

Planning Development Management Committee

ARDENE HOUSE, SKENE ROAD, KINGSWELLS

ERECTION OF CLASS 4 THREE-STOREY OFFICE DEVELOPMENT MEASURING 17,129 SQ M (EXCLUDING BASEMENT), 425 CAR PARKING SPACES, ASSOCIATED INFRASTRUCTURE, ACCESS, LANDSCAPING AND ANCILLARY WORKS.

For: Kingswells Development Company Ltd

Application Type : Detailed Planning Permission

Advert : Can't notify neighbour(s)

Application Ref. : P130400

Advertised on: 10/04/2013

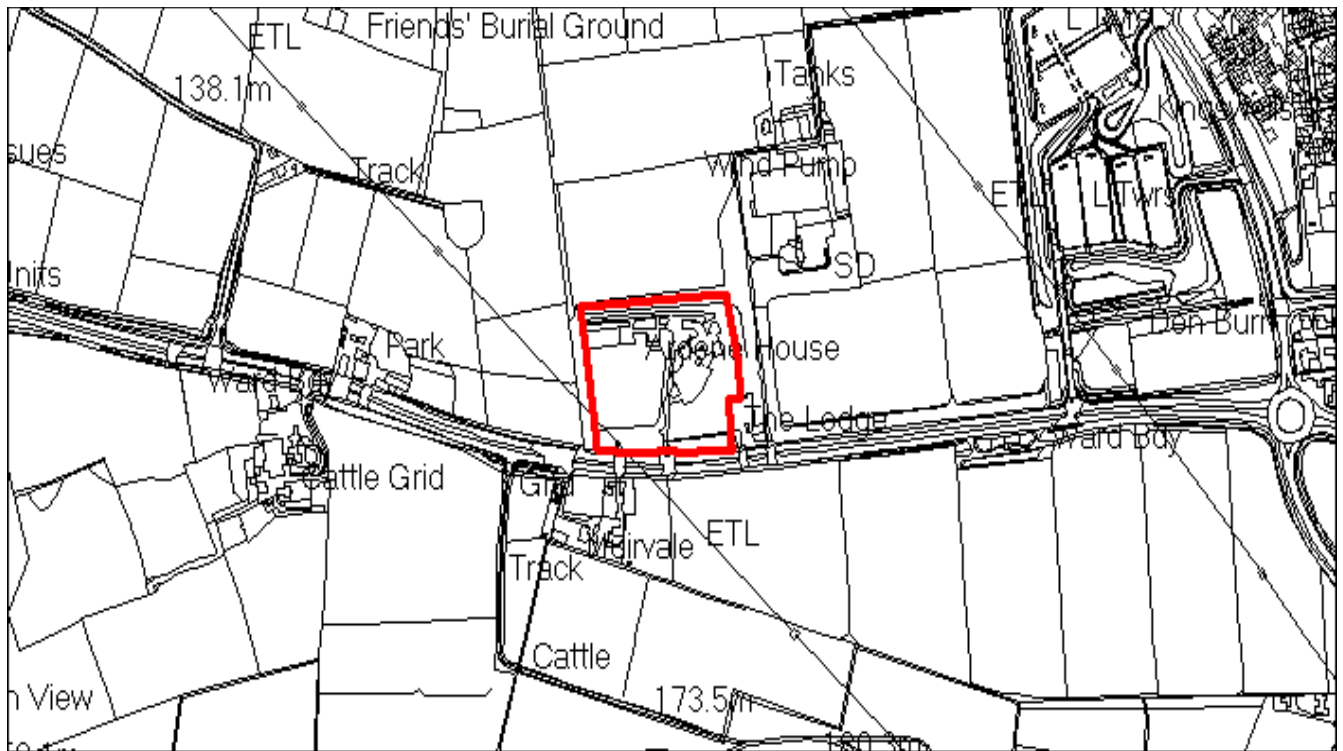
Application Date: 02/04/2013

Committee Date: 29 October 2013

Officer: Tommy Hart

Community Council : Comments

Ward : Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent documents until the applicant has entered into a Legal Agreement deliver:

- 1) Strategic Transport Fund contributions, and
- 2) Developer contributions towards:
 - Core Path Networks; and
 - Road improvements to mitigate the impact of development.

DESCRIPTION

The application site forms part of Opportunity Site OP40 which is designated in the Aberdeen Local Development Plan for business use. The site is approximately 2.4ha in size and lies on the north side of the A944 Aberdeen to Westhill Road, around 2 miles to the east of Westhill and 4 miles west of Aberdeen City Centre. The application site lies around 1m below the level of the A944 and is predominantly flat. Along the north and east boundaries, the site benefits from good screening by virtue of the large mature trees in situ, which are part of the Green Space Network. Part of this tree belt returns along the southern boundary almost to the existing access point. To the western side of the access there are low-lying shrubs along the road side and along the western boundary. An overhead electricity cable bisects the site at the sound western corner. The Den Burn currently runs through the site from west to east at the northern end through an open ditch. There is also a ditch present along the south-eastern section of the site.

The site is currently occupied by Ardene House Veterinary Practice. The site is fairly open towards the south and west whilst there is a 1-1 ½-storey building within the north eastern corner of the site. An area of car parking lies in the central part of the site.

Immediately adjacent to the site at the south eastern corner, there is a dwellinghouse known as “The Lodge” as well as an access for Kingswells House.

It is worth noting that an area of land along the southern and western boundaries of approximately 4500sqm is outwith the planning application boundary and is under the ownership of another party.

RELEVANT HISTORY – ADJACENT SITES

To the east of the application site, work is currently under way (and almost complete) for a number of office buildings within Phase One of the Prime Four business park development. The land to the immediate north of the application site forms part of Phase Three of the Prime Four development which benefits from planning permission in principle (ref 120649), whilst the land to the east forms Phase Four of the Prime Four development which does not yet benefit from any planning permission.

PROPOSAL

Full planning permission is sought for the erection of a 3-storey office to be situated within the northern third of the site. The building would be around 17,130 sqm in size (excluding the basement). It is intended that the building would be designed to meet the British Research Establishment Environmental Assessment Method (BREEAM) “very good” rating and Energy Performance Certificate (EPC) rating of B+/A.

Externally, the building would benefit from full-height glazing on the primary elevation with a granite rainscreen along the ridge level and edge to frame the building. A secondary horizontal masonry framing would be introduced at first and second floor levels. Horizontal granite elements are proposed at the end bays behind which sit the glazing. At roof level, the use of semi-transparent and PPC aluminium flat panels would screen the plant.

Access would be taken from the existing access into the site which would be upgraded and would be retained as a 'left in-left out'. Also, there would be a basement car park with space for 293 cars, 64no cycles and would provide locker, toilet and shower facilities. A further 229 car parking spaces would be provided at ground level, some of which would be beneath a landscaped deck.

Within the basement of the building, the waste and recycling store would be provided adjacent to the ramp access.

The existing open ditch would remain virtually unchanged at the northern end of the site. Sustainable Urban Drainage Systems (SUDS) are proposed for the disposal of surface water drainage.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130400>

On accepting the disclaimer, enter the application reference quoted on the first page of this report.

- Design and Access Statement;
- Landscape Design Statement;
- Ecology Report;
- Drainage Impact Assessment;
- Planning Supporting Statement;
- Pre-Application Consultation Report;
- Tree Report; and
- Transport Assessment.

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation on 27th November 2012 between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved a public exhibition/drop-in session between the hours of 3pm and 8pm and was advertised three weeks prior to the event taking place.

The comments received can be summarised as follows:

- The scale and visibility of the proposed building would be greater than the existing buildings;
- The height of the building should not diminish/spoil the historic setting of Kingswells House;
- Attention should be paid to the provision and quality of the landscape design, with the open space between the building and the A944 complementing the Green Space Network areas on either side of the site (to help provide biodiversity);
- Consideration should be given to re-routing the as a surface feature along the front of the site;

- The cumulative impact of this development and others ongoing/imminent around Kingswells is a real concern; and
- Current speeds of traffic on the A944 are also a real safety concern locally – too many accidents and fatalities.

Feedback was provided in response to the points raised at the consultation event.

Alterations made to the proposal as a result of consultation

The alterations that have been made to the proposals since the consultation event relate to reducing the level of surface parking and increasing basement provision (to reduce visual impact), repositioning of the access further to the east along the frontage (due to ownership restrictions) and consequential removal of a number of trees along the east end of the main frontage and increase in compensatory planting. These amendments were made as a consequence of required design changes and not consultation feedback.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Committee because nine objections have been received and there are adverse comments from Kingswells Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – object to the proposal for road safety concerns regarding road users seeking to enter/exit the site, which could potentially lead to road safety issues. These concerns are fully detailed in the relevant evaluation section, and the Roads Memorandum is attached to this report for reference. Additional comments received can be summarised as follows:

- Current pedestrian accessibility is not ideal but is within a 1600m walking distance from the nearest residential property in Kingswells but future pedestrian connectivity may be improved with the later phases of completion within the Prime Four development;
- Cycle access is acceptable having the Aberdeen to Westhill cycle path along the southern edge of the site and the inclusion of cycle parking, lockers and changing facilities is acceptable;
- Access to public transport is limited at present but may be improved as the later stages of the Prime Four development are completed;
- The updated access is acceptable;
- The provision of connections to the Prime Four development is acceptable and welcomed;
- The development would have a detrimental impact on the Kingswells roundabout and as such the applicant is required to submit a scheme of junction improvements to be agreed with Aberdeen City Council and a monetary contribution made to cover the costs of the work, which needs to be included in the s75 Legal Agreement;
- There is a requirement to make a financial contribution to the Strategic Transport Fund;

- A condition is requested that the development is not occupied unless a travel plan has been submitted to and agreed by Aberdeen City Council; and
- A condition is required to ensure that, prior to occupation, a regime be implemented to prevent indiscriminate parking within the Prime Four development and the Park & Ride site given the lack of access to public transport.

Environmental Health – no comments received.

Developer Contributions Team – a Developer Contributions package is applicable in this instance with contributions being taken to upgrade the core paths network.

Enterprise, Planning & Infrastructure (Flooding) – no objections as all comments raised have been dealt with by the updated Drainage Impact Assessment (DIA).

Education, Culture & Sport (Archaeology) – request a condition to be applied to any grant of permission requiring the application to agree a scheme of works to be undertaken prior to any development commencing on site.

Scottish Environment Protection Agency (SEPA) – no objection to the application so long as conditions are attached to any grant of permission requiring a construction environmental management plan (CEMP) to be submitted for approval;

Scottish Natural Heritage – comments received suggesting a pre-construction check for badgers would be appropriate.

Community Council – a number of issues have been raised, which can be summarised as:

1. The building architecture is uninspiring;
2. The access is too close to “The Lodge”
3. The removal of trees along the A944 is unacceptable;
4. The diversion of the watercourse to the rear of the building is unimaginative;
5. The development is isolated from Prime Four, giving a lack of continuity and poor access to the park and ride;
6. The access and no right turns will have major traffic impacts on the A944;
7. The Transport Assessment (TA) severely under-estimates the journeys by car and over-estimates journeys by other means;
8. The TA assumes spare capacity in the provision of local road improvements which is unlikely to be the case;
9. The access for the site should be through Prime Four.

Aberdeen International Airport – no objections.

North East Scotland Biological Records Centre (NESBREC) – provided feedback on species found in and around the application site.

Transport Scotland – no objections subject to condition requiring Travel Plan.

Aberdeen Western Peripheral Route (AWPR) Team – no objections to the application

REPRESENTATIONS

Nine letters of objection have been received, four of which are from the same person. One is from the Aberdeen Cycle forum, and the last four are in standard template form from a planning consultant on behalf of adjacent landowners/interested parties. The objections raised can be summarised as:

1. Concerns about the re-routing of the and the impact on adjacent property;
2. The proposed access would impact on the current access to “The Lodge”;
3. The development would not meet the requirements of the Local Development Plan or SPP in relation to encouraging sustainable modes of transport;
4. The cycle provision to the development is poor at present and will not encourage access by cycle;
5. The scale of development on the site is too large;
6. The amount of parking proposed is too low;
7. The traffic/junction/post-AWPR modelling is flawed;
8. The development does not relate to the wider OP40 site in respect to connectivity, public transport and travel options;
9. The drainage calculations do not predict downstream development appropriately;
10. The loss of trees is not acceptable; and
11. Access options have not been properly assessed.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government’s core principles for the operation of the planning system and concise subject planning policies. The general policy on sustainable economic growth and the subject planning policies relating to economic development and transport are relevant material considerations.

Aberdeen City and Shire Structure Plan

The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire.

Economic growth: to provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

Sustainable development and climate change: to be a city region which takes the lead in reducing the amount of carbon dioxide released into the air, adapts to the effects of climate change and limits the amount of non-renewable resources it uses.

Accessibility: to make sure that all new developments contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan

Policy LR1: Land Release Policy – Part A – Phase 1 release development: Employment 2007 – 2023; development on sites allocated in Phase one will be approved in principle within areas designated for employment.

Policy T2: Managing the Transport Impact of Development – New development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Policy D1: Architecture and Placemaking – To ensure high standards of design, new development must be designed with due consideration to its context and make a positive contribution to its setting.

Policy D3: Sustainable and Active Travel – New developments will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Developments will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing development will prioritise transport modes in the following order; walking, cycling, public transport, car and other motorised vehicles.

Policy NE1: Green Space Network – The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network.

Policy NE5: Trees and Woodlands – There is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation.

Policy NE6: Flooding and Drainage – Applications will be required to provide an assessment of flood risk in order to show that there would be no risk from flooding.

Policy R7: Low and Zero carbon buildings – New buildings reduce the amount of predicted carbon dioxide emissions by at least 15% below the 2007 building standards in order to help meet the expectations of the Climate Change (Scotland) Act 2009.

Supplementary Guidance

The following Aberdeen City Council supplementary guidance are relevant material considerations:

- OP40 – Kingswells Development Framework;
- Transport and Accessibility;
- Buffer Strips; and
- Low and Zero Carbon Buildings

EVALUATION

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

Principle of Development

The application site lies within land designated as an Opportunity Site (OP40), whilst the Development Framework suggests business purposes as the most appropriate use for the land. Additional office developments have recently been approved on adjacent land (Prime Four), and in that respect, the principle of office development on the site is considered to be acceptable. In terms of the land allocation, the site lies is part of the Land Release Policy and is allocated for release between 2007 and 2023 and so in that respect there is no conflict with Policy LR1.

Economic Development

The proposed office development would create new employment opportunities, located in an area allocated for business use under Opportunity Site OP40 of the Aberdeen Local Development Plan. As such, the application is considered to conform to Scottish Planning Policy in respect to the general policy on economic development, as well as the Aberdeen City and Shire Structure Plan objectives for economic growth.

Design, Scale and Form of Development

In terms of building height, the application site is within the 'central zone' as shown on page 42 of the Development Framework which indicates that three storeys (around 12m in height) of accommodation would be acceptable, and is comparable to the 'Nexen' building (located to the east of the application site) which is in a more prominent position at the southern end of the Prime Four development. The scale would therefore be seen to accord with the principles of the Development Framework.

Policy D1 (Architecture and Placemaking) seeks to ensure a high standard of design in new development. It states that new development must be designed with due consideration to its context and make a positive contribution to its setting. The building would be predominantly glazed on the south elevation with elements of granite gladding. The northern elevation is almost identical in design and finish whilst the east and west elevations would have a large granite cladding section at the central core area as well as the large glazed sections. The choice

of materials and general form of the building are considered appropriate for the setting when taking into account what is currently being built within the Prime Four development nearby. The 'Nexen' and 'Apache' buildings are of a similar design with significant glazing, along with granite feature panels and framing. A similar palette of materials has also been agreed for the buildings within Phase One and Two of the Prime Four development which benefit from planning permission. Although the proposed building is almost the full width of the application site, the large expanse of glazing on the southern elevation helps to visually lighten the elevation and reduce the bulk of the façade.

Visual Impact of the Development

For drivers approaching Aberdeen, the development would only become apparent on arrival to the application site due to the existing screening along the cycle/footpath on the northern side of the A944 between the application site and the 'Five Mile Garage'. A similar situation would occur driving westbound towards Westhill, with a large number of mature trees located along the road frontage between the application site and the Prime Four development. On viewing the building from directly in front of the site, it is fair to say that the building would be much larger than what currently exists on site. However balanced against this it is noted firstly that the proposed scale accords with the approved Development Framework. Furthermore, the landscape proposals submitted with the application indicate that three rows of semi-mature trees would be planted between the new building and the A944. When considered collectively with the context of the land surrounding the site, the Planning Authority is satisfied that the visual impact on the surrounding area would be minimal, with any impact being lessened over time as the proposed tree planting progresses through to maturity.

Traffic Impacts, Access Arrangements and Car Parking

Cycle Access

It is acknowledged that the application site is not ideal when it comes to prioritising walking, cycling or public transport usage, being located some four miles from Aberdeen City Centre. Notwithstanding this, a cycle path abuts the southern boundary of the site which, whilst ideally needing upgrading, would still provide sufficient accessibility for cyclists. The submitted plans also show short and long-term cycle storage within the basement of the building, along with locker and shower facilities, all of which are likely to encourage the use of cycles.

Pedestrian Access

A pedestrian isochrone has been submitted showing the extent to which the site is accessible by pedestrians, indicating that the houses in the southern part of Kingswells (south of the playing field and broad dyke at Kingswood Drive) are within a 1600m walking distance of the proposed development. Pedestrian accessibility to the site would be reliant on the footway on the north side of the A944, which is likely to dissuade pedestrians due to the high volume of traffic on the A944. It is however a complete route. Furthermore, the potential exists for more attractive routes to be delivered through the Prime Four site on completion of the latter phases, and the plans submitted for this application has shown that links will be constructed within their site to allow future potential connectivity into the Prime Four development.

Public Transport

There are 2no bus stops on the east side of the Kingswells roundabout (around 900m away). Similarly, the Park & Ride facility would be around 900m away from the entrance to the application site. These are outwith the 400m distance specified in national transport planning policy for access to bus stops. The only option that this developer would have to improve accessibility by bus would be to install bus stops on the A944 closer to the development. This would require the installation of a controlled pedestrian crossing facility on the A944 which Roads officers have confirmed could not be accommodated within such close proximity of the Prime Four access and the AWPR junction. It is therefore not possible for the developer to provide public transport that meets the requirement of the policy. The latter phases of Prime Four may include a bus service through the site that could result in public transport services operating closer to the development than those at present.

In terms of accessibility, by virtue of being on the main road between Aberdeen and Westhill, and having a cycle route along the same route, the site is considered to be accessible in terms of SPP subject policy and Structure Plan objective relating to Transport. However, it is clear that the development is unlikely minimise travel by car by virtue of its location. The location does not prioritise walking, cycling or public transport. There are reasonable connections to active travel (cycling) as well as public transport which can be improved, however at present there are failings and for these reasons it is considered that the development fails to meet the requirements of Aberdeen Local Development Plan Policy D3.

Car Parking

The original plan showed car parking for a total of 425 car parking spaces which was 116 (or 21%) below the maximum standards. Serious concerns were raised at that time, and through discussions with the Roads Projects Team, the number of car parking spaces has been sufficiently increased to reflect the upper limit of the Council's car parking standards. A condition is attached which seeks a scheme to be agreed with the Council which will limit/stop indiscriminate parking within the Prime Four development and the Park & Ride site. A similar condition was attached to the grant of permission for the Prime Four development which is considered to meet the 6 tests as set out in Circular 4/1998 – the use of conditions in planning permissions. It is considered that the application is acceptable in terms of the Council's Supplementary Guidance – Transport and Accessibility in terms of parking requirement.

Vehicular Access & Traffic Impact

Consideration has been given to the impact of the A944 junction on the existing external network, which has revealed a detriment to the operation of the Kingswells roundabout. Having regard for the extent of not only this but also neighbouring developments, it is agreed that a collective solution is required to mitigate such impacts through the provision of physical improvements to the junction. The precise details of such improvements will be dealt with through the s75 Legal Agreement and thereafter a monetary contribution will be made to the Council.

Vehicular access to the site would be provided through a substantial upgrade of the existing access point from the A944. However it is noted it is unlikely that a priority junction, allowing right turning vehicles in and out of the site, would operate within capacity. With current high traffic flows on the A944, entering the site from the east or exiting to the west would be virtually impossible at peak times. Furthermore, the introduction of a signalised junction in this location is not feasible due to the proximity of the Prime Four access and the Aberdeen Western Peripheral Route (AWPR) junction. In this instance, use of an upgraded priority access would only be acceptable with the access operating a left in/left out operation. The applicant's have recognised this and agreed to undertake the necessary works on the A944 to allow implementation.

However, and notwithstanding such an arrangement, it will remain extremely difficult for vehicles to exit the site during peak periods. A left in/left out only junction will increase the number of drivers having to carry out change of direction diversion manoeuvres in order to gain access to or leave the development. Queuing or rolling queuing traffic is anticipated to extend westwards from the Prime Four access junction in the peak periods, past the application site access. In peak periods it is likely that drivers exiting the development will be reliant on the goodwill of those queuing on the A944 to allow them to enter the carriageway. For exiting drivers intending to head westwards, a change in direction can be achieved using the Kingswells roundabout.

It is however noted that for drivers attempting to enter the site from an easterly direction; with the removal of the Arnhall roundabout near Westhill, the closest facility by which to change direction would be the roundabout on the A944 near Tesco in Westhill; a substantial diversion of approximately 3.2 miles. The Council's Roads Engineer has concerns that this would significantly increase the likelihood of drivers attempting to turn right into the C93C, also at capacity, to then turn back towards the site. Earlier discussions with the Planning Authority evaluated the possibility of attaching a condition to restrict occupancy of the building until the opening of the AWPR and subsequent completion of a grade separated roundabout in close proximity to the west of the development, however such a condition may not be legally competent and would not have been appropriate. In this regard, and in the absence of any such condition, the Council's Roads Engineer objects to the granting of planning permission on the basis of road safety concerns.

In light of such concerns, one must take a fully balanced approach in evaluating the proposal. It is noted that the above concerns are based on speculation, in that drivers may attempt to perform a dangerous and illegal manoeuvre to access/leave the development. However, when identifying and assessing the planning merits of a proposal, one must be careful not to allow speculation of a potential scenario to inform judgement of planning matters. Whilst the Roads Engineer is of mind that such circumstances may arise, countered against this there is no evidence to suggest that this may realistically be the case.

Furthermore, given the nature of this section of the A944, it could indeed be argued that the existing levels of traffic flow would discourage or even prevent such a scenario from taking place, in particular at peak times when the ratio of

drivers entering/exiting the site would be higher. Indeed, the Council's Roads Engineer has applied the same understanding to justify the agreed left in/left out priority junction; in that existing traffic flows are of sufficient level to prevent drivers entering from the east or exiting to the west. For reasons of consistency, the same approach should therefore be applied to this scenario, which would indicate that the potential for illegal entering / exiting of the site is significantly reduced in light of existing traffic flow. Whilst the diversions required may be inconvenient, there is no evidence to suggest that drivers would not follow them to gain access or to exit the site, and with no evidence to show that such manoeuvres would take place, one is thereby unable to realistically measure any impact on the capacity of the existing infrastructure.

In addition to the above, it is also acknowledged that the ongoing construction of neighbouring developments will in time provide opportunity for potential access to the application site being taken via Prime Four from the north, enabling the A944 junction to close. Such a situation would hold clear benefits for the eventual occupier of the site, removing the need for detours and u-turn manoeuvres to access the left in/left out junction. It is noted however that such a link would only be desirable on the basis that the A944 junction was closed.

Notwithstanding the nature of the concerns from the Roads Engineer, with a lack of evidence to support them, it is concluded that basing such concerns on speculation alone would not be sufficient to justify refusal of the application.

Trees & Woodland

A tree survey has been undertaken and ratified by the Council's Arboricultural Planner. The survey and accompanying plan show that of the 54no trees surveyed, 2no need to be felled for health and safety reasons, whilst 8no are required to be felled in order to permit development.

The trees to be felled are located at the access point (2no 'A' class beech trees and 1no sycamore) and at the north-western corner of the site (1no 'A' class holly tree, 2no 'C' class sycamore trees, 1no 'C' class horse chestnut tree and 2no 'C' class holly trees) to allow the internal road to be constructed. It is worth noting that the updated tree survey and plan are a significant improvement on the original situation, which sought to remove more trees along the A944 boundary to the south. On the basis that the amount of trees to be removed being minimal, and with the retention of the majority of boundary screening together with proposed compensatory planting, the proposal is considered to accord with Aberdeen Local Development Plan Policy NE5.

Green Space Network

The removal of ten trees is not considered to have a negative visual impact on the wider Green Space Network, given that the remaining trees along the north and east boundaries are to be retained. In terms of wildlife impact, an ecological survey has been submitted which highlights that there were no bat roosts, badger or red squirrel activity within the application site. Lastly, no birds were observed nesting in any of the trees proposed to be felled.

It is also worth noting that the applicant is seeking to retain the open ditch along the northern boundary of the application site, and has provided landscaping proposals in this regard, which also shows that no part of the building would be located within 20m of the watercourse, which is around 5m in width. Whilst it is acknowledged that a section of car-parking would abut the watercourse, with permeable paving it would still be in line with the Council's Supplementary Guidance on Buffer Strips.

For the above reasons the proposal would not have been seen to have any negative impact on local wildlife, landscape or the access value of the Green Space Network, and therefore does not conflict with Aberdeen Local Development Plan Policy NE1.

Drainage

The historical route of the Den Burn is via culvert, running west to east through the site. Due to the culvert collapsing in the mid 1990's a diversion was put in place whereby the Den Burn was piped south to north from around the mid-way point of the western side of the site up to the northernmost point of the site. As the Den Burn enters the site, it is within an open ditch to the eastern boundary where it moves south until it reaches the mid-point of the eastern boundary where it joins back into the piped section leading towards the Prime Four development. The intention is to have minimal impact on the existing drainage pattern. The only changes required would be a small section of 'local bridge structure' where the road abuts the north-western boundary, and within the north-eastern corner of the site. Another small change is the slight re-alignment of the northern section to ensure a 6m buffer strip.

In terms of SUDS provision, two levels of treatment are required, which will take the form of water draining into the porous paving forming the parking bays, and a filter drainage trench. The road surface water run-off will be collected by road-side gully and transported to a filter trench adjacent to the back of the footpath, which will then be passed through a secondary filter trench with an alternative filter medium to provide the second level of treatment.

Both the Council's 'Flooding' Officer and Roads Projects Team have confirmed no objections to the proposed drainage plans, as they fully satisfy the requirements of Aberdeen Local Development Plan Policy NE6.

Sustainable Buildings

The Council's Policy (R7) and Supplementary Guidance (Low and Zero Carbon Buildings) seek to ensure that new buildings reduce the amount of predicted carbon dioxide emissions by at least 15% below the 2007 building standards in order to help meet the expectations of the Climate Change (Scotland) Act 2009. The preferred option for the guidance and policy is for the installation of low and zero carbon emitting equipment (biomass, solar panels, air source heat pumps for example). However, the guidance suggests that there are instances where policy can be relaxed, namely; if it can be demonstrated that the building will achieve a CO2 saving greater than required by the current building standards, or, a financial contribution of £200 per 140sqm is made towards the improvement of

the energy performance of the existing housing stock. Although the applicant has intimated that their wish is to make a monetary contribution, in the absence of any detailed plans relating to carbon reductions, it is necessary to include a condition on the grant of permission. Once the necessary information is received, discussions can take place as to how this issue is progressed. It is also worth noting that the intention of the developer is to achieve a BREEAM 'Very Good' rating which further shows a commitment to providing a sustainable building.

Relevant planning matters raised by the Community Council

Issues relating to architecture; design; tree removal; traffic impact; access; parking; and connectivity have been addressed in the relevant topic sections identified above.

Further to these, the remaining points raised the Community Council can be addressed as follows:

- *The access is too close to "The Lodge"* – the access point into the site is almost identical to the existing situation. The access cannot move any further west due to land ownership issues.
- *The diversion of the Den Burn to the rear of the building is unimaginative* – the Den Burn is already diverted along the northern boundary through an open ditch and so the proposal does not change this to any material degree.
- *The access for the site should be through Prime Four* – whilst this would be desirable, the Prime Four development is not at such an advanced stage that an access point can yet realistically be achieved or delivered, and therefore it has been agreed with the Planning Authority that the only way forward is to agree the left-in left-out arrangement as shown.

Relevant planning matters raised in written representations

Issues relating to proximity of access to "The Lodge"; architecture; design; scale; tree removal; drainage; sustainable transportation; traffic impact; access; parking and connectivity have been fully addressed in the various relevant topic sections identified above. Further to these, the remaining points raised in representations can be addressed as follows:

- *Concerns about the re-routing of the Den Burn and the impact on adjacent property* – as mentioned above, the Den Burn would only be marginally re-routed to accommodate the development and it is not considered that this would have a detrimental impact on the adjacent property.
- *The traffic/junction/post-AWPR modelling is flawed* – the modelling has been updated in line with recommendations from the Roads Projects Team and is now acceptable

On the basis of the above, it is considered that there are no grounds for refusal of the application or further amendments to the plans.

Proposed Legal Agreement for Developer Contributions

The applicants have agreed to a developer contributions package for this site to deliver contributions towards enhancement of core path facilities and roads

infrastructure improvements, in addition to securing Strategic Transport Fund contribution as identified under the Roads Project Team consultation response above. These matters will ensure compliance with Policy I1 of the Aberdeen Local Development Plan, and are to be included in the Legal Agreement under the provision of S75 of the planning acts.

Conclusion

Subject to imposition of conditions and Legal Agreement, the proposed development would be considered to accord with Scottish Planning Policy and Guidance; the Aberdeen City & Shire Structure Plan 2009; Policy LR1 'Land Release Policy' of the Aberdeen Local Development Plan; and Aberdeen City Council's Supplementary Guidance, including the approved Development Framework for Opportunity Site (OP40). All issues relating to design; scale; form; visual impact; traffic impact; access arrangements; car-parking; sustainable travel; impact on trees, landscaping and the Green Space Network; drainage; and building sustainability, have been fully evaluated in accordance with relevant consultations, and found to accord with all provisions of both national and local policy and guidance. Notwithstanding the nature of the concerns from the Roads Engineer, basing such concerns on speculation alone, with a lack of supporting evidence, would not be sufficient to justify refusal of the application. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered and in line with these the Planning Authority recommends a willingness to approve, subject to conditions and Legal Agreement.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent documents until the applicant has entered into a Legal Agreement deliver:

- 1) Strategic Transport Fund contributions, and**
- 2) Developer contributions towards:**

- **Core Path Networks; and**
- **Road improvements to mitigate the impact of development.**

REASONS FOR RECOMMENDATION

Subject to imposition of conditions and Legal Agreement, the proposed development would be considered to accord with Scottish Planning Policy and Guidance; the Aberdeen City & Shire Structure Plan 2009; Policy LR1 'Land Release Policy' of the Aberdeen Local Development Plan; and Aberdeen City Council's Supplementary Guidance, including the approved Development Framework for Opportunity Site (OP40). All issues relating to design; scale; form; visual impact; traffic impact; access arrangements; car-parking; sustainable travel; impact on trees, landscaping and the Green Space Network; drainage; and building sustainability, have been fully evaluated in accordance with relevant consultations, and found to accord with all provisions of both national and local

policy and guidance. Notwithstanding the concerns from the Roads Engineer, basing such concerns on speculation alone, with a lack of supporting evidence, would not be sufficient to justify refusal of the application. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. All other relevant material considerations have been fully considered in reaching this recommendation.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

(1) that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(3) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing Nos. 'AL(90)001 revision R' and 'AL(00)104 revision D' of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(4) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(5) that the development hereby approved shall be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(6) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(7) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(8) that the development hereby approved shall not be occupied unless the landscaping scheme as shown on drawing no. 'AD-13001-100 Rev H', or such other drawing as may subsequently be submitted and approved in writing by the planning authority, has been implemented in full accordance with the approved plans - in the interests of the amenity of the area.

(9) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(10) that the development hereby approved shall not be occupied unless there has been submitted to and approved in writing by the planning authority; through consultation with Transport Scotland and the Trunk Roads Authority where deemed necessary; a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(11) that:

(a) a minimum of two months prior to the commencement of any works associated with the development hereby approved, a site specific construction environmental management plan (CEMP) shall be submitted to and approved in writing by the planning authority, in conjunction with SEPA and any other agencies as deemed appropriate by the planning authority;

(b) no development shall take place unless it is in full accordance with the relevant plan approved under part (a) of this condition.

(12) that no development shall take place unless the mitigation measures as identified in the Ecological report (dated 19.08.2013 version 5.0) by Direct Ecology have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.

(13) that:

(a) the development hereby approved shall not be occupied unless a detailed scheme for the monitoring of car parking, and potential rat-running in and through the Prime Four development and Park & Ride site, has been submitted to and approved in writing by the planning authority;

(b) thereafter, the scheme approved under part (a) of this condition shall be updated by the applicant, through consultation with the planning authority, to adequately reflect the ongoing progress of the Prime Four development.

- in the interests of road safety and the free flow of traffic, sustainability and to ensure that public transport has suitable access to the site.

(14) that the development hereby approved shall not be occupied unless the asphalt path has been fully implemented along the southern boundary, between the access point and the eastern boundary, using a 'no dig' construction methodology in accordance with drawing nos. 'D1858.I.405' and 'AD-13001-100 Rev H' hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority - in the interests of protection of natural environment.

(15) that;

(a) no development shall take place unless a detailed scheme showing the precise location, layout, design and construction method of a connection link, through the application site to the site boundary with the Prime Four development, has been submitted to and approved in writing by the planning authority. Such a scheme shall show the physical extent of the link stopping 1 metre short of the boundary with Prime Four and include a 2 metre verge extending beyond the road boundary;

(b) the development hereby approved shall not be occupied unless the connection link has been fully implemented in accordance with the approved plan under part (a) of this condition, unless the planning authority has given written approval for a variation.

- in the interests of sustainable connections.

(16) that, as per the Key Mitigation Recommendations detailed within the 'Ecology Report' - Extended Phase 1 Habitat Survey and Protected Species Assessment, by Direct Ecology and dated 19.08.2013 (version 5.0), no development shall take place unless a Pre-construction Survey has been submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage - to ensure protection of wildlife habitats within the site.

(17) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings'

supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

Dr Margaret Bochel

Head of Planning and Sustainable Development.