

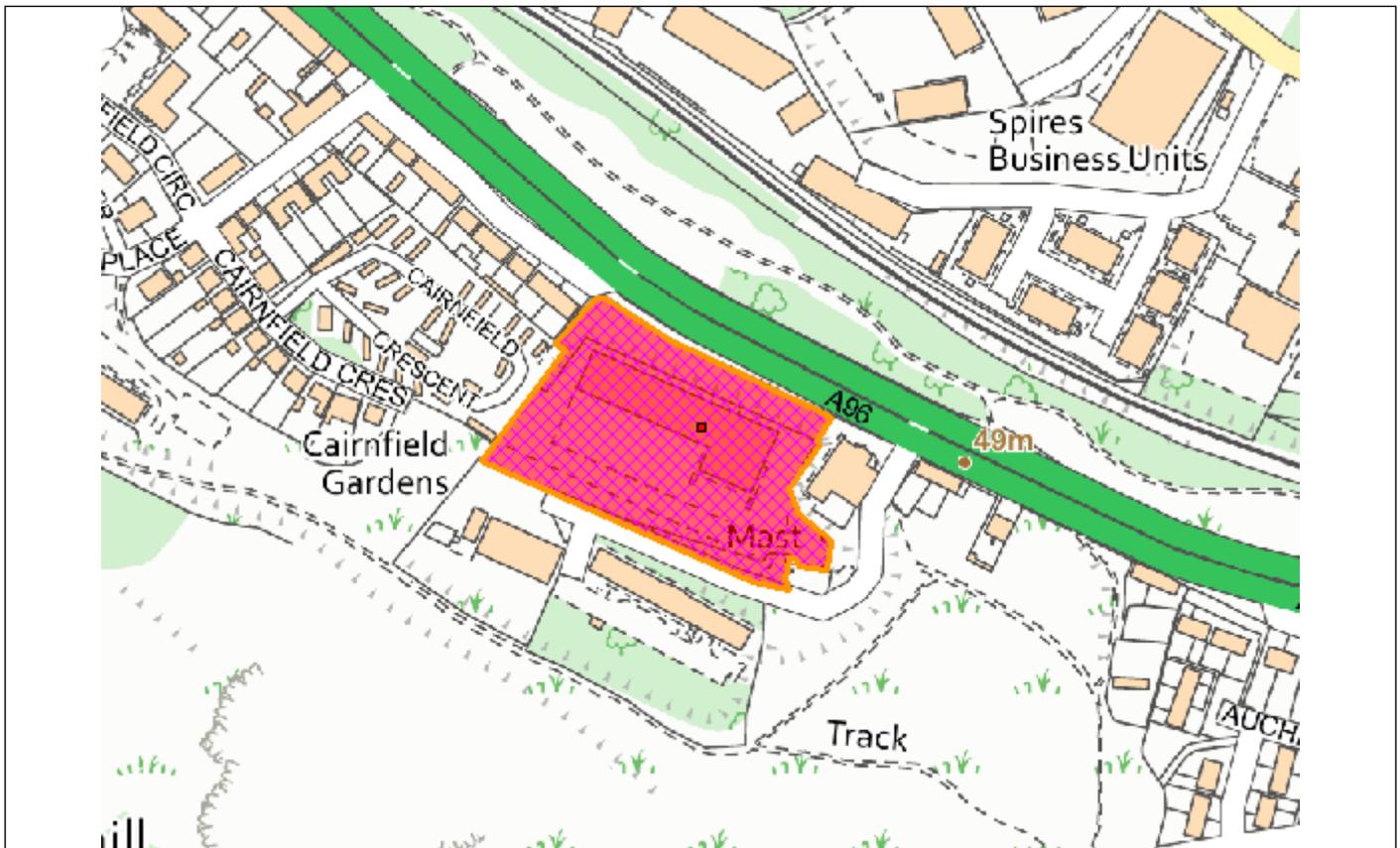


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 19 March 2020

|                                 |  |
|---------------------------------|--|
| <b>Site Address:</b>            | 218 Auchmill Road, Aberdeen, AB21 9NB,   |
| <b>Application Description:</b> | Redevelopment of site including demolition of existing unit to form affordable residential development (92 units) with associated open space, roads, access, landscaping, car parking, engineering and infrastructure works including a combined heat and power (CHP) facility |
| <b>Application Ref:</b>         | 191460/DPP   |
| <b>Application Type</b>         | Detailed Planning Permission   |
| <b>Application Date:</b>        | 24 September 2019  |
| <b>Applicant:</b>               | First Endeavour LLP  |
| <b>Ward:</b>                    | Dyce/Bucksburn/Danestone   |
| <b>Community Council:</b>       | Bucksburn And Newhills   |
| <b>Case Officer:</b>            | Robert Forbes  |



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

## RECOMMENDATION

Approve Conditionally & Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

This 1.2ha site includes vacant premises, last used for the sale and servicing of commercial vehicles and adjacent open space. The existing building is single storey, of modern origin and industrial appearance. It has door openings on its south elevation facing existing 4 storey flats which are elevated above the site. A large open yard area occupies the southern part of the site in an elevated position relative to the A96 dual carriageway to the north. There is an established tree belt on the intervening slope. Other incidental landscaping areas occupy the fringes of the site. There is a significant change in levels across the site due to the moderate northerly aspect of the surrounding land. However, the central (developed) part of the site is level.

The site is accessed from the A96 via a steep spur road which services adjacent commercial and residential development. There is currently no pedestrian crossing or light controlled traffic signals at the junction of this road with the A96. To the west of the site lies low rise housing facing the A96 and a largely unoccupied residential caravan park accessed from Cairnfield Place.

### **Relevant Planning History**

---

| Application Number | Proposal  | Decision Date                                       |
|--------------------|---|---|
| 190475/PAN         | Redevelopment of site for a major development consisting of demolition of existing industrial unit to form approximately 90-100 residential units and associated infrastructure         | 10.04.2019<br>Status: Further consultation required |
| 190758/PAN         | Redevelopment of site for a major development consisting of demolition of existing industrial unit to form approximately 100 affordable residential units and associated infrastructure | 07.06.2019<br>Status: Further consultation required |
| 140080             | Installation of 15m replacement mast with associated 3 No. cabinets.  | 28.03.2014<br>Status: Approved                      |

Planning permission for erection of 40 flats on the site to the south of the site (ref A6/2353) was granted in 2006 and has been implemented.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposed buildings would be located at the central and southern edge of the existing yard. Three distinct blocks are proposed flanking a communal open space / play area within the southern part of the existing yard. Access to all flats would be via doors on the north elevation providing access to associated communal stairwells. The building would be 4 storey with pitched and hipped roofs with gable features. A range of flat sizes / types are proposed (50 x 1 bed; 8 x 2 bed; 32 x 3 bed; 2 x 4 bed units) with floorspaces ranging from 53 to 120 square metres. The majority of units would be 1 bed, with a high proportion of 3 bed units. A mix of single and multiple aspect flats are proposed. The existing site access would be retained and adjusted to include footpath access.

Surface car parking would be provided on the northern part of the site occupied by the existing building, with parking provided at an 80% ratio. A new ramped footpath link would be formed from the north via the existing slope.

It is the applicant's stated intention that the housing will be managed by the Local Authority, or alternatively by a Registered Social Landlord (RSL).

An ancillary water storage / pump building is proposed at the east end of the site adjacent to the main access and an existing mobile phone mast, which would remain on site. This building would be single storey and would have a pitched / hipped roof. A mix of external materials is proposed including drydash render of various colours and brick. Roofs would be clad with a grey tile.

The proposal has been substantively amended, including reconfiguration of the site layout plan, provision of play areas, communal open space and garden ground, re-siting and re-design of the buildings, cycle and bin stores, adjustment of the parking arrangements to reflect Council standards, introduction of a direct pedestrian link to the site from the north and deletion of a CHP facility that was originally proposed. Renotification of neighbours has taken place in light of these changes.

### **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=PYCBG4BZJPJ00>

Pre-application consultation (PAC) report  
Bat Survey  
Tree Survey  
Design and Access Statement  
Transport Statement (TS)  
Flood Risk Assessment (FRA)  
Drainage Impact Assessment (DIA)  
Noise Impact Assessment (NIA)  
Ground Investigation Report  
Daylight / sunlight / overshadowing report  
Sustainability (Energy / Water Use) Report

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received and the application is a major development.

### **CONSULTATIONS**

**Aberdeen International Airport** – Advise that the proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless planning permission granted is subject to a condition requiring details of soft and water landscaping.

**ACC - Contaminated Land Team** – No objection. Request that a condition be imposed to address potential contamination due to previous industrial use / proximity to a former landfill.

**ACC - Developer Obligations** – Advise that financial contributions are required regarding Core paths (£26,784); Primary Education (£26,350); Secondary Education (£27,333); Healthcare (£73,697); Open Space (£13,176); Community Facilities (£131,652); Sport and Recreation (£69,408). Advise that 100% of the units would be affordable (assuming they are delivered by ACC/ a RSL).

**ACC - Education** –The proposal would result in a need for an extension at Bucksburn Academy and reconfiguration works at Brimmond School, to accommodate the additional number of pupils likely to be generated by the development. Developer contributions would therefore be required to cover the cost of these works.

**ACC - Environmental Health** –No objection. The Noise Impact Assessment (NIA) has been reviewed and note that the proposed development has the potential to be impacted upon by existing noise sources in the area. These consist of nearby industrial units as well as road traffic and rail noise. Request that all the mitigation measures in the NIA are implemented. Request that dust management and control measures are implemented to control impact on adjacent residents during construction.

**ACC - Environmental Services (Design)** – Request on site provision of a childrens' play area.

**ACC - Housing** –Developments of 100% affordable housing are welcomed. This site is included in the Strategic Housing Investment Plan. It is advisable for the developer to enter into early negotiations with a RSL or Aberdeen City Council so that a suitable purchaser can be found.

**ACC - Roads Development Management Team** – No objection. Consider that the site is well served by public transport, but provision of enhanced pedestrian linkage is required, including a new pedestrian crossing on the A96. Provide detailed comment regarding the internal site layout and access / traffic generation matters. Request provision of a secondary emergency access route for emergency vehicles.

**ACC - Waste Strategy Team** – No objection. Provide advice regarding refuse storage / uplift. Request detailed drawings of the bin storage areas to ensure they are of sufficient capacity. Advise that no garden waste bins will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

**Scottish Water** – Advise that there is sufficient capacity regarding public water supply and foul water treatment. Note that the development proposals impact on existing Scottish Water Assets within the site.

**Police Scotland** – No objection. Provide detailed advice regarding crime prevention through design. Consideration should be given to integrating the proposed bicycle storage into the buildings so that they can be accessed from both inside and outside by residents via locked doors. Where it is desirable to limit access/use to residents and their legitimate visitors, features such as rumble strips, change of road surface (by colour or texture), pillars, brick piers or narrowing of the carriageway may be used. This helps to define the defensible space, psychologically giving the impression that the area beyond is private. The use of perimeter measures to the front of dwellings, such as walls, fences and planting, can also help to create buffer zones between what are public and private areas.

Scottish Environment Protection Agency – No objection. Advise that the FRA and DIA have been reviewed. Recommend that opportunities be explored for environmental enhancements, for example in relation to biodiversity, green infrastructure, waste minimisation and efficiency of use of resources, all within a placemaking context. SEPA particularly supports measures to address and reduce the impacts of climate change and to improve the water environment. Examples of potential measures include:

- Incorporating green/blue infrastructure, linking it to neighbouring sites.
- Multi-functional green space, with native planting
- Designing SUDS with biodiversity and amenity value
- Rainwater harvesting, sustainable water reuse measures, greywater harvesting and use
- Green roofs
- Including renewables, minimising energy requirements, improving energy efficiency, use of

low carbon solutions,

- Support active travel

**Bucksburn And Newhills Community Council** – No response received.

## **REPRESENTATIONS**

---

A total of 7 objections have been received raising the following matters -

- Excessive building height / density / Overdevelopment of the site
- Aesthetically poor building quality
- Shallow pitched / flat roof preferred
- Insufficient car parking provision / likely parking pressure outwith the site
- Traffic generation at the junction with the A96 / request for introduction of traffic lights at the junction / Road safety concern (e.g. due to driver impatience)
- Lack of amenities on site / nearby / absence of children's play area on site
- Adverse impact on adjacent amenity / loss of light / privacy
- Surface water drainage / flooding impact onto Auchmill Road / adjacent housing due to disturbance of a natural spring
- Maintenance of external space / embankments
- Inadequate pedestrian connection to the development
- Loss of views from adjacent flats (not a material planning consideration)
- Adverse impact on property values (not a material planning consideration)

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

### **National Planning Policy and Guidance**

Scottish Planning Policy (SPP) expresses a presumption in favour of development that contributes to sustainable development. It supports opportunities for new development to enhance natural resources and sustainability (see paragraphs 2, 13, 19, 29, 38, 45, 75, 93, 193, 202, 220, 221 and Annex A).

### **Aberdeen City and Shire Strategic Development Plan 2014 (SDP)**

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of

climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The SDP is now beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP.

The Aberdeen Local Development Plan 2017 (ALDP) will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

### **Aberdeen Local Development Plan (2017)**

D1: Quality Placemaking by Design

D2: Landscape

H2: Mixed Use Areas

H3: Density

H4: Housing Mix

H5: Affordable Housing

I1: Infrastructure Delivery & Planning Obligations

NE3: Urban Green Space

NE4: Open Space Provision in New Development

NE5: Trees and Woodland

NE6: Flooding, Drainage & Water Quality

NE9: Access and Informal Recreation

R2: Degraded & Contaminated Land

R6: Waste Management Requirements for New Development

R7: Low & Zero Carbon Building & Water Efficiency

### **Supplementary Guidance and Technical Advice Notes**

Landscape

Open Space

Trees

Planning Obligations

Affordable Housing

Transport and Accessibility

Noise

Flooding, Drainage and Water Quality

Resources for New Development

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP was approved at the Council meeting of 2 March 2020. It constitutes the Council's settled view as to what the final content of the next adopted local development plan should be, and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given

to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

In this case the application site continues to be allocated within an H2 (Mixed Use Area), which has identical wording to that expressed in the ALDP. Similar topic-based policies / guidance apply to those identified above in the ALDP. As regards policy H3 (density) this increases the minimum housing density figure from 30 to 50 dwellings per hectare. Policy D2 (Amenity) sets out amenity criteria for residential development. Policy WB1 (Healthy Developments) requires that health impact assessments are submitted for major developments.

The site is not specifically identified as an opportunity site for development. However, it is identified within appendix 1 as a 1.2 ha brownfield site with potential for housing.

### **Other Material Considerations**

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA). Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market. If affordability were to improve in the Aberdeen Housing Market Area (AHMA) the current affordable housing stock, including forecast new build projects, would remain insufficient to meet arising need. This suggests that need in the AHMA is particularly chronic.

ACC Strategic Housing Investment Plan 2020/21 – 2024/25 (SHIP). The site is identified as delivering 92 (greener standard) affordable units for completion in 2021/22, to be developed by Hillcrest Homes (a housing association). It is not identified within the Council's published Affordable Housing Investment Plan (years 1-5).

Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.

## **EVALUATION**

### **Principle of Development**

The delivery of housing on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the SPP presumption in favour of development that contributes to sustainable development. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. Adequate infrastructure exists to service the development, or can be enhanced in accordance with the expectations of ALDP policy I1. Although the site is not specifically identified as a brownfield opportunity site with potential for housing development within appendix 1 of the ALDP, the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA. The site has recently been identified as being suitable for 92 housing units with the SHIP. The PALDP specifically identifies the application site as a brownfield site with potential for housing. These are material considerations which weigh in favour of approval of the application. Delivery of a major affordable housing development on this unallocated (windfall) site would accord with ALDP policy H5. The acceptability of residential development at the site in principle in terms of policy H2 is dependent on demonstration of avoidance of undue conflict with

adjacent uses and demonstration of creation of an acceptable residential environment. These matters are assessed in detail below.

### **Conflict with adjacent uses**

There would be no conflict in principle with the adjacent residential development to the south. Although its amenity would be impacted to a degree by the loss of the existing open outlook to the north, the loss of private views is not a material planning consideration. The scale / height of the proposed building and the relationship of the proposed facing windows would not result in undue conflict with existing amenity or compromise the existing residential use. Notwithstanding that upper floor windows on the east section of the building would directly overlook those on the lower floors of the adjacent development, this would be at a distance of approximately 30m (varying between 27m and 32m) such that existing residential amenity would not be fatally compromised. Furthermore, the proposed layout has been substantially amended so that the proposed blocks would be significantly set back from all edges of the site. Adjacent housing to the north west would benefit from the removal of the existing building, such that there would be reduced shading impact. The shadow analysis indicates that dwellings on Auchmill Rd would experience minimal additional shading in the morning and midday in December.

The removal of the existing commercial use on the site, which includes an industrial element, offers significant benefits to existing adjacent residents in terms of reduction of potential noise / pollution conflict and reduction of HGV traffic. Although there are commercial uses in the vicinity of the site, the nature of these activities does not appear to be of a heavy / noxious industrial nature such that there appears to be no insurmountable conflict with the proposed residential use. The submitted noise assessment demonstrates that, subject to installation of mitigation measures, occupants of the development would not be adversely impacted by external noise sources. The findings of this assessment are accepted by ACC Environmental Health Officer and demonstrates compliance with policies T5 and H2.

### **Residential Environment**

Although the site would be exposed to noise sources, including road, air and rail traffic and adjacent commercial uses, it lies outwith the noise contours associated with Aberdeen Airport whereby residential development is constrained by policy. The submitted noise assessment accords with the expectations of ALDP policy T5 and PALDP policy WB3 and demonstrates that suitable noise mitigation can be provided on site to protect occupants of the buildings. Furthermore, the site benefits from mature tree screening and an elevated, setback position relative to the A96 such that exposure to traffic noise would not have a significant adverse impact on external areas, in particular the main amenity space to the south of the buildings. The north facing flats would benefit from extensive distant views.

Although no air quality (dust) management plan has been submitted, given the limited extent of earthworks proposed within the site and limited extent of the site / development, it is considered that this can be addressed by imposition of a suspensive condition relating to control of construction methods. As the proposed CHP facility has been deleted there is no long-term risk to air quality resulting from operation of the development.

The revised scheme has addressed concerns within the original layout resulting from the preponderance of single aspect flats previously proposed. The significant change in levels across the site, is such that the south facing flats on the lower floors of the western part of the site would be shaded by and face directly onto a steep bank. However, the number of flats affected is limited and the main aspect of these flats has been amended to face away from the slope. It is considered that the revised design solution, whereby the proposed buildings are broken up and offset from the slope at the southern edge of the site is an acceptable solution. The topography of the surrounding area is such that southern part of the site would experience limited natural sunlight penetration during the winter months. However, the submitted daylight, sunlight and overshadowing study

demonstrates that the proposed amenity spaces would significantly exceed the recommended minimum of sunlight and overall the proposed development performance exceeds recommendations in the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.

It is therefore considered that the form and layout of the revised proposals would result in the creation of an acceptable residential environment and accord with the amenity expectations of ALDP policy H2 and PALDP policy D2, subject to provision of external amenity space and garden ground for the occupants. It is noted that most flats would benefit from substantial internal storage space and study spaces which exceeds the minimum standards set in ACC guidance.

### **Density**

Whilst the form of the development is such that it would be of relatively high density (approx. 77 units per hectare), significant communal amenity space / garden ground would be provided for occupants, including play areas. The density of development would exceed the minimum figures expressed within policy H3 within both the ALDP and PALDP. The urban form and height of the proposed buildings would relate well to the adjacent modern flatted block to the south and the ridge height of the highest part of the development would be less than that of the existing flats. It is recognised that the height of the buildings would be significantly greater than adjacent commercial buildings and older residential buildings facing the A96. However, there is a mix of forms and scales of buildings in the surrounding area and these residential buildings are a significant distance from the site. The proposal is therefore not considered to represent overdevelopment, provided that the site is managed as social rented housing, such that it accords with ACC parking standards. Given the density aspirations set out in ALDP and PALDP policy H3, the identification of the site as being suitable for 92 housing units with the SHIP and the absence of sensitive landscapes or heritage designations (e.g. conservation area) in the immediate area it is considered to be unreasonable to insist on a low rise development or reduction in the number of units in this case.

### **Open Space /Landscape Design / Trees**

Although there would be limited usable public open space within the site, the constrained nature of the site precludes provision of such recreational space. Significant recreational public open space / natural woodland exists close to the site, including Auchmill Golf Course and to the north of the A96. However, pedestrian access to this land is constrained by the challenging site levels in the vicinity, and the severance effect of Auchmill Road. The extent of greenspace proposed on site would represent a significant enhancement of the existing situation. Reduction of car parking provision has resulted in increased external amenity space within the site. This has been achieved by reduction in the size of flats proposed whilst maintaining the overall number of units. The extent of communal garden / play space proposed is 836 square metres and usable private garden space would be provided for the ground floor units. Overall, subject to conditions regarding delivery of open space on site and a financial contribution for off-site enhancement, the proposal would accord with ALDP policy NE6, PALDP policy NE2 and related guidance.

The landscape layout has been appropriately designed in accordance with the expectations of ALDP policy D2 and related guidance. In particular, the retention / reinforcement of the existing tree belt / vegetation on the slopes, the provision of private garden space for ground floor flats and usable communal amenity space, including play areas which benefit from sheltered locations and natural surveillance from the flats, is welcome. Conditions can be used to ensure that the detail of planting and boundary treatments addresses the comments expressed by Police Scotland and ensures suitable amenity and security for occupants.

No trees of significance would be removed to accommodate the development. A condition can be imposed to ensure tree protection on site in accordance with the expectations of ALDP/ PALDP policy NE5 and related guidance.

### **Building Design**

The presence of the existing tree belt is such that the buildings would be partly screened from the A96. Whilst the buildings would be more visible from the minor access road to the south, this is not a sensitive visual receptor. The layout and form of the development has been adjusted in order to address amenity concerns regarding the scheme as originally submitted and to better reflect the scheme design which was presented at pre-application stage. A mix of sizes of flats would be provided in accordance with the expectations of ALDP / PALDP policy H4. The form and height of the proposed buildings would relate well to the adjacent modern flatted block to the south and it would be subservient to its overall height. Its massing would be significantly broken up by gable features and change in building plane. Overall, the design solution is considered to demonstrate due regard for its context in accordance with the expectations of ALDP / PALDP policy D1.

Whilst the footprint / depth of the proposed blocks (c. 20m), is approximately twice that of traditional dual aspect tenement buildings and therefore presents significant amenity challenges in terms of sustainable design (e.g. sunlight / daylight penetration / natural ventilation) the scheme has been creatively designed to minimise the apparent depth of the blocks and to introduce significant modelling of their frontages. The agent has advised that the design of the development would be refined at technical design stage with the objective of meeting ACC "Gold Standard" compliance, which exceeds the design standard expressed in the ALDP. A condition can be imposed to ensure that suitable technical measures are incorporated into the development to achieve the requirement of ALDP / PALDP policy R6 and related guidance. Incorporation of secure cycle storage within the ground floor of the buildings has taken place in response to the comments expressed by Police Scotland.

### **Access**

The western part of the site lies outwith 400m walking distance to existing eastbound bus stops on the A96 and there is no existing pedestrian crossing facility nearby. Therefore, provision of a new direct footpath connection to the A96 at the northern edge of the site and light controlled pedestrian crossing of the A96 is required in order to comply with the objective of ALDP policies T2 and T3 and related guidance. The application has been amended to include the provision of a new pedestrian link to the A96. This would enhance pedestrian permeability through the site in accordance with the objectives of ALDP policy NE9. What is currently proposed would result in the loss of a significant number of established trees, to the detriment of the amenity of the area and thus is not acceptable. However details of the precise routing, and construction of this link, which may require the construction of steps, can be required by condition. Implementation of these measures and the required upgrade to pedestrian linkage at the main access can be secured by condition in order to ensure adequate safe and convenient pedestrian linkage to public transport. This is a particularly important material consideration in this case given the major scale of the development, the intended tenure of the development as social housing, including larger family units, the low level of car parking proposed on site and the high volume of traffic and HGV movement on Auchmill Road, such that public safety is an important consideration and there would be a likely high dependency of occupants on alternative transport modes.

Although originally requested by ACC Roads DM, the provision of a secondary emergency vehicle access into the site is not possible in this case due to the substantial change in ground levels across the site. The TS does not require that a second access point is provided and the Scottish Fire and Rescue Service have confirmed to the applicant that they are satisfied with the existing access arrangements. Therefore, the absence of a separate secondary vehicle access in this case does not fundamentally preclude the proposed development.

### **Traffic Generation / Parking Provision**

Given the established use of the site as a commercial garage specialising in the sale and servicing of commercial vehicles, it is considered that the proposal would result in a reduction in the volume of HGV and larger vehicle movements at the site, and consequent reduction in the volume of

vehicles making the potentially hazardous right turn movements at the existing access onto the A96, which has no traffic lights. This is a significant material consideration that weighs in favour of allowing residential development on the site. The submitted TS demonstrates that neither upgrade of the access road, nor junction improvement works / traffic lights on A96, are required to permit the anticipated traffic flows. Notwithstanding the objectors' concerns, the findings of these aspects of the TS are accepted by ACC Roads officers.

The level of car parking proposed accords with the ACC standard for social rented housing (i.e. 80 %) and is considered to be suitably laid out. As the level of car parking proposed on site does not comply with adopted standard for mainstream residential, control of the occupation of the development is required to ensure it is occupied and managed as social rented housing and therefore avoid increased car parking pressure outwith the site. This can be secured by entering into a legal obligation.

### **Flooding Impact / Surface Water Drainage**

Although evidence has been provided that surface water runoff sometimes affects Auchmill Road at a point to the north-west of the site, the reasons for this are unclear and there is no requirement for the development to resolve existing flooding constraints. The submitted FRA demonstrates that the site can be developed without resulting in flood risk to occupants or resulting in increased risk to adjacent property. SEPA have reviewed the information and have no objection to the proposal on flood risk grounds. The increase in greenspace within the site relative to the existing situation is such that the proposals would result in a reduction in the rate of surface water runoff and therefore would reduce flood risk on adjacent land outwith the site.

The submitted DIA accords with the expectations of ALDP policy NE6 (PALDP policy NE4) and related guidance and demonstrates that suitable SUDS would be provided on site (e.g. porous hard surfacing). Significant amendment of the layout, resulting in a reduction in the extent of hard surfacing proposed within the site has taken place, to accommodate SUDS / open space with biodiversity and amenity value in response to the comments expressed by SEPA. It is not considered to be appropriate to provide blue infrastructure (e.g. a pond) within the site in this case due to the aviation concerns expressed by the airport.

### **Contamination**

Redevelopment of the site would enable existing hydrocarbon pollution at the site to be addressed in accordance with the objectives of ALDP policy R2. The submitted site investigation demonstrates that the level of existing contamination would not preclude re-use of the site for the proposed end use and can be addressed by suspensive condition.

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

In relation to this particular application, the policies in the PALP substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given. The fact that the PALDP specifically identifies the application site as a brownfield site with potential for housing and PALDP policy H3 increases the minimum housing density on such sites to 50 units per hectare are material considerations which weigh in favour of the proposal. Assessment relative to policy D2 within the PALDP cannot be fully undertaken as this is dependent on relevant standards / guidance which are yet to be finalised. Although no health impact assessment has been submitted, assessment of the proposal relative to PALDP policy HB1 cannot be undertaken as the relevant guidance referred within the policy is yet to be developed. However, provision of both private and communal external space in excess of current requirement within an appropriately designed development and delivery of a new pedestrian crossing on the A96 would help to achieve a healthy living environment and contributes to sustainable transport.

### **Other Material Considerations**

Although the Council has an interest in the application as it owns part of the site (i.e. the open space

along the northern slope) there is no requirement to refer the application to Scottish Ministers for scrutiny as the development does not constitute a Development Plan Departure.

### **Heads of Terms of any Legal Agreement**

Provision of financial contributions / evidence to address the infrastructure constraints identified in the developer obligations consultation report as follows :

Core paths (£26,784); Primary Education (£26,350); Secondary Education (£27,333); Healthcare (£73,697); Open Space (£13,176); Community Facilities (£131,652); Sport and Recreation (£69,408).

Control of occupation of the development to ensure that it comprises social rented affordable housing managed by ACC or a RSL.

### **RECOMMENDATION**

#### **Approve Conditionally & Legal Agreement**

### **REASON FOR RECOMMENDATION**

The delivery of housing on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the Scottish Planning Policy (SPP) presumption in favour of development that contributes to sustainable development. Given the limited scale of the proposal and that it does not raise matters of a cross boundary nature, the Strategic Development Plan is of limited relevance in this case. Adequate infrastructure exists to service the development, or can be enhanced in accordance with the expectations of Aberdeen Local Development Plan (ALDP) policy I1 (Infrastructure Delivery). Although the site is not specifically identified as a brownfield opportunity site with potential for housing development within appendix 1 of the ALDP, the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites. Delivery of a major affordable housing development on this site would accord with ALDP policy H5 (Affordable Housing). There would be no undue conflict with adjacent uses. It is considered that the form and layout of the revised proposals would result in the creation of an acceptable residential environment and accord with the amenity expectations of ALDP policy H2 (Mixed Use Areas), subject to provision of external amenity space and garden ground for the occupants. Overall, the design solution is considered to demonstrate due regard for its context in accordance with the expectations of ALDP policy D1. The density of development would exceed the minimum figures expressed within policy H3 within the ALDP. The site has recently been identified as being suitable for 92 housing units with the Strategic Housing Investment Plan and as a brownfield site with potential for housing within the Proposed Aberdeen Local Development Plan. These are significant material considerations which weigh in favour of approval of the application. The proposal also sufficiently accords with the relevant policies in the Proposed Aberdeen Local Development Plan. Conditions can be imposed to ensure that the various detailed impacts of the development are addressed.

### **CONDITIONS**

#### **Open Space Provision / Play Area**

No dwellings hereby granted planning permission shall be occupied unless the areas of amenity open space, play areas and private garden ground as identified on Drawing No.19155(PL)002 (dated 21.02.20) of the plans hereby approved have been laid out in accordance with the approved drawing or such other drawing as may be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless a scheme detailing the manner in which the play areas and open space is to be laid out and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety

surface. Reason - in order to preserve the amenity of the neighbourhood.

### **Tree Protection**

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

### **Landscape Scheme**

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 soft landscaping for the site, which scheme shall include indications of all existing trees 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. For the avoidance of doubt, the scheme should contain no open water features. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority. Reason - in the interests of the amenity of the area and in the interests of aviation safety.

### **External Materials**

No development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed. Reason - in the interests of visual amenity.

### **Boundary Treatment / Security Measures**

No development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site, plot and open space boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety. Reason - in order to preserve the amenity of the neighbourhood.

### **SUDS**

No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme. Reason - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

### **Construction Management Scheme**

No development pursuant to this planning permission shall take place unless a detailed site-

specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off and specify dust abatement measures on site during construction and prior to the operation of the final SUDS / completion of the development. Such statement shall be implemented in full for the duration of works on the site. Reason - in order to prevent potential water and air pollution.

### **Pedestrian connection to A96 / Path Works**

No development shall take place pursuant to this permission unless there has been submitted to and agreed in writing by the planning authority a scheme for provision of a direct footpath link to the A96 at the northern edge of the site, including details of tree protection measures, the extent of any cut / fill, site sections as existing and proposed, proposed surfacing, handrails and lighting. Thereafter the development shall not be occupied unless the said footpath link and the access paths within the site have been implemented in full. Reason - In order to provide adequate pedestrian access, in the interests of encouragement of sustainable transport and public safety.

### **Cycle Parking / Storage**

None of the flats hereby granted planning permission shall be occupied unless a scheme detailing secure cycle storage and visitor cycle provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme. Reason - in the interests of encouraging more sustainable modes of travel.

### **Car Parking**

The development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 19155(PL)002 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of ancillary vehicle parking / provision of access to the development and use hereby granted approval. Reason - in the interests of public safety and residential amenity.

### **Traffic Calming**

No development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of traffic calming measures for the carriageway within the development hereby granted planning permission. Reason - in the interests of public safety and the avoidance of conflict with use of the proposed play area adjacent to the car park.

### **Off Site Road Measures ( A96 Pedestrian / Cycle Crossing )**

No development shall take place unless there has been submitted to and agreed in writing by the planning authority a scheme for the provision of a Toucan (Pedestrian / Cycle) crossing on the A96 to the north of the site. Thereafter the development shall not be occupied unless the said crossing facility has been implemented in full. Reason - In the interests of public road safety and the encouragement of sustainable travel.

### **External Lighting**

No development shall take place unless a scheme for external lighting within the site, including lighting of the footpath link, has been submitted to and approved in writing by the Planning Authority, and thereafter the development shall not be occupied unless the said scheme has been implemented in full, Reason - In order to minimise potential light pollution and in the interested of protection of residential amenity and public safety.

### **Noise Attenuation**

None of the flats hereby approved shall be occupied unless the relevant mitigation measures identified in the submitted Noise Impact Assessment by KSG Acoustics dated 13/01/2020, or such

other assessment as may be approved by the planning authority, have been implemented, as required for each block. Reason - In order to protect residential amenity.

### **Contamination Mitigation**

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

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

No buildings on the development site shall be occupied unless:-

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

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

Reason: in order to ensure that the site is fit for human occupation

### **LZCT / Water Efficiency**

The buildings hereby approved shall not be occupied unless a scheme detailing compliance with the Council's "Resources for New Development" supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions and water efficiency have been implemented in full. Reason - To ensure that this development complies with requirements for reductions in carbon emissions specified in ALDP policy R6 and in the interest of sustainable development.

### **Bin Storage**

The use hereby granted planning permission shall not take place unless provision has been made within the application site for storage of refuse and recycling bins in accordance with a scheme which shall have been submitted to and approved in writing by the planning authority and which shall confirm the proposed storage capacities and uplift arrangements. Reason - in order to preserve the amenity of the neighbourhood and in the interests of public health.

### **ADVISORY NOTES FOR APPLICANT**

#### Noise from site construction works

In order to protect amenity of the occupants of the neighbouring residences and prevent any

potential noise nuisance outwith the site caused by construction works, it is recommended that construction works / operations should not occur:

- Outwith the hours of 07:00 to 19:00 Monday to Friday and
- Outwith the hours of 08:00 to 13:00 on Saturdays

, unless otherwise agreed with the Aberdeen City Council Environmental Health Service