and content of submitted representations, further investigations with respect to site drainage was requested, which was subsequently reviewed by Council's Flooding Team. The applicant commissioned Cameron & Ross Civil and Structural Engineers to prepare a Drainage Statement and Drainage Strategy which assessed the foul and surface water drainage and run-off considerations for the site, both existing, proposed and during construction phases of the development. This included intrusive site investigations to determine the existing ground conditions, location and presence of land drains, and infiltration testing was carried out. This concluded that the site had a good infiltration rate and the proposed drainage method for surface water was runoff discharge into groundwater, through use of a soakaway in the rear garden, with suitable treatment. The drainage strategy was based on the provision of a suitably porous gravel surface to the driveway. This type of soakaway SuDS system is considered to be commensurate to the scale and nature of the proposed development and the submitted calculations confirm the soakaway will appropriately manage the surface water from the development. It should be noted that at present the surface water from the existing dwelling drains into the existing land drain, which would now be proposed to drain into the soakaway. The proposed soakaway would also be designed to a 1 in 200-year storm event specification, including a 37% climate change factor. The proposal would therefore provide adequate drainage systems to manage all surface water runoff from the development. In the context of Policy NE4 single dwellings are generally excluded from SuDS requirements, however retrofitting SuDS solutions are to be encouraged through redevelopment proposals. As such, the proposed drainage solutions are considered to be acceptable and more than sufficient considering the scale of development.

The Drainage Statement also acknowledges there are potential overland flow issues (as highlighted in representations). A historical connection has been formed from an overflow pipe which served to intercept water from a surface water sewer located to the north-east of the property and used this diverted overflow connection to feed an existing pond feature in the garden, which then feeds into the existing land drain at the south of the garden. Further investigations into the positioning of land drains and surface water connections was requested during assessment of the application and the drainage strategy suitably updated with the findings of this. The Drainage Statement indicates the route of the land drain which runs through the site, and it is recommended that this would be uncovered along its full length to ensure that it is suitably repaired and protected throughout construction of the new property. Only works to repair and renew the land drain within the applicants own boundary can be controlled should this application be granted. The existing pond would be removed, and the existing overflow feed would be diverted to connect back up with the existing land drain. However, it is recognised that further investigation of the exact extent of the land drain at its whole length is required, alongside full assessment of potential defects and reinstatement (if required) to ensure it is clear. It is satisfied that there are technical solutions to resolve such matters and that the additional information can be secured via a suitably worded planning condition, which has been confirmed by the Council's Flooding Team.

Finally, Scottish Water were consulted on the proposal and had no objection. Scottish Water advised of the presence of combined sewer infrastructure which runs to the south of the site and

provided general advice for consulting Scottish Water as the development proposal progresses to discuss any potential conflicts and restrictions, i.e. proximity of construction. Additional general advice about water capacity, connections and best practice was also provided.

Access and Parking

With regard to access and parking, the proposal would be acceptable on these matters. The site is served by an existing single access onto Hillview Road to the north of the plot, which would remain to serve the proposed new development. The access would be formed within a proposed new low boundary wall to the front, with an effective entry of 3.8m, which retains a single access point and on a similar scale as existing. The Roads Development Management Team has advised that it has no objection to the proposal.

The application site is located in the 'outer city' and is not within an area which has any controlled parking measures. With respect to parking, a double garage and driveway would be proposed to provide adequate parking on site. The proposed dwelling would have five bedrooms and thus the associated off-street parking provision for three vehicles, which is to be provided by a double garage and driveway, with sufficient space for parking and turning. The dimensions of the proposed double garage meets the minimum internal dimensions (5.7m x 5.7m) and is acceptable. The driveway surface is proposed to be a 'cellular confinement' gravel surface, however the first 2m of the driveway off the access from the road would be formed of hardstanding so that no loose gravel material would risk being carried onto the public road.

In terms of wider and sustainable accessibility, the site is in close proximity (around 300m) to bus services along North Deeside Road, which provide access into the city centre and locations beyond out towards Deeside. In addition, there are local amenities, shops and services located within a reasonable walking distance from the site, most notably the Cults and Bieldside district centres located along North Deeside Road, with Cults schools and open spaces located to the north. The proposed development would accord with Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4, with Policy T2 (Sustainable Transport) and Policy T3 (Parking) of the ALDP, and with the Transport and Accessibility APG.

Climate Change and Energy Efficiency

As outlined above, NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals, with Policy 2 requiring development proposals, including to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible. With respect to the energy saving features, Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) – all new buildings are required to demonstrate that a proportion of the carbon emissions reductions standards will be met through the installation and operation of low and zero carbon generating technology. The proposed development meets this requirement primarily through installation of an air source heat pump, which would be located to the rear of the new double garage. Environmental Health has reviewed the proposal, carried out a noise screening assessment in relation to the proposed air source heat pump, and are satisfied that it should not create a noise nuisance to existing nearby receptors (residents/occupants). Additional energy efficiency and adaptable features includes passive solar gain from south facing aspect, low energy light fittings throughout, high level of insulation to new building fabric and sustainable urban drainage for surface water. This concludes that the proposal would include energy efficiency measures in accordance with the aims of NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation), and with Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP and the Resources for New Development APG.

Waste Management

The proposed development provides sufficient and dedicated storage space waste and recycling and in accordance with the aims of Policy 12 (Zero Waste) of NPF4 and R5 (Waste Management Requirements for New Development) of the ALDP, and with the Waste Management Requirements for New Developments APG.

Soils

Policy 5 (Soils) of NPF4 states that development proposals will only be supported if they are designed and constructed to minimise disturbance to soil, including damage from compaction and erosion, and soil sealing. Whilst the development would result in a relatively large area of excavation, the areas affected are developed land, mainly covered by the existing dwelling. The proposal would not result in the loss of, or disturbance to soils which are of any value or which are carbon rich.

Health and Wellbeing

Consideration has been given to the impact on local air quality from dust during demolition and excavation. As the development falls below the threshold in the Table 1 of the Air Quality Aberdeen Planning Guidance, there is no requirement for the Air Quality Assessment to be submitted in this instance. The design of the proposal would not have any material impact on suicide risk. The development would therefore accord with the principles of Policy 23 (Health and Safety) of NPF4 and WB1 (Healthy Developments) of the ALDP.

Matters Raised in Representations

Material considerations raised within the submitted representations have been identified and addressed in the above evaluation. Some matters have been raised that are not material planning considerations. These are highlighted under the 'Representations' section above, and are not addressed.

DECISION

Approve Conditionally

REASON FOR DECISION

The proposed development is acceptable when considered against the relevant policies of National Planning Framework 4 (NPF4), the Aberdeen Local Development Plan 2023 (ALDP), and the associated Aberdeen Planning Guidance (APG). The proposed dwelling house and garage would be of design, scale, siting and materials that would be consistent with the existing site and the character and visual amenity of the surrounding area. The development does not constitute overdevelopment and does not result in the loss of open space. The dwellinghouse would be afforded an acceptable level of residential amenity and it would not adversely affect the amenity of any neighbouring residential property to a significant degree which would warrant refusal of the application. The proposed development would therefore accord with Policy 14 (Design, Quality and Place) of NPF4, Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity), Policy D5 (Landscape Design) of the Aberdeen Local Development Plan 2023, and the Sub-division and Redevelopment of Residential Curtilages, Materials, and Amenity and Space Standards Aberdeen Planning Guidance.

The dwellinghouse and hard surfaces would be sited to not adversely affect trees or biodiversity

by any significant degree and suitable landscape design would be ensured through an appropriately worded condition. The excavation would not result in significant disturbance to valuable or carbon-rich soils, in accordance with Policy 5 (Soils) of NPF4, and the proposal, including demolitions, would not adversely affect any protected species. The conditions relating to tree protection would ensure that the development would not adversely affect the existing mature and protected trees either on or immediately adjacent to the site. As such, subject to a landscape / tree planting and biodiversity enhancement scheme that would be addressed through an appropriately worded planning condition, the proposal would comply with the aims of Policies 3 (Biodiversity) and 6 (Forestry, Woodland and Trees) of NPF4; NE2 (Green and Blue Infrastructure), NE3 (Our Natural Heritage), NE5 (Trees and Woodland) of the ALDP; and the Natural Heritage, Trees and Woodlands, and Landscape Aberdeen Planning Guidance.

The proposed development would be sufficiently accessed by vehicular and sustainable means, the appropriate level of parking would be proposed and the development would be within an acceptable distance from local amenities, in compliance Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4, with Policy T2 (Sustainable Transport) and Policy T3 (Parking) of the ALDP, and with the Transport and Accessibility APG. The development would not result in any health and wellbeing risks, in accordance with Policy 23 (Health and Safety) of NPF4 and WB1 (Healthy Developments) of the ALDP. The development would also provide adequate waste management in compliance with Policy 12 (Zero Waste) of NPF4, Policy R5 (Waste Management Requirements for New Developments) of the Aberdeen Local Development Plan and the Waste Management Requirements for New Developments Aberdeen Planning Guidance.

The development would be supported by an acceptable drainage strategy, which includes provision of sustainable urban drainage system (SuDS). Whilst some detailed technical drainage matter would be addressed through an appropriately worded planning condition, the proposal would comply with the aims of in accordance with Policies 22 (Flood Risk and Water Management) of NPF4, NE4 (Our Water Environment) of the ALDP, and Flooding, Drainage and Water Quality Aberdeen Planning Guidance.

Whilst the proposal would conflict with Policy 9 (Brownfield, Vacant and Derelict Land and Buildings) of NPF4, which states that given the need to conserve embodied energy, demolition will be regarded as the least preferred option, the proposed development would otherwise be acceptable on all other matters, would suitably reuse all existing granite stonework on site in accordance with Policy D7 (Our Granite Heritage) of the ALDP, and would incorporate low and zero carbon generating technologies, so that the principle of demolishing the dwellinghouse would be acceptable in this instance. Commensurate with its scale and nature, the development would place significant weight on the climate and nature crises and the proposal would be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible, in accordance with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. The proposal would incorporate low and zero carbon generating technologies in accordance with Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaption) of NPF4, Policy R6 (Low and Zero Carbon Buildings) of the ALDP and the Resources for New Development Aberdeen Planning Guidance.

CONDITIONS

(01) DURATION OF PERMISSION

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

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

(02) MATERIALS

That no development shall take place unless the specification, details and colour of the proposed render material to be used in the external finish of the approved development, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved external finishes must be applied in accordance with the approved details.

Reason - In the interests of the appearance of the development and the visual amenity of the area.

(03) GRANITE REUSE

That no development shall take place unless details of, and a methodology statement for the reuse of the granite (resulting from the dountaking of the existing dwelling and detached garage) in the construction and finishing of the hereby approved proposed new dwelling and detached garage, and in landscaping of the new development, have been submitted to and approved in writing by the Planning Authority. Thereafter prior to the development hereby approved being brought into use, the details as approved shall be implemented in full.

Reason: In the interests of retaining existing granite stone on the site and ensuring compliance with Policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023.

(04) TREE PROTECTION AND SOIL INVESTIGATION

No development shall take place unless a scheme for the protection of all trees to be retained on the site during construction works, including details of tree protection fencing that complies with British Standard 5837: 2012 'Trees in Relation to Design, Demolition and Construction' has been submitted to, and approved in writing by, the Planning Authority. Once approved, the scheme shall be implemented in full and retained for the duration of the works hereby approved.

No development of the hereby approved proposed double garage shall take place until a soil investigation methodology has been submitted to and agreed in writing by the Planning Authority, detailing how the soil investigations would be undertaken and in what locations, to detail what extent the existing eastern boundary wall has impacted upon root growth into the proposed development site.

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 and immediately adjacent to the site (covered by Tree Preservation Order) during the construction of the development.

(05) BIODIVERSITY ENHANCEMENT, TREE PLANTING AND LANDSCAPING

That no demolition or construction works pursuant to this development shall take place unless a scheme of soft landscaping, tree planting and biodiversity enhancement measures has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i. Existing landscape features / vegetated areas to be retained.
- ii. The location of new trees, shrubs, hedges, grassed / wildflower areas and water features / sustainable urban drainage systems.
- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. The location, design and specification of biodiversity enhancement measures.
- v. A programme for the implementation and subsequent maintenance of the proposed landscaping.

All soft landscaping, tree planting and biodiversity enhancement 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. The development shall not be occupied unless evidence of implementation of the scheme has been submitted to and approved by the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

(06) DRAINAGE DETAILS

That no development shall take place unless a full investigation and details of the condition, specification, repair/reinstatement (if required) and route of the land drain system at its whole length through the site have been submitted to, and approved in writing, by the Planning Authority. The land drain system shall be permanently retained thereafter, in accordance with the approved details.

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

(07) APPROVED DRAINAGE SYSTEM CARRIED OUT

The dwelling house hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans (Drawing Ref: 231054-000-CAM-DR-C-400 REV C and 231054-000-CAM-RP-C-001 REV 3). The foul and surface water drainage systems shall be permanently retained thereafter, in accordance with the approved maintenance scheme.

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

(08) PATIO PRIVACY SCREENING

The dwelling house hereby approved shall not be occupied unless all associated privacy screening relating to the proposed external patio has been fully implemented in accordance with approved plans (Drawing Ref: PL02 Rev J, PL03 Rev H, and PL05 Rev H), and thereafter retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the residential amenity enjoyed by adjacent property is suitably maintained.

(09) STREET FRONTAGE BOUNDARY WALL AND ACCESS

The dwelling house hereby approved shall not be occupied unless the proposed front boundary wall, including gate piers and access, has been constructed in accordance with the hereby approved plans (Drawing Ref: PL02 Rev J, PL07 Rev I, and PL06 Rev G), or unless otherwise agreed in writing by the Planning Authority.

Reason - In the interests of the appearance of the development and the visual amenity of the area.

ADVISORY NOTES FOR APPLICANT

(01) BATS

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice. It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal;
- Damage or destroy the breeding sites or resting places of such animals.

(02) HOURS OF CONSTRUCTION

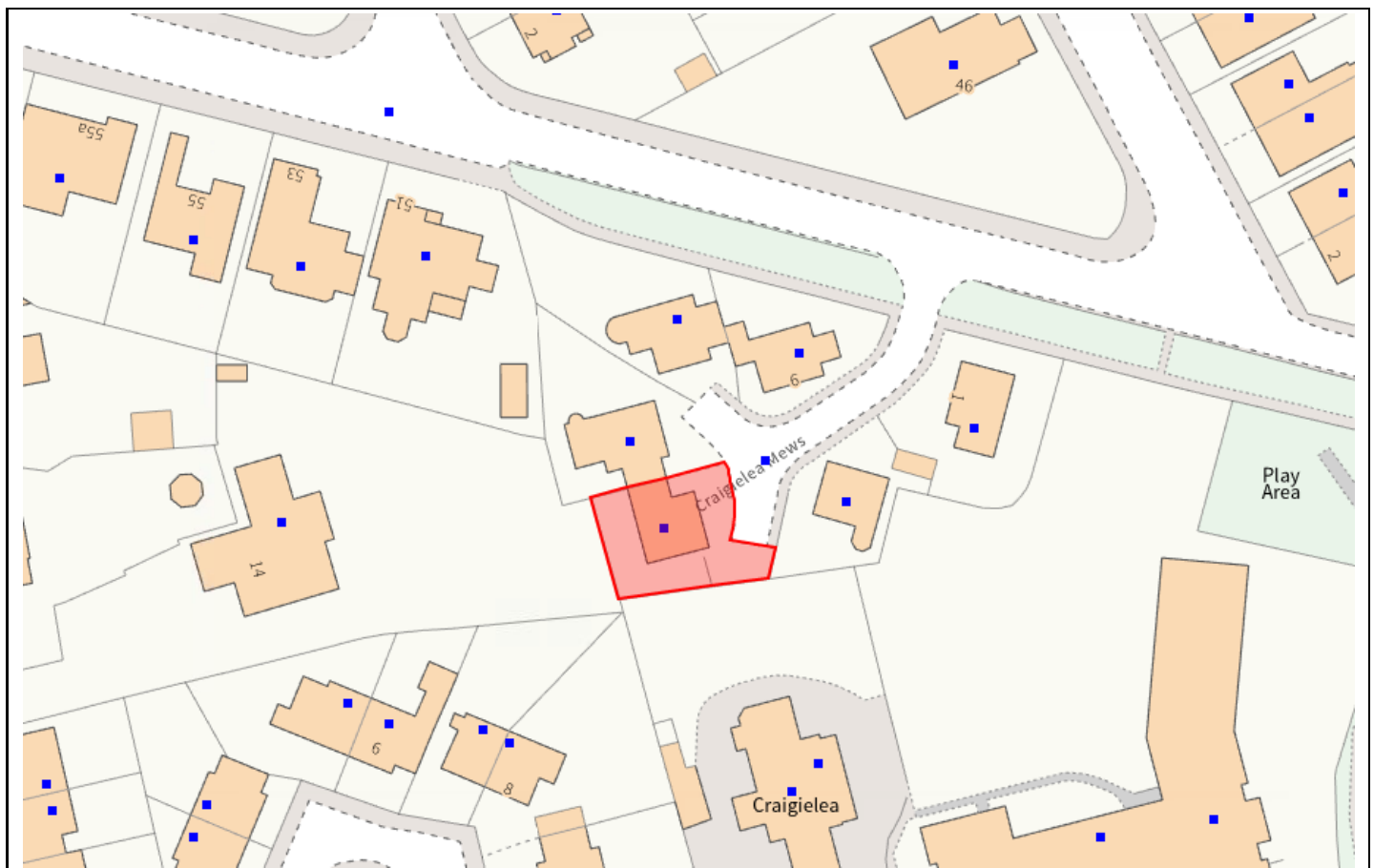
No development works, including site/ground preparation, demolition and/or construction, causing noise beyond the site boundary should occur outside the following hours:

- Monday to Friday 07:00 hours to 19:00 hours
- Saturday 08:00 hours to 13:00 hours

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 7 November 2024

Site Address:	3 Craigielea Mews, Aberdeen, AB15 7XZ
Application Description:	Formation of driveway and access gate to front
Application Ref:	240982/DPP
Application Type	Detailed Planning Permission
Application Date:	22 August 2024
Applicant:	Mr Sam Omid
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside and Mannofield



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is located within the established residential area of Mannofield, and is just inside the western boundary of the Great Western Road Conservation Area. Craigielea Mews is a small street accessed from Countesswells Road, around 265m north-west of its junction with Great Western Road. The application site is located at the south-western end of the cul-de-sac which forms the Craigielea Mews development, a collection of six detached and link-detached dwellings, constructed in the 1990s. The dwellings were constructed on a 0.3 hectare site to the north of the curtilage of the former Craigielea House (Application Ref: 891806).

The application property is at the end of the cul-de-sac, immediately adjacent to one of two turning heads which terminate the street. The existing dwelling has an integrated garage to the north, which is linked to its semi-detached neighbour at 4 Craigielea Mews, and has a single lock-block driveway to the front of the garage. The front garden is currently laid out as a soft landscaped shrub border immediately to the front, and the remaining area to the side is surfaced in red granite gravel chips and large decorative granite boulders. Fencing in the area is 1.8m high timber slats, painted dark brown.

Relevant Planning History

231022/DPP – Installation of rooflights and windows to side; formation of bi-folding door and window seat from an existing window openings to rear; installation of flue; formation of driveway and installation of wall and gate to front; Application withdrawn 19/10/2023.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of a single driveway and access gates to the front and side of the dwelling. The proposed development would be positioned in the southern portion at the front of the plot. The proposed driveway would be finished in a lock-block surface with a drainage channel at the kerb edge (proposed to be dropped, subject to obtaining separate consent from the Council as Roads Authority). The proposed driveway would have an effective entry of 3.4m which would be formed off the end of the existing turning head within the cul-de-sac. The proposed driveway would be slightly angled as it extends into the plot, with an overall length of c.7.0m (measured at the mid-point).

The proposed fence and access gates would be positioned to the side of the dwelling, set around 1.4m behind the principal (south) elevation, at a height of 1.8m. A single pedestrian gate is positioned adjacent to the path which leads around the perimeter of the house, and new double gates would provide access from the rear garden to the proposed driveway.

Amendments

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

- Footprint of shed in rear garden added and reference to lock-block 'wall' between application site and neighbouring dwelling removed from Drawing Ref: CLM-102 REV B.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIIECBBZIQF00>

Reason for Referral to Committee

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

- has been the subject of six or more timeous letters of objection about the proposal; and
- has been subject of formal objection from the Roads Authority.

CONSULTATIONS

ACC - Roads Development Management Team – Object to the proposal. Advised that only one footway crossing / driveway per property is permitted by the Transport and Accessibility APG and the frontage is below the 30m threshold where an 'in and out' may be permitted. The proposed driveway would also take access from a turning head, and whilst there are historic examples of this on the street it is not something the Roads Team permit. Parking directly off turning heads is generally not supported so as to facilitate large vehicle movements, and often lead to residents using the space as an extension to their driveway, which would not be prevented by the recent footway parking ban as there is no footway in the front of the proposed opening.

Braeside and Mannofield Community Council – No comments received.

REPRESENTATIONS

Six representations have been received, all objecting to the application. The matters raised can be summarised as follows –

1. There is no requirement for a second driveway as the applicant already has a driveway and garage giving space for two cars, so an additional driveway would promote car use. The current owners park on the street and do not use their existing driveway.
2. The land to be developed is adjacent to a turning area and there are concerns about traffic and road safety, with support expressed for the Roads objection.
3. There is insufficient parking provision in the street. The proposal will reduce parking and limit the turning area for all residents, visitors and users of the street (including refuse vehicles), thus increasing congestion.
4. The proposal will reduce the amenity of the cul-de-sac for all other properties by affecting the character of the conservation area, in particular through the replacement of soft landscaping with hard surfacing.
5. There are inaccuracies on the plans in relation to the boundary between No's 3 and 4 Craigielea Mews, the gated access to the Craigton Day Centre site, and rear outbuildings recently erected to the rear are not shown on 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 Crisis)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy T3 (Parking)

Aberdeen Planning Guidance (APG)

- Householder Development Guide
- Transport and Accessibility

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)

Other Material Considerations

- Great Western Road Conservation Area Character Appraisal

EVALUATION

Key determining factors

The key determining factors in the assessment of this application are whether the proposed

development would:

- impact upon the character and appearance of the existing dwelling or the surrounding area;
- impact upon the amenity of the area, including the residential amenity of immediately neighbouring properties;
- preserve or enhance the character and appearance of the conservation area; and
- impact upon road safety, vehicle manoeuvrability and accessibility, and parking availability.

Principle of development

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area, in terms of size, design and materials; and*
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*

The application site also lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP states that within existing residential areas, proposals for new householder development will be approved in principle if it:

- 1. does not constitute over-development; and*
- 2. does not have an adverse impact to residential amenity and the character and appearance of an area; and*
- 3. does not result in the loss of open space.*

Impact on the character and appearance of the area, and the historic environment

In determining whether the proposed development would adversely affect the character and appearance of the existing dwelling, and the surrounding area, Policy 14 (Design, Quality and Place) of NPF4 is relevant. Policy 14 encourages and promotes well-designed development that makes successful places by taking a design-led approach. Policy D1 (Quality Placemaking) of the ALDP substantively reiterates the aims and requirements of Policy 14.

The application site also lies within the Great Western Road Conservation Area. Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area.

Design, scale, siting and materials

The Council's Householder Development Guide Aberdeen Planning Guidance (HDG) states: '*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area*'.

The proposed driveway is suitably scaled for a single driveway and the proposed lock-block surfacing material is consistent with both the original house and the character of the street, which has multiple other driveways and areas of hardstanding of a similar design. The proposal would replace an area which is currently surfaced with loose red granite gravel chippings, with a lock-block driveway and new shrub landscaping proposed to its edges. Due to the scale, design and

siting of the proposed driveway at the end of a cul-de-sac that forms part of a modern (late 20th century) housing development which does not contribute towards the character and appearance of the conservation area, the proposal would have no adverse impacts on the character, appearance or setting of the conservation area. The associated gate would be positioned at the back of the driveway, behind the front building line of the dwelling, designed to match the existing fencing, and it would also not have any impact on the character and appearance of the conservation area.

Overdevelopment

Guidance on what constitutes “overdevelopment” is set out within ‘General Principles 4 and 5’ at section 2.2 of the Householder Development Guide. This states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the front or rear curtilage of a dwelling should be covered by development. Calculations confirm that the front curtilage extends to 105m², and whilst the proposed driveway would add 21m², the built area, including the existing driveway (25m²) and area occupied by front paths (6m²) would result in 51% of the front curtilage remaining unbuilt. The collective size of both driveways (hard surfacing) would not result more than 50% of the front curtilage being developed. It is recognised that a small portion of the proposed driveway would be located in the rear curtilage, behind the dwelling’s front elevation. Calculations confirm that the rear curtilage extends to 135m², and whilst the proposed driveway would add 4m² of hard surfacing to the rear curtilage, the built area, including the existing rear paths/patio (16m²) and the existing rear shed (8m²) would result in 80% of the rear curtilage remaining undeveloped. The proposal would therefore not constitute overdevelopment, and is in accordance with the HDG.

Open space

The proposed householder development would be wholly contained within the existing residential curtilage of the application property and no open space would be lost.

Summary

To summarise, the proposed development would be of an appropriate design for its context, would not constitute over development nor result in the loss of any open space, and would preserve the character and appearance of both the existing dwelling and the surrounding area, all in accordance with Policies 14 and 16 of NPF4 and Policies D1 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide. The proposed development would also preserve the character and appearance of the conservation area, in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP.

Impact on the residential amenity of the area

In relation to assessing impacts on residential amenity, Policy D2 (Amenity) of the ALDP seeks to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development, noting in particular the importance of protecting the daylight and sunlight receipt, privacy and immediate outlook of occupiers. The HDG states: *‘No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.’*

Due to the nature of the proposed works, which would be limited to the formation of a driveway and an associated gate, there would be no adverse impacts on any neighbouring properties in terms of daylight or sunlight receipt, nor on privacy or outlook. The proposed development would preserve the amenity of the surrounding area, including the residential amenity of the neighbouring

properties, in accordance with Policy 16 of NPF4 and Policies D2 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

Road safety and accessibility

In accordance with relevant planning legislation and the Council's Transport and Accessibility Aberdeen Planning Guidance (APG), the formation of a driveway requires planning permission where it would be located in a conservation area. The Council's Roads Development Management Team were consulted on the proposals and, following their review of the submitted plans, have objected to the application for the following reasons:

- As per the Transport and Accessibility APG, in general, only one footway crossing per property is permitted. In some situations this may be relaxed, for example at large houses with a frontage in excess of 30m where an "in" and an "out" may be permitted. The proposed frontage is below this threshold (20m) and would result in two un-linked accesses, and the Roads Development Management Team have advised that they would not support a second driveway with multiple access points.
- Parking directly off a turning head is generally not supported as turning heads are required to facilitate large vehicle (including emergency and refuse) manoeuvres and there is a risk that, following development, the residents would treat the turning head as an extension to their driveway, thus taking up space required for large vehicle manoeuvres.

The above concerns raised by the Roads Development Management Team are acknowledged, which are based on guidance contained in the Transport and Accessibility APG. However, it is considered that, despite the conflict with guidance, in this site-specific context there are no overriding concerns specific to this location and proposed development which would result in undue harm to either road safety, large vehicle manoeuvrability/accessibility, or residential amenity. As such, it is considered that the aforementioned conflict with the guidance set out in the APG to not be of sufficient weight to warrant refusal of the application, in this instance. In coming to this view, the following material considerations have been evaluated.

The Transport and Accessibility APG outlines that in situations where there would be an adverse impact on road safety and residential amenity, a driveway will not normally be permitted if access would be taken from a parking lay-by or a controlled parking area which is regularly in use. The application site is located in the Outer City and is not within a controlled parking zone. The proposal would not result in the loss of any designated on-street parking, nor impact on any controlled parking area, or parking lay-bys. The existing hammerhead does not have any double yellow line restrictions in place, thus the turning head can already be, and indeed appears to be, used for on-street parking. Additionally, it is unlikely that parking restrictions would be applied within such a residential area in the future.

The cul-de-sac serves very few properties (six in total) and it is recognised that most of the time there are some cars parked on the street. Due to the set-up of existing driveways elsewhere on the street, with the three neighbouring properties to the north all having driveways that take access off the northern spur of the large hammerhead, there is likely to be ample space for vehicle manoeuvres within the cul-de-sac at most times. As the hammerhead does not incorporate any parking restrictions, and it appears that the southern spur is already used for parking by the applicant, the proposed driveway would likely remove a vehicle from the street and could thus result in a net betterment in relation to relieving some of the parking pressure on the street and the accessibility of the turning head for large vehicle manoeuvres. Furthermore, through consultation with the Council's Waste and Recycling Service, it is understood that Council refuse collection vehicles access the street by reversing from the main road (Countesswells Road), back into the cul-de-sac, rather than entering the street in a forward gear and turning in the hammerhead. As

such, it is considered that the proposed driveway formed off the turning head would not worsen this situation and would, if anything, be likely to free up space in the turning head compared to the existing situation.

In terms of the remaining guidance contained in the Transport and Accessibility APG which is applied for driveways at existing properties, single driveways must be at least 3m in width and 5m in length. If a proposed driveway would be longer than 7m it must be 10m to avoid cars overhanging the footway. The proposed driveway would not exceed 7m in length and the effective entry would be 3.4m, which would meet these requirements. The proposed driveway would be internally drained with a suitable channel drain connecting to existing surface water drainage within the site, so that no surface water would discharge onto the public road. The driveway would be constructed of lock-block surfacing so no loose materials would be carried onto any footpath or road. Due to the nature and location of the proposed driveway to be formed at the end of an existing cul-de-sac turning head, no existing footway would be crossed. The existing footpath to the east terminates at the turning head and would not be impacted by the proposed development.

Although the Transport and Accessibility APG states that properties should not have more than one driveway, or footway crossing, unless they have a particularly wide street frontage, in excess of 30m, it is considered that the aim of such guidance is to avoid road safety issues, and an excess of dropped kerbs in any particular area. However, in this context, at the terminating spur of a large turning head on a small cul-de-sac of six residential properties, it is considered that the provision of a second driveway for the property would not have any material impact on road safety, and as any new dropped kerb would not affect any adopted footpaths, there would also be no impact on pedestrian safety. As such, it is considered that despite conflicting with the guidance that states a presumption against multiple driveways for a single property, there would be no actual adverse impacts arising from the formation of a second driveway in this instance. Furthermore, it is noted that the neighbouring property to the north has a driveway and associated dropped kerb which runs along the full length of its frontage to the northern spur of the turning head, with the two other neighbouring properties' driveways also in close proximity. There is no other adjacent property that takes access off the southern spur of the turning head.

Summary

It is acknowledged that there is some conflict with the Transport and Accessibility APG regarding the proposal to form two driveway accesses, one of which would be off an existing hammerhead. However, it is considered that a slight deviation from this guidance is acceptable in this instance as there are no overriding road safety concerns which are specific to this location which would cause undue harm to vehicular movements (including emergency and refuse vehicles), on-street parking availability or residential amenity. The conflict with guidance is thus not considered to be of sufficient weight to warrant the refusal of the application.

Matters raised in Representations

The matters raised in representations are responded to in turn below:

1. *There is no requirement for a second driveway as the applicant already has a driveway and garage giving space for two cars, so an additional driveway would promote car use. The current owners park on the street and do not use their existing driveway.*

Whether there is the need for a second driveway is not a material consideration, but rather it is the potential implications of the proposed driveway that require to be assessed. Each application is assessed on its own merits and in this case the proposed second driveway is considered to be acceptable for the reasons set out above. Any potential for indiscriminate parking would be a civil

matter and not a material planning consideration, particularly given there are no parking restrictions on the street.

2. *The land to be developed is adjacent to a turning area and there are concerns about traffic and road safety, with support expressed for the Roads objection.*
3. *There is insufficient parking provision in the street. The proposal will reduce parking and limit the turning area for all residents, visitors and users of the street (including refuse vehicles), thus increasing congestion.*

Points 2 and 3 have been addressed in the above 'Roads safety and accessibility' section of the evaluation. The proposal would not adversely impact on any existing parking provision on the street and could result in a net betterment by increasing off-street parking provision.

4. *The proposal will reduce the amenity of the cul-de-sac for all other properties by affecting the character of the conservation area, in particular through the replacement of soft landscaping with hard surfacing.*

This matter has been addressed in the above 'Impact on the character and appearance of the area, and the historic environment' section of the evaluation.

5. *There are inaccuracies on the plans in relation to the boundary between no's 3 and 4 Craigielea Mews, the gated access to the Craigton Day Centre site, and rear outbuildings recently erected to the rear are not shown on the plans.*

The boundary wall reference has been suitably amended on a revised site plan drawing, for the avoidance of doubt. The shed which has been constructed in the rear garden, constituted permitted development and did not require planning permission. For the avoidance of doubt, the shed has been added to the drawings and included in the overdevelopment calculations referred to above. Any potential gated access to the Craigton Day Centre does not form part of this application.

Tackling the climate and nature crises, climate mitigation and adaptation

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

The proposed householder development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, nor to climate mitigation and adaptation. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

DECISION

Approve Conditionally

REASON FOR DECISION

The proposed development would preserve the character, appearance and amenity of the existing dwelling and the surrounding area, would not constitute over development and would not result in the loss of any open space, all in accordance with Policy 16 (Quality Homes) of National Planning

Framework 4 (NPF4) and Policies D2 (Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The proposed works are also compliant with the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance.

Despite some conflict with the Transport and Accessibility APG and based on the site-specific context, in this instance there would not be any adverse implications for road safety, vehicle manoeuvrability, or on-street parking availability which would warrant refusal of the application, and therefore on balance, the proposals are acceptable. The proposed works would be of an appropriate design, scale, siting and materials for the context of the application site, in accordance with Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP. The works would also preserve the character and appearance of the conservation area, in accordance with Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP.

The proposed householder development would be small-scale and would not have any material impact on the climate and nature crises, nor on climate mitigation and adaptation, therefore the proposals do not conflict with the aims and requirements of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4.

CONDITIONS

(1) DURATION OF PERMISSION

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

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

APPLICATION BACKGROUND

Site Description

The site to which this application relate is the curtilage of a two storey mid-terrace dwellinghouse constructed in the late 20th century as part of a wider development of the former Robert Gordon playing fields. The dwelling and its neighbours face onto Thorngrove Avenue which is to the west of Aberdeen city centre and is designated on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) as a residential area (Policy H1). Thorngrove Avenue runs from Great Western Road at the south to Seafield Road to the north and has a linear building line on the east side of the road which is characterised by granite faced early 20th century one-and-half storey, gable fronted, linked terraced dwellinghouses.

The application site is adjoined by two attached terraced dwellinghouses, 45 Thorngrove Road to the south and 49 Thorngrove Road to the north. To the rear of the site is the side elevation of a two storey dwellinghouse 1 Thorngrove Place. These properties, including the application site and surrounding properties, have an external finish which consist of a palette of materials which include Fyfestone block work, pale coloured render and dark brown hung tiles on a rear projecting half-dormer window and roof. Across the wider development there are examples of terracotta coloured tiles and a mix of render colour finishes. The rear curtilage is stepped down slightly lower than the floor level of the dwelling and is hard surfaced in the form of paving stones. The rear curtilage of the application site and adjoining properties is visible from Thorngrove Crescent. The boundary treatment of the rear curtilage is vertical board timber fencing of approximately 1.7 – 1.8m in height. The footprint of the dwelling is approximately 61m² including an integral garage.

Dwellinghouses within the wider development have seen a variety of extension types. These include rear conservatory extensions in UPVC framed glazing including the two properties to the north, single storey rear extensions with solid roofs, an example of which can be seen at 1 Thorngrove Crescent, and side extensions including the extension at 53 Thorngrove Avenue which has a asymmetric designed pitched roof.

Relevant Planning History

The application site has not seen previous extensions or alterations which would have required planning permission.

The wider development was approved under planning permission reference 920603 and attached to this planning permission is a condition which removes permitted development rights from the development. It is as follows -

That no development or extensions, whether or not permitted by virtue of Schedule 1, Parts 1 and 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 shall be erected either on, or in the gardens of the dwellings approved herewith without the prior consent in writing of the City Planning Officer - In the interest of visual amenity.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a single storey lean-to extension to the rear elevation of the dwelling. The proposed extension would project a maximum of 3.0m from the rear elevation and would have an eaves height of 3.0m from ground level. The maximum height of the

proposed extension would be approximately 3.8m where the extension abuts the exterior wall of the existing dwelling house.

The proposed extension would be approximately 6.0m wide which would bring the side walls of the proposed extension within close proximity to the boundary of the application site. The proposed extension would be finished in a mixed palette of materials with Fyfestone side elevations, red pigmented standing seam metal rear elevation and roof covering, with a timber panel or timber effect composite panel inset panel in the rear elevation. The proposed extension would not have windows in the side elevation and would have a sliding rear door which would be full height glazing and a top hung rear window. In the roof it is proposed that there would be a single roof light.

Amendments

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

- Alteration of position of rear extension to reflect property boundary.
- Reduction in projection of extension to 3.0m.
- Change of external finish on the side elevations to Fyfestone.
- Reduction in height of extension.
- Roof design amended to a lean-to design.
- Removal of the previously proposed raised deck.

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=SH12Z7BZHXS00>

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 (following advertisement and/or notification) containing material planning considerations that express objection or concern about the proposal.

CONSULTATIONS

Braeside and Mannofield Community Council – Objection

- The proposal is not sympathetic to the style or scale of surrounding properties
- The materials proposed (red zinc) would be visually intrusive in the neighbourhood
- The large scale of the proposal would compromise light levels and privacy of some surrounding properties.

REPRESENTATIONS

Nine objections have been submitted in regards to the application from the occupants of six neighbouring properties. The matters raised can be summarised as follows:-

- The proposed red coloured standing seam metal finishing material is not in keeping with the surrounding area and would be incongruous due to this colour.

- The proposed Fyfestone should match that of the existing house as the drawings show it to be a darker colour than existing.
- The scale of the extension, in its height, full width and projection is not sympathetic to the size surrounding properties and would be dominant and overbearing.
- The use of metal roofing would lead to noise pollution during heavy rainfall harming the amenity of neighbouring residents.
- The extension would be visible from Thorngrove Crescent as well as from adjoining properties and would be incongruous.
- The size of the extension would considerably limit the size of the application properties rear garden and would harm the amenity of the neighbouring properties.
- The proximity of the amended extension position would still be too close to the boundary relying on access to neighbouring properties, damage to existing fences, and require foundations within neighbouring land.
- The height of the extension would impinge on light in neighbouring properties particularly during the year when the sun does not rise high and therefore the 45 degree test is less relevant.
- The kitchen and rear garden at 49 Thorngrove Avenue would be overshadowed and would be adversely affected by the proposed extension.
- Loss of privacy at the host property from overlooking from a stairway window at 1 Thorngrove Crescent to the roof light in the proposed extension and vice versa.
- The sun path drawing inaccurately shows the orientation of the houses.
- The extension exceeds the maximum dimensions set out in the Householder Development Guide/ permitted development rights.

Non material issues were also raised which are not considered to be relevant to determining the planning application. These include that the proposal would not accord with the deeds of the property and neighbouring land, issues related to the applicants' dogs, and insufficient space on site or within the road to accommodate construction traffic and building materials.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") 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 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023(ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

Aberdeen Planning Guidance

- Householder Development Guide.
- Materials

EVALUATION

Key determining factors

The key determining factors in the assessment of this application are whether the proposed development would:

- impact upon the character and appearance of the existing dwelling or the surrounding area;
- impact upon the amenity of the area, including the residential amenity of immediately neighbouring properties;

Principle of development

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will be supported where they:

- do not have a detrimental impact on the character or environmental quality of the home and the surrounding area, in terms of size, design and materials; and*
- do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*

The application site also lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP states that within existing residential areas, proposals for new householder development will be approved in principle if it:

- does not constitute over-development; and*
- does not have an adverse impact to residential amenity and the character and appearance of an area; and*
- does not result in the loss of open space.*

Impact on the character and appearance of the area

In determining whether the proposed development would adversely affect the character and appearance of the existing dwelling, and the surrounding area, Policy 14 (Design, Quality and Place) of NPF4 is relevant. Policy 14 of NPF4 encourages and promotes well-designed development that makes successful places by taking a design-led approach. Policy D1 (Quality Placemaking) of the ALDP substantively reiterates the aims and requirements of Policy 14 of NPF4.

Design, scale, siting and materials

Whilst planning permission is required in this case due to the quoted planning condition, this size and design of extension would normally be 'permitted development' under Class 3A, Part 1,

Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The reason the condition was added to the original planning permission was for the Council to retain control over development "In the interest of visual amenity."

The Council's Householder Development Guide Aberdeen Planning Guidance (HDG) states: '*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area*'.

Within the majority of the objection representations the design of the structure, its scale and finish in terms of material and colour are set out as being unacceptable and out of character with the area. It is also noted in the objections that whilst this is a rear extension, the proposal would be visible from Thorngrove Crescent.

The comments relate to the first and second of three design iterations. The last design retains the same metal red tinted finish, but has been slightly amended in height, projection and the roof design whilst also removing a proposed deck. However the general principle of a single storey rear extension remains and therefore the objections received remain relevant.

The use of a lean to roof design in place of a parapet roof reduces the height of the eaves to 3.0m whilst the tallest point of the extension, at the lead upstand/flashing juncture with the house would be a maximum of 4.0m although the roof itself is shown to be approximately 3.8m at its highest point. This single storey rear extension is considered a typical form of domestic extension, and its 3.0m rear projection is compliant with the maximum projection for extensions to terraced houses as specified in the HDG. The design retains the majority of the rear garden. On the basis of the height, projection, and full width design and lean-to roof, whilst the objections are noted, the scale of the design, is considered to be acceptable and not atypical of residential extensions.

The exterior would have Fyfestone (reconstituted stone blocks) side elevations to match that on the front elevation, standing seam metal cladding in a red colour, and a timber or timber effect rear facing panel. The choice of exterior finishing materials are not wholly typical of the forms of extension in this area or the wider architectural character. It was noted that directly neighbouring properties have UPVC framed glazed conservatories and there are examples of rendered extensions in the vicinity. The use of a metal clad roof and exterior and timber panelling is therefore not typical of other extensions.

However, it is considered in this instance that the proposal would be architecturally compatible with the dwelling and surrounding area whilst not matching the existing rear elevation finishes. The use of none traditional materials such as UPVC framed conservatories, single ply-membrane roof coverings, concrete roof tiles or modern renders are typical in this development or the later extensions. Fyfestone is seen at the front of the property but not at the rear. However the use of Fyfestone on the sides of the proposed extension would link visually to the wider development and be a more regressive finish when viewed from neighbouring properties and Thorngrove Crescent.

The use of metal exterior finishes is not typical, however the use of a contrasting material in a subservient structure would result in a clear visual break between what was original and what is new. This could also be said for the UPVC structures visible within the area which have now become the norm architecturally, however would not be typical in the local vernacular prior to the late 20th century.

The Aberdeen Planning Guidance on materials sets out in terms of where metal cladding is proposed, it is *important to ensure that not only the scale, colour and texture of the cladding is sympathetic to the context but that it is carefully and finely detailed and jointed to ensure low maintenance and longevity... There is a long-standing history of light grey lead and anodised green*

copper roofing in Aberdeen. Both those colours sit well within the Aberdeen context and contribute towards our 'sense of place'. More recently black and dark grey metal cladding have been used to replicate the colours of traditional slate roofs.

However, the development in which the application site is located has terracotta coloured concrete roof tiles on some houses. The application dwelling has reddish brown stained timber fascia detailing and reddish brown hung tiles on the rear facing dormer windows. As such the use of a red finish would not be alien in this context. The use of modern materials allows for improved efficiency of the building, whilst ensuring weather proofing without needing bulky thicknesses of finish. This is a positive design consideration in this context as it can mean that the height of the structure is relatively low whilst still providing sufficient insulation and headroom to meet current efficiency requirements.

On balance therefore the proposed finish, including the use of a red tinted standing seam metal cladding, is considered to be architectural compatible with the wider area and would not lead to the loss of visual amenity.

Overdevelopment

Guidance on what constitutes "overdevelopment" is set out within 'General Principles 4 and 5' at section 2.2 of the HDG This states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the rear curtilage of a dwelling should be covered by development. Technically the definition of development would include the use of paving slabs which currently cover the majority of the rear garden. This would mean that the rear curtilage as existing is 100 percent developed and that the extension would not result in anymore of the rear curtilage being developed.

In practical terms however, the open area of rear garden ground (which is noted as being paved) extends to 53m². The proposed extension would reduce the area of open garden ground by approximately 18m². The area of curtilage without buildings would be approximately 70% of the original rear garden ground. The size of the proposed extension would not result in the original house being more than doubled in footprint. The proposal in and of itself would not therefore constitute overdevelopment.

Open space

The proposed householder development would be wholly contained within the existing residential curtilage of the application property and no open space would be lost.

Summary

To summarise, the proposed development following amendment would be of an appropriate design for its context, would not constitute over development nor result in the loss of any open space, and would preserve the character and appearance of both the existing dwelling and the surrounding area, all in accordance with Policies 14 and 16 of NPF4 and Policies D1 and H1 of the ALDP, as well as the relevant guidance contained within the HDG.

Impact on the amenity of the area

The reason permitted development rights were removed related to visual amenity, not the residential amenity of neighbouring residents. However, as planning permission is required in this case, this issue also needs to be considered in determining this application.

In relation to assessing impacts on residential amenity, Policy D2 (Amenity) of the ALDP seeks to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development, noting in particular the importance of protecting the daylight and sunlight receipt, privacy and immediate outlook of occupiers. The HDG states: *'No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.'*

Daylight and sunlight receipt

The design has been amended to a lean to roof which would mean that the eaves height would be 3.0m, the projection would be 3.0m and the maximum height closest to the house would be 4.0m as opposed to a 3.3m parapet roof. The extension would effectively be adjacent to the shared boundary. The extension would have some impact upon daylight and sunlight within the gardens and ground floor rooms of the two adjoining neighbouring properties. However, the application as amended is considered to have addressed the impact upon neighbouring residents amenity so as to avoid significant adverse impacts. The objections to the development on amenity grounds are noted however, the proposal would not fail the 45 degree daylight test as set out in the HDG appendix 2 in relation to the kitchen window of 49 Thorngrove Avenue to the north east as it would not be impinged by more than 50% within this 45 degree test (either the eaves or highest part of the roof).

The French doors to the south west in the rear elevation of 45 Thorngrove Avenue would be impinged slightly more than 50% when measured from the highest point of the roof. However, the impact would be limited as the roof slopes down further away from the property. These French doors would allow for significant levels of daylight into the space and therefore there would not be a significant adverse impact upon amenity.

In terms of sunlight, appendix 2 of the HDG also sets out a test to consider the potential impact of the proposed extension on neighbouring sunlight. This guidance does state that *"This method is intended as a tool to assist case officers in their assessment of potential overshadowing, and it is important that this be applied sensibly and with due regard for the context of a particular site. Where a proposal is not able to satisfy the requirements of the relevant test, it will then be appropriate for officers to consider other factors relevant to the likely impact on amenity"*.

In this case the proposal would not meet the test however the proposal is not considered to have a significant adverse impact upon the amount of sunlight entering the garden and rooms of the neighbours. When adjusting for the orientation of the property (the rear elevation faces south west), the property to the south east No. 45 Thorngrove Avenue, would only see a small proportion of the roof impinge on this 45 degree test. The bulk of the existing building or neighbouring buildings would cause shadowing before that of the proposed extension for parts of the day, and the extension would not cause significant overshadowing with sufficient garden unaffected.

The impact upon the neighbour to the north west, 49 Thorngrove Avenue, would be more noted at certain times of the year as referred to in one of the letters of objection, from the occupants of this property. However, because the projection of the proposed extension is limited to 3.0m and the lean-to roof has limited height eaves of 3.0m and a maximum height of approximately 3.8mm the area of garden impacted would be minimal and much of the garden would not be affected. It is noted that there will be times of the year when sunlight is below a 45% sunpath as raised in the letter of objection, however, as stated above daylight would still be available to an acceptable limit.

On balance therefore it is considered that the relatively modest scale of the rear extension would not result in the adverse amenity impacts.

Privacy and outlook

The extension would not result in direct overlooking to either adjoining neighbouring property on Thorngrove Avenue. Following the removal of a proposed deck the levels of privacy enjoyed by these neighbours would be maintained and is considered acceptable.

The rear elevation of the proposed extension would face the side elevation of 1 Thorngrove Crescent. There are now ground floor windows in this elevation and the first floor stairway window would be less visible from the proposed extension than the current rear elevation ground floor windows due to the change in angle. An objection has been received regarding loss of privacy via the proposed roof light to this stairway window however this is not considered to be a significant impact due to the acute angle and secondary nature of both windows.

Other Matters

Objections were received regarding the potential for noise pollution due to the use of metal roof covering during rainfall. Zinc, other metal, bituminous felt, modern single ply membrane, and glazed covered roofs are all common but which have different properties to a tiled roof. However, the noise generated during rainfall is not considered to be sufficiently different between roof coverings in the context of domestic extensions to cause amenity harm sufficient to warrant refusal or require a noise impact assessment to be provided in support of the use of a metal roof.

Summary

To summarise, the proposed development would preserve the amenity of the surrounding area, including the residential amenity of the neighbouring properties, in accordance with Policy 16 of NPF4 and Policies D2 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

Tackling the climate and nature crises, climate mitigation and adaptation

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

The proposed householder development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, nor to climate mitigation and adaptation. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

Matters Raised in Representations

Issues not covering in the above report raised within the representations include the following:

- Accuracy of drawings not being acceptable - The final amendment has altered the position of the extension in relation to neighbouring property boundaries and avoids the works infringing on other property. The drawings are now considered accurate. The assessment of sun and daylight were taken from the latest amended drawings.

- Foundations of the extension would encroach into neighbouring properties – The agent has confirmed that the foundation design would be such that this would be wholly within the application site. The design of the foundation would be subject to Building Warrant.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed development would preserve the character, appearance and amenity of the existing dwelling and the surrounding area, would not constitute over development and would not result in the loss of any open space, all in accordance with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policies D2 (Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The proposed works are also compliant with the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance.

The proposed works would be of an appropriate design, scale, siting and materials for the context of the application site, in accordance with Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP.

The proposed householder development would be small-scale and would not have any material impact on the climate and nature crises, nor on climate mitigation and adaptation, therefore the proposals do not conflict with the aims and requirements of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4.

CONDITIONS

1) DURATION OF PERMISSION

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

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

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	7 November 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Committee Annual Effectiveness Report
REPORT NUMBER	CORS/24/328
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Alan Thomson
REPORT AUTHOR	Lynsey McBain
TERMS OF REFERENCE	GD 8.7

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Planning Development Management Committee to enable Members to provide comment on the data contained within.

2. RECOMMENDATIONS

That Committee:-

- 2.1 provide comments and observations on the data contained within the annual report; and
- 2.2 note the annual report of the Planning Development Management Committee.

3. CURRENT SITUATION

Annual Reports on Committee Terms of Reference

- 3.1 The annual committee effectiveness reports were introduced in 2018/19 following a recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) as part of the Council's work towards securing that organisation's accreditation in governance excellence. The Terms of Reference set out that each Committee will review its own effectiveness against its Terms of Reference through the mechanism of the annual report.
- 3.2 The annual effectiveness reports were mentioned by CIPFA in their report which awarded the Mark of Excellence in Governance accreditation to Aberdeen City Council. CIPFA highlighted the implementation of the annual effectiveness reports as a matter of good practice in governance and were encouraged that, during consideration of the reports at Committee and Council, Members had made suggestions for improvements to the reports in future years.
- 3.3 Data from the annual effectiveness reports is used to inform the review of the Scheme of Governance, ensuring that Committee Terms of Reference are

correctly aligned, and identifying any areas of the Terms of Reference which had not been used throughout the year in order that they can be reviewed and revised if necessary. The information from the effectiveness reports has also been used in the past to feed into the Annual Governance Statement.

- 3.4 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.5 Similarly, recording the sections or stretch outcomes of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP stretch outcomes.
- 3.6 Any comments from Members on areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.7 The annual report for 2023/24 is therefore appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Full Council in December for noting.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. ENVIRONMENTAL IMPLICATIONS

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

7. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation	*Does Target Risk Level Match Appetite Set?
Strategic Risk	N/A			Yes
Compliance	Failure to submit this report would	L	Council is given the opportunity to consider the reports	Yes

	mean that the Council would not be complying with its instruction that all committees and Full Council receive such a report each year.		and provide feedback on any amendments Members would wish to see in the content so that this can be taken on board for next year's Scheme of Governance review.	
Operational	N/A			Yes
Financial	N/A			Yes
Reputational	N/A			Yes
Environment / Climate	N/A			Yes

8. OUTCOMES

There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	It is confirmed by Interim Chief Officer – Governance (Assurance) Vikki Cuthbert on 9 October 2024, that no impact assessment is required.
Data Protection Impact Assessment	Not required

10. BACKGROUND PAPERS

None.

11. APPENDICES

- 10.1 Planning Development Management Committee Annual Effectiveness Report 15 October 2023 to 15 October 2024.

11. REPORT AUTHOR CONTACT DETAILS

Lynsey McBain
Committee Services Officer
lymcbain@aberdeencity.gov.uk
01224 067344

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Planning Development Management Committee Annual Effectiveness Report 2023/2024



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1. Introduction from Convener

- 1.1 I am pleased to present the fifth annual effectiveness report for the Planning Development Management Committee (PDMC). The annual effectiveness reports have been in place since 2017, following a recommendation made by CIPFA in their review of the Council's governance arrangements, namely that Committees review the extent to which they had operated within their Terms of Reference, through an annual report. The annual effectiveness report represents good practice in governance and also informs the annual review of the Council's Scheme of Governance, enabling officers to identify if any changes are required, for example, to the Committee Terms of Reference.
- 1.2 The Council is committed to ensuring effective access for our communities to engage with the planning process, which shapes their communities and the wider city. We will continue to seek views on our masterplans to ensure our city is safeguarded in changes to the regions industrial and tourism outlook. I thank all those who have engaged with the committee over the past year, I will continue to ensure increased transparency and encourage residents to continue to make representation directly at our Planning Development Management Committee in person, online or by proxy.
- 1.3 The annual report is a good mechanism for the Committee to support the Council's improvement journey by demonstrating the ways that the Committee contributes to the Council Delivery Plan and Local Outcome Improvement Plan, whilst also providing the opportunity to reflect on the business of the Committee over the past year and to look to the Committee's focus for the year ahead.
- 1.4 There were no changes made to the PDMC Terms of Reference as part of the 2024 Scheme of Governance Review, however we will continue to monitor them over the next year to ensure they remain fit for purpose.
- 1.5 Throughout the year, the Committee has worked to determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation.
- 1.6 I would like to thank Members and officers for their contributions and look forward to working with them next year. I would also like to take the opportunity to thank all members of the public who have taken the time to attend and contribute to planning applications that have been decided over the past year. Taking the time to send representation letters and emails, as well as attend planning meetings, ensures that our committees remain open and transparent. I value the ability for the public to provide a voice right at the heart of our city's planning process.



Councillor Ciaran McRae
Convener – Planning Development Management Committee

2. The Role of the Committee

PURPOSE OF COMMITTEE

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

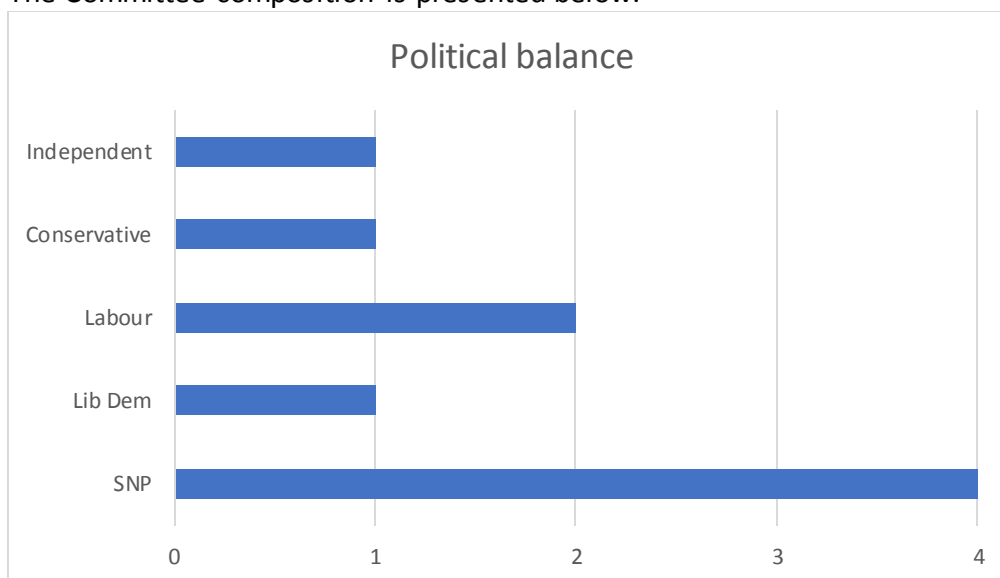
The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre-Determination Hearing has been held;
2. visit application sites where agreed;
3. make Orders and issue Notices;
4. approve development briefs and masterplans;
5. adopt non-statutory planning guidance;
6. conduct pre-determination hearings in pursuance of the provisions contained within s38A of the Town and Country Planning (Scotland) Act 1997; and
7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997.

3. Membership of the Committee during 2023/2024

3.1 The Planning Development Management Committee has 9 members.

3.2 The Committee composition is presented below:-



4. Membership Changes

- 4.1 At the Council meeting on 7 February 2024, the membership of PDMC was reduced from 13 members to 9.

Councillor Greig replaced Councillor Bouse on the Committee and was appointed as Vice Convener at the Council meeting on 17 April 2024. Councillor Greig therefore became Vice Convener from the 18 April 2024 meeting.

5. Member Attendance

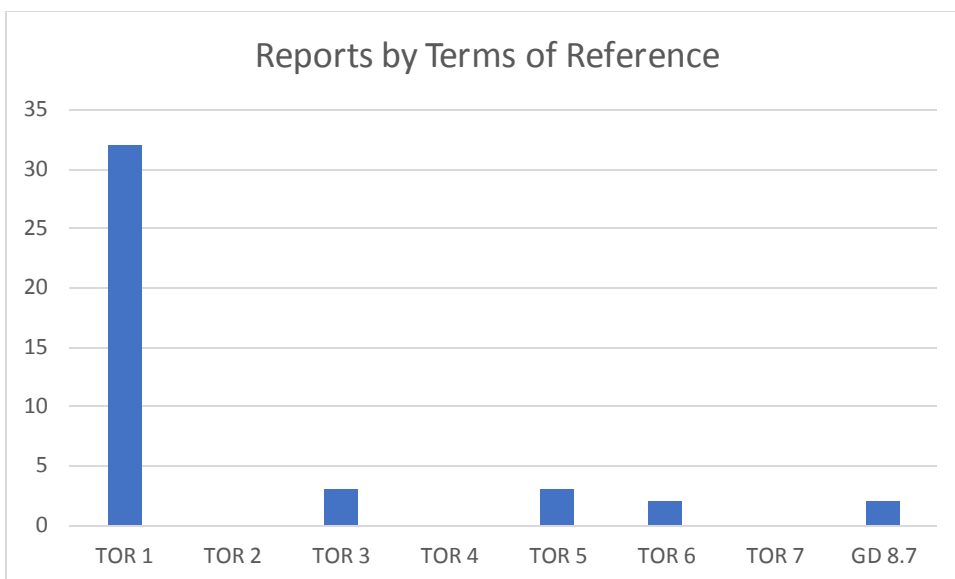
Member	Total Anticipated Attendances	Total Attendances	Substitutions
Councillor McRae	10	10	
Councillor Greig	4	4	
Councillor Alphonse	10	8	Councillors Cooke and Henrickson
Councillor Boulton	10	8	Councillor Blake
Councillor Clark	10	10	
Councillor Copland	10	10	
Councillor Farquhar	10	10	
Councillor Lawrence	10	10	
Councillor Macdonald	10	10	
The following were members until the membership of the Committee was reduced.			
Bouse	3	2	Councillor Greig
Cooke	3	3	
Radley	3	2	Councillor Henrickson
Thomson	3	3	
Tissera	3	2	Councillor Malik

6. Meeting Content

- 6.1 During the 2023/2024 reporting period (15 October 2023 to 15 October 2024), the Committee had 10 meetings and considered a total of 10 reports and determined 32 planning applications. 28 applications were approved/refused in line with the officers recommendation and 4 were approved/refused against the officers recommendation. Two Pre Determination Hearings were also held in 2024.

6.2 Terms of Reference

- 6.2.1 The following chart details how reports aligned to the Terms of Reference (set out at section 2 above) for the Committee.



6.2.2 No changes were made to the Terms of Reference in the 2024 review. The Terms of Reference will continue to be monitored throughout the year, in preparation for the 2025 Scheme of Governance review. In terms of the Local Review Body (LRB), the members of PDMC are the members of the LRB, however an amendment was made at the Scheme of Governance review, which allowed members who had undertaken the necessary LRB training, to be included within the rota for LRB meetings. Members cannot sit on a case where they are the local member.

6.2.3 As PDMC is a quasi judicial committee, the majority of the business carried out by PDMC are planning applications rather than reports.

7. Reports and Decisions

7.1 The following information relates to the committee reports and Notices of Motion presented to Committee throughout the reporting period, as well as the use of Standing Orders and engagement with members of the public.

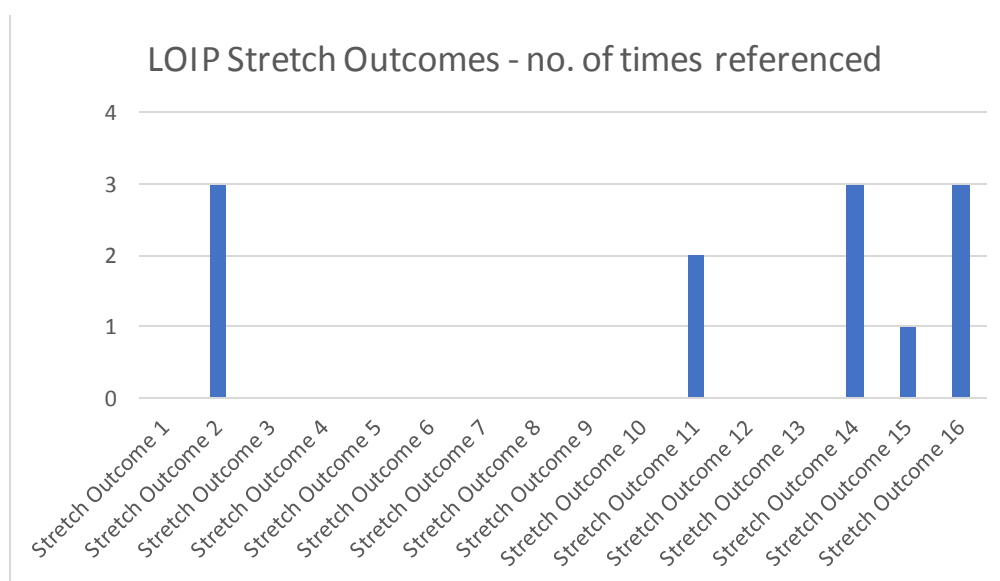
	Total	Total Percentage of Reports
Confidential Reports	0	0
Exempt Reports	0	0
Number of reports where the Committee amended officer recommendations	0	0
Number of reports approved unanimously	9	90%
Number of reports or service updates requested during the consideration of another report to provide additional assurance and not in business planner	0	0
Number of reports delayed for further information	0	0

Number of times the Convener has had to remind Members about acceptable behaviour in terms of the Code of Conduct	0	0
Late reports received (i.e. reports not available for inspection at least 3 clear days before the meeting)	0	0
Number of referrals to Council under SO 34.1	0	0

Notices of Motion, Suspension of Standing Orders, Interface with the Public	
Number of Notices of Motion to Committee	0
Number of times Standing Orders suspended	1
Specific Standing Orders suspended	40.2 – length of meetings.
Number of deputations requested	3
Number of deputations heard	3
Number of eligible speakers who spoke in regards to a planning application	50
Number of petitions considered	0

8. Reports with links to the Local Outcome Improvement Plan

8.1 The following table details of the 10 reports how each report linked to the Local Outcome Improvement Plan (LOIP Stretch Outcomes are appended to this report for reference at Appendix 1).



9. Training and Development

9.1 Training opportunities for Members during the reporting period were as follows:-

- National Planning Framework
- Developer Obligations
- Community Planning Aberdeen and the Local Outcome Improvement Plan
- Planning Committee
- Local Review Body

9.2 Further development opportunities will be considered for next year based on Committee business throughout the year, Executive Lead proposals and Member feedback on what may be required to assist them in performing their roles.

10. Code of Conduct Declarations and Transparency Statements

10.1 1 declaration of interest and 9 transparency statements were made by Members during the reporting period. Information in respect of declarations of interest and transparency statements is measured to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision-making.

11. Civic Engagement

11.1 During the course of the year there has been consultation with the public in relation to the following:-

- Article 4 Directions
- Draft Aberdeen Planning Guidance – Health Impact Assessments
- Draft Aberdeen Planning Guidance – Short Term Lets

12. Executive Lead to the Committee - Commentary

12.1 Planning Development Management Committee continues to be available as a hybrid option for Members which means that Members can join the meeting and participate remotely if required. Webcasting is also available for each meeting so members of the public can view the proceedings of the committee.

13. The Year Ahead

13.1 In December 2022, a new procedure was established for PDMC which allowed interested parties who had submitted a representation to speak at a relevant PDMC meeting, where an application was to be considered. After a year in operation, this procedure was reviewed and taken back to committee in December 2023. The main

change to the procedure was that a limit was put on the amount of speakers for each application, to ensure timely decision making. The procedure is an extra opportunity for interested parties to put forward their case and has worked well in practise.

- 13.2 The Committee will continue to determine planning applications which fall to be determined under the Scheme of Delegation and planning training will continue to be part of the scheduled elected member development programme

Appendix 1 – Local Outcome Improvement Plan Stretch Outcomes

Economy	
1.	20% reduction in the percentage of people who report they have been worried they would not have enough food to eat and/ or not be able to heat their home by 2026
2.	74% employment rate for Aberdeen City by 2026
People (Children & Young People)	
3.	95% of all children will reach their expected developmental milestones by their 27-30 month review by 2026
4.	90% of children and young people report they feel listened to all of the time by 2026
5.	By meeting the health and emotional wellbeing needs of our care experienced children and young people they will have the same levels of attainment in education and positive destinations as their peers by 2026
6.	95% of children living in our priority neighbourhoods (Quintiles 1 & 2) will sustain a positive destination upon leaving school by 2026
7.	83.5% fewer young people (under 18) charged with an offence by 2026
8.	100% of our children with Additional Support Needs/disabilities will experience a positive destination
People (Adults)	
9.	10% fewer adults (over 18) charged with more than one offence by 2026
10.	Healthy life expectancy (time lived in good health) is five years longer by 2026
11.	Reduce the rate of both alcohol related deaths and drug related deaths by 10% by 2026
12.	Reduce homelessness by 10% and youth homelessness by 6% by 2026, ensuring it is rare, brief and non-recurring with a longer term ambition to end homelessness in Aberdeen City.
Place	
13.	Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate
14.	Increase sustainable travel: 38% of people walking; 5% of people cycling and wheeling as main mode of travel and a 5% reduction in car miles by 2026
15.	26% of Aberdeen's area will be protected and/or managed for nature and 60% of people report they feel that spaces and buildings are well cared for by 2026
Community Empowerment	
16.	100% increase in the proportion of citizens who feel able to participate in decisions that help change things for the better by 2026