

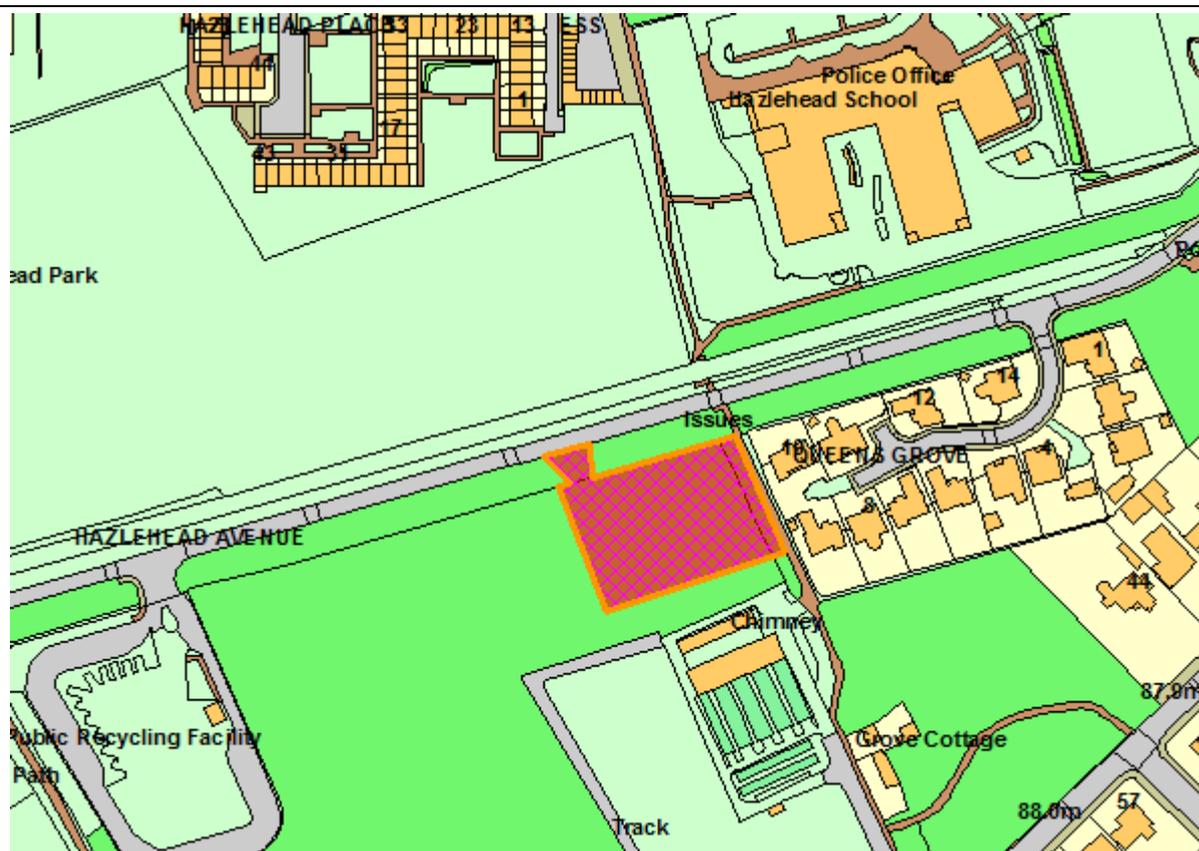


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 19 August 2021**

<b>Site Address:</b>	Site At Hazlehead Avenue/ Hazledene Road to the West of Queens Grove
<b>Application Description:</b>	Installation of modular unit to provide nursery accommodation including forming access road with associated parking and landscaping works
<b>Application Ref:</b>	210688/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	18 May 2021
<b>Applicant:</b>	Aberdeen City Council
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Aoife Murphy



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises an undeveloped area to the south of Hazlehead Avenue. The site itself has been recently cleared to remove the topsoil but was previously grassed over and used for storage in conjunction with the adjacent horticultural nursery and by the Council's environmental services. The area to the south of the application site is currently used as a depot and horticultural nursery for the Council's City Park Services. To the east of the site is a footpath (Core Path 62), with residential properties located further east and south and a wooded area to the west, with the Council's recycling centre located beyond.

The site is relatively level with a slight slope from north to south and is surrounded by manmade bunds to the North, East and West. The site can be accessed from the south by vehicles via Hazledene Road through an existing service route to access the greenhouses and depot, this access road also provides access to a residential property, Grove Cottage. Pedestrian access is via the existing path to the east of the site which links Hazlehead Avenue to Hazledene Road.

The application site comprises the north east corner of an allocated site identified as OP49 in the current and Proposed Aberdeen Local Development Plan, stated as being suitable for 'social enterprises specialising in nursery, horticulture and / or allotments and other associated uses.'

### **Relevant Planning History**

201340/DPP – Detailed Permission for the installation of modular unit to use as an outdoor nursery with associated parking and works – Application was withdrawn in January 2021 due to changes to the proposed access necessitating a new planning application.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Permission is sought for the change of use of the site and installation of a modular unit to provide nursery accommodation with associated works including the formation of an access road, parking and landscaping works. The proposal is to support the provision of outdoor nursery learning within Hazlehead Park.

The modular unit would measure 17m by 9.6m and have a height of 3.5m. It is intended to re-use a Council owned modular unit and re-locate it to the application site. The building would accommodate 1 activity space, associated facilities including WC's, kitchen areas and stores, as well as staff areas including a reception, office space and meeting/family room. The applicant intends to re-clad the existing unit with a cedar cladding finished in dark grey with a brick basecourse. The site also incorporates land to the south to accommodate an external play area, which would be fenced off and would solely be for the use of those children attending the nursery. The fence would be a 1.5m high roll top fence finished in green.

Vehicular access would be provided to the site via a new access road off Hazledene Avenue, while pedestrian access would be via a new footpath extending along the southern elevation of the building and linking with the existing footpath to the east. There is an existing fence along this boundary and a new gate is proposed to provide access to those walking to and from the site.

In the form of amendments to the proposed development, the building has been moved a few metres south within the site to move it outwith the Tree Protection Area. This aspect will be discussed within the Evaluation section below.

### **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=QT8X5UBZJR900>

- Design Statement, June 2021
- Drainage Impact Assessment, April 2021
- Transport Statement, April 2021
- Tree Survey Report, December 2019
- Revised Tree Survey Report, Arboricultural Impact Assessment and Tree Protection Plan, July 2021
- Supporting Statement, June 2021

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

The application has been referred to the Planning Development Management Committee because the application has been the subject of formal timeous objection by the local Community Council within whose area the application site falls.

### **CONSULTATIONS**

**ACC - Contaminated Land Team** – has no objection to the proposal, however given the land has previously been used as a plant nursery, it is possible that less desirable materials, such as asbestos, have been deposited within the site. Should any contamination be discovered it is the responsibility of the applicant to mitigate any risks and an advisory will be used to inform the applicant of this.

**ACC - Environmental Health** – has no observations to make on this proposal.

**ACC - Roads Development Management Team** – has assessed the proposal in relation to accessibility, parking and vehicular access amongst other transport impacts and has advised that it has no objection to the proposal subject to conditions.

**Craigiebuckler And Seafield Community Council** – has objected to the proposal and raised concerns over the development specifically in relation to an increase in the problems associated with parking in the road outside Grove Cottage; impact on privacy on Grove Cottage due to use of wooded area, provision of a new footpath; and flooding.

### **REPRESENTATIONS**

None

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

## **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

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

OP49 – Grove Nursery, Hazlehead: Following a Council resolution this site is identified for social enterprises specialising in nursery, horticulture and/ or allotments and other associated uses. Site may be at risk of flooding. Flood Risk Assessment required to accompany future development proposals.

Policy D1 - Quality Placemaking by Design

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy CF2 - New Community Facilities

Policy NE1 - Green Space Network

Policy NE3 - Urban Green Space

Policy NE5 - Trees and Woodlands

Policy NE6 - Flooding, Drainage and Water Quality

Policy NE8 - Natural Heritage

Policy NE9 - Access and Informal Recreation

Policy R2 - Degraded and Contaminated Land

Policy R6 - Waste Management Requirements for New Development

Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

### **Supplementary Guidance**

Transport and Accessibility

Flooding, Drainage and Water Quality

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

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their 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 this proposal; Policy NE2 - Green and Blue Infrastructure, Policy NE5 - Trees and Woodland, Policy D1 - Quality Placemaking, Policy D2 - Amenity, Policy CF2 - New Community Facilities, Policy R2 - Degraded and Contaminated Land, Policy R5 - Waste Management Requirements from New Developments, Policy R6 - Low and Zero Carbon Buildings and Water Efficiency, Policy T2 - Sustainable Transport and Policy T3 - Parking.

## **EVALUATION**

### **Principle of Development**

Firstly, taking into account the status of the application site, which falls within OP49 in that this opportunity site is considered 'suitable for social enterprises specialising in nursery, horticulture and/or allotments and other associated uses.' It is understood that the allocation's reference to 'nursery' refers to a horticultural plant nursery rather than a school nursery, based on the established and historic use of the Grove Nursery. As such, it is acknowledged by the Planning Service that the proposed use is not strictly in accordance with the site's wider allocation. As a result of this, the applicant was asked to justify the use of this site for a school nursery use and have done so as follows:

The Council's *Early Learning and Childcare Delivery Plan* was approved in November 2017 and outlines the vision for *Early Learning Centre (ELC)*. *Aberdeen City Council as an education provider seeks to provide local flexible early learning and childcare, which is accessible, affordable and of high quality, while also meeting the aspirations of the Local Outcome Improvement Plan (LOIP)*. The increased funded necessitates an expansion of provision across Aberdeen City, with the provision of quality outdoor learning environments being a key ambition for the ELC expansion programme in recognition that such provision will have a positive impact on a child's development.

The Council is therefore seeking to develop an innovative outdoor model in Hazlehead to deliver high quality and accessible ELC provision. This site enables the team to deliver outdoor learning that is impactful and implement early intervention strategies to support children and families. The Hazlehead Park outdoor nursery will contribute to providing additional provision in the city as well as providing essential early intervention to bridge the poverty attainment gap. The outdoor nursery will act as a base camp from which 3- and 4-year olds can experience care and learning in the natural environment. The woodland and green spaces become a stimulating playground and 'classroom'.

Hazlehead Park outdoor nursery will also act as a springboard to realise several identified outcomes in the Aberdeen City Local Outcomes Improvement Plan including:

- The best start in life for children;
- Ensuring children are safe, healthy, active, nurtured, responsible, respected and included; and
- Promoting and upholding a UNCRC rights-based approach to ELC.

Taking the above into account the Planning Service acknowledge the drive for Aberdeen Council as an education provider to deliver alternative types of nursery education, such as the outdoor nursery that is proposed in this instance and while the site is not allocated for this purpose in the LDP, the Service must also take into account the site's overarching policy zoning, which in this case is Policy CF2 - New Community Facilities.

CF2 advises that proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists. It is considered that a new nursery is a community facility and therefore be compliant, in principle, with this policy.

So, while the proposal would not be considered compatible with the proposed land uses identified in the wording of OP49, material considerations such as the zoning of the site, compliance with Policy CF2 and the aspirations of the LOIP mean that the development is not considered contrary to the adopted Development Plan Strategy, in that the site will provide an educational facility supported by relevant policies and strategies. As such, the Planning Service find the principle of development to be acceptable and one that can be supported.

## **Site Layout and Design**

In terms of site layout, it is considered that the proposed nursery unit has been arranged appropriately with access and parking coming directly off Hazlehead Avenue and the car park providing direct access to the main entrance of the nursery. To avoid conflict between vehicles and pedestrians, the main vehicular access does not offer any footpaths, however a new footpath is proposed from the unit to the existing footpath to the east, this is considered to an acceptable approach. This footpath also provides some separation between the nursery, its external play area and the remaining garden area to the south. Overall, the proposed development takes into account the context of the site and surrounding area with the development positioned appropriately to make use of existing features and solar gain.

Turning to design, under Policy D1 - Quality Placemaking by Design requires that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of the context of the surrounding area. However, it is noted that not all development will be of a scale that would have a significant contribution to placemaking.

The use of modular units as nurseries is something that can be seen across the city and while not the most visually appealing option, the functionality of that proposed building is an important aspect which must be taken into account. Addition, in order to improve the appearance of the site, the applicant has proposed to clad the building with cedar lap cladding on all elevations. The use of a cedar lap cladding is deemed to be the best approach for this site given its setting and natural surroundings and will freshen the appearance of the unit. In light of this the Planning Service can accept this alternative design concept and notes the applicant's attempt to make the development more visually appealing through the use of cladding.

Given that the external play area would be used by young children, a fence has been proposed around the external areas, the details of which are considered typical for this type of development and therefore considered acceptable.

Overall, the Planning Service are satisfied with what has been proposed and considers that the development would make a positive contribution to the area, in compliance with Policy D1.

## **Access and Parking**

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

The Roads Development Management Team have reviewed the proposal in terms of accessibility, parking and vehicular access amongst other transport impacts. In relation to accessibility, the Service notes the use of a new footpath to provide pedestrian and cycle access to the site and advise that this is an acceptable approach. Additionally, there are nearby bus stops outwith 250m that connect to the city centre and Northfield.

With regards to parking, the Council's supplementary planning guidance advises that a development such as this should provide a maximum of 0.8 vehicle parking spaces per staff member. With an expected staff of six people, the requirement would be 5 parking spaces. The total parking provision for this site is 14 spaces and 1 accessible space with 8 spaces being proposed for drop off / pick up. Overall, the level of parking proposed is considered acceptable. Additionally, the provision of motorcycle parking is considered sufficient.

Ten cycle spaces plus nine scooter parking spaces are proposed, with the proposed cycle and scooter store to be covered with hoops to secure the cycle/scooters too. This is acceptable to the Roads Service.

In light of the Scottish Government's commitment to the almost complete decarbonisation of road transport by 2050, the inclusion of measures such as electric charging points is imperative. For this reason, all new developments are required to install appropriate EV charging infrastructure in the form of both an active provision and a passive provision. It is considered that two passive charge points should be provided for this development and the applicant has provided an updated site plan showing the location of these points, which is satisfactory to the Roads Service.

Turning to the proposed access, this will be via a left-in / left-out priority junction with Hazlehead Avenue, which is acceptable and takes into account the existing one way system along Hazlehead Avenue. It is noted that if changes to the existing road and site access are proposed, it will be required that these be designed to Aberdeen City Council standards with Roads Construction Consent required. While separate to the planning process, the applicant will be made aware of this requirement through an advisory note.

Further to the above, the Council's guidance requires all schools to have a travel plan, which outlines the overarching aims and a series of measures to obtain realistic modal share targets. It is considered that this information can be requested by condition.

Overall, the Planning and Roads Services are satisfied with all aspects of the proposed development in terms of access and parking and no objections have been made to the proposed development. As such it is considered that the proposal complies with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

### **Drainage**

A Drainage Assessment has been submitted and reviewed. The assessment advises that there are existing foul and surface water sewers running from north to south inside the eastern boundary of the site. In terms of drainage from the proposed development, foul flows from the building will be discharged via new gravity drains and a disconnection chamber to the existing surface water sewer within the site.

Surface water run-off from the building roof area will discharge via downpipes to new gravity drains, which will discharge to a cellular storage attenuation tank. The tank will discharge at a restricted rate via an outlet control manhole, stone trench and disconnection chamber to the existing surface water sewer within the site. While run-off from the proposed parking area will shed to a grass swale, which will drain via new gravity drains to a new cellular storage attenuation tank. Again, this tank will discharge at a restricted rate via an outlet control manhole, stone trench and disconnection chamber to the existing surface water sewer within the site.

A condition will be attached to ensure the proposed drainage arrangements are installed, and it is considered that the development is in compliance with Policy NE6 - Flooding, Drainage and Water Quality and Flooding, Drainage and Water Quality Supplementary Guidance.

### **Natural Heritage**

Given the unmanaged, natural state of the site, impacts on natural heritage require to be considered. Overall, there appears to be no significant impacts to habitats and species from the proposal with the trees on site all appearing to have limited potential for roosting bats. However, it is considered that any site clearances of vegetation should be undertaken outwith the bird breeding season, additionally, biodiversity enhancements should be considered as part of this development considering its intended use. While no landscaping plans have been submitted for consideration, details of this will be requested from the applicant via a condition.

Overall, the proposed development is considered to be compliant with Policy NE8 - Natural Heritage, in that the development is not likely to have any impact on natural heritage.

## **Trees**

As per the requirements of Policy NE5 - Trees and Woodlands, a Tree Survey has been carried out given that there are numerous trees and hedges on the boundary and a line of small nursery trees in the southern part of the site. The survey advises that all trees are outwith the area of the proposed nursery school area development and will not be affected by the proposals. It is proposed that four trees will be felled for the proposed access, these include three lime and one copper beech, which are located on the grass verge between Hazlewood Avenue and the site. The loss of these trees for the proposed access are considered acceptable, provided that appropriate replacement planting is provided, this will be sought via condition, especially given the opportunity for planting within the site. Five further trees are to be felled for woodland management, these are located to the south of the site, but outwith the development area.

The proposed building was initially to be located within Root Protection Area of trees 10 and 11, in order to resolve this conflict, the building has been moved further south outwith the protection area.

To protect the remaining trees and in accordance with British Standard BS: 5837 2012 - Trees in Relation to Design, Demolition and Construction, a site construction fence will require to be erected, this will act as a tree protection fence and will prevent any damage to the existing trees. Given that the buildings location has moved, a revised tree protection plan is required and will be requested via condition, which will also ensure the proposed fencing will be erected prior to the commencement of development.

## **Other Matters**

The areas directly to the north and east of the site are designated as Green Space Network and Urban Green Space, however, the majority of the development falls outwith these areas apart from the proposed access onto Hazledene Road. It is considered that given the small scale nature of the access, and the fact that the access has been positioned to limit the removal of trees, there would not be any adverse impact that would alter the character or halt the functionality of these spaces. As such, the proposals are not considered to conflict with Policy NE1 - Green Space Network and Policy NE3 - Urban Green Space.

A core path (Core Path 62) runs north to south along the eastern boundary of the site. While the proposed access would be located along the northern boundary, no works are proposed to alter or impact the accessibility or indeed the integrity of existing core path to the east. The use of the core path will be encouraged through its usage as the pedestrian access to the proposed nursery. As such, the proposal is considered consistent with Policy NE9 - Access and Informal Recreation.

The Council's Contaminated Land Service has advised that it has no objection to the proposal. However, as the development is situated on land formerly used as a plant nursery, it is possible that less desirable materials may have been historically deposited within the area. Therefore, in order to ensure no harm to the end user, an advisory note in line with the wording of Policy R2 - Degraded and Contaminated Land will be attached requesting that the Planning Authority be notified immediately should any contamination of the ground be discovered during development. This approach is considered acceptable to both the Contaminated Land and Planning Service's.

The submitted site plans shows a proposed bin storage area to the south of the proposed parking area, it is considered that this is acceptable and in line with the requirements of Policy R6 - Waste Management Requirements for New Development.

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

at the time of the application through the installation of low and zero carbon generating technology and should reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure. However, given the nature of the building, it would not be possible for zero carbon generating technology to be retrofitted, as such no information will be requested from the agent regarding the aspect of Policy R7. Detail regarding water saving technologies will still be requested via condition.

### **Community Council**

The Craigiebuckler and Seafield Community Council has raised concerns over the development specifically in relation to an increase in the problems associated with parking in the road outside Grove Cottage; impact on privacy on Grove Cottage due to use of wooded area; provision of a new footpath; and flooding. The applicant has taken the opportunity to address these concerns, which are outlined below.

#### Parking on the road outside Grove Cottage

*Vehicle access for the new nursery will be located off Hazlehead Avenue where a new access point and carpark are proposed. Children being dropped off by car will do so from the carpark provided on the site. The maximum number of children using this nursery at any one time will be 40 and the nursery will run on a term time basis, 38 weeks of the year. It should be noted that the nursery is open to children across Aberdeen and there is likely to be a staggered drop off and pick up around 9am and 3pm.*

While it is noted that parents use this access to the south of the site to drop off children to the surrounding schools, this is outwith the remit of the Planning Service to alter this under this application and would fall to the owner of the of the lane to monitor. However, it is noted that the Planning Service do not expect this development to have any impact on the existing situation given the nature and age of the children attending the nursery and the staggered drop off and pick up times.

#### Privacy Issues

*The nursery will utilise the whole of Hazlehead Park as part of the outdoor nursery experience. The children will be supervised by skilled Early Learning practitioners who specialise in outdoor nursery environment learning. The area of wood behind Grove Cottage can be currently accessed by the public and when utilised by the nursery the skilled practitioners will supervise the children and therefore ensure the children do not use the private garden of the cottage. The applicant feels this area being used by the nursery should not exacerbate the existing privacy of the private garden.*

This area around Grove Cottage is outwith the application site boundary and therefore any potential impact on privacy cannot be considered by the Planning Service. However, this area is currently open to the public to utilise and therefore is use by children attending the nursery is not anticipated to be an issue. It would fall to the Early Learning practitioners to ensure privacy is maintained.

#### Footpath

*The new footpath on the site will link to the existing core footpath. A new gate will be provided in the existing fence. This new gate and footpath will be used by children who are brought to the nursery by foot and also to allow the nursery to access all areas of the park, including the wooded area. We would note that there are no changes to the existing footpaths within the area of wood behind Grove Cottage.*

Given the location of this path and distance from Grove Cottage, it is not expected that it would raise any issues of privacy.

### Flooding

*Only a small part of the site is being developed and the remainder will be green space. A Drainage Assessment has been undertaken and submitted as part of the planning application. This assessment advises how surface water run-off from the building and areas of hard standing will be dealt with. The water from these areas will be collected and stored in an attenuation tank which in turn will be discharged at a restricted rate to the existing sewage network. Due to the addition of these, the proposed development is not expected to result in any flooding impacts on the surrounding area.*

As noted above, given the information submitted with the application and that only a small area of the site is to be developed, it is expected that any additional surface water will be dealt with appropriately and not exacerbate the existing situation.

Overall, it is considered that the while representing material considerations to the assessment of this application, the concerns raised by the Community Council have been addressed with the response from the applicant and all aspects are found to be acceptable.

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

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **Period of Determination**

The application was unable to be determined during the 8 week statutory period due to its requirement to be determined at Planning Development Management Committee, in order to account for this delay the applicant has agreed to an extension of time until the 20 August 2021.

### **Conclusion**

While there is a slight tension with the wording of the OP49 allocation as set out in the current and Proposed Local Development Plan, it is considered that the development is consistent with the overarching land zoning policy, Policy CF2 - New Community Facilities, in that the development is for an education facility, the provision of which is supported through the Aberdeen City Council's Early Learning and Childcare Delivery Plan and the Local Outcome Improvement Plan. Overall, it is considered that the development is acceptable when considered against the adopted Development Plan Strategy. The siting and design are considered acceptable in terms of Policy D1 - Quality Placemaking by Design. Additionally, sufficient access and parking will be provided in the site as required by Policy T2 - Managing the Transport Impact of Development and the site is easily accessible via other sustainable modes of transport as per the requirements of Policy T3 - Sustainable and Active Travel.

Furthermore, the Planning Service is satisfied that sufficient foul and surface water drainage arrangements can be provided on site, there would be no undue impact on natural heritage or trees located on site, nor will there be an impact on the adjacent core path. The proposal is therefore acceptable when considered against Policy NE6 - Flooding, Drainage and Water Quality, Policy NE8 - Natural Heritage, Policy NE5 - Trees and Woodlands and Policy NE9 - Access and Informal Recreation. Nor would there be any impact on the existing function or character of the Green Space Network as outlined by NE1 - Green Space Network and Policy NE3 - Urban Green Space.

The site is considered to be low risk in respect of contamination and therefore acceptable when considered against Policy R2 - Degraded and Contaminated Land. The applicant has provided sufficient waste storage facilities as outlined by Policy R6 - Waste Management Requirements for

New Development. Finally, the development will be required to submit further information to ensure compliance with Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency. While concerns have been raised by the Community Council, these concerns have been addressed and, overall, the development is considered acceptable and in compliance with the relevant policies of the Aberdeen Local Development Plan 2017 and the associated Supplementary Guidance as well as the relevant policies of the Proposed Aberdeen Local Development Plan 2020. There are no material considerations that warrant refusal of the application.

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

While there is a slight tension with the wording of the OP49 allocation as set out in the current and proposed Local Development Plan, it is considered that the development is consistent with the overarching land zoning policy, Policy CF2 - New Community Facilities, in that the development is for an education facility, the provision of which is supported through the Aberdeen City Council's Early Learning and Childcare Delivery Plan and the Local Outcome Improvement Plan. Overall, it is considered that the development is acceptable when considered against the adopted Development Plan Strategy. Furthermore, the development as a whole is considered acceptable and in compliance with the relevant policies, in that the siting and design are considered acceptable with sufficient access, parking, foul and surface water drainage arrangements provided for within the site. Additionally, there would be no undue impact on natural heritage, trees located or the adjacent core path, nor would there be any impact on the existing function or character of the Green Space Network. Moreover, the site is considered to be low risk in respect of contamination and finally sufficient waste storage have been provided.

The proposal is therefore acceptable when considered against Policy D1 - Quality Placemaking by Design, Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel, Policy NE6 - Flooding, Drainage and Water Quality, Policy NE8 - Natural Heritage, Policy NE5 - Trees and Woodlands, Policy NE9 - Access and Informal Recreation, NE1 - Green Space Network, Policy NE3 - Urban Green Space, Policy R2 - Degraded and Contaminated Land, Policy R6 - Waste Management Requirements for New Development and Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency of the Aberdeen Local Development Plan 2017. The proposal is also consistent with the associated Supplementary Guidance 'Transport and Accessibility' and 'Flooding, Drainage and Water Quality', as well as the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

## **CONDITIONS**

### **1. Tree Protection Fencing**

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

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).

- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.

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

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

## **2. Cladding**

Prior to the development hereby approved being brought into use, the modular unit shall be finished externally in the approved material, Slate Grey Cedral Lap cladding, unless otherwise agreed in writing by the planning authority.

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

## **3. Travel Plan**

Within 6 months of the date the building hereby approved being brought into use a Travel Plan for that building shall be submitted to and approved in writing by the planning authority in consultation with the Roads Development Management Team. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. Once approved the measures set out in the approved Travel Plan shall be implemented in full.

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

## **4. Landscaping Scheme**

The building hereby approved shall not brought into use unless details of landscaping within the site, have been submitted to and approved in writing by the Planning Authority.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

## **5. Compensatory Planting**

Within 6 months of the date of this permission a scheme of compensatory tree planting shall be submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- a) The location of the compensatory tree planting.
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting.

Once approved the compensatory tree planting shall be carried out in complete accordance with the scheme and any planting which, within a period of 5 years from the completion of the compensatory tree planting, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: In order to maintain woodland cover in accordance with the aims of local and national planning policies.

## **6. Electric Vehicle Charge Points**

The building hereby approved shall not be brought into use unless the underlying infrastructure for the required Electric Vehicle Charge Points have been provided. Once installed the infrastructure shall be retained in perpetuity.

Reason: In order to provide the appropriate provision for sustainable means of travel.

## **7. Foul and Surface Water Drainage System**

The building hereby approved shall not brought into use unless the proposed foul and surface water drainage arrangements have been provided in accordance with the approved Drainage Assessment, prepared by Fairhurst, dated June 2021. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

## **8. Carbon Neutrality and Water Efficiency**

The building hereby approved shall not be erected unless details of all water saving technologies and techniques within the proposed development have been submitted to and approved in writing by the planning authority. Thereafter, the development shall not be occupied unless all water saving technologies and techniques are in place and fully operational.

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

## **ADVISORY NOTES FOR APPLICANT**

### **1. Breeding Birds**

Please note that there is a possibility that breeding birds may be present on the site. Breeding birds are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly damage, destroy, take or otherwise interfere with any nest, nesting site or eggs. This includes causing disturbance to the bird whilst it is nest building or near a nest with eggs or young or to disturb the dependent young of such a bird. If evidence of breeding birds is discovered works must cease immediately and the advice of NatureScot sought.

### **2. Contaminated Land**

There is the potential for made ground on the site associated with past use, but the potential for contamination is low. The applicant is advised that should any contamination of the ground

be discovered during development the planning authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the planning authority. The responsibility for ensuring the safe development of the site rests with the developer.

### **3. Construction Consent Needed**

Construction Consent for the proposed road will be required prior to the commencement of any roadwork. Construction Consent Application forms must be submitted at least three months before any roadworks are intended to commence.