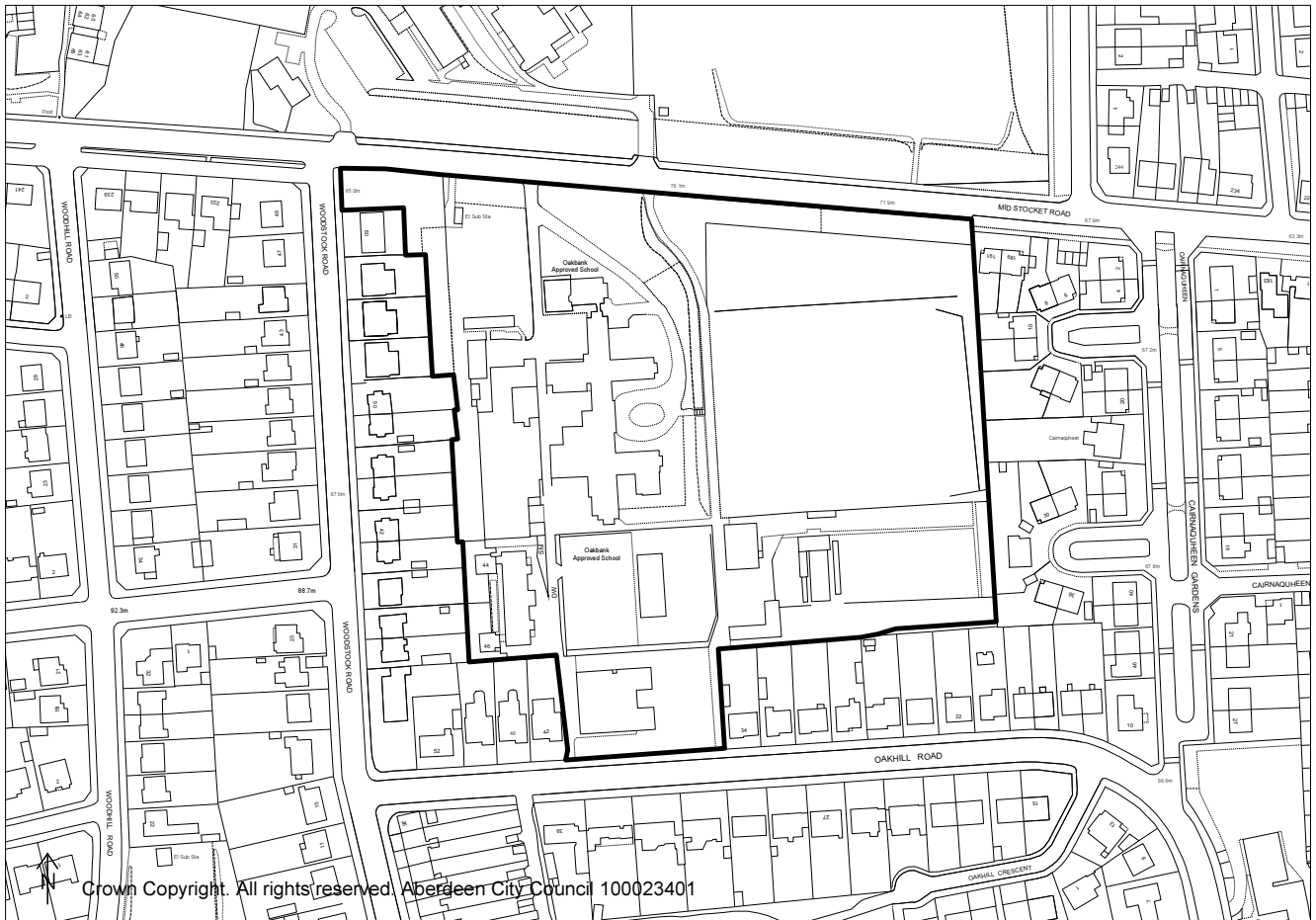


FORMER OAKBANK SCHOOL, MID STOCKET ROAD, ABERDEEN

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF OFFICE BUSINESS PARK WITH SUPPORTING USES (GYM, CAFE, CONVENIENCE STORE AND NURSERY) AND ERECTION OF 4 NO.1.5 STOREY RESIDENTIAL PROPERTIES, ALL WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND ASSOCIATED ANCILLARY DEVELOPMENT

For: Carlton Rock Ltd

Application Ref.	: P090566	Advert	: Dev Plan Departure
Application Date	: 21/04/2009	Advertised on	: 29/04/2009
Officer	: Garfield Prentice	Committee Date	: 13 May 2010
Ward: Midstocket/Rosemount (B Cormie/J Laing/J Corall)		Community Council	: Comments



RECOMMENDATION: To indicate a willingness to approve the application subject to conditions and legal agreement to secure the contributions for planning gain, the improvement/upgrade of a playing pitch and the contributions and implementation of the infrastructure improvements to the road network and notify the application to the Scottish Ministers.

DESCRIPTION

The site is located on the south side of Midstocket Road, between its junctions with Cairnaquheen Gardens and Woodstock Road and comprises the buildings and grounds of the former Oakbank School. The site also has a 60 metre long frontage to Oakhill Road (between Nos. 34 and 42). The site is bounded to the west, south and east by the rear gardens of houses that front on to Woodstock Road, Oakhill Road and Cairnaquheen Gardens respectively. The houses on Woodstock Road are located generally between 12 and 24 metres from the site boundary. The houses at 20-34 Oakhill Road are located approximately 25 metres from the site boundary, while those properties at Nos. 42, 48 and 50 are between 10 and 15 metres from the site boundary. The distance from the site boundary of the houses on Cairnaquheen gardens varies significantly, but the nearest house is some 6 metres from the boundary.

The site is approximately rectangular in shape and extends to 3.8 hectares. It generally slopes down from west to east, the difference in levels being over 15 metres. The school site comprises several buildings, a playing pitch and almost 100 trees. The original main school building is a substantial and predominantly 2 storey granite structure. It is some 80 metres long with two 17 metre long wings extending out to the front and the rear of the building respectively. It is located approximately 35 metres from the west boundary and 45 metres back from and at right angles to Midstocket Road. At one time that building was listed, but was removed from the list of listed buildings many years ago. Immediately to the north of that building, and linked to it by a short glazed corridor, is the governor's lodge. It is a 2 storey granite house, built in the Arts and Crafts style and is a category C(s) listed building. To the west of the main school building are several undistinguished buildings of various styles and sizes (dating from the 1960s and 1970s), including the accommodation block, swimming pool block, woodwork/art/cookery building, laundry and garage/storage sheds. To the south of the main school building are another accommodation block and the main car parking area. To the east of the main school building is a playing pitch, which extends almost to the boundary with Cairnaquheen Road. To the south of the pitch are several buildings associated with the school's garden. There are four entrances into the site, two each from Midstocket Road and Oakhill Road. The main entrance is from Midstocket Road, which divides into two driveways, one to the front and one to the rear of the main school building.

The majority of the trees on the site are located close to the boundaries with Midstocket Road and Woodstock Road. There is also a belt of trees extending along the driveway to the front of the main school building. There is a variety of tree species, including alder, cherry, Norway maple, sycamore, beech and elm. The majority of the trees are between 15 and 26 metres high.

The surrounding area is predominantly residential with Woodstock Road, Oakhill Road and Cairnaquheen Gardens being wholly residential. To the north, on the opposite side of Midstocket Road are the Raeden Centre and the partially built new Mile-End primary school.

HISTORY

There have been numerous planning applications relating to this site over many years. However, the most notable are (1) the erection of 44 houses and 36 flats, which was granted on 23rd January 2003 (the planning permission has now expired) and (2) the erection of 19 houses and 4 residential/teaching units, which was withdrawn prior to the application being determined.

Separate planning applications for the construction of each of the four proposed houses included as part of this proposal were lodged with the Council in February this year. The houses would be identical to those proposed in this application. Two of the applications (application references 100199 and 100200) were approved, subject to conditions, under delegated powers on 1st April 2010. The outcome of this application has a bearing on the acceptability of the other two applications. In the meantime those applications are on hold.

PROPOSAL

Detailed planning permission is sought for the demolition of the existing buildings and the erection of an office business park with supporting uses (gymnasium, café, convenience store and nursery) and the erection of four 1½ storey houses, all with associated access, parking, landscaping and ancillary development. A separate application for listed building consent (application ref. 090565) to demolish the governor's lodge has also been lodged with the Council.

When initially lodged with the Council on 21st April 2009 the proposed office business park comprised three separate buildings with a combined gross floor area of 22,300sqm (240,030 sq ft) and 571 car parking spaces. Subsequently an amended proposal was lodged with the Council on 16th November 2009. The amended proposal was significantly different to the previous scheme and as a result neighbours were notified of the amended proposals. The amended proposal comprises 18,228sqm (196,205 sq ft) of gross floor space. The amount of car parking was reduced to 491 spaces. Further minor adjustments were later made to the proposed development together with an increase in car parking to 622 spaces. Those amendments were lodged on 25th January 2010. However, further re-notification of neighbours was not required as the adjustments to the scheme are not significant and the increase in car parking raises no additional issues.

The description of the proposed development set out below relates to that finalised proposal lodged with the Council on 25th January 2010.

Office buildings

The three buildings would be arranged in a U-shape with a building sitting parallel to the east, south and west boundaries respectively. None of the office buildings would front onto Midsocket Road. However, the gymnasium under Building 1 would be orientated to face towards Midsocket Road. The courtyard area between the buildings would be used mostly for access and car parking. Considerable changes to the ground levels are proposed throughout the site in order that the ground floor of the three buildings and the courtyard area would be set at the same level. To achieve that, levels at the south west corner of the site, for example, would be lowered by approximately 4.5 metres and at the north east corner raised by approximately 2.5 metres.

Building 1 would be located parallel to and approximately 32 metres from the boundary with the houses on Cairnaquheen Gardens. The ends of the office building would be 28 metres back from Midsocket Road and 32 metres from the boundary with houses on Oakhill Road. However, the car park under the building would extend to approximately 17.5 metres from that boundary, 19 metres from the Midsocket Road boundary and 13 metres from the boundary with the houses on Oakhill Road. That section of the car park would be enclosed and include a terraced area above it. The terrace would comprise a mix of hard and soft landscaping. The building would measure approximately 94.5 metres long by up to 32 metres wide (although it would be 16.5 metres wide along the majority of the length of the building) and would attain a

maximum height of 18.5 metres. It would be mostly 3 storeys plus basement car park which to the Cairnaquheen Gardens side would be above existing ground levels (15.1 metres high) with a small section being 4 storeys high (18.5 metres high). Ground levels at the north east corner of the building would be raised by approximately 2.5 metres and thus the building would have an overall height of approximately 21 metres relative to the existing site level. The building would comprise a total gross floor area of 8,045sqm (86,593 sq ft.) of which 6,869sqm (73,913 sq ft) would be office accommodation and 1,178sqm (12,680 sq ft) would be the gymnasium. At basement level there would be part of the underground car park and the gymnasium, the latter measuring 75 metres by 15 metres. The gymnasium would be positioned a right angles to the offices and would face towards Midstocket Road. That elevation would include significant areas of glazing. An enclosed plant area would be provided on the roof of the office building.

Building 2 would be located parallel to and approximately 16.5 metres from the boundary with the houses on Oakhill Road. The ends of the office building would be 55 metres and 41 metres respectively from boundaries with the houses on Cairnaquheen Road and Woodstock Road. The building would measure approximately 97.5 metres by 18 metres and would attain a maximum height of 13.5 metres (including the parking under the building). It would comprise 2 storeys of office accommodation (plus plant area on the roof). The ground levels at the north half of the building would be lowered by 1.0–1.5 metres. The building would have a total gross floor area of 3,321sqm (27,000 sq ft). An enclosed plant area would be provided on the roof of the building.

Building 3 would be located parallel to and 17 metres at the nearest point from the boundary with the houses on Woodstock Road. The ends of the building would be 47 metres back from Midstocket Road and 32 metres from the boundary with the houses on Oakhill Road. The building would measure approximately 94.5 metres by up to 32.0 metres (although it would 16.5 metres wide along the majority of its length) and would attain a maximum height of approximately 14.5 metres. It would be mostly 3 storeys (11.25 metres high) with a small section being 4 storeys high (14.5 metres high). In general the ground levels at this part of the site would be lowered by approximately 1 metre. The building would have a total gross floor area of 6,863sqm (73,869 sq ft) of which 380sqm (4,075 sq ft) would be used for the shop, café and nursery, which would occupy part of the ground floor. An enclosed plant area would be provided on the roof of the building.

The design concept and external finishing materials of all three buildings would be similar. The buildings would have a contemporary appearance and would be finished in a mix of large expanses of glass and areas of aluminium cladding and polished granite. Aluminium 'brise soleil' would be provided at several places on each of the buildings. The buildings would have flat roofs, on which would sit screened plant areas.

Car parking and access

It is proposed to provide a total of 622 car parking spaces, of which 435 spaces would be at basement level and 187 spaces on the surface. The basement car park would be under Buildings 1 and 2 and part of Building 3 and would be approximately U-shaped. Its overall length would be approximately 157 metres and its width 115 metres. It would be accessed via a single ramp on its western side. The majority of the surface area bounded by the three office buildings would be used for car parking and access roads. It is proposed to retain the tree belt to the front of the existing main school building.

Access to the office business park would be from Midstocket Road, utilising the existing main entrance. The entrance would be widened and upgraded, including the provision of traffic

signals on Midstocket Road. The alignment of the existing access road would be altered slightly. It is proposed to use a “no-dig” methodology for the upgraded access road in order to minimise the impact on the adjacent mature trees. An emergency access for fire tenders would be provided from Oakhill Road, which would lead to a footpath/“fire track” around the periphery of the development. In the event of a fire, access could be gained to both sides of the office buildings. At other times it would be a pedestrian route through the site with access gained from both Midstocket Road and Oakhill Road.

Houses

Four large 5-bedroom houses are also proposed, which would front on to Oakhill Road. The four houses would be of identical design, except that two houses would be handed. The houses would be L-shaped, 1½ storeys high and would measure 20.5 metres by 10.1 metres and would attain a height of 8 metres. The front elevation and part of one side elevation would be finished in granite. The remainder of the walls would be finished in off-white render. Slates would be used to cover the roof. Each house would comprise 5 bedrooms and an integral garage for one car. Parking for two cars would also be provided on the driveway. The houses would be set back from Oakhill Road by approximately 7 metres. Each house would have a rear garden of 11.5 metres in length. Existing ground levels would be raised slightly on part of each of the plots in order to achieve level platforms on which the houses would be constructed. It is proposed to remove two street trees in order to allow the formation of two driveways. The applicant proposes to plant two replacement trees.

Trees

The proposal would result in a total of 20 trees being felled, including two street trees on Oakhill Road. All of the trees within the site are protected by Tree Preservation Order No.180. Four Beech trees of between 17 and 26 metres in height would be felled to allow the upgrading of the entrance to the development. Those trees are located within the tree belt close to the Midstocket Road boundary. The other trees (mostly Sycamore and Alder) that would need to be felled to accommodate the development are between 8.5 and 14.5 metres in height. The applicant has proposed to use specific building techniques for constructing the access road and the underground car park/surface parking deck to minimise the impact on the other mature trees on the site.

Off-site works and planning gain

The applicant has agreed to make a financial contribution towards the improvement of the playing capacity of existing Council pitches and a planning gain contribution to be used for community facilities. The applicant has also agreed to fund off-site works to the road network, in particular to provide a traffic signal junction at the entrance from Midstocket Road, to install a controlled pedestrian crossing on King’s Gate, to provide traffic calming on number of surrounding streets and make a contribution towards improvements towards future widening of the junction approach on Raeden Park Road to Westburn Road. The contributions would include a sum for the capitalised maintenance of the traffic signals. These infrastructure improvements are required to address the road and pedestrian safety issues and improve the functioning of the Raeden Park Road/Westburn Road junction arising from the increased traffic in the area generated by the proposed development.

Supporting documents

The applicant has submitted the following documents to support the planning application – a transportation assessment, a design and access statement, a tree report, a landscape design

statement and landscape visual impact statement, a drainage impact assessment, a bat survey report, a supporting planning statement and 3D visualisations of the development.

REASON FOR REFERRAL TO SUB-COMMITTEE

This application has been referred to the Sub-committee because the proposed development constitutes a 'major development' as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 on the basis that the total gross floor space of the development exceeds the threshold of 5,000sqm and the site area exceeds 2 hectares and also because of the level objection. Therefore, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ROADS SECTION – The full text of the roads officer's comments is appended to this report. In summary, a detailed transportation assessment has been submitted in support of the application. It has been the subject of a detailed audit and shows that the impact of the development can be accommodated on the local road network, subject to certain mitigation measures.

The existing site entrance from Midsocket Road would be upgraded to form a traffic signal junction and would be seen to provide safe access to the development. The traffic signals would incorporate pedestrian facilities. A new footway would extend from the junction to Woodstock Road, providing access to the wider network.

The internal layout of roads and footpaths is acceptable for the circulation of both vehicular and pedestrian movements. The number of parking spaces proposed is the maximum permitted in terms of the parking standards and is acceptable. A parking accumulation assessment provided by the transportation consultant shows the maximum demand for parking to be in order of 607 parking spaces between 10.30 and 11.00am. It is unlikely that overspill parking to any degree would impact on the surrounding road network. However, the provision of the maximum permissible parking level does not support the promotion of sustainable travel.

Accessibility by sustainable modes of transport is good in terms of pedestrian access and linkages, public transport and cycling. There are frequent bus services within 400 metres of the site and additional services within a reasonable walking distance. A new controlled pedestrian crossing should be installed on King's Gate to provide safe access to the buses on that route. The applicant has indicated a willingness to provide such a crossing.

The transportation assessment indicates that a reasonably robust assessment has been undertaken for traffic generation and distribution and has allowed for traffic associated with the new Mile-End School. The junction assessments do not show any significant detrimental impact. However, there are concerns with the practical operation of the Westburn Road/Raeden Park Road junction. The applicant has indicated a willingness to provide a financial contribution towards future widening of the junction approach on Raeden Park Road and this would in the longer term mitigate the development impact at that junction. To mitigate the road safety implications on the adjacent residential streets it is necessary to introduce traffic calming in these streets, which should be funded by the developer.

A green travel plan will be required.

The above mitigation measures should all be secured, including the capitalised maintenance costs, through appropriate conditions and/or legal agreement.

The Drainage Impact Assessment has considered the 200 year storm event and in principle is acceptable. The surface water would be to a Scottish Water combined sewer. Confirmation of

Scottish Water's acceptance should be sought. SEPA's acceptance of the scheme in terms of water quality should also be requested.

ENVIRONMENTAL HEALTH – No response received

EDUCATION, CULTURE & SPORT – The offer by the applicant to provide a financial contribution towards the improvement of the playing capacity of existing Council pitches is acceptable in principle. It is understood that sportscotland would lift its objection to the proposal on the completion of an appropriate legal agreement.

COMMUNITY COUNCIL – Rosemount & Mile-End Community Council objects to the proposed development. Being located adjacent to residential properties the office complex would be out of keeping with the residential character of the area. With only 491 parking spaces proposed, there would be insufficient parking for the 1500 workers which would result in overspill parking into the streets to the west of the site causing inconvenience for the residents and leading to an extension to the controlled parking area. Midstocket Road is already a busy thoroughfare and the traffic generated from the proposed development would be a dangerous addition directly opposite two schools, as well as adding to the existing volume.

TRANSPORT SCOTLAND – Advises that a condition requiring the submission of a Travel Plan for approval prior to the occupation of any part of the development should be attached to any permission granted by the Council.

SEPA – A condition should be attached requiring that the SUDS scheme detailed in the drainage impact assessment must be implemented. There is no objection to the proposed foul drainage from the development.

SPORTSCOTLAND – sportscotland objects to the application. There is a presumption against the loss of playing fields. The proposed financial contribution by the applicant would be insufficient to upgrade pitches to replace the capacity which the lost pitch would have had. If the Council is satisfied that the upgrade can be achieved for the sum of money proposed sportscotland would be willing to progress an outcome focussed section 69 agreement that ties in the proposed upgrading work.

BAA – The proposal could conflict with safeguarding criteria unless any planning permission granted is subject to conditions requiring the submission and agreement of a bird hazard management plan and a scheme of landscaping for the site.

REPRESENTATIONS

In total 246 people/households submitted letters of objection to the proposed development, many of which submitted letters in response to the original and amended proposals and others to only either the original proposal or amended proposal.

Original Proposal

181 letters of objection were received in relation to the original proposal, including letters from Aberdeen Civic Society, Mile End Parent Council and NHS Grampian. In summary, they refer to:

- The site is zoned in the local plan for residential use

- There is a lack of good quality land for new homes
- The site is located neither within nor close to a business area
- The development would be contrary to Policies 1, 4, 5, 6, 10, 13, 27, 31, 37, 40, 41, 37a and 78 of the local plan
- The development would be contrary to Policy 3 of the structure plan
- The development would be contrary to national planning policy (SPP, SPP11 and NPPG17)
- Approval would set a precedent for commercial uses in residential areas
- The development would not comply with the Development Brief (1999)
- The dominating visual impact of the development
- The impact of the development on the skyline of the City
- The streetscape would be irrevocably altered
- The density of the development – i.e. over-development of the site
- The height of the development – it would tower over and dominate to existing 1½ storey houses surrounding the site
- The scale and massing of the buildings
- The design of the buildings do not reflect the character of other buildings in the area
- The design does not provide a cohesive or considered response to the site or to the wider urban fabric
- The materials to be used
- Loss of granite boundary walls
- The development would not be sustainable
- The environmental cost of the increase in carbon emissions
- Building 1 would be too close to the houses on Cairnaquheen Gardens
- The additional traffic caused by the development would cause road safety and public safety hazards
- The adjacent roads/streets are not suitable for additional traffic
- The proximity of the development and its access to Midsocket Road would cause a road safety and public safety hazard for pupils and parents attending the new Mile End School
- The proximity to Aberdeen Royal Infirmary and resultant impact on emergency vehicles
- Increased congestion on the surrounding roads/streets
- Increased pollution from the extra vehicles generated by the development
- With 1500 people occupying the offices, 571 parking spaces would be insufficient
- There would be overspill parking into the adjacent residential streets
- The computer generated images of the development are distorted and misleading
- The loss of the listed building
- The school building should be retained and listed
- The area should be designated as a conservation area
- The loss of the “world’s first approved school”
- There was insufficient time through the neighbour notification process for residents to object
- There were deficiencies in the neighbour notification (i.e. not all relevant information was provided, and not everyone was notified that should have been notified)
- An office development would be out of character with the quiet residential suburb
- Loss of natural daylight
- Loss of privacy (“the number of windows would be invasive in the extreme”)
- Noise disturbance from vehicles and air conditioning units
- Odours from the proposed swimming pool
- Light pollution during the night

- Increased litter and rubbish in the area
- Loss of green space and recreational facility and the feeling of spaciousness
- Loss of trees
- Impact on the local wildlife
- Existing 'paths' through the site would be affected
- Lack of information on the type of businesses to occupy the development
- There is no need for the development – there is over 500,000sqm of vacant office space in the City
- Statements made by the applicant's agent regarding the economic consequences of not allowing the development are 'tainted opinions' and should be challenged
- New office developments should be concentrated at business areas, such as Westhill
- The excavation for the underground car park could cause subsidence and interfere with the drainage on the site
- There would be no community benefit to residents in the area
- The various facilities would not be open to the general public
- Impact on property values
- Disturbance during the construction of the development
- Increased possibility of burglaries – easier access along proposed perimeter footpaths
- 'Youths' and 'undesirables' would congregate during the evenings
- Article 8(1) of the European Convention on Human rights would be breached
- Obstruct use of a telescope (raised by one resident only)
- Comments about the legal ownership of a boundary with Cairnaquheen Gardens
- The land should not be sold to a developer but retained for future generations
- The lack of pre-application discussion with the community council
- The proposal does not comply with the legal requirements of the "Oakbank Trust" scheme set up in 1934

Amended Proposal

Following the submission of the revised proposals on 16th November 2009 neighbours were re-notified. As a result a further 105 letters of objection have been received. One person who objected to original proposal withdrew her objection. A letter of objection was received from planning consultants acting for NHS Grampian, the "holding body" of the Raeden Centre. However, the letter was received outwith the statutory time for lodging written representations. The objections raised are covered by the matters raised by other people, as set out below.

- The application requires to be determined in accordance with the development plan unless material considerations indicate otherwise
- The proposal is a departure from the development plan and there is no justification to depart from it
- SPP2 'Economic Development' does not justify approving the development
- The proposal would be contrary to Policies 1, 4, 10, 13, 33, 35, 36, 40 and 48
- The proposal conflicts with the Structure Plan objective to improve the region's important built, natural and cultural assets
- The proposal would be contrary to SPP11 'Open Space and Physical Activity'
- The proposal would be contrary to the Design Brief for the site
- The site is designated for residential use and should be redeveloped for that purpose and not be used commercial use
- The proposal would be contrary to acceptable brownfield development
- The office development would be out of keeping with the residential area
- The surrounding streetscape would be irrevocably altered in a detrimental way

- The proximity of the proposed development to Raeden Court (very sheltered accommodation), Raeden School (special needs school) and the new Mile End School
- The scale, height and design of the buildings
- The reduced height of the buildings would still tower above, dominate and overlook all the houses in the area resulting in a loss of privacy
- The impact of the proposed development on the skyline
- The design bears no relationship to the context of the wider fabric of the residential area
- The amendments would still result in a huge unsightly development
- The overdevelopment of the site
- The amendments do not materially alter the major issues in terms of access and road safety
- Although car parking has been reduced there would still be a considerable increase in traffic in the area
- There would be insufficient car parking leading to overspill parking onto adjacent streets
- The location of the access on Midsocket Road - previous residential proposals for the site had access from Oakhill Road
- Increased congestion and road safety hazards especially at peak times and for children going to/from Mile End School
- The nearby roads would not be able to cope with the additional traffic
- Increased traffic could hinder emergency vehicles to/from ARI and the Fire Station
- Children in the area would be put at further risk from increased traffic
- Current office design would allow an occupancy of around 320 persons per 50,000 sq ft, thus almost 1000 occupants for the proposed development
- Permission should not be granted in advance of a travel plan for Mile End School being in place
- The impact on residential amenity due to loss of light, privacy and tranquil living environment
- Noise and nuisance caused by the development throughout the day
- Light pollution from the buildings being lit
- The existing recreational facilities (including playing pitch) and green space would be lost
- The 1991 Open Space Audit identified Midsocket as having only 7% open space compared to the city-wide average of 20-25%
- The loss of trees (part of the historic Stocket Forest) and hedges
- There is surplus of office accommodation in the City
- The proposal involves the demolition of a large granite building of historical importance (the first approved school in the World)
- The proposal would require the demolition of the Governor's House (a listed building)
- The underground car park could adversely affect the natural drainage
- Youngsters would gather on the site, leading to possibly increase in vandalism
- The perimeter path would result in a loss of privacy and create a potential crime area
- The adverse impact on wildlife on the site
- The proposal would not benefit the local community
- There is no need for a convenience store as there are already two such shops and a supermarket close at hand
- Increased health risk due to additional pollution from the extra traffic and from the vents for the underground car park
- Increase in CO2 emissions from the additional traffic
- Fumes emanating from the gym and swimming pool would impact on residences to the east
- The site should be left as it is or used for a purpose to benefit the local community

- Approval of the development would set a precedent for the remaining green spaces in the City to be targeted by developers
- The lack of details on boundary enclosures
- Concerns over the construction of the development and possible problems with land slippage
- The amended proposals should have been advertised to alert the wider community to the revisions. The legality of not advertising the amended proposals is questioned.

THE DEVELOPMENT PLAN DEPARTURE HEARING

The Hearing took place on 10th March 2010. The Hearing affords the applicant and those people who submitted written representations on the proposed development the opportunity to present verbally their arguments/case directly to the Development Management Sub-Committee. The Minutes of the Hearing are included in the agenda papers.

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 policies on sustainable economic growth and sustainable development and the subject planning policies relating to economic development, the historic environment, open space and physical activity 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.

Population growth: to increase the population of the city region and achieve a balanced age range to help maintain and improve people's quality of life.

Quality of the environment: to make sure new development maintains and improves the region's important built, natural and cultural assets.

Sustainable mixed communities: to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

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 Plan

Policy 1 'Design' seeks to ensure high standards of design, with new development designed with due consideration to 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 4 'Protection of Urban Green Space' states that undeveloped areas within the grounds of redundant institutions, such as schools, which have the physical character of landscaped or amenity urban green space will not be considered as brownfield sites. Instead, such areas should be treated as urban green space whereby Policy 36 applies. Though there may be potential for the redevelopment of buildings, where the surrounding landscape itself is of demonstrable value to the wider area it must be safeguarded.

Policy 10 'New Uses for Listed Buildings' states that the Council will consider alternative uses for redundant listed buildings, which permit better use and maintenance of the properties. Any alterations needed to accommodate the new uses should not destroy or seriously harm the essential character or setting of the building.

Policy 13 'Retention of Granite Buildings' seeks to encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the Council will expect the original granite to be used on the principal elevations of the replacement building.

Policy 23 'Eco Development' states that in assessing planning applications for new development the Council will give favourable weight according to the degree to which they further the interests of sustainable development.

Policy 33 'Protecting Trees and Woodlands' states that there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that have natural heritage value or contribute to the character, biodiversity or amenity of a particular locality.

Policy 35 'Access and Recreation Areas' requires new development to not compromise the integrity of existing or potential recreation areas.

Policy 36 'Urban Green Space' states that permission will not be granted to use or develop any parks, playing fields, sports pitches, allotments or all other areas of urban green space for any use other than recreation or sport unless an equivalent and equally convenient area for public access is laid out and made available in the locality by the applicant for urban green space purposes. In all cases, development will be acceptable provided that (a) there is no significant loss of the landscape character and amenity of the site and adjoining area, (b) access is either maintained or enhanced, (c) the site is of no significant wildlife or heritage value and (d) there is no loss of established or mature trees.

Policy 40 'Residential Areas' states that in existing residential areas the predominantly residential character and amenity will be retained. Other uses or activities will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

Policy 48 'Sports Facilities' requires existing sport and recreation facilities to be retained unless they are replaced by an improved facility.

Policy 72 'Use of Appropriate Transport Modes' has a presumption against developments which would be likely to increase the proportion of trips made in the City by private car.

Policy 74 'Pedestrian and Public Transport Access to Development' requires public transport to be available within 400 metres of the origins and destinations of trips within the development.

Policy 75 'Transport Provision within Development' requires developers to mitigate adverse effects outwith the development that will arise as a result of providing fewer parking spaces than the maximum permitted. Developers must provide secure bicycle and motorcycle storage and goods vehicle delivery space in line with the standards set down in the supplementary guidance on transport. Bus stops should be located within 400 metres walking distance of the entrance to buildings.

Policy 77 'Green Transport Plans' requires a green transport plan to be provided for major developments.

Policy 78 'Transport Assessments' requires transport assessments to accompany all applications for significant traffic generating development.

The site is identified as an Opportunity Site (OP15) in the local plan.

Other Material Considerations

The Oakbank Design Brief (June 1999) is a relevant material consideration. It sets out the Council's preferred option for the redevelopment of the site.

EVALUATION

Members considered the details of the original proposal at the meeting of the Planning Committee on 23rd July 2009 when it was decided to hold a Development Plan Departure Hearing. Subsequently an amended proposal was lodged with the Council on 16th November 2009. The amended proposal was sufficiently different from the previous scheme to require the re-notification of neighbours. Further minor adjustments were later made to the proposed development, together with an increase in car parking to 622 parking spaces. Those amendments were lodged on 25th January 2010 but did not require further notification. The Hearing took place on 10th March 2010.

Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 development plan comprises the Aberdeen City and Shire Structure Plan and Aberdeen Local Plan. The Scottish Planning Policy and the Oakbank Design Brief are relevant material considerations. SPP states sets out the Government's core principles that underpin the modernised planning system. It states "*The system should be genuinely **plan-led**.....*" and "*There should be a clear focus on the **quality of outcomes**, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment*". It is in this context that the application requires to be assessed.

This application has been referred to the Sub-Committee because the proposed development constitutes a 'major development' as defined in the Town and Country Planning (Hierarchy of

Development) (Scotland) Regulations 2009 on the basis that the total gross floor space of the development exceeds the threshold of 5,000sqm and the site area exceeds 2 hectares and also because of the level of objection. It is considered that the development represents a departure from the development plan due to the scale of the development and its impact on the residential character and amenity of the locality, thus contrary to the provisions of Policy 40 'Residential Areas' of the Aberdeen Local Plan. The assessment of the application will determine whether or not there are sound reasons for approving the application contrary to the development plan. The application requires to be assessed against the local plan policies mentioned above, the key objectives of the structure plan and any other relevant material considerations, including the issues and objections raised in the written representations and at the Hearing.

Oakbank Design Brief

The Oakbank Design Brief, which was produced in 1999 sets out the Council's preferred option for the redevelopment of the site. Whilst the Design Brief does not form part of the development plan and is now some 11 years old, it nevertheless carries some weight in the assessment and determination of the planning application. It envisages the site being developed for residential use, with a mix of houses and flats arranged around a centrally located large area of open space. Buildings would have a range of heights of up to 3 storeys, with the higher buildings being towards the centre of the site. It should not be seen as the only option, merely the Council's preference. Any development proposal must be assessed primarily and its acceptability determined in the context of the development plan. Notwithstanding, the Design Brief sets out a number of key principles that should apply to any proposal for the redevelopment of the site – (i) the need to provide suitable access (the Brief states the main access should be from Oakhill Road, which would be the preferred location for a residential development), (ii) the need to retain the listed governor's lodge and desirability of reusing the original granite school building, (iii) the need to retain a suitable area of open space in recognition of the loss of the playing pitch, (iv) the need to retain and protect several areas of mature trees, (v) the need to provide a footpath network linking into existing footpaths, (vi) and the need to respect the amenity of adjacent residents.

The proposed development does not comply with the Design Brief, being primarily an office development rather than a residential development. Notwithstanding, the proposal would generally satisfy four of the six of the aforementioned key principles of the Brief, i.e. (i), (iii), (iv) and (v). A suitable access would be provided, albeit from Midsocket Road. It would not be appropriate or indeed acceptable for the access to the office development to be from Oakhill Road because of the impact on residential amenity and public safety. Open space would be provided around the periphery of the development to which the public would have access. The applicant has also offered to fund improvements to another pitch or pitches elsewhere in the City. The majority of the trees would be retained, with the only significant trees to be felled being required to form the upgraded entrance. A network of footpaths through the site would be provided.

Whilst redevelopment of the site for residential use, which would be in keeping with the residential character of the area is the preferred use for the site in the Design Brief, the fact that the proposal does not comply with the Brief is not in itself sufficient reason to refuse planning permission for the office development.

Location of development

A core principle in SPP is "*The system should be genuinely **plan-led**.....*". The Oakbank site is identified as an opportunity site in the local plan. Whilst not allocated specifically for business

use, it does not preclude its redevelopment for office use. The underlying purpose of the development plan is to guide the future use of land and the appearance of cities, towns and rural areas and indicate where development should happen and where it should not. The Aberdeen Local Plan sets out the spatial strategy for development within the City and the policies required to delivery that spatial strategy and to control inappropriate development. The local plan identifies those areas to where business use should be directed. In doing so, it recognises maintaining a ready supply of employment land is vital to Aberdeen retaining its position as a competitive and sustainable business location. A major office development of the size proposed should be delivered through the development plan process in accordance with Government policy for a genuinely plan-led system. Notwithstanding, the planning application must still be determined on its merits in the context of the existing development plan.

The applicant has argued that an office development is acceptable in terms of Policy 40 and does not represent a departure from that policy. Policy 40 does indeed permit non-residential uses/activities provided the Council can be satisfied that the use or activity would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity. In that regard, the local plan lends some support to the proposal. However, whilst there is no objection to the principle of office use within residential areas in general, such developments would comply with the policy only where the scale of the development would ensure that the residential character and amenity of the area would be retained. As outlined elsewhere in this report, the proposed development would alter the residential character and amenity of the area and thus, in terms of local plan policy, an office development of the scale proposed would be contrary to that policy.

Although there is a clear tension with the local plan, the structure plan lends some support for the proposal, in particular in terms of its key objectives in relation to economic growth, population growth, sustainable mixed communities and accessibility. The structure plan is quite clear that it is for the local development plan to identify and allocate land for business use.

The Spring 2010 Office Market Activity Report by Knight Frank states that at present there is over 1.5 million sq ft (139,350sqm) of office schemes in the development pipeline in and around Aberdeen, but only three schemes are under construction. It identifies approximately half of the development pipeline to be located out-of-town, with most being at Portlethen. It is stated that only 28% of the 2009 supply of office space is centrally located in Aberdeen. The applicant has indicated that Knight Frank has advised him on this proposal and that they consider Oakbank would provide a unique high quality environment, create new employment opportunities in a sustainable location close to highly populated residential areas and provide new modern offices in what they call Aberdeen's "Golden Triangle West End" that would be attractive to high quality businesses. These potential positive factors are acknowledged and it is accepted that there are few, if any, other sites in the West End where such office accommodation could be provided.

Economic Development Impact

SPP advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. The Government Economic Strategy sets out how sustainable economic growth should be achieved, and identifies five strategic priorities that are critical to economic growth, one of which is a "supportive business environment". SPP states that the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places, whilst protecting and enhancing the quality of the natural and built environment as an asset for that growth. It states that planning authorities should take a positive approach to development.

In relation to economic development, SPP advises that planning authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised. In order to support economic development, SPP advises that authorities should take into account the economic benefits of proposed development, promote development in sustainable locations, particularly in terms of accessibility, promote the full and appropriate use of land and buildings and support development that will provide new employment opportunities.

A key objective of the structure plan is to provide opportunities which encourage economic development and create new employment in a range of areas.

It was indicated at the Hearing by the applicant's agent that the proposal would generate up to 1,200 jobs. The applicant has advised subsequently that there would be approximately 825 employees within the office development, when fully occupied. The balance of the 1,200 jobs would be spin-off jobs created in the wider economy of the City. The applicant has stated that the development has been designed to attract major national and/or international companies or public sector bodies. However, the applicant has not provided any details on what proportion of the 1,200 jobs would arise from new businesses attracted to Aberdeen and what proportion would be simply as a result of existing businesses in the City relocating to new and better office accommodation. Thus the actual number of new jobs that would be created by the proposed development has not been quantified. Notwithstanding, there is no doubt that the development would contribute to the overall economy of the City, partly through the construction jobs, but more importantly by providing high quality Grade A office accommodation in a reasonably central location. Although the likely number of new jobs generated by the development has not been specified, the proposal would help to keep jobs within Aberdeen.

It is well documented that many major businesses have relocated out of Aberdeen in recent years to places such as Westhill. Such an outflow of jobs from Aberdeen is not in the best interests of the City or its economy. There is undoubtedly a strong argument to support new office and business development within the City in order to create and retain jobs in Aberdeen and to help stem the outflow of existing businesses to other location. This development, if granted planning permission and constructed, would make a significant contribution to achieving that goal. In particular, it could attract inward investment and possibly increase the number of Scotland's top 100 companies that are located in Aberdeen.

Design, Scale and Form of the Development

The design statement submitted by the applicant states that the design of the proposed development was arrived at after a careful and detailed analysis of the characteristics of the site, in particular the changes in levels and the trees. That resulted in a development which wraps around the perimeter whilst allowing the tree belt next to Midstocket Road and other mature trees on the site to be retained. It is also stated that the building designs have been driven by the desire to achieve high quality office accommodation, "*whilst sitting comfortably within the site and surrounding area*".

The Midstocket area is characterised by and defined by relatively low density housing laid out in a grid pattern of interconnected streets. The houses are 1½ or 2 storeys high and are generally set within quite generous gardens. The low density of development also means that there is an air of tranquility with the streets being subject to relatively low volumes of traffic. These characteristics have resulted in a high amenity and high value residential area within the City. The form and scale of the proposed development does not respect the existing prevailing character of the area and would be rather intrusive and 'uncomfortable' for the

adjacent residents. The 'business park' characteristics of the development (large buildings each of which are almost 100 metres long, arranged around a central court/parking and circulation area) does not sit comfortably with the surrounding domestic scale architecture and low density housing. It is acknowledged that the design of the buildings (in isolation) are of a high standard. Likewise, the proposed finishing materials would be of good quality. Policy 1 of the local plan requires new development designed with due consideration to its context and make a positive contribution to its setting. The proposed development would not reflect surrounding character and or context nor would it make a positive contribution to its setting and as such would be contrary to Policy 1.

The applicant has advised that the proposed buildings would incorporate technologies to reduce energy consumption and reduce carbon emissions in line with SPP policy of sustainable development. However, it is not possible to provide details at this time. This matter can be appropriately addressed through a condition attached to the planning permission. Policy 23 encourages sustainable development. The incorporation of measures to reduce carbon emissions would help to satisfy the aim of Policy 23.

Visual Impact of the Development

The applicant has submitted a landscape and visual impact statement in support of the application. The statement acknowledges that the scale of the development means that it could not be totally screened, but due to the topography of the site and the existence of mature trees *"there will be very little impact on the receptors living along the west edge of the site"*. Although there are currently buildings close to the west boundary and taking into account the topography and trees on that part of the site, there nevertheless would still a significant visual impact when viewed from the houses on the east side of Woodstock Road resulting from the fact that Building 3 would be almost 100 metres long, up to 14.4 metres high and located only 17 metres, at the nearest point from the boundary with those houses. Although Building 2 has been reduced from 4 to 2 storeys, there would nevertheless be a significant visual impact for the residents living in the houses on the north side of Oakhill Road. The current, mostly open, aspect enjoyed by those residents would be lost. Although the office component of Building 1 has been moved significantly further away from the boundary with Cairnaquheen Gardens, the visual impact for the adjacent residents would nevertheless be substantial, mostly because of the size of the building and the fact that it would tower over the adjacent properties.

The visual impact of the whole development on the wider area would not be substantial, except when viewed from Midstocket Road. Although the road level sits below the level of the site and there is a belt of mature trees along that frontage, the development and in particular its large scale would still be very apparent. From other surrounding streets there would only be glimpses of the development between existing buildings. Due to the elevated position of Oakbank, there may be some distant views of the development from other parts of the City. However, long views across the City would not be harmed due to the backdrop of the trees on the site and colour of the external finishes that would be used on the buildings.

Loss of the Governor's Lodge and Other Granite Buildings

Policy 13 of the local plan seeks to encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaption of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the Council will expect the original granite to be used on the principal elevations of the replacement building. The proposal involves the demolition of all existing buildings on the site. The demolition of the listed building is assessed in the report for the application for listed building consent (application ref. 090565). The demolition of the

other buildings does not require the consent of the planning authority and they could be demolished by the owner at any time (subject to a building warrant for demolition being in place). Notwithstanding, the aim of the policy to protect the City's granite heritage is quite clear. The proposal would involve the loss of a large and locally important granite building. Policy 13 therefore requires the original granite to be used on the replacement building. It is proposed to use new granite on parts of the facades of the buildings. In reality it would be difficult to incorporate the existing granite into the contemporary design of the buildings. The use of new granite would be more appropriate. Although the existing granite would not be re-used it is considered that by including significant areas of new granite on each of the buildings that the spirit of Policy 13 is met. Policy 10 of the local plan encourages alternative uses for redundant listed buildings. Although the policy does not specifically mention or relate directly to the demolition of listed buildings, it is nevertheless clear that the underlying purpose of the policy is to ensure that such buildings are maintained and retained. Thus whilst the proposal is not technically contrary to the policy, it fails to meet its underlying aim.

SPP advises that the aim of planning authorities should be to find a new economic use for historic buildings that is viable over the long term. As noted above the loss of the listed building is assessed in the report on the application for listed building consent to demolish the building.

Impact on Trees and the Landscape Character of the Site

Significant information has been provided by the applicant to demonstrate how it is intended to protect the trees that have been identified for retention on the site. It is clear that considerable steps have been proposed to ensure that the most significant trees on the site are retained and protected throughout the construction phase of this development.

The trees on the site are the subject of statutory protection in the form of Aberdeen City Council Tree Preservation Order Number 180. The landscape character of the site is dominated by large mature trees, which have an important amenity and natural heritage value. Wych Elm is present on the site and is significant because of its status as a North East Scotland Local Biodiversity Action Plan priority species.

A total of 20 trees have been identified for removal. This number includes those trees to be removed for tree health and safety reasons and those trees to be removed to allow for the implementation of the development. Four Beech trees of between 17 and 26 metres in height would be removed at the entrance from Midsocket Road. Other trees to be felled are between 8 and 14 metres high. The applicant has endeavoured to demonstrate that the construction works would be carried out in full compliance with the British Standard "BS 5837: Trees in Relation to Construction, Recommendations". Despite the information being presented in the correct format and to the recommended standard it is still a matter of professional judgement as to likely impacts of the re-development proposals on the existing trees. There is no certainty that the demolition and construction work required to complete the development would not be detrimental to the long term retention of the existing trees on the site. Despite the methods suggested by the applicants to protect the trees during work onsite, there is a risk that many of the trees indicated for retention could be damaged to some extent during the course of construction works. The proposed layout and extent of the development does not allow for any misinterpretation of the plans or human error during construction work. The margin of error for this site is so small that it is quite possible that the trees would be subject to risk of damage and stress in the future. The type of damage that could occur includes compaction of the soil close to retained trees, severance of roots during excavation of soil for the change in site levels, the snapping and breaking of branches and limbs by the movement of construction vehicles, encroachment into the root protection area and the storage of materials within the

root protection areas. Notwithstanding, proper site management procedures should overcome these concerns and risks.

The proposed perimeter fire track/ amenity path around the site would cut through the root protection areas of a large majority of the mature trees along the western boundary of the site. Although details have been provided for the general type of construction of this path/track this information does not take into account the localised changes in ground level that would have to be dealt with across that part of the site. The trees along this boundary act as an important screen between the residential properties and the proposed development and are an important feature on the wider landscape character of this part of Aberdeen.

Whilst 20 trees have been identified to be felled and for the most part the proposed works would comply with the recommendations set out in the British Standard, for the reasons explained above, there would be pressure on many of the remaining trees on the site and thus there would be risk that some of those trees, possibly as many as 20 trees, could be damaged or removed during the construction of the development.

Policy 33 of the local plan has a presumption against all development that would result in the loss or damage to established trees that have a natural heritage value or contribute to the character or amenity of a particular locality. The trees at Oakbank are an essential component of the character and amenity of this part of the City, which also have a natural heritage value. Accordingly, the proposal to fell 20 trees would be contrary to Policy 33.

The loss of 20 trees would have some impact on the landscape character of the site. However, the majority of the most important trees, in particular those adjacent to Midsocket Road, would be retained and thus the impact would not be substantial. A greater impact on the landscape character would arise from the loss of the open space coupled with the proposed large buildings and extensive areas of car parking.

Traffic Impacts, Access Arrangements and Car parking

It is proposed that the vehicular and pedestrian access to the office development would be taken from Midsocket Road on the line of the existing access to the site, which lies approximately 75 metres to the east of Woodstock Road. The existing access would be upgraded to form a traffic signal junction with Midsocket Road and would be seen to provide safe access to the development site. The proposed traffic signal junction would incorporate pedestrian facilities and provide safe access to the application site for all users. A pedestrian footway adjacent to the carriageway would extend from the new junction layout to Woodstock Road and would provide access to the wider network. The access arrangements are acceptable. Notwithstanding the Oakbank Design Brief indicating that the access should be from Oakhill Road, it would not be appropriate or indeed acceptable for a large office development to be accessed from that street.

The internal layout of the site provides for suitable access and circulation for both vehicular and pedestrian movements to the office and ancillary uses. A standard 5.5m wide internal access road would be constructed and would provide for traffic movements through the site and to the car parking areas. A network of formal and remote footpaths is proposed and would allow safe and adequate pedestrian circulation and would connect to the wider network via Midsocket Road. Pedestrian access would be provided from Midsocket Road and four points of access are proposed along the northern boundary of the site, which would give good accessibility to the wider footway network. The pedestrian crossing facility within the proposed traffic signal junction would provide safe access across Midsocket Road and access to public transport services. A further combined pedestrian / emergency vehicle access would be

provided from Oakhill Road, centrally between the residential units, linking to the wider network on the southern boundary. The pedestrian access and linkages are considered acceptable.

It is proposed to provide a total of 622 car parking spaces, of which 435 parking spaces would be at basement level and 187 parking spaces on the surface. The number of spaces proposed is the maximum permitted in terms of national parking standards and the Council's adopted parking standards and in this respect is accepted. Concerns have been raised by those objecting to the development that the level of parking provision and the number of employees anticipated for the site would have implications for potential overspill parking within the local residential roads. The Transportation Consultant has submitted a parking accumulation assessment that is based on the traffic generation figures agreed for the transportation assessment. The assessment indicates that the maximum on site parking demand for the proposed development will be in the order of 607 car parking spaces, between 10.30 am and 11am, and is in line with the parking to be provided on site. When considering the parking accumulation assessment and the parking that is to be provided on site to the maximum allowed, it is unlikely that overspill parking to any degree will impact on the surrounding local road network. Whilst car parking to the maximum standards would be provided, which would limit the impact with respect to on street parking, that approach does not support the promotion of sustainable transportation. However, this would be addressed, at least to some extent by a Green Travel Plan.

Public transport accessibility is good with frequent services within a 400m walk distance. There are additional local bus services within a reasonable walk distance of the site and thus the development would be well served by public transport. It is proposed to provide a controlled pedestrian crossing on King's Gate to the east of Woodstock Road, which would be funded by the applicant. That facility would provide the necessary safe pedestrian access and make public transport on King's Gate more attractive by providing a safe and convenient crossing.

Secure cycle parking would be provided throughout the site with locker, shower and changing facilities also provided to support sustainable modes. However, precise details have not been provided and would require to be the subject of a condition to the planning permission.

The transportation assessment indicates that reasonably robust assessment has been undertaken for traffic generation and distribution and has allowed for traffic associated with the relocation of Mile End School. The traffic distribution and impact was considered over the wider network and extended as far as Kings Gate, Westburn Road, A90 North Anderson Drive and Argyll Place. The junction assessments do not show any significant detrimental impact and with the inclusion of the development traffic junction continue to operate within practical reserve capacity. However, there is concern regarding the practical operation of the junction of Westburn Road with Raeden Park Road. This relates to the blocking of the junction in the am peak period. Raeden Park Road is approximately 7m wide and does not readily accommodate the two way passage of vehicles due to parking within the designated bays on the east side of the road and has previously been the subject of requests for widening. The applicant has indicated a willingness to provide a financial contribution towards a future widening of the junction approach on Raeden Park Road and this would in the longer term mitigate the development impact at this junction.

A Road Users Safety Audit was submitted as part of the transportation assessment. It states "The considerable volume of traffic generated by the new offices will clash with the high number of pupils who are expected to walk to the new (Mile End) school, particularly at the morning peak. In mitigation, the school has been provided with three new pedestrian crossings and although one of them is to be altered as part of the new signalised access, it will still be a

safe facility for pupils and other pedestrians to cross Midstocket Road. In light of the safety audit, the roads officer has raised no concerns with regard to the safety of children attending the new Mile End School.

It is anticipated that traffic associated with the office development traffic coming from the west would use the residential roads of Woodstock Road, Woodhill Road, Oakhill Road and Edgehill. This raises a serious road safety concern. To mitigate the road safety implications of development traffic it is felt that it would be necessary to introduce traffic calming in these roads. The applicant has indicated agreement to this requirement and would provide the funding for those works. However, the provision of traffic calming would be the subject of a Traffic Regulation Order and could result in public objection. Not providing traffic calming on those streets would not be in itself sufficient reason to refuse planning permission.

A Green Travel Plan aimed at promoting sustainable travel modes and reducing the reliance on the private car is required. Such a plan has not been provided. However, a condition can be applied to the planning permission requiring a Green Travel Plan to be submitted to the Council for approval.

The Transportation Assessment has been the subject of a detailed audit and demonstrates that the impact of the development can be accommodated on the local network. The level of car parking provision is acceptable and the site has good accessibility by public transport. Accordingly, the proposal is acceptable in terms of in terms of the traffic Impacts, the access arrangements and the car parking provision. The proposal complies with Policies 74, 75, 77 and 78 of the local plan. In relation to Policy 72, it is inevitable that major employment centre would be likely increase the number of trips made by the private car. The site is identified as an opportunity site for development. Its redevelopment for any purpose would increase the number of trip made by the private car. The proposal is generally compliant with SPP.

Impact on Residential Character and Amenity

It is acknowledged that the applicant has made significant changes to the proposal in order to reduce the impact of the development on residential amenity. However, those changes have not resulted in a development that would have no impact on residential amenity, but instead less of an impact than the original proposal. The scale, massing and form of the proposed development would be such that the residential character, in particular and the amenity of the area would be altered quite significantly. The Midstocket area is characterised by and defined by relatively low density housing (typically 5-8 houses per acre) to the east, south and west of the site, laid out in a grid pattern of interconnected streets. The houses 1½ or 2 storeys high and are generally set within quite generous gardens. The low density of development also means that there is an air of tranquility with the streets being subject to relatively low volumes of traffic. These characteristics have resulted in a high amenity and high value residential area within the City. The introduction of a substantial of development comprising over 18,200sqm of floor space would significantly alter that existing character. The form and scale of the proposed development does not respect the existing prevailing character of the area. The 'business park' characteristics of the development (large buildings each of which are almost 100 metres long, arranged around a central court/parking and circulation area) does not sit comfortably with the surrounding domestic scale architecture and low density housing. The overarching principle of Policy 40 is to protect the residential character and amenity of such areas. Whilst the policy permits other uses, those uses will only comply with the policy if that test satisfactorily met. In many cases non-residential uses would not constitute a departure from the policy as they would be of a scale that would not prejudice the character or amenity of a particular area. Due to the scale, massing and form of the proposed development it does not comply with the provisions of Policy 40.

There are two aspects to the potential direct impact that the proposal would have on residential amenity, the impacts in terms of privacy, daylight/sunlight, noise disturbance and light pollution and the impact on overall amenity/outlook that residents currently enjoy. In terms of the impact on privacy, the window to window separation between the proposed offices and the houses would be at least 40 metres, which is more than twice the minimum standard to ensure privacy is maintained. However, there would be overlooking of some gardens from the top floor of each of the buildings. Notwithstanding, within the urban area it is almost inevitable that some overlooking will occur. The overlooking of gardens would not be sufficient reason to refuse the planning application. Notwithstanding the comments on the impact on privacy, there is little doubt that the amenity of some residents would be reduced because of the perception of being overlooked. When the school was operational there was little public access into and across the site. The proposed development would result in some loss of privacy arising from people using the proposed perimeter footpaths, which would permit direct overlooking of the rear gardens of the adjacent houses. However, this could be addressed through the incorporation of screen planting in the landscaping scheme.

The position of the proposed buildings on the site would be such that there would no measureable effect on the amount of daylight reaching the adjacent houses. In terms of direct sunlight, the most significant impact would be on the properties on Cairnaquheen Gardens. It would be likely that a shadow would be cast over at least part of the gardens later in the day when the sun would be in the west. During morning and daytime hours there would be no impact. The proposal would not affect the sunlight reaching the houses on Oakhill Road. There would be a limited impact on the houses on Woodstock Road in the early morning. However, mature trees along the west boundary of the site already cause shading of the gardens at certain times of the day. The proposal would not add significantly to that existing situation.

The amount of development proposed and the resultant activity arising from it, in particular the amount of traffic entering and leaving and movement of vehicles and people within the site would cause a degree of disturbance. However, because almost all of the activity would occur within and around the central courtyard, the proposed buildings would provide an effective screen ensuring that little noise or disturbance would be apparent in the adjacent residential properties. As all vehicular access would be from Midstocket Road, the impact of traffic noise would for the most part be limited to that road. The other residential streets, whilst probably experiencing an increase in the level of traffic and thus the level of noise, would not be affected to the extent that residential amenity would be seriously compromised.

The Oakbank site, when used as a school, would have been for the most part quite dark during night-time hours because the playing pitch and garden areas were not lit. The proposed development would result in additional light pollution for the adjacent residents, mostly from light emanating from the windows in the buildings. The lights in the central courtyard/parking area would have little impact on residential amenity.

Notwithstanding the above comments, residential amenity is more than just these particular factors. It is about how people enjoy living the area, the physical form and quality of the buildings, the juxtaposition with and access to open spaces and the overall landscape quality of the area. It is these factors that influence and define the amenity and general ambience of an area and thus how it is enjoyed by its residents. The amenity would be changed to the detriment of the adjacent residents. Also, with the exception of Cairnaquheen Road due the number of vehicles that use the street, the other residential streets to the south and west of Oakbank are generally quite peaceful and tranquil. That would change, at least to some extent, if the proposed development proceeds. The large scale of the development would have

an overbearing impact on the adjacent residents, which would reduce the amenity currently enjoyed. For these reasons, the proposal is contrary to Policy 40 of the local plan.

Loss of Urban Green Space and Playing Pitch

The Aberdeen Open space Audit 2010 states that the Midsocket/Rosemount Ward has a low quantity of open space compared to other wards. There are three major open spaces within the ward – Victoria Park, Westburn Park and Union Terrace Gardens. There are no neighbourhood parks, local parks or dedicated local play areas within the ward. The quality of the greenspace is considered to be average.

The Sports Pitch Strategy for Aberdeen City Council, dated April 2003 indicates that there is an over-provision of adult 11-a-side football pitches in the City, based on supply and demand analysis predictions for 2013. However, in relation to Oakbank, the strategy states *“the playing field should be safeguarded as there is limited pitch and open space provision in this area”*. Notwithstanding, the strategy is now 7 years old. It was area based rather than taking a city-wide perspective.

Sportscotland has objected to the application on the ground that the proposal would result in the loss of a playing pitch, which is contrary to national and local policy. SPP states *“Playing fields and sports pitches should not be redeveloped except where (i) the proposed development is ancillary to the principal use of the site as a playing field, (ii) the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training, (iii) the playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area, or (iv) a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area and that the site could be developed without detriment to the overall quality of provision”*. SPP does not differentiate between pitches that are accessible by the public and those that are not. It is the opinion of sportscotland that the proposed development would be contrary to this policy and that the level of funding offered by the applicant for upgrading works to another pitch would be insufficient to replace or compensate for the Oakbank pitch. Consequently, sportscotland objects to the planning application. Notwithstanding, the Council’s Education, Culture and Sport Service has raised no objection to the loss of the Oakbank Pitch and is satisfied that the contribution offered by the applicant to improve a Council owned pitch elsewhere would allow for an increase in playing capacity to be achieved that would compensate for the loss of the Oakbank facility. Also, the Council’s sports Pitch Strategy identifies an excess of adult 11-a-side pitches in the City. In addition a 60m x 40m multi-purpose games area was provided at the new Mile-End School. Consequently, the proposal satisfies clauses (iii) and (iv) and thus accords with SPP policy.

Policy 4 of the local plan states that undeveloped areas within the grounds of redundant institutions, such as schools, which have the physical character of landscaped or amenity urban green space will not be considered as brownfield sites. Instead, such areas will be treated as urban green space whereby Policy 36 applies. As the application site includes the grounds of the school, it is not therefore by definition a brownfield site. Policy 36 states that planning permission will not be granted to use or develop any sports pitches or areas of urban green space unless an equally convenient area for public access is laid out and made available in the locality by the applicant. It states further that development would only be acceptable if certain criteria are met, for example there would be no loss of established or

mature trees and the landscape character and amenity of the site would be maintained. The proposed development would result in the loss of a playing pitch and a green space. The applicant has offered to provide funds for the upgrading of a pitch elsewhere and although the improved playing pitch would not be in the local area the Education, Culture and Sport Service has agreed that it would be appropriate compensation. The proposal would, however, result in the loss of mature trees and would affect the landscape character of the site, thus conflicting with the terms of the policy. The Oakbank Design Brief, although written before the adoption of the current local plan, recognises the need to provide a substantial area of public open space within any redevelopment of the site.

Policy 35 requires new development to not compromise the integrity of existing or potential recreation areas. As noted above the Open Space Audit 2010 indicates that there is a low quantity of open space in the Midstocket/Rosemount Ward. It is acknowledged that the pitch was not used by the public for many years and that there was limited access to site when the school was operational. There are no Core Paths into or across the site. The proposal includes footpaths into and across the site to which the public would have access. Whilst a potential recreation facility would be lost, access through the site would be enhanced. In that respect, the proposal complies with Policy 35.

Policy 48 requires existing sport and recreation facilities to be retained unless they are replaced by an improved facility. The applicant has agreed to provide sufficient funds to improve a pitch elsewhere in the City, which would increase the playing capacity of that pitch, thus compensating for loss of the Oakbank pitch. Accordingly, the proposal complies with Policy 48.

Proposed houses

The Oakbank Design Brief supports residential use on the site. It states that *“buildings fronting onto Oakhill Road can be one or one and a half storey and will have their frontages on a line drawn between frontage of 34 and 52 Oakhill Road”*. The principle of the new houses is acceptable in terms of the Design Brief. Their positions in relation to the existing nearby houses comply with the requirement set out above.

Policy 40 supports the principle of constructing new houses in residential areas. However, all such proposals must satisfy the criteria listed in the policy. It should be noted that planning permissions for two of the houses (identical to those proposed in this application) were granted in April this year. It is considered that the siting of each of the proposed houses would be acceptable. They would respect and maintain the building line on the north side of Oakhill Road. The size of the houses (a footprint of 161sqm) would be substantially greater than many of the houses in the street, although it would be comparable to the three houses to the west. The older houses to the east typically have footprints of approximately 100sqm, while the more recently constructed houses to the west have footprints of around 160sqm. The massing of the proposed houses would be significantly greater than the surrounding properties. However, the L-shaped design which results in a relatively narrow frontage reduces the visual impact of the massing to the extent that the houses would sit reasonably comfortably in the streetscape. In terms of site coverage, for the houses to the east the figure is typically 18-20%, while to the west it is 30-33%. The proposed houses would have a site coverage of approximately 30%, which in the context of the adjacent properties is considered to be acceptable. Accordingly, although large, the size of the proposed houses is acceptable. The design of the houses would be of a good standard and would complement the existing houses to the west. The use of granite on the front elevation would help the proposal to blend with the character of the street. Although the rear gardens would be considerably smaller than those to the east, it would be similar to those to the west and thus are acceptable.

It is proposed to provide parking for three cars within each plot, which meets the Council's car parking standards. Precise details of the driveways and how they connect to the public road have not been provided. A condition is recommended therefore whereby such details would be submitted to the Council for approval.

The design of the proposed house on the west most plot and its position in relation to the existing house immediately to the west would be such that there would be an impact on the amenity of the neighbours, in particular due to the position and proximity of the dormer window on the side elevation in relation to the ground floor window and rooflights on the side of the adjacent house. The separation distance of some 6 metres would result in a significant loss of privacy for the neighbours. However, the impact could be addressed by installing obscure glass in the dormer, thus preventing any overlooking. The position of the proposed house in relation to adjacent property would be such that there would be some loss of sunlight reaching the rear garden during the morning. However, the impact would not be of such duration to have a significant impact on the amenity of the neighbours.

The design of the proposed house on the east most plot and its position in relation to the existing house immediately to the east would be such that there would be an impact on the amenity of the neighbours, in particular due to the position and proximity of the dormer window on the side elevation, which would result in significant overlooking of the adjacent garden. However, the impact could be addressed by installing obscure glass in the dormer, thus preventing any overlooking. The position of the proposed house in relation to adjacent property would be such that there would be some loss of sunlight reaching the rear garden during the late afternoon or evening. However, the shadow would cast mostly over a garage and the impact would not be of such duration to have a significant impact on the amenity of the neighbours.

It is considered that with the recommended condition relating to the installation of obscure glass as set out above the proposed houses comply with Policies 1 and 40 of the local plan and with the terms of the Oakbank Design Brief.

Site Drainage

The Drainage Impact Assessment (DIA) submitted by the applicant has considered the 200 year storm event. In principle the DIA is acceptable. SEPA has no objection to the proposal, but recommends that a condition should be attached to the planning permission requiring that the SUDS scheme detailed in the drainage impact assessment must be implemented.

Precedent

Several of the objectors have raised a concern that approval of the application would set a precedent for development on other green spaces in the City. Approval of the development would not set a precedent as each application must be assessed and determined on its own merits.

Other planning matters raised by objectors

A number of objections have been raised that are not relevant planning matters, such as the impact on property values, compliance with the legal requirements of the Oakbank Trust and ownership of boundaries. The following relevant matters have been raised.

The adverse impact on wildlife on the site – The site is not designated as being of wildlife interest and thus refusal of the application and for this reason could not be justified.

There is no need for a new convenience store – The convenience store would be primarily for the occupants of the offices. However, it could be used by the general public. The provision of such a facility is acceptable in terms of Policy 40 of the local plan in that it is complementary to residential use.

Increased health risk due to pollution from additional traffic and from the vents of the underground car park – There is no objection from the Council's Environmental Health Service.

Increase CO2 emissions from the additional traffic – Any additional car journeys would result in an increase in CO2 emissions. However, this must be balanced against the benefits to the economy of the City that would arise from the office development.

Fumes emanating from the gym and swimming pool - There is no objection from the Council's Environmental Health Service.

There is a lack of good quality land for housing – Although the site lies within a residential area local plan policy does not limit the redevelopment of the site to residential use. That would normally be the preferred use but the policy also permits other land uses.

Youths would congregate and there would be a loss of security – There is no evidence that the development would encourage young people to congregate on the site. There would be no facilities that would specifically attract young people. Likewise there is no evidence that the proposal would increase the security risk for adjacent residents. Although the applicant has not confirmed, it would be likely that the office development would provide security measures, such as CCTV and/or guards.

The amended proposals should have been advertised – Although neighbours were re-notified of the amended proposals lodged in November 2009, there was no requirement to re-advertise the application. The application was originally advertised because the development was considered to be a departure from the development plan due to the scale of the proposed development in a residential area. The proposal continued to be considered as a departure from the development plan following the submission of the amended proposals and thus there was no requirement to advertise the application again.

There were deficiencies in the neighbour notification and there was insufficient time for residents to object – Neighbour notification and the time period for objecting to the application met the requirements of planning legislation. There was also a public meeting arranged and held by the applicant that allowed residents to express their views on the proposal.

Article 8(1) of the European Convention on Human Rights would be breached – The Courts have ruled previously that the Scottish planning system complies fully with human rights legislation

Conclusion and reason for the recommendation

The proposed office development represents a departure from the development plan by reason of the conflict with Policy 40 of the Aberdeen Local Plan. Specifically, the scale of the development would be such that it would not retain the existing residential character and amenity of the area. Planning legislation requires that the application be determined in

accordance with the the development plan unless there are material considerations that indicate otherwise. The proposal has been assessed both in terms of the site specific issues and its impact on the wider residential area.

The Oakbank Design Brief indicates that the site should be redeveloped for residential use, which would be in keeping with the residential character of the area. However, the fact that the proposal does not comply with the Design Brief is not in itself sufficient reason to refuse planning permission for the office development.

The development plan must be considered as a whole. Most developments will comply with some policies and conflict with others. Therefore, a judgement needs to be made about the weight to be given to and the balance between each policy.

Although, as set out in the evaluation, the proposal does not comply with some policies relating to residential amenity, greenspace, trees and design, for the reasons set out earlier in this report the proposed development would bring significant benefits to the economy of the City. SPP advises that planning authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised. In order to support economic development, SPP advises further that authorities should take into account the economic benefits of proposed development, promote development in sustainable locations, particularly in terms of accessibility, promote the full and appropriate use of land and buildings and support development that will provide new employment opportunities. The proposal would meet a key objective of the structure plan which is to provide opportunities which encourage economic development and create new employment in a range of areas.

As such, it is considered that notwithstanding the impacts on residential character and amenity, the economic benefits to the City that would arise from the proposed development justify approving the application contrary to the provisions of the development plan.

As sportscotland has objected to the application due to the loss of of playing pitch without the provision of an appropriate and sufficient replacement facility there is a requirement under the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2007 to notify the application to the Scottish Ministers.

RECOMMENDATION

To indicate a willingness to approve the application subject to conditions and legal agreement to secure the contributions for planning gain, the improvement/upgrade of a playing pitch and the contributions and implementation of the infrastructure improvements to the road network and notify the application to the Scottish Ministers.

with the following condition(s):

(1) that the car parking areas, the upgraded entrance off Midstocket Road, the access road, the raised decked, the perimeter fire track/footpaths and all other footpaths shall be constructed, drained and laid out in complete accordance with the detailed specification shown on Drawing Nos. A/08456/900/2, A/08456/901/1, A/08456/902/1 and A/08456/905/1 - in order to ensure adequate protection is afforded to the trees on the site.

(2) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been laid-out and demarcated in accordance with Drawing Nos. PL(90)002E and PL(90)003E of the plans hereby approved or such other drawings 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.

(3) that no development shall take place unless there has been submitted to and agreed in writing by the planning authority a detailed construction methodology and site management scheme for the development hereby granted planning permission. The method statement shall include details of the phasing of the construction of the development, the entrance to be used by all construction traffic/vehicles entering the site, the vehicles to be used on the site during demolition and construction works and those used to deliver all building materials to be site, details of all plant and machinery, the location of the site compound and storage areas and the tree protection measures - in order to ensure adequate protection is afforded to the trees on the site during construction works.

(4) that no development shall take place unless samples of all external finishing materials to the roof and walls of the office development and houses hereby approved have 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.

(5) that the office development, or any individual phase of the office development hereby granted planning permission shall not be occupied unless the SUDS scheme detailed in the Drainage Impact Assessment and shown on Drawing No. A/08456/900/2 has been implemented in full and is operational - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(6) that none of the houses hereby granted planning permission shall not be occupied unless the SUDS scheme detailed in the Drainage Impact Assessment and shown on Drawing No. A/08456/900/2 has been implemented in full and is operational - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(7) that development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'. Thereafter the Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building unless the writing consent of the planning authority is given for any subsequent alteration to the plan – to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

(8) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, including and water landscaping works, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of

numbers, densities, locations, species, sizes and stage of maturity at planting. The said scheme shall comply with Advice Note 3 'Potential Bird Hazards From Amenity Landscaping and Building Design'. The said scheme shall also maintain the connectivity between the existing areas of woodland and hedges and the surrounding habitat - in the interests of the amenity of the area, to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site and to minimise the impact of the development on any bats that may be roosting on the site.

(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 in complete accordance with the approved landscaping scheme 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 and to avoid endangering the safe movement of aircraft and the operation of Aberdeen airport through the attraction of birds and an increase in the bird hazard risk of the application site.

(10) that no trees, other than the trees identified on Drawing No. KD-Z(90)XX_003A, shall be felled unless the written approval of the planning authority has been given for any subsequent scheme of tree felling. Any such subsequent scheme shall include a report by a licensed bat worker that assesses the trees' suitability for roosting bats and survey results of any evidence of bats - in order to minimise the loss of trees on the site and to preserve the character and amenity of the site and to minimise the impact of any such scheme of any bats that may roost on the site.

(11) that no development shall take place unless the scheme for the protection of all trees to be retained on the site during construction works shown on Drawing No. KD-Z(90)XX_003A has been implemented. Thereafter the protective fencing shall remain in place throughout the duration of the construction of the development unless the written approval of the planning authority has given for a subsequent variation to the scheme of tree protection - in order to ensure adequate protection for the trees on site during the construction of the development.

(12) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(13) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities, other than those shown on Drawing Nos. KD-Z(90)XX_003A and A/08456?901/1 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.

(14) that, before development pursuant to the planning permission hereby approved commences on site, details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, shall be

submitted to and approved by the planning authority, and the completed development shall not be occupied unless the equipment has been installed in accordance with those approved details - to ensure this development complies with the on-site carbon emissions target outlined in the Scottish Planning Policy (SPP), Planning Advice Note (PAN 84) and the City Council's relevant published Supplementary Planning Guidance, 'Reducing Carbon Emissions In New Development'.

(15) That no development shall take place unless a scheme for external lighting to be used during the construction of the development and for the completed development has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety, residential amenity and to minimise the impact on any bats that may be roosting on the site.

(16) that no part of the development hereby granted planning permission shall be occupied unless a Travel Plan aimed at promoting sustainable travel modes and reducing the reliance on the private car shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland. In particular, the travel plan will identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the plan - in order to promote sustainable travel and to be consistent with the requirements of Scottish Planning Policy and Planning Advice Note 75.

(17) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

(18) That no development shall take place unless the has been submitted to and approved in writing by the planning authority a scheme detailing cycle storage provision and thereafter no part of the development shall be occupied unless the scheme has been implemented in full accordance - in the interests of encouraging more sustainable modes of travel.

(19) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority details of the location of the proposed replacement trees on Oakhill Terrace – in order to compensate for the loss of the two street trees due to the formation of the driveway and in the interests of the amenity of the area.

(20) that the proposed replacement tree as described on drawing no. L(90)042A shall be planted at the location approved under Condition 2 of the planning permission in the first planting season following the completion of the development. If the tree within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with a tree of a size and species similar to that 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.

(21) that no development shall take place unless there has been submitted to and approved in writing by the planning authority a detailed scheme for the construction of the driveways for the houses hereby granted planning permission, the said scheme to include details of the surface

material, drainage, gradient and its connection to the public road – in the interests of road safety and visual amenity.

(22) that no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme of boundary enclosures for the whole of the development, including for the individual house plots – in order to preserve the character and amenity of the area.

(23) that houses on the west most and east most plots hereby granted planning permission shall not be occupied unless obscure glass has been installed in the dormer window on the east and west elevations of the houses respectively, details of which shall submitted to and approved in writing by the planning authority prior to the commencement of any construction works – in order to preserve the amenity of the adjacent residents.

(24) that no development shall take place unless there has been submitted to, and approved in writing by, the planning authority (i) a scheme for the supervision of the arboricultural protection measures and works to include the time and method of site supervision, record keeping including updates and that this supervision is administered by a qualified arboriculturalist approved by the planning authority but instructed by the applicant; (ii) a plan and report illustrating appropriate management proposals for the care and maintenance of all of the 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 and scheme of supervision shall subsequently be carried out in complete accordance any information thereby approved in writing by the planning authority – in order to ensure adequate protection for the trees on site during the construction of the development and in order to preserve the character and visual amenity of the area.

Dr Margaret Bochel

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