

Planning Development Management Committee

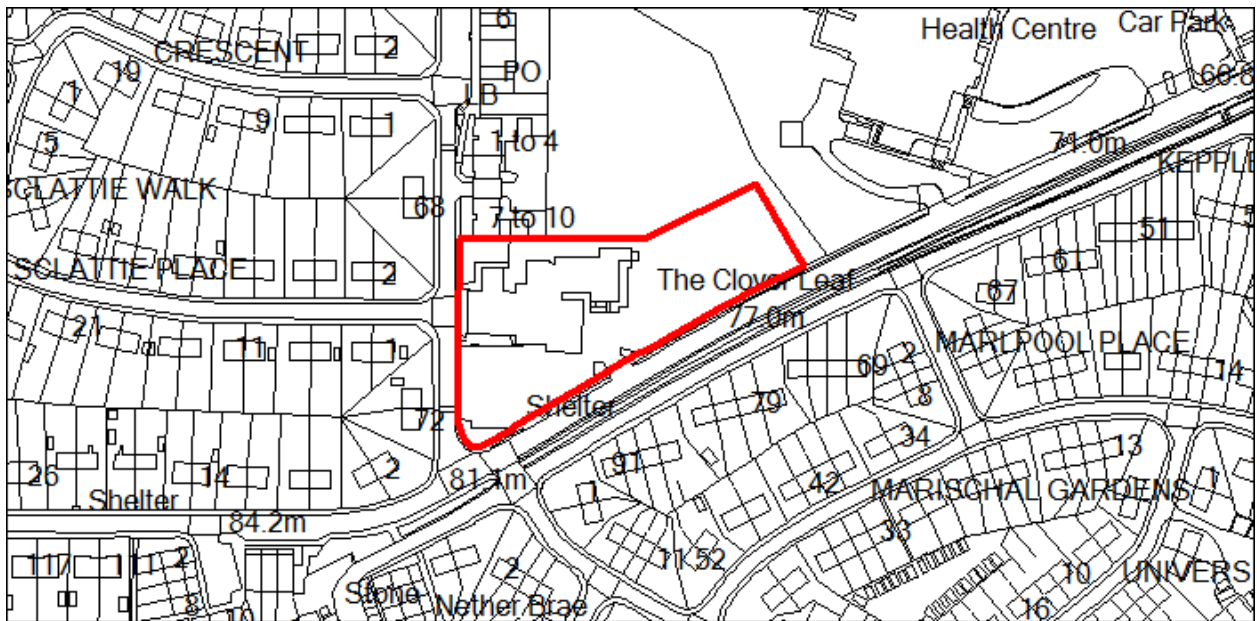
CLOVERLEAF HOTEL, KEPPLEHILLS ROAD

DEMOLITION OF HOTEL AND ERECTION OF
68 AFFORDABLE FLATS

For: Stewart Milne Homes

Application Type: Detailed Planning Permission
Application Ref. : P141837
Application Date: 08/12/2014
Officer: Andrew Miller
Ward: Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert: None
Advertised on: N/A
Committee Date: 18/08/2015
Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally. Consent to be withheld until a legal agreement is entered into by the applicant and the Council to ensure the development is restricted solely to affordable housing and to secure developer obligations towards primary and secondary education, the Core Path Network, open space and the Strategic Transport Fund.

DESCRIPTION

The application site comprises the Cloverleaf Hotel and grounds at Kepplehills Road, Bucksburn. The hotel dates from the mid 20th Century and is a mix of 2 storey gable roofed buildings that have been extended with single storey flat roof extensions. Large areas of car parking are to the south and east of the hotel, with access taken from Kepplehills Road. The site is bounded by a mix of two storey houses to the west and two storey flats to the north west. To the south is Kepplehills Road which contains a mix of two storey houses and bungalows. A small park and Bucksburn Academy bound the site to the north and east.

The site slopes slightly from its south western corner down to the north east of the site. It falls within the Sclattie Park Neighbourhood Centre, as designated in the Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

P141134 – Proposal of Application Notice for residential development with open space, car parking and associated infrastructure submitted 24 July 2014. In responding, the Council required the applicant to carry out additional notification of the proposed public consultation event.

PROPOSAL

Detailed Planning Permission is sought for the demolition of the hotel and the erection of 68 affordable flats with associated access, parking and infrastructure.

The flats would be built in two blocks:

Block A would contain 35 flats in a mix of two storey and three storey sections in a V-shaped footprint, following the line of Sclattie Park and Kepplehills Road, with the point of the “V” meeting at the corner of the two roads. It would be sited in the western side of the site and flats would front to the public road. The two storey flats would have self contained entrances, with the upper floors accessed by an external stair case with large landings acting as balconies.

Block B would contain 32 flats in two smaller blocks separated by a footpath and would be sited on the eastern half of the site. The western smaller block would comprise three storey blocks with a two storey block on the side, with the eastern block three and four storeys high. The two storey flats would have a similar access arrangement as Block A. Overall Block B would form an L-shaped footprint with a frontage to Kepplehills Road and return to the eastern boundary with Bucksburn Academy. The separation between the two smaller blocks in Block B would provide pedestrian access from Kepplehills Road.

Access to the site would be taken from Kepplehills Road, between Blocks A and B. 55 car parking spaces (3 disabled), 5 motorcycle spaces, 70 cycle spaces, bin stores and an area of amenity space would be provided in a central court yard to the rear of the flats. Pedestrian access to the flats would be via 2 points to Sclattie Park and 3 points to Kepplehills Road in addition to the main vehicular access point from Kepplehills Road.

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=141837>

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

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation 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 Consultation Event that was held in the Cloverleaf Hotel on 13 August 2014. Public notices were placed around the site and an advert placed in the local press in advance of the event. An attendance register at the event indicated 61 persons attended however not all completed the register and it is estimated that attendance was in the region of 80.

Comments received at the event can be summarised as follows:

- Concern at loss of the Cloverleaf Hotel as a community facility (public house/function suite).
- Road, traffic and parking concerns.
- Desire for community garden adjacent to site.
- Overall appearance of development well received, with heights commented on favourably. (Indicative display boards showed three storey in height)
- Site being on flight path was noted.
- Requirement for affordable housing in area.
- Community facilities required.

Consultation was also undertaken with Bucksburn and Newhills Community Council, with a meeting held on 25 September 2015. Community garden requirements were discussed, with provision for skateboarding requested, safe play areas for children as well as links to local shops.

The Pre-Application Consultation report submitted with the application detailed that comments received were taken into account in the submission of the application (excluding loss of pub).

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Bucksburn and Newhills Community Council have objected and more than five timeous letters of representation have been received (eleven in this instance). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management –

- Sufficient parking for cars (including disabled), motorcycles and cycles have been provided.
- Bins are located in a suitable location for residents and refuse collections. Sufficient permeability for pedestrians has been provided through the site.
- Recommend condition requiring installation of new bus shelters on either side of Kepplehills Road.
- Contributions towards the Strategic Transport Fund are sought.
- Recommended condition requiring Green Travel Plan.

Environmental Health –

- Due to proximity to Aberdeen Airport, condition requiring Noise Impact Assessment recommended.
- Informative note relating to construction hours recommended.

Communities, Housing and Infrastructure (Flooding) – No objections following provision of additional information.

Scottish Environment Protection Agency – No objection following provision of additional information relating to surface water drainage. Condition recommended for Construction Environment Management Plan.

Scottish Water – No objections.

Developer Contributions Team – Contributions sought towards the following:

- Primary Education (Pupils Zoned for Brimmond Primary). Pupils from development will result in the school being over capacity over a five year period based on school roll forecasts.
- Secondary Education (Pupils Zoned for Bucksburn Academy). Pupils from development will result in the school being over capacity over a five year period based on school roll forecasts.
- Core Path Network (Core Path 42: Den of Kingswells to Howes Road) is identified as being an infrastructure facility necessary for the purposes of

recreation and sustainable active travel. The cumulative impact of the development on the nearby path would require a contribution towards re-profiling and resurfacing the path.

Education, Culture and Sport (Educational Provision) - Calculations show that development will result in an additional 12 pupils in the Brimmond Primary catchment area.

Bucksburn and Newhills Community Council –

1. The initial application submitted for this development was for 50 properties but this has now been increased to 68, representing an over development of the site. (NOTE - Reference made to Pre-Application Notice (PAN) ref. P141134 rather than a planning application. PAN made no reference to numbers of units)
2. The flats at four stories high are totally out of context with other properties in the area.
3. Extra properties will result in an unacceptable load on the new primary school being built in the area and on existing congested roads. Strongly suggest that before more housing is allocated in the area, consideration should be given to alleviating intolerable traffic loading on the A96, especially at the Haudagain Roundabout.
4. Concerned that these properties are being built as affordable houses against developments in other areas of the city. Affordable housing should be located in every part of the city and certain areas should not be excluded from accommodating such developments.

REPRESENTATIONS

11 letters of representation have been received. The objections raised relate to the following matters –

1. Increase in number of units shown at pre-application consultation to application stage.
2. Increase in volume of traffic as a result of the development which will have an adverse impact on road safety in local area.
3. Development will restrict visibility at the junction of Sclattie Park with Kepplehills Road, an already difficult junction.
4. 3 storey flats will be an eyesore.
5. Flats do not fit in with surrounding area
6. Insufficient parking for flats, likely that flats will have 2 cars per flat.
7. Height of flats will result in loss of sunlight to adjacent houses, as well as overlooking.
8. Impact of development on bus route.
9. Bucksburn does not need a new housing development.

The following matters are not material considerations and will not be taken into the determination of the application (reason in brackets afterwards).

1. Loss of pub will tear heart out of community and local's will have no where to go. (The pub within the hotel is offered no protection by planning policy and is a private business, rather than a community facility.)
2. Many pensioners in the area. Therefore cottages should be built instead of flats. (The application must be determined as submitted.)
3. Flats will block my view. (The loss of views is not a material planning consideration.)

PLANNING POLICY

Aberdeen Local Development Plan

RT3 – Town, District and Neighbourhood Centres

Aims to protect retail uses within centres and contains criteria against which such development should be assessed against.

H5 - Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance on the provision of affordable housing from new developments is available in Supplementary Guidance on Affordable Housing.

I1 – Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.

D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

D2 – Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.

4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

T2 – Managing the Transport Impact of Development

Maximum car parking standards are set out in Transport and Accessibility Supplementary Guidance, detailing the standards that development should provide.

NE6 – Flooding and Drainage

Where more than 10 homes or greater than 100 sq m of floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

1. Be the most appropriate available in terms of SUDS; and
2. Avoid flooding and pollution during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

R6 – Waste Management Requirements for New Development

Housing Development should have sufficient space for the storage of residual, recyclable and compostable wastes.

R7 – Low and Zero Carbon Buildings

All new buildings, in meeting building regulations requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Sub-division and Redevelopment of Residential Curtilages

- Contains standards and guidance to take into account when considering impact on residential amenity (privacy, overshadowing, loss of light, etc.).

Transport and Accessibility

- Contains parking standards for all development.

Affordable Housing

- Identifies that where social rented housing is the preferred means of delivering affordable housing provision, that the units remain as such in perpetuity and appropriate provision should be inserted into a legal agreement.

Proposed Aberdeen Local Development Plan

Related policies within the adopted ALDP in brackets after policies, all of which have similar principles.

NC6 – Town, District, Neighbourhood and Commercial Centres (*RT3 – Town, District and Neighbourhood Centres*)

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

I1 – Infrastructure Delivery and Planning Obligations (*I1 - Infrastructure Delivery and Developer Contributions*)

T2 – Managing the Transport Impact of Development (*T2 – Managing the Transport Impact of Development*)

H5 – Affordable Housing (*H5 – Affordable Housing*)

NE6 – Flooding and Drainage (*NE6 – Flooding and Drainage*)

R6 – Waste Management Requirements for New Development (*R6 – Waste Management Requirements for New Development*)

R7 – Low and Zero Carbon Buildings, and Water Efficiency (*R7 – Low and Zero Carbon Buildings*)

Other Relevant Material Considerations

None

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.

The application falls within a major application type, as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, Reg 2(1) and as included in the Schedule.

Principle of Housing

The site is located in an area designated as a neighbourhood centre in the ALDP within a wider residential designation. Whilst policy RT3 provides protection to retail uses, identifying the importance they play towards the vitality of these centres, no protection is offered to other uses. Therefore the loss of the hotel and associated facilities is considered acceptable in principle. Consideration must therefore be given to the suitability of residential uses in this area. As stated above, the wider designation of the area is residential use, with land uses to the north, south and west residential, and a school to the east, it is considered that the redevelopment of the site for residential use is acceptable in principle. The proposed use is compatible with the adjacent land uses and would not be detrimental to their established amenity.

Design and Siting

Policy D1 of the ALDP states that all new development should be designed with due consideration for its context. In this case, the proposed flats would be developed in two blocks. Both blocks would be of a similar architectural style – a mix of smaller units split into varying heights with a mix of pitched and single plane roofs. The mix of heights and stepped arrangement within the development echoes the style of the flats to the north of the site on the eastern side of Sclattie Park. This mix of heights and stepped frontages contributes to a variety in the streetscape, breaking up would could potentially be larger masses of built form into smaller elements.

Whilst the flats themselves would contain three and four storey elements, the stepped arrangement of the flats builds up to the higher elements, which create defined corner points within the development. In respect of the relationship of the flats to the surrounding area, it is acknowledged that the flats would be taller than the established buildings in the surrounding area. However the tallest elements of the flats would be contained within block B and the distance between the flats and the houses to the south is significant to the point where the flats would be viewed in separation from the houses, with the difference in height between the flats not being readily noticeable.

In terms of material finishes, the mix of dry dash render and dark grey roof tiles is an acceptable combination. Whilst the plans show the use of white render on all elevations, it is considered that the use of differing colours/shades of render would help break up the overall mass of built form and add some variety to the street scape. Accordingly it is recommended a condition requiring the applicant to submit a detailed scheme of external wall finishes is recommended.

The layout of the development would result in a public face to Sclattie Park and Kepplehills Road, with self contained accesses to some flats from these streets. Parking and amenity space would be contained within a courtyard to the rear of the development. From Sclattie Park, the building line steps closer to the road from north to south. The western elevation of Block A broadly follows this pattern, being slightly closer to Sclattie Park than the flats to the north, but not to the extent the flats are overshadowed.

Taking account of the above consideration, the development is considered to be designed and sited at a level suitable to its context, in line with the requirements of policy D1.

Amenity Provision

Policy D2 of the ALDP requires new residential development to afford amenity provision as part of the development. In terms of amenity space, an area of open space has been provided to the rear of Block A, though this falls short of the 50% specified in policy D2. However, the wider setting of the flats would be with substantial areas of open space to the north west of the site. The proposals include links to park land to the north west. Access to the 2 storey flats are self contained, with large accesses doubling up as balcony areas. Whilst the area of the amenity space is relatively small, it does go some way in providing amenity for the residential development. The close proximity to the park land to the north of the site, along with the linkages provided as part of the development, also provides amenity space for residents to use. Whilst not fully compliant with policy D2 of the ALDP as 50% of the courtyard does not comprise amenity space, in light of the above considerations, sufficient amenity has been afforded to residents in combination with open space provision to the north of the site.

Impact on Surrounding Area

Consideration must be given to the impact of the development on the surrounding area in terms of overshadowing, loss of light and privacy, in line with guidance contained within the Council's Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages. In respect of loss of light and overshadowing the position of the development means there is no adverse impact on neighbouring properties. Sufficient separation is provided between the development and the nearest properties to the west and north, with 19 metres separating the front of the flats fronting to Sclattie Park and the existing houses on the opposite side. This separation distance is sufficient to avoid any loss of privacy to existing neighbours.

Overall, the proposals will not result in any substantial overshadowing, as there is sufficient separation between the development and properties to the east. The built form of the development at its northern eastern corner at Sclattie Park would be similar to that of the hotel, avoiding any substantial overshadowing or loss of light. The separation between the flats and the neighbouring houses would also afford privacy to existing neighbours and occupants of the proposed flats. According to the proposals will not result in any detriment of established amenity enjoyed by existing neighbouring residents, and the proposals are considered to accord with the Supplementary Guidance.

Parking/Access

In assessing parking provision, policy T2 requires all development to be served by parking in line with the Council's parking standard and refers to the Council's

Supplementary Guidance on Transport and Accessibility (SGTA) for parking standards for development. In this instance, the development is classed as affordable rented social accommodation, with the relevant standard being 0.8 parking spaces per unit. The proposed development satisfies this standard, providing 55 parking spaces.

In addition, motorcycle parking and bicycle parking have been provided in line with the Council's required standards.

The Council's Roads Development Management team support the application in light of the above parking requirements. In addition, the applicant has also demonstrated the provision of a swept path analysis for refuse vehicles using the site to the satisfaction of Roads Development Management.

Accordingly the proposals are considered to satisfy the requirements of policy T2 as well as the SGTA.

Drainage

Surface water drainage for the site would be treated by storing surface water in a cellular storage that would discharge to the combined public sewer, whilst foul drainage would drain directly to the combined public sewer. Initially SEPA objected to the development on the basis that the sewage system fails to provide any SuDS treatment. Following provision of additional information and justification for the discharge of surface water to the combined sewer, SEPA removed their objection. The Council's Flooding team raised no objections to the development following clarification on points relating to surface water drainage. It is also noted that Scottish Water raised no objections to the development. In light of the above considerations, the proposals are considered to accord with the requirements of policy NE6.

Pollution

During the construction phase of projects, there is an increased risk in pollution to the local environment, including an increased risk in sediment run off, contaminant discharge and spillages. SEPA have recommended that a condition be placed requiring a Construction Management Plan to be submitted and approved in consultation with them prior to development commencing.

Aberdeen International Airport

The site falls within proximity of runway approaches for Aberdeen International Airport (AIA). As the proposals falls within the outer margins of airport noise contours, the Council's Environmental Health Services team have requested that a condition be placed requiring the applicant to undertake a Noise Impact Assessment.

In addition, AIA have requested a conditions be placed requiring a Bird Hazard Management Plan to be prepared, as well as landscaping that avoids the use of

bird attracting species. AIA have also requested that lighting for the site should also be suitable to avoid an adverse impact on aircraft operating in and out of AIA. A condition requiring a suitable lighting scheme is recommended for inclusion.

Waste

In serving the development, bin storage areas have been provided, one for each block. The Council's Waste Services have recommended the required details for the bins to serve the development. The bin enclosures and their positioning are considered acceptable, with Roads Development Management and Waste Services raising no objections.

Developer Obligations

The Developer Obligations assessment for the development has identified the need for contributions towards education and core paths, in addition to contributions towards the Strategic Transport Fund by Roads Projects.

In respect of education, pupils from the development would fall within the catchments for Brimmond Primary and Bucksburn Academy, both of which are over capacity taking into consideration school roll forecasts. Accordingly contributions towards primary and secondary education are sought in this instance.

The Council's Education section has also noted that the development would result in an additional 12 pupils from 2017 to 2021 within the Brimmond catchment area, and this along with other developments in the area would result in the need for an additional classroom at the school.

Low and Zero Carbon Buildings

Policy R7 requires all new development to install low and zero-carbon generating equipment to reduce the predicted carbon dioxide emissions of the development by at least 15% by 2007 building standards. As a material consideration, building standards have changed since 2007 and exceed the requirements of those specified in R7. It is therefore considered that the application for a building warrant will cover energy efficiency issues at a level higher than the requirements of this policy, under legislation separate to the planning process.

Landscaping/Lighting

No details of lighting have been provided with the application and as such a condition is recommended requiring this information to be submitted for further consideration.

In respect of landscaping, a landscaping scheme has been provided with the application. A condition requiring the scheme to be implemented is recommended for inclusion.

Legal Agreement

The application has come forward as a development for affordable housing (social rented) therefore a legal agreement ensuring the development remains social rented accommodation is necessary in this instance. The development has attracted lower parking standards in light of this. Should the development not be restricted to affordable housing, then there would be a requirement for a higher parking standard which the development would fail to meet in its current form.

In addition, the legal agreement would also ensure developer obligations towards education, the core path network and strategic transport fund are paid as part of the development.

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 and designations are similar to those of the adopted ALDP. Therefore the above evaluation is considered sufficient in respect of the requirements of the proposed ALDP.

Matters Raised by Community Council

In respect of the matters raised by Bucksburn and Newhills Community Council, responses to matters raised are provided as follows:

1. *The initial application submitted for this development was for 50 properties but this has now been increased to 68, representing an over development of the site.*

Reference is made to the Pre-Application Notice (PAN) ref. P141134 rather than a planning application. The PAN provided made no reference to the number of units. The Pre-Application Consultation report provided identified indicative layouts shown at the public consultation event, but no definitive scheme.

2. *The flats at four stories high are totally out of context with other properties in the area.*

Whilst the development will be taller than existing buildings in close proximity, in light of the considerations outlined above under “Design and Siting”, the flats are considered to be suitable for their context.

- 3. Extra properties will result in an unacceptable load on the new primary school being built in the area and on existing congested roads. Strongly suggest that before more housing is allocated in are, consideration should be given to alleviating intolerable traffic loading on the A96, especially at the Haudagain Roundabout.*

Developer Obligations are being sought to ensure contributions are sought to mitigate against any impact the development would have on schools and transport in the city (via the Strategic Transport Fund).

- 4. Concerned that these properties are being built as affordable houses against developments in other areas of the city. Affordable housing should be located in every part of the city and certain areas should not be excluded from accommodating such developments.*

There is a recognised need for affordable housing across Aberdeen. The Council does not identify specific areas for development of affordable housing and there are no quotas for specific areas of the city.

Matters Raised in Representations

In respect of the matters raised within the representations received, responses to matters raised are provided as follows:

- 1. Increase in number of units shown at pre-application consultation to application stage.*

The Pre-Application Notice P141134 submitted to the Council made no reference to the number of units. The Pre-Application Consultation report provided identified indicative layouts shown at the public consultation event, but no definitive scheme.

- 2. Increase in volume of traffic as a result of the development which will have an adverse impact on road safety in local area.*

A transport assessment provided with the application identified that there would be an increase of traffic associated with the residential development in comparison to volumes currently using the hotel. Nonetheless, the existing road network in the locality is sufficient to accommodate the development. In respect of the cumulative impact new development has on the City’s transport infrastructure, contributions towards the Strategic Transport Fund are sought.

- 3. Development will restrict visibility at the junction of Sclattie Park with Kepplehills Road, an already difficult junction.*

The development will not interfere with visibility at the junction of Sclattie Park with Kepplehills Road, with the Council's Roads Development Management team raising no objections to the development.

4. *3 storey flats will be an eyesore.*
5. *Flats do not fit in with surrounding area*

The design and siting of the flats is considered to be suitable for the context, as outlined under "Design and Siting" above.

6. *Insufficient parking for flats, likely that flats will have 2 cars per flat.*

Parking provision is in line with the Council's adopted parking standards for affordable housing.

7. *Height of flats will result in loss of sunlight to adjacent houses, as well as overlooking.*

It is not considered that the development will not result in a substantial loss of sunlight, as outlined under "Impact on Surrounding Area" above.

8. *Impact of development on bus route.*

The bus route will remain unaffected as a result of the development, however new bus shelters are required on either side of Kepplehills Road. A condition requiring this is to be placed.

9. *Bucksburn does not need a new housing development.*

There is a well publicised shortage of housing, in particular affordable housing across Aberdeen. That said, the Council must determine applications for housing as submitted and cannot refuse a development on oversupply of housing. Market forces dictate the supply and demand of new housing.

Conclusion

Taking account of the above considerations, it is considered the proposals are an acceptable form of residential development subject to conditions as recommended and the withholding of consent until a legal agreement securing developer obligations and delivery affordable housing.

RECOMMENDATION

Willingness to approve conditionally. Consent to be withheld until a legal agreement is entered into by the applicant and the Council to ensure the development is restricted solely to affordable housing and to secure

developer obligations towards primary and secondary education, the Core Path Network, open space and the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The redevelopment of the site for residential use does not conflict with the requirement of policy RT3 – Town, District and Neighbourhood Centres of the Aberdeen Local Development Plan 2012 (ALDP). The flats would be designed and sited at a level suitable for the amenity and context of the surrounding area, in line with the requirements of policy D1 – Architecture and Placemaking of the ALDP. In respect of policy D2 – Design and Amenity of the ALDP, it is acknowledged that the level of amenity provision within the development falls short of that specified by the policy, however the development is sited next to an area of open space and with links provided to this area as part of the development, the proposals are acceptable in this instance. The development would not have a significant impact on the amenity and privacy of neighbours, per the guidance contained within the Council's Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

Sufficient parking has been provided in line with the standards contained within the Council's Transport and Accessibility Supplementary Guidance and subsequently complies with the requirements of policy T2 – Managing the Transport Impact of Development of the ALDP. Surface water drainage and a connection to foul have been provided for the development in line with the requirements of policy NE6 – Flooding and Drainage of the ALDP.

Relating to the provisions of the Proposed Aberdeen Local Development Plan 2015, the requirements of the relevant policies are similar to those of the adopted ALDP, and such the proposals are considered to comply with the policies of the proposed Aberdeen Local Development Plan insofar as they are relevant.

CONDITIONS

1. That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall:
 - be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
 - identify the likely sources of noise; and
 - indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified.

The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

2. Development shall not commence until a bird hazard management plan (BHMP) has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the management of potential bird attractants which be attractive to nesting, roosting and "loafing" birds, and measures in place to implement removal of birds/eggs/nests if deemed necessary. The BHMP must also provide a plan for the duration of earth works, outlining the developer's commitment to managing the risk of attracting birds to the site during excavation activities. Thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.
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 No. 5257-101 Rev K 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 the development hereby approved shall not be occupied unless a schedule of work relating to the upgrading of the existing bus shelter adjacent to the site on the eastbound side Kepplehills Road and the provision of a new bus shelter on the westbound side of Kepplehills Road has been submitted to and approved in writing by the planning authority. Thereafter, the new bus shelters shall be provided in accordance with the approved details prior to the occupation of the development – in the interests of sustainable travel and to encourage a reduction in the level of private car trips generated by the development.
5. That development shall not be occupied unless the two path links to the north of the site into the adjacent playing field, as shown in drawing number 5257-101 Rev K, have been completed and provided for use – in order to ensure that the development is served by suitable links to the adjacent amenity space, in the interests of the amenity of the occupants of the development hereby approved.
6. That notwithstanding the specification of white dry dash render on drawing nos. 5257-301 Rev C, 5257-302 Rev C, 5257-303 Rev C hereby approved is not approved and the development hereby approved shall be externally finished with a variety of different colours of dry dash renders to the external walls to be submitted to and approved by the Council as planning authority – in order to minimise visual intrusion of the development.
7. That all planting, seeding and turfing comprised in the scheme of landscaping as shown in drawing no. 0959/01 hereby approved 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.
8. That no development shall take place unless schemes for external lighting for the completed development, as well as construction phase, have been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme. The external lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is to be no light spill above the horizontal – in the interest of public safety and to ensure the lighting does not distract crew operating at Aberdeen International Airport.
 9. That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as Planning Authority) Thereafter the measure identified in the travel plan shall be implemented in accordance with the approved plan - in the interests of sustainable travel.
 10. that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

INFORMATIVES

Roads Construction Consent

The roads authority does not envisage adopting the internal access beyond the tangent point of the proposed bellmouth onto Kepplehills Road. It is suggested that the applicant confirms adoption arrangements whilst agreeing the extent of roadworks to be included in an RCC application to Colin Burnet (tel. 01224 522409).

SEPA

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of www.sepa.org.uk. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

- Inverdee House, Baxter Street, Torry, Aberdeen AB11 9QA Tel. 01224 266600

Aberdeen International Airport

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and its height would exceed 10m or that of surrounding trees and structures.

Use of cranes, scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of and Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

Construction Works

In order to protect occupants of the neighbouring residences/offices/shops from any potential noise nuisance, demolition and building works should not occur:

- a) outwith the hours of 7am to 7pm on Monday to Friday
- b) outwith the hours of 9am to 4pm Saturdays
- c) at any time on Sundays, except for works inaudible outwith the application site boundary

If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

Dr Margaret Bochel

Head of Planning and Sustainable Development.