

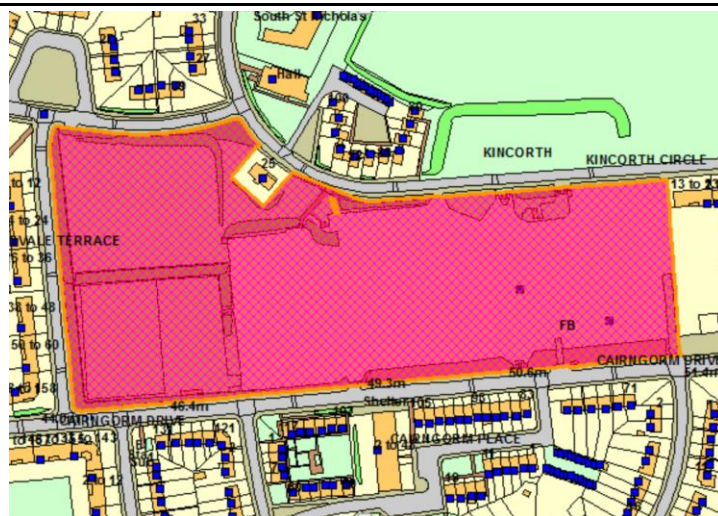


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 19 August 2021

<b>Site Address:</b>	Former Kincorth Academy Site bounded by Cairngorm Drive, Cairnvale Terrace, Deevale, Gardens, Auldearn Place and Kincorth Circle, Aberdeen AB12 5NL
<b>Application Description:</b>	Residential development for 212 social rented accommodation comprising a mix of unit types with associated roads, shared residential streets, parking, landscaping and external amenity
<b>Application Ref:</b>	210185/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	18 February 2021
<b>Applicant:</b>	Aberdeen City Council
<b>Ward:</b>	Kincorth/Nigg/Cove
<b>Community Council:</b>	Kincorth And Leggart
<b>Case Officer:</b>	Dineke Brasier



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## RECOMMENDATION

Willingness to Approve Conditionally & Legal Agreement and notify Scottish Ministers

## APPLICATION BACKGROUND

### **Site Description**

The application site is an irregular shaped site extending to c.3.9ha. It was formerly occupied by Kincorth Academy and associated playing fields and sports pitches. The buildings have now been cleared and the sports facilities are disused and in a poor state of repair.

The site is centrally located within the existing residential area of Kincorth, and is bounded by a mix

of houses and flats on Kincorth Circle and Deevale Gardens to the north; Cairnvale Terrace to the east; Cairngorm Drive to the south; and flatted properties fronting onto Auldearn Place to the west. Surrounding properties comprise a mix of three and four storey blocks of flats, especially to the east and west; two storey terraced properties, especially to the north on Deevale Gardens and to the south on Cairngorm Drive. On the north side of Kincorth Circle is a public open space which accommodates playing fields, a play area and a skate park. A single bungalow is located just outside the application site within the former school site fronting onto Kincorth Circle.

Mature and semi-mature trees are located along the perimeter of the site, and an established hedge makes up the west and part of the south boundary along the site with the remainder made up of heras-type fencing following the site clearance.

There is a distinct change in levels across the site from north to south and to the immediate surrounding streets with the site sitting below Kincorth Circle, and above Cairngorm Drive, whereas internally, the former school buildings are located at a lower level than the playing fields and tennis courts.

The site is allocated in the 2017 Aberdeen Local Development Plan as OP105, considered suitable for a residential development, and forms part of the Council's Strategic Housing Investment Plan (SHIP).

### **Relevant Planning History**

200989/PAN - Major Residential Development for approximately 212 No. units comprising a mix of unit types, associated streets, parking and amenity spaces – Response provided on 11<sup>th</sup> September 2020.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the redevelopment of the former Kincorth Academy site and associated playing fields with a residential development comprising a total of 212 units, amenity areas and open space, and associated infrastructure including roads, parking and retaining walls. The residential units would predominantly consist of 1-bed flats (a total of 153); with the remainder made up of 3-bed flats (a total of 32); and 3-bed terraced houses (a total of 27).

Due to significant changes in levels, the site would be separated into three areas, each with their own vehicular access. The eastern half of the site would contain a through route with two vehicular accesses; one from the south from Cairngorm Drive, and one from the north from Kincorth Circle. Three large U-shaped flatted blocks would be located in the southern half of the site. These blocks would all accommodate 1-bed flats and would vary between two and four storeys in height. All flatted blocks would be dual aspect with entrances both onto Cairngorm Drive to the south and inward into the site. They are served by communal gardens to the north of the blocks, and parking is provided along the access road and within parking courts serving the individual buildings. Along the northern boundary are three rows of, from west to east, 8no., 10no. and 9no. terraced houses respectively. The houses would have a south facing principal elevation, individual single driveways to the front, and private rear gardens with lengths ranging between 6 and 9m. This is in relation to the topography of the northern part of the site and the preferred option to provide residents with accessible, flat rear gardens. A rectangular area of open space measuring c.75m by c.12m would be located centrally within this eastern part of the site. To the north of this would be a further communal garden measuring c.22m by c.18m; located between two rows of terraced properties. A long area of open space would be located between two blocks of flats, opposite the northern vehicular access into the site, measuring c.60m by c.15m, providing a north – south pedestrian link through the site. This eastern half of the site would be separated from the north west and south west quadrants by a long

rectangular piece of open space, measuring c.150m by c.15m and providing further north-south and east-west pedestrian routes through the site.

The north west quadrant would have a vehicular access from Deevale Gardens and would further include a total of four smaller flatted blocks, all with a height of two to three storeys, and containing a mix of one and three bed units. The blocks are laid out in a rectangle, with a communal garden parking within a central courtyard.

The south west quadrant would be accessed from Cairnvale Terrace, and would contain two blocks of flats. Again the blocks would have a rectangular arrangement, and would see a communal garden and parking contained within a central courtyard. The blocks would vary in size between two to four storeys, with a frontage onto Cairngorm Drive.

All flatted blocks and terraced houses would have a similar style of design, and would see a zinc standing seam mono-pitched roof, with elevations finished in brick.

### **Amendments**

The application has been amended at the request of the Planning Service. This includes the realignment and removal of some of the flatted blocks; realignment of parking; introduction of variation of height of flatted blocks facing onto Cairngorm Drive; and the creation of additional open space centrally within the site.

Neighbour re-notification was undertaken following the receipt of amended plans.

### **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=QOK8XEBZGQZ00>

- Arboricultural Impact Assessment by Atkins, dated 5<sup>th</sup> July 2021;
- Design and Access Statement by Atkins, Faithful+Gould, Fairhurst and Rankin Fraser, dated 18<sup>th</sup> February 2021;
- Drainage Assessment by Fairhurst, dated July 2021;
- Ecological Impact Assessment Report by Atkins, dated December 2020;
- Interpretative Report of Land Contamination by Fairhurst, dated December 2020;
- Landscape Statement, by Rankin Fraser;
- Level 1 Flood Risk Assessment by Atkins, dated 19<sup>th</sup> February 2020;
- Noise Impact Assessment by CSPAcoustics, dated 14<sup>th</sup> July 2021;
- Open Space Analysis, by Rankin Fraser;
- Pre-Application Consultation Report by Atkins, Faithful + Gould, Fairhurst and Rankin Fraser, dated 10<sup>th</sup> February 2021;
- Transport Assessment, by Goodson Associates, dated March 2021;
- Tree Survey Report, by Astell Associated, dated 4<sup>th</sup> September 2017;

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because:

- The application is a major development;
- An objection from Sport Scotland has been received, which makes the application notifiable to Scottish Ministers; and
- A total of 26 timeous letters of objection have been received following two neighbour

notification periods.

## **Pre-Application Consultation**

The proposed development was the subject of a pre-application consultation between the applicant and the local community as required for applications falling within the category of 'major developments' as defined in the Town and Country Planning (Hierarchy of Development)(Scotland) Regulations 2009, and the application is supported by a Pre-Application Consultation Report (PAC Report) as required.

Due to Covid-19 restrictions in place at the time, all consultation events were virtual, and included:

- Presentation at the Kincorth Virtual Network Group (a body including a wide range of local community groups and leaders) on 8<sup>th</sup> December 2020;
- Public consultation website, which was live between 30<sup>th</sup> November 2020 and 31<sup>st</sup> December 2020. During that period, a two live online consultation events were undertaken on 10<sup>th</sup> and 16<sup>th</sup> December 2020, the latter as a collaboration with the project team for the nearby proposed development at Former Craighill Primary School (210038/DPP).

The public consultation website and first live consultation event were advertised through an advertisement in the Evening Express and Press and Journal dated 24<sup>th</sup> August 2020; through the use of social media channels; and posting of details, including paper copies of the display boards in local shops and Community Council notice boards. In addition, the consultation was advertised on the websites and/or social media channels of the Kincorth and Leggart Community Council; Abbotswells and Kirkhill Primary Schools; and the Kincorth Medical Centre.

A further notice of the second public consultation event in December was posted in the Evening Express on 9<sup>th</sup> December 2020. This was accompanied by a full letter drop of nearby residential properties as agreed by the Planning Service.

Public feedback was generally positive with comments received in relation to the proposed design; energy efficiency targets; and the overall enhancement the development will make to the local area.

In addition, the applicant presented to the Council's Pre-Application Forum on 24<sup>th</sup> September 2020. The presentation contained details of the proposed site layout and design of the proposed buildings. Elected Members asked questions regarding the overall footprint of the buildings; integration of community facilities within the development; fibre broadband provision; provision of wheelchair accessible units; and the commitment to incorporate veteran housing.

## **CONSULTATIONS**

**ACC - Contaminated Land Team** – Has reviewed the Interpretative Report and makes the following comments:

1. A validation report is required which details the gas protection measures that have been installed and provides adequate verification upon completion of the development and prior to occupation of the buildings;
2. No asbestos fibres were detected within the analysed soil samples. The report notes that all asbestos containing material were removed as part of the demolition. This needs to be verified through the review of the associated waste disposal ticket;
3. The site is overlain by Made Ground of various depths and contains various anthropogenic materials which would require building foundations to be taken to extend through the topsoil and Made Ground, as these do not provide a suitable bearing stratum. The report states that a review of options to rework the Made Ground to provide structural fill platforms which would allow reinforced strip foundations to be used, will be provided. This will be covered in a 'File

Note on Earthworks/ Foundation Strategy'. Any plans to excavate, process and rework the Made Ground, prior to any works commencing will need to be reviewed, as this will essentially involve the processing of waste materials, potentially for re-use on-site. Any earthworks strategy should also include details of a soil testing regime, for the purposes of verifying the suitability of processed materials on-site.

**ACC - Developer Obligations** – Developer contributions are required in relation to Core Path Network (£56,321); Healthcare Facilities (£87,358); Open Space (£27,706); and Community Facilities (£276,835).

**ACC - Environmental Health** – *Initial comments:* An Air Quality Management Area (AQMA) exists on Anderson Drive, approximately 750m to the north west and another AQMA on Wellington Road, c.1.3km to the north east. Both are declared an AQMA due to exceedances of air quality objectives for 'Particulate Matter' 10 micrometres or less in diameter (PM10) and Nitrogen Dioxide (NO2). The development has c.180 parking spaces and the likely resultant increase in vehicle usage has the potential to increase traffic volumes on the surrounding network and AQMA. The cumulative impact of this development and others on traffic volumes and air quality may be significant and an air quality assessment is required.

Due to the location of the proposed development, the occupants of surrounding existing residential properties are exposed to risk of dust impacting on their residential amenity during each phase of the works. Submission of an 'Air Quality (Dust) Risk Assessment' and a 'Dust Management Plan' is therefore required.

In addition, there is a risk of noise from construction activities impacting on the existing neighbouring properties. An appropriate construction noise impact assessment should therefore be submitted as part of a Construction Environmental Management Plan.

*Updated comments following submission of a Noise Impact Assessment (NIA):* The NIA as submitted is considered acceptable. In relation to noise, the report and the proposed development are accepted, provided application of the critical noise mitigation measures achieve at least an equivalent effect of those measures contained within the assessment taken place.

**ACC - Housing** – This development forms part of the Council house new build programme and is to be delivered as affordable housing. The property sizes meet current housing need and demand.

**ACC - Roads Development Management Team** – The site is located in the outer city and outwith any controlled parking zone. The site is in an established residential area, and surrounded by established footways with a number of pedestrian crossing points in the near vicinity. Cycling is on-street, and cycling to and from the site would be on the links offered by the surrounding road network. Safe Routes to School information is required.

Bus stops are available on Cairngorm Drive. To encourage use of public transport services, the bus stops on Cairngorm Drive should be upgraded. The proposed vehicular access off Cairngorm Drive would be located adjacent to the existing bus stop. This will need to be relocated and further details will need to be submitted.

The proposal is for a total of 212 residential units – 185 flats and 27 houses. In terms of parking standards, it is confirmed that the development will be social rented housing. Given the outer city location, 0.8 spaces are required per socially rented unit ( $0.8 \times 212 = 170$ ). In addition to 170 spaces, disabled parking and visitor parking should be provided. This should be excluded from normal parking. An adequate volume of spaces is provided across the site.

A single car club space will be provided within the development. Ideally an electric car would be provided.

The following costs would apply:

Type of vehicle	Hybrid	Electric
Combined total cost (purchase, maintenance, insurance etc)	£18,318	£25,852
Traffic Regulation Order	£2000	£2000
Total	£20,318	£27,852

The developer should provide a charge point to support the vehicle.

It is confirmed that adequate electric charging provision would be provided throughout the site, with ducting below for any future charging points where required.

Driveway lengths should be a minimum of 6m for the terraced houses, but no longer than 7m to avoid overhanging of a second vehicle on the pavement. The provision of single driveways for all terraced houses is accepted.

The vehicular access points from Cairngorm Drive; Cairnvale Terrace and Kincorth Circle are accepted. The access point on Deevale Gardens requires further submission of further detail. There are existing driveways opposite this access point. The integration of a mini-roundabout in this access point should be explored, with details submitted.

Further detail on visibility splays will need to be submitted. However, this can be dealt with as part of the RCC process. Measures to stop existing residents on Cairngorm Drive and Kincorth Circle to park their cars within close proximity of the proposed accesses should be implemented.

The position of driveways within the internal street layout is accepted as these are not proposed to be adopted. Revised site layout has removed a cross road, and now includes a short section of road and 90degree bends to control speeds. The site layout includes continuous pavements throughout the site that run along the rear of parking spaces. This is accepted.

The application was supported by a Transport Assessment. The traffic impact analysis submitted illustrates through its junction threshold assessment that the proposed development will provide a negligible increase to the existing traffic flows on the local road network with the maximum development impact being under 5% on any approach to a junction within the 'area of influence'. It would be a fairly low generator with the benefit that Kincorth is surrounded by the strategic road network. A capacity study was carried out for King George VI Bridge roundabout, as this would be the main entry/exit point for this development. The detailed junction capacity assessment shows that this junction operates above its 'practical capacity; in both the Base and Base+ Development scenarios. Therefore a mitigation or contribution would be appropriate in this situation. Detailed junction analysis shows that the impact on the other exit/entry points does not look significant, so the analysis provided looks sufficient.

A travel plan framework is not included within the Transport Assessment. A residential travel pack should be submitted prior to the site occupation.

Servicing arrangements for waste vehicles are accepted. Whilst when entering the refuse truck swings onto the opposite side of the road, given the infrequent nature of such servicing this is confirmed to be acceptable and accesses all areas of the site to serve with minimal reversing requirements.

A Drainage Impact Assessment has been prepared for the proposed site, outlining the management

of foul and surface water drainage across the site. From the drainage strategy report, it is noted that each mitigation index for residential roof, residential parking and low traffic road exceeds the hazard index. As such, it appears that adequate SUDS provisions have been included. This will be looked in detail at the RCC stage.

**ACC - Schools Estates Team** – The site falls within the school catchment areas for Lochside Academy and Abbotswell Primary School. Based on current published school roll forecasts, there appears to be sufficient capacity available at both schools to accommodate the numbers of pupils likely to be generated by the proposed development.

**ACC - Waste And Recycling** – No concerns subject to submission of adequate swept path analyses to demonstrate sufficient space for refuse vehicles to turn within the site.

**Aberdeen International Airport** – No concerns

**Scottish Water** – No objection

**Sport Scotland** – Objects to the application.

The site includes a synthetic pitch c.60x40m, floodlit netball and tennis courts and a grass playing field c.75x55m. These outdoor sports facilities would be lost as a result of the proposed development. Scottish Planning Policy (SPP) paragraph 226 sets out the criteria to be considered where development proposals affect outdoor sports facilities. SPP states:

*Outdoor sports facilities should be safeguarded from development except where:*

- *The proposed development is ancillary to the principal use of the site as an outdoor sports facility;*
- *The proposed development involves a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- *The outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for use, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or*
- *The relevant strategy (see paragraph 224) and consultation with SportScotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.*

Criteria 1 and 2 are not relevant as the proposal is for the redevelopment of the whole site. No replacement/ compensatory provision has been proposed by the applicant as required by criterion 3. No strategic justification for the loss of these facilities has been provided by the applicant therefore criterion 4 is not met either.

Based on the information provided, unless further information is received that demonstrates that the proposal can comply with SPP, there is a policy conflict which would require SportScotland to object to the application.

Should committee members support the recommendation in this regard, the notification requirements explained below would apply.

**Kincorth And Leggart Community Council** – None received

## **REPRESENTATIONS**

A total of 26 timeous letters of representation were received during two neighbour notification periods by a total of 24 respondents. All objected to the scheme, raising the following matters:

1. Height of proposed 3 storey buildings on Cairngorm Drive will have an adverse impact on existing two storey terraced properties due to overshadowing and overlooking; and will appear overbearing. This is further aggravated by the difference in level between the existing houses and the development site. Consideration should be given to the swapping the build locations of the proposed 2 storey buildings with the proposed build locations of the 3 storey buildings;
2. Any windows overlooking existing properties would be an invasion of privacy;
3. Devaluation of property;
4. Concerns insufficient parking is provided on site;
5. Concerns in relation to noise generation and possibility of unsocial behaviour due to positioning of 3-storey blocks opposite existing houses in Cairngorm Drive;
6. Increase in residents would put additional strain on local facilities such as parks, GPs, shops.

## **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.

### **Scottish Planning Policy (2014)**

Scottish Planning Policy was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place. Paragraph 226 in relation to redevelopment of outdoor sports facilities is relevant to this application.

### **Aberdeen Local Development Plan (2017)**

- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- D1: Quality Placemaking by Design
- I1: Infrastructure Delivery and Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Building and Water Efficiency
- C11: Digital Infrastructure

### **Supplementary Guidance and Technical Advice Notes**

Materials

Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

Trees and Woodlands



## Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The site's OP105 allocation remains in the Proposed LDP. Relevant policies are:

H1: Residential Areas  
 H3: Density  
 H4: Housing Mix and Need  
 H5: Affordable Housing  
 D1: Quality Placemaking  
 D2: Amenity  
 I1: Infrastructure Delivery and Planning Obligations  
 T2: Sustainable Transport  
 T3: Parking  
 NE2: Green and Blue Infrastructure  
 NE5: Trees and Woodland  
 R5: Waste Management Requirements in New Development  
 R6: Low and Zero Carbon and Water Efficiency  
 R8: Heat Networks  
 C11: Digital Infrastructure  
 OP 105

## **EVALUATION**

### **Principle of Development**

The site is located in an existing residential area in Kincorth, and comprises the site of the now demolished Kincorth Academy and associated playing fields. Policy H1 applies, and this sets out that residential development is generally accepted provided it would not result in overdevelopment; would not have a detrimental impact on the appearance and amenity of the surrounding area; would not result in the loss of valuable and valued open space; and would comply with all relevant Supplementary Guidance. All of these considerations will be discussed in more detail below.

In addition, the entire site is allocated as OP105 in both the 2017 Aberdeen Local Development Plan (LDP) and the 2020 Proposed Aberdeen Local Development Plan (PLDP) and is considered suitable for a residential development. The LDP states that the site 'forms part of the Strategic Infrastructure Plan Affordable Housing Programme.'

## Layout, siting and design

The submitted site layout sees the site effectively split in three different sections: north west; south west and east. The north west section would see a total of four flatted blocks roughly set in a rectangular shape, varying in height between two storeys for the north and east blocks, and three storeys for the west and south blocks. The south west section would see two blocks of flats – one fronting west onto Cairnvale Terrace, with the second turning round the corner, fronting both onto Cairngorm Drive to the south and an area of public open space to the east. The western block would be three storeys in height, with the eastern block varying in height between 2 storeys fronting part of Cairngorm Drive and 4 storeys further into the site. Finally, the eastern part of the site would include three rows of two storey terraced houses – a total of 17 along the northern boundary; and a total of three large flatted blocks, again varying in height between two and four storeys. Along the southern boundary with Cairngorm Drive heights vary between two and three storeys, whereas further into the site there are more four storey elements. A uniform palette of finishing materials is proposed, including grey bricks for the walls and standing seam mono-pitched roofs; double glazed timber aluclad windows and doors; and oak timber finish front doors.

The site layout further includes a substation in the northern open space; sprinkler tanks in the central open space in the eastern half; and bin and bike stores spread throughout the site. The bin stores would be constructed of vertical timber cladding on a brick base. These are to include planting on the long elevations. All flats would have access to either a balcony or private patio and direct access to some communal external amenity space, providing a mix of uses and landscaping. Parking for flats is provided on-street and in dedicated parking courts, whereas all terraced properties would have a single driveway.

A central spine road would run through the eastern half of the site, with vehicular junctions onto Cairngorm Drive and Kincorth Circle, whereas the north west and south west sections would have their own dedicated vehicular accesses from Deevale Gardens and Cairnvale Terrace respectively. A rectangular north-south orientated area of public open space would link the eastern half with the north west and south west section. Additional areas of open space are located centrally within the site; along the northern boundary in line with the junction from Cairngorm Drive and along the southern boundary in line with the junction onto Kincorth Circle. These open spaces act as pedestrian routes through the site, both in north-south and east-west direction. In addition, they would include a variety of uses, including play spaces, communal gardens and sitting out areas. A number of trees and sections of mature hedge along the perimeter and within the site would be removed. However, the proposed landscaping plan includes a variety of new trees to be planted as part of the development.

It is considered that the design of the buildings and their layout throughout the site, including perimeter blocks along all site boundaries, have taken due consideration of and respect the characteristics and urban form of the surrounding established residential area. As part of negotiations with the applicant, the height of buildings facing onto Cairngorm Drive has been reduced in places. Rather than three storeys all along this edge, this has been changed to a mixture of two and three storeys, which is considered to be appropriate given the relatively low one and two storey heights of the terraced housing on the other side of Cairngorm Drive, whilst acknowledging the existing mix of house styles and heights in the area. Some of the flatted elements are slightly set back to allow for some variation along the Cairngorm Drive frontage, with buildings punctuated by areas of open space and vehicular access. Even though the site's northern edge would see the rear boundaries of rear gardens facing onto Kincorth Circle, these would be set slightly lower than the road level of Kincorth Circle, and would be screened by existing and newly planted trees, ensuring these fences would not be unduly prominent within the street scene. The three storey blocks along the west boundary would be facing existing three storey flats. This relationship would therefore be acceptable within the street scene and the wider surrounding area.

The general layout of flatted blocks, including those turning corners, form a perimeter block with shared courtyards and gardens to the rear, which is a well-established urban form in Kincorth. The design of the mono-pitched roofs would be a variation of that generally apparent within the wider area. However, some examples can be found nearby, including immediately to the north of the application site on Kincorth Circle. Furthermore, the same design language has been used for the parallel application 210038/DPP at Craighill Primary School, which received a willingness to approve at Planning Development Management Committee in June. The use of balconies, proposed tone of brick, (details of precise materials can be secured through a suitably worded condition), and the use of relatively long, fairly simple elevations are in keeping with that seen in the wider area. The proposed use of bricks and brick detailing, including protruding brick elements, large window openings and timber doors would create sufficient interest in breaking up the long elevations. All flatted blocks would have entrances both opening out into the semi-private courtyard areas, and onto the public street. The entrances are expressed through oak timber finish doors and full height glazing.

Boundary treatment for the terraced properties would consist of a low wall to the front including an individual bin store for each property, with timber fencing to the rear. However, the corner units would all have a brick wall to the side and rear to improve the visual appearance of this boundary from the public realm. Low hedges would be used to demarcate the private external patio areas for the ground floor flatted units from the public open space and semi-private communal areas. This would also ensure separation between these ground floor windows and the public realm. Finally, a low hedge would wrap around the site perimeter to provide a soft edge to the overall development.

All units on the site are designed to meet criteria for 'Housing for Varying Needs', with all ground floor units fully wheelchair accessible. The 'Housing for Varying Needs' requirements have resulted in relatively larger units and incorporate additional features in the floorplans of each individual unit such as larger windows to gain more natural light and increased circulation space to allow the units to be fully wheelchair accessible, and home office areas have been incorporated in each floorplan. This has resulted in larger building footprints than would typically be found in mainstream housing and gives the development a denser character. All properties would have access to a private rear garden (terraced units), patio or balcony.

Taken together, it is considered that the proposed siting and design of the buildings and the general site layout would comply with all relevant parts of policies D1 and H1, and the proposed development would thus not have an adverse impact on the character and visual amenity of the surrounding area.

### **Density/housing mix**

The overall site measures 3.93ha, and a total of 212 units are provided, resulting in a density of 54 dwellings per hectare (dph). Policy H3 (Density) sets out that an appropriate density will be sought on all housing developments, and that all developments over 1ha should meet a minimum density of 30dph. The Strategic Development Plan 2020 increases this figure to 50dph for the Aberdeen City Strategic Growth Area. The proposed density exceeds this figure. However, to ensure that the proposed density would be acceptable, consideration should be given to the general characteristics of the surrounding area. In this case, the surrounding area of Kincorth is predominantly characterised by a mix of two storey terraced properties (along Cairngorm Drive; Deevale Gardens and Kincorth Circle) and three storey flats (along Cairnvale Terrace and Auldearn Place). For comparison purposes, the existing three storey flatted blocks are built at a density of around 50dph. The proposal would generally see buildings of a similar height, although includes a number of four storey elements. However, these higher elements are internally in the site, with, especially towards the site boundary with Cairngorm Drive, these heights dropping to two and three storeys. This would be considered in keeping with the overall character of the wider area, and would thus be considered compliant with this policy.

Policy H4 (Housing Mix) sets out that housing developments of larger than 50 units are required to

achieve an appropriate mix of dwelling types and sizes, specifying that smaller units should be included. In this case, the proposal is heavily dependent on the provision of 1-bed units (a total of 153 out of a total of 212), with the remainder being split into 3-bed flats (a total of 32) and 3-bed terraced properties (a total of 27). As such, 72% of units provided would be 1 bed flats. It is noted that all units would be affordable housing through social rent, and that the site forms part of the Council Housing building scheme. The application is supported by a letter from the Council's Senior Housing Strategy Officer that the mix proposed adequately reflects the housing need and demand for homes based on the Council house waiting list data for this area. Thus, even though the proposed mix would result in a significant dominance of smaller units within the wider site layout, and taking consideration of the letter submitted by the Senior Housing Officer, it is considered that a sufficiently wide mix of housing would be provided on site that would meet the identified housing need for this area, and the proposal would be generally compliant with this policy.

## **Residential amenity**

### Neighbouring properties

#### Cairngorm Drive

The majority of comments received from third parties relate to the impact, and potential overbearing nature of a long row of three storey flats fronting onto Cairngorm Drive. Following discussions with the applicant, potential options to reduce this impact were explored, including, as suggested in the letters of objection, swapping the terraced housing along the northern boundary with the flatted blocks along the southern boundary. This option was however not deemed feasible due to a change in levels across the site, and potential issues in relation to parking and access. Following that, changes to the height of buildings along Cairngorm Drive were proposed, resulting in the current proposed layout, which shows a mix of heights along this street frontage ranging between two and three storeys, reducing the overall impact of the proposed development on the one and two storey houses opposite.

A solar study has been submitted as part of the application. This demonstrates that, given that the proposed flatted blocks along Cairngorm Drive are located to the north of the existing houses, their construction would not result in an unacceptable level of overshadowing of the front elevations of these existing properties.

Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages sets out that a minimum distance of 18m should be retained between facing windows of habitable rooms to ensure an acceptable level of privacy. In this case, the distance between the front elevation of the proposed flatted blocks and the front elevation of the existing dwellings along Cairngorm Drive exceeds 25m, and is thus acceptable.

#### Cairnvale Terrace

Opposite the proposed three storey flats along the site boundary with Cairnvale Terrace are existing similar three storey flats. The distance between the proposed and existing flats is c.25m. The solar study shows that there could be some limited loss of sunlight to these existing flats early in the morning. However, given that this would be limited to the early morning and certain parts of the year, this is considered not to have a significantly detrimental impact on their residential amenity.

Furthermore, as the distance between existing and proposed flatted blocks exceeds the 18m minimum as set out above, the proposal would not result in a loss of privacy/excessive overlooking of these existing dwellings.

#### Deevale Gardens/Kincorth Circle

The northern edge along Deevale Gardens would be made up of a two storey flatted block, with a vehicular access opposite existing two storey dwellings facing onto Deevale Gardens. As such, the proposed site layout would result in a relatively unobstructed outlook for these existing properties, and would not result in unacceptable levels of overshadowing or overlooking/ loss of privacy to these

existing dwellings.

Along Kincorth Circle, the site boundary would be made up of the rear gardens of terraced properties that would be somewhat set down from the road. Two storey dwellings opposite would be set at such a distance (c.30m) that they would not have an adverse impact on the residential amenity of these existing dwellings.

Finally, an existing bungalow (assumed to have originally been the school janitor's house) would sit outside the red line, but within the site's perimeter which is made up of Kincorth Circle along this edge. Again, distance between facing windows from the proposed development would exceed 18m. Furthermore, the existing dwelling would sit at an angle from proposed buildings and as such any views would be at an oblique angle. The existing dwelling would be surrounded by open space, which would further mitigate any impact of development on this dwelling. Finally, the solar study shows that, due to the two storey height of the proposed development either side of this existing dwelling, there would be no unacceptable level of overshadowing.

#### Auldearn Place

The distance between the proposed three storey flats along the eastern edge of the development and existing three storey flats on Auldearn Place would exceed 35m. It is acknowledged that this edge is very close to the red line, and that outlook from these flats would be over the communal gardens serving these existing flats. However, given these communal gardens are semi-private and are overlooked by existing flats, it is considered that this would not have such an unacceptable impact on their residential amenity to warrant refusal, and that the proposal would not unduly borrow amenity from the adjoining communal gardens.

Finally, the 35m distance between the proposed and existing flats would be sufficient to ensure no excessive overshadowing of existing properties.

#### Future occupants

In terms of residential amenity for residents, all flats in the development would be dual aspect, would either have access to a private balcony on the upper floors or private patio on the ground floor, in addition to larger communal outdoor amenity areas immediately adjacent to the flatted blocks and additional open space provided both within the development and immediately to the north on Kincorth Circle. This would create good natural surveillance over the proposed communal areas, and the wider development, including bike and bin stores and parking areas.

The terraced houses would have individual front and rear gardens, with driveways and bin stores to the front. Rear gardens would vary in depth from c.6.5m for the eastern terrace to 8m for the western terrace to 9m for the central terrace. SG on Subdivision and Redevelopment of Residential Curtilages sets out that the minimum depth for a rear garden for a two storey property should be 9m. However, in this case, sectional drawings have been submitted demonstrating that, in the case of the western terrace, increasing the depth of the garden by the required further metre would result in the loss of mature trees to the rear of this terrace due to a distinct change in levels and requirement to construct a retaining wall. These trees have a beneficial impact on the visual amenity of the surrounding area, and provide a buffer between Deevale Gardens to the north and the rear boundary of the properties. As such, in this instance, the depth of gardens as proposed is accepted.

In the case of the eastern terrace, garden depth ranges between c.6.5m and 7m. Again, sectional drawings have been submitted, demonstrating that this depth of garden, though not strictly complying with criteria as set out in the SG, would result in a more usable garden as it would be predominantly flat. In addition, as the properties would be set down from Kincorth Circle, this would allow for sufficient planting to screen the rear boundary of the gardens, ensuring that the gardens would retain sufficient privacy.

It is further noted that the applicant in their supporting statements have demonstrated that the gardens have been designed using criteria for Housing for Varying Needs, which sets out that for this target group, which can include disabled people and wheelchair users, smaller, level gardens would be more desirable than larger gardens. On that basis, and taking into consideration the likely end users of the properties, this is considered acceptable in this instance.

The relationship between the individual flatted blocks and the terraced dwellings would be acceptable. The submitted solar study demonstrates that there is some overshadowing of units at certain times of day, but this is limited. It is considered that all units would receive an acceptable level of day and natural sun light, which is further enhanced by the fact that they are all dual aspect, and contain large windows either side.

### **Landscaping/ open space provision**

Policy NE4 (Open Space Provision in New Development) sets out that 2.8ha per 1000 people of meaningful and useful open space would be required in new residential developments. The Open Space Analysis provided by Rankin Fraser sets out that the proposed development is expected to accommodate c.662 people, and that thus c.1.85ha of meaningful and useful open space should be provided on-site in order to comply with this policy. C1.15ha of open space would be provided as part of the development, which would represent a shortfall of c.0.7ha. On-site open space would comprise a number of functions, including semi-private external amenity space serving the flatted blocks; informal play spaces; community gardens; sitting-out areas; and areas planted to improve biodiversity. In addition, all houses would have private rear gardens, and all flats would either have access to a private patio area or a balcony.

The site does not form part of the Green Space Network, which does include the Kincorth Circle playing fields immediately to the north, but is included in the Open Space Audit as SD63. The open space consisted of playing fields and tennis courts – both in a poorly maintained state and, even though used informally by local residents, closed to the general public once the school was closed in June 2018 and subsequently demolished. The wider area of Kincorth in general is well provided with public open space, but, again, this tends to be of a relatively poor quality, and improvements should be sought. An existing play area is immediately to the north of the development site on the other side within the Kincorth Playing Fields. The proposed landscaping scheme would supplement this with informal play equipment in the linear parks, details of which can be sought through condition. The proposed landscaping scheme would be considered an improvement on the quality and a variety of types of open space would be provided. In addition, a monetary contribution through Developer Obligations is required to improve the quality of nearby open space to further mitigate the shortfall in open space provision on the site.

Given the above, it is considered that the improvement in quality of open space provided, in combination with the monetary contribution to improve the quality of nearby existing open spaces, would outweigh the relative shortfall in open space provided on the site and ensures compliance with Policy NE4.

### **Urban Green Space/Playing Fields**

The site is located within an existing residential area. However, the eastern half comprises the former playing pitches and tennis courts serving Kincorth Academy, and features in the Open Space Audit. Policy NE3 sets out that permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the proposals map) for any use other than recreation and sport. As such, even though the site is not shown as an urban green space on the map and is part of the OP105 development allocation, this policy would apply.

It further continues that exceptions will be made when an equivalent and equally convenient and accessible area for public space is laid out and made available in the locality by the applicant for

urban green space purposes. In all cases, development will only be acceptable provided that:

1. There is no significant loss to the landscape character and amenity of the site and adjoining area;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community;
6. They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and
7. Proposals to develop outdoor sports facilities, including playing fields and sports pitches should also be consistent with the terms of Scottish Planning Policy.

In this case, the proposal would comprise the redevelopment of a former school site. All buildings have been cleared of the site, and, even though they may be informally used, the existing playing fields, including the tennis courts, are in a poor state of repair. The proposed redevelopment of the site would see a comprehensive development across the entire site and would create a continuous frontage and perimeter blocks along Cairnvale Terrace and Cairngorm Drive. It would therefore be considered to have a beneficial impact on the visual amenity of the surrounding area. The proposal would comply with criterion 1.

The proposed site layout would include various footpath links through the site, both in an east-west as north-south direction. It would therefore improve pedestrian permeability through the site, which is currently closed off by heras fencing. It would thus improve public access both to the site, as to the Kincorth Playing Fields immediately to the north from Cairngorm Drive to the south and Cairnvale Terrace to the east. The proposal would therefore comply with criterion 2.

The application is supported by an Ecological Impact Assessment Report. This report sets out that the existing brownfield site has low potential to support wildlife species such as bats or hedgehogs at present. The existing site thus carries limited wildlife or natural heritage value at present. The proposal would therefore comply with criterion 3.

As set out above, the proposed development would see the creation of a perimeter block along Cairngorm Drive and Cairnvale Terrace. This urban form is characteristic of the surrounding area, and would ensure that the proposed development would have a continuous frontage on these streets, and would thus integrate well in the urban fabric of the surrounding area. However, this would require the removal of the majority of trees and mature hedge currently positioned within the edge of the site. A total of 81 trees would be removed as part of the proposed site layout. The majority of these trees are established with a number planted at the time of the construction of the original school on the site, thus going back c.40 years. As such, the proposal would not strictly comply with criterion 4.

The proposed site layout would see the creation of a total of four rectangular areas of public open space and communal gardens. These areas would see a variety of uses and opportunities created, including sitting out areas, some informal play space and food growing opportunities. It is further acknowledged that the Kincorth Playing Fields are located immediately to the north of the site. In addition, a monetary contribution would be required to mitigate the lower amount of open space provided on the space, which should be used to improve the quality of open space nearby. On balance, and taking account of this monetary contribution, the proposal is considered to comply with criterion 5.

There are no lochs, ponds, watercourses or wetlands in the vicinity of the development, and this 6<sup>th</sup> criterion thus would not apply.

Finally, the proposal would include development on the existing playing fields and tennis courts, and compliance with the relevant section of Scottish Planning Policy should be assessed. Paragraph 226 of Scottish Planning Policy states:

*Outdoor sports facilities should be safeguarded from development except where:*

- The proposed development is ancillary to the principal use of the site as an outdoor sports facility;*
- The proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- The outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or*
- The relevant strategy and consultation with SportScotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.*

As the proposal would include a whole redevelopment of the site, the first two criteria as set out in paragraph 226 of SPP would not apply to this current proposal.

In this case, new sports facilities were included as part of the replacement secondary school – Lochside Academy, including a 3g synthetic pitch for football and hockey; grass pitch for rugby; 25m swimming pool; running track; fitness suite; and multi use games hall. These sought to provide an enhanced sports facilities offer to residents in the south of the city following the closure of the facilities at Kincorth Academy in 2018. This would cover the loss of the existing playing fields at the former Kincorth Academy. It is acknowledged that the new sports facilities at Lochside Academy do not include specific tennis courts, however there is a multi-use games hall that allows indoor tennis.

A site visit has further demonstrated that the existing tennis courts at the Kincorth Academy site are no longer fit for purpose, with all nets removed and the surfacing broken up in places and their condition is such that they can't be used anymore. Thus, and taking account that the proposed site layout incorporates a visually desirable urban form of a perimeter block, which would require the removal of the existing sports facilities on site; the condition of the existing tennis courts; and the provision of improved sports facilities as part of the larger Lochside Academy development, it is considered that the proposed loss of outdoor sports facility is, on balance, acceptable.

Taking account of the above, the proposal is considered to largely comply with policy NE3 as set out above.

### **Trees**

Policy NE5 (Trees and Woodlands) sets out that there is a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

Along the perimeter of the site are clusters of trees and a thick hedge along the corner of Cairngorm Drive and Cairnvale Terrace. The proposed site layout would see the vast majority (81 of 107) of trees and the hedge removed, with three clusters of trees located along the northern boundary retained in addition to a few other trees. None of the trees on the site are protected through a Tree Preservation Order (TPO), nor do they lie within a conservation area. To compensate, a total of 241 new trees would be planted.

Colleagues in Environmental Policy have assessed the application, and considered that the



proposed loss of trees would be contrary to the requirements of policy NE5. In addition, in a number of instances, the zone of influence of a number of the replacement trees would extend to the proposed buildings, which could result in the need to prune these trees extensively, or potentially their early loss. Supplementary Guidance on Trees and Woodlands (SGTW) sets out that the Zone of Influence of a tree is generally considered to be the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree. Buildings and associated infrastructure should generally be constructed outwith the Zone of Influence of trees to allow adequate space for a tree's natural development and reduce pressure for future removal of trees. Here, colleagues in Environmental Policy consider that a number of replacement trees would be located to near the proposed buildings to allow for full growth to maturity as the buildings would be within their Zone of Influence. As such, it is considered that this aspect would not comply with guidance as set out in the SGTW.

However, in relation to tree loss, it is considered that to establish a perimeter block – the characteristic form of development within the surrounding residential area of Kincorth and the preferred development form for this site, the tree loss along the perimeter is, though regrettable, unavoidable. As such, to ensure an urban form that would integrate well in the surrounding area, and when considering the replacement planting, the proposed tree loss on the site is considered acceptable. It should further be considered that, even when taking the trees that could have a conflict with the zone of influence, proposed replacement planting would sufficiently mitigate the proposed tree loss. Finally, a detailed landscaping plan could be secured through a condition, which could seek alterations to position of proposed trees to ensure buildings would fall, as far as possible, outwith the zone of influence of replacement trees. On that basis, even though not strictly compliant with NE5, it is considered that this issue has been adequately addressed.

## **Impact on local roads**

### Access

The proposal would see the construction of four new vehicular accesses into the site. One from the south - from Cairngorm Drive; two from the north – from Kincorth Circle and Deevale Gardens respectively; and one from the east – from Cairnvale Terrace. Colleagues from Roads Development Management have assessed the application and suitability of the proposed junctions. Further detail is required on the position of the northern access onto Deevale Gardens, to avoid conflict with existing driveways opposite, although a suitable solution has been identified. These details can be conditioned and is also addressed through the Roads Construction Consent process. It is noted that the southern access from Cairngorm Drive would be within close proximity of a bus stop that is currently in use. To ensure sufficient clearance for busses to pull into the stop without obstructing visibility for cars entering or exiting the site from this junction, this bus stop will need to be moved further to the east. It is considered that a suitably worded condition would be sufficient to ensure these works will take place.

### Parking

A total of 181 parking spaces would be provided to serve the 212 residential units provided on site. All 27 terraced houses would have access to a driveway providing a single on-site parking space for each of these units. A total of 154 parking spaces would thus be provided to serve a total of 185 flatted properties. Given the proposal would be for a completely social rented housing scheme, Supplementary Guidance on Transport and Accessibility (SGTA) sets out that 0.8 parking space per unit would be required. For the flatted units, this would result in an overall requirement of 148 parking spaces. As such, the total provided would fall within this requirement and would be accepted. The proposed parking spaces would be well spread through the development, with spaces located in convenient positions to serve each flatted block. In addition, each block would be served by a number of disabled parking spaces, again in compliance with criteria as set out in the SGTA, with the proposed driveways similarly being wide enough to conform with space standards for disabled parking spaces to ensure full accessibility to these units.

As such, proposed parking arrangements are considered acceptable.

SGTA further sets out that for residential development, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. These electric charging points are provided for all houses, with a 50% provision for parking spaces serving the flats (active provision). This is considered acceptable, subject to a condition ensuring that the underground infrastructure (passive provision) for electric vehicles is provided throughout the site to allow for further future installation of charging points.

#### Car Club

A single car club space will be provided within the site. This would be located centrally within the development, and would also be available for residents living outwith the development. A monetary contribution would be required to install the car club parking space and to provide and maintain the car.

#### Sustainable Transport

Bus stops are available on Cairngorm Drive immediately to the south, and on Gardner Drive/Faulds Gate, c.200m from the site, with services running between Kincorth, the city centre and on towards Dyce. This would provide easy, sustainable access to the city centre via public transport.

SGTA sets out that in terms of cycle parking provision, 1 space per flat up to 30 flats, plus 1 space per 3 flats thereafter should be provided. The proposed development would thus provide a requirement of 82 cycle parking spaces for all flats. A total of 10 bike stores are spread throughout the development with additional outside bike parking spaces for visitors. These would adequately serve all flatted blocks, and as such this would be accepted. No detailed drawings for these bike stores have been submitted. However, it is considered that these could be secured through a suitably worded condition.

It is considered that the rear gardens of the terraced properties would provide sufficient space to allow for bike storage for these units.

Taken together, it is thus considered that the proposal would be well accessible by public transport and would satisfactorily promote the use of sustainable transport methods such as walking and cycling through its permeable site layout; connections to the surrounding area; and proposed bike parking facilities.

#### Safe Routes to School/ Residential Travel Plan

The site contains a total of 59no. 3 bed units which are likely to be used by families, including those with children. As such, it should be ensured that a safe route to school would be available for pupils living on site. The site falls within the catchment area of Abbotswell Primary School with Kirkhill Primary School also nearby. The nearest secondary school is Lochside Academy. The Transport Assessment submitted as part of the application does not consider 'Safe Routes to School', however it does set out that the site would benefit from the existing level of pedestrian provision in Kincorth, which is generally to a suitable or good standard, with wide, lit footways provided along both sides of the majority of roads in the area, supported by a small number of footpath connections. As such, given the location of the site within this wider residential area, it is considered that this should not give rise to any particular issues, and that additional evidence can be provided through a suitably worded condition.

No information has been provided in relation to a travel plan framework or residential travel plan for future residents. However, it is considered that this information can be provided through a suitably worded condition to ensure future residents are suitably informed of sustainable transport options within the surrounding area.

## **Other matters**

### Waste

All terraced properties would have an individual bin store located in the driveway of sufficient size to accommodate all required bins. In addition, all flats would be served by bin stores, that would meet distance criteria for both residents and refuse vehicle crews. Colleagues from Waste Management have been consulted on the proposals, and confirmed that the proposed bin storage areas would meet their requirements. Swept path analyses have been provided, demonstrating that the development can be suitably serviced by refuse vehicles. The proposal is therefore considered to be in compliance with policy R6 (Waste Management for New Development).

### Flooding

Policy NE6 (Flooding, Drainage and Water Quality) sets out that a Drainage Impact Assessment is required for all development exceeding 5 homes. This application is accompanied by a Drainage Impact Assessment, and a Level 1 Flood Risk Assessment. In these, it is assumed that the site is at little or no risk of flooding. The proposed SUDS facilities as set out in the Drainage Impact Assessment are considered acceptable.

### Low and Zero Carbon Building and Water Efficiency

Policy R7 (Low and Zero Carbon Building and Water Efficiency) sets out that 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. Furthermore, all new buildings are required to use water saving technologies and techniques. Supporting documentation set out that the buildings will be constructed to 'Gold' standards of energy efficiency, with enhanced energy performance targets, and that these would have large windows to increase natural light and ventilation to all units. However, no details have been submitted in relation to water efficiency measures of the proposed units. It is considered that these details can be secured through a suitably worded condition to ensure full compliance of the proposed development with policy R7.

The development, along with the Craighill housing development is proposed to be connected to a forthcoming district heating scheme for this part of Kincorth.

### Digital Infrastructure

Policy C1 (Digital Infrastructure) states that all new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. Again, supporting documentation sets out that this will be the case, but no details are provided. However, a search on the Ofcom website confirms that superfast (80Mbps) and ultrafast (1000Mbps) broadband is available in the surrounding residential area, and it is expected that this development would be connected into this existing infrastructure. On that basis, the proposed development would be compliant with this policy.

### Contaminated Land

Policy R2 (Degraded and Contaminated Land) sets out that the Council will require that all land that is degraded or contaminated is either restored, reclaimed or remediated to a level suitable for its proposed use. The application was supported by an 'Interpretative Report of Land Contamination'. In addition, it is known that asbestos was found on the site when the previous buildings were demolished.

Colleagues from Contaminated Land Unit have assessed the information submitted and are satisfied that, subject to conditions in relation to a foundation strategy, the proposal would be acceptable.

### Noise, Dust and Air Quality

As the proposed development is located in an existing residential area, it is considered necessary

to ensure that the amenity of existing residents is maintained both during the construction phase and after. To this end, comments from colleagues in Environmental Health recommended that a Dust Management Plan and Air Quality (Dust) Risk Assessment are submitted prior to construction. In addition, a Construction Environment Management Plan should be submitted, including mitigation measures to limit noise disturbance from construction works. These can all be secured through suitably worded conditions.

It is further recommended that a limit on construction hours is imposed. However, this would fall under Environmental Health legislation and cannot be sought as part of a planning condition. It is therefore recommended that an informative to that effect is included in any approval.

Policy T4 (Air Quality) sets out that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority. In this case, the application site is in relative close proximity to Air Quality Management Areas (AQMA) on Wellington Road (c.1.3km) and Anderson Drive (c.0.75km). Both were declared due to exceedances of air quality objectives for 'Particulate Matter' 10 micrometres or less in diameter (PM10) and Nitrogen Dioxide (NO2). Due to the size of the development, and its associated 180+ parking spaces, it is considered that this could have an impact on air quality in the AQMAs. As such, any permission should include a condition requiring submission of an Air Quality Impact Assessment.

### **Developer Obligations and Affordable Housing**

Policy H5 (Affordable Housing) sets out that all housing developments of five or more units should provide at least 25% of the total number of units as affordable housing. In this case, the proposal would fully contribute to the social rented stock of Aberdeen City Council, and all units would come forward as social rented units. This policy requirement is therefore exceeded.

Policy I1 sets out that development must be accompanied by the infrastructure, services and facilities required to support expanded communities and the type and scale of developments proposed. In this case, the Developer Obligations Team was consulted on the application, and determined that the following contributions would be required to offset any impacts of the development:

1. Core Paths: A contribution will be required towards the enhancement of Core Paths 59, 79 and/or 105 which are all located in close proximity to the development site: £56,321
2. Healthcare facilities: A contribution will be required towards internal reconfiguration works to increase capacity at the Cove Bay and Kincorth Medical Practice or other such healthcare facilities serving the development: £87,358
3. Open Space: A contribution will be required towards the enhancement of existing open spaces in the vicinity of the proposed development. Part of the contribution may also be used to support local community food growing initiatives: £27,706
4. Community Facilities: A contribution has been identified towards Kincorth Community Centre, which has proposals in place to create additional capacity to accommodate additional users as a result of development: £276,835

In addition, Roads Development Management has advised and agreed the requirement for introduction of a new car club space located within the development. The following monetary contributions would be required for either a hybrid or electric vehicle, with the preferred option being for an electric vehicle:

Type of vehicle	Hybrid	Electric
Combined total cost (purchase, maintenance, insurance etc)	£18,318	£25,852
Traffic Regulation Order	£2000	£2000

Total	£20,318	£27,852
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It is considered that these contributions could be secured through a legal agreement. In addition, the delivery of all units as social rented units should also be secured through a legal agreement as a lower level of parking is accepted compared to a private housing development, in line with current standards as set out in the SGTA.

### **Matters arising in letters of representation**

A total of 26 letters of objection were received, raising a total of 6 matters:

1. Height of proposed 3 storey buildings on Cairngorm Drive will have an adverse impact on existing two storey terraced properties due to overshadowing and overlooking; and will appear overbearing. This is further aggravated by the difference in level between the existing houses and the development site. Consideration should be given to the swapping the build locations of the proposed 2 storey buildings with the proposed build locations of the 3 storey buildings – *This has been discussed in detail above*;
2. Any windows overlooking existing properties would be an invasion of privacy – *This has been discussed in detail above*
3. Devaluation of property – *This is not a material planning consideration*;
4. Concerns insufficient parking is provided on site – *This has been discussed above*;
5. Concerns in relation to noise generation and possibility of unsocial behaviour due to positioning of 3-storey blocks opposite existing houses in Cairngorm Drive – *The variation in heights along Cairngorm Drive should reduce the impact of the proposal on properties along Cairngorm Drive*;
6. Increase in residents would put additional strain on local facilities such as parks, GPs, shops – *This should be addressed through developer obligations where it is considered that the proposed development would increase pressure on existing infrastructure.*

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

Policy D2 (Amenity) is a new policy that requires new development to achieve a good level of amenity for both future occupiers and neighbouring dwellings. The above evaluation sets out that it is considered that this would be achieved in this instance, and this policy would thus be met.

Policy R8 (Heat Networks) is a new policy that promotes the integration of development into existing heat networks and requires development to explore the potential for development of a heat network. In this case, the applicant has confirmed that it is intended to connect the development into the existing combined heat and power network running through parts of the city, and has submitted a feasibility study further demonstrating this intention.

### **Notification to Scottish Ministers**

Should the Committee support the recommendation, due to the objection from Sport Scotland, there is a requirement for the planning authority to notify Scottish Ministers of their intention to grant conditional planning permission.

Scottish Ministers will then consider whether to call-in the application for their own determination or

clear it back to the authority to decide the matter as it thinks fit.

## **RECOMMENDATION**

Willingness to Approve Conditionally & Legal Agreement and notify Scottish Ministers

## **REASON FOR RECOMMENDATION**

The principle of residential development is considered compatible with the OP105 allocation of the site, and in compliance with policy H1 (Residential Areas). The proposal would result in the loss of urban green space, consisting of former school playing fields and tennis courts. However, given ; the poor quality of the existing facilities; existing replacement and enhanced sports facilities at Lochside Academy; the proposed various uses of newly created open space; increased accessibility; improved quality of the open space created; and the wide quantity and variety of public open space in the nearby surrounding area, including the Kincorth Playing Fields immediately to the north of the application site, any tension with policy NE3 (Urban Green Space) is considered acceptable in this instance. The proposal would result in a shortfall in terms of quantity of open space when measured against the criteria as set out in policy NE4 (Open Space Provision in New Development). However, again given the variety and quality of open space provided, in combination with the proximity of the Kincorth Playing Fields and developer obligations toward enhanced open space provision in Kincorth, this tension with this policy is accepted. Furthermore, the proposal would result in a loss of trees, which would be contrary to requirements of policy NE5 (Trees and Woodland). However, the amount and quality of proposed replacement trees would mitigate for the removal of existing trees and allows for a better development form.

The proposed site layout and design, density, positioning, scale and massing of the buildings would respect the character and appearance of the surrounding area. The development would represent an acceptable mix of sizes of residential units, taking consideration of the identified high demand for 1-bed flats in the immediate area. There would be no adverse impact on the residential amenity of neighbouring properties and a good quality living environment would be provided for future residents. Sufficient space would be made available for bike and bin storage.

Subject to conditions and a legal agreement to cover necessary developer obligations, and to ensure that the units remain affordable housing in perpetuity, the proposal is considered to comply with policies D1 (Quality Placemaking by Design), I1 (Infrastructure Delivery and Planning Obligations), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), T4 (Air Quality), H1 (Residential Areas), H3 (Density), H4 (Housing Mix), H5 (Affordable Housing), NE6 (Flooding, Drainage and Water Quality), R2 (Contaminated and Degraded Land), R6 (Waste Management Requirements for New Development), R7 (Low and Zero Carbon Building and Water Efficiency) and CI1 (Digital Infrastructure) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages; and Transport and Accessibility.

Subject to conditions and a legal agreement, the proposed development would also be generally compliant with policies H1 (Residential Areas); H3 (Density); H4 (Housing Mix and Need); H5 (Affordable Housing); NE2 (Green and Blue Infrastructure); D1 (Quality Placemaking); D2 (Amenity); R5 (Waste Management Requirements in New Development); R6 (Low and Zero Carbon Building and Water Efficiency); R8 (Heat Networks); I1 (Infrastructure Delivery and Planning Obligations); T2 (Sustainable Transport); T3 (Parking) and CI1 (Digital Infrastructure) of the 2020 Proposed Local Development Plan.

## **CONDITIONS**

### **1. Materials**

That no development pursuant to an individual building shall take place unless a scheme and/or samples detailing all external finishing materials to the roof and walls of that individual building hereby approved has been submitted to, and approved in writing, by the Planning Authority. Sample panels of the external brick finishes, including mortar, shall be provided. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory finish of the development.

### **2. Boundaries (details)**

That no development shall take place until a detailed scheme of plot and boundary enclosures for the entire development, including the perimeter surrounding the development site, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual and residential amenity, and to ensure a satisfactory finish of the development.

### **3. Play areas**

That no development shall take place until a scheme providing additional details on the proposed play spaces has been submitted to and approved in writing by the Planning Authority. Thereafter, these play spaces shall be incorporated in the approved landscaping scheme, and shall not be implemented other than in accordance with the agreed details.

Reason: In the interest of residential amenity.

### **4. Landscaping (details)**

That no development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Planning Authority. Thereafter, all planting, seeding and turfing of the agreed detailed landscaping scheme shall be carried out in the first planting season following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted.

Reason: In the interest of visual and residential amenity.

### **5. Landscaping (maintenance)**

That no development shall take place until a scheme for maintenance of the agreed detailed landscaping scheme has been submitted and approved in writing. Thereafter, maintenance of the landscaping shall be undertaken in accordance with the approved scheme.

Reason: In the interest of visual and residential amenity.

### **6. Tree protection measures (1)**

That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by the Planning Authority. Thereafter, the agreed scheme shall be implemented.

Reason: To ensure adequate protection for the trees on site during the construction of the development.

## **7. Tree protection measures (2)**

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: To ensure adequate protection for the trees on site during the construction of the development.

## **8. Cycle storage (details)**

That no development shall take place until detailed drawings of the proposed cycle storage have been submitted and agreed in writing by the Planning Authority. Thereafter, the agreed scheme shall be implemented.

Reason: In the interest of visual amenity and to promote sustainable transport methods.

## **9. Bin stores (implementation)**

That no flat within any individual block shall be occupied unless the relevant bin store as shown on drawing ACCKIN-ATK-ZZ-ZZ-DR-AR-110001/RevT03 or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority, have been made available for use.

Reason: In the interest of public health.

## **10. Car parking (implementation)**

That no flat within any individual block shall be occupied unless the relevant car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing ACCKIN-ATK-ZZ-ZZ-DR-AR-110001/RevT03 of the plans hereby approved or such other drawing as may subsequently be submitted to and approved in writing by the Planning Authority. Such areas shall not thereafter be used for any other purpose than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: In the interest of public safety and the free flow of traffic.

## **11. Safe routes to school**

That no part of the development shall be occupied until a scheme setting out 'Safe Routes to School' has been submitted and approved in writing by the Planning Authority. This scheme shall identify the most direct route and any missing links or upgrades required towards the nearest schools.

Reason: To promote sustainable transport methods, and to ensure that a safe route to school is available for children living within the hereby approved development.

## **12. Travel Plan**

That no part of the development hereby approved shall be occupied until a Residential Travel Pack has been submitted and approved in writing by the Planning Authority. Such approved packs shall subsequently be issued to the first occupiers of each residential unit.

Reason: To promote sustainable travel methods.

## **13. Electric Vehicle Charging**

That no development shall take place until a scheme detailing underground cabling for future electric charging equipment has been submitted to and approved in writing by the Planning Authority. Subsequently, the development shall not be carried out other than in accordance with the details so agreed.



Reason: To future proof the site to increase the use of electric vehicles.

#### **14. Bus stops**

That no development shall take place until a scheme detailing relocation of the existing bus stops on Cairngorm Drive has been submitted to and approved in writing by the Planning Authority. Subsequently, the development shall not be occupied until the approved scheme has been implemented.

Reason: In the interest of public safety

#### **15. Low and Zero Carbon Building and Water Efficiency**

No development shall take place until a scheme detailing compliance with policy R7 (Low and Zero Carbon Building and Water Efficiency) of the 2017 Aberdeen Local Development Plan has been submitted to and approved in writing by the Planning Authority. Thereafter, any recommended measures specified in that scheme for the reduction of carbon emissions and water efficiency have been implemented in full.

Reason: To ensure that the development complies with requirements for reductions in carbon emissions and water efficiency as specified in policy R7 (Low and Zero Carbon Building and Water Efficiency) of the 2017 Aberdeen Local Development Plan.

#### **16. Digital Infrastructure**

That no individual flat or house shall be occupied unless satisfactory evidence has been submitted to and approved in writing by the Planning Authority that the development will be connected into the existing digital infrastructure surrounding the site, with the preferred option being fibre optic cabling to the premises where available, and subsequently the development shall be implemented in accordance with the agreed details.

Reason: To ensure good digital connectivity for the hereby approved residential units and to ensure compliance with policy CI1 (Digital Infrastructure) of the 2017 Aberdeen Local Development Plan.

#### **17. Earth Works/ Foundation Strategy**

That no development shall take place until an earth works/ foundation strategy has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this earth works/ foundation strategy shall include details of any plans to excavate, process and rework the made ground, and a soil testing regime for the purpose of verifying the suitability of processed materials on-site.

Reason: To ensure the site is suitable for human occupation

#### **18. Gas Protection Measures**

That no building shall be occupied until all gas protection measures have been inspected by a suitably qualified engineer and a validation report has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this Validation Report shall detail the gas protection measures that have been installed and should provide adequate verification.

Reason: To ensure the site is suitable for human occupation

#### **19. Noise Mitigation Measures**

That no building shall be occupied until noise mitigation measures as specified in section 7 'Mitigation' of the Noise Impact Assessment by CSP Acoustics and dated 14<sup>th</sup> July 2021 have been implemented.

Reason: In the interest of residential amenity.

## **20. Air Quality Assessment**

That no development shall take place until an Air Quality Assessment has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this assessment shall include:

- a. An assessment of the impact of emissions to air from or associated with the development, carried out in accordance with the IAQM land-use Planning and Development Control: planning for Air Quality Guidance 2017 with a method agreed by the Environmental Health Service. The assessment shall consider the potential impact of road traffic associated with the proposed development itself and other permitted/committed developments in the area on air quality within the nearby AQMAs and adjacent areas; and
- b. Other developments to be considered shall include, but are not limited to: planned housing developments at Heatherwick Road and Leggart Brae; and significant residential developments constructed and nearing construction on Abbotswells Road.

Reason: In the interest of public health.

## **21. Construction Environment Management Plan**

That no development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. As a minimum, this should cover:

- a. An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant is carried out to predict the likely dust levels resulting from the proposed development and its impact on air quality including a determination of it significant; and
- b. A 'Dust Management Plan', which shall be based on the results of the 'Air Quality (Dust) Risk Assessment'
- c. A 'Construction Noise Impact Assessment', which should:
  - i. Be undertaken by a suitably qualified noise consultant
  - ii. Demonstrate adherence to the guidance contained within: BS8228 - 1:2009+A1:2014 Code of practice for noise and vibration control on construction sites and open sites - Part 1 Noise and Part 2: Vibration
  - iii. Identify the sources of construction noise likely to impact on the existing residences.
  - iv. predict the impacts of the noise sources on the proposed residential development
  - v. Detail the noise mitigation measures to reduce noise from the construction noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences.
  - vi. The methodology for the noise assessment should be submitted and agreed in writing with the Environmental Protection Team in advance of the assessment.

Any such scheme as has been approved shall subsequently be implemented during the construction works.

Reason: In the interest of public health.

## **22. Occupation**

The development hereby approved shall not be occupied other than as social rented housing. (as defined in Aberdeen City Council's 'Affordable Housing' Supplementary Guidance), managed and operated by either Aberdeen City Council or by a Registered Social Landlord (RSL).

Reason: In order to ensure compliance with local plan policy H5 and Aberdeen City Council's 'Affordable Housing' Supplementary Guidance and because the level of car parking provision within the approved development is based on standards for social rented housing specifically, as opposed to other forms of affordable housing.

### **23. Deevale Gardens Access**

That prior to the commencement of development, and notwithstanding any information contained within the hereby approved drawings, further details of the Deevale Gardens access shall be submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the agreed details thereafter.

Reason: In the interest of public safety.