

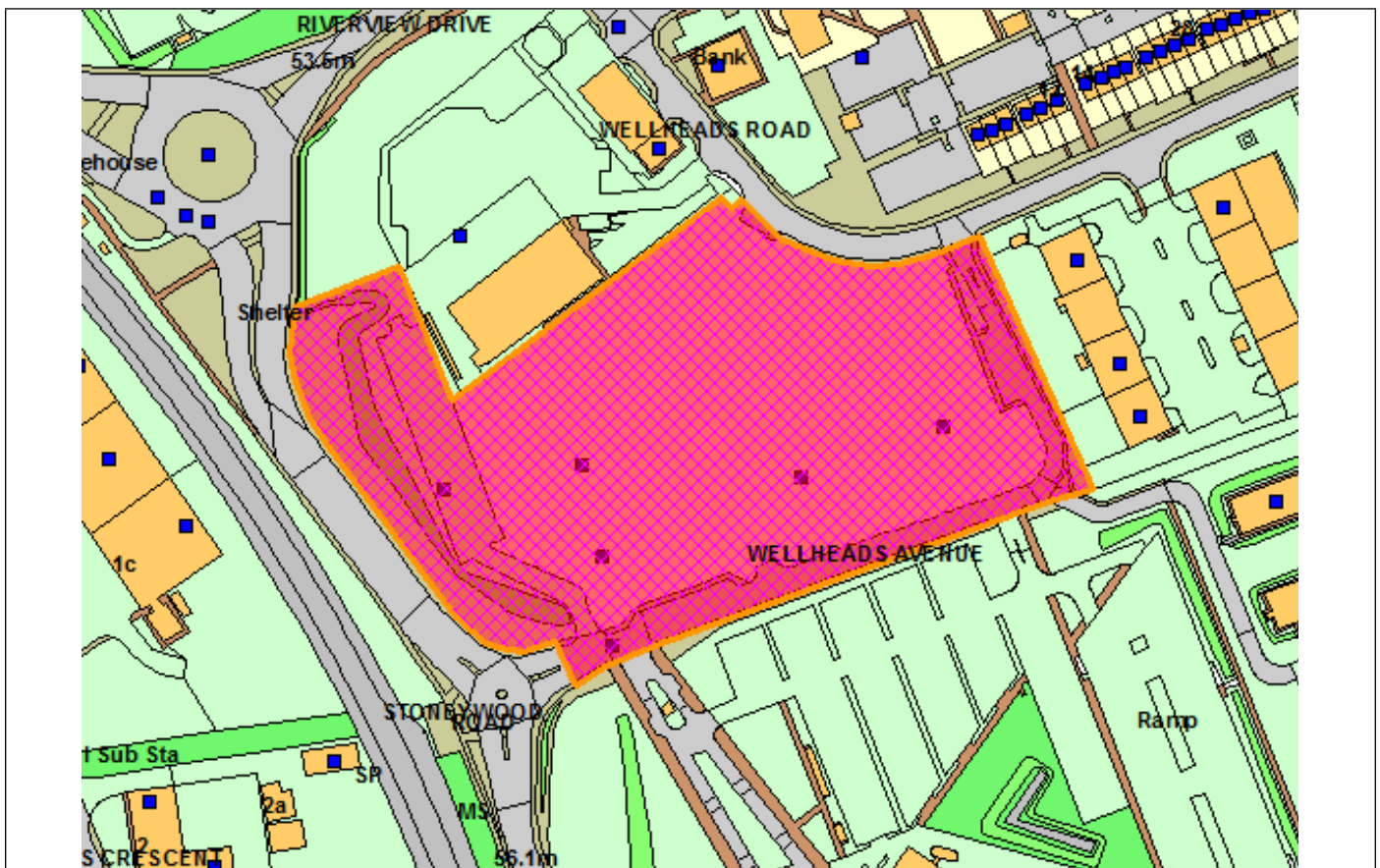


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 23 August 2018

Site Address:	Land at Wellheads Road, Dyce, Aberdeen, AB21 7HG
Application Description:	Residential development comprising 302 flats over 4 and 5 storeys, associated infrastructure, access roads and landscaping
Application Ref:	181050/DPP
Application Type	Detailed Planning Permission
Application Date:	26 June 2018
Applicant:	First Endeavour LLP
Ward:	Dyce/Bucksburn/Danestone
Community Council	Dyce and Stoneywood
Case Officer:	Matthew Easton



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RECOMMENDATION

Convene a Public Hearing

APPLICATION BACKGROUND

Site Description

The application relates to a site which can be divided into four distinct elements – a cleared brownfield site, a car park, an area of landscaping including trees and a non-adopted road, all located within Farburn / Stoneywood Industrial Estate, Dyce. The overall application site extends to 2.44 hectares.

The cleared site was previously occupied by the single storey Excel Leisure Club and a five-storey car park (both operated by BP). All buildings have been demolished and vegetation removed. The cleared site extends to approximately 1.64 hectares and is enclosed by a temporary hoarding.

The car park has circa 60 spaces and is located on the west side of the site, sitting 2m above the cleared site to the east. It is owned by the Council and leased to BP and is currently in use.

Wellheads Avenue, forming the southern boundary of the site, is a non-adopted road which provides access into the BP North Sea Headquarters car park and connects Stoneywood Road with Wellheads Road.

To the west is Stoneywood Road (A947) beyond which in the Aberdeen to Inverness railway line. The north west boundary comprises an area of landscaping adjacent to Stonewood Road, including several mature trees. The northern boundary is neighbouring industrial premises occupied by MB Air Systems, comprising a workshop and office building, yard and car park. Beyond this is a petrol filling station. The north east boundary is Wellheads Road, with a car park and landscaping associated with the residential development at Burnside Drive beyond.

The eastern boundary features the rear of industrial buildings and associated yards. To the south is the BP North Sea Headquarters office development with associated surface and decked car park.

The site straddles the 60 dB noise contour for Aberdeen International Airport.

Relevant Planning History

- Planning permission in permission (130191) for demolition of all buildings and the erection of three office buildings (11,500 sqm) was granted on 16 August 2013.
- Two applications for matters specified in conditions relating to the design and layout and technical matters associated with 130191 have been submitted and approved (140458 approved in June 2014 and 141027 approved in May 2018).

Although the consent is still live, no work has commenced on constructing the development.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of 302 residential flats, across five blocks. The buildings would be either four or five storeys in height, positioned on a north/south orientation, with each block containing between 52 and 69 flats. These would be a mixture of sizes, as indicated in the table below.

Unit Size	Number of Units	Percentages of Total
One bedroom	99	32.7%
Two bedrooms	158	52.3%
Three bedrooms	35	11.5%
Four bedrooms	10	3.3%

Hard and soft landscaping would be provided between the blocks, with a grassed open play area and two equipped play areas also provided.

Car parking would be located around the edge of the site, predominately in a car park along the northern boundary and at right angles along the two lengths of Wellheads Avenue. 178 parking spaces and 19 motorcycle spaces are proposed plus 4 car club spaces.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PAVWTEBZMRJ00>

- Design and Access Statement
- Drainage Assessment
- Geo-Environment Desk Study
- Noise Assessment and Noise Impact Summary Report
- Pre-Application Consultation Report
- Transport Statement
- Tree Survey Report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of more than 20 objections, and is a development in which the Council has a financial interest; due to its ownership of the carpark part of the site and the potential purchase of the finished units should the application be approved. These factors trigger a report to Committee to seek a decision on whether or not a public hearing should be held.

CONSULTATIONS

Aberdeen International Airport – The above ground level heights of building should be provided by the applicant.

Archaeology Service (Aberdeenshire Council) – No objection. In relation to the former Aberdeenshire Canal, it is recommended that should the applicant be approved, a condition be attached requiring the implementation of a programme of archaeological works. It is envisaged that the archaeological works would consist of an archaeological watching-brief during ground-breaking works.

ACC - Contaminated Land Team – No objection. It is not considered that the ground conditions recorded on site represent a constraint to development from a contamination perspective and no

remedial works are necessary. However, the western portion of the site has not been investigated to-date and it is agreed that investigations should take place to confirm conditions.

ACC - Environmental Health – Object. The proposed development has potential to be impacted upon by existing noise sources including; aircraft noise associated with the nearby Aberdeen International Airport approximately 360 metres to the west of the site and road traffic noise from the A947 immediately adjacent to the west of the site.

- As per the *Aberdeen International Airport Noise Action Plan 2013 to 2018*, the site falls within the airport noise contour –
 - The majority of the proposed site is located within the 57 $L_{Aeq\ 16\ Hour}$ contour for 2011 with the remaining part of the site located within the 60 $L_{Aeq\ 16\ Hour}$ contour.
 - The majority of the site also falls within the more up-to-date 57 $L_{Aeq\ 16\ Hour}$ contour for 2016 with the remaining part of the site located within the 60 $L_{Aeq\ 16\ Hour}$ contour.

Policy B4 of the Local Development Plan states that applications for residential development in areas where aircraft noise levels are in excess of 57dB L_{Aeq} (the summer 16-hour dB L_{Aeq} measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.

- The measurement data included within the assessment was obtained between 19 February to 13 March 2018 (excluding days from 28 February to 6 March due to exceptional weather conditions and snowfall). Whilst the average air traffic during the non-excluded measurement period was only slightly less than the air traffic during the summer months of 2017, the weather conditions were exceptional around this time. The residual lying snow is considered to potentially provide greater noise absorbency in the later part of the noise survey. Road traffic levels are also thought to be potentially affected by the adverse conditions during this period. The noise levels established during the measurement survey may have been lower than would be expected during other times of the year. On this basis it cannot be said with any certainty how representative the noise measurement data is.

The submitted Noise Impact Assessment has been reviewed and the following aspects are of relevance –

- Daytime External Amenity Throughout 16 Hour Day – It is suggested an average noise level limit for external amenity areas of 55 dB $L_{Aeq\ 16\ Hour}$ is acceptable and that minor exceedances of this level may occur and would be considered acceptable. This is contrary to the *World Health Organisation (WHO) Guideline Values for Community Noise* which advises such a noise level would cause ‘Serious Annoyance’. The report has not therefore demonstrated a reasonable level of outdoor amenity would be achieved throughout the day, and compliance with the requirements of the relevant WHO guidance.
- Daytime Internal Amenity Throughout 16 Hour Day – it has been demonstrated that a reasonable general internal noise level maybe achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development.
- Daytime External Amenity – Acute Noise incidents - The likely individual noise incidents impacting on the proposed development site from both fixed wing and helicopter passes are considered numerous and intrusive in particular at peak times of activity. The noise impact assessment has not demonstrated how the noise associated with these acute noise incidents during peak periods will be mitigated against to help provide a reasonable level of external amenity.

- Daytime Internal Amenity – Acute Noise incidents - The likely individual noise incidents impacting on the proposed development site from both fixed wing and helicopter passes are considered numerous and intrusive in particular at peak times of activity. The noise impact assessment has not demonstrated how the noise associated with these acute noise incidents during peak periods will be mitigated against to help provide a reasonable level of internal amenity.
- Night-time Internal Amenity Throughout 8 Hour Night – the Noise Impact Assessment has demonstrated that a reasonable general internal Noise level may be achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development.
- Night-time Internal Amenity Acute Noise incidents - the Noise impact assessment has demonstrated an internal maximum sound level (L_{AFmax}) not exceeding 45 dB, more than 10-15 times a night may be achieved with suitable mitigation measures including, closed windows and provision of alternative ventilation throughout the development.
- Alternative Runway Usage - It is understood that during certain weather conditions and wind direction an alternative runway 32 is used for helicopter traffic with potential for periods of hovering before landing. This is considered to bring the noise sources into closer proximity to the site and for longer periods than normal resulting in elevated noise levels. No consideration of this aspect of aircraft movements has been included within the assessment.

After due consideration the Environmental Health service is not satisfied that future residents of the proposed development will be suitably protected from environmental noise at the development under all reasonable circumstances and is therefore unable to support the application.

ACC - Flooding and Coastal Protection – No objection. The following information should be provided by the applicant.

- An exceedance flow map to show where and how any surface water will flow in the event of the site flooding during a M200 rainfall event. No water should exit the site and encroach on to the surrounding roads.
- It is strongly recommend the use of permeable materials where suitable in the design and the use of rain water harvesting to help mitigate any increase in surface water.

ACC - Housing – There is a requirement for increased provision of social housing in Dyce and across the city. 302 flats would reduce the waiting lists considerably. The intention for this development is to build 302 flats and sell them to ACC for use as social housing as part of the Council house new build programme.

ACC - Land and Property Assets – The Council owns the western part of the site.

ACC - Roads Development Management Team – The following matters are raised.

Traffic

- It is noted that the previously consented office development was required to provide a right turn lane from Riverview Drive onto Wellheads Road. However, the proposed development will generate significantly less traffic along this route. As such, it is felt that this improvement is no longer necessary.

Parking

- There is one cycle parking space proposed for each flat, which is a fairly large over-provision, relative to the standards of one space per dwelling up to 30 dwellings, and one space per 3 dwellings thereafter. The applicant may wish to consider adhering to the standards.
- There are 19 motorcycle parking spaces proposed in the Design and Access statement and 20 proposed in the Transport Statement. Standards require one space per 8 flats – therefore 38 motorcycle parking spaces are technically required. The shortfall however is not of concern. The actual number of motorcycle spaces proposed should be clarified.
- It is assumed that the development will be rented social housing (i.e. eligible for lesser parking requirements). Given the outer city location of the site, 0.8 spaces are required per unit. This leads to a total requirement of 242 parking spaces. 178 spaces are proposed. This results in a shortfall of 64 spaces.

In the submitted “pre-application consultation report” it is stated, *“In line with ACC maximum parking standards 0.8 spaces per flat are proposed, along with four car club spaces”* – this does not appear to be the case, it is 0.8 spaces per flat INCLUDING the 4 car club spaces. It is also argued that *“given that the residential development is an affordable housing scheme, it is considered that this should be recognised as a low car development”*. This is disagreed with. This is why there are specific affordable housing parking requirements, which are ~ 50% less onerous than “standard” housing parking requirements. Further relaxation should not be given simply because it is affordable housing, this is already accounted for.

To try and mitigate this parking shortfall, the applicant is also proposing 4 car club parking spaces (in section 4.4 of the D&A Statement). Car club cars have been shown to replace the requirement for 17 secondary household cars. These would equate to 68 spaces, thus mitigating the shortfall.

The Transport Statement indicates that 194 spaces and 3 car club cars are proposed. This appears to have changed in the Design & Access Statement (section 4.4) to 178 spaces and 4 car club cars – clarification should be provided. It is considered that 3 car club cars is more appropriate.

Car club cars typically compensate for secondary car ownership. Affordable rented flats are already permitted a relaxation in standards as a result of the lower car ownership historically documented, resulting in less than 1 space per flat being required. As such, the applicant is proposing car club cars to compensate for primary car ownership, and is actually proposing 0.6 spaces per flat, where standards request 0.8 spaces per flat. Relaxations can be afforded, but it is considered that a shortfall of 64 primary car parking spaces is too great to offset with car club. The proposal for 3 car club cars in the Transport Statement is more appropriate.

If the applicant were to reduce the number of flats proposed, this would have the double benefit of requiring less parking but providing more floor area upon which to provide parking.

A large proportion of the parking is to be perpendicular parking spaces accessed off Wellheads Avenue. Such a large amount of perpendicular parking accessed off a main road, would not typically be allowed however as this road is within the applicants red-line boundary and not proposed for adoption there is no issue with this. However, the roads should maintain adequate width such that they are fit for purpose, and that 6m aisle width is provided to facilitate parking.

There is adequate disabled parking provision (12 spaces). It is requested that two of the disabled bays from the west of the site are moved to the central of the south bays of parking bays that front onto Wellheads Avenue.

Layout

- It is noted that the layout shown in the Transport Statement is different than the general roads layout provided, most notably that there is a square area shown in the TS, where road 2 is otherwise shown – clarification is required.
- The two junctions are proposed for adoption and connect to the adopted road network. The applicant should confirm whether there are changes to these junctions.
- The Association of Chief Fire Officers states that a pump appliance should “*get to within 45m of all points within a dwelling*”, however measuring 45m north from road 7, and 45m south of road 1 leaves a dead zone that appears unreachable. Emergency vehicles may have the option of driving down the green area, however due to the provision of benches and walls this does not seem possible – clarification is required.
- The internal road reduces beneath 6m in certain locations where there is perpendicular parking. The road should be at least 6m in these areas to facilitate parking.
- A Traffic Regulation Order (TRO) would be required in order to create a 20mph zone which would extend from Wellheads Avenue, and would incorporate the adjacent advisory 20mph areas.
- Visibility splays have been shown for 20mph roads, however these junctions are all on 30mph industrial roads, with advisory 20mph signage. If the above TRO is applied this will be correct. Regarding the forward visibility – visibility for 12mph is shown, however this cannot be enforced – forward visibility for 20mph should be shown.
- At present there is a footway on the eastern side of the portion of Wellheads Avenue that runs north-east to south-west. The applicant’s proposals appear to remove this footway. This would be unacceptable as it would result in ~60 parking spaces being adjacent to a road with no footway. If the above TRO is applied for, the speed would be acceptable for a shared surface however, as this area is likely to be heavily trafficked at peak times, (between residents leaving, and office staff arriving and vice versa), a footway should still be provided.
- Section 3.2.3 of the Transport Statement states that “*pedestrian access to the site will continue to be via...Wellheads Road via the existing footway network*” – removal of the footway is a contradiction of this.
- Traffic calming should be provided on straight sections greater than 60m in length. An example of where this would be required is the southern part of Wellheads Avenue (~160m). It is noted that, due to the quantity of parking spaces, the applicant may find it difficult to accommodate traffic calming. Additionally, the northern-most road appears to be >90m, the western-most road is >75m, and the eastern-most road is ~75m. The applicant should amend their drawing to highlight the required traffic calming.
- The long-sections provided show that the internal roads are proposed to be in cross-fall and are not proposed for adoption. This is acceptable; however the applicant should note that having these roads in cross fall will likely prevent them from being adopted at a future date.

- The applicant should separate their swept path analysis into multiple drawings – certain junctions are hard to decipher as there are multiple swept paths overlaid on top of one another. That being said it appears that, for the internal roads, the swept paths show significant overlap with traffic coming in the opposite direction, and several instances where they cross the 250mm buffer at the edge of the road and get very close to parked cars. This should be amended prior to the submission of the separated swept path drawings.
- The applicant should confirm whether the “Open play area” to the north-east is to be fenced off or contained in any way. There could potentially be a danger to children playing in this area due to the proximity of the adjacent road.

Local Road Network

- It is noted that a Safe Routes to School assessment was undertaken as part of the Transport Statement. This appears to be robust and shows that there are safe routes for residents of this development to both Dyce Primary and Dyce Academy.

Travel Plan Framework (Residential Travel Pack)

- The Transport Statement states that “a residential travel plan will be provided, which will focus on sustainable travel opportunities and the use of the Car Club”. The proposed content is agreeable, however walking maps highlighting the locations of the nearby schools and suggested walking routes should be included. The provision of a residential travel plan should be conditioned.

Refuse Storage / Collection

The applicant should confirm that residents will not be required to carry waste more than 30m to a storage point. Additionally, collectors should not have to transport two and four wheeled containers more than 15m and 10m, respectively.

Drainage Assessment

- The Drainage Assessment relies quite heavily on permeable surfacing with stone filter trenches beneath. From experience, it is noted that porous lock-block are ineffective – particularly when utilised on a non-level road.
- New surface water sewers are also proposed to service the development and will be located within new roads and areas of open ground. It is stated that run-off from internal roads and existing roads will drain to the areas of permeable paving. The only mention of gullies is in the “existing drainage” section, which states that “there are...privately owned drains to the south and east within Wellheads Avenue”. Some of these gullies will require to be moved as parking is proposed behind them. There doesn't appear to be any mention of new gullies within the site, or a drawing showing the gullies. The applicant should provide clarification and drawing showing this.

ACC - Waste Strategy Team – No objection. The developer should confirm how parked vehicles will be protected when bins are collected.

Developer Obligations Team (Aberdeenshire Council) – No response received at time of writing.

Dyce and Stoneywood Community Council – Object for the following reasons.

- The proposal is not consistent with policies H1 (Residential Areas) and H3 (Density) of the Local Development Plan. The massing and bulk of five closely spaced multi-storey blocks constitutes overdevelopment of the site; the 'inner-city' style blocks are totally unsympathetic to the low-density housing in Dyce village and therefore will have an unacceptable impact on the character and amenity of the surrounding area;
- The parking provision is not adequate and will lead to 'spillover' parking on adjacent streets with consequent road safety issues;
- In terms of Policy H2 (Mixed-Use Areas), the flats themselves will have poor amenity, being aligned on a north-south axis and hemmed-in by business and industrial sites and not well connected to Dyce village; in terms of Policy H4 (Housing mix) there is no evidence that Dyce village requires this number of affordable units at this time. We note that this site is not identified as a 'brownfield' or opportunity site for housing in the Local Development Plan.

NATS (En-Route) – No objection. The proposed development does not conflict with technical safeguarding criteria.

Police Scotland – No objection. The general layout of the site is good from a Crime Prevention through Environmental Design (CEPTED) perspective. The area is served by the Bucksburn Police Office, the Bucksburn policing area has a generally low level crime and this development causes no extra concern in relation to crime and a policing perspective.

Scottish Environment Protection Agency – No objection. It is requested that a condition is attached to any grant of planning consent requiring a construction environment management plan, including details of the management of the water environment to prevent potential pollution and the management of materials and waste to be submitted.

Scottish Water – No objection.

- The proposed development would be fed from Invercannie Water Treatment Works and serviced by Persley Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at either site at this time.
- Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, the availability of capacity would be reviewed at that time and the applicant advise accordingly. Where it is confirmed that mitigation works are necessary to support a development, the cost of these works are to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.
- For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.
- There is a 16 inch PVC Trunk main within the site.

REPRESENTATIONS

323 representations have been received. 283 of these object to the proposal and 36 are in support

Objections

The matters raised in objections can be summarised as follows –

Scale, Layout and Design

1. The development does not consider the general characteristics of the surrounding area. It would be more appropriate to build smaller developments across the city rather than one large development. The recent developments at Manor Walk and Smithfield School are good examples.
2. The number of flats and density of the development proposed is unreasonable and excessive for the site, contrary to Policy H1 (Residential Areas) and Policy H3 (Density). It is not comparable to the neighbouring site at Burnside Drive as suggested by the applicant.
3. The height of the buildings (four and five storey) is not in keeping with the character of the surrounding area. They would be overbearing on surrounding uses.
4. Dyce cannot cope with an increase in population of around 20%.
5. It does not appear as if there is a footpath provided along the length of Wellheads Avenue, causing safety issues for pedestrians.
6. Houses rather than flats would be more appropriate at this site, providing better amenity for families.
7. The proposed colours of the finishing materials are inconsistent with Dyce.
8. The development would result in the loss of trees and green space.

Amenity (Within the Development)

9. The site would be subject to noise from the airport, railway, roads and industrial uses.
10. There are no/limited areas within the development for the potentially 500+ children to play. The nearest other play area is a 15-minute walk away across busy roads.
11. The areas of landscaping/open space between the buildings are inadequate for the large size of the development. There is limited space for children to run around and play. This is not a city centre location which is limited in what can be provided, so sufficient space should be proposed.
12. The site is zoned for and surrounded by an industrial estate, a location which is not suitable for such a large residential development. The approved proposals for office use at the site would be more appropriate.

Amenity (Impact on Existing Uses)

13. The privacy of existing residents would be compromised by the development.
14. The height of the buildings may overshadow existing homes.
15. The Burnside Drive is a relatively quiet area; the proposed development would change this.
16. The development would increase the number of dog owners in Dyce, leading to more dog fouling.

Public Services and Infrastructure

17. The existing medical centre in Dyce is over capacity, the proposed development would exacerbate the problem.
18. The existing schools in Dyce are already nearing or are over-capacity and are in poor condition with inadequate facilities. A new school or an expansion of the existing should be built prior to any new residential development.
19. The availability of childcare in Dyce is limited and would be further exacerbated by the proposed development.
20. There are limited sports or recreational facilities in Dyce.
21. Green space in Dyce is well used and this development would place further pressures on these spaces.

Transport

22. The level of parking proposed is very limited and as a result indiscriminate parking will take place in the surrounding area. It is incorrect that those on lower incomes have lower car ownership rates; parking provision should be increased to reflect this.
23. The existing car park (used by BP) at the western end of the site would be lost, resulting in vehicles being displaced into the local area.
24. The location of the site is not suitable for a 'low car development', especially for those on low incomes that would need to use public transport, which is already limited in capacity and frequency.
25. Traffic congestion in the Dyce area is already a significant issue, especially at peak times. This development would exacerbate the issue.
26. The AWPR would not alleviate traffic in Dyce as the problem is at peak times when traffic is associated with people who live and work in Dyce.
27. Surrounding roads are already in a bad state of repair, with the development exacerbating the problem.
28. It should be ensured there is access for emergency vehicles.
29. Stoneywood Park has no pedestrian crossing at its junction with Stoneywood Road. The road is wide and difficult to cross at peak times which with increased footfall, including children, it's an accident waiting to happen.

Other

30. New properties would decrease house prices and destabilise the market.
31. The type of housing proposed gives concern over crime and antisocial behaviour.
32. The development would have an adverse impact on local wildlife and the river, though an increase in pollution and litter.

33. The housing a Burnside Road is owner occupied whereas what is proposed would be rented, potentially creating social divisions.
34. There would be disruption during construction.
35. Approval of the development would risk setting a precedent for future developments.
36. The site should be zoned for new community facilities and amenities such a school, a pharmacy, a health centre or a leisure centre or similar.
37. The proposal has changed from Council to affordable housing.

Administrative

38. There was a lack of publicity for the application.
39. Notifications were delivered at the start of the school holidays when many families are away and the time period for submitting representations was too short.
40. Many of the representations of support are from those involved in the proposal.
41. The developer has maximised the amount of development on the site, knowing that it would be unacceptable, but in the knowledge that a lesser amount would be acceptable.

Support

42. More affordable housing is required in the city.
43. The development would provide an affordable place to live in a good location and help address rising housing demand.
44. The development looks well planned and the site is ideal for large scale development.
45. Ground floor flats would provide opportunities to make provision for particular housing needs.
46. The development can take advantage of the existing infrastructure and community networks in place in the area.
47. There is plenty of green space provided.
48. The development is in keeping with its surroundings

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 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.

National Planning Policy and Guidance

- Scottish Planning Policy
- Planning Advice Note 1/2011 (Planning and Noise) and Technical Advice Note

Aberdeen Local Development Plan (2017)

- B4: Aberdeen Airport
- D1: Quality Placemaking by Design
- D2: Landscape
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- I1: Infrastructure Delivery & Planning Obligation
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded and Contaminated
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Noise
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

EVALUATION

Under 38A (4) of the Town and Country Planning (Scotland) Act 1997, the planning authority may decide to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee. In June 2010 the Council agreed guidelines on 'When to hold public hearings in relation to planning applications'.

It was agreed that the criteria triggering a report to Committee to seek a decision on whether or not a hearing be held would be –

- where the application has been the subject of more than 20 objections; and
- the Council has a financial interest; and/or,
- the application is a departure from the development plan.

Taking each of these in turn –

- This proposal has attracted a total of 283 objections, and therefore clearly exceeds the threshold stated in the first of these criteria.
- The Council is (i) the owner of the car park located on the west side of the site; and (ii) is considering purchasing the completed residential units from the applicant in order to help address the need for social housing in the city. The Council as a corporate body therefore has a direct interest in the outcome of the application.
- The application has been treated as departure from the development plan as it is directly contravenes Policy B4 by proposing residential development within the airport noise contours. Policy B4 states that “*applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) as identified on the airport noise contour map will be refused, due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.*”

This report is therefore to determine whether a public hearing should be held. No recommendation is being made at this time in respect of the determination of the application.

In considering whether a hearing should be held, the guidelines indicate that ‘*whether the development plan policy is up-to-date and relevant to the matters raised, and whether these matters are material planning considerations*’ should be taken into account.

The Aberdeen Local Development Plan, adopted in 20 January 2017, and the Aberdeen City and Shire Strategic Development Plan, which came into effect on 28 March 2014, collectively constitute the development plan against which applications for planning permission are considered. At this time the development plan is considered to provide an up-to-date and relevant policy framework for the determination of this planning application.

The representations received raise a wide range of issues. The predominant issues raised relate to the scale and density of development, the suitability of Dyce to be able to absorb the size of development (especially in relation to the local schools and medical facilities), the layout and design, impact on existing amenity and that available for future residents and transportation impacts. These are all relevant planning considerations and relate to areas covered by the development plan.

Given the significant level of objection and the nature of the matters raised, it is considered that the most appropriate manner of addressing these concerns is to convene a hearing at which all parties will have an opportunity to state their views in front of the Elected Members of the Planning Development Management Committee.

Next Steps

Following the hearing the application would be assessed rigorously in terms of planning policy, the details of the proposal and the environmental, amenity and traffic impacts. This will be reflected in a subsequent report prepared by officers. The report would also take into account all written

comments made by the consultation bodies and members of the public and all matters raised at the hearing.

Under the scheme of delegation agreed by Full Council in March 2018, officers have powers in certain circumstances to determine applications without referral to committee.

Due to (i) the number of objections received, (ii) the objection from the Environmental Health service, and (iii) the objection from the community council, if officers considered the application should be approved, a further report would be submitted to the committee for a consideration and a decision. If officers considered the application should be refused, it would be refused under delegated powers without a referral to committee.

RECOMMENDATION

Convene a Public Hearing