

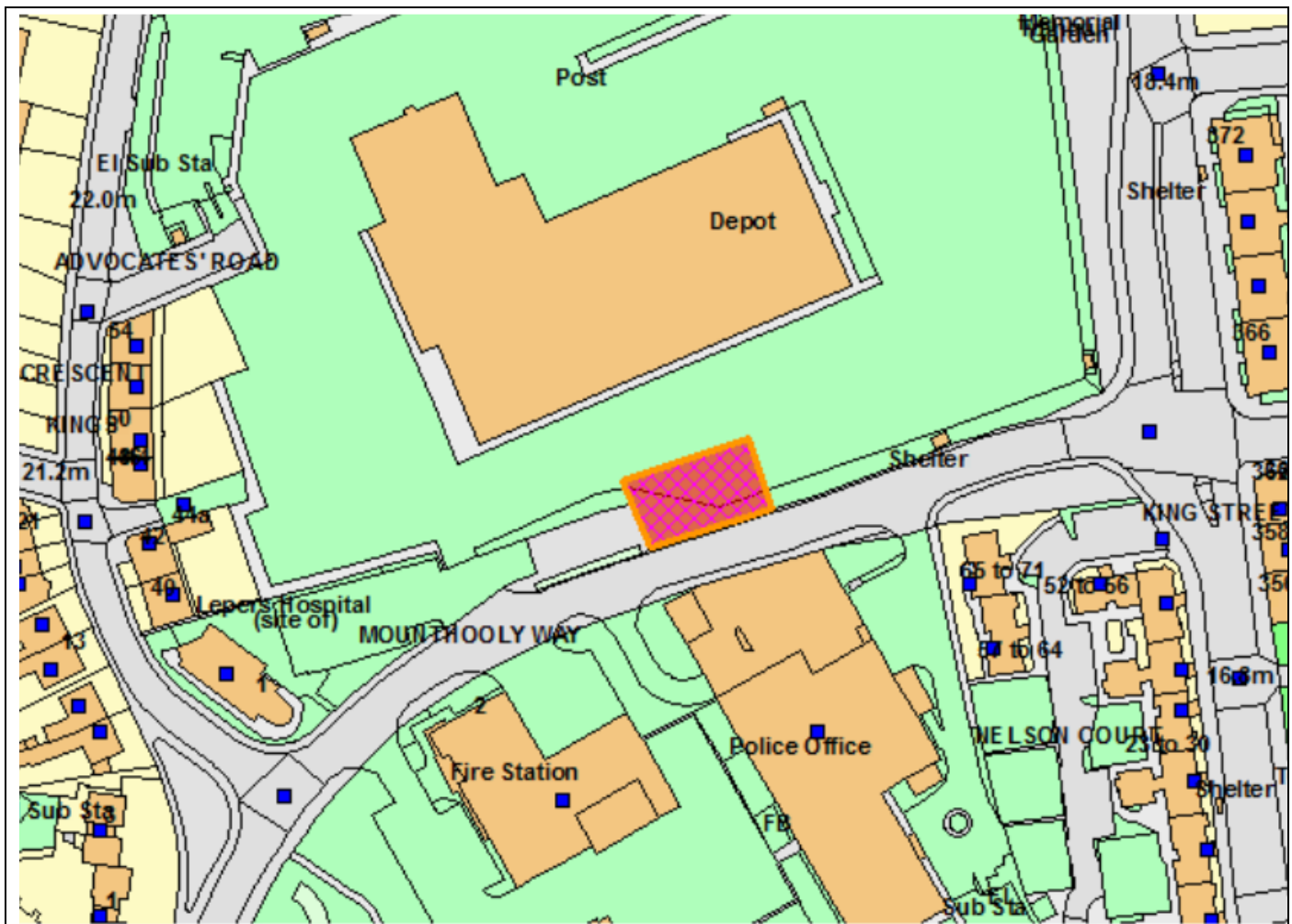


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 07 November 2024

Site Address:	First Aberdeen Ltd, 395 King Street, Aberdeen AB24 5RP
Application Description:	Erection of 2no. battery storage containers, associated ring main unit and transformer housings, 3m high acoustic fence and associated works
Application Ref:	240961/DPP
Application Type	Detailed Planning Permission
Application Date:	14 August 2024
Applicant:	FirstBus
Ward:	George Street/Harbour
Community Council:	Old Aberdeen



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises part of a bus depot, situated on the west side of King Street, and north of Mounthooly Way. The wider depot site was substantially redeveloped in accordance with planning permission granted in 2008. The works relate to the yard area located south of a large workshop building of industrial appearance located centrally within the depot and used for vehicle maintenance. This has grey composite panel clad walls and vehicle access doors on its south elevation. The wider site includes a category C granite listed building of 19th century origin which fronts onto King Street, around 100m north of the site. The main depot access /egress is from King Street. There is established soft landscaping, hedging and trees at the depot frontage onto King Street. The south boundary of the yard, adjacent Mounthooly Way, is defined by a 2m high retaining wall surmounted by 2m high chain-link fencing. A 2m high close-boarded timber fence screens the south edge of the yard.

There is a mix of uses in the vicinity including student accommodation, residential, retail, a fire-station and police offices. Old Aberdeen Conservation Area lies around 120m west of the site at its closest point. The closest residential premises are flats, at Nelson Court, which are 44m south-east of the site, beyond Mounthooly Way.

Relevant Planning History

Application Number	Proposal	Decision Date
221328/DPP	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works	12.01.2023 Status: Approved Conditionally
151508	Installation of 2 external condenser units.	25.01.2016 Status: Approved
070366	Redevelopment of depot and offices	13.02.2008 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

Two battery storage units (each 6m long by 2.4m wide by 2.6m high) and two electrical transformers (each 3.1m long by 3.1m wide by 2.5m) are proposed. The battery storage units would be of metal construction and would incorporate access doors. The transformers would be mounted on a concrete plinth 150mm high and would have glass reinforced plastic walls with louvre panels on the sides. These units would be placed in a row along the south boundary of the site. A 3m high vertical boarded timber screen fence would be formed along the west, south and east site boundaries. This would have a total length of 52m.

The works are supported by the Scottish Zero Emission Bus (ScotZEB) challenge fund which has the aim to support swift and significant change in the bus market in favour of zero-emission technologies.

Amendments

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

- Revised layout plan to include landscaping (climbing plants)

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=SI5Z4TBZIKB00>

- Noise Impact Assessment (NIA)
- Design Statement

Reason for Referral to Committee

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

CONSULTATIONS

ACC - Environmental Health – No objection. Advise that the NIA has been reviewed and is accepted, provided that the noise attenuation measure (fencing) is implemented.

ACC - Roads Development Management Team – No objection / concerns.

Old Aberdeen Community Council – Object on the basis of potential noise impact to local residents. Advise that noise nuisance concerns have been raised in relation to previous electric vehicle infrastructure development at the site and request that is investigated.

REPRESENTATIONS

Objections from a heritage body and from one local resident has been received raising the following concerns:

- Adverse noise impact on nearby residents (e.g. of Kings Crescent) due to noise generation associated with electrical charging equipment, sleep deprivation and consequent conflict with ALDP policy H2.
- Concerns regarding the competency / accuracy of the NIA as originally submitted. Request that a revised NIA is submitted, and neighbours renotified.
- Request that determination of the current application is deferred until existing noise nuisance concerns at the site are addressed.
- Request that installation of further EV charging equipment at the site is deferred until existing noise concerns in relation to previously consented EV charging equipment are addressed.
- Request that the Council undertakes noise monitoring at the site.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") 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 (NPF4)

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 following policies are relevant:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 11 (Energy)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The following ALDP policies are relevant:

- Policy H2 (Mixed Use Areas)
- Policy R7 (Renewable and Low Carbon Energy Developments)
- Policy WB3 (Noise)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE3 (Our Natural Heritage)

Aberdeen Planning Guidance (APG)

- Noise APG

Other National Policy and Guidance

- Planning Advice Note (PAN) 1/2011: Planning and Noise.
- Energy Storage: Planning Advice (2013).
- Naturescot Developing with Nature Guidance.

Other Material Considerations

- Scottish Zero Emission Bus (ScotZEB) challenge fund :
<https://www.transport.gov.scot/public-transport/buses/scottish-zero-emission-bus-challenge-fund/>
- Scottish Government Climate Change Plan 2018-2032
- ACC Strategic Infrastructure Plan – Energy Transition – 2020
- Net Zero Aberdeen – Mobility Strategy and Energy Supply Strategy- 2022

EVALUATION

Principle of Development

As the works are directly related to public transport infrastructure and the authorised use of the wider site as a bus depot, they accord with the intent of NPF4 Policy 13 and ALDP Policy T2. The proposal also accords with the intent of NPF4 Policies 1, 2 and 11, ALDP policy R7 and other relevant plans, strategies and advice. These include the Scottish Government Climate Change Plan 2018-2032, Energy Storage: Planning Advice (2013), ACC Strategic Infrastructure Plan – Energy Transition, and Net Zero Aberdeen – Mobility Strategy. This is because it would enable the expansion of electric vehicle charging at the site and reduction of carbon emissions and pollution associated with traditional vehicle fuels (e.g. diesel).

Amenity / Noise Impact

It is noted that the site forms part of a long-established bus depot located within an urban area. Given this context, it is expected that the existing residential amenity of dwellings located close to the site is likely to be affected to a degree by noise (e.g. due to vehicles and noisy operations within the wider site and on adjacent public roads). However, it is likely that such noise disturbance would be limited outwith the active operational hours of the depot. An amended noise assessment (NIA) has been provided by the agent addressing concerns regarding the original NIA. The closest dwellings on Kings Crescent lie 93m from the site. The closest dwellings (flats) to the south of Mounthooly Way (at Nelson Court), are 44m from the site at their nearest point. Given the proximity of the residential premises to the south and east of the site, there is potential for limited adverse impact on their amenity due to noise generation associated with use of the proposed plant at night. However, the NIA concludes that the noise impact from the proposal would be negligible and is below the level at which adverse impacts are likely. This revised NIA has been assessed by ACC Environmental Health officers and its findings are accepted. Thus, subject to implementation of the proposed mitigation measures (e.g. 3m high acoustic barrier / fence within the site) there would be no adverse impact on residential amenity that would warrant refusal. A condition is proposed to ensure that such measures are implemented in order to ensure compliance with the expectations of NPF4 policy 23 part e), ALDP policies H2 and WB3 and related guidance.

Design / Heritage Impacts

The proposed transformers and battery storage units would be of limited scale relative to the adjacent maintenance building. They would be screened from adjacent public places as they would be set behind the proposed acoustic barrier fence. The development would be seen against the backdrop of the industrial shed-like bus depot building and in the context of the bus storage yard. Thus, it would have limited impact on its context. The fence would be located adjacent to and substantially elevated above the public road. It would be higher than the existing fence (around 0.6m) and thus would have increased visual impact when viewed from Mounthooly Road, in particular when approaching the site from the west. In order to address this concern, the applicant has amended the proposed design to include climbing plants on the west and south elevations of the fence. It is considered that such planting would provide suitable mitigation of the visual impact of the fence and can be required by condition. The overall works have no impact on heritage constraints (e.g. the listed building fronting King Street and Old Aberdeen Conservation Area) due to the intervening workshop building / yard which acts as a visual barrier. Thus, subject to implementation of a condition there would be no conflict with NPF4 policies 7 and 14 and ALDP policies D1 and D6.

Biodiversity / Nature Crisis

The development has been amended to include a degree of planting (climbing plants) to accord with the expectations of NPF4 policies 1 and 3 and ALDP policy NE3.

Parking / Traffic / Road Safety

There would be no impact on the adopted / public road network. No new access is proposed and there are no public road safety concerns. As the development does not generate increased travel demand or need for parking, there is no conflict with ALDP policy T3. As this part of the yard is used for open storage, there would be no reduction in bus parking within the yard.

Matters Raised in Representation

The NIA has been assessed by the appropriate consultee and its findings are accepted. Whilst ACC Environmental Health Service are not the regulatory authority with regard to assessment of other health and safety risks, no evidence exists that the proposed development would result in insurmountable health and safety impacts (e.g. sleep deprivation of nearby residents).

Given that ACC Environmental Health Service do not identify a requirement for noise monitoring to be undertaken at the site and the submitted NIA does not require this, imposition of such a burden would be an unreasonable requirement and thus would not meet all of the tests for conditions set out in Planning Circular 4/1998: the use of conditions in planning permissions.

Given that separate powers exist in relation to investigation of alleged noise nuisance, outwith the scope of planning legislation, and that such allegations do not relate to the proposed development, there is no justification for deferring determination of the current planning application pending the outcome such investigation. The current application requires to be assessed and determined on its own merits.

Whilst some representations question the effectiveness of the noise attenuation installed in relation to previous consented development at the wider bus depot site, that is not a material consideration in relation to assessment of the current planning application. The concerns regarding alleged non-compliance with the previously consented development have been investigated by the Planning Authority. The requisite noise attenuation fencing has been installed relative to all the electric vehicle charging equipment which has so far been installed at the wider site in relation to implementation of planning permission ref. 221328/DPP. Whilst that development has only partly been implemented, any evidence of non-compliance would be investigated by the Planning Authority.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed development accords with the intent of NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 11 (Energy) and Policy 13 (Sustainable Transport) within National Planning Framework 4 (NPF4) and Policy T2 (Sustainable Transport) within the Aberdeen Local Development Plan 2023 (ALDP) because it would enable the expansion of electric vehicle charging at the site and reduction of carbon emissions and pollution associated with traditional vehicle fuels. Conditions are imposed to address the amenity, noise and landscape impact of the works and ensure compliance with the expectations of NPF4 Policy 1 (Tackling the Climate and Nature Crises), NPF4 Policy 3 (Biodiversity) and NPF4 Policy 23 (Health and Safety), ALDP Policy H2 (Mixed Use Areas), ALDP Policy WB3 (Noise), ALDP NE3 (Our Natural Heritage) and related guidance. There would be no conflict with NPF4 Policy 7 (Historic Assets and Places) and NPF4 Policy 14 (Design, Quality and Place) and ALDP Policy D1 (Quality Placemaking), ALDP Policy D6 (Historic Environment) and ALDP Policy T3 (Parking).

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.

(02) ACOUSTIC ATTENUATION

The equipment hereby approved shall not be used unless the following noise attenuation measures, as specified in the approved noise assessment (ref. NIA/10512/22/10893/v2/395 King Street, Aberdeen – dated 05/09/24) have been implemented in full, or alternative measures have been approved in writing by the Planning Authority and implemented in full

- The battery storage units and associated transformers are located as detailed in the GA Site Plan (Drawing No: 1300 - 201A), with the noise level of each unit not exceeding 83 dB LwA.
- An acoustic barrier is installed in accordance with, and to the specification shown in, the Detailed Plan (Drawing No: 1300 - 202C).
- GRP Housing is installed around the transformers as shown in the Detailed Plan (Drawing No: 1300 - 202C).

Reason – In order to protect the amenity of nearby residential premises due to noise emission from the proposed plant.

(03) LANDSCAPE / BIODIVERSITY ENHANCEMENT

The approved equipment shall not be used, nor shall the fence be installed unless:

- the approved landscape plan and planting (Drawing no. 1300 – 202 C) has been installed on site or,
- alternative landscape measures have been approved in writing by the Planning Authority and implemented in full.

and the planting is subsequently retained.

Reason: In order to address the visual impact of the proposed fence when viewed from Mounthooly Way and secure biodiversity enhancement on site.