

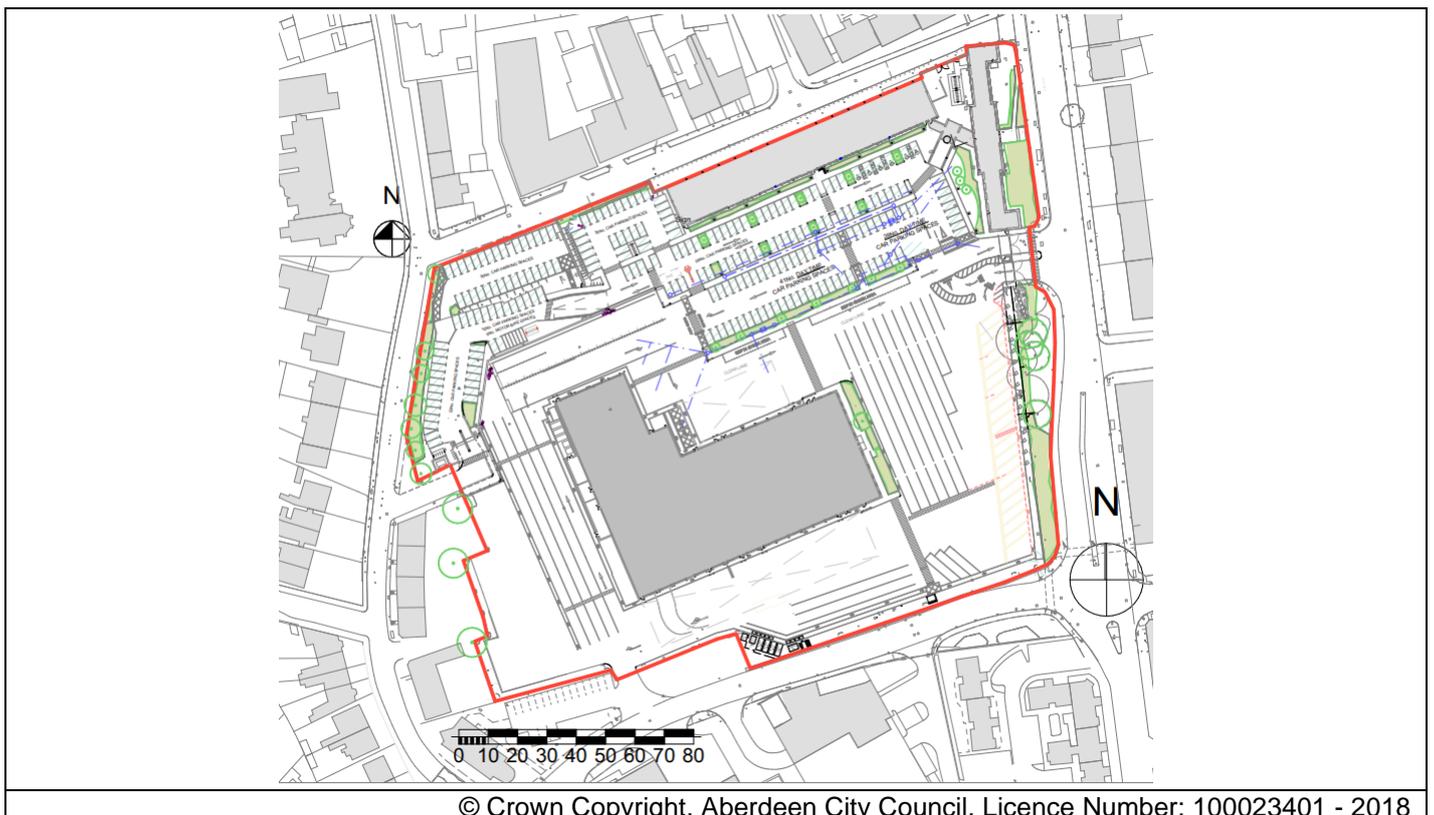


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 12 January 2023

Site Address:	First Aberdeen Ltd, 395 King Street, Aberdeen, AB24 5RP
Application Description:	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works
Application Ref:	221328/DPP
Application Type	Detailed Planning Permission
Application Date:	4 November 2022
Applicant:	FirstBus
Ward:	George Street/Harbour
Community Council:	Old Aberdeen
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises a large bus depot, associated offices and parking situated on the west side of

King Street, with Mounthooly Way to the south. It was substantially redeveloped in accordance with planning permission granted in 2008. A large modern building of industrial appearance is located centrally within the site. The site also includes a category C granite listed building of 19th century origin which fronts onto King St and is used as offices. The main site access /egress is from King St, with secondary access to the staff car park via King's Crescent. There is a further access onto Mounthooly Way, but this appears to be unused. The depot undertakes activities such as refuelling, storage, repair and maintenance of vehicles. There is established soft landscaping and trees at the main site frontage onto King Street and at various locations with the site, including bounding Kings Crescent to the west.

There is a mix of uses in the vicinity including student accommodation, residential, retail, a fire station and police offices. Old Aberdeen Conservation Area bounds the west and part of the north site boundaries which are formed by 1.8m high granite walls.

Relevant Planning History

Application Number	Proposal	Decision Date
220868/DPP	Installation of electric vehicle (EV) substation housing, feeder pillars, chargers and associated works	26.07.2022 Status: Withdrawn
221148/DPP	Installation of electric substations, transformers, feeder pillars, chargers, acoustic fences and associated works	01.11.2022 Status: Withdrawn
151508	Installation of 2 external condenser units.	25.01.2016 Status: Approved
101430	Erection of 29 No. lighting columns and associated lighting units	25.11.2010 Status: Approved
070336	Redevelopment of bus depot and erection of office building	13.02.2008 Status: Approved

APPLICATION DESCRIPTION

Description of Proposal

Installation of various EV apparatus / equipment required to enable the charging of the electric bus fleet within the existing depot, including installation of electrical substations. The proposals can be summarised as follows:

- 1No. GRP Housing for a Ring Main Unit(RMU);
- 4No. GRP Housings for Transformer substations;
- Feeder pillars (electrical switch panels / distribution boards);
- Meter housings;
- 69 dual headered chargers;
- 69 power units located within timber acoustic fence enclosure / housings.

The works also involve erection of screen fencing which would provide acoustic and visual screening of the apparatus.

No physical alteration of the boundary walls or extension of the depot / yard area is proposed. No

changes to existing operations at the site are sought.

Amendments

Amended site layout to include tree planting along west site boundary.

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=RKTFPMBZL3P00>

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment (AIA)
- Noise Impact Assessment (NIA)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the local community council and the recommendation is approval.

CONSULTATIONS

ACC - Roads Development Management Team – No objection

ACC - Environmental Health – No objection.

Old Aberdeen Community Council – Object on the basis of noise impact and consider that the NIA is technically inadequate. Request clarification if changes are sought regarding any change to existing operations at the site. Request that a condition is imposed regarding long term monitoring of noise at the site. Consider that the existing planted area on Kings Crescent provides an important buffer for residents and the adjacent conservation area and should be reinforced by new planting.

REPRESENTATIONS

A total of 4 timeous objections have been received raising the following matters:

- Loss of trees / landscaping
- Need for replacement tree planting
- Adverse impact on the character and setting of Old Aberdeen conservation area.
- Inadequate noise assessment.
- Uncertainty regarding the proposed attenuation measures (e.g. acoustic fencing),
- Impact on human health and wellbeing due to potential sleep deprivation / noise impact.

- Adverse impact on residential amenity due to existing activities at the site.
- The design solution does not consider the site context, impact on the conservation area, or deliver enhancements.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

- Scottish Planning Policy 2014 (SPP)
- Historic Environment Policy for Scotland (HEPS)
- National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this particular application there is no conflict with the objectives of NPF4 and thus no need for a detailed assessment. The following assessment therefore focuses on the policies of the adopted local development plan.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The SDP was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is now beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

- H2: Mixed Use Areas
- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- T2: Managing the Transport Impact of Development

- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- NE5: Trees and Woodland

ALDP Supplementary Guidance (SG)

- Transport and Accessibility SG
- Trees and Woodlands SG
- Landscape SG
- Noise SG
- Air Quality SG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Report of Examination on the PALDP was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following PALDP policies are relevant –

- H2 (Mixed Use Areas)
- T2 (Sustainable Transport)
- T3 (Parking)
- WB1 (Healthy Developments)
- WB2 (Air Quality)
- NE5 (Trees and Woodlands)
- D1 (Quality Placemaking)
- D4 (Landscape)
- D5 (Landscape Design)
- D6 (Historic Environment)

Other Material Considerations

- Aberdeen City Local Transport Strategy (LTS)
- ACC Air Quality Action Plan 2011 (AQAP)
- Old Aberdeen Conservation Area Character Appraisal 2015 (CACA)

EVALUATION

Principle of Development

The works directly relate to the existing authorised use of the site as a bus depot and are required to enable transition of key public transport infrastructure away from dependency on fossil fuels. Therefore, the works accord with the presumption in favour of development which contributes to sustainable development as expressed in SPP and the net zero emissions and climate action objectives of NPF4. The proposal aligns with the LTS project to provide new low carbon hydrogen buses on key city route to improve air quality and encourage more sustainable and active transport journeys.

Impact on residential amenity

ALDP policy H2 requires that the development results in no conflict with adjacent amenity. The submitted NIA demonstrates that there would be no insurmountable noise impacts and has been undertaken in accordance with the technical expectations of ALDP policy T5 and related guidance. It has been reviewed by ACC EHO consultee who accept its conclusions that there would be a negligible noise impact. There is no evidence in the NIA, or otherwise, that the proposed works would result in sleep deprivation to adjacent residents due to noise emissions at night. The NIA notes that the acoustic environment at the site is largely affected by road noise outwith it. Thus there is no basis for refusal on the grounds of adverse noise impact. The Council has separate statutory powers to investigate alleged noise complaints irrespective of the land-use planning process. Installation of relevant physical noise attenuation measures within the site (e.g. acoustic fencing and plant enclosure) can be ensured by condition as requested by the EHO.

Although some of the proposed acoustic fencing is 4m high, it would be located adjacent to a much larger building, rather than at the site edges and thus would not impact on residential amenity (e.g. due to shading / over-domination). The other physical works are of limited scale/ located away from the edges of the site such that they would have no impacts in terms of over domination or overshadowing of adjacent residential premises. No change of use or intensification of the use of the site is proposed. Thus, it can be concluded that the proposal results in no conflict with ALDP policy H2.

Tree Impact

Notwithstanding that a condition was imposed on the 2008 planning permission (ref. 070336) which precluded works to trees at the west site boundary, without prior consent, no such works are proposed as part of this application. These trees are not protected by virtue of a TPO and do not lie within a conservation area (although their canopies partly extend into Old Aberdeen Conservation Area). Some of these trees have been affected by disease and will likely require to be felled. However these trees are not impacted by the proposed works. The proposal responds to concerns raised in previous applications by repositioning plant located at the west edge of the site and avoiding adverse impact on adjacent trees within the site. The supporting Arboricultural Impact Assessment has been reviewed by relevant tree officers within the Council and its findings are accepted. Implementation of appropriate tree protection and replanting (including replacement of dead elm trees at the west site boundary adjacent Kings Crescent) can be ensured by condition in accordance with the objective of ALDP policy NE5.

Design Quality

Given their location within a bus depot and adjacent to a large modern building of industrial appearance and modest scale, it is considered that the proposed works are appropriate to their context and of suitable design quality. No mitigation measures are required and there would be no adverse impacts on visual amenity. Thus, the works accord with the expectations of ALDP policy D1.

Landscape Impact

There would be a degree of loss of established landscaping within the site and thus a degree of conflict with the objective of ALDP policy D2. However, such planting areas that would be impacted are not located at the periphery of the site or adjacent to public places or residential uses, such that their value as public assets is limited to a degree. Provision of supplementary / replacement landscaping on site is proposed, including provision of a total of 11 new deciduous trees at the edges of the site. Implementation of this planting can be ensured by use of a condition and would provide suitable compensatory planting to address the expectation of ALDP policy D2.

Heritage Impact

The proposed works are of a minor nature and do not directly affect any heritage assets. Given the

existing use and configuration of the site and their modest scale, the works have no impact on the setting of listed buildings (including the Category C listed building within the site and nearby category A listed former convent / chapel on Kings Crescent). Given the retention of the west site boundary wall and the limited scale of the works, the development has no impact on the character or appearance of the adjacent Old Aberdeen conservation area and no conflict with the objectives of the CACA. Thus, there is no conflict with the objective of HEPS or ALDP policy D5. The proposed replacement tree planting at the west side boundary would, help to provide continuity of tree cover and screening of the depot when viewed from the adjacent conservation area and is therefore welcome.

Transport / Parking Impact

The proposal results in no change to existing access / egress arrangements at the site, no substantive change in the overall number of vehicles accommodated within it and no traffic generation. The overall number of buses accommodated on the site would be less than the number allowed by the planning permission granted in 2008 (ref 070336). The existing number of car parking spaces would be retained. Thus, there is no requirement for further supporting technical traffic impact information and no conflict with ALDP policies T2 and T3. The ACC Roads Consultee has no objection to the works and does not request any off site works or mitigation measures.

Air Quality

The proposal would result in a significant reduction in the usage of commercial diesel vehicles (buses) and consequent improvement in local air quality in accordance with the objective of ALDP policy T4, resulting in consequent benefits to public health. As the site does not lie within / adjacent to an air quality management area, there would be no increase in vehicle traffic and an overall improvement in air quality, there is no requirement for an air quality impact assessment and no conflict with related SG. The reduction in usage of diesel vehicles also accords with the AQAP objective to encourage low emission vehicles.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Whilst proposed policy WB1 within the PALDP relates to health impact, the weight which can be afforded to this policy is currently limited as compliance with it is dependent on assessment of guidance which has not yet been produced by the Council. Furthermore, there is no equivalent policy in the adopted plan or SPP. Although there is reference to Health Impact Assessments (HIA) in the draft NPF4, this currently has limited weight. It is considered that there is no reasonable requirement for the agent to provide a HIA in this case given the limited scale of the development, the existing policy context and the benefits of the proposal in terms of reduction of noise and air pollution associated with the existing use of diesel vehicles. Whilst the policy context may change in the near future, at the present time, health impact is therefore not a material consideration of significance in this case.

Other Matters Raised in Representations

Notwithstanding that nearby residents have raised concerns regarding alleged noise nuisance and other impacts due to emissions from / activities within the site (e.g. running of vehicle engines, washing of vehicles within the site and associated noise / air quality impact), that is an existing situation and it would not be reasonable to require that such impacts are restricted or mitigated by this planning application. No changes to existing operations at the site are sought. It is noted that the bus depot is a long-established use which predates the 2008 planning permission for the office HQ building and reconfiguration of the depot (ref. 070336). Thus, any such impacts would also be

associated with its historic use and of which local residents would be aware. Other powers exist in relation to investigation and addressing of noise nuisance concerns and it is not appropriate to duplicate such controls by use of planning conditions. Similarly, given the established use as a bus depot and the minor nature of the works, it is not reasonable to impose a condition regarding long term noise monitoring as requested by the Community Council. Construction details of the proposed acoustic fencing can be required by condition in order to ensure that it is technically appropriate. Impact on health and wellbeing is considered above. The proposed new planting at fringes of the site is considered to be a public benefit of the proposal. Although it is claimed that the trees on site at the west boundary are legally protected, as the site does not lie within a conservation area and no TPO exists, the existing trees have no formal protection, notwithstanding that a condition imposed on the 2008 planning permission requires that the applicant notify the Council of proposed tree works.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The works directly relate to the existing authorised use of the site as a bus depot and are required to enable transition of this key public transport infrastructure away from dependency on fossil fuels. Therefore, the works accord with the presumption in favour of development which contributes to sustainable development as expressed in Scottish Planning Policy 2014 and the net zero emissions and climate action objectives of National Planning Framework 4. The proposal results in no conflict with policy H2: Mixed Use Areas within the Aberdeen Local Development Plan 2017 (ALDP). The proposal results in no change to existing access /egress arrangements at the site and no substantive change in the overall number of vehicles accommodated within it or traffic generation, thus there is no conflict with ALDP policies T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel. The proposal would result in a significant reduction in the usage of commercial diesel vehicles (buses) and consequent improvement in local air quality in accordance with the objective of ALDP policy T4: Air Quality. The submitted NIA demonstrates that there would be no insurmountable noise impacts and has been undertaken in accordance with the technical expectations of ALDP policy T5: Noise and related guidance. The works accord with the expectations of ALDP policy D1: Quality Placemaking by Design. Implementation of compensatory planting can be ensured by use of a condition to address the expectation of ALDP policy D2: Landscape. There is no conflict with the objective of HEPS or ALDP policy D4: Historic Environment, and Historic Environment Policy for Scotland. Implementation of appropriate tree protection and replanting can be ensured by condition in accordance with the objective of ALDP policy NE5: Trees and Woodland and related guidance.

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

CONDITIONS

01. DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

02. TREE PROTECTION

No development shall take place in relation to construction works authorised by this permission unless the proposed tree protection fencing as identified in drawing number: WC-127.1c.5 of the approved arboricultural assessment report dated 02/12/22 (Woodsage Consulting ref: WC-127.1 rev C), or such other drawings as may be approved, has been implemented on site and is retained for the duration of construction works on site. Evidence of implementation of such fencing and related signage shall be submitted to the Planning Authority in advance of commencement of development. No excavation, storage of materials, supplies, plant, machinery, spoil, changes in ground levels or other construction activities shall take place within the protected areas within the site.

Reason – In order to ensure the amenity of the area is protected and minimise impact on trees due to root severance / soil compaction.

03. SOFT LANDSCAPING / TREE PLANTING

All soft landscaping / planting proposals on site as identified in drawing number 1176- 003 rev. K shall be carried out in accordance with the approved landscape / maintenance scheme and shall be completed during the first planting season immediately following the commencement of the development, or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of soft landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

04. NOISE ATTENUATION MEASURES

The electric vehicle (EV) charging facilities hereby approved shall not be used unless the specific noise mitigation measures have been installed in complete accordance with the approved Noise Impact Assessment (NIA) dated 0/11/22 (Environmental Noise Solutions Limited ref. NIA/10512/22/10699/v2/395 King Street, Aberdeen), or such other mitigation measures as may be agreed in writing with the Planning Authority. Installation of the following specific noise mitigation measures is required :

a) The proposed fixed plant items and the associated calculated sound power levels, based on manufacturer's data, shall not exceed that advised within Section 4.1 of the report namely, 64 Heliox battery charger units – 73 dB LwA and the noise rating level detailed within tables 4.2 and 4.3

b) Installation of 4.0 m and 2.4 m high noise barriers, the specification and location of which are detailed within the relevant drawings (reference: 1176-003, Title: Proposed Site Plan – Full EV, dated May 22, Revision J) also presented in figure 1.1 of the report and fence drawings (reference: 1176-014, Revision B, Acoustic fence Page 1 of 2, dated May 22 and 1176-015, Revision A, Acoustic fence Page 2 of 2, dated May 22), namely, close boarded timber fence, with low level gravel board to ensure there are no gaps at the foot of the fence. Timber should be minimum 10kg/m², and should be overlapped to ensure there are no gaps between the fence slats.

c) Installation of the glass reinforced plastic (GRP) plant housings to the required transformers and RMU units as detailed within the relevant drawings (reference: 1176-011, Title: Typical Substation / Charger / Feeder Pillar Elevations, dated May 22, Revision A and reference: 1176-

013, Title: Propose RMU Building, dated May 22).

The physical measures identified above, once installed, shall subsequently be retained on site for the duration of the use of the EV equipment.

Reason: In the interests of protection of the residential amenity of nearby residents.