

Planning Development Management Committee

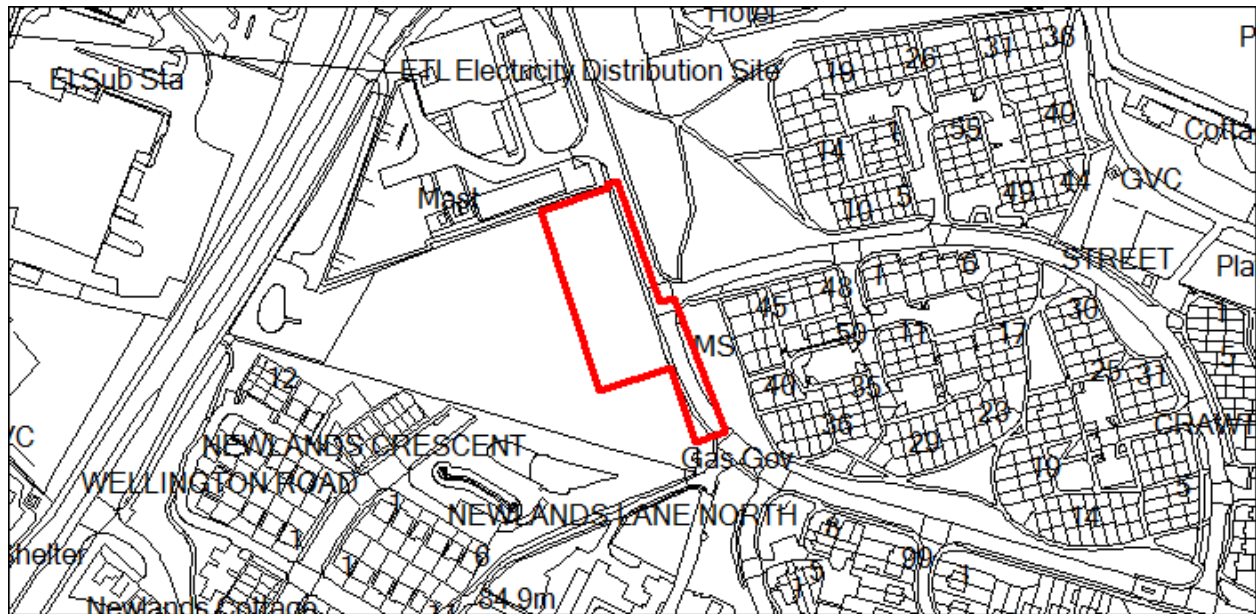
LANGDYKES ROAD, ABERDEEN

PROPOSED HYDROGEN FUELLING STATION
WITH ON SITE HYDROGEN GENERATION
AND FUEL CELLS SYSTEMS.

For: Aberdeen City Council, H,C&I

Application Type : Detailed Planning Permission
Application Ref. : P141552
Application Date: 18/11/2014
Officer: Jane Forbes
Ward : Kincorth/Nigg/Cove (N Cooney/C
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)
Advertised on: 11/12/2014
Committee Date: 28/05/2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site, which extends to some 3,061m², occupies an area of uncultivated field approximately 130 metres to the south of the Wellington Road and Langdykes Road junction, and comprises part of a wider area of land forming the northernmost point of the wider Cove Opportunity Site (OP 72). The site lies to the west of Langdykes Road, the main gateway route into Cove from the north, and opposite its junction with Strathburn Street, and is enclosed along the length of its eastern boundary by a 750mm high drystone dyke. Beyond the eastern boundary of the site, and at a distance of between 40 and 45 metres to the south/south-east are the residential properties of Seal Craig Gardens, whilst directly east, and at a distance of some 90 metres, are the properties of Craigmaraoinn Gardens. To the north of the site, and within an area of 1.4ha, is an SSE electricity sub-station facility. Residential development is ongoing across the opportunity site (OP 72) which lies beyond the field area to the south and west. The nearest dwellings within the OP site are located on Newlands Crescent and Newlands Lane North, and lie at a minimum distance of some 85 to 100 metres respectively from the application site boundary.

RELEVANT HISTORY

The site forms part of a wider area identified in the Aberdeen Local Development Plan as an opportunity site (OP 72) for residential development, however, there is no specific planning history for the application site itself, which has had no previous use other than as agricultural land.

PROPOSAL

Full planning permission is sought for the construction of a hydrogen refuelling station, with hydrogen production facility on site, with the capacity to fuel an average of 16 cars or alternatively 4 buses (or a combination of both) in any 24 hour period. The proposal includes the following:

- Galvanised palisade fencing to a height of 2.5 metres to be erected around 3 elevations (north, south and west), thereby enclosing the operational equipment
- 2.26 to 2.55 metre high firewall in reinforced concrete to extend 18 metres along the eastern elevation of the operational area
- Double leaf access gates to a height of 2.5 metres incorporated within the fencing on the southern elevation
- 1 no. electrolyser contained within a 12m x 2.5m x 2.8m container
- 2 no. compressors installed within a 12m x 2.5m x 2.8m container
- Transformer and substation unit
- Hydrogen plant building to measure 11m x 8m, with pitched roof to a ridge height of 5.2m. This building would house a plant room and provide a demonstration area for educational purposes
- Vehicle refuelling bay to a width of 5 metres, and located adjacent to the eastern boundary of the site, with 1 no. hydrogen dispenser unit and a cantilevered canopy (approx 5.5m x 5m x 8m)

- Car parking provision for 5 vehicles, including 1 space for disabled users
- Landscaping to include 1 metre high bunding with tree and hedge planting

The hydrogen dispensing equipment would be located alongside a vehicle bay which would be accessed off a new road layout formed within the southern section of the application site. An initial junction would lead off Langdykes Road, and a subsequent junction beyond this providing access to the refuelling area which would lie parallel to Langdykes Road. The refuelling area would be at a distance of 6.5 metres from the public footpath along Langdykes Road and be partially enclosed by means of the existing 750mm high drystone dyke which would be retained along a length of some 45.5 metres along the eastern boundary of the site. The proposed electrolyser, compressors, chiller plant and storage cylinders would all lie within an area located centrally within the wider hydrogen refuelling station and be enclosed by means of a 2.5 metre high palisade fence and a 2.2 to 2.5 metre high reinforced concrete firewall. The proposed hydrogen plant building would lie immediately north of the operational area and would include an area for educational/demonstration purposes.

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?ref=141552>

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

The following documents were submitted in support of the proposal:

- Planning Supporting Statement
- Drainage Impact Assessment
- Noise Impact Assessment

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there have been seven representations, one of which is from the Cove and Altens Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management - No objections. Advise that the proposed layout is generally acceptable and request that an informative is included as part of any consent, where the additional requirement for Roads Construction Consent should be highlighted.

Environmental Health – No observations following receipt and review of the noise impact assessment for the site. The assessment concluded that the impact of operational sound emissions from the facility upon the occupants of the neighbouring residential properties would be low, and that all road links within the

traffic study area would experience negligible increase in noise levels as a result of the development.

Communities, Housing and Infrastructure (Flooding) – No observations.

Community Council – Cove and Altens Community Council have objected to the proposal on the following grounds:

1. Inadequate notification of proposed development for local residents
2. Inappropriate use of site which has been allocated for residential development, and no indication of the land which would be made available as a result of this loss
3. Adverse impact on previously approved road layout
4. Increased traffic levels on already busy road network, leading to congestion
5. Concerns relating to securing appropriate drainage for the site and surrounding area
6. Potential safety hazard for existing residents and traffic on Langdykes Road
7. Safety concerns raised in relation to the proximity of the proposed hydrogen facility to an existing electricity sub-station
8. Overdevelopment of Cove already impacting on the area, with congested roads and lack of facilities

REPRESENTATIONS

Seven letters of objection have been received, including one from the Cove and Altens Community Council, as detailed above. The objections raised relate to the following matters:

1. Existing allocation of land for residential development
2. Proximity to residential properties
3. Surrounding road network already congested
4. Concerns relating to the safety of pedestrians/road users due to the change in road layout
5. Time period allocated for public consultation was inadequate
6. The proposed facility will be unmanned and this may lead to safety concerns should local youths attempt to access the site/tamper with the equipment
7. Insufficient consideration of alternative sites
8. Inadequate consideration given to potential noise generation
9. Impact on future road link between new development to south of application site and Langdykes Road

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – The principles of sustainable development are embedded in national planning policy. SPP highlights the important role which planning has in supporting the Scottish Government's vision for a Scotland with a growing, low-carbon economy and outlines four planning outcomes which should support such a vision. It states that in order for planning to make a positive difference, development plans and new development needs to contribute to achieving these outcomes, with one of the four outcomes being that of creating a

low carbon place through reducing carbon emissions and adapting to climate change.

Aberdeen Local Development Plan

The site forms part of the wider opportunity site OP72 (30 hectares), which is identified in the Aberdeen Local Development Plan 2012 for residential development.

Policy H1 (Residential Areas) - The site is located within an area zoned as H1 (Residential Areas). This policy states that within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complementary to the residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

Policy D1 (Architecture and Placemaking) – In order to ensure high standards of design, this policy states that new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy R8 (Renewable and Low Carbon Energy Developments) – The development of renewable and low carbon energy schemes is supported and applications will be supported in principle if proposals:

1. do not cause significant harm to the local environment, including landscape character;
2. do not negatively impact on air quality;
3. do not negatively impact on tourism;
4. do not have a significant adverse impact on the amenity of dwelling houses.

Proposed Aberdeen Local Development Plan (2016)

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

H1 – Residential Areas (*H1 – Residential Areas*)

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

R8 – Renewable and Low Carbon Energy Developments (*R8 – Renewable and Low Carbon Energy Developments*)

The application site forms part of the wider opportunity site referred to as OP56 in the Proposed ALDP 2016.

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 Proposed Development

The Aberdeen Local Development Plan (ALDP) identifies the land comprising the application site as Policy H1 (Residential Areas). This policy can support development for non-residential uses if such development is considered to be complementary to the residential use, or it can be demonstrated that the use would not conflict with, or cause any nuisance to, the enjoyment of the existing residential amenity.

The proposed development would be located within an area of land allocated for residential development, forming part of OP72 (Cove), however, it is apparent that the site is somewhat constrained. Immediately to the north of the application site lies a relatively large electricity sub-station which extends to an area of some 1.4ha, to the west of the site is Wellington Road (A956) and to the east Langdykes Road. In addition to this there are two SUDS ponds within the eastern corner of the site adjacent to Wellington Road. The Masterplan for OP72 currently proposes an access road (Langdykes Avenue) coming across the site from the south to join up with Langdykes Road. Taking all this into account, along with the additional impact of having to introduce a buffer strip between the substation and SUDS ponds and any residential development, it is clear that the developable area of this part of the OP72 site would be considerably reduced. So whilst it may be feasible to deliver a level of residential development on the site, it would likely be more appropriate for this area of the site to be utilised for the delivery of playing pitches or open space, with housing to the south where the playing pitches were proposed. This would reduce the need for such a significant buffer strip around the sub station with the open space acting as the buffer. Further and importantly, the loss of a small part of the OP72 site for the proposed facility would have no effect on the housing supply numbers identified in the strategic development plan and carried forward into the local development plan.

It is also apparent that there is a clear transition between the character and type of land use within the area surrounding the application site, ranging from the residential properties located to the south and east of the site, to the nearby hotel and the aforementioned electric sub-station to the north, and beyond this, the significant presence of industrial and commercial property. On this basis there is a strong contextual justification for the proposed location of the refuelling facility, where it would lie adjacent to an existing electricity sub-station.

The proposed layout within the site was amended following discussion with Aberdeen City Council's Roads Development Management and Construction teams, and a junction and access road introduced which would enable the future delivery of the aforementioned link road to connect the existing residential development to the south, namely along Langdykes Avenue, with Langdykes Road and beyond. Taking the above into account, and in particular, given the context of the application site, it is considered that the general principle of the proposal would be acceptable, however further evaluation of the detail of the proposal is necessary in order to establish its likely impact on the wider area.

Visual Impact of the Development

The proposed development would lie immediately to the south of an electric sub-station, with the main operational area of the facility set back from Langdykes Road by a distance of some 10 metres. An existing drystone dyke would be retained along much of the boundary of the site with Langdykes Road, with the exception of the two openings formed for new road junctions. The refuelling area and vehicle access within the site would lie to the west of the dyke and be partially covered by an overhead canopy. Beyond this area and to the west would be the operational plant which would be enclosed on 3 sides by means of a palisade fence. The fence would be largely screened from Langdykes Road along the eastern elevation by means of an 18 metre long firewall in reinforced concrete rising to a height of between 2.2 and 2.5 metres, and to the west, by a hedge which would be planted between the fence and the outer boundary of the site. To the north of the operational plant would be the single storey, pitched roof building which would comprise a plant room and educational/demonstration area, whilst to the south of the refuelling area would be an area of landscaping, with 1 metre high bunding along part of the western boundary.

Whilst it is acknowledged that the centrally located operational area of the site would have an industrial appearance, this area is nevertheless relatively well screened from public viewpoints due to the degree and positioning of the aforementioned landscaping, bunding and wall enclosures. In addition to this, given the separation distance between the proposed facility and the surrounding residential properties, where the nearest dwelling would lie at a distance of some 40 metres from the site, it is considered that any visual impact would be of an acceptable level. It is worth noting that given the nature of the proposal which would see the introduction of a second hydrogen refuelling station within the city as part of Aberdeen City Council's aim of stimulating a hydrogen economy, that whilst the proposed development would have a degree of visual presence, such presence does serve to improve public awareness of the project itself.

Impact on Residential Character and Amenity

As highlighted above, given the purpose of the proposal, the design of the refuelling station is typically industrial in nature, and with this in mind, whilst the proposal may not actually contribute positively to its setting, it is nevertheless unlikely to have a negative impact, given the relatively modest scale of development being proposed, the context of the site within the surrounding area and its distance from residential properties. It is considered that the scale, design and materials of the proposed development are appropriate and unlikely to adversely affect the existing character and amenity of the wider area. A condition has been applied which will ensure details of the proposed finish for the plant/educational building and firewall are agreed prior to development commencing on site.

The proposed generation and refuelling station would serve to complement the existing facility at Kittybrewster, and provide additional capacity to expand the current initiative. The facility would have the capacity to fuel an average of 16 cars or alternatively 4 buses in any 24 hour period, and as such it is deemed unlikely to have anything but a minimal impact on existing traffic levels, and

would certainly not be considered likely to cause additional congestion on the surrounding road network.

Whilst there is the potential for the operation of an on-site hydrogen production and refuelling station to result in conflict with residential amenity due to noise generation, and this was a concern raised in several of the letters of representation received for this application, it should be noted the Council's Environmental Health Service has raised no concerns with this proposed development and were satisfied with the findings of the noise impact assessment submitted in support of the proposal which concluded that any impact from sound emissions on nearby residents would be low, and that road links within the traffic study area would experience negligible increase in noise levels as a result of the development.

Taking all of the above into account, it is considered that the proposal is sufficiently compliant with Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

Sustainable Development

The proposed development would serve to complement the existing hydrogen refuelling facility at Kittybrewster, and through the provision of additional capacity, this would support the successful delivery of the Aberdeen Hydrogen Project to which the Council has committed, both as leader of the Aberdeen Hydrogen Bus project and as participant in the HyTrEc (Hydrogen Transport Economy) transnational project. The proposed site would allow excellent access to major arterial routes to the north, south and east via the Souter Head roundabout and its operation would contribute to the council's aim of reducing emissions across the city. Taking the above into account, the proposal is deemed to be compliant with Policy R8 (Renewable and Low Carbon Energy Developments) and in the Aberdeen Local Development Plan, and would also accord fully with the principles of SPP, given that it would contribute to the promotion and development of an alternative energy source to fossil fuels with the potential to significantly reduce carbon emissions.

Other Matters Raised in Representations

- Concerns were raised relating to the lack of neighbour notification and general public consultation for this application. However, all neighbours within a radius of 20 metres of the site were notified of the proposed development and had a period of 21 days from 28 November 2014 to submit representation, as per the planning authority's statutory requirement. In addition to this, the application was also advertised in the local free press, thereby allowing a period of 14 days for any representation to be submitted with a deadline of 24 December 2014. Finally, the Council, as applicant, arranged for a public event to take place on 3 December 2014, following submission of the application. Given the nature of the proposal (local development), formal pre-application consultation was not a requirement, however the event was arranged in addition to the statutory neighbour and press notification in an attempt to provide local residents with the opportunity

to ask questions and gain a better understanding about the proposed development.

- The impact which the proposed facility would have on the road network was also raised as a concern, both in terms of additional traffic generation and the potential safety implications as a result of the change in road layout. As a statutory consultee, the Roads Development Management service reviewed the proposal and raised no concerns and commented that the proposed layout was generally acceptable. Furthermore, given that the proposal includes a new road junction onto Langdykes Road which will link with the new residential development to the south of the site, the layout was assessed and amendments made in order to address comments from the Roads Construction Consent team.
- A drainage impact assessment and associated drainage layout were submitted in support of the application. Neither the Roads Development Management team, nor the Flooding team raised any concerns in relation to the information submitted, and on that basis it is accepted that the proposed drainage arrangements are deemed acceptable for the site.
- Safety concerns were raised in relation to the implications of locating such a facility within proximity to residential properties, and with regards the potential risk of youngsters gaining access to the equipment on site. The supporting planning statement submitted with the application confirms that the facility, which would be operated by Aberdeen City Council, would fully adhere to all relevant safety regulations. Furthermore, a number of mechanical and electrical failsafe safety devices would be fitted to the equipment which would ensure its safe operation, and allow for automatic shutdown of plant should safety issues arise. The operational equipment would be securely enclosed within the site by means of a 2.2 to 2.5 metre high firewall and 2.5 metre high palisade fence, thereby ensuring the risk of unauthorised access to the site is minimised.
- Alternative sites across the south of the city were considered for the hydrogen generation and refuelling station, however these failed to meet all of the essential criteria necessary for the successful delivery of such a facility.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies are reiterated in the proposed plan without any substantive changes.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

It is considered that the proposed development of a hydrogen production and refuelling facility on this site would have minimal impact on the existing amenity of the surrounding area where a range of residential, commercial and industrial uses currently co-exist. Taking into account the context of the area, it is considered that the scale and nature of the proposed development would be appropriate. The proposed development would be located adjacent to an electricity sub-station, but would be visible from residential properties within the surrounding area. Its location would allow for an appropriate separation distance between the boundary of the application site and the residential properties to the south and east, and with appropriate screening arrangements in place, its presence would not adversely affect the existing character and amenity of the area, nor result in any significant visual impact. The scale, design, materials and location of the proposed facility are considered appropriate and in-keeping with the setting, and a condition has been applied which would require the timeous implementation of the landscaping scheme submitted. Taking all of this into account, it is considered that the proposal would be suitably compliant with both Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking) of Aberdeen Local Development Plan. Finally, the proposal is considered to be compliant with both Scottish Planning Policy, in terms of supporting sustainable development, and with Policy R8 (Renewable and Low Carbon Energy Developments) of Aberdeen Local Development Plan, given that it relates to the development of a facility which would contribute towards the reduction in carbon emissions in the city through the use of a cleaner fuel source.

CONDITIONS

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

(1) that all planting, seeding and turfing comprised in the approved scheme of landscaping (Drawing Ref P/005) 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.

(2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 141552-04 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(3) that no development shall take place unless a scheme detailing all external finishing materials to the canopy, firewall and hydrogen plant building which form part 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.

INFORMATIVES

(1) Roads Construction Consent will be required under Section 21 of the Roads (Scotland) Act. Early contact with Colin Burnet, Senior Engineer (Tel 01224 522409) is advised to discuss this procedure.

Dr Margaret Bochel

Head of Planning and Sustainable Development.