

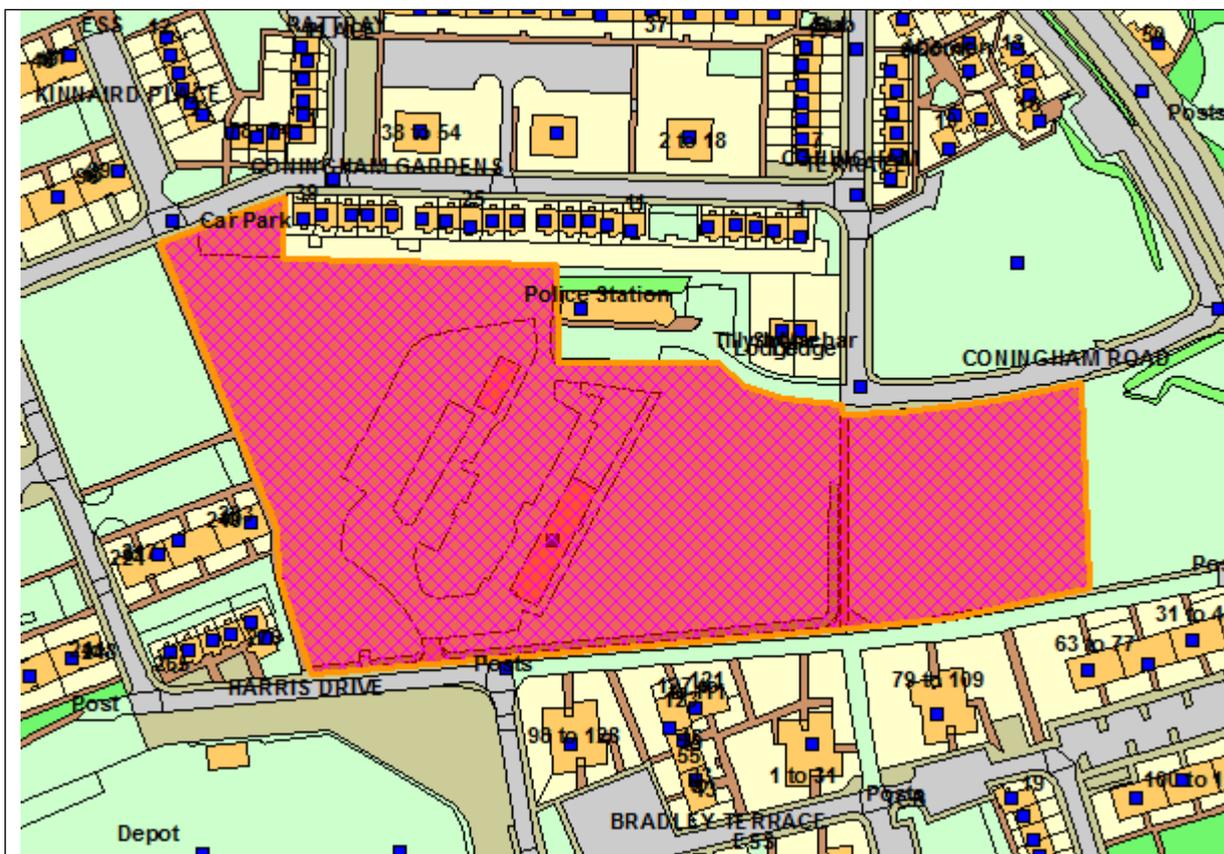


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 01 June 2020**

<b>Site Address:</b>	Former Tillydrone Infant School Site, Coningham Gardens, Aberdeen
<b>Application Description:</b>	Erection of primary school with early years facility, associated 3G pitch, soft and hard landscaping, alterations to access and all associated works
<b>Application Ref:</b>	200206/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	20 February 2020
<b>Applicant:</b>	Aberdeen City Council
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council:</b>	Tillydrone
<b>Case Officer:</b>	Aoife Murphy



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## **RECOMMENDATION**

Approve Conditionally with upfront payment of the contribution and inter-service agreement

## **APPLICATION BACKGROUND**

### **Site Description**

The site is located within the residential area of Tillydrone. The site previously accommodated the Tillydrone Infant School and part of the St Machar Primary School, both of which have been demolished and the site currently comprises a grassed piece of land with numerous trees scattered around the site.

The site is bound to the north by a car park, several residential properties and a police station, beyond which lies three public roads, Coningham Road, Coningham Terrace and Coningham Gardens, to the west by Formartine Road, more residential properties and public open space, to the south by Harris Drive, with both existing residential properties and a new residential development currently being constructed beyond that and to the east by the remainder of the vacant land. Beyond the bounding streets lies a mainly residential area with a varied mix of house types ranging from three-storey flatted blocks to single storey terraced sheltered housing.

The site itself has a gradual slope, with the highest point being to the north west and the lowest part being the south east. The site is split by an existing footpath towards the east of the site leading from Coningham Terrace to Harris Drive.

The site itself covers two allocations identified within the current Local Development Plan, the entirety of OP94 and part of OP90. Both fall within the residential zoning and are identified as forming part of the Strategic Infrastructure Plan Affordable Housing Programme. In terms of the recently published Proposed Local Development Plan, both sites are still allocated as OP94 and OP90, with both still falling within residential zoning however, they are now identified as the site for a new primary school and an education use and/or affordable housing, respectively. The allocation of the OP94 site for a new primary school is therefore in line with the current planning application.

In addition to the above, part of the site is also shown to be residential open space within the Open Space Audit 2010.

### **Relevant Planning History**

191331/PAN - Proposal of Application Notice for a major development for construction of primary school – Further Consultation Required, 16 September 2019.

As required by the Development Management Regulations 2013, pre-application consultation meetings were carried out on the 24 and 25 September 2019. The outcome of these meetings is outlined in a pre-application consultation report and this will be evaluated further below.

141376 – EIA Screening Opinion for a residential development of approximately 184-270 affordable residential units including open space and landscaping – EIA Not Required, 17 September 2014.

141375 – Proposal of Application Notice for a residential development of approximately 184-270 affordable residential units including open space and landscaping – Further Consultation Not Required, 17 September 2014.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Proposed is the erection of a new primary school which will be a mix of single and two storey elements. In addition to Primary accommodation, the building would also incorporate Early Years provision, also proposed within the site are substantial areas of soft and hard landscaping and a 'Multi Use Games Area' (MUGA) Given the existing topography of the site, the school will be cut into the land in an effort to minimise the visual impact. As such, when viewed from the south the full height of the development will be visible, whereas the north will appear to be reduced given the proposed ground level.

The building would be located towards the north west corner of the site, its footprint comprising three wings, which are slightly staggered. The north elevation would provide the main access to school at ground level. The west wing would be across two levels, the lower ground and ground level and would accommodate classrooms, plant rooms, kitchen, dining hall, gym, WCs and changing rooms. Some access to an upper level would be provided, but this would only be for plant maintenance.

The middle wing would also be across the lower ground and ground levels and would accommodate a number of staff related rooms and offices along with two early years activity rooms, classrooms and WC's. Finally, the east wing would be single level and be located on the lower ground level accommodating further classrooms. The roof of this wing would be utilised as a roof terrace and used as the early years external play area, access to which is gained from the ground level of the middle wing.

Vehicular access to the site would be formed in the north west corner with the existing access and car park altered and extended to provide additional parking and hardstanding along the principle elevation. A second access for emergencies/maintenance would be located at the junction of Coningham Terrace and Coningham Road (the existing access to the police station). Further pedestrian access points are proposed at a number of points along the west, south and north boundaries. In terms of access to the building, the main entrance on the north elevation would be for staff, visitors and parents' drop off for the early year's facility. Pupil entrances would be located within the courtyards of the south elevation, allowing for separate access from the south, effectively creating 'public' and 'private' pedestrian accessibility between the north and south.

The remainder of the site would encompass an area of hardstanding mostly to the south of the school, where an external dining area is proposed in the western portion and an outdoor classroom to the south east corner. To the east would be a grassed area with sensory garden and along the eastern boundary would be a MUGA.

Proposed external materials include zinc standing seam roof, a mix of brick, render and cedar cladding to the walls, aluminium framed glazing system, powder coated doors and Kalwall glazing. Colours of all materials have yet to be confirmed.

### **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=Q5OMMLBZFRT00>

- Design and Access Statement, submitted 14 February 2020
- Drainage Assessment, submitted 30 March 2020
- Energy and External Lighting Planning Statement, submitted 14 February 2020
- Noise Impact Assessment, Revision 1, submitted 29 April 2020
- Pre-Application Consultation Report, submitted 14 February 2020

- Transport Assessment, submitted 30 March 2020
- Tree Survey Report, submitted 14 February 2020

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

The application has been referred to the Planning Development Management Committee because the proposal constitutes a major development and therefore requires to be determined by committee.

### **CONSULTATIONS**

**ACC - Developer Obligations** – has advised that obligations to the sum of £2,864 for the Core Paths Network will be required.

**ACC - Contaminated Land** – has advised the Service has no objection subject to conditions regarding the submission of a site investigation and a scheme of remediation, if required.

**ACC - Environmental Health** – has reviewed the submitted Noise Impact Assessment and advise that its findings are considered acceptable. However, specification for the various plant and equipment required for the school has yet to be determined, therefore a further definitive assessment will be required. The Service has also advised that an odour impact assessment and lighting strategy are required. In relation to the Multi Use Pitch, the Service are advising that condition be used to restrict its use to ensure that residential amenity is not impacted. Overall, the Service has no objection subject to their comments on the above matters and suggested conditions.

**ACC - Roads Development Management Team** – has provided comments on aspects such as access, vehicle access and servicing, access for pedestrians, public transport and a travel plan framework. The Service has advised that it has no objection to the development subject to their comments and conditions.

**ACC - Waste Strategy Team** – has advised that the development would be classified as commercial and therefore receives business waste collection. As such, only general comments regarding this aspect can be provided. An Informative can be applied to the planning permission covering this.

**Aberdeen International Airport (AIA)** – has examined the development from an aerodrome safeguarding perspective and confirm that the proposal could conflict with Airport infrastructure unless a Bird Hazard Management Plan and Landscaping Plan are requested via conditions. The Airport also refer the applicant to advise on the operation of cranes. An Informative can be applied to the planning permission covering this.

**Police Scotland** – has reviewed the proposal and provided advice regarding the layout and the building itself. This consultee is satisfied that the development proposed comprises acceptable forms of security.

**Scottish Environment Protection Agency** – has advised that it has no objection subject to a condition requesting details of environmental enhancement measures within the development.

**Scottish Water** – has advised that there is sufficient capacity at the Water Treatment Works and the Nigg PFI Waste Water Treatment Works. Further investigation works will be required to be undertaken by Scottish Water and as such an application will require to be submitted to them.

**Tillydrone Community Council** – No comments received.

## **REPRESENTATIONS**

None

## **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)

### **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.

From the 29 March 2019, the Strategic Development Plan 2014 will be 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 Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 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)**

Policy D1 - Quality Placemaking by Design

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy B4 - Aberdeen Airport

Policy H1 - Residential Areas

Policy CF1 - Existing Community Sites and Facilities

Policy CF2 - New Community Facilities

Policy NE5 - Trees and Woodland

Policy NE6 - Flooding, Drainage and Water Quality

Policy R2 - Degraded and Contaminated Land

Policy R6 - Waste Management Requirements for New Development  
Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

### **Supplementary Guidance**

Planning Obligations  
Transport and accessibility  
Noise  
Flooding, Drainage and Water Quality  
Green Space Network and Open Space  
Resources for New Development

### **Other Material Considerations**

Local Development Plan Allocations:

OP94 - Tillydrone Primary School - Site of former Tillydrone Primary School. Forms part of the Strategic Infrastructure Plan Affordable Housing Programme.

OP90 - St Machar Primary School - Primary School is now vacant and surplus to requirements. Forms part of the Strategic Infrastructure Plan Affordable Housing Programme.

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

The Proposed Aberdeen Local Development Plan (ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (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. The relevant policies related to this proposal area as follows:

Policy WB3 - Noise  
Policy NE4 - Our Water Environment  
Policy NE5 - Trees and Woodland  
Policy D1 - Quality Placemaking  
Policy R5 - Waste Management Requirements from New Developments  
Policy R2 - Degraded and Contaminated Land  
Policy R6 - Low and Zero Carbon Buildings and Water Efficiency  
Policy H1 - Residential Areas  
Policy CF2 - New Community Facilities  
Policy I1 - Infrastructure Delivery and Planning Obligations  
Policy T2 - Sustainable Transport  
Policy T3 - Parking  
Policy B3 - Aberdeen International Airport and Perwinnes Radar

Also relevant is the proposed allocations:

OP94 - Tillydrone Primary School - site for a new primary school.

OP90 - St Machar Primary School - an education use and/or affordable housing.

## **EVALUATION**

### **Pre-Application Consultation**

As part of the major application process, two pre-application consultation events were carried out on the 24 and 25 September 2019 at the Tillydrone Community Campus. The event was attended by a range of local residents and the community including both current and future parents of children at the current Riverbank School. Comments highlighted by the public, have been incorporated into the proposed development. The majority of comments were in support of the proposal.

### **Principle of Development**

The site falls within the entirety of allocated sites OP94 and part of OP90 of the current 2017 LDP, both of which form part of the Strategic Infrastructure Plan Affordable Housing Programme and fall within residential zoning as designated by the LDP. However, within the Proposed LDP (March 2020), while both sites are still allocated as OP94 and OP90, OP94 is now allocated for a new primary school and OP90 for education use and/or affordable housing, with both sites still falling within residential zoning.

The content of the Proposed LDP now constitutes the settled view of the Council and is now a material consideration in the determination of this planning application. In this instance, weight can be given to the content of the Proposed LDP, as the development of a new primary school on these sites is in full compliance with the relevant OP94 and OP90 allocations within this document. Council Services such as Housing were consulted on the changes to both OP94 and OP90 allocations within the Proposed LDP, as such it is the view of the Council that both sites are no longer required for affordable housing and would be suitable for a new school/education use.

With regards to local plan policies as the site and surrounding area is zoned for residential, Policy H1 - Residential Areas applies and as the development is for a new community facility, Policy CF2 - New Community Facilities is also required to assess the proposal. In addition, as the site is also designated as residential amenity in the 2010 Open Space Audit.

Policy H1 advises that proposals for non-residential uses should be complementary to the existing residential use and should not cause conflict with, or any nuisance to, the enjoyment of existing residential amenity. Policy CF2 advises that proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible.

In this instance, the proposed development will see a new primary school being erected on the site of two former primary schools and which is allocated within the proposed LDP for a new primary school and educational use, respectively. It is therefore considered that this site is an appropriate location for the proposed development, especially given its relatively central location within the wider Tillydrone residential area that it will serve. While the aspect of accessibility will be discussed further in this evaluation, it is considered that for the purpose of establishing the principle of development, this site is ideal for such a use and would be easily accessible to future staff and pupils. Furthermore, it is unlikely that the new development would result in a conflict with the existing amenity, but this aspect will be fully explored further in the evaluation below.

Overall, it is considered that the site can, in principle, satisfactorily accommodate a new primary school. While the issue of amenity and access will be fully assessed below, it is considered that the principle of development can be established and the proposal is in compliance with Policy H1 and CF2.

While part of the site is designated within the Open Space Audit as residential amenity space, consideration is required to be given to the proposed LDP allocations. So, while the development would result in the loss of this open space provision, the site was always earmarked for development

which is highlighted by the current and proposed allocations, which is a material consideration that outweigh the loss of open space.

### **Siting, Layout and Design**

The siting, layout and design of the site and school will be assessed against Policy D1 - Quality Placemaking by Design. D1 requires development to have high standards of design with a strong and distinctive sense of place that has taken in the context of the surrounding area.

It is considered that the siting of the new school is appropriate and allows for ease of access off the existing public road. In terms of layout, siting the school towards the north west of the site means that the development is well related to existing buildings and the remainder of the site remains as open space for the school pupils. This allows for the benefit of having the hardstanding and grassed areas connected allowing for easy transition between the two areas.

Overall the design of the proposed school is considered acceptable. The school itself is of a modern design that both respects and enhances the existing character of the area. It is a contemporary interpretation of a school that encompasses three wings that have been slightly staggered from each other. Given the topography of the site, the building is split over a number of levels. From the north, the building appears to be single storey while from the south, all three wings appear to be different heights, adding further interest to the design and visual impact of the building. The design is enhanced by the use of three main materials to the external walls, which are brick, cladding and render. While the specification or colour of the materials require to be finalised, the agent has advised that it is intended to use colours like grey and off white. It is considered that these colours would work well given the context of the surrounding area.

In terms of the six essential qualities highlighted by Policy D1, it is considered that they can be achieved by this development for the following reasons. The site itself is distinctive in the sense of being an open area visible from a number of different aspects and it is considered that the school has been designed/positioned in such a way that it successfully responds to this context and the character of the surrounding area through the use of appropriate materials which complement the surrounding residential area. Overall, it is considered that this development will be welcoming to all.

The development has been designed in such a way that it gives precedence to pedestrian movement, with vehicles restricted to the north west of the site. In addition, new pedestrian access points have been introduced along all boundaries, which will allow for easy access to the site from a number of different directions. Also, through the use of landscaping it will be clear how the open space can be defined and used. Finally, given the location of the site and proximity to residential properties, it is considered that the site will be highly visible which will result in a high level of natural surveillance. As such, it is considered that the development is both safe, pleasant and easy to get around.

The development is for an educational use, however it is considered that the building proposed is adaptable and given the level of space available could be used for another purpose, such as a community use should it be required. Furthermore, outwith school hours the school grounds will be readily accessible to the public. In light of the foregoing it is considered that the development and site are both adaptable.

Finally, in terms of resource efficiency, given that it is a new build, it is considered that a certain level of efficiency will be achieved. The site will also be easily accessible by other sustainable modes of transport such as walking and cycling and public transport, which will aid with the reduction of car users travelling to the site.

In light of the above, it is considered that the development has been well designed and responds successfully to the context of the site and its surrounding characteristics, while still being a modern

addition. However, given the limited detail provided with regards to the proposed finish it is necessary to request this information via condition. Nevertheless, it is considered that overall the proposal complies with Policy D1 - Quality Placemaking by Design.

### **Amenity**

As per the requirements of Policy T5 – Noise, a Noise Impact Assessment has been submitted and reviewed by the Council's Environmental Health Service. The report highlights that a noise survey was undertaken at the site in order to ascertain existing noise levels in and around the site. The assessment outlines that operational activities relating to the development have also been undertaken. This includes operational transportation, building services noise, external learning space and noise from the MUGA. While the report outlines that the acoustic design proposals for the development will need be updated as the design evolves, due to the specification of some plant is yet to be confirmed, the assessment undertaken demonstrates that the necessary requirements of planning can be met, with respect to acoustics, noise and vibration.

Environmental Health has agreed that it is satisfied with the proposal in terms of noise, however in relation to the additional plant that will still be required, a further Noise Impact Assessment will be required to ensure that satisfactory levels of noise emissions can be achieved at sensitive receptors. This additional plant will also include details of the ventilation for the proposed kitchen as its specification is still outstanding. Given that overall the development is unlikely to cause any issues with regards to noise, it is accepted that this information can be requested via condition.

In terms of the noise emanating from the proposed MUGA, while the Council operates an open grounds policy to the school grounds outwith school hours, this does not extend to MUGAs. This area will only be available to the public on pre-booked basis and as such it will not be freely available. Given the proximity to existing housing to the south, it is considered appropriate to condition the pitch's hours of use, in order to ensure residential amenity is not impacted upon. Environmental Health are agreeable to this and this approach is standard practice for a development of this nature.

With regards to lighting, no information has been submitted at this time, but it is recognised that a final design for the required lighting solutions, in particular for the pitch, has not been finalised. As such Environmental Health still requires demonstration of how the lighting will comply with the relevant standards through the submission of a further report. It is considered that this can be secured by condition.

Overall, the information submitted with this application is considered to be acceptable and sufficient to allow the Planning Service to undertake an assessment against the aspect of amenity. It is considered that, while the school lies adjacent to residential properties, no undue impact is expected, as such it is considered that the development complies with Policy T5.

With regards to odour, the school kitchen, and therefore the ventilation, has yet to be designed and as such no plant has been specified. However, given the end use, Environmental Health considered the risk of adverse impact from malodour is very low, as such the Service is satisfied that this information is not required to assess this application at this time. However, the Service will need to ensure that the proposed plant is acceptable as such, an Odour Impact Assessment will be required prior to the building being brought into use. This can be secured with the use of an appropriate condition.

### **Transport Impacts**

Under Policies T2 and T3, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The Roads Development Management Team have reviewed the submitted Transport Statement

and have provided comments on access, parking, sustainable modes of transport and the proposed travel plan framework.

With regards to access, the existing access off Coningham Gardens will be utilised to serve the proposed development, however, it is noted that the access will be slightly relocated and widened. The swept path analysis contained within the Transport Statement shows that the newly widened access would be sufficient to serve the development.

In terms of parking, 48 spaces (including 3 disabled/accessible spaces) have been proposed, based on the current number of staff, this is considered acceptable. While the Service is aware that due to the capacity of the school the staff numbers may change, it would not be so significant to require additional spaces. In addition, given the site's accessibility by other modes of transport, the aspect of parking is considered acceptable.

The development proposes a sufficient number of sheltered cycle spaces from both staff and pupils, which is considered appropriate given the use and size of the development. Also, given the site's location within the surrounding community, it is considered that it is easily accessible by walking and cycling. Further to this, the site is well served by public transport, with bus stops within 150 to 200m of the various access points.

A Travel Plan is required to improve safety measures and reduce car trips to the site. This would be of benefit to both staff and those using the school/early learning units. Should an approval be granted, a condition will be applied requesting the approval and implementation of a travel plan.

In light of the above, it is considered that the proposed development can be easily accessed via the existing entrance and can provide a suitable level of parking. In addition, given the site's location, it is noted that the development would be readily accessible by other means of travel such as walking, cycling and public transport. As such the development is considered to be in compliance with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel; as well as the Council's Supplementary Guidance Transport and Accessibility.

### **Contaminated Land**

In light of the sensitive end-use of the proposed development and the fact that the site has been subject to previous development, it is considered likely that there may be areas of ground with some potential for contamination, particularly from previously demolished buildings. As such a site investigation is therefore recommended and should include analysis for the presence/absence of asbestos fibres, given the age of the previous school. Contaminated Land has advised that they would review a scope of works for the proposed site investigation in advance of any investigation being undertaken, in order to ensure an appropriate scale of investigation is undertaken. It is considered by the Planning Service that this is an appropriate course of action with the assessment being requested via condition and prior to the commencement of development. Subject to the results of that investigations the proposal is deemed to comply with Policy R2 - Degraded and Contaminated Land.

### **Flooding and Drainage**

A drainage assessment was undertaken on this site and has advised that there are existing private drains within the site serving the existing development and that any existing drains encountered during construction are to be diverted or removed/abandoned as required. In terms of public infrastructure, there are existing combined sewers and an existing culvert within Harris Drive to the south of the site.

With regards to the proposed development, foul drainage from the proposed development will discharge via new gravity drains and a disconnection chamber to the existing combined sewer within Harris Drive. While surface water run-off from both the building and parking area will be discharged

via a stone filled filter trench to the new cellular storage attenuation tank. The tank will discharge at a restricted rate via an outlet control manhole and disconnection chamber to the existing culvert within Harris Drive.

The details within the assessment have been reviewed and are found to be acceptable. As such the proposal is considered to comply with Policy NE6 - Flooding, Drainage and Water Quality.

### **Trees and Landscaping**

Several trees can be seen on the site, as such a tree survey has been undertaken and submitted for review. It has identified seven trees that should be felled for either woodland management or health and safety. Younger trees have been grouped in to four areas, a number of these trees will be affected by the school or the car park area. However, they are of a size that they could be readily moved to an area that would not be affected by the development. This is considered an appropriate option, which would allow the development to proceed whilst also retaining the trees. In terms of tree protection, fencing is proposed to be erected and this is considered necessary and acceptable for the duration of construction.

While there would be a loss of some trees, in light of the details within the tree survey, this is considered appropriate and may have happened whether the development was taking place or not. The movement of the smaller trees is also necessary as there is no suitable alternative for this school site, however, should the movement and replanting of existing tree stock fail, compensatory planting would be sought to ensure that woodland features on this site is retained. Overall, the development is considered acceptable when assessed against Policy NE5 - Trees and Woodland.

With regards to landscaping of the site, details have been submitted and overall the proposed works are acceptable, however some amendments are required to ensure that the site is accessible to all and the site is appropriately screened. As such, it is considered necessary to request an amended landscaping scheme via condition. With the use of this condition, we can ensure that the trees mentioned above are re-planted in appropriate locations or compensatory planting shown.

### **Developer Obligations**

Upon assessing the development with regards to the criteria with Policy I1 - Infrastructure Delivery and Planning Obligations and its Supplementary Guidance, it has been deemed appropriate to request obligations towards the Core Path Network, to the sum of £2,864. The agent has advised that they are agreeable to this.

### **Aberdeen Airport**

Aberdeen Airport has advised that the development could conflict with the safeguarding criteria unless two condition are attached requesting a Bird Hazard Management Plan and a Landscaping plan, both of which will require to be agreed with the Airport. The Planning Service find this request acceptable and should the application be granted these conditions would be attached. With the use of these conditions, it is considered the proposal complies with Policy B4 - Aberdeen Airport.

### **Other Matters**

A bin store has been denoted on the submitted site plan to the north east corner of the proposed car park. The location is acceptable to Roads Development Management in terms of waste collection, while Waste Strategy has provided general comments in relation to waste collection for commercial premises. The information is acceptable and it is considered that the development would be adequately serviced as per the requirements of Waste - Policy R6 - Waste Management Requirements for New Development.

As per Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency, all new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology

and should reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure. While some information has been submitted is it considered necessary to condition further details with regards to the Energy Statement and Water Efficiency, in order to ensure compliance with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

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

As mentioned above contributions are required towards the Core Path Network. Heads of Terms have been agreed and the obligations would be secured by an upfront payment and an inter-service agreement, subject to the application being recommended for approval.

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

This development is not considered to be a strategic proposal that requires cross-boundary consideration, it does therefore not require a detailed assessment against the SDP.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the site is to be allocated as OP94 and OP90, now identified as the site for a new primary school and an education use and/or affordable housing, respectively within the Proposed Plan. This is a material consideration of weight that is required to be taken into account in the assessment of this application. In terms of the Proposed Plan, the development is acceptable and in full compliance with the future allocation. All other relevant policies in the Proposed Aberdeen Local Development Plan 2020, that have been highlighted above, substantively reiterate those in the adopted Local Development Plan. As such the proposal is acceptable in terms of both Plans for the reasons previously given.

### **Conclusion**

While the development is not fully in compliance with the allocations within the current Aberdeen Local Development Plan 2017, material weight is required to be given to the proposed Aberdeen Proposed Local Development Plan 2020, in which two new allocations now designate the site as being suitable for a new primary school and an education use and/or affordable housing. As such a new school in this location is acceptable. It is considered that all aspects of the proposal have been addressed throughout this report and overall the Planning Service is satisfied with the development that is proposed and is therefore recommending that this application be approved subject to condition and the conclusion of a suitable legal agreement.

### **RECOMMENDATION**

Approve Conditionally with upfront payment of the contribution and inter-service agreement

### **REASON FOR RECOMMENDATION**

The development is proposed within allocations of OP94 and OP90 of the Proposed Local Development Plan 2020 and meets the requirements of Policy H1 - Residential Areas and Policy CF2 - New Community Facilities of the Aberdeen Local Development Plan 2017. The development will not impact on the residential amenity of the area. While the development would be sited on open space, the development site is allocated for development within both the current and proposed local development plans, which materially outweighs the loss of open space. It is concluded that the loss of green space is justified given that the development would provide a number of benefits and would be sited in a convenient location for those it would serve.

Overall, the design of the development is considered acceptable in terms of Policy D1 - Quality Placemaking by Design. Satisfactory access and parking will be provided in the site as required by Policy T2 - Managing the Transport Impact of Development. Given the site's location in relation to the pupil's that the school it would serve the proposal is deemed to comply with Policy T3 - Sustainable and Active Travel. Compliance with Policy B4 - Aberdeen Airport can will be dealt with

via conditions.

While the site will result in the loss of some trees, this has been justified and any remaining younger trees can be re-planted in appropriate locations. As such the proposal is compliant with Policy NE5 - Trees and Woodlands. The proposal ensures that sufficient surface water drainage can be accommodated within the site and as such complies with Policy NE6 - Flooding, Drainage and Water Quality. Given the previous use of the site, it is considered necessary to request the submission of a site investigation as a condition as required by Policy R2 - Degraded and Contaminated Land to ensure the site poses no risk. Sufficient facilities have been provided with regard to waste provision as per Policy R6 - Waste Management Requirements for New Development Finally a condition will ensure further information be submitted in order to comply with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency.

Overall, the development is considered acceptable and in compliance with the relevant policies of the Aberdeen Local Development Plan 2017 and the associated Supplementary Guidance. The development is also considered to comply with Policy WB3 - Noise, Policy NE4 - Our Water Environment, Policy NE5 - Trees and Woodland, Policy D1 - Quality Placemaking, Policy R5 - Waste Management Requirements for New Developments, Policy R2 - Degraded and Contaminated Land, Policy R6 - Low and Zero Carbon Buildings and Water Efficiency, Policy H1 - Residential Areas, Policy CF2 - New Community Facilities, Policy I1 - Infrastructure Delivery and Planning Obligations, Policy T2 - Sustainable Transport, Policy T3 - Parking and Policy B3 - Aberdeen International Airport and Perwinnes Radar. In light of the above there are no material considerations that warrant refusal of the application.

## **CONDITIONS**

### **Materials**

No works in connection with the development hereby approved shall commence unless details of the specification and colour of all the materials to be used in the external finish of the development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details, specification and colour.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

### **Hours of Use**

The All-Weather Sports Pitch hereby approved shall only be used (excluding maintenance) by the school or for pre-arranged lets to other persons during the period from 9am to 8pm on Mondays to Fridays and from 10am to 8pm on Saturdays and Sundays and shall not be used outwith these times by the school or by any other person for any purpose.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

### **Noise**

The building hereby approved shall not be brought into use unless a further assessment and report on the specific building services plant has been undertaken. This assessment and report shall then be submitted to and approved in writing by the planning authority in consultation with Environmental Health. Once approved, all mitigation measures recommended in the report should be implemented prior to the building being brought into use and retained in perpetuity.

Reason: To ensure that noise from the use of the development does not result in undue loss of amenity for surrounding properties.

### **Odour**

The building hereby approved shall not be brought into use unless an odour impact assessment has been undertaken once the kitchen design has been established. This assessment shall then be submitted to and approved in writing by the planning authority in consultation with Environmental Health. Once approved, all mitigation measures recommended in the report shall be implemented prior to the building being brought into use and retained in perpetuity.

Reason: To ensure that odour from the use of the development does not result in undue loss of amenity for surrounding properties.

### **Lighting Strategy**

The development hereby approved shall not be brought into use unless full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development have been submitted to and approved in writing by the planning authority. Prior to the assessment being undertaken in accordance with a scope that has been agreed with the planning authority in consultation with Environmental Health. All lighting shall be provided and thereafter retained in perpetuity in accordance both with the approved scheme and the Guidance Notes for the Reduction of Obtrusive Light issued by the Institution of Lighting Professionals (GN01:2011) and any such guidance notes that replace or supersede them.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the residential and visual amenity of the surrounding area.

### **Traffic Restrictions**

The building hereby approved shall not be brought into use unless the existing traffic management signage within the surrounding road network have been implemented. The extent of the works shall be agreed with the Council's Traffic Management Team.

Reason: In the interests of road safety and providing a safe route to school.

### **Travel Plan**

The development hereby approved shall not be brought into use unless a Travel Plan for that building has been submitted to and approved in writing by the planning authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

### **Foul and Surface Water Drainage Arrangements**

The building hereby approved shall not be brought into use unless the proposed foul and surface water drainage arrangements have been provided in accordance with the approved plans and the Drainage Assessment, prepared by Fairhurst, dated March 2019 (project reference 132043). The foul and surface water drainage arrangements shall be permanently retained thereafter in accordance with the approved maintenance scheme contained within the Drainage Strategy.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

### **Bird Management**

Development shall not commence until a Bird Hazard Management Plan has been submitted to and

approved in writing by the planning authority in consultation with Aberdeen Airport. The submitted plan shall include details of:

Management of any flat/shallow pitched roofs (of less than 15 degrees) on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ and any such guidance notes that replace or supersede them.

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

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

### **Landscaping Scheme**

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels.
- b) The location of re-planted trees or compensatory planting.
- c) The location of new trees, shrubs, hedges and grassed areas.
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- e) The location, design and materials of all hard landscaping works including walls, fences, gates, and play equipment.
- f) An indication of existing trees, shrubs and hedges to be removed.
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

### **Tree Protection**

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan, plan reference TPS-2002-TP. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

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

### **Environmental Enhancements**

No works in connection with the development hereby approved shall commence unless a scheme of environmental enhancements has been submitted to and approved in writing by the planning authority in consultation with the Scottish Environmental Protection Agency. Once approved the scheme shall be implemented in full.

Reason: To ensure the offset of environmental impacts and contribute to and enhance the natural environment and support Policy D1 – Quality Placemaking by Design.

### **Site Investigation**

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site which has been submitted to and approved in writing by the planning authority.

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

1. An investigation to determine the nature and extent of contamination
2. A site-specific risk assessment
3. A remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. Verification protocols to demonstrate compliance with the remediation plan

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

### **Scheme of Remediation**

No building on the development site shall be brought into use 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 by the planning authority in writing, is being undertaken; and
2. A report specifically relating to the building 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 have been carried out, unless the planning authority has given written consent for a variation.

The building on the application site shall not be brought into use unless a report has been submitted to and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan.

Reason: To ensure that the site and its buildings are suitable and fit for use by humans, and is free of contamination, or hazardous substances for human beings.

### **Carbon Neutrality and Water Efficiency**

No building hereby approved shall be erected unless an Energy Statement and Water Efficiency applicable to that building has been submitted to and approved in writing by the planning authority.

The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques.

The development shall not be brought into use unless it has been constructed in full accordance with the approved details in both statements. All measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

## **ADVISORY NOTES FOR APPLICANT**

### **Bird Hazard Management Plan**

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

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

### **Waste**

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

- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: [http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste\\_000.pdf](http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf) and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&SID=14394>

### **Crane Operations**

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