

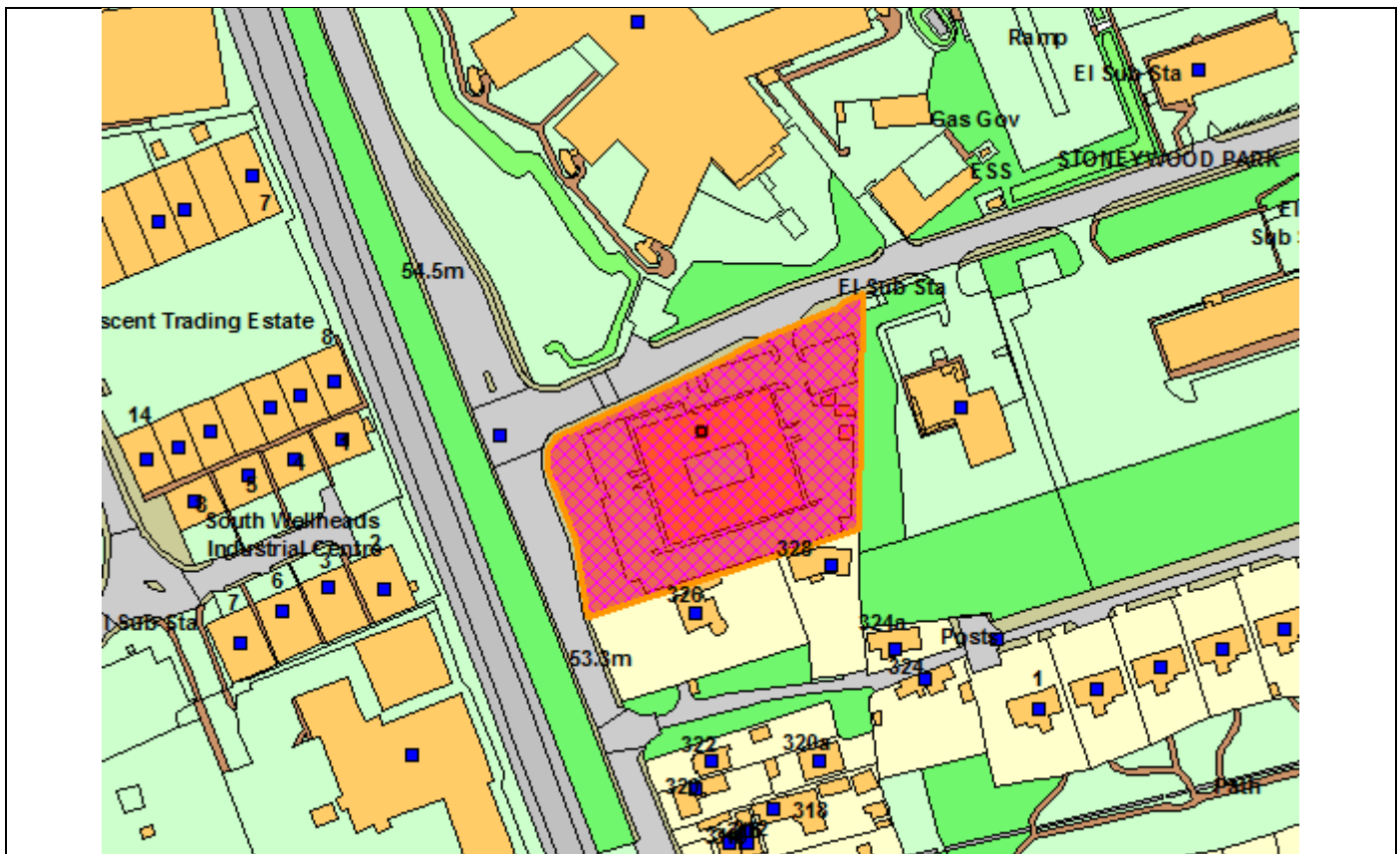


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 10 December 2020

Site Address:	Alba Gate, Stoneywood Park, Aberdeen, AB21 7DZ
Application Description:	Re-development including the change of use and extension of the existing building to a mixed use unit which accommodates 50 residential units, co-working office space and cafe/bar and the erection of commercial unit to accommodate co-working and makers' space and a gym and associated works
Application Ref:	200833/DPP
Application Type	Detailed Planning Permission
Application Date:	22 July 2020
Applicant:	XUSA
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Alex Ferguson



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RECOMMENDATION

Willingness to Approve subject to Conditions and Legal Agreement to secure onsite affordable housing, restrict the tenure of the development to the private rented sector and to secure developer

obligations towards the Car Club, Core Path Network, Secondary Education, Healthcare Facilities and Open Space.

APPLICATION BACKGROUND

Site Description

The application relates to a commercial site at the western edge of the Stoneywood Park Industrial Estate, which accommodates an existing two-storey 1970's-built office building with a square footprint, set around and internal courtyard. The building is bound on all sides by the site's existing car parking provision. The site is accessed via a single in/out entrance on the northern boundary, taken off Stoneywood Park. There is a significant amount of existing landscaping, in the form of established trees and shrubs within and along all boundaries, including a landscaped buffer strip to Stoneywood Road along the western boundary. Significant mature trees line the eastern boundary within the curtilage of the neighbouring industrial use to the east. Those trees are protected by a Tree Preservation Order.

The site is bound by Stoneywood Park Road to the north with the BP Headquarters beyond, Stoneywood Road (A947) to the west, with the Aberdeen to Inverness railway line and Wellheads Industrial Estate beyond, residential properties immediately to the south and other business and industrial properties to the east, forming the Stoneywood Park Industrial Estate. South east of the application site is the recent residential development by Dandara within Stoneywood Estate (LDP Opportunity site OP17).

The site falls within a 'Business and Industrial Land' B1 zoning in the Aberdeen Local Development Plan 2017. The site also falls with the 57-72Db Noise Contour for Aberdeen Airport, with the runway located approximately 580m to the west and the airport terminal to the north west of that.

Although 50 residential units are proposed, the application does not constitute a 'major development' as the majority (40) are to be formed through the conversion of the existing building.

Relevant Planning History

101877 – Detailed Planning Permission for extension to car park to provide 14 spaces and erection of a 1.8m high fence – Withdrawn, 01 November 2013.

100720 – Detailed Planning Permission for the erection of a new extension within courtyard – Approved 07 December 2010.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the re-development of the site including the change of use and extension of the existing building to form a mixed use unit which would accommodate 50 residential units, co-working office space (including conference and break out space) and a cafe/bar, and the erection of a new commercial building, proposed to accommodate 'makers' space' (Class 4 Business Use) and a gym, as well as associated external surfacing and landscaping works. The proposal is for the creation of a 'co-living' development concept that provides accessible residential accommodation that benefits from a range of on-site shared facilities, amenities and commercial space.

The ground floor level of existing building, as extended, would accommodate 15 residential flats (12

x 1-bed and 3 x 2-bed), commercial co-working/office space (363.5m²), café/bar (237.6m²) and communal overflow area (222.2m²) which would also accommodate a concierge and library area for residents as well as several WC's. The first floor would provide 25 residential flats (20 x 1-bed and 5 x 2-bed) and a partial additional storey is proposed at the northern end of the building, providing a second floor level which would accommodate 10 residential flats (5 x 1-bed and 5 x 2-bed).

Access to the building would be taken via the existing main entrance on the north elevation, with separate access to the flats also available via stairwells and accesses to the rear (south) and side (west) of the building. Small private garden areas and landscaped privacy buffer strips would be provided for the ground floor flats, with balconies and roof terraces provided for some of the flats on the upper floor levels, with the exception of the southern elevation. The central courtyard would incorporate a covered communal walkway which would double as a flexible communal amenity space for residents.

A new three storey building is also proposed in the north-eastern corner of the site. The building would provide 3 storeys of commercial space (1007.7m²), in the form of a makers' space (Class 4) on the ground floor and a gym on the upper two floors with an external terrace at roof level. Undercroft car parking would be sited underneath the western half of the building's footprint at ground floor level.

The existing building would be re-clad and window and door openings altered to provide an updated, contemporary appearance with the new building proposed to be of a similar design and finish. Access to the site would be taken via the existing access point, while the existing internal road and car parking layout would be amended slightly but would continue to surround all sides of the building. The internal road and parking layout would be predominantly a shared-surface arrangement, utilising the existing lock-blocked surface and avoiding the need for pedestrian footpaths. Cycle and bin stores would be installed throughout the site.

It should be noted that the applicant's proposed Co-living concept is for mixed tenure accommodation that would include; flats for private sale to owner occupiers, flats to be available for rental through the private rental sector and flats qualifying as affordable housing.

Amendments made since original submission

Some amendments have been made to the proposed development since the original submission of the application. They can be summarised as follows:

- It was initially proposed to accommodate Class 5 floorspace within the new commercial building. Due to concerns in relation to the impact of any such uses permitted within Class 5 (General Industrial) on the amenity of the residents of the development, the plans were amended to omit reference to Class 5 in favour of Class 4 (business) use.
- Balconies originally proposed to serve flats at first floor level on the southern elevation of the building were omitted due to concerns in relation to the impact on the privacy of the neighbouring residential properties to the south;
- The footprint of the new commercial building has been reduced in order to move its eastern elevation away from the eastern boundary of the site, in order to maximise the distance of the building to the TPO'd trees in the neighbouring site;
- The glazing on the western elevation of the commercial building has been amended to be obscurely glazed, in order to prevent any overlooking of flats within the main building;
- The internal road has been amended to a shared-surface arrangement, resulting in the

omission of the initially proposed 2m wide pedestrian footpaths and their replacement with landscaped buffer strips;

- A 2m high timber fence proposed along the western edge of the site, facing onto Stoneywood Road, intended as an acoustic barrier to protect the use of the external amenity space within the tree belt bordering the road, has been omitted from the proposals as the tree belt functions as a landscaping buffer strip and would not constitute acceptable external amenity space and therefore does not require acoustic protection.

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=QDTTRQBZJ3O00>

- Daylight Assessment, prepared by KJ Tait Engineers, August 2020
- Design Statement, prepared by Tinto, July 2020
- Drainage Impact Assessment, prepared by Cameron and Ross, July 2020
- Drainage Calculations, prepared by Cameron and Ross, July 2020
- Ground Investigation Desktop Study, prepared Cameron and Ross, June 2020
- Landscape Strategy, prepared by Tinto, July 2020
- Noise Impact Assessment, prepared by Sandy Brown, July 2020
- Noise Impact Assessment Addendum (Gym), prepared by Sandy Brown, November 2020
- Tree Survey Report, prepared by Stuart Dalgleish Arboriculture, June 2020
- Transport Statement, prepared by Cameron and Ross, July 2020
- Planning Statement, prepared by Aurora Planning, July 2020
- Protected Species Survey, prepared by Latimer Ecology, September 2020
- Supporting Statements:
 - Office Submarket Report (Dyce and Bucksburn), prepared by CoStar, July 2020
 - Office National Report (United Kingdom), prepared by Co Star, July 2020
 - Refurbishment Costs, prepared by Avison Young (Confidential), July 2020
 - Details of communal amenity provision, November 2020

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and is considered by the Appointed Officer to be contrary to the adopted development plan strategy in terms of Policy B1(Business and Industrial Land) of the Aberdeen Local Development Plan 2017).

CONSULTATIONS

ACC - Contaminated Land Team – as the most recent use is more likely to be described as commercial rather than industrial, it is unlikely that there would be any significant contamination. However, given the location of the site within an industrial area, it is possible that there is contamination from offsite sources. Given that the proposal would see the introduction of sensitive end users (residential) with extended areas of landscaping, the Service is requesting a Contaminated Land Assessment be carried out. The submission of this assessment will be requested via conditions.

ACC - Developer Obligations – has provided a summary of obligations for this proposed development and they include contributions for the Core Path Network (£12,127), Secondary

Education (£9,111), Healthcare Facilities (£33,368), Open Space (£5,966) and Affordable Housing at 25% of the proposed 50 units, which equates to 12.5 units. The agent has confirmed that the development will include onsite affordable housing provision and intends to provide 13 affordable units. The applicant has agreed to the Heads of Terms regarding Developer Obligations.

ACC - Education – advised that the proposed development falls within the school catchment zones for Stoneywood Primary School and Bucksburn Academy. The Service advises that there is sufficient capacity at Stoneywood Primary School to accommodate the number of pupils expected to be generated by this development. However, the development is likely to result in Bucksburn Academy further exceeding its available pupil capacity. As such a contribution would be required from the developer, to assist with the cost of extending the school building to provide additional capacity. This is reflected in the agreed Developer Obligations.

ACC - Environmental Health – No objection, subject to conditions. The Environmental Health Service advise that the development is acceptable subject to the recommended mitigation measures in the submitted Noise Impact Assessment (NIA) and Addendum being implemented, in order to achieve a satisfactory level of amenity for the occupants of the flats and the neighbouring, existing residences. They advise that as a closed window strategy is recommended by the NIA for the flats and the gym, mechanical ventilation will be required for those uses, which could itself raise issues related to noise emissions. In the absence of any mechanical ventilation details at this stage, as well as details of the café/bar noise and odour emissions which could impact on amenity, it is considered that these issues could be conditioned (suspensively) and addressed via the submission of further information post-determination.

EH also advise that following review of the applicant's Transport Assessment, the predicted vehicle movement numbers would not have a significant impact on air quality and request that construction works only take place within defined periods, in order to protect the amenity of neighbouring residents. The requested restriction on construction activities has been added as an advisory note for the applicant to be aware of.

ACC - Housing Strategy – has advised that the Council would seek a minimum of 25% of the development for affordable housing. In this case, the Service would be seeking 12.5 units (25% of 50 units), with a preference of the provision being delivered onsite. The Service advise that the developer should enter into discussions with a RSL regarding these units.

ACC - Roads Development Management Team (RDM) – has reviewed the development proposal in terms of access, parking, accessibility with regards to sustainable and active travel, refuse storage and collection, the local roads network and a travel plan framework. Overall, the RDM Team has advised that it is generally satisfied with the development and subject to conditions and contributions, it has no objection to the development.

The Service has also reviewed and provided comment on the supporting Drainage Impact Assessment with no issues being raised.

ACC - Waste and Recycling – provided general comments regarding the facilities required for the residential properties and further comments for business/commercial uses.

Aberdeen International Airport – has advised that the development has been examined from an aerodrome perspective and require that suspensive conditions are attached requiring the submission of suitable:

- Bird Hazard Management Plan;
- Full details of soft and hard landscaping.

The Airport would also like to bring the applicants attention to their advice note on crane operations.

Health and Safety Executive (HSE) – does not advise, on safety grounds, against the granting of planning permission.

Archaeology Service (Aberdeenshire Council) – Whilst the former Aberdeen Canal runs through part of the site along the eastern boundary, the results of archaeological mitigation works carried out nearby at 328 Stoneywood Road in 2013 sufficiently inform as to the state of the canal in this general location and further archaeological works would not add any further knowledge.

Dyce And Stoneywood Community Council – Commented neither supporting or objecting to this proposed development. The Community Council advised that they admire the ambition to re-purpose an existing vacant office block, however some concerns have been highlighted:

- The development is on land zoned as Business and Industrial, as such residential development is not consistent with that and the area immediately around Stoneywood Park is mainly an industrial estate.
- Amenity for the north facing flats and the lack of direct sunlight.
- Due to the proposed numbers some of the flats are constrained by the shape and layout of the existing building. The addition of more two bed flats may aid this.
- Impact on the development due to noise especially due to helicopters, however it is noted that there are other residential properties closer to the airport.
- Concerns regarding overlooking and impact on privacy due to the addition of balconies on the east elevation.
- Loss of trees due to the new development to the north east of the site.
- The sustainability goals of the development are quite modest and by no means carbon neutral, but perhaps they are constrained by the design of the present structure.

REPRESENTATIONS

Three representations have been received, all objecting to the proposed development. The representations raise concerns, which are summarised below:

- Removal/loss of trees
- Development should be carbon neutral
- Proposal fails to comply with existing designation (Business and Industrial Land)
- Over-development of the area
- More landscaping should be included to provide screening
- Proposed Juliet balconies may result in overlooking to the south
- Proposed re-location of car parking may impact on existing planting
- Overlooking due to the rooftop terrace
- Impact from noise and odour
- Environmental Impact
- Traffic Impacts
- Impact on remains of historical Aberdeenshire Canal
- Impact on wildlife – specifically red squirrels
- Need/Requirement for stand-alone commercial building
- Manoeuvring concerns within the site
- Development is located on a helicopter flight path
- Health hazard due to vibration caused by helicopter rotors

While all representations object to the overall development, one representation did highlight a comment of support:

- Improved aesthetics/design

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)
- Scottish Government [Planning Delivery Advice: Build to Rent](#)

Aberdeen Local Development Plan 2017 (ALDP)

- B1: Business and Industrial Land
- B4: Aberdeen Airport
- B6: Pipelines, Major Hazards and Explosives Sites
- CI1: Digital Infrastructure
- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infra Delivery & Planning Obligation
- NC4: Sequential Approach and Impact
- NC5: Out of Centre Proposals
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise

Supplementary Guidance

- Landscape
- Planning Obligations
- Affordable Housing
- Harmony of Uses

- Transport and Accessibility
- Noise
- Trees and Woodland
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. The PALDP 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 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. The following policies are relevant to the proposed development:

- B1 (Business and Industrial)
- B3 (Airport and Perwinnes Radar)
- B6 (Pipelines, Maj. Hazards & Exp.)
- CI1 (Digital Infrastructure)
- D1 (Quality Placemaking)
- D2 (Amenity)
- D4 (Landscape)
- D5 (Landscape Design)
- D6 (Historic Environment)
- H3 (Density)
- H4 (Housing Mix and Need)
- H5 (Affordable Housing)
- I1 (Infrastructure Delivery & Planning Obligations)
- NE2 (Green and Blue Infrastructure)
- NE3 (Natural Heritage)
- NE5 (Trees and Woodland)
- R2 (Degraded and Contaminated Land)
- R5 (Waste Management Req. in New Dev.)
- R6 (Low+Zero Carbon & Water Efficiency)
- T2 (Sustainable Transport)
- T3 (Parking)
- VC3 (Network of Centres)
- VC9 (Out-of-Centre Proposals)
- WB3 (Noise)

EVALUATION

Principle of Development – Business and Industrial Land

The application site lies within a Business and Industrial area, as zoned in the adopted Aberdeen Local Development Plan 2017 (ALDP). Policy B1 (Business and Industrial Land) of the ALDP states:

Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types.

Where business and industrial areas are located beside residential areas we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity ‘bad neighbour’ uses must have regard to surrounding uses and their potential impact on the environment and existing amenity.

The proposal comprises a mixed-use development incorporating 50 residential flats and associated commercial uses including a café/bar, business space (Class 4: office and low-level industrial processes) and a gym (Class 11). It is intended that the commercial uses would primarily serve the residents of the development, although they would also be available for use by members of the public (non-residents).

The site has lain vacant since early 2020 but was last in use as an office (Class 4). Although some elements of the proposed development would retain Class 4 use, the remainder of the development would not comprise uses within Classes 4, 5 or 6 and would not fully accord with the requirements of Policy B1.

Although the café/bar and gym uses could loosely be considered to constitute facilities that would support the nearby business and industrial uses, Policy B1 states that in order for such facilities to be permitted they must ‘**directly support business and industrial uses**’ and that ‘*such facilities should be aimed **primarily** at meeting the needs of businesses and employees within the business and industrial area.*’

It is considered that the commercial uses would primarily serve the residents of the new residential flats and would thus not be fully compliant with policy B1, although it is acknowledged that they could be used by employees of businesses within the area, thus partly enhancing its attraction and sustainability.

Policy B1 does not note any support for residential uses within Business and Industrial areas and, due to the conflicting nature of industrial and residential uses, residential developments are generally not considered to be acceptable in such areas. Therefore, aside from the Class 4 uses, the proposed development would be contrary to Policy B1 of the ALDP and thus represent a departure from the Local Development Plan.

Material Considerations – Principle of Development

Although the development is contrary to Policy B1 of the ALDP, it is necessary to assess whether there are any material considerations of sufficient weight that would allow the proposals to be supported despite being contrary to the Local Development Plan. The relevant material considerations are as follows:

- Lack of demand for continued business/industrial use

Paragraph 3.56 of the ALDP states: ‘*Maintaining a ready supply of employment land in the*

right places is vital to Aberdeen retaining its position as a competitive and sustainable business location. If a ready supply of employment land is not maintained, then it is unlikely that the housing population targets set by the Aberdeen City and Shire Strategic Development Plan (SDP) will be achieved.'

Therefore, given the primary aim of Policy B1 appears to be the protection of employment land supply, it is pertinent to assess whether there is sufficient employment land across the city, and to consider what impact the loss of the existing office building would have on that supply.

As set out in the supporting Planning Statement, the building was vacated in early 2020 by its previous occupier (Helix Energy) and the property was actively marketed from June 2019 to find a new tenant for the building for continued Class 4 office use, to no avail. The building was purchased by the applicant in early 2020 and although further marketing was undertaken there was no significant interest in leasing the building for office use. Commercial surveyors and letting agents have advised that the 1970's building, in its current form, constitutes Grade 'C' office space and that there is little demand for such premises in the current Aberdeen office market. Whilst lack of demand for the occupation of the building for its current (or most recent) use is not directly a material planning consideration, it is considered to be indirectly relevant as it demonstrates the wider situation in respect of the oversupply of offices in Aberdeen, predominantly due to the downturn in the oil & gas industry in recent years and combined with the ongoing Covid-19 global pandemic. The readily available supply of newer grade 'A' office space in a range of locations across the city and particularly within the City Centre has exacerbated this position in that locations such as Alba Gate are not attractive to tenants.

- Employment land supply

The Aberdeen City and Shire Employment Land Audit (ELA) is prepared annually, with the aim of providing up-to-date and accurate information on the supply and availability of employment land in the region. The most recently prepared audit (for the 2018/19 period, with a base date of 1st April 2019) was published in December 2019. The Aberdeen City and Shire Strategic Development Plan 2020 sets a requirement for at least 60 ha of marketable land available to businesses in a range of places in Aberdeen City. The 18/19 ELA identified an 'established' employment land supply of 274ha, of which 210ha was identified as 'marketable'. The application site covers just 0.7ha. This indicates that the redevelopment of the site for alternative, non-employment uses which would nevertheless retain some Class 4 floorspace, would not result in a shortage of available employment land, given that a significant surplus is being maintained over and above the target set in the 2020 SDP.

- Housing demand

The Aberdeen City and Shire Housing Land Audit (HLA), like the ELA described above, is prepared on an annual basis. Its purpose is to illustrate the scale and characteristics of the current housing land supply in Aberdeen and Aberdeenshire. The most recently prepared audit, with a base date of 1st January 2019, was published in July 2019.

The Strategic Development Plan (SDP) sets a 'housing requirement', and Scottish Planning Policy (SPP) requires planning authorities to maintain enough 'effective' housing land for at least five years. Effective sites are those which are either allocated for development or previously consented, and considered to be free from constraints, and which are therefore expected to be available for housing development. The most recent HLA identified an effective supply of 7.2 years for the Aberdeen Housing Market Area (AHMA), indicating a

generous supply of land available for housing development.

However, it is recognised that the timely delivery of housing numbers is a priority of the Council. This is in an effort to address affordability and the general shortage of numbers being delivered. It is also important to note that the 2020 SDP includes a target for at least 40% of all new housing in the city to be on brownfield sites, have a minimum density of no less than 50 dwellings per hectare and for new housing to provide an appropriate mix of types and sizes of homes.

The proposed development would sustainably re-purpose a currently vacant brownfield site (re-using the existing building) in a sustainable, well-connected location, near to employment land whilst meeting the minimum density requirement of the SDP. The co-living model of housing proposed, with shared communal facilities, is also a relatively new concept in the city and would add to the range and choice of housing types available.

- Context and location of the site within the business and industrial area

Although the site is located within a Business and Industrial area, it is important to note that the site lies on the periphery of the Stoneywood Park Industrial Estate, at the southern entrance to the estate and adjacent to Stoneywood Road. As such, the site is not surrounded by industrial uses that are incompatible with residential use, as would be the case further into the estate along Stoneywood Park. The site is bound to the south by two residential properties and beyond by a wider residential area, with existing mature landscaping running along both the eastern and western edges of the site and the well-landscaped BP office headquarters to the north. It is therefore appropriate to acknowledge that the context of the site differs from that of a more typical industrial estate environment and the conflict between differing uses would be reduced as a result.

Consequently, subject to a suitable layout and assessment of potential noise, residential development at the site would neither compromise other businesses' ability to operate in the manner in which they are accustomed, nor would it have any bearing upon the overall integrity of the industrial estate. Rather it could see an underutilised area of brownfield land suitably repurposed within its context.

Therefore it is considered that, due to the high level of supply and the wider low level of demand for such business & industrial sites generally, in combination with the individual circumstances of the site and the proposal, on this occasion there is potential for it to be acceptable in principle for a form of residential development, despite the tension with some elements of Policy B1. This is subject to detailed matters relating to layout and amenity being addressed, as considered in the following sections.

Amenity provision for new residents

Although the ALDP does not include a specific policy in relation to ensuring new residential developments would benefit from a satisfactory level of amenity, it is nonetheless a material consideration of significant weight. This is reflected in the Proposed ALDP, which introduces a new policy in this regard, Policy D2 (Amenity), which sets out a number of criteria that new residential development should meet in order to ensure the creation of a satisfactory residential environment. Some of the criteria include: maximisation of sunlight and daylight receipt, quality of outlook, insulation from noise emissions, privacy, internal floor areas, provision of adequate open space etc.

Design & Layout (outlook, daylight receipt and privacy)

The flats would predominantly not be particularly generous in size, with internal floor areas of

approximately 45-50sqm common for many of the 1-bed units and 60-65sqm for the 2-bed units; although some units would exceed those figures and would be more spacious. The majority of the units would be single-aspect, facing out of one of the building's four external elevations, or inward, looking onto the small central courtyard which would contain private garden areas and a central, communal covered walkway and amenity space.

A daylighting assessment submitted by the applicant demonstrates that the flats would receive adequate daylight, albeit the Planning Service does have reservations about the number of single aspect flats proposed which would limit direct sunlight to specific times of day, if at all, for some of the units. The outlook of many of the flats would also not be particularly attractive, with several looking onto the hard-landscaping dominated car parking area which surrounds the building.

It is acknowledged however that the flats would typically have generous-sized windows, which would maximise daylight receipt, and that several flats would have access to private balconies, terraces or garden areas. The flats would not be overlooked by either any neighbouring uses, nor, for the most part, by each other to any significant degree. Following concerns raised in respect of the proximity of the gym and large windows placed on the commercial building's western elevation to the windows of new flats in the main building, the plans were amended to ensure all glazing on the new building's western elevation will be obscure, thus removing the potential for overlooking of the flats.

In conclusion, it is considered that the flats would generally benefit from an adequate level of privacy and some would have access to private external amenity space. However, the internal floor areas would be relatively small on average, the amount of daylight receipt for several units would be low and the outlook from many units would be relatively poor - with the majority of flats having only a single-aspect.

Open Space

Policy NE4 (Open Space Requirements in New Development) requires the provision of at least 2.8ha of meaningful and useful open space in new residential developments. Utilising the method for calculating average resident numbers for developments as set out in the Council's Green Space Network and Open Space supplementary guidance, it is estimated that there would be approximately 73 residents likely to live in the 50 flats, equating to a requirement of 2,044sqm of meaningful, useful open space that should be provided on-site in accordance with Policy NE4.

The Planning Service considers that the site would not contain any meaningful and useful open space, with any areas not covered by the proposed buildings, internal roads and car parking either forming small areas of private garden ground or narrow areas of perimeter buffer landscaping not suitable for sitting out.

The proposals therefore see a significant deficit in open space as per the requirements of Policy NE4. Policy NE4 and the associated supplementary guidance note that it may not be possible to increase the amount of open space on some brownfield sites but NE4 does state that *'public or communal open space should be provided in all residential developments'*.

In order to partly mitigate against the absence of any on-site usable open space, the applicant has agreed to pay a £5,966 developer obligation which would go toward the upgrade of existing open spaces in the surrounding area. Furthermore, areas of public open space served by extensive footpath networks are available along the nearby River Don, 500m east of the application site. Although the development has a significant deficit of on-site open space as per the requirements of Policy NE4, it is important to acknowledge that several of the units would have access to private external amenity space. Furthermore, the co-living arrangement and communal facilities provided (including central public amenity courtyard) would provide alternative amenities and high quality internal recreational space on the site for all residents to utilise which would partly mitigate for the

absence of any useable outdoor open space. This is a significant material consideration weighing in favour of relaxing the LDP requirement for useable outdoor open space for this particular application.

Noise

The location of the site within a business and industrial estate poses concerns in terms of the level of amenity that would be available to the occupants of the residential units, as does its proximity to several sources of noise including Aberdeen International Airport, the relatively heavily trafficked Stoneywood Road and the Aberdeen-to-Inverness railway line. However, as noted above, it is acknowledged that the site is located at the entrance to the business and industrial estate and that as a result, it only has one immediate neighbour in business and industrial use, a Class 5 (General Industrial) use to the east that is used for plant storage and hire.

The applicant has submitted a Noise Impact Assessment (NIA) which considers that, subject to various mitigation measures being implemented, including façade sound insulation and utilising mechanical ventilation for the flats and gym (thus avoiding the need for windows to be opened, causing exposure to noise), the occupants of the proposed development would not be unduly affected by noise emissions from the variety of noise sources and would benefit from a satisfactory level of amenity. Whilst the Council's Environmental Health Service is generally satisfied with the findings of the NIA and an addendum in relation to the operations of the gym, they have noted that various aspects of the development proposal require the submission of further details before it can be ensured that they would not harm the amenity of the occupants. This includes details of the mechanical ventilation for the flats and gym, noise from kitchen activity and the patrons associated to the café/bar use and details of any extract/ventilation equipment required for the kitchen. In the absence of those details at this stage, it is considered that these aspects can be assessed via the submission of information in order to discharge various suspensive conditions that will preclude the uses from operating/being occupied until such time as satisfactory information has been submitted.

Conflicting uses

With regard to the residential and commercial uses sharing the site, the same building and the same main entrance, this aspect of the development is contrary to the Council's Harmony of Uses supplementary guidance which seeks to avoid developments where residential uses would share the same access as non-residential users. The café/bar use would also be contrary to the Harmony of Uses SG which generally seeks to avoid residential developments within the same built structure as licensed premises, in order to reduce conflict to a minimum. It is however acknowledged that the commercial uses would form part of the same 'planning unit' as the flats, with residents fully aware of the commercial uses upon occupation and able to utilise them as part of the package of on-site amenities. In this respect the proposals differ slightly from the typical conflict seen between residential and commercial uses as envisaged by the Harmony of Uses SG. The residential units also benefit from separate access points on either side of the building

Summary

The foregoing evaluation in respect of the quality of amenity that would be available to the occupants of the new flats demonstrates that there would be several significant deficiencies in the layout, design and siting of the development that would not be conducive to providing a satisfactory residential environment for the occupants that would be typically required through a residential development proposal. This is in addition to the scope for potential conflict between the residential properties and the adjoining commercial uses. It is therefore considered that an insufficient level of amenity would be on offer to the occupants of the proposed flats and that the development cannot be supported as mainstream housing that would be available for private sale on the open market.

It should be noted that the applicant's proposed Co-living concept is for mixed tenure accommodation that would include; flats for private sale to owner occupiers, flats to be available for rental through the private rental sector and flats qualifying as affordable housing.

It is however recognised that the proposal is for a new concept of Co-living accommodation that is to be provided in tandem alongside directly related shared amenities and commercial space.

The Planning Service therefore considers that the proposed development could be considered acceptable if operated under a different form of residential tenure – specifically as a Build to Rent (BTR), private-rented sector development. The Scottish Government published [Planning Delivery Advice on Build to Rent](#) development proposals in 2017 and the advice notes the following:

- *Build to Rent PRS (BTR) offers significant opportunities to complement existing housing delivery models and help to increase the overall rate of delivery of housing.*
- *It can provide high-quality, purpose-built rented accommodation that will enhance the attractiveness of Scotland, for new and different developers and long-term investors at scale.*
- *It can also support labour market mobility by providing homes for people moving into areas for work.*
- *The Scottish Government wants to encourage a growing BTR sector which provides high-quality, professionally-managed homes. Planning authorities can play a crucial supporting role by providing a positive approach to BTR developments in their area, to expand housing delivery.*
- *Typically residents will have access to wider on-site amenities that extend beyond the traditional boundaries of an individual housing unit.*

The Government's BTR guidance specifically notes that the planning system should be responsive to reflect varying approaches to BTR development. It states that BTR often differs from other traditional forms of housing and that such developments typically include on-site shared facilities such as communal spaces, gyms, co-working space and secure storage. It further notes:

*As a result of these characteristics, a flexible approach to relevant elements of design may be justified. **In particular the above differences suggest the need for consideration of flexibility in relation to density, minimum space standards and single aspect units** where the overall quality of the development remains appropriate.*

Taking into consideration the content of the Government's BTR advice, the Planning Service considers that the development, although not sufficient to host mainstream housing, can be supported as a BTR scheme, with the communal facilities partly mitigating against the deficit in the more traditional amenities and design features that would be required in a more mainstream development. The more temporary nature of a rented tenure would also ensure that there would be a much smaller risk of occupants staying in the building without access to the aforementioned communal facilities which are required in order to provide a satisfactory residential environment. BTR accommodation, as outlined as a concept to be encouraged by the Scottish Government is largely in line with the applicant's co-living concept as proposed.

The Government advice on BTR does however state that: *'Retention of BTR units in the rented sector should be explored, particularly where a tailored approach has been taken to normal standards.'* As noted above, significant relaxations have been afforded to the scheme in relation to amenity standards on the basis of the development constituting BTR. It is therefore necessary to ensure that the development would remain in the rented sector.

It is thus considered that, subject to the conclusion of a legal agreement which incorporates a restriction to ensure that all of the residential units would only be available for rent and not for private

sale (to owner-occupiers), a satisfactory level of residential amenity would be provided for the occupants of the building under a BTR concept. A condition will also be applied to ensure that the flats cannot be occupied unless the communal facilities and commercial uses are available to the residents.

Impact on amenity of existing residents

It is important to ensure that the amenity of the existing, neighbouring residential properties that adjoin the application site would not be unduly adversely affected by the proposed development, as has also been raised through third party representations. In this regard, the commercial uses would be sited in the northern and north-eastern parts of the site, away from the southern boundary. The Noise Impact Assessment submitted by the applicant considers that the existing residential properties to the south of the application site would not be unduly affected by any noise emissions from the development. This has been accepted by the Council's Environmental Health Service.

Although there would be an increased level of activity associated to the development compared with the existing situation, the predominant use would be residential, which would be compatible in principle with the neighbouring residential uses. Balconies were initially proposed to be added at first floor level of the main building's rear (south) elevation which would have increased the potential for overlooking of the neighbouring property to the south. The existing trees along the mutual southern boundary were also initially proposed to be removed but in order to protect the privacy of the neighbouring property to the south, the balconies were omitted and the trees, which provide an element of screening to the rear garden area, are now proposed to be retained.

Although an additional storey would be added to the northern edge of the main building and a new 3 storey commercial building would be erected, both additions would be sited a sufficient distance away from the nearest residential properties such that there would be no undue detrimental impact on their amenity or privacy. The rooftop terrace proposed for the commercial building would be largely obscured from view from the neighbouring property at 326 Stoneywood Road by the main building, thus the terrace would not increase the potential for overlooking of that property. The terrace and the balconies on the main building's eastern elevation would overlook the rear (north) elevation of the neighbouring dwelling at 328 Stoneywood Road, but the dwelling's northern elevation is predominantly blank and the occupants of that dwelling would not suffer any significant adverse impact to their amenity as a result of the proposed development.

A condition is attached requiring details of suitable privacy screening of the balconies and roof terrace on the building's western elevation to be submitted and agreed with the Council and thereafter installed, in order to protect the neighbouring property to the south from any undue overlooking.

Sequential Approach and Impact on Centres

In addition to the overarching zoning policy (B1), it is also relevant to assess the principle of the development in relation to Policies NC4 (Sequential Approach and Impact) and NC5 (Out of Centre Proposals) of the ALDP. Both policies seek to ensure that development proposals do not detract from the vitality and viability of the city centre, town centres or any district or neighbourhood centres (in this case, Dyce Neighbourhood Centre). It is acknowledged however that both policies only apply to '*significant footfall generating development*' and the proposed commercial uses are considered to be of a relatively small-scale and comprising uses that would neither conflict nor compete with the existing offering of the Dyce Neighbourhood Centre. There are also no known vacant premises (or sequentially preferable sites) in the local area in which either the café/bar or gym could be accommodated. Furthermore, the development would attract additional residents to the area which could feasibly increase the footfall levels for the existing retail and other commercial premises in the area. As such, it is considered that the proposed development would not detract from the vitality and

viability of either the city centre or the Dyce Neighbourhood Centre, in accordance with ALDP Policies NC4 and NC5.

Aberdeen Airport

As the development falls within the safeguarding area of Aberdeen Airport, Policy B4 (Aberdeen Airport) requires the airport to be consulted on any development. The Airport have advised that the development has been examined from an aerodrome perspective and that there is potential that it could conflict with safeguarding criteria unless conditions are attached to any approval requiring the submission of a Bird Hazard Management Plan and full details of soft and hard landscaping, to ensure that the site is not attractive to birds, which can in turn affect aircraft safety and the operations of the airport. Conditions are thus attached to that effect.

Policy B4 also advises the following in relation to noise from aircraft:

'Applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport. For proposed development which would be located within the remaining noise contours, applicants may be required to submit a noise assessment demonstrating that an appropriate level of residential amenity could be achieved.'

The application site does lie within the 57 dB LAeq 16 Hour area of the 2016 airport noise contour map (produced by the Civil Aviation Authority), albeit toward the outside edge of the contour. In order to adequately assess this development against the above policy, Policy T5 (Noise) also requires to be considered. In this case a Noise Impact Assessment has been submitted and assessed by the Council's Environmental Health Service and, as noted above, they are satisfied with the findings which note that, subject to the implementation of recommended mitigation measures (to be secured by condition), the occupants of the development would not be unduly adversely affected by the noise emissions from aircraft heading to and from Aberdeen International Airport. The proposed façade sound insulation requirements would adequately mitigate against the maximum noise levels likely to affect the development – namely intermittent noise from helicopter movements. The proposed development is thus considered to comply with Policy T5 and although there is some tension with Policy B4, it is considered that, in line with the mitigation details proposed, a satisfactory level of residential amenity could be created, thus the proposal is acceptable despite that tension.

Density & Housing Mix

Policy H3 (Density) states:

The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments over one hectare must:

- 1. Meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;*
- 2. have consideration of the site's characteristics and those of the surrounding area;*
- 3. create an attractive residential environment and safeguard living conditions within the development; and*

4. *consider providing higher densities in the City Centre, around local centres, and public transport nodes.*

Although at 0.7ha in size, the application site does not exceed one hectare and thus Policy H3 is not strictly applicable, the criteria within the policy are still considered to be relevant in ensuring an appropriate form of development which meets the aims and objectives of the ALDP. In this regard, the development proposes to create 50 residential units on the 0.7ha site, which would significantly exceed the Policy H3 requirement. The proposed density would also exceed the increased minimum density of 50 dwellings per hectare as set out in Policy H3 of the Proposed ALDP.

Comprising the redevelopment of an existing office building, it is considered that criterion 2 of policy H3 is not particularly relevant to the proposal, as the surrounding area comprises a business and industrial area, with relatively low-density housing the south. The proposed redevelopment of the brownfield site is thus assessed on its own merits and conformity with the characteristics of the surrounding area is not considered to be necessary in this instance.

The foregoing evaluation sets out that the residential environment to be created would not comply with various policy and supplementary guidance requirements for mainstream housing, but that the proposed development, under a different housing tenure and operating in a 'co-living' arrangement with shared facilities, would create a satisfactory environment for such a context and is thus considered to be acceptable in that form.

Although not situated within the city centre, the nearest local centres are accessible and the site benefits from good access to public transport and proximity to Dyce Railway Station. The proposed development is thus considered to be generally compliant with Policy H3 of the ALDP.

Policy H4 (Housing Mix) requires housing developments of larger than 50 units to achieve an appropriate mix of dwelling types and sizes, including smaller 1 and 2 bed units. As with policy H3, Policy H4 is not strictly relevant to the development as it would comprise 50 units exactly, rather than a development '*of larger than 50 units*'. Nevertheless, the development would solely comprise 1 and 2 bedroom units (including 25% affordable provision), as identified in Policy H4 and, given the nature of the development, it is considered that a wider mix of unit types (particularly those catering for families) would be neither feasible nor desirable in such a development.

Design

Policy D1 (Quality Placemaking by Design) requires all development to ensure high standards of design and to have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

The existing 1970's office building's external walls are finished almost entirely with mirrored curtain wall glazing. The existing building, whilst not detracting from the character of the area, does not positively contribute toward it either. It is proposed to retain and extend the existing building, re-cladding the external walls in a more contemporary design approach, introducing window openings more suited to the new (predominantly) residential use of the building. Although specific materials have not yet been confirmed, the applicant's Design Statement hints at the use of contemporary materials such as brick, glazing, metal and timber cladding, with a colour palette of greys and red/browns.

The re-cladding and repurposing of the existing building, as opposed to demolition and re-build, is welcomed as a more sustainable approach and the proposed re-cladding would represent a visual improvement on the existing situation. The extension to the existing building would not be significant, with the side extensions to the front and the additional part-storey on the roof fitting comfortably within the context of the massing of the existing building and that of the surrounding area.

The new commercial building proposed in the north-eastern corner of the site would take a similar contemporary design approach to the re-cladding and extension of the main building. At 3 storeys in height it would match the height of the main building, with a small stairwell extension on the rooftop to the rear raising above that height, albeit the stairwell would not impact on the massing of the building when viewed from the front of the site on Stoneywood Park. The new building would be relatively tall and large given its function, and would be ancillary to the parent main building. Given the site is largely enclosed by landscaping, including the backdrop of mature trees in the neighbouring site to the east, the building would be largely screened from public view by a combination of landscaping and the main building, such that it would only be prominently visible from directly in front of the site to the north, on Stoneywood Park. Due to the lack of external amenity space within the site, the building would not be supported within a mainstream residential development as it would constitute the overdevelopment of the site but, as noted above, given the BTR nature of the development it is considered that the gym and Class 4 workers' space that would be provided within it would complement the range of alternative amenities on offer to the residents and that the building is thus acceptable in such a context.

A condition is attached requiring the submission of full details and samples of external building materials prior to the development commencing but subject to that condition, the development is considered to be of a good quality design given the context of the site and the proposal and that the proposals will result in the visual enhancement of the site and the entry to the business and industrial estate.

Landscaping & Trees

Policy D2 (Landscape) seeks to ensure that all new developments have a strong landscape framework which improves and enhances the setting and visual impact of the development. The Policy requires developments to be informed by the existing landscape, to retain and incorporate existing landscape features where possible and to provide hard and soft landscaping proposals that are appropriate to the scale and character of the development.

The site is predominantly hard-landscaped at present, although there is an established buffer strip tree belt along the western edge to Stoneywood Road and a number of smaller isolated trees and bushes situated along the northern and southern boundaries of the site. The eastern boundary of the site is lined by tall (c. 20m+ high) trees which contribute significantly to the local landscape character, although these are all located outwith the application site and within the curtilage of the neighbouring industrial unit to the east.

Given the proposed development would see the existing building retained and redeveloped for its new use, with the internal road and car parking also to largely remain as existing, the majority of existing trees and soft landscaping would remain in place, especially in the western tree belt, although a number of trees and shrubs would be removed in order to facilitate the development. It is proposed to supplement the remaining landscaping with additional planting, the full details of which would be the subject of a suspensive condition, requiring the submission of a detailed landscaping plan prior to commencement of development.

Policy NE5 (Trees and Woodlands) states that: *'there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.'* and that: *'Permanent and temporary buildings and services should be sited so as to minimise adverse impacts on existing and future trees.'*

Initially it was proposed to remove the existing trees along the southern boundary of the site. The reason for doing so was in order to enable a revised internal road, car parking and pedestrian

footpath arrangement to fit within the confines of the area between the building and the southern boundary. However, following discussions with the Council's Roads Development Management team, amendments were made to the proposed internal road arrangement, incorporating a shared-surface arrangement which removed the requirement for a dedicated pedestrian footpath and results in a more pedestrian friendly place. As a result, the trees along the southern boundary can be retained and are no longer proposed for removal. This has the added benefit of maintaining the existing partial screening of the development enjoyed by the occupants of the neighbouring property to the south. The revised arrangement also allows a soft-landscaped privacy buffer strip to be formed in front of the ground floor level flats on the building's southern elevation, which were initially proposed to face directly onto a footpath.

The trees within the site proposed for removal (predominantly along the northern boundary) and in the eastern car parking area are all either semi-mature or young and are not considered to contribute significantly toward landscape character. Their removal is considered to be acceptable in principle, subject to appropriate replacement planting that would be secured via condition.

The most important trees in terms of contribution toward landscape character and local amenity are actually located outwith the application site, behind the boundary wall and in the neighbouring site to the east. The row of mature trees comprises a mix of species, mostly exceeding 20m in height. The canopies of some of the trees overhang the application site and their theoretical root protection areas (RPA's) also encroach within the site. The new commercial building would be sited in the north-eastern corner of the site, in close proximity to the boundary and within the theoretical RPA's of several of the mature trees, which are covered by a Tree Preservation Order (TPO).

Due to concerns about the impact that the building would have on the RPA's of some of the mature trees, the building's footprint has been reduced in amended plans, by chamfering the eastern elevation to increase the separation distance between the building and the affected trees. Furthermore, the Planning Service acknowledges that there are a number of factors which are likely to ensure that the actual RPA's of the neighbouring mature trees will, in reality, not encroach as far into the application site as the theoretical RPA:

- The existing surface area of the site where the building would be constructed comprises non-porous paving and it is understood that the subsoil beneath this is natural clay;
- The application site and the neighbouring site to the east are separated by a granite boundary wall, the foundations of which extend approximately 300mm below ground level;
- The ground level of the application site where the new building would be constructed is approximately 500mm to 700mm higher than the ground level of the mature trees on the neighbouring site to the east; and
- The trees are known to be sited within the route of the former Aberdeen Canal, the remaining associated infrastructure of which represents a further constraint to RPAs.

As such, a combination of all of the above is considered to ensure that it is likely that the actual root spread of the neighbouring mature trees into the site is minimal. It is thus considered that the siting of the new building, with its amended, reduced footprint, would be unlikely to cause any significant harm to the root systems of the neighbouring mature protected trees. Furthermore, the applicant advises that the new building could be constructed utilising modular construction techniques, which would minimise impact on the trees during construction works (avoiding the need for scaffolding which could impact on the canopies). Whilst it is acknowledged that the new building would likely require regular pruning of the adjacent trees, it is understood that regular pruning of the canopies takes place at present, due to the overhanging nature of the trees above the existing car parking areas.

It is thus considered that, subject to conditions in respect of tree protection and construction

methodology, the proposed works would adequately minimise the loss of, or damage to, existing trees which contribute toward landscape character and local amenity and the proposals are thus considered to comply with Policy NE5 of the ALDP.

Developer Obligations & Affordable Housing

Policy I1 (Infrastructure Delivery and Planning Obligations) requires development, that will place additional demands on community facilities or infrastructure and which would necessitate new facilities or exacerbate deficiencies in existing provision, to meet or contribute to the cost of providing or improving such infrastructure or facilities. In this case an assessment has been carried out by the Developer Obligations Team and they have advised that the following contributions:

- Core Path Network (£12,127);
- Secondary Education (£9,111);
- Healthcare Facilities (£33,368);
- Open Space (£5,966); and
- Affordable Housing at 25% of the proposed 50 units, which equates to 12.5 units.

With regards to affordable housing, the agent has confirmed that the development will take the form of an on-site contribution and intends to provide 13 affordable units. The applicant has also agreed to the Heads of Terms outlined above.

In light of this, it is considered that the development complies with both Policy I1 (Infrastructure Delivery and Planning Obligations) and Policy H5 (Affordable Housing).

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 has reviewed the submitted Transport Assessment and have provided comments on the following aspects of the development; access, parking, accessibility with regards to sustainable and active travel, refuse storage and collection, the local roads network and a travel plan framework. All aspects are reviewed individually below:

Access

In terms of access, the existing vehicular access will be utilised for all aspects of the proposed development and while the Roads Service initially advised that some work would be required to straighten the access, there were concerns that this would not work in reality. Upon reviewing additional information regarding the access, which was provided by the agent, it was agreed that the existing access could be utilised without the need for any additional works. Further swept paths have also shown the existing access to be adequate.

As per the Council's Supplementary Guidance, developments of 50 - 100 residential units would normally require a second 'emergency' access, the provision of which was looked into by the applicant. However, owing to the existing site constraints, i.e. existing trees and limited locations for said access it was suggested that the applicant contact the Fire Authority to see if a single access would be acceptable. The Fire Authority has advised that a single access would be acceptable and the Roads Service are satisfied with this approach.

Parking

With regards to parking, the proposal is for the development of 50 residential units of which 13 would

be affordable units. Given the outer city location of the site, 1.5 spaces are required for each mainstream unit and 0.8 spaces are required for the affordable units. This equates to 64.5 parking spaces being required for the residential development aspect, plus a minimum of 4 disabled parking spaces.

With regards to the commercial aspects of the development, the Transport and Accessibility Supplementary Guidance advises that the following maximum standards apply:

- Café / Restaurant – 42.5 parking spaces for the proposed 510m².
- Business / Offices – 18 parking spaces for the proposed 30m².
- Sports Centre (Gym) – 42 parking spaces for the proposed 22m².

Therefore, there is a further requirement for a maximum of 100 parking spaces for the commercial aspects of the proposed development.

Overall, this equates to a maximum allowable provision of 167 car parking spaces plus 13 disabled parking spaces and visitor parking spaces on this site. In this case, the development proposes 61 car parking spaces, consisting of 49 regular spaces, 8 disabled parking spaces, 2 car club spaces and 2 electric vehicle spaces. It should be noted that each “Car Club” vehicle replaces 17 secondary private cars for the residential use and they would also be beneficial for the business uses. Therefore, in including the car club spaces, there is the equivalent of 93 parking spaces proposed on this site, although it is acknowledged that this is 74 spaces less than the maximum allowable provision. However, having considered the information submitted and undertaken a review of the site the Roads Service has advised that the proposed level of parking is acceptable for the following reasons:

1. There will be a large element of shared use of the parking between the different uses of the building – in that when residents leave the communal spaces to go to work this will free up spaces for people arriving for the offices / café;
2. Given the location of the site it is anticipated that most of these facilities will be utilised by locals either living in the development or nearby, i.e. the gym and café are unlikely to draw vehicles from further afield; and
3. Alternative sustainable modes of transport have been considered to mitigate this shortfall, these include the provision of cycle parking, bus stop upgrades, car club provision, etc.

In light of the above and whilst acknowledging that there is a shortfall in the required number of spaces, the Roads Service are satisfied that the development is acceptable.

As per the Council guidelines, for residential developments all parking spaces should have passive electric charging provisions and for commercial development, two active and two passive charge points should be provided, located prominently with appropriate bay markings and signage in place. In this case, two active charging spaces, and the provision of passive charging to the remainder of the spaces would be in line with our standards. The submitted drawings confirm that ducting will be provided to all spaces for future electric charge point installation and generally the above points are provided for within the existing layout. It has been confirmed that two spaces will have active provision. To ensure that this provision is implemented a condition will be used requiring the confirmation of details in consultation with the Roads Service.

Acceptable levels of cycle and motorcycle parking have been provided for within the site to the satisfaction of the Roads Service.

Accessibility

With regards to accessibility, amendments were made to the initially submitted proposals in order

to allow the internal road to be a shared-surface arrangement that will be utilised by both vehicles and pedestrians. The arrangement is accepted by the Roads Service and allows for additional landscaping to be provided in place of the previously proposed dedicated pedestrian footpaths.

In addition, the existing footway at the site entrance would see the addition of a tactile paving at crossing points and there would be further crossing points within the site adjacent to the new commercial building before the shared-surface arrangement comes into force to the east of the main building. It is also noted that a new connection to Stoneywood Road, to the west, is proposed via a footway in the south west corner of the site. All of the above is considered acceptable. It is also noted that there are recommended on-road cycle route that passes by the site, linking the site to the wider cycle network.

With regards to public transport, the nearest bus stop is located on Stoneywood Road just c. 20m south of the southwestern corner of the site, however there were initial concerns that this existing stop could not accommodate the likely increase in usage resulting from this development, however it is noted that there is insufficient space to provide a bus shelter. It has been suggested that the addition of raised kerbs in this location may be sufficient and the Council's Public Transport Unit are looking into this. In light of this, it a condition has been attached requiring further details regarding the upgrading of this bus stop to be submitted to and agreed by the Planning Service.

In terms of any potential impact on the local roads network, the TRICS assessment for this site has been reviewed and confirms that the additional trips during the peak hours will not be detrimental to the local road network. In addition, information on safe routes to school has been provided and is considered acceptable.

Travel Plan

A successful Travel Plan should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan. A Travel Plan is required for this application and should be aimed at promoting more sustainable travel choices and reducing reliance on the car for commuting to work. The measures can include details on car sharing, increased cycle parking, cycle2work scheme, more use of public transport etc. In light of this a condition is attached requiring the submission of a Travel Plan.

Summary

Overall, having considered aspects such as access, parking and accessibility, it is considered that the development is acceptable to the Roads Service subject to the appropriate conditions highlighted above. Given the comments provided by the Roads Service, the Planning Service can advise that from a potential transport impact perspective, there are no overarching concerns and the proposal complies with Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Active Travel) and the corresponding Transport and Accessibility Supplementary Guidance.

Flooding & Drainage

In response to the requirements highlighted by Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Impact Assessment has been submitted in support of this application. In terms of surface water, due to the existing site characteristics and poor infiltration, the use of ground attenuation is preferred. As such, existing surface water drainage from the roof and hardstanding will remain unchanged. While new areas of car parking will drain via porous block paving, surface water from new roof areas will drain directly into individual diffuser units positioned within gravel trenches, which will provide a level of attenuation before being fully discharged.

With regards to foul water, the development will utilise existing connections to the north of the site. Any new development will utilise gravity drains and discharge to the existing public sewer located

on Stoneywood Road via a new foul connection.

In relation to flooding, this has also been assessed within the submitted assessment and no concerns have been raised in terms of the proposed development resulting in a heightened risk of flooding.

The Roads Service has reviewed the submitted Drainage Impact Assessment and find that there are adequate surface water provisions proposed. Overall, the Planning Service is satisfied that the development can be accommodated in terms of drainage and flooding and that the proposal would result in no adverse impact on the existing infrastructure. As such, it is considered that the proposal complies with Policy NE6 (Flooding, Drainage and Water Quality).

Natural Heritage

A letter of representation highlighted that red squirrels are active in the area. As such and as per the requirements of Policy NE8 - Natural Heritage, a suitable protected species survey was requested and submitted as a result. The conclusions of this report note that all trees were inspected with none showing any features that would indicate use by red squirrels. While tree works have been proposed within the Tree Survey, it is not considered that these would affect any potential refuges for wildlife. In addition, new planting should maintain a diversity of tree species currently present and provide benefits for foraging and amenity for any wildlife species. In addition, there are additional measures which can be adopted to attract vulnerable species such as nest boxes and feeding stations.

The Council's Environmental Policy Team have reviewed the Protected Species survey and are satisfied that there are no direct impacts on any protected species as a result of the proposed development. Overall the recommendations suggested in the report are also acceptable, although given the site's location close to the Airport, the choice of landscaping does not conform to the Airport Safeguarding guidelines for attraction of birds. Therefore care needs to be taken to ensure that any new planting would not pose any risk to aircraft safety. The Planning Service will ensure that any additional planting within the site would be in line with existing safeguarding advice, with a full detailed landscaping plan to be required via condition.

Contaminated Land

In terms of potential contamination and risk to sensitive end users, the Council's Contaminated Land Service note that the site was undeveloped until the existing premises was built, which is best described as commercial rather than industrial. Therefore, it is unlikely that the development would have resulted in significant contamination of the land. Nevertheless, some contamination is possible, especially given the site is situated within an industrial area where contamination from offsite sources could have had an impact. Additionally, the proposal would involve the introduction of a residential use and areas of soft landscaping, including private garden areas. In light of this, the Council's Environmental Health (Contaminated Land) service recommend that a Contaminated Land Assessment is carried out, which would involve a desk-based study in the first instance. It is considered that this can be dealt with via condition, which would satisfy the criteria of Policy R2 (Degraded and Contaminated Land).

Archaeology

Policy D4 (Historic Environment) requires consideration to be given to archaeological sites and notes that developments that would adversely impact on archaeological remains of either national or local importance will only be permitted in exceptional circumstances. The Council's Archaeology Service (shared with Aberdeenshire Council) have advised that although the route of the former Aberdeen Canal is known to run through part of the site (along the eastern boundary), archaeological

works undertaken nearby in 2013 gave sufficient information as to the state of the canal in this general location and further archaeological works would not add any further knowledge. The Archaeology Service do not object and the proposals are thus considered to comply with Policy D4.

Hazardous Installations

Upon undertaking an initial consultation with the Health & Safety Executive (HSE) it was highlighted that the development would be located close to a major hazard site and as such further consultation was required. HSE subsequently reviewed the development and does not advise, on safety grounds, against the granting of planning permission. As such the proposal is considered to comply with Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites) as there is no potential risk to public safety.

Waste Management

Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. It also notes that flatted developments will require communal facilities that allow for the separate storage and collection of these materials.

Bin stores are proposed at various locations throughout the site, including in the northwestern corner (adjacent to Stoneywood Park), the south-west corner and adjacent to the new commercial building on the eastern boundary.

Swept path analyses have been provided by the applicant which demonstrate, to the satisfaction of the Council's Roads Development Management team, that refuse vehicles could safely enter and exit the site in order to collect the waste from the eastern and south-western bin stores.

As there is no turning head in the northwestern corner of the site, in order to avoid lengthy reversing manoeuvres for refuse vehicles, it is proposed for the bins in the northwestern bin stores to be wheeled to the street (Stoneywood Park) and collected from there. This solution is considered to be satisfactory, in principle, to the Roads Development Management team. A condition is attached requiring further details to be provided as part of a Waste Management Plan. Given the entire development would be managed / factored, the movement of bins by management staff on collection day is considered to be feasible. Waste would therefore be capable of being adequately stored and collected, in accordance with Policy R6.

Low & Zero Carbon Buildings & Water Efficiency

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires that 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 that water saving technologies are introduced to reduce the pressure on water abstraction from the River Dee. Information evidencing compliance with Policy R7 for the new build element of the proposal will be required to be submitted to the Planning Service for approval via condition.

Digital Infrastructure

Policy CI1 (Digital Infrastructure) requires all new residential and commercial development to have access to modern, up-to-date high-speed communications infrastructure. It is considered that access to full fibre broadband for the development would be feasible given the site's location. A condition is attached, requiring all flats to have access to full fibre broadband prior to occupation,

therefore Policy CI1 is complied with.

Community Council comments

The following comments made by the Community Council have been addressed in the foregoing evaluation:

- The development is on land zoned as Business and Industrial, as such residential development is not consistent with that and the area immediately around Stoneywood Park is mainly an industrial estate;
- (Concerns about) Amenity for the north facing flats and the lack of direct sunlight;
- Impact on the development due to noise especially due to helicopters, however it is noted that there are other residential properties closer to the airport.
- Loss of trees due to the new development in the north-east corner of the site.

The following comments made by the Community Council not addressed in the foregoing evaluation can be addressed as follows:

- Concerns regarding overlooking and impact on privacy due to the addition of balconies on the east elevation.

Balconies originally proposed on the building's southern elevation have been omitted from the proposals, due to concerns that they would adversely impact the privacy of the neighbouring property to the south. The neighbouring site to the east is a business and industrial use and the dwelling that backs onto the southeastern corner of the site does not contain any windows serving habitable rooms on its rear (north) elevation that would be significantly affected by the increased potential for overlooking. The balconies and terraces proposed would not increase the potential for overlooking of any residential properties to any significant degree. The existing trees along the southern boundary are also now proposed to be retained which would aid the preservation of privacy.

- The sustainability goals of the development are quite modest and by no means carbon neutral, but perhaps they are constrained by the design of the present structure.

There is no planning policy requirement for carbon neutral development other than the remit of Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) which seeks to ensure that all new buildings meet a percentage of the building regulations carbon dioxide emissions reduction target through the installation of low and zero carbon technologies. A condition is attached requiring Policy R7 and the associated supplementary guidance to be complied with for the new commercial building but the conversion and extension of existing buildings is exempt from the requirements of Policy R7. Nevertheless, it should be noted that the intention to retain and convert the existing building is a more sustainable approach than demolition and re-build, resulting in the retention of the carbon already embodied within the existing building fabric.

- Due to the proposed numbers some of the flats are constrained by the shape and layout of the existing building. The addition of more two bed flats may aid this.

The possibility of lowering the total number of units in order to increase the size of some flats was put to the applicant but was not considered to be viable. The applicant has stated that the commercial viability of the proposal is finely balanced and any reduction in flat numbers would render the development unviable. Nevertheless, the proposed unit sizes are considered to be acceptable within the confines of the Build to Rent model of housing that is accepted.

Matters raised in representations

The following matters raised in representations from members of the public are addressed in the foregoing evaluation:

- Removal/loss of trees
- Development should be carbon neutral
- Proposal fails to comply with existing designation (Business and Industrial Land)
- Over-development of the area
- More landscaping should be included to provide screening
- Proposed Juliet balconies may result in overlooking to the south
- Proposed re-location of car parking may impact on existing planting
- Overlooking due to the rooftop terrace
- Impact from noise and odour
- Environmental Impact
- Traffic Impacts
- Impact on remains of historical Aberdeenshire Canal
- Impact on wildlife – specifically red squirrels
- Manoeuvring concerns within the site
- Development is located on a helicopter flight path

The following matters raised in representations from members of the public not addressed in the foregoing evaluation, can be addressed as follows:

- Need/Requirement for stand-alone commercial building
The applicant has noted that in order for the scheme to be viable, they require the commercial floorspace that would be provided within the new commercial building. Whilst it is acknowledged that the new building would result in the overdevelopment of the site in a mainstream residential context, or within a wholly residential area, the context of the site at the entrance to a business and industrial estate differs from a typical residential context, as does the nature of the proposed development. The Scottish Government guidance encourages a flexible approach to amenities for such schemes and it is considered that the new building would sit relatively comfortably within the context of the site, whilst providing additional workspace and amenity for the residents. It is also understood that the workspace and gym would be available for use by the wider community.

- Impact from odour (related to the proximity of communal bin stores)

A bin store is proposed to be installed in the south-western corner of the site, adjacent to the boundary shared with 326 Stoneywood Road. Any issues related to odours emanating from the bin store are not a material planning consideration. Instead, if such odours were to occur, they would be a matter for the Council's Environmental Health Service to act upon at that time, under separate legislation.

- Health hazard due to vibration caused by helicopter rotors

The impact of aircraft noise, specifically related to helicopter movements has been assessed as part of the submitted Noise Impact Assessment. The Environmental Health Service has accepted the proposed mitigation measures to ensure that residents and occupiers of the new development are not subjected to sustained high levels of noise from aircraft. Vibration from passing helicopters is not considered to be a significant issue that would be likely to affect the occupants of the building.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the majority of the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposals either accord, or have some tension, with the corresponding policies of the Proposed Plan for the reasons given in the foregoing evaluation. The following policies either differ slightly from their equivalents in the adopted ALDP, or are new policies with no equivalent in the current Plan:

- H3 (Density)
As with Policy H3 in the adopted ALDP, Policy H3 in the PALDP is not strictly applicable to the proposed development as the site is less than one hectare in size. Nevertheless, the proposed development is also compliant with the increased minimum density figure of 50 dwellings per hectare contained within Policy H3 of the Proposed Plan.
- D2 (Amenity)
As noted in the foregoing evaluation, Policy D2 seeks to ensure that where new residential properties are proposed, that occupants would benefit from a satisfactory level of amenity and that new developments would not impact detrimentally on the amenity of existing residential properties. The proposed development would not create a satisfactory environment for mainstream residential accommodation, for the reasons noted in the foregoing evaluation. However, the lower levels of amenity can be accepted in this instance in a different form of residential accommodation, specifically a Build to Rent and Co-living model, subject to the residential units being restricted to rental occupation only. Therefore, whilst the proposed development fails to satisfy many of the criteria of Policy D2, it is considered to be acceptable contrary to that Policy for the aforementioned reasons. The development would not unduly impinge on the amenity of any neighbouring properties.

Heads of Terms of any Legal Agreement

As outlined above, the applicant has agreed to the Heads of Terms regarding Developer Obligations which will be secured via a Section 75 Legal Agreement.

Conclusion

To summarise, the proposed development is considered to be contrary to Policy B1 of the ALDP and thus represents a departure from the Development Plan. However, there are several material considerations which the Planning Service considers to be of sufficient weight to justify such a departure, particularly given the context of the application site and the nature of the proposed development. Whilst the proposed development would not meet some policy requirements in relation to the provision of adequate amenity for the occupants of a mainstream residential development, it is acknowledged that the development proposes an alternative to mainstream housing, in the form of a 'co-living' model, with shared communal facilities and services. The proposed model has similarities to the Build to Rent, private-rented-sector model of housing which is encouraged by the Scottish Government in their Planning Delivery Advice on Build to Rent, BTR being a valuable and useful model through which to provide a form of residential accommodation. That document is a supporting material consideration for this application and the guidance within it acknowledges that a flexible approach is required for Build to Rent schemes, particularly in relation to amenity, with the provision of communal facilities mitigating for deficits in more typical amenity provision such as open space. The Scottish Government document also outlines that where such a flexible approach is taken, it may be necessary to ensure that the residential units would remain in the private rented sector.

Thus, despite the tension with Policy B1, the Planning Service considers that the proposed development is acceptable within the confines of the Build to Rent model and as such, subject to conditions and the conclusion of a legal agreement to secure the tenure, developer obligations and affordable housing, the application is recommended for approval.

RECOMMENDATION

Willingness to approve subject to conditions and a legal agreement to secure onsite affordable housing, restrict the tenure of the development to the private rented sector and to secure developer obligations towards the Car Club, Core Path Network, Secondary Education, Healthcare Facilities and Open Space.

REASON FOR RECOMMENDATION

The proposed development, aside from some remaining and new Class 4 floorspace, is contrary to Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan (ALDP) and the proposal thus constitutes a departure from the Development Plan. However, there is an evident lack of demand for the continued use of the entire site for Class 4 use in its current form and there is a demonstrable surplus of business and industrial land across Aberdeen City. Combined with the proposal providing additional housing of a relatively unique type in the city and the context of the site ensuring that there would be no significant conflict with neighbouring uses or the viability of the established commercial area, it is considered that these material considerations combined are of sufficient weight to justify a departure from the Development Plan in this instance, contrary to Policy B1.

There would be a significant deficit in on-site open space and as such the proposals would also be contrary to Policy NE4 (Open Space Provision in New Development) of the ALDP. The residential units would not benefit from the level and type of amenities that would typically be required for a mainstream housing development. However, the co-living arrangement and communal facilities provided (including central public amenity courtyard) would provide alternative amenities and high quality internal recreational space on the site for all residents to utilise which would partly mitigate for the absence of any useable outdoor open space. This is a significant material consideration weighing in favour of relaxing the LDP requirement for useable outdoor open space for this particular application. The proposals are also contrary to the Council's supplementary guidance on Harmony of Uses, due to the building and site being shared with commercial uses.

Whilst the development would not be acceptable in terms of the foregoing policies if it were a mainstream residential development it is considered that the proposal would be acceptable if it was restricted in terms of the housing provided by the private rented sector (Build to Rent). This is due to the flexibility afforded to such schemes as outlined in the Scottish Government's Planning Delivery Advice on Build to Rent housing. The proposed development would also not unduly impinge on the amenity of any neighbouring properties.

The occupants of the development would not be adversely affected by noise emissions, despite being sited within the mapped Aberdeen International Airport noise contours. The proposal thus has a tension with Policy B4 (Aberdeen Airport) but an accompanying Noise Impact Assessment demonstrates that, subject to conditions, a satisfactory amenity could be achieved, in accordance with Policy T5 (Noise).

The commercial uses would not directly compete with, or detract from, the viability of the Dyce Neighbourhood Centre or the city centre, in accordance with Policies NC4 (Sequential Approach and Impact) and NC5 (Out of Centre Proposals). Policies H3 (Density) and H4 (Housing Mix) are not strictly applicable to the proposed development, but the proposal is nevertheless generally compliant with both policies.

The applicant is agreeable to paying developer obligations toward the core path network, education, healthcare, open space and transportation, thus the proposals are considered to comply with Policy I1 (Infrastructure Delivery and Planning Obligations). The applicant has agreed to provide 13 units as on-site affordable housing, which meets the 25% affordable housing requirement set out in Policy H5 (Affordable Housing).

Sufficient car parking would be provided for the proposed use, taking into consideration the context of the site and the nature of the proposed development, despite being below the parking guidelines set out in the Transport and Accessibility supplementary guidance. The development would be located near to good public transport links and would incorporate Car Club vehicles and secure cycle storage. As such the development would satisfactorily encourage the use of sustainable and active travel, in accordance with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel).

The new building and re-cladding of the existing building are considered to be of an acceptable design, scale and siting such that the character and visual amenity of the area would be preserved and potentially enhanced, in accordance with Policy D1 (Quality Placemaking by Design), whilst, subject to condition, satisfactory landscaping and planting would take place within the site, in accordance with Policy D2 Landscape).

The development would not impinge upon the route of the former Aberdeen Canal, in accordance with Policy D4 (Historic Environment), and the proposals would not result in the loss of, or significant damage to, any trees within or adjacent to the site that contribute toward landscape character and visual amenity, in accordance with Policy NE5 (Trees and Woodland). The site would be adequately drained without being at risk, or posing a risk to other properties of, flooding, in accordance with Policy NE6 (Flooding, Drainage & Water Quality). No protected species would be adversely affected by the development, in accordance with Policy NE8 (Natural Heritage). The development would incorporate sufficient space for the adequate storage and collection of any waste generated on site, in accordance with Policy R6 (Waste Management Requirements for New Development)

The Health and Safety Executive (HSE) do not object to the proposals, thus the application complies with Policy B6 (Pipelines, Major Hazards and Explosives Sites) and, subject to conditions, the development is capable of complying with Policies CI1 (Digital Infrastructure), R2 (Degraded & Contaminated Land) and R7 (Low & Zero Carbon Build & Water Efficiency).

The majority of the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate the aforementioned adopted Local Development Plan policies and the proposals either accord, or have some tension, with the corresponding policies of the Proposed Plan for the reasons noted above. The PALDP introduces Policy D2 (Amenity), which does not have a direct equivalent in the adopted ALDP. If the proposed development were to be built out as mainstream (for-sale) housing, the proposals would fail to comply with the requirements of Policy D2. However, a legal agreement restriction, ensuring that the residential properties remain in the private rented sector, would ensure that a flexible approach to the amenities on offer for the occupants can be taken in this instance, in accordance with the Scottish Government's Planning Delivery Advice on Built to Rent. The proposals are therefore considered to be acceptable, despite failing to comply with Policy D2 of the PALDP.

CONDITIONS

(1) SINGLE PLANNING UNIT

The development shall form a single planning unit and excepting the affordable housing units, none of the residential units of the development shall be sold separately from the others.

Reason: In the interests of ensuring the provision of adequate amenity for all residents

(2) COMMUNAL FACILITIES

No residential unit shall be occupied unless the café/bar, gymnasium, co-working space and all internal and external communal amenity spaces shown on approved drawings PL(00)001H and PL(04)002I have been completed and are available for use by all residents.

Reason: In the interests of ensuring the provision of adequate amenity for all residents

(3) MANAGEMENT PLAN

The development shall not be occupied unless a Management Plan detailing how all commercial and communal facilities (including café/bar, gymnasium, co-working space and communal amenity areas) would be provided and maintained for the benefit of the occupants of the residential units has been submitted to and agreed in writing by the Planning Authority and thereafter implemented.

Reason: in the interests of ensuring the provision of adequate amenity for all residents in perpetuity.

(4) RESTRICTION ON USE

That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) no part of the proposed development shall be used for a purpose within Use Class 5 (General Industrial) without an express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

(5) NOISE IMPACT ASSESSMENT MITIGATION

No residential unit shall be occupied, nor the commercial uses operated, unless the mitigation measures recommended in the hereby approved Noise Impact Assessments (Sandy Brown, 30 July 2020, 20243-R01-D and Sandy Brown, 16 November 2020, 20243-R02-A) have been implemented in full (with the exception of the installation of an acoustic fence along the site's western boundary), unless otherwise agreed in writing by the Council as planning authority.

Reason: in order to preserve the amenity of existing residential properties and to ensure an adequate level of amenity for new residential properties.

(6) FURTHER NOISE IMPACT ASSESSMENT

No residential unit shall be occupied, nor any commercial use operated, unless a further Noise Impact Assessment containing the following has been submitted to and approved in writing by the Planning Authority:

- An assessment of the impact of the noise emissions from any plant and mechanical ventilation systems required in the development; and
- An assessment of the impact of noise emissions from the activities associated to the café/bar use within the main building, including noise from patrons.

Any mitigation measures recommended in the Noise Impact Assessment required to ensure a satisfactory level of amenity for the new residential units and to preserve the amenity of the existing, neighbouring residential properties, shall be implemented in full prior to the occupation of the residential units.

Reason: in order to preserve the amenity of existing residential properties and to ensure an adequate level of amenity for new properties.

(7) EXTERNAL FINISHING MATERIALS

No development associated with the external finishing materials of any building shall take place for unless a scheme detailing all external finishing materials to the roof and walls of the proposed buildings (including samples) has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason - In the interests of visual amenity.

(8) PROVISION OF ACCESS ROAD AND CAR PARKING

No residential or commercial use shall be occupied unless the vehicular access, internal road and all car parking has been constructed, drained, laid-out and demarcated and is available for use in accordance with approved drawing Site Plan drawing PL(90)001 REV L, or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority. Details of the materials, including samples where appropriate, to be used for the access road and car parking areas, shall be submitted to and agreed in writing with the Council, as planning authority and thereafter the works shall be carried out in accordance with the agreed details.

Reason - in the interests of public safety, provision of adequate car parking and the free flow of traffic.

(9) EV CHARGE POINTS

No residential or commercial use shall be occupied until such time as full details of the active Electric Vehicle (EV) charging points have been submitted to and agreed in writing by the Council as planning authority, along with a phasing plan setting out the timescales for their installation. Thereafter the works shall be implemented in accordance with the agreed details and phasing plan. All other spaces shall be fitted with passive EV provision prior to occupation of the development.

Reason: in the interests of promoting and encouraging sustainable travel.

(10) CAR CLUB CARS

The development shall not be occupied unless two Car Club cars and any associated infrastructure, as indicatively shown on approved drawing PL(90)001 REV L, have been installed and made available for use.

Reason: in the interests of promoting and encouraging sustainable travel and mitigating for a shortfall in car parking spaces within the development.

(11) CYCLE PARKING

No residential or commercial use shall be occupied unless full details of the proposed cycle parking facilities indicatively shown on approved drawing PL(90)001 REV L have been submitted to and

agreed in writing by the Council as planning authority and thereafter the cycle stores have been constructed and are available for use.

Reason - in order to encourage cycling as an alternative and sustainable mode of travel.

(12) DRAINAGE

The site shall be drained in accordance with the details and measures outlined in the hereby approved Drainage Impact Assessment (Cameron and Ross, July 2020, X200507-CAM-ZZ-XX-RP-C-001 Rev A), or similar proposals as may be agreed in writing with the Council as planning authority.

Reason – in the interests of ensuring the site is adequately drained.

(13) WASTE MANAGEMENT & BIN STORES

No residential or commercial use shall be occupied unless a waste management plan for the development, setting out how all waste generated on the site would be adequately stored and collected, and details of the bin store structures have been submitted to and agreed in writing by the Planning Authority. Thereafter the approved waste management plan shall be implemented and the waste storage areas shown on approved drawing PL(90)001 REV L, or similar as has been agreed in writing with the Planning Authority, shall be provided prior to the occupation of the development.

Reason - In order to ensure suitable waste storage facilities are available for residents and the commercial uses and to protect public health.

(14) COOKING RESTRICTIONS

No cooking or frying operations (including, but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out within the ground floor commercial café/bar use unless full details of suitable local extract ventilation equipment, capable of filtering and dispersing cooking fumes without harm to amenity, have been submitted to, and agreed in writing by the Planning Authority and that equipment has thereafter been installed in accordance with the approved details.

Reason: in order to protect the amenity of neighbouring uses from cooking odours.

(15) BIRD HAZARD MANAGEMENT PLAN

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/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 3 – Wildlife Hazards (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>)

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 first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

Reason: In order to minimise the site’s attractiveness to birds which could endanger the safe

movement of aircraft and the operation of Aberdeen Airport.

(16) LANDSCAPING – IMPACT ON AIRCRAFT SAFETY

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. Details must comply with Advice Note 3 – Wildlife Hazards (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>). These details shall include:

- the species, number and spacing of trees and shrubs

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

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

(17) EXTERNAL LIGHTING

No development shall take place unless details of all new external lighting proposed for the site has been submitted to and approved in writing by the planning authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the site would be adequately lit at night in the interest of safety, and without detriment to the amenity of any existing or proposed residential properties.

(18) SOFT LANDSCAPING SCHEME

No works in connection with the development hereby approved shall take place unless a scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained;
- (ii) The location of new trees, shrubs, hedges and grassed areas;
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (iv) An indication of existing trees, shrubs and hedges to be removed.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that adequate replacement tree planting is secured to mitigate the loss of existing trees on the site.

(19) TREE PROTECTION

All construction works in close proximity to existing trees to be retained shall take place in full accordance with the protective measures noted in paragraph 4.3 (Tree Protection Barriers) of the approved Tree Survey (Struan Dalgleish Arboriculture, June 2020).

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

(20) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) associated to the construction of the new commercial building as shown on approved Site Plan drawing PL(90)001 REV L shall take place unless a site specific construction environment management plan (CEMP) for that particular part of the site has been submitted to and approved in writing by the planning authority. The CEMP shall detail measures for ensuring that the root protection areas and canopies of all trees in the neighbouring site to the east would not be adversely affected by the works. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of the construction works on the protected trees within the neighbouring site.

(21) BOUNDARIES

No residential unit shall be occupied unless a scheme of boundary enclosures for the private garden areas (including elevations, sections and proposed materials for all boundaries, fences and walls) has been submitted to and approved in writing by the planning authority. Thereafter no unit shall be occupied unless the approved scheme has been implemented.

Reason - in order to create a suitable residential and visual amenity.

(22) RESIDENTIAL TRAVEL PACK

No unit shall be occupied unless details of a residential travel pack to be provided to the occupants of each unit have been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation. Each Travel Pack shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

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

(23) WATER EFFICIENCY

No development shall take place associated to the new commercial building unless a water efficiency statement for that building has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723

(Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help minimise water abstraction from the River Dee.

(24) LOW AND ZERO CARBON BUILDINGS

No development associated to the new commercial building shall take place unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, the new building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

(25) CONTAMINATED LAND ASSESSMENT

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

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

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

Reason: To ensure that the site is suitable for use and fit for human occupation

(26) CONTAMINATED LAND – REMEDIATION

No building 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 authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

Reason: To ensure that the site is suitable for use and fit for human occupation

(27) BUS STOP UPGRADE

No residential or commercial use shall be occupied unless details of a scheme for the upgrade of the bus stop nearest to the site on Stonewood Road has been submitted to and agreed in writing by the Planning Authority and the works have thereafter been carried out in accordance with the agreed scheme.

Reason: in order to upgrade the existing sub-standard bus stop to an acceptable standard, to encourage the use of sustainable (public) modes of transport

(28) FULL FIBRE BROADBAND

No unit shall be occupied unless a scheme for the provision of a full fibre broadband connection to each flat has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and all flats provided with a full fibre broadband connection.

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

(29) BALCONY AND ROOF TERRACE SCREENING

Flats 01-11, 01-12 and 02-07 as shown on approved drawings PL(00)002I & PL(00)003I shall not be occupied unless a scheme for the erection of privacy screening to the southern edges of the associated balconies and roof terrace respectively has been submitted to and agreed in writing by the Planning Authority and the agreed works have been implemented prior to occupation. Thereafter the flats shall not be occupied unless the agreed screening is in place.

Reason: in order to protect the privacy of the existing neighbouring dwelling to the south.

ADVISORY NOTES FOR APPLICANT

(1) CRANE OPERATIONS

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is therefore drawn 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 (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>).

(2) 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 NatureScot before the removal of nests and eggs.

(3) NOISE FROM CONSTRUCTION WORKS

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

(4) ENVIRONMENTAL ODOUR

For the avoidance of doubt, the LEV equipment referenced in Condition 14 above may require a separate planning permission, depending on the nature, scale and siting of any such equipment to be installed.

(5) WASTE MANAGEMENT

This development will be provided with:

- **5 x 1280l general waste container**
- **5 x 1280l co-mingled recycling container**
- **x food waste container (1 for each bin store)**
- **50 x kitchen caddy and caddy liners (1 per flat)**

The following costs will be charged to the developer:

- **Each 1280l bin costs £413.60**
- **Each food waste container costs £514.49**
- **Each 180l/ 240l bin costs £35.00**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £30 delivery fee.**

No garden waste 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.

It is pertinent to note that these services will be provided taking account of the following:

Specific concerns for flats and communal storage:

- If the bin store will be locked and/ or involve a barrier, 8 keys must be provided for each store, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.
- Waste collection vehicles should be able to get to within 10m of the storage point.
- Residents should not be required to carry waste more than 30m to the storage point.
- Residential and commercial waste must be stored separately. In this case the residential and commercial waste would be stored separately and side by side. It is strongly advised that the commercial waste containers/store and residential bin store are locked to prevent cross contamination.

General points

- No excess should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeencms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>
- Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

See below for general comments:

- 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 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a 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

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>

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

