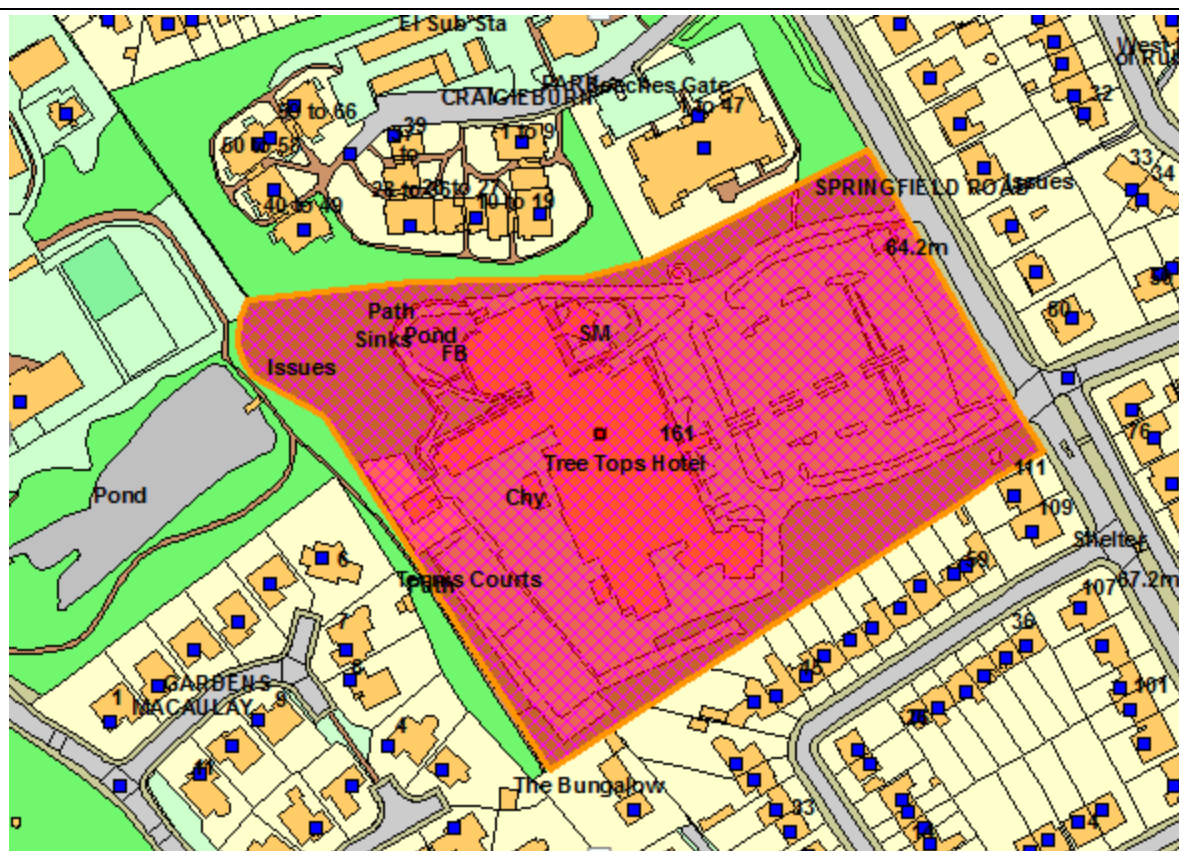


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 25 May 2023

<b>Site Address:</b>	Site of Former Treetops Hotel, 161 Springfield Road, Aberdeen, AB15 7SA
<b>Application Description:</b>	Residential development of 77 units comprising 44 houses and 33 flats (6 storey block), associated roads and parking, drainage infrastructure, open space and landscaping
<b>Application Ref:</b>	211528/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	26 October 2021
<b>Applicant:</b>	Malcolm Allan Housebuilders Limited
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Matthew Easton



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## RECOMMENDATION

Approve Conditionally subject to Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

The application relates to an area of vacant ground which was formerly occupied by the Treetops Hotel, located on Springfield Road, Airyhall. The site extends to 2.78 hectares and is comprised largely of bare ground with trees around the perimeter, following the demolition of the hotel and associated parking areas in 2020. The highest point of the site is along a 3m high embankment at the western boundary, with the lowest point being the north-eastern corner beside Springfield Road.

The eastern boundary of the site faces Springfield Road where there are junctions which previously provided access into the site for vehicles and pedestrians. The boundary is formed by a stone wall approximately 1.2m high and there is a bank of trees behind this.

The southern boundary is formed of trees, beyond which are the gardens of homes at 111 Springfield Road; 39 to 59 Springfield Gardens and The Bungalow, Countesswells Road.

Along the western boundary are trees within the site, beyond which is a narrow area of fenced private woodland, varying between 6m and 13m wide, which stretches from the south west corner of the site northwards towards Couper's Pond. On the opposite side of the woodland are the rear gardens of five homes at Macaulay Place and Macaulay Gardens. The pond and surrounding open space form the northern extent of the western boundary and are part of the grounds of the James Hutton Institute.

The northern boundary is formed by trees within the site and woodland on the opposite site of the boundary which form the grounds of flats at Craigieburn Park: the 3 and 3½ storey original flats and the more recent five storey block known as Beeches Gate.

The site is covered by tree preservation order 260. Within and outside the site, 147 trees and eight tree groups were surveyed as part of the tree survey.

### **Relevant Planning History**

The Doubletree Treetops Hotel closed in February 2020 and was subsequently demolished.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the erection of 77 residential units with associated infrastructure and open space. The development would comprise –

- 4x three-bedroom detached houses
- 5x four-bedroom detached houses
- 2x five-bedroom detached houses
- 11x three-bedroom semi-detached houses
- 9x four-bedroom semi-detached houses
- 13x three-bedroom townhouses
- 5x one-bedroom flats
- 28x two-bedroom flats

There would be nine house-type designs, a mixture of 1½ storey, two storey and in the case of the townhouses three-storeys. Each house would have its own private rear garden. The buildings would be finished in white dry-dash render; grey concrete roof tiles; grey PVCu windows and doors. Three of the house types would feature areas of fibre-cement cladding in a grey green colour or a medium grey.

The flats would be accommodated within a six-storey block at the north western part of the site, with six flats per floor, each with their own balcony, with the exception of the top floor, which would have three larger flats with wrap-around terraces. The block would be finished in white smooth render, metal standing seam cladding, and areas of fibre-cement cladding in beige, medium brown and dark oak colours.

The site would be accessed from a new junction onto Springfield Road, located slightly north of the existing southern most junction, which itself would be closed off. The existing junction at the northern end of the site would be turned into a pedestrian route, which would also serve as an emergency access route. A new street, in the form of a loop, would lead through the development. Off-street driveways would be provided for all houses, with the townhouses and some of the other house types also having integral or standalone garages. The flats would have 34 spaces within a car park, which would include two accessible and five visitor spaces.

Footpaths would be provided to connect into the pavements on Springfield Road and throughout the development. A new path would also link the site with Couper's Pond to the northwest, providing a link between Springfield Road and the grounds of the James Hutton Institute.

Forty-eight trees and two tree groups (at the eastern (front) part of the site and the southern boundary) would be removed to allow for the development to take place. A small section of tree group 4 would also be removed.

A detention basin would be provided at the entrance to the site as part of the surface water drainage strategy. Areas of landscaping, with new trees and hedges would be provided throughout the development, including along the northern boundary to provide a setting for the path link through the site and area of landscaping opposite the town houses.

The affordable housing provision proposed for the Treetops site is proposed to be provided off-site at the former Braeside School site and would comprise the full provision as houses (see planning application 221310/DPP which is also on the agenda for this meeting). Should the Braeside application be refused, affordable housing requirements would no longer be met for Treetops and in these circumstances, it is recommended that this application for the Treetops site is withdrawn from the committee agenda as the recommendation on this application would no longer stand. This would enable consideration of an alternative means of delivering the required affordable housing to allow this application to be considered at a future meeting of the committee.

## **Amendments**

In agreement with the applicant, the following amendments were made to the application in November 2022 –

- Reduction in number of units from 89 (35 houses and 54 flats) to 77 (44 houses and 33 flats);
- Replacement of two flatted blocks with townhouses on the western boundary;
- Affordable housing requirement now proposed at site of former Braeside Primary School (see application 221310/DPP);
- Minor layout adjustments.

Due to the significant changes proposed, neighbour re-notification was carried out with the opportunity available for the public to submit new, revised or further comments.

## 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=R1KOULBZHA100>

- Affordable Housing Statement
- Bat Roost Potential Survey
- Design and Access Statement
- Development Viability Statement
- Drainage Assessment
- Flood Risk Assessment (and addenda)
- Geo-Environmental Investigation
- Planning Statement
- Pre-Application Consultation Report
- Red Squirrel Survey
- Statement of Community Benefit
- Transport Statement
- Tree Survey and Arboricultural Impact Assessment

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and:

- more than five representations objecting to the proposals have been made; and
- the community council for the area has objected to the proposals.

## Pre-Application Consultation

The applicant undertook statutory pre-application consultation which comprised an online engagement event which allowed people to ask the project team questions via virtual face-to-face meetings with individuals and groups depending on the volume that wished to attend. The consultation was conducted in accordance with Scottish Government guidance which at the time advised against public gatherings due to the Covid-19 pandemic.

A notice advertising the consultation was published in the Evening Express, posters were delivered to local businesses and community facilities, letters were sent to neighbours of the proposal by post and to the local Community Council and Local Ward Councillors by e-mail. Consultation material was available from a dedicated webpage from the 28 April to the 19 May 2021, with associated feedback form, contact e-mail and mailing address. The online engagement event was held on Wednesday 5 May 2021 from 1400 – 2000.

Seven time slots were booked for the online engagement event, with eleven participants. Fourteen feedback forms were received including a response from Craigiebuckler and Seafield Community Council and a letter. Twenty-two other responses were received during the consultation period. In response to comments made the applicant indicates the initial plans were changed to –

- include a secondary emergency access to the north of the site which could be used as a pedestrian connection;
- Parking to the rear flats was adjusted to sit behind the blocks to increase amenity space and reduce the visual impact of the parking, in turn creating space between existing residents and boundaries (*these flats have since been removed from the proposals*);
- The central landscape square has been rotated to orientate north/south and increased in size to provide additional amenity space for the flats (*these flats have since been removed from the proposals*);
- Tree maintenance and management will enhance the setting and manage the boundaries.

## **CONSULTATIONS**

**ACC - Developer Obligations** – Developer obligations are required to address the following matters:

- Primary Education – The application site is within the catchment area for Airyhall Primary School. Factoring the proposed dwelling units into the 2020 school roll forecast shows that the development will not result in capacity of the facility being exceeded. No contribution is required.
- Secondary Education – The application site is within the catchment area for Hazlehead Academy. Factoring the proposed dwelling units into the 2020 school roll forecast shows that the development will result in a maximum additional over capacity level of five pupils. A contribution of £13,175 is required.
- Healthcare – A contribution (£42,467) will be required towards internal reconfiguration works to increase capacity at Great Western Medical Practice (Seafield Road) or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity.
- Community Facilities – A contribution (£134,578) has been identified towards Airyhall Community Centre which has proposals in place to create additional capacity to accommodate additional users as a result of the development.
- Open Space – No contribution has been identified towards open space.
- Sport and Recreation – No contribution has been identified towards sports and recreation.
- Core Path Network – A contribution of £27,379 has been identified towards Core Paths 60 (Anderson Drive to Denwood via Craigiebuckler) and/or 64 (Pinewood Park to Springfield Place).

**ACC – Housing Strategy** – In relation to the off-site affordable housing at Braeside, there are concerns about the 4 bed, 6 person units. These should be 4 bed, 7 person as an absolute minimum to allow housing need and demand from the existing waiting lists to be met and to allow future housing need and demand to be met. There is a requirement for larger family homes, even beyond 4 bed units, so they need to be maximised to allow the greatest flexibility possible. Ideally, should be 8 persons, so 7 person is very much a compromise.

When it comes to funding the project through the Affordable Housing Supply Programme, those homes that meet housing need and demand will always be prioritised first so if there are

developments that are providing what ACC require, these will take priority over those which don't. This is something that perhaps the developer has not considered.

The Council's Strategic Housing Investment Plan (SHIP) is updated annually, and the Braeside site will be included in the next iteration which is due in October 2023.

**ACC - Roads Development Management Team – No objection.**

### Site Accessibility

The site proposes to provide pedestrian connectivity to the existing adopted public footpath network provision along Springfield Road which provides connectivity to the wider area and local community/amenities.

In terms of cycling provision, this shall be on-street within close proximity of the site. Springfield Road forms part of a 'recommended cycle route', which allows cyclists to tie in within other designated cycle routes providing connection across the city.

Public transport provision is available to serve the future residents and visitors of the site on Springfield Road which forms part of regular service route with bus stops located within approximately 200m of the site when heading in either direction.

As per previous comments for this site and application, such bus stops shall require necessary upgrades. Clarification shall be required from ACC Public Transport Unit the exact details and extent of works required along with confirmations if this shall be my means of contribution and/or developer carries out necessary works.

In terms of a 'Safe Routes to School' assessment it is noted and confirmed the applicant has detailed the most direct routes to both the localised primary and secondary schools which identifies safe and designated crossing points. This includes existing signalised crossing facilities over Countesswells Road, to allow future pupils and parents to cross this road safely to gain access to Airyhall Primary School located on the south side of Countesswells Road.

Submission of a Travel Plan/Residential Travel Pack should be conditioned for a final draft be submitted for approval prior to first occupation on site.

### Local Road Network

As part of an early scoping exercise prior to commencing with the supporting Transport Statement (TS) it was confirmed that the proposed methodology and parameters for the TS were acceptable.

The TS provides a comparison on associated trips between the former hotel use and the proposed residential use, utilising the TRICS database and selecting the necessary criteria suited to site of this nature (i.e. location, private/affordable etc.). It is noted that during the morning and evening peak periods, the proposed residential use shall in fact incur less associated people trips from the site than previous hotel use, which in turn means less associated vehicular trips. Therefore, it is confirmed that the proposed development would not have a negative impact on the surrounding network and junctions.

While it should be noted that the hotel has been closed for some time and therefore is not contributing associated trips on the local network at the moment, such estimated trips are all based on the pre-covid pandemic situation and when this hotel was in operation. Additionally, it is

acknowledged that since the start of the pandemic, hybrid working patterns between office and home have increased, which also reduces such trips during the peak periods.

As part of the aforementioned scoping, it was clarified and confirmed that given the reduced associated trips on the site and the matter that even when just considering the new proposed residential trips that this would not have a significant impact of the local road network or the nearest formal strategic junctions (Springfield Road / Countesswells Road and Springfield Road / Queen's Road).

It is acknowledged that there have been numerous public comments received in which they refer to the impact and congestion such a development would have on the local network and junction. However, as noted above the proposal is not considered to worsen the current situation in terms of previous use and the number of proposed residential units. Springfield Road is considered a strategic route which connects two main A-class roads in Aberdeen, Queen's Road and North Deeside Road. As such the volume of traffic is not unexpected for a road of this nature.

The signalised junction at Springfield Road / Countesswells Road, now utilises the latest technology that allows for the adjustment of green time on different legs of the junction to allow better efficiency through the junction and this would be continued to be monitored/adjusted where necessary should this application be approved.

#### Site Access Junction

The existing site has two vehicular accesses from Springfield Road, which operated in an in/out arrangement at the north and south end of the boundary of the site respectively.

As the site proposes to comprise of 77 units, as per ACC supplementary guidance, the site shall require to be served by a minimum of one vehicle access and a secondary route/access for emergency access only. It is noted that the applicant proposes this in the form of a new upgraded access towards the existing southern access to be the main general vehicular access, whilst closing the existing southern access by continuing the footpath across it. To provide the other means of access for emergency vehicles. this shall be via amending the northern access to form a wider pedestrian path/link which shall double-up as the emergency access. It is confirmed that such arrangements are acceptable.

The new main access onto Springfield Road would provide suitable junction radii and visibility splay. Construction of the new junction, closing off of existing southern access and amendments to north access would require Roads Construction Consent.

#### Site Layout

The layout of the site in terms of its configuration is considered acceptable.

Updated swept path analysis were submitted to evidence that a refuse vehicle can adequately access and serve the entire site. It was also requested that evidence be provided of two-way vehicular movements around the site at bends within the site, to identify if any curve widening etc. is required. This has also been provided within this updated submission and is acceptable.

#### Parking

The ACC Supplementary Guidance two car parking spaces suggests two parking spaces for dwellings up to 3-bedrooms and three parking spaces for those with 4-bedrooms or more. It is

confirmed that each dwelling unit provides the appropriate car parking provision, whether this in the form of driveways and/or associated/integral garages.

In regard to the block of flats, there is an associated parking provision of 33 spaces, two disabled spaces and five visitor spaces (40 spaces in total). Such provision shall provide at least one space per flat, which while is below the necessary standard of 1.5 spaces per unit, this is considered to be acceptable given that the site provides visitor parking provision, cycle parking for each unit and the site's access to public transport on Springfield Road.

The aforementioned disabled parking provision of two spaces is considered acceptable based on the current volume of proposed parking, as accessible spaces should be provided on a ratio of at least 1 space per 20.

As the Scottish Government has committed to the almost complete decarbonisation of roads transport by 2050, the inclusion of measures such as electric charging points is imperative. Therefore, the applicant shall be required to implement both passive and active provision throughout the site in accordance with the ACC supplementary guidance. Provision is significantly cheaper and less disruptive to install EV infrastructure during or part of any construction than to retrofit at a later date, then ultimately providing future residents the option to utilise/own an electric vehicle. The details should be agreed.

It is confirmed that the parking bays proposed within the site meet the minimum dimensions of 2.5m x 5.0m and provide the required 6m aisle width. All driveway dimensions are also confirmed as acceptable. Each driveway shall require to be internally drained, so if any slope towards the adopted roads/footpaths this shall require a channel drain.

Those dwellings with private garden extents shall all be able to store bicycles securely within their property. In regard to the proposed flats, it is confirmed that a designated cycle store is provided which shall provide 36 spaces, which is in excess of the minimum provision of one space per flat.

### Drainage Impact Assessment

The submitted Drainage Impact Assessment provides and details adequate levels of treatment for the surface water in the site, while it is also being noted that applicant/consultants undertook preliminary discussions with appropriate officers in the Council's Structural, Flooding and Coastal Team to confirm such provision.

In terms of roads associated drainage, no water should flow on the adopted road/footpath extents (i.e. from private driveway, parking bays etc.). The new constructed vehicle access shall also require to provide suitable gully/drainage provision which shall form part of the detailed design of this as part of the Roads Construction Consent application(s).

**ACC - Schools Estates Team** – The site falls within the school catchment zones for Hazlehead Academy and Airyhall Primary School. There is sufficient capacity at Airyhall Primary School to accommodate the number of pupils expected to be generated by the proposed development. However, the development is likely to result in Hazlehead Academy further exceeding its capacity, and so a contribution would be required from the developer to assist with the costs of reconfiguring the school building, to accommodate the additional number of pupils likely to be generated.

**ACC - Structures, Flooding and Coastal Engineering** – No objection.

Agree with SEPA's comment for a detailed FRA to be submitted to include and assess the flood risk related to the small watercourse that runs within the site.



According to residents, a concern has been raised that the Couper's Pond water level has been gradually reduced in recent years. A leakage may affect it; however, ACC Flooding have no evidence that this is the case. Couper's Pond is outwith the applicant's control however it may affect the proposed site. Therefore, it is recommended an investigation to be carried out to assess if there is any indication of an impact on any part of the site.

On receipt of the updated flood information there are no further comments.

**ACC - Waste and Recycling** – No objection. Details provided of bin provision for each unit type and provision for area for bins to be left for collection.

**Archaeology Service (Aberdeenshire Council)** – No objection. Having taken into consideration the extent of demolition and groundworks already undertaken on site under permitted development regulations, and the archaeological work undertaken in 1994 to the west of the site, it is confirmed that in this instance there are no comments on the proposal.

**Craigiebuckler and Seafeld Community Council** – Object to the original proposal and raise the following matters:

#### Couper's Pond

The pond to the west of the site is known locally as 'Couper's Pond'. It is located on privately owned land and has an outflow to the east, towards the development site. Unfortunately – and we believe to the detriment of the proposed development – the pond's lining leaks to the extent that, according to our own estimate, it's level drops by about six inches per day after the level of its water has been increased by heavy rainfall. The Flood Risk Assessment refers to "*the high-level overflow pipes from Couper's Pond*". It then reassures the applicant that "*In the event that flows from the pond enter the site, the flows will be conveyed via an existing spillway to the culvert located within the site*".

This assessment, in our opinion, takes no account of the unmonitored leakage from the pond. During a consultation with the developer's representatives, the community council informed them that the pond had a considerable leakage. Yet it seems that no account is taken of the potential of this unseen leakage to flood the site. Until this flow of water from the leaking lining of the pond is detected it cannot be considered in the flood or drainage risk assessments.

#### West Boundary

Immediately behind the west boundary of the site are the homes in Macaulay Gardens, Place, Walk and Park. There is an embankment between those Macaulay homes and the back of the site where the blocks of flats are planned to be located. A belt of veteran trees, which vary in height between 19m and 28m, sits on top of the embankment. The embankment is between 70m to 71.5m (above ordnance datum), i.e., above sea level. Therefore, the height of the trees is around 93m and 94.5m above sea level. The top of the tallest six storey block of flats is 86.5m AOD.

Although the trees are taller than the proposed blocks of flats, they are not close enough together to form a continuous screen. They are also deciduous. So, for much of the year, the proposed blocks of flats will be visible to the residents of the Macaulay houses whose back gardens will be overlooked.

### Block of Flats

Those blocks of flats, according to the drawings, are visible from Springfield Road. Their architecture is retrograde and does not contrast well with the low-level houses to the east of the site. The buildings are too tall, and their height should be reduced. The applicant seems to make no effort to blend them into the overall site.

In the community council's opinion, the proposed development of 89 homes (*now 77*) will have an impact on the roads' infrastructure, the schools, and the medical practice. The traffic movements generated by it will impact considerably on traffic congestion in and around the junction of Springfield Road and Countesswells Road. Not only does additional traffic bring an increased risk to child safety, but there is also the unhealthy effect of idling vehicles to be considered at a time when governments are attempting to take fossil fuel gasses out of the atmosphere.

### Road Safety

With pedestrian safety in mind, this development should not be permitted until accident prevention measures such as pedestrian crossings and traffic calming structures are installed at suitable locations on Springfield Road at the applicant's cost.

### Community Infrastructure

The applicant is proposing a development which will take advantage of the proximity of a good primary school without any apparent provision of a contribution to manage the impact of the increased pupil numbers. The roll at Airyhall School is 411 children (including nursery).

The community council are aware that the increase in pupils, attributed to major housing developments in the catchment area since the school was built, has meant that any spare rooms and space in the school has already been converted to provide additional classrooms. This has reduced the space available for out of classroom learning (i.e., music, art, and one-to-one learning for pupils with specific learning and support needs). The additional number of children from the proposed development may represent a substantial increase to the school roll, which would significantly impact the ability of the school to deliver the same level of learning and pupil support that is currently experienced.

The same comments apply to consideration of the impact on Hazlehead Academy.

The community council is of the opinion that the cost of mitigating the impact of the increase to the school rolls should be the responsibility of the applicant.

The local medical practice is already struggling to accommodate the increased numbers of patients caused by the recent major housing developments in this area. Even before the advent of Covid-19, patients had to wait three weeks for non-urgent GP appointments. Therefore, the community council considers that it is against the interests of primary health care provision in this area to accept the planning application for 89 dwellings, thus effectively causing another increase in patient numbers to impact on the GP medical practice.

Another 89 households will increase the footfall on the already deteriorating footpath system – a popular amenity which came under heavy use during the Covid-19 pandemic. Consequently, it is hoped that a proportion of the “planning gain” associated with this proposed development will be allocated to the maintenance of the footpaths and an expansion of the footpath system.

**Police Scotland (Architectural Liaison) – No objection.**

- The site is in a low crime area. The main crime type reported over the last 12 months for Springfield Road has been theft shoplifting. Consideration should be given to crime reduction measures during the construction phase to ensure that goods and materials on site are not subject to criminality.
- Due to the considerable increase in bike theft seen across the UK in the last 18 months, if external bike storage is deemed necessary then it is recommended that enhanced security measures are considered, and advice sought from a Police Scotland Architectural Liaison Officer.
- It is also recommended that the developer should liaise with the Police Scotland Architectural Liaison Officer at each stage of the development, for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design.
- The applicant is strongly encouraged to attain the 'Secured By Design' award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

**Scottish Environment Protection Agency – SEPA** remove the initial objection to the application provided that the planning condition specified below in relation to flood risk is attached to any grant of planning consent. If this is not applied, then please consider this representation as an objection.

Flood Risk

The proposals are for the redevelopment of a hotel site to housing. Both are classed as 'highly vulnerable' development within SEPA's Land Use Vulnerability Guidance and as such would be acceptable within the Risk Framework in NPF4. However, the block of flats proposed in the northwest of the site is on an area not previously occupied by hotel building and would be the most at risk location from Couper's Pond, if the embankment was breached.

A geotechnical report has been submitted which indicates that the Couper's Pond embankment is structurally sound and unlikely to breach. However, this report only assesses current condition and without regular inspection and maintenance this could degrade over time. Whilst we accept the previous information which suggests inflows to the pond are restricted due to changes in the upstream catchment, a blockage to the 225mm diameter outlet from the pond could result in water levels increasing. It is noted that there is an overflow pipe which then routes to the spillway through the site which reduces the risk of the embankment overtopping but a residual risk remains of failure/overtopping.

The water levels currently typical within Couper's Pond are approximately 1m above the finished floor level of the proposed block of flats and top of embankment is approximately 3m above site levels. As far as SEPA are aware, the embankment is not a formal flood prevention measure, and the pond does not fall under the Reservoirs Act. Therefore, any properties located behind and 'protected' by this embankment could be vulnerable due to the potential for failure and/or overtopping. In cases when such structures fail, areas behind them can be at greater risk than they would otherwise be due to the sudden and rapid inundation, with extremely high velocities and forces. Whilst a geotechnical report has been submitted which indicates at the present time that embankments appear structurally sound and at low risk of breach, as these are not 'formal' structures maintained by a Local Authority as flood prevention measure or reservoir operator, the condition could deteriorate over time.

To address SEPA's concerns for the residual risk to the block of flats from event exceedance, or failure of the outlets or embankment, at the upstream Couper's Pond, a further Flood Risk Assessment has been provided by the applicant. This includes an assessment of the catchment area, design rainfall, storage volume and discharge rate from the pond. Investigations previously have indicated that there is a 250mm diameter outflow pipe from the pond below water level which runs through the site, although this has not been included within the assessment to take a precautionary approach in considering this to be blocked. The results indicate that during a 200-year (plus 30% climate change) event, water levels would be maintained below the top of the embankment but do reach the overspill pipe where they would flow through and then into the existing spillway within the site. As a worst-case scenario, with this overflow pipe also blocked, water will overtop the embankment, but the volumes can be maintained within the spillway.

To ensure there is no risk to properties in the event of exceedance of the embankment or a failure of part of the embankment, information on levels has been provided to show that a flow pathway alongside the existing spillway will be maintained at levels below the proposed block of flats.

SEPA are satisfied that the information provided is sufficient to address concerns with the residual risk from Couper's Pond, provided a condition (specified below) is attached to ensure levels along the flow pathway and spillway are maintained in perpetuity below the level of the flats. SEPA recommend that finished floor levels are raised above ground levels where possible across the site to reduce the risk of surface water flooding.

*Condition: The design levels for the site for the spillway channel and overland flow pathway will be set in accordance with drawing 139685/2903 Rev A and finished floor levels for the block of flats (plots 45 – 77) will be a minimum of 68mAOD. This spillway and overland flow pathway will be maintained in perpetuity for the lifetime of the development. This is in order to reduce any residual flood risk resulting from exceedance, or breach, of the Couper's Pond embankment.*

### Surface water flooding

Couper's Pond does not appear to retain the level of water it previously did and although there are comments that the pond is leaking and may impact the site, there is no indication within the site that this is the case. Matters relating to any leakage from Couper's Pond should be addressed in consultation with ACC Flooding Team.

### Water Engineering

The applicant should consult with SEPA direct on matters relating to regulation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). The surface water discharge will require to be treated via a Sustainable Urban Drainage System (SUDS) system and will require a CAR authorisation. Any culvert diversion will require a CAR authorisation. It is understood that the existing spillway channel will be retained. The upgraded culvert may require a CAR authorisation.

### **Scottish Water – No objection.**

- This proposed development would be fed from Invercarnie Water Treatment Works.
- There is currently sufficient capacity for a foul only connection in the Nigg PFI Wastewater Treatment works to service your development.

- The applicant should be aware that we are unable to reserve capacity at our water and/or wastewater treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, the availability of capacity at that time will be reviewed and the applicant advised accordingly.
- According to records, the development proposals impact large diameter assets including a 1200mm combined sewer in the site boundary. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team.

## **REPRESENTATIONS**

98 representations were received during the initial period for representations, including one from the Cragieburn Park Association which represents sixty-five flat owners in the neighbouring site to the north and one from Queens Cross & Harlaw Community Council which covers the neighbouring community council area to the east of Queens Road and Anderson Drive.

After amended plans were received, a second opportunity to submit representations was opened, which resulted in 19 further representations being submitted and 20 individuals confirming their previous representation or providing updated comments. One representation supports the proposals whilst the remainder object or raise concern with the proposals.

### Principle

1. Further residential development is not required (various other proposals are suggested including a swimming pool, sports complex, shops, community centre, relocated school and open space).
2. Aberdeen's population is decreasing, no new homes are required.
3. The proposal is a well-considered residential development proposal for this brownfield site. Well-designed scheme providing a range of house types much needed in this area of the city.

### Housing Type and Tenure

4. There is already a large number of flats available for sale in the city, no more are required.
5. Not enough consideration has been given to different types of housing to assist independent living, such as bungalows.
6. There is no affordable housing provided on site.
7. In terms of the transfer of affordable housing to an unrelated site at Braeside, each site should have a suitable tenure mix. This is in breach of the ALDP 2017 which states affordable housing should be onsite.
8. The Braeside Site has been removed from the Strategic Housing Investment Plan (2022–2027) which proves that site is unnecessary as a standalone site for affordable housing.

### Community Infrastructure

9. Hazlehead Academy, Airyhall Primary School and nursery would be unable to cope with the increased number of pupils generated by the development, with consequences on the standard and range of education which can be provided.
10. Local healthcare services (doctors and dentists) would be unable to cope with the increased number of patients generated by the development.
11. The developer should be supporting improvements in the local area, such as at Springfield Meadows, planting trees, improving paths or providing a play park.

### Layout and Design

12. The density of development is too high.
13. Flats are inappropriate for the site.
14. The four and six-storey blocks of flats would be excessive in height. Nothing near six storeys exists in the area and it would be out of context. The area is low level housing. The flats could impact significantly on the quality of natural light reaching some of the flats within Craigieburn Park.
15. Houses would be an eyesore and are not compatible with the residential character of the area.
16. The development would overlook existing homes around the site, compromising privacy.
17. The proposed flats would overlook the proposed houses, compromising privacy.
18. The balconies of the townhouses would overlook The Bungalow and woodland and Macaulay Gardens, compromising privacy.
19. The landscaping plan for the southwest area of the site should be reconsidered in order to maintain the effective screening and privacy of surrounding houses.
20. The block of flats only has a stairwell for access to the upper floors. Not ideal for some residents.
21. The size of the rooms within the flats is of concern.
22. There is minimal garden and open space proposed.

### Transport

23. The development would result in increased traffic in the area (specifically Springfield Road and Countesswells Road) and around the school, which combined with traffic associated with other new developments (Pinewood, Countesswells and Aldi) would result in congestion and road safety issues for children and the elderly.
24. Better pedestrian crossing facilities are required on Countesswells Road and Craigton Road.

25. The proposed path from the site to Macaulay Drive, via Couper's Pond, would be the most direct route to Airyhall Primary School for many pupils, resulting in children crossing Countesswells Road at Macaulay Drive and not at the Springfield Road pedestrian crossing.
26. There is insufficient parking provision proposed for the flats (residential and visitor) which could lead to indiscriminate parking.
27. The proposed junction between the site and Springfield Road should be carefully considered as the existing arrangement suffers from visibility issues for drivers. The removal of the one-way entrance and exit arrangement to the site for vehicles and replacement with single junction would be dangerous and result in congestion. The site junction and roads within the development are narrow with bends which is likely to cause problems for vehicles.
28. Vehicles entering the site from Springfield Road may encounter pedestrians.
29. The block of flats provides 33 homes, (43% of all the homes on the site). This means that a significant proportion of vehicles will be heading to this part of the site, with a right-angled turn into the immediate block location. It is suggested this is a safety risk both for motorists and residents of the townhouses
30. Bike stands should be provided in the green space for people passing to take a chance to relax in a nice area and secure their bike.

#### Drainage

31. Couper's Pond leaks water into the site which has not been addressed by the Flood Risk Assessment.
32. Attention should be given to the drainage/water table in the area, nearby builders such as Dandara have apparently impacted the water table levels with their building works & the drainage in this area is suffering.

#### Natural Heritage

33. No trees should be removed from the site.
34. Additional planting should be provided, and existing trees maintained, including reinforcing the existing planting along the western boundary.
35. The environmental impact of the proposal should be considered.
36. Local wildlife would be affected.
37. The proposed path linking to Couper's Pond would have a detrimental impact on the green space in that area.

#### Other

38. The proposed path to Couper's Pond may encourage children to play within the James Hutton Institute's service area, where sheds and machinery are located.

39. The proposed path to Couper's Pond could compromise security of the development and surrounding residential area and attract anti-social behaviour.
40. The proposed car park would create noise.
41. The proposed bin stores would attract vermin and create smells.
42. More litter and dog waste bins should be provided.
43. There would be light pollution from the development.

#### Administrative

44. The Treetops application is dependent on the Braeside application to be acceptable in order for the affordable housing element to be acceptable. The two applications need to be considered together.

### **MATERIAL CONSIDERATIONS**

#### **Legislative Requirements**

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

#### **Development Plan**

##### National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 22 (Flood Risk and Water Management)
- Policy 24 (Digital Infrastructure)



Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H5 (Affordable Housing)
- Policy C11 (Digital Infrastructure)
- Policy CF1 (Existing Comm Sites and Facilities)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE4 (Open Space Provision in New Development)
- Policy NE5 (Trees and Woodland)
- Policy NE6 (Flooding, Drainage and Water Quality)
- 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)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)

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

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy CF1 (Existing Community Facilities)
- Policy C11 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy H1 (Residential Areas)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE3 (Our Natural Heritage)

- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

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

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Natural Heritage
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

### **EVALUATION**

#### **General**

As a residential use proposed within a residential area, the general principle of residential use is acceptable, subject to the criteria set out in relation to Policy H1 of the Aberdeen Local Development Plan (ALDP) below. Whilst the character of the site will change from a vacant area of ground with no activity, to homes that do generate activity, residential use (including the car park for the flats – *Issue 40 in representations*) is not considered to be a disruptive use in itself and therefore further homes would be entirely compatible with the surrounding existing residential area.

Several alternative uses are suggested in representations. However, the planning authority is required to consider the application before it on its own individual merits, rather than potential alternatives that have not been proposed (*Issue 1*).

#### **Land Use Zoning**

The site is within an area where Policy H1 (Residential Areas) of the ALDP applies. Within such areas proposals for new residential will be approved in principle if it (i) does not constitute over-development; (ii) does not have an adverse impact to residential amenity and the character and appearance of an area; and (iii) does not result in the loss of open space.

The first matter is considered later in the report. The second is covered in general terms in the previous section, with the issue of the visual appearance and amenity also considered later in the report. The third point does not apply as the site was not open space.

Policy 16 (Quality Homes) of NPF4 states that “*development proposals for new homes on land allocated for housing in LDPs will be supported.*” As a site zoned for residential use in both the current and proposed ALDP, the proposal is supported by this policy.

## Brownfield Land

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. It goes on to say that *“development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.”*

The Proposed ALDP indicates that *“Regeneration of city centre sites and other brownfield sites throughout the existing built-up area for appropriate uses is encouraged. Brownfield sites are expected to contribute an increasing amount of our housing requirements over the period to 2032”*.

The site has been vacant for a number of years. Whilst it is suggested in representations that further homes, specifically flats, are not required in Aberdeen, the ALDP is clear that both the development of greenfield sites and the redevelopment of brownfield land is required to meet Aberdeen’s housing land requirement (*Issue 2 and 4*).

The re-use and redevelopment of the Treetops site is therefore lent support by Policy 9 and in general by the adopted and proposed ALDP.

## Local Living and 20-minute neighbourhoods

Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4 aims to *“encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.”*

Being located within the existing suburban area, the site benefits from being in close proximity to existing public services and public transport. Airyhall Primary School, Airyhall Community Centre, and Airyhall Library are within a 5-minute walk. Convenience shops and services on Countesswells Road, Springfield Road and a medical practice are within a 10-minute walk away, as is the nursery in the grounds of the James Hutton Institute. Shops at Great Western Road are within a 20-minute walk whereas the Robert Gordon University Garthdee campus is around a 30-minute walk.

The core path network is accessible within a 5-minute walk from the site providing recreation access to the wider area including Hazlehead Park and the former Deeside railway line. The area is served by several bus routes, with stops located on Springfield Road, Craigton Road and Great Western Road (5–10-minute walk) to the south and Queen’s Road to the north (10–15-minute walk), providing access to the city centre and other parts of the city. It is considered that the site is well connected, and its location meets the aims of 20-minute neighbourhood principles.

In summary, the principle of redeveloping the site for residential use is acceptable and in accordance with the principles of NPF4 and the adopted and proposed ALDP.

Policy 16 (Quality Homes) of NPF4 requires that development proposals of 50 or more homes should be accompanied by a ‘statement of community benefit.’ Such a statement has been provided by the applicants, outlining how the development will achieve the following:

- Effective reuse of a redundant brownfield site;
- Delivering additional housing choice and supply in an accessible location;

- Facilitating off site affordable housing;
- Improved footpath links to open space within the site and surrounding area;
- Implementation of woodland and landscape management.

## **Affordable Housing and Housing Mix**

Policy 16 (Quality Homes) of NPF4 indicates that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances otherwise.

Policy H4 (Housing Mix and Need) of the Proposed ALDP requires that housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix should include smaller 1- and 2-bedroom units and should be reflected in both the market and affordable housing contributions. An appropriate housing mix is expected in housing developments to reflect the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

There would be nine house-type designs of semi-detached and detached units, a mixture of 1½ storey, two storey and in the case of the townhouses three-storeys, and a block of flats. Across these house types would be three-, four- and five-bedroom houses and one- and two-bedroom flats. This results in a good mix of housing types across the site (*Issue 5*).

The entire development is to be open market, private housing. Off-site provision for this development is by way of a stand-alone affordable housing development of 30 houses on the former Braeside Primary School site, 0.9km south of the Treetops site, in the same housing submarket area, as proposed through planning application 221310/DPP.

Policy H5 (Affordable Housing) of both the adopted and Proposed ALDP require housing developments of five or more units to contribute no less than 25% of the total number of units as affordable housing. It also states that the provision of affordable housing should not jeopardise the delivery of housing as this would be counter-productive, increase affordability constraints and have other knock-on impacts on the local economy. Therefore, affordable housing requirements must be realistic. Policy H5 of the ALDP sets out that the preference is that affordable housing is delivered on site, integrated with open market housing. In other circumstances, where the Council agrees that onsite provision is not possible, off-site provision may be considered.

As the Aberdeen Local Development Plan 2017 is the adopted Plan, the relevant detailed guidance on the delivery of affordable housing is set out in Supplementary Guidance: Affordable Housing (SG). This includes criteria that must be satisfied in order for off-site provision to be acceptable. Aberdeen Planning Guidance 2023 on Affordable and Specialist Housing is currently subject to consultation, however, it largely reiterates the position set out in the current SG.

The applicant has set out a case that the delivery of affordable housing at the Treetops site would render that development being unviable overall. It is therefore proposed that 27 units of the affordable housing that is proposed through planning application 221310/DPP for the development of 30 affordable houses on the former Braeside School site (also being considered at this meeting of the Planning Development Management Committee) would represent the offsite delivery of the affordable housing requirement of the Treetops development. The Braeside development is to be entirely housing for social rent and operated by Grampian Housing Association.

In assessing this arrangement against the requirements of the SG (Section 4.5), the first consideration is the viability of the Treetops development with onsite provision of affordable housing. The applicant has submitted a Developer Viability Statement that takes account of both the financial viability and design viability of the brownfield Treetops site. In summary this sets out –

- The original Treetops layout contained affordable housing in the form of flatted blocks on the western boundary of the site;
- The affordable housing requirement as confirmed by the Council's Housing Strategy Team is, however, for family housing rather than flats (as was originally proposed), and it was not possible to achieve this alongside the open market housing in a satisfactory layout due to the increased land take and site constraints (such as existing trees);
- The removal of affordable flats addressed concerns regarding the impact of the development on existing neighbouring housing to the west and allowed the development density and housing numbers to be reduced from 89 to 77;
- Residential development on a brownfield site typically requires a return of 25-30% before funding can be secured. Figures have been provided demonstrating that the development with on-site affordable housing in the required format, which would impinge on the mainstream proposals, would result in a return of just over 4%, thus rendering the proposal financially unviable.

A detailed Development Appraisal, including financial analysis of the Treetops development was also provided by the applicants and reviewed by Savills (UK) Limited as a qualified independent third party. Savills were instructed by the Planning Service to review the Development Appraisal prepared by the applicants and advise on its validity, content and conclusions. Savills also provided their own development appraisal of the Treetops proposals with affordable units included.

Savills concluded that this development would produce a profit margin reflecting 3.79% profit on cost and 3.65% profit on gross development value (GDV) / revenue (slightly less than the 'just over' 4% quoted by the applicants). Savills stated that a profit margin in excess of 21% of GDV (less than the 25-30% figure used by the applicants) would be expected for a site of this nature.

Savills therefore agree with the applicant that this site is not viable or deliverable with affordable units included in the format required by the Council. This confirms compliance with the first part of the SG paragraph 4.6 that states '*In specific incidences where a developer can prove that on site provision of Affordable Housing is not viable, and the Council is in agreement, an off-site provision may be considered.*'

With the non-viability of the development having been accepted, the second consideration is the suitability of the off-site provision of affordable housing, in terms of the site characteristics and proposed accommodation.

Paragraph 4.6 of the SG goes on to set out six requirements of the alternative site for off-site provision. Commentary on the 221310/DPP Braeside proposals is added in respect of these:

1. *The ALDP supports residential use in principle.*

The Braeside proposal site is zoned for residential use and identified as a residential development opportunity in both the current and proposed ALDPs.

2. *Located within the same housing sub-market area.*

The Treetops and Braeside sites are both located within the prime sub-market area as identified in the SG.

3. *Located within an area that does not have a concentration of affordable housing.*

The surrounding residential area of Braeside and Airyhall is relatively large and is entirely open market housing.

4. *Site to be transferred to the Council or Registered Social Landlord (RSL) as affordable housing provider.*

The Braeside site would be transferred to Grampian Housing Association which is an RSL and has been working with the applicant and architects throughout the application process.

5. *If Developer is providing the affordable housing, this is linked to release of mainstream housing on primary site.*

Compliance would be achieved through use of phasing details within a legal agreement relative to the Treetops application, where affordable units at Braeside would have to be provided prior to occupation of a defined number of units at Treetops.

6. *The percentage of affordable housing must be based on the total of all units to be delivered in both sites and where relevant the affordable housing delivered on the secondary site does not account for any existing or future affordable housing requirement from that site.*

The 25% requirement across both sites results in a 26.75-unit requirement (25% of 107). Since 30 affordable units are proposed at Braeside, the required number would be provided.

The developer has indicated they wish to 'bank' units over and above this figure (three) to use as an affordable housing contribution against potential future development on another site, which is permitted by the SG, however this is not material to the determination of the current Treetops application.

In terms of the SG, the current proposal represents off site provision as the second preference and social rented housing delivered by an RSL as the preferred housing type, which is welcomed.

In terms of the composition of the affordable housing, The ACC Housing Strategy Team has advised that as many larger 8-person capacity properties as possible should be provided at the Braeside site. In the response, the applicant has reviewed the largest of the house types (HT4) which at present can accommodate 7 persons. As a result, the footprint of HT4 has been increased (400mm wider and 500mm deeper) so that it can accommodate 8 persons. However, due to the tight nature of the Braeside site, it is only possible to accommodate this enlarged version of HT4 on one of the five plots that HT4 is proposed on. To accommodate the updated HT4 on the remaining four plots, would have significant knock-on effect on the layout in terms of addressing other matters such as parking, tree retention and amenity. With the larger version of HT4 now included on one plot, the composition of the development would be 20x five-person houses; 5x six-person houses; 4x seven-person houses and 1x eight-person house.

In a supporting statement, Grampian Housing Association (GHA), has indicated that it has worked closely with the applicant and their design team to create house types which accurately reflect the

needs of GHA's client group and to ensure that adequate provision is made for people on their waiting list with physical disabilities.

Given the small nature of the site and the competing requirements in terms of achieving a satisfactory layout, it is considered that the range of house types and sizes at the Braeside site provides a suitable mix of units, which would help address the housing needs of the community.

The inclusion of a site within the Council's Strategic Housing Investment Plan (SHIP) relates to funding and delivery arrangements for affordable housing. The absence of the Braeside site from the SHIP is not a material planning consideration and does not prevent planning permission being granted. The SHIP is updated annually, and the Braeside site will be included in the next iteration which is due in October 2023 (*Issue 8*).

In summary, it is considered that the proposal for off site provision of the affordable housing contribution of the Treetops development at Braeside has been adequately justified, using the specific criteria and process set out in the Supplementary Guidance: Affordable Housing as referenced in Policy H5 (Affordable Housing) of the ALDP 2017. The proposals are therefore in compliance with Policy H5 of the ALDP and Policy H5 (Affordable Housing) and Aberdeen Planning Guidance 2023 on Affordable and Specialist Housing of the Proposed ALDP 2020, that substantively reiterate this policy stance (*Issue 6, 7 and 44*).

On that basis the proposal meets the requirements of NPF4 Policy 16 and Policy H5 of the ALDP in terms of affordable housing.

## **Density**

In the interests of sustainability and efficient use of land, higher density developments are generally encouraged by the ALDP. Policy H3 (Density) of the ALDP requires development to meet a minimum density of 30 dwellings per hectare, but to also have consideration of the site's characteristics and those of the surrounding area and to create an attractive residential environment and safeguard living conditions within the development. With the site being 2.78 hectares and there being 77 units proposed, the policy would expect 83 units to be provided. The initial layout proposed 89 units; however, this raised several issues with the acceptability of the proposal. The number of units was subsequently reduced, and it is considered that the proposal in its amended form is acceptable, with 27.6 units per hectare being provided in a more satisfactory arrangement and form, and also taking cognisance of the existing trees around the edges of the site (*Issue 12*).

## **Design, Layout and Amenity**

Policy 14 (Liveable Places) of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It requires that Development proposals be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It goes on to say that places should consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities, indicating that development proposals will be supported where they are consistent with these six qualities of successful places. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 (Quality Homes) of NPF4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy D1 (Quality Placemaking by Design) of the ALDP states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Policy D2 (Landscape) of the ALDP requires new developments to be informed by their surrounding and consider existing features in layouts. It also requires hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

The Proposed ALDP introduces a new policy on amenity (Policy D2) which sets out design criteria to ensure high levels of amenity in new developments.

### Design and Layout

The layout has been arrived at by considering the constraints of the site, which include the trees around the perimeter of the site and a 1200mm diameter sewer which runs north/south within the site adjacent to Springfield Road. The highest point in the site is along a 3m high embankment at the western boundary, with the lowest point being the north-eastern corner beside Springfield Road.

A SUDS detention basin would be located at the front of the site and set within landscaping, which would provide a welcoming and pleasant frontage to the site. A new junction onto Springfield Road, located slightly north of the existing southernmost junction, would be constructed. The existing junction at the northern end of the site would be turned into a pedestrian route, which would also serve as an emergency access route, whereas the existing southern junction would be removed. The provision of the junction and detention pond would however require the removal of tree group 1, which is a linear group of small broadleaf trees, 1m to 7m tall, which front Springfield Road. Whilst the removal of these trees would result in a noticeable change in the streetscape, larger trees which would be retained along the southern and northern boundaries at the front of the site would continue to provide a woodland backdrop.

Beyond the landscaping and detention pond, would be five detached two-storey houses addressing Springfield Road, the closest of which would be set back 25m from the street, with the remaining four 38m–40m back. The remainder of the development would sit behind these units, within the site itself. The units facing Springfield Road provide interaction between the site and the existing street, with the setback maintaining the open and spacious character of the street (*Issue 15*).

The proposed block of flats would be located in the northwest corner of the site, set back from Springfield Road by some 150m. The main five floors would be 15m tall, with the sixth floor which is set back from those below, creating a total building height of 18.5m. The trees along the western boundary and those to the north, against which the block would generally be seen from a distance, range in height from 17m to 26m, with most being over 20m, without taking account of the circa 3m high embankment on which they are located. The site more generally is contained by the trees and surrounding woodland, with limited views into it. In terms of surrounding development, the most recently completed block of flats at neighbouring Craigieburn Park is 15.5m tall and is considerably closer (22m) to Springfield Road than the proposed block. Given this context, it is considered that the new block could be satisfactorily accommodated within the site and surrounding area (*Issue 13 and 14*).



Concern is raised in representations that the block of flats would only have a stairwell and that the rooms are small. The submitted drawings confirm it would include a lift which would serve each floor (*Issue 20*) and the room sizes are not considered to be particularly small, with each flat also including a balcony to provide external private space (*Issue 21*).

Minimal ground level changes would be required to accommodate the development, as such there are no concerns with significant changes in ground levels or how new houses would sit alongside existing houses in this regard.

The proposed external finishing materials (white dry-dash render; grey concrete roof tiles; grey PVCu windows and doors, with sections of fibre-cement cladding in a range of colours) are typical of new build homes and considered acceptable.

Each dwellinghouse would have its own rear garden, which meet the minimum length of 9m, with defensible space enclosed by hedges at the front (*Issue 22*). Paths and parking areas would be overlooked by different properties to provide natural surveillance.

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to take into account suicide risk. There are no features apparent within the development which would increase the risk of suicide occurring.

#### Waste

Policy 12 (Zero Waste) of NPF4 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy R6 (Waste Management Requirements for New Development) of the ALDP requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Each property would have space within their gardens to store wheelie bins for different types of waste. Areas are identified outside of properties for bins to be collected. A bin store would be provided for the flats within the building's carpark. The arrangements are considered acceptable.

#### Daylight and Overshadowing

With regards to daylight, all new properties are far enough away from existing properties that they would not affect the receipt of daylight or overshadow existing houses or gardens (*Issue 14*).

New homes would be orientated and spaced out to receive sufficient daylight, with many having habitable rooms with dual aspects.

#### Privacy

In terms of privacy, the window-to-window distance between the new houses facing Springfield Road and the existing houses on the opposite side of the street (numbers 78 to 88) would be a minimum of 62m, well in excess of the 18m minimum considered necessary to ensure privacy.

Along the northern boundary, houses would be between 30m and 55m away from the existing flats on Craigieburn Park to the north. The trees along this boundary and within the ground of the existing flats would also provide screening.

The new block of flats in the northwest corner of the site would be between 28m and 40m from the closest flats at Craigieburn Park, again with trees providing screening. In terms of its relationship with the new houses within the development, there would be no windows facing directly towards

windows in other properties or any unreasonable overlooking of gardens. Otherwise within the site the 18m window-to-window distance would be met between houses.

In terms of comparison with the houses to the west of the site, the ground level at Macaulay Gardens, Place, Walk and Park sits at around 75m Above Ordnance Datum (AOD). The top of the bank at the back of the Treetops site is between 70m AOD at the north end and 71.5m AOD at the southern end. The Treetops site lies at a lower level, with the finished floor levels (the level of the ground floor) of the townhouses proposed along the western boundary of the site being at between 68.5m AOD and 69.4m AOD.

The new block of flats would be facing towards Couper's Pond, with the closest existing house at Macaulay Gardens being number 6, being 35m away to the southwest, with the house itself 45m away. There is an intervening strip of private woodland which stretches the length of the western site boundary southwards from Couper's Pond. At its northern end it is around 7m wide which provides screening between the site and 6 Macaulay Gardens.

Otherwise, the three-storey townhouses along the boundary would be a minimum of 45m away from homes on Macaulay Gardens, again with the exception of 6 Macaulay Gardens which would be 35m away. On that basis, there is no concern with window-to-window distances between the flats or townhouses and existing houses. The townhouses would include a balcony at first floor level, however due to the differences in levels, with the site sitting lower than Macaulay Gardens and Place, this would result in the balconies being at the same level, or marginally higher, than the garden levels of the existing homes. However, there are no concerns with overlooking, due to the combination of the distance between the balconies and gardens of existing properties (between 23m and 29m), the intervening woodland which means gardens would not be back-to-back and the existing boundary fences, which all combine to provide a suitable buffer between new and existing houses.

The Bungalow, Countesswells Road, which is located at the south west corner of the site, would be directly south of the rear gardens of the proposed townhouses. The townhouses would have no windows facing towards The Bungalow. In terms of overlooking from the balconies, the closest would be 18m from the boundary of The Bungalow's garden and 25m away from the house. At this point the townhouses would still be lower than the neighbouring property so the balconies in relative terms would not be in an elevated position. The trees and shrubs in the corner of the site also provide screening and The Bungalow has a timber fence along the boundary which provides screening (*Issue 18*).

Along the remainder of the southern boundary, new houses would sit at around the same level as existing properties on Springfield Gardens, with a minimum distance of 30m between windows, with rear gardens of both existing and proposed providing separation between the houses. The trees along the southern boundary within the site would also continue to provide a degree of screening.

In summary, there are no concerns with the proposed development in terms of impact upon the privacy of existing residents or future residents living within the development, with the window-to-window distances being in excess of 18m and the changes and levels and trees otherwise minimising any potential for overlooking (*Issue 16 and 17*).

## **Open Space**

Policy NE4 (Open Space Provision in New Development) of the ALDP and associated supplementary guidance of the LDP requires at least 2.8 hectares per 1,000 people of

“meaningful” and “useful” open space in new residential development. For a development of the size proposed, this equates to 0.4 hectares of such space.

The proposals show around 1.04 hectares of amenity and landscaped areas, mainly comprising the area at the front of the site, including the detention basin, the landscaping garden opposite the town houses and the landscaped area beside the block of flats and the proposed path between the Springfield Road and Couper’s Pond (*Issue 22*).

In terms of play areas, the site is within 400m of two existing play areas (*Issue 11*).

The proposed landscaping scheme includes a requirement to provide bins in the public open space (*Issue 41*).

Policy NE9 (Access and Informal Recreation) of the ALDP indicates that wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

A path route would be provided through the northern part of the development, between Springfield Road on the east and Couper’s Pond to the northwest corner. This would enhance connectivity in the area which is welcomed. The James Hutton Institute, which owns the land where Couper’s Pond is located have confirmed it is happy for the link to be provided between the two sites. The institute as part of their Open Science campus strategy encourages members of the public and other key stakeholders to walk through its grounds. It indicates the proposed path would provide additional access to the institute site and allow both the local community and staff to gain access to Springfield Road which previously was not available. A condition is proposed requiring the path to be provided (*Issue 11*). Concern is raised that the path would encourage children to play in the ground of the James Hutton Institute service area or encourage anti-social behaviour at Couper’s Pond. However, these matters are not considered to be material planning considerations in this instance; the institute grounds are already open to the public and there is no reason to believe further access would encourage anti-social behaviour (*Issue 38 and 39*).

## **Natural Heritage and Biodiversity**

With the site being cleared, with the exception of the trees around the perimeter, the site has very limited biodiversity value. Reports were received of red squirrel sightings in the trees and woods around the site. Red squirrels and their dreys (resting places) receive full protection the Wildlife and Countryside Act 1981, therefore a survey was carried out by the applicant to determine the habitat suitability of the site for red squirrel and whether they are present. The survey did not identify any signs of red squirrels within the site boundary. The trees around the perimeter of the site provide good connectivity between nearby wooded areas and an active squirrel drey was found in trees 70m north of the site. It was not possible to determine whether this was a red or grey squirrel drey. The development will not impact this drey, as it is over 50m away from the site and the squirrels will be accustomed to a relatively high level of disturbance being located close to Springfield Road and existing residential uses. The survey was reviewed by the ACC Natural Environment Policy Team and its findings are considered acceptable (*Issue 35 and 36*).

A detailed landscaping scheme would be secured by condition. It would be expected to incorporate features to enhance biodiversity including open, vegetated SUDS, boundary treatments with gaps underneath/or holes and bat/bird boxes. Planting choices for landscaping should include native species and provide a variety of height and texture, which will provide both visual interest and habitat variety. Given the low biodiversity value the site has at the moment it is

considered reasonable to expect that the finished development would enhance biodiversity in accordance with the policy.

## Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland and trees. It goes on to say that Development proposals that “*enhance, expand and improve woodland and tree cover will be supported*” and that “*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value*”. Policy NE5 (Trees and Woodland) of the ALDP largely reiterates these aims and says 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.

The site is covered by tree preservation order 260. Within and outside the site, 147 trees and eight tree groups were surveyed. Trees are located around all four edges of the site.

Forty-eight trees and two tree groups (at the eastern (front) part of the site and on part of the southern boundary) would be removed to allow for the development to take place. A small section of tree group 4 at the north west corner of the site would also be removed. The individual trees to be removed are generally located along the southern boundary of the site, where a number of trees extend further into the site than others along the boundary, thereby making a suitable layout difficult if they were to be retained. Most of the trees vary in height between 10m and 20m, with some smaller examples 5m or 6m. The larger of the trees in this part of the site which are 20m+, which contribute more to the wider area due to their height would be retained. As well as the individual trees, Tree Group 2 makes up the dense vegetation along the southern boundary of the site, comprising birch and sycamore, encapsulated in dense rhododendron and laurel which are both invasive species. It is proposed to remove the invasive species and selectively thin the birch and sycamore to promote high amenity trees, followed by appropriate shrub planting which would maintain the existing screening between the site and The Bungalow (*Issue 19*).

Similarly, tree group 3, located in the southwest corner of the site and tree group 4 in the northwest corner, would have rhododendron and spruce removed and then be reinforced with new boundary planting of medium sized broadleaf species such as hornbeam, whitebeam, and rowan. The proposed path to Couper's Pond would be located in this area and therefore to minimise impact upon trees an elevated boardwalk is proposed to reduce soil disturbance and potential long-term tree health risks from construction of a path.

Tree Group 1 at the front of the site would be removed to allow for the new junction and detention basin, as described earlier in the report.

Concerns are raised by the Council's Natural Environment Policy Team which considers that the proposed layout does not allow sufficient room for retained tree stock to develop and provide meaningful replacement planting. It is also considered that the layout of the southern boundary does not leave adequate space between the existing tree stock and proposed houses and gardens, which limits the potential growth of retained tree stock due to proximity conflicts with new residents and would not allow for meaningful replacement planting. The team's view is that in order to adequately address the concerns, a substantially revised layout with much less units, preferably set more centrally in the site to avoid impacts on existing tree stock and to provide space for high quality landscaping that has sufficient space to reach maturity would be required.

Notwithstanding, if the proposals were to be amended to the extent suggested, it would significantly reduce the number of units that could be accommodated on the site, making less

efficient use of the land, creating a tension with policies on density and the reuse of brownfield sites. Whilst ideally all new development would sit outside the zone of influence of surrounding trees, it is often not possible to do this when redeveloping a brownfield site where there are numerous competing matters affecting the resultant layout. Many of the homes in the surrounding area are in close proximity to trees and sit comfortably in the context, the mature trees contributing to the character of the area. The proposed layout retains trees around the boundary of the site, including the more substantial trees which contribute positively to the character of the area, and includes additional planting to reinforce what is retained. Therefore, whilst there is tension between the proposal and Policy NE5 of the ALDP it is considered the proposal is acceptable on balance (*Issue 33, 34 and 37*).

## **Access, Traffic and Parking**

New developments are required by Policy T2 (Managing the Transport Impact of Development) of the ALDP to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Additionally, Policy T3 (Sustainable and Active Travel) of the ALDP requires developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must also be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

### Access

In terms of accessibility of the site, this has been discussed earlier in the report in relation to 20-minute neighbourhoods, with access to service and public transport found to be good.

Pedestrian connectivity in the area is considered to be good. A signalised pedestrian crossing is available on Countesswells Road for school pupils walking to Airyhall Primary School from the site. Should pupils use a route via the proposed path through the Couper's Pond area and Macaulay Drive, there is a traffic island further west on Countesswells Road which could be utilised to reach the school. No requirement for an additional pedestrian crossing in the area has been identified, with local shops and services being accessible by routes with existing signalised crossings (*Issue 24 and 25*).

The new site junction would be located to improve road safety, by removing the current location of the access which almost forms a crossroad with the junction of Viewfield Road onto Springfield Road. The new junction would be completely off-set so as to avoid such an arrangement. Swept path analysis shows that vehicle can safely manoeuvre through the site (*Issue 27 and 28*).

Two bus stops in close proximity to the site on Springfield Road, have been identified for potential upgrades, to mitigate the increased use as a result of the development. This can be included in the legal agreement as part of the developer obligations payments.

### Traffic

The applicant's Transport Statement shows that it is predicated that the development would generate 44 two-way private vehicle trips in the AM (morning) peak and 39 two-way vehicle trips in the PM (evening) peak – representing a vehicle entering or leaving the site roughly every 1.5 minutes. Outwith the peak hours, activity would be less and spread throughout the day. With this low level of traffic generation, it is not necessary to undertake any further traffic impact analysis or junction capacity assessments. It is also worth noting that although the hotel closed several years

ago, during the peak hours it would have been expected to generate around 42 and 41 two-way people trips during AM and PM peak hours respectively, which is a negligible difference from the traffic expected to be generated by the proposed development. The ACC Roads Development Management Team has reviewed the traffic assessment and are satisfied with its conclusions (*Issue 23*).

### Parking

Driveways would be provided for all houses, with most also having a garage which would result in 3-bedroom houses have two spaces and 4 and 5-bedroom houses having three spaces.

The block of 33 flats would be served by a car park providing 40 parking spaces, comprising spaces at a rate of one per flat, two accessible spaces and five visitor spaces. The parking provision is considered accepted by the ACC Roads Development Team (*Issue 26*).

From 5 June 2023, EV charging comes under the remit of building standards regulations, which will require a far higher level of provision than the current planning requirements do. On the basis that if approved, the development would begin construction after 5 June 2023, it is proposed to attach a condition requiring details of the finalised EV charging provision.

A cycle store would be provided for the flats and a condition attached to require a visitors' cycle stand to be provided, which could also be used by anyone wishing to utilise the open space as suggested in representations (*Issue 30*).

### **Contaminated Land**

Policy R2 (Degraded and Contaminated Land) of the ALDP requires that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use.

Whilst it is not anticipated there will be any significant contamination of the site, it is not entirely clear of materials arising from the demolition of the hotel. To ensure that the site is made satisfactory for the proposed new residential use, a condition has been attached requiring a site investigation report to be submitted which would determine whether there is any contamination and required remedial measures.

### **Drainage**

Policy 22 (Flood Risk and Water Management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development proposals will (i) not increase the risk of surface water flooding to others, or itself be at risk; and (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure.

Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP requires surface water proposals to be the most appropriate available in terms of sustainable urban drainage systems (SUDS) and avoid flooding and pollution both during and after construction.

### Foul Drainage

Foul drainage from homes will be discharged to new drains which will be connected to the existing combined sewer on Springfield Road. Scottish Water have confirmed there is sufficient capacity at the Nigg Wastewater Treatment Works for a new connection from the development.

### Surface Water Drainage

Surface water run-off from the roofs of houses, roads and car parks would drain into a new surface water sewer network within the site. Flows would then drain to a new extended detention basin which would be created at the front of the site, which in turn would discharge at a restricted rate into a culvert in the northern part of the site which forms part of the West Burn of Rubislaw.

### Couper's Pond

Concern was raised by the community council and in representations with the potential for flooding and alleged leakage from Couper's Pond. To address these concerns a Flood Risk Assessment was carried out to consider the potential risk to the site from the pond.

Anecdotal evidence suggests that historically water levels in the pond were much higher in the past. It is suggested that at some point during the recent development of the Pinewood and Hazledene site to the west, some of the flows feeding the pond may have been re-routed. This may explain the lack of, or very low flows, in the watercourse upstream of the pond.

Below the water level of the pond is an outflow pipe which discharges into a spillway channel, which runs within the northern edge of the Treetops site and then joins the West Burn of Rubislaw culvert within the site. There is also a high-level overflow pipe at the east edge of Couper's Pond. This pipe is set well above the current water level and would only come into use in the unlikely event of the pond being full.

An assessment of Couper's Pond catchment and capacity was carried out to determine whether there was a potential risk of the embankment being breached or overtopped and what impact this would have on the proposed development. The maximum water level is approximately 70.72m AOD, which is 0.28m below the lowest part of the embankment between the pond and the Treetops site. The high-level overflow would operate once the water level reaches 70.36m AOD and would convey a maximum flow of approximately 107 litres per second through to the spillway channel within the Treetops site. Both the existing spillway and the downstream culvert have a capacity significantly higher than this flow rate. As a worst-case scenario check, a situation was assessed where the overflow pipe was blocked, and it was determined that an additional volume of around 840m<sup>3</sup> of water can be accommodated in the pond before it overtops the lowest part of the embankment. The maximum rate of spill over the embankment is predicted to be less than 90 litres per second.

Ground levels with the Treetops site would be set to ensure that there is a flow corridor provided between the block of flats and the northern boundary of the site. In the unlikely event that the overflow pipe and spillway were not operational, and flows were to overtop the embankment, water would be conveyed along this corridor, below the level of the lowest building finished floor level, to the culvert inlet.

In addition, no evidence of the pond leaking was found (*Issue 31*).

SEPA and the Council's flooding officers have considered the Flood Risk Assessment and are satisfied that the information provided is sufficient to address concerns with the residual risk from

Couper's Pond, provided a condition is attached to ensure levels along the flow pathway and spillway are maintained in perpetuity below the level of the flats (condition xx specified at the end of the report).

On that basis it is considered that that the residual risk of flooding from Couper's Pond has been considered sufficiently in terms of Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP (*Issue 32*).

### **Climate Change and Nature Crises and Biodiversity**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities when considering all development proposals to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) of the NPF4 encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) of NPF4 seeks the enhancement of biodiversity.

The sustainable location, within the existing suburban area which is close to services and public transport represents development which has the potential to reduce dependence on the private car and in turn carbon emissions.

In terms of the design of the development, as considered in the Drainage section of the report, the proposal would have regard to climate change through dealing with surface water via a SUDS feature. The risk of flooding has also been satisfactorily considered.

Several trees are to be removed which creates tension with these policies however the planting of new trees would help mitigate their loss. The most significant trees around the site perimeter would be retained.

In terms of the nature crisis, proposed tree and landscaping planting around the site would contribute towards enhancing biodiversity. Measures to reduce water usage would help safeguard protected species in the River Dee and water consumption in general. These aspects all align with Policy 3 of NPF4, which seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

### **Developer Obligations**

Policy 18 (Infrastructure First) of NPF4 indicates that *“development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. It goes on to say that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.”*

Similarly, Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP states that *“development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.”*

Concern is raised in representations that community facilities in the area would struggle with accommodating the increase in population that the development would create. The Planning Service use a set methodology to determine the level of contributions a developer must provide to offset the impact of their development. The Planning Obligations Supplementary Guidance emphasises that any infrastructure or contributions sought are proportionate to the development proposed.



- Taking the development into account, Airyhall Primary School has sufficient capacity to accommodate pupils generated by the development, whereas Hazlehead Academy would go over capacity by three pupils. Therefore, a contribution of £13,175 is sought for secondary education. Otherwise, any current issues with the provision of education at the schools is a matter for the Council in its capacity as education authority to address, whereas nursery care is not covered by developer obligations. (*Issue 9*).
- In terms of community facilities, a contribution (£134,578) has been identified towards Airyhall Community Centre and Library which has proposals in place to create additional capacity to accommodate additional users as a result of the development (*Issue 14*).
- Provision of healthcare is the responsibility of NHS Grampian and infrastructure requirements have been calculated with the NHS based on national health standards. In this instance, a contribution (£42,467) will be required towards internal reconfiguration works to increase capacity at Great Western Medical Practice (Seafield Road) or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity. The delivery of increased healthcare (including dental) capacity would be for the NHS to address (*Issue 10*).
- A contribution of £27,379 has been identified towards Core Paths 60 (Anderson Drive to Denwood via Craigiebuckler) and/or 64 (Pinewood Park to Springfield Place).
- No contribution has been identified towards sports and recreation or open space.

In summary, developer obligations would be sought to offset the impact of the development on the relevant community infrastructure in accordance with Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

### **Low and Zero Carbon and Water Efficiency**

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP requires 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. A condition is proposed requiring that details are submitted demonstrating how the requirement would be met. A second condition would be attached requiring details of water saving technologies.

### **Digital Infrastructure**

Policy 24 (Digital Infrastructure) of NPF4 encourages, promotes and facilitates the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy. Policy C11 (Digital Infrastructure) of the ALDP requires all new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

The site is an area served by City Fibre where a range of packages are available from high-speed broadband providers

### **Other matters raised in representations**

- The bin store for the flats would be designed so as to prevent vermin from entering the store. There is no reason to expect vermin would be attracted to this bin store more than any other in the area (*Issue 41*).

- External lighting would be designed to minimise light spillage. A condition has also been submitted requiring details to be provided, the specification of which would be required to meet the Councils Road Construction Consent standards (*Issue 43*).

## **Proposed Aberdeen Local Development Plan**

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

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

A legal agreement would be required to secure the identified developer obligations. The legal agreement would also require to tie the delivery of the development at Treetops to the delivery of the off site affordable housing at Braeside, on an appropriately phased basis.

## **RECOMMENDATION**

Approve Conditionally Subject to Legal Agreement

## **REASON FOR RECOMMENDATION**

As a residential use proposed within a residential area the general principle of residential use is acceptable and consistent with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP).

The redevelopment of brownfield and vacant land such as the Treetops site is supported by Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of National Planning Framework 4 (NPF4). The ALDP is clear that as well as the development of greenfield sites, the redevelopment of brownfield land is required to meet Aberdeen's housing land requirement. Policy 16 (Quality Homes) of NPF4 supports the development of new homes on land allocated for housing in LDPs.

Being located within the existing suburban area, the site benefits from being in close proximity to existing public services and public transport, supporting the aims of Policy 15 (Local Living and 20-minute neighbourhoods) of NPF4. An acceptable Statement of Community Benefit has been provided, in line with Policy 16 (Quality Homes) of NPF4.

The layout has been arrived at by considering the constraints of the site, which include the trees around the perimeter of the site and combined sewer along the Springfield Road side of the site.

The initial layout proposed 89 units; however, this raised several issues with the acceptability of the proposal. The number of units was subsequently reduced, and it is considered that the proposal in its amended form is acceptable, with the revised proposal having a more satisfactory arrangement and form. There are no concerns in terms of overshadowing, daylight or privacy. Given the context of the site, which is largely enclosed by trees, it is considered that the block of flats, being set 150m back from Springfield Road could be satisfactorily accommodated within the site and surrounding area, which already includes flats at nearby Craigieburn Park. Otherwise, the design and layout of the development is considered acceptable in terms of Policy 14 (Liveable Places) & Policy 16 (Quality Homes) of NPF4 and Policy D1 (Quality Placemaking by Design) and Policy D2 (Landscape) of the ALDP.

The sustainable location, within the existing suburban area which is close to services and public transport represents development which has the potential to reduce dependence on the private car and in turn carbon emissions. The proposal would have regard to climate change through dealing with surface water via a SUDS feature. The site is also not known to be at risk of flooding and the development would not increase the risk of flooding to the site or others, all supporting the aims of Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4.

A path route would be provided through the northern part of the development, between Springfield Road on the east and Couper's Pond to the northwest corner. This would enhance connectivity in the area which is welcomed and in accordance with Policy NE9 (Access and Informal Recreation) of the ALDP.

A degree of tree loss is required to accommodate the development; however, the proposed layout retains trees around the boundary of the site, including the more substantial trees which contribute positively to the character of the area, and includes additional planting to reinforce what is retained. Therefore, whilst there is tension between the proposal and Policy NE5 (Trees and Woodland) of the ALDP, it is considered the proposal is acceptable when balanced against other matters influencing the layout and design.

Beyond the trees and undergrowth around the edge of the site, it has no vegetation and therefore that element has a low biodiversity value. The proposed landscaping measures and water use reduction measures which would help safeguard protected species in the River Dee, all align with Policy 3 (Biodiversity) of NPF4.

A red squirrel survey was carried out to determine the habitat suitability of the site for red squirrel and whether they are present. The survey did not identify any signs of red squirrels within the site boundary. The nearest squirrel's drey was found 70m away from the site so would remain undisturbed.

The development would generate a low level of traffic, with levels expected to be negligibly different from that associated with the previous hotel use. The ACC Roads Development Management Team has reviewed the traffic assessment and are satisfied with its conclusions. The level of parking is considered acceptable, with driveways provided for each house and the block of 33 flats being served by 40 parking spaces.

A Flood Risk Assessment was undertaken to consider the risk of flooding from Couper's Pond. The assessment was considered by SEPA, and the Council's flooding officers who are satisfied that the information provided is sufficient to address concerns with the residual risk from Couper's Pond in the unlikely event that it was to overflow. On that basis it is considered that the matter has been considered sufficiently in terms of Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Suitable developer obligations would be sought to offset the impact of the development on the relevant community infrastructure, so as to accord with Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

The proposal to provide the affordable housing contribution of the Treetops development off site at Braeside has been adequately justified, using the specific criteria and process set out in the Affordable Housing Supplementary Guidance. The development is considered to comply with affordable housing requirements of Policy 16 (Quality Homes) of NPF4 and Policy H5 (Affordable Housing) of the ALDP.

Other technical matters relating to water efficiency, land remediation, waste storage have been addressed satisfactorily or would be subject of conditions.

## **CONDITIONS**

### **(01) DURATION OF PERMISSION**

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

Reason – in accordance with section 58 (duration of planning permission) of the 1997 act.

## **PRE-COMMENCEMENT OF DEVELOPMENT**

### **(02) TREE PROTECTION FENCING**

No development (including demolition or site setup) shall take place unless the tree protection measures shown in Arboriculture Impact Assessment 9791 (V9) and drawing 374593-GIS006 (Rev.B) (dated 11 August 2022) by Envirocentre have been implemented. Thereafter the fencing shall remain in place for the duration of construction of the development.

Reason – to protect trees and vegetation from damage during construction in accordance with Policy NE5 (Trees and Woodlands).

### **(03) LANDSCAPING AND BIODIVERSITY ENHANCEMENT**

No development shall take place unless a detailed scheme of hard and soft landscaping covering all areas of public and private space has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- Existing and proposed finished ground levels
- Existing landscape features, trees and vegetation to be retained or removed
- Existing and proposed services and utilities including cables, pipelines and substations
- Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting
- Proposed measures to enhance biodiversity (see NatureScot's [Developing with Nature guidance](#))
- Proposed hard surface finishing materials
- Location and design of any street furniture
- Location and design of general and dog waste bins
- Arrangements for the management and maintenance of existing and proposed open space and landscaped areas
- A completed checklist from Annex C of the Developing with Nature guidance

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless all paths, hard landscaping and any artificial bio-diversity enhancement features have been constructed or provided and are ready for use.

All soft 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 five years from the completion of the development, in the opinion of the planning authority is dying, is severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – to satisfactorily integrate the development into the surrounding area, enhance the biodiversity value of the site and to create a suitable environment for future residents.

#### (04) BOUNDARY TREATMENTS

No development shall take place unless a scheme showing the detailed design of the proposed boundary treatments for the site and individual plots has been submitted to and approved in writing by the planning authority. The scheme shall include retention of the stone wall along the Springfield Road boundary, taking account of the new junction and closure/amendment of the existing openings, with reinstatement of the wall where appropriate.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the said scheme has been implemented, in accordance with the approved details.

Reason – to satisfactorily integrate the development into the surrounding area and create a suitable level of residential and visual amenity.

#### (05) PROVISION OF PATH TO COUPER'S POND

No development shall take place unless a detailed specification for the path link between the site and Couper's Pond, as generally shown on Halliday Fraser Munro drawing P(00) 302 (Rev.P8), has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit within the development shall be occupied unless the path link has been constructed and is available for use.

Reason – to ensure the development is satisfactorily connected into the surrounding path network.

#### (06) EXTERNAL LIGHTING

No development shall take place unless a scheme of external lighting for the development, including car parks and paths within the site, has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless the external lighting scheme has been implemented in accordance with the approved details.

Reason – to ensure a suitable level of residential amenity & public safety and to minimise the impact upon wildlife.

#### (07) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

No development shall take place unless a detailed scheme of electric vehicle charging infrastructure has been submitted to and approved in writing by the planning authority.

The scheme shall take account of the requirements of section 7.2 (Electric Vehicle Charging) of the Building Standards Domestic Technical Handbook (June 2023) and show the location and specification of active and passive charging infrastructure.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit within the development shall be occupied unless the scheme has been implemented and charging points are available for use.

Reason – to ensure provision is made for the charging of electric vehicles.

#### (08) WATER EFFICIENCY

No development shall take place unless a scheme of water efficiency for each house type and the block of flats has been submitted to and approved in writing by the planning authority.

The scheme shall consider 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 gold standard for water use efficiency in domestic buildings.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless for that unit the approved measures have been implemented and are available for use.

Reason – to reduce pressure on water abstraction from the River Dee, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation.

#### (09) LOW AND ZERO CARBON BUILDINGS

No development shall take place unless a scheme detailing compliance with the section 4 'Policy Requirement Low and Zero Carbon Generating Technologies' within the Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the planning authority.

Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless any recommended measures specified within the scheme have been implemented in full and are available for use.

Reason – to ensure that the development complies with requirements for reductions in carbon emissions.

#### (10) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

No development shall take place unless a site-specific Construction Environmental Management Plan(s) (the "CEMP") has been submitted to and approved in writing by the Planning Authority. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) construction site traffic access and egress arrangements.

Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment.

#### (11) SITE INVESTIGATION REPORT

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

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

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

Thereafter, no building(s) on the development site shall be occupied unless –

- 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
- a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

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

Reason – to ensure that the site is fit for human occupation

#### **PRE-OCCUPATION OF UNITS**

#### (12) DRAINAGE

No unit within the development hereby approved shall be occupied unless all drainage works detailed in the approved Drainage Assessment (139685 - DA04 (Rev.2) and drawing 139685/2010 (Rev.B) produced by Fairhurst (or such other drawing approved for the purpose) have been installed in accordance with the approved details and is available for use.

Reason – to safeguard water qualities, prevent flooding and ensure that the proposed development can be adequately drained.

#### (13) PROVISION OF CAR PARKING

No unit within the development hereby approved shall be occupied unless for that unit the associated driveway has provided, or in the case of the block of flats all parking spaces within the communal car park have been constructed and laid out in accordance with Halliday Fraser Munro drawing P(00)006 (Rev.P3) (or such other drawing approved for the purpose). Thereafter, the parking spaces shall be used for no purpose other than for the parking of vehicles belonging to those living or visiting the development.

Reason – to ensure a suitable level of parking is provided.

#### (14) WASTE STORAGE PROVISION

No unit within the development hereby approved shall be occupied unless the bin storage areas for that unit have been provided in accordance with Halliday Fraser Munro drawing P(00)302 (Rev.P8) and P(00) 132 (Rev. P5) or such other drawings as may be approved in writing by the Planning Authority for the purpose.

Reason – to ensure space is available to place bins for collection.

#### (15) CYCLE STORAGE PROVISION

No flat within the development hereby approved shall be occupied unless (i) the cycle storage building has been provided in accordance with Halliday Fraser Munro drawing P(00)302 (Rev.P8) and P(00) 132 (Rev. P5) or such other drawings as may be approved in writing by the Planning Authority for the purpose; and (ii) short-stay cycle stands for visitors to the flats and adjacent open space has been provided in accordance with details to be submitted to and approved in writing by the planning authority.

Reason – to ensure a suitable level of cycle parking is provided.

#### (16) RESIDENTIAL TRAVEL PACK

No unit within the development hereby approved shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority.

Thereafter, on first occupation of each unit, the pack shall be provided to the occupier.

Reason – to encourage use of more sustainable modes of transport.

### **ON-GOING REQUIREMENT**

#### (17) FLOOD PREVENTION

The design levels for the site for the spillway channel and overland flow pathway will be set in accordance with drawing 139685/2903 (Rev. A) (or such other drawings as may be approved in writing by the Planning Authority for the purpose) and finished floor levels for the block of flats (plots 45 – 77) will be a minimum of 68m AOD. This spillway and overland flow pathway will be maintained in perpetuity for the lifetime of the development.

Reason – To reduce any residual flood risk resulting from exceedance, or breach, of the Couper's Pond embankment.

### **ADVISORY NOTES FOR APPLICANT**

#### (01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the



proposed development should not take place outwith the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.