

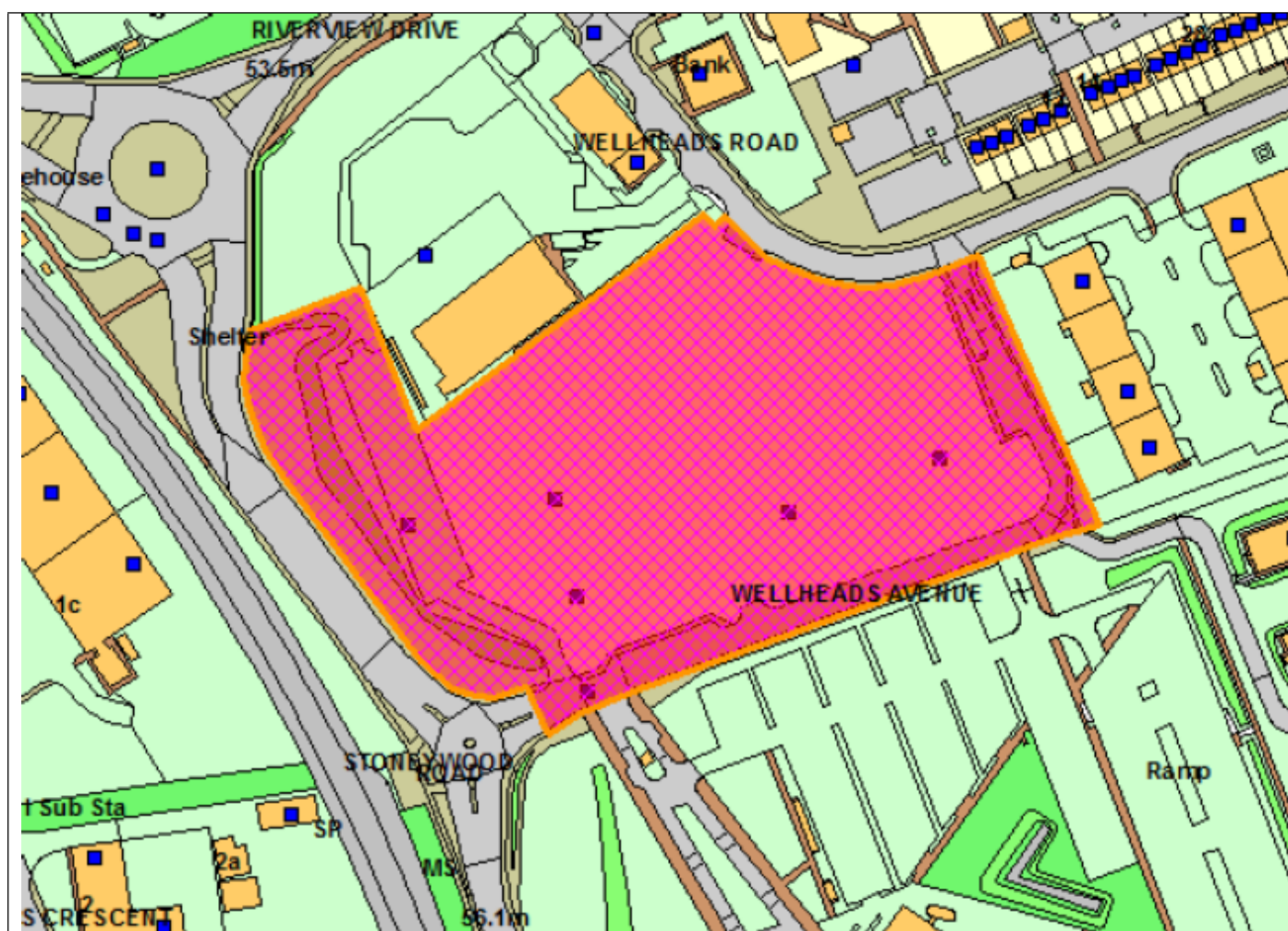


Planning Development Management Committee

Report by Development Management Manager

Hearing Date: 11 October 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



PURPOSE OF REPORT

The Council's adopted guidelines require that where a planning application has been the subject of more than 20 objections and is a development in which the Council has a financial interest, a report to committee is triggered to seek a decision on whether or not a public hearing should be held.

At its meeting on 16 August 2018 the Planning Development Management Committee, such a report was considered in respect of the application for 302 flats at Wellheads Road in Dyce. The committee resolved to hold a discretionary public hearing.

This report provides background information on the proposal for the purposes of the hearing. At this stage no assessment of the merits or failings of the proposal is made in the report.

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>

The following documents have been submitted in support of the application –

- 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

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 LAeq 16 Hour contour for 2011 with the remaining part of the site located within the 60 LAeq 16 Hour contour.
 - The majority of the site also falls within the more up-to-date 57 LAeq 16 Hour contour for 2016 with the remaining part of the site located within the 60 LAeq 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 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.
- 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 LAeq 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 (LAFmax) 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) – Developer obligations address the impact of a development on local infrastructure and requirements under affordable housing.

- Primary Education – The application site is within the catchment area for Dyce Primary. Factoring this development into the 2017 school roll forecasts will not result in the school going over capacity and will therefore not require mitigation.
- Secondary Education – The application site is within the catchment area for Dyce Academy. Factoring this development into the 2017 school roll forecasts will result in the school going over capacity by 18 pupils when averaged out over the five-year calculation period. Contributions will be directed towards planned reconfiguration works to the school. A contribution of £47,430.00 is sought.
- Community Facilities – In this instance, plans for expansion of community facilities are not at an advanced enough stage to secure a contribution.
- Sport and Recreation – A development of this scale will impact significantly on the capacity of nearby sports facilities. The closest publicly available facilities are those at Bucksburn Swimming Pool and the adjacent Beacon Sports Centre. Contributions have been sought for these facilities to increase capacity to cater for the additional residents this proposal will generate. A contribution of £58,200.00 is sought.
- Core Path Network – Core paths and links to the Core Paths Network are an infrastructure facility necessary for the purposes of recreation and sustainable active travel. New developments are required to install or upgrade core paths that are designated within the site and contribute to any cumulative impacts on surrounding core paths. In this instance, a contribution has been identified towards Core Paths CP6/AP6 and CP71 which all serve this development. Contributions will be directed towards resurfacing and making the paths more cycle friendly. A contribution of £86,602.00 is sought.
- Open Space – Where there is insufficient open space provided as part of the proposal in reference to the open space supplementary guidance or where the open space audit demonstrates that the minimum quantity of accessibility standards are met by existing provision then a contribution towards raising the quality of that provision may be required. Services have been consulted, however, at this juncture, no response has been received. Therefore, in this instance, no contribution is sought.
- Healthcare – Infrastructure requirements have been calculated with NHS Grampian based on national health standards and by estimating the likely number of new patients generated by each proposed development. Contributions are calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies. In this instance, contributions will be directed towards replacing the existing health centre at Dyce which will allow for a greater capacity of patients. A contribution of £238,287.00 is sought.

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 Invercarnie 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 (2014)

- Scottish Ministers, through SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating

sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be plan-led, with plans being up-to-date and relevant.

- SPP indicates that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations
- Planning should take every opportunity to create high quality places by taking a design-led approach, taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term.
- Planning should direct the right development to the right place. To do this, decisions should be guided by the following policy principles –
 - optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
 - using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
 - considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;
 - considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
 - locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.
- Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place (distinctive, safe and pleasant, welcoming, adaptable and resource efficient, easy to move around and beyond)
- SPP highlights that Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

Designing Streets (2010)

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside *Designing Places*, which sets out government aspirations for design and the role of the planning system in delivering these.

Planning Advice Note 1/2011 (Planning and Noise) and Technical Advice Note

PAN 1/2011 promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. Issues which may be relevant when considering noise in relation to a development proposal include:

- Type of development and likelihood of significant noise impact,
- Sensitivity of location (e.g. existing land uses, NMA, Quiet Area),
- Existing noise level and likely change in noise levels,
- Character (tonal, impulsivity etc), duration, frequency of any repetition and time of day of noise that is likely to be generated, and
- Absolute level and possible dose-response relationships² e.g. health effects if robust data available.

When considering applications for new noise sensitive development close to an existing noise source, the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future are likely to be relevant, as will the extent to which it is possible to mitigate the adverse effects of noise.

On residential development it states that it is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Local circumstances, particularly relating to the existing noise character of the area, should influence the approach taken to noise levels with open or closed windows. It may be appropriate to take a different approach to noise levels in different areas. Satisfactory internal noise levels with open windows may not always be achievable but are always preferable. Where satisfactory levels with open windows are not achievable, practicable mitigation solutions should be explored, taking into account their possible impact on the built environment. Design solutions may be possible, such as locating living rooms and bedrooms on the opposite side of a building to the source of the noise or use of windows designed to provide for ventilation while providing improved sound reduction. In some circumstances however, closed windows with alternative means of ventilation may be unavoidable. Passive systems may be considered but mechanical ventilation should only be used as a last resort. Sound levels in gardens and amenity areas may also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents.

Local Policy

Aberdeen Local Development Plan (2017)

- Policy B4 (Aberdeen Airport)

Noise – 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. For proposed development which would be located within the remaining noise contours, applicants may be required to submit a noise assessment demonstrating that an appropriate level of residential amenity could be achieved.

Airport Safeguarding – Any development falling within safeguarded areas identified on the airport safeguarding map will be subject to consultation with Aberdeen Airport. Any proposed development must not compromise the safe operation of the airport. Matters such as the height of buildings, external lighting, landscaping, bird hazard management and impact on communication and navigation equipment will be taken into account in assessing any potential impact.

Radar – Any development falling within safeguarded areas of the Perwiness Radar will be subject to consultation with NATS to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar and if mitigation to any impact is possible. If an unacceptable impact and viable mitigation is identified, the developer would be expected to agree with NATS a mitigation package prior to determination of an application

- Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments. Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities as set out in SPP.
- Policy D2 (Landscape) – Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.
- Policy H2 (Mixed Use Areas) – Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.
- Policy H3 (Density) – The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments over one hectare must:
 - Meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
 - have consideration of the site's characteristics and those of the surrounding area;
 - create an attractive residential environment and safeguard living conditions within the development; and
 - consider providing higher densities in the City Centre, around local centres, and public transport nodes.
- Policy H4 (Housing Mix) – Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families, older people and people with particular needs. This mix should include smaller 1 and 2 bedroom units and should be reflected in both the market and affordable housing contributions.
- Policy H5 (Affordable Housing) – Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.
- Policy I1 (Infrastructure Delivery & Planning Obligation) – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities

and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

The precise level of infrastructure requirements and contributions will need to be agreed with the Council, in consultation with other statutory agencies where appropriate. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact

- Policy NE1 (Green Space Network) – The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.
- Policy NE4 (Open Space Provision in New Development) – The Council will require the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. Please see relevant Supplementary Guidance Open Space & Green Infrastructure, detailed below, for information on how to calculate open space requirements, as well as different types of provision and the expected accessibility and quality standards. Public or communal open space should be provided in all residential developments, including on brownfield sites. However, on some brownfield sites it may not be possible to increase the amount of open space, for example where existing buildings on the site are being retained. In these cases commuted sums towards off-site provision or enhancement of existing open spaces will be sought instead.
- Policy NE5 (Trees and Woodland) – There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

Permanent and temporary buildings and services should be sited so as to minimise adverse impacts on existing and future trees. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction.

Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site. This should include details of compensatory planting, temporary earth works and any site preparation. Where applicable, root protection areas should be established and protective barriers erected prior to any work commencing.

Where appropriate, the Council will seek to promote the creation of new woodland and the planting of native trees in association with development. The majority of development sites offer opportunities for the planting of trees and hedgerows. Details of tree and hedgerow planting should be submitted as part of the proposal's landscape strategy.

- Policy NE6 (Flooding and Drainage) – Development will not be permitted if –
 - It would increase the risk of flooding;
 - It would be at risk itself from flooding;
 - Adequate provision is not made for access to water-bodies for maintenance; or

- It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Surface Water Drainage associated with development must be the most appropriate available in term so SUDS; and avoid flooding and pollution both during and after construction. Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

- Policy R2 (Degraded and Contaminated Land) – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.
- Policy R6 (Waste Management Requirements for New Development) – All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.
- Policy R7 (Low & Zero Carbon Build & Water Efficiency) – All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required, and types of efficiencies are detailed in Supplementary Guidance.

- Policy T2 (Managing the Transport Impact of Development) – Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance. The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.
- Policy T3 (Sustainable and Active Travel) – New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes. Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate

- Policy T5 (Noise) – In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application. Housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.
- Policy CI1 (Digital Infrastructure) – All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications 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

NEXT STEPS

A report will be prepared by officers with a recommendation assessing the proposed development and making a recommendation to members at a future meeting of Planning Development Management Committee.