

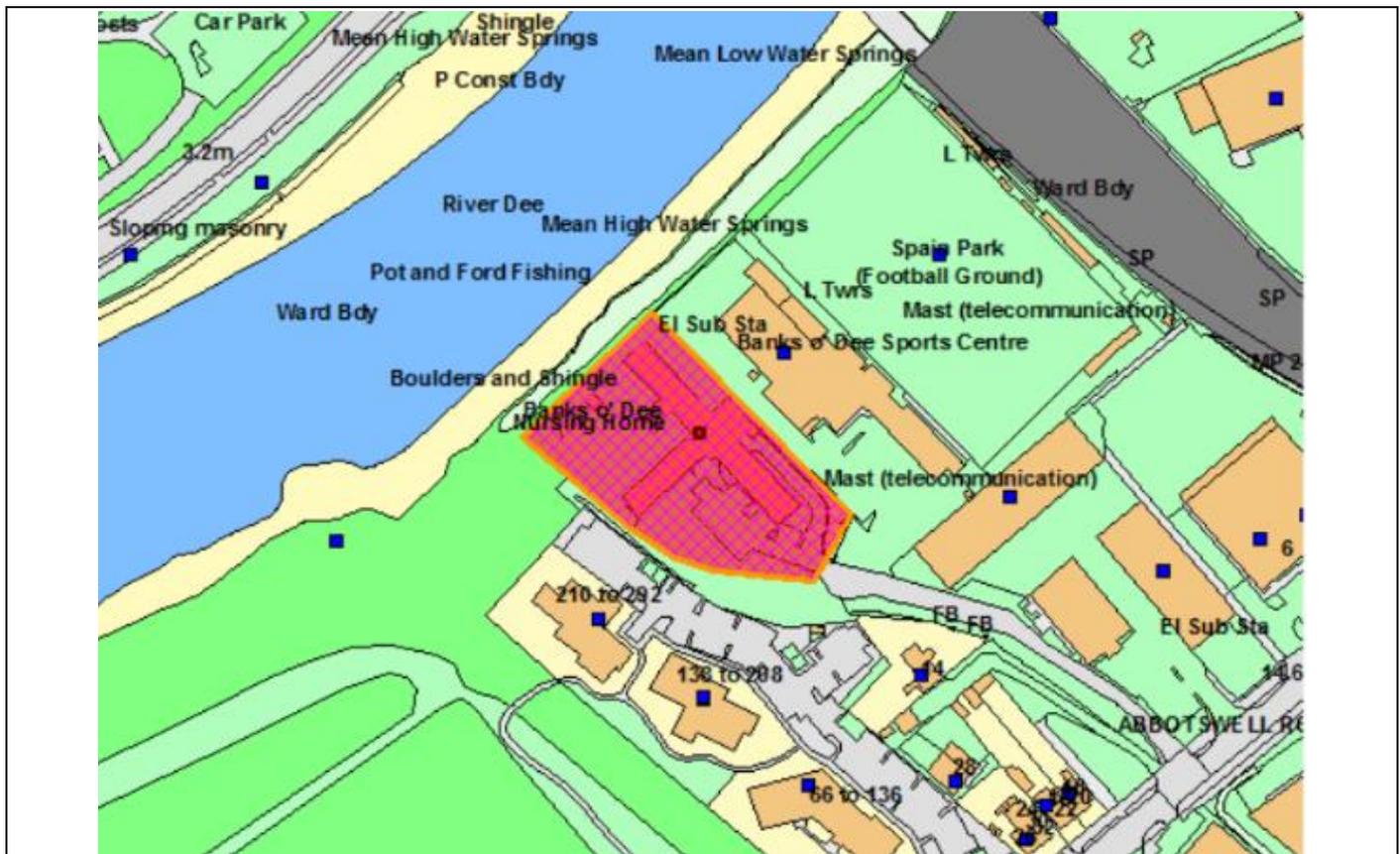


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2 November 2023

Site Address:	Former Banks O' Dee Nursing Home, Abbotswell Road, Aberdeen, AB12 3AB
Application Description:	Change of use of from class 8 (residential institutions) to form 24no. affordable flats, including formation/replacement of doors and windows; installation of cladding, and alterations to the car park and garden ground with associated works
Application Ref:	230685/DPP
Application Type	Detailed Planning Permission
Application Date:	8 June 2023
Applicant:	Mosaic Microliving United Kingdom Limited
Ward:	Kincorth/Nigg/Cove
Community Council:	Torry
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site comprises the building and curtilage of the former Banks o' Dee Nursing Home, a 2-storey late 20th Century, pitch-roofed building with an approximately 'T'-shaped footprint, situated within a c. 5,000sqm plot of land 135m to the north-west of Abbotswell Road. The building has lain vacant and boarded up since ceasing to function as a nursing home in 2019. The site is bound to the north-east by the Banks o' Dee Sports Centre, which includes Spain Park - the home of Banks o' Dee Football Club. The River Dee flows to the north-west of the site at a lower level and a small burn which feeds into the Dee runs along the southern and western edges of the site, with a modern flatted housing development beyond to the south west. An unadopted access road serves both the site and the adjacent sports centre from Abbotswell Road. The road incorporates a painted pedestrian route on its north-eastern side. The site and the wider area to the east is zoned in the Aberdeen Local Development Plan 2023 as Business and Industrial Land and business and industrial units (a mix of Class 4: Office, 5: General Industrial and 6: Storage and Distribution uses) lie between the site and Abbotswell Road, to the east of the application site.

Relevant Planning History

961356 – Planning permission was approved in 1996 for the erection of a nursing home for the elderly and for a new clubhouse for the adjacent football club.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to change the use of the former nursing home building to form 24 residential flats, with associated alterations to the external appearance of the building, car parking, bin store, boundary treatments and landscaping.

The physical works to the existing building and its curtilage would involve the following:

- Stripping of the existing building's external walls and the installation of new walls, windows and doors;
- Removal of the existing two storey projection on the building's eastern elevation;
- Extension and alteration of the existing car parking area in the front curtilage to provide a total of 24 parking spaces;
- Installation of new boundary treatments, including timber fencing to delineate private garden areas and a 2.m high close-boarded timber fence along the eastern boundary of the site, to provide an acoustic barrier to the adjacent sports centre;
- Removal of 10no trees and the planting of 10no new trees and other soft landscaping; and
- Formation of a bin store.

Operational Statement

The applicant has submitted an Operational Statement which notes that, once the physical works for which permission is sought have been implemented, the intention would be for the flats to be occupied by individuals with care needs, some complex, and that care would be provided to the residents by members of staff. This application seeks permission for a fallback position to operate the flats as mainstream affordable housing, with no associated care provision, should the care element cease at any point in the future. The Planning Service considers that the intended use of

the building as a care facility does not require planning permission, as that use would fall within the existing authorised use of the property as a care home (Class 8 – Residential Institutions). This application seeks permission for the applicant's 'fallback' position of 24 mainstream residential flats (sui generis) to be operated as affordable housing and the application is thus assessed accordingly in the following evaluation.

Amendments

With the agreement of the applicant, the following amendments were made to the application following the initial submission:

- A Transport Statement, Operational Statement and a Statement Justifying the Loss of the Existing Care Home use were all submitted;
- An updated Drainage Impact Assessment & Flood Risk Assessment was submitted;
- Minor alterations were made to the proposed building's door and window openings, and to boundary treatments, including the installation of a close-boarded timber acoustic-barrier fence along the north-eastern boundary;
- An indicative pedestrian bridge link over the burn to the neighbouring residential site was incorporated into the plans, albeit it lies outwith the application site and would be subject to a separate planning application.

Renotification of neighbours was carried out as a result of the amendments made.

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=RVS6TZBZK7A00>

- Design & Access Statement
- Drainage Impact Assessment & Flood Risk Assessment
- Noise Impact Assessment
- Tree Survey
- Transport Statement
- Operational Statement
- Supporting Statement – Justification for loss of existing nursing home

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than five (sixteen) representations either objecting to, or raising concerns about, the proposed development have been received from third parties.

CONSULTATIONS

ACC - Developer Obligations – In order to mitigate the impact of the proposed development on existing local infrastructure and facilities, the following financial contributions will be required:

- Core Path Network - £9,374 (Core Path 85 – Tullos Park & Inverdee Pitches)
- Healthcare Facilities – £21,865.54 (Torry Medical Practice)

The application site is within the catchment areas for Kirkhill Primary School and Lochside Academy. Lochside Academy has sufficient capacity to accommodate additional pupils and although Kirkhill Primary School is expected to exceed its working capacity in the near future, on the basis that the proposed development would comprise 100% 1-bed units, no new pupils are expected to be generated.

As a landscaped sensory garden and communal external amenity space would be provided in the development, no off-site open space mitigation or contribution is required. No contributions are required towards Community Facilities or Sports & Recreation.

The proposed development would comprise 100% affordable housing (social housing operated by a Registered Social Landlord). The proposal has been discussed with the Council's Housing Team and is in the Strategic Housing Investment Plan (SHIP).

ACC - Schools Estates Team – The site falls within the school catchment areas for Kirkhill School and Lochside Academy. Whilst there is likely to be sufficient capacity at Lochside Academy to accommodate the number of pupils expected to be generated by the proposed development, pupil numbers at Kirkhill School are expected to exceed the school's capacity in the near future, and so a contribution from the developer may be required to assist with the cost of providing additional capacity at the school to accommodate pupils from the development.

ACC - Environmental Health – No objection, subject to the implementation of the mitigation measures recommended in the applicant's Noise Impact Assessment (Reference: 1029212314 – V1, Date: 8 June 2022) including:

- External wall construction to meet required acoustic performance;
- Roof construction to meet required acoustic performance;
- Installation of trickle vents to meet the stipulated acoustic performance;
- Application of kitchen extract grilles serving open-plan kitchen/dining or kitchen/living areas to meet the stipulated acoustic performance;
- Installation of a 2.2m high close-boarded fence positioned hard against the ground and free from any gaps, located at the top of the eastern site boundary embankment adjacent to the sports centre.

ACC - Structures, Flooding and Coastal Engineering – No objection. The findings of the applicant's Drainage Impact Assessment, Flood Risk Assessment and watercourse cross sections are accepted.

ACC – Housing Strategy – This development is to be 100% affordable housing. It will be owned by Hillcrest Homes and is included in the Strategic Housing Investment Plan and prioritised for funding through the affordable housing supply program.

It will provide specialist provision accommodation including wheelchair accessible homes. The Strategic Housing Investment Plan has a requirement that a minimum of 15% of all affordable housing should be provided as wheelchair accessible. Wheelchair accessible homes means homes suitable for wheelchair users to live in and should as a minimum comply with the design criteria indicated as a 'basic' requirement for wheelchair users, as outlined in Housing for Varying Needs and should include the design criteria indicated as 'desirable' (column 'D' in 'Summary of Design Criteria') wherever possible. Therefore, a minimum of 4 affordable homes should meet this requirement.

Police Scotland – The application site is currently a low/medium crime area. The main types of

crime which have been reported over the last 12 months are drugs, theft, vandalism, shoplifting, road traffic and fraud. Due consideration should be given to crime reduction measures during the construction phase. It is recommended that the architect liaises with the Police Scotland Architectural Liaison Officer for the purposes of designing out crime and the applicant is encouraged to attain a 'Secured by Design' award.

ACC - Roads Development Management Team – No objection, subject to conditions including the provision of the indicatively proposed pedestrian access bridge to the neighbouring residential development, which would allow use of the existing pedestrian facilities to access the public road and address existing issues of poor pedestrian connectivity to the site. The Roads Development Management team also advise the following:

Sustainable and active travel

- There are existing pedestrian facilities (footpaths and crossings) which allow access to a variety of amenities in the surrounding area, including shops, a pharmacy and public transport stops;
- Cycling around and into the site would be on the existing road carriageway. The applicant has provided a cycling isochrone map which shows that the city centre can be accessed within a 10 minute cycle from the site;
- The site is generally well served by public transport;
- One secure and covered cycle parking space is proposed per unit, with an additional two spaces for visitors. This exceeds the Council's guidelines and is acceptable.

Car Parking

- The site lies in an Outer City area and is not in a controlled parking zone;
- The applicant notes that there are 60 single bedrooms in the existing building, thus a capacity of 60 nursing home residents is assumed. An online news article noted 55 staff members at the nursing home in 2019 – therefore there is a shortfall in car parking for the current authorised use, with only 20 spaces on the site at present;
- 19 car parking spaces are required for the 24 affordable flats proposed (0.8 spaces per unit). 24 spaces would be provided, including 2 disabled bays, which is a slight overprovision as per the Council's guidelines;
- On balance the number of car parking spaces proposed can be accepted and it has been confirmed that they would meet the minimum dimensions;
- One passive EV space is proposed per unit but more active EV charge points will be required in order to meet recent changes to Building Standards requirements. Should EV charge points be required the position of these should be agreed with the RDM team;

Vehicular access and trip numbers

- Vehicular access to the site is via the existing unadopted road shared with the sports centre and football club. As this is an existing situation which cannot be enhanced, there would be no net detriment and the vehicular access is acceptable;
- A comparison of the proposed use with the existing authorised Class 8 (nursing home) use shows that the proposed development would have a very similar amount of vehicle trips to and from the site at peak times as the authorised use;

Residential Travel Pack

- A Residential Travel Pack should be agreed with the Council and issued to the occupants of

the flats upon entry;

Waste Management

- A swept path analysis drawing has been submitted which demonstrates that bins could be adequately and safely collected within the site by refuse vehicles.

Drainage

- Where there is new hard standing (car parking) the proposal is for this to drain via sheet flow to new porous paving. Water will then filter through the subbase, where it will be attenuated and treated before being conveyed to the outfall pipes discharging into the existing surface water drainage system. The applicant has shown this mitigation measure outweighs the pollution indices. This is acceptable.

Scottish Water – No objection, however the applicant should be aware that this does not confirm the proposed development can currently be serviced. Scottish Water is unable to confirm capacity currently in the Invercarnie Water Treatment Works therefore the developer should submit a Pre-Development Enquiry to Scottish Water. There is currently sufficient capacity in the Nigg Waste Water Treatment Works to service the development.

ACC - Waste And Recycling – No objection. The proposed development would be provided with:

- 2 x 1280l general waste bins (128cm x 145cm x 100cm)
- 2 x 1280l co-mingled recycling bins (128cm x 145cm x 100cm)
- 1 x food waste container for each bin store
- 24 x kitchen caddies and caddy liners (one for each property)

The aforementioned bins shall be purchased by the developer and made available for residents upon occupation.

Torry Community Council – No response received.

REPRESENTATIONS

A total of sixteen representations have been received, all objecting to the application. Four representations were received following renotification, three of which were additional comments from parties who had already objected. The matters raised in the representations received are summarised as follows:

- Improper development of land zoned for business and industry
The proposed development is contrary to Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan (ALDP) as residential use would be out of character with the area and conflict with the adjacent Banks o' Dee sports facility.
- Impact on the operations and viability of on neighbouring uses
The application site lies within an employment area and the proposed residential development would be noise-sensitive, thus increasing the potential for complaints related to noise emissions from the adjacent sports facility (which operates gym classes and other activities, including football matches, from 5:30am to 11pm, 7 days a week) to harm its operations and viability, contrary to Policy CF1 (Existing Community Sites and Facilities) of the ALDP.

- Impact on amenity of future residents
Noise emissions from the adjacent sports facility would harm the amenity of residents in the proposed development, contrary to Policies 23(e) (Health and Safety) of NPF4 and WB3 (Noise) of the ALDP.
- Traffic generation, road and pedestrian safety
The access road to the site from Abbotswell Road is already at capacity and would be insufficient as a pedestrian connection to a residential development, particularly given its narrow width and already heavy use by the adjacent sports facility. The proposed development would thus increase traffic above the capacity of the access road and result in road and pedestrian safety issues
- Car parking
There is insufficient car parking proposed, which would lead to overspill car parking by residents in the adjacent sports facility's car park, to the detriment of their operations
- Impact on character of the area
The proposed development would adversely affect the character of the area and would not meet the six qualities of successful places – contrary to Policy 14 (Design Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP.
- Loss of existing nursing home facility
There is a shortage of care / nursing homes and similar facilities in Aberdeen, therefore the change of use should not be granted and no supporting evidence has been provided to justify the loss of the existing facility, contrary to Policy WB4 (Specialist Care Facilities) of the ALDP.
- Security, health and safety
The proposed development would cause security issues and would have a negative impact on the wellbeing of young people and children using the adjacent sports facility.
- Noise Impact Assessment limitations
The applicant's Noise Impact Assessment does not include football (Banks o' Dee) matchdays and with the club having in excess of 7 teams in the Scottish Highland League, noise from the stadium will adversely affect residents.
- Impact on trees
Several trees would be felled in order to accommodate car parking – contrary to net-zero ambitions. The existing trees should be retained.
- Wheelchair access
There is nothing on the plans about wheelchair accessible homes and the current access road is unsuitable for wheelchair access.
- Lack of consultation with neighbours
The lack of consultation with neighbours in the pre-application and planning process is rude and disrespectful.
- Maintenance of the communal access road
The communal access road has been maintained and improved at the expense of the sports facility and the owner of the former nursing home has not contributed in any way, nor entered into any dialogue in relation to the maintenance of the road.

- Impact on fundraising for the adjacent sports facility
The redevelopment of the application site for residential use would result in donors and sponsors of the adjacent sports facility withdrawing their financial support which is heavily relied upon for the maintenance and enhancement of the facility.
- Burden on permitted use
There is a burden on the use of the property as a nursing home which should be honoured by the Council.
- Fire risk of external cladding
The cladding to be applied to the renovated building would pose a fire risk.
- Pedestrian bridge link to neighbouring residential site
The proposed pedestrian bridge link would exacerbate existing parking issues (with residents parking at the sports centre) and increase anti-social behaviour, with the Police already attending the neighbouring flatted development on a regular basis. Despite the bridge, the reality is that many people will continue to access the proposed development site by car and traffic congestion will be made worse overall.
- Pedestrian bridge – procedure
The proposed pedestrian access bridge would require a separate planning application and it would be premature to approve the current application on the basis of a bridge link which may or may not obtain consent. As such, no weight should be attached to the proposed pedestrian access as a solution to the issues highlighted by the Roads Development Management team.
- Pedestrian bridge – Land ownership
The Banks o' Dee Football Club claim to own the land between the proposed development site and the burn over which the applicant proposes to construct a bridge and it is their intention to use that land for parking and a turning facility for buses. The bridge would require development on land the applicant does not own and which is not under its control. Should the Council be minded to approve the application, a negative suspensive condition should be attached requiring the applicant to acquire the necessary property rights over the land in question before commencing development.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 18 (Infrastructure First)
- Policy 19 (Heat and Cooling)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)

Aberdeen Local Development Plan 2023 (ALDP)

The following policies are relevant –

- Policy B1 (Business and Industrial Land)
- Policy CF1 (Existing Community Sites and Facilities)
- Policy C11 (Digital Infrastructure)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy H3 (Density)
- Policy H4 (Housing Mix and Need)
- Policy H5 (Affordable Housing)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE4 (Our Water Environment)
- Policy NE5 (Trees and Woodland)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy R8 (Heat Networks)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)
- Policy WB4 (Specialist Care Facilities)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Affordable Housing
- Amenity
- Open Space and Green Infrastructure
- Space Standards
- Transport and Accessibility
- Trees and Woodland

Supplementary Guidance

- Planning Obligations

EVALUATION

Principle of Development

Business and Industrial Land zoning

The application site lies within Business and Industrial Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP). Policy B1 (Business and Industrial Land) of the ALDP states:

'Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits. The expansion of existing uses within these locations will be permitted in principle.

Where business and industrial areas are located beside residential areas, we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity 'bad neighbour' uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage'

Although the site lies within a Business and Industrial Area and the building is currently vacant, its authorised use is as a nursing home (Class 8 – Residential Institutions). Therefore, the Policy B1 presumption in favour of the retention of Class 4, 5 and 6 uses is not applicable to this application. Furthermore, the immediately neighbouring property to the north-east, comprising Spain Park (home of Banks o' Dee Football Club) and the Banks o' Dee Sports Centre, comprises a mix of uses within Class 11 (Assembly and Leisure), including indoor and outdoor sports and recreation. As such, the neighbouring site is also not in Class 4, 5 or 6 use therefore the Policy B1 presumption against development of conflicting types that could harm the operations of such uses is also not applicable in this instance.

The nearest business and industrial uses (Classes 4, 5 or 6) comprise a cluster of business and industrial units situated at least 30m to the east of the site, between it and Abbotswell Road. These units face away from the application site however and due to their orientation relative to the application site, the separation distance and the segregated accesses from Abbotswell Road, it is considered that the amenity of the proposed new residential use of the application site would not be adversely affected by the operations of those uses, and in turn, those uses would be adequately safeguarded from the noise-sensitive nature of the proposed new residential use.

The Planning Service thus considers that although new residential development will often not be appropriate within a business and industrial land zoning, there is nothing within Policy B1 of the ALDP which explicitly precludes residential use, provided no existing business and industrial uses would either be lost or adversely affected. The specific context of the application site, its authorised Class 8 use and the Class 11 use of the neighbouring site are such that the proposed residential use of the application site is not contrary to Policy B1.

Whilst Class 11 uses (and other non-Class 4, 5 or 6 uses) are not specifically afforded protection by Policy B1, the safeguarding of the operations of the adjacent sports centre is nevertheless a material consideration that is assessed later in the evaluation.

Loss of an existing specialist care facility

Policy WB4 (Specialist Care Facilities) of the ALDP states:

'Proposals for new residential care facilities (such as Care Homes, Nursing Homes, Sheltered Living) should;

- 1. Be well-connected; located close to public transport links and community amenities for residents and staff, and provide visitor parking; and*
- 2. Meet design and amenity standards in line with other types of 'residential' developments.*

Proposals for the redevelopment, or Change of Use, of an existing development of this nature should be accompanied by sufficient supporting evidence justifying the loss of such a facility.'

As per the requirements of Policy WB4, the applicant has submitted a supporting statement to justify the loss of the existing nursing home. Although authorised for use as a nursing home (Class 8 – Residential Institutions), the property has lain vacant since 2019, therefore the proposal would not result in the loss of an operational specialist care facility, but rather a building authorised, in Planning terms, for continued / reinstated Class 8 use.

Furthermore, the applicant's statement notes that since the closure of the nursing home in 2019, no care operator has been willing to take over operation of the site and to resume a nursing / care home business. Upon the closure of the nursing home, all the tenants were re-homed in nearby care homes which has a significant number of spare rooms. The applicant advises that other nursing homes operating in the region remain under capacity, with data taken from the 'Care Home Census for Adults in Scotland' published in 2021 detailing the 56 care homes in Aberdeen City operating at 81% occupancy.

The Planning Service is satisfied that not only would an existing nursing home facility not be lost, with the building having lain vacant for over four years, but that there has been no interest from any parties in reinstating care/nursing home use in the meantime and that there is spare capacity in the existing care homes in Aberdeen City, therefore the 'loss' of the existing facility has been adequately justified and the proposals are not contrary to the intentions of Policy WB4.

Policy CF1 (Existing Community Sites and Facilities) of the ALDP states:

This policy applies to both land zoned as CF1 and to health, education and other community facilities located within other Local Development Plan zonings. The following existing uses shall be used primarily for that use and/ or related purposes;

- Healthcare sites;*

- *Nursery, primary, secondary and special school land and properties;*
- *Further education and research institute sites;*
- *Community buildings such as libraries, community halls, and recreational centres*

Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.

Specialist care facilities are not specifically defined as comprising 'Existing Community Sites and Facilities' either within Policy CF1 or in the supporting text within the ALDP. As such, it is considered that the redevelopment of the vacant nursing home building would not be contrary to Policy CF1.

Housing on land not allocated for housing in the LDP

Policy 16 (Quality Homes) of NPF4 states:

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and*
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;*
- iii. and either: -*
 - *delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or*
 - *the proposal is consistent with policy on rural homes; or*
 - *the proposal is for smaller scale opportunities within an existing settlement boundary; or*
 - *the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.*

In relation to criterion (i), the applicant has advised that, should planning permission be granted, the intention is to commence development as soon as possible.

In relation to criterion (ii), as noted above the proposed development is not contrary to Policy B1 of the ALDP due to the site-specific context. The site lies in a relatively accessible location, within 20 minutes' walking distance of amenities including Kincorth Community Centre and nearby shops (including food retailers Tesco and Lidl on Wellington Road) and further local amenities in the Torry area. The site also lies within 400m of the nearest bus stop on Wellington Road which is served by regular bus services to the city centre. As such, whilst not comprising a site specifically allocated for housing in the ALDP, the application site is considered to be otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods.

In relation to criterion (iii) of Policy 16, the proposal is both for a small-scale opportunity within an existing settlement boundary and would also deliver less than 50 affordable homes, included within the Aberdeen Strategic Housing Investment Plan (SHIP).

The proposed development is therefore considered to be compliant with the requirements of Policy 16 of NPF4.

Re-use of brownfield land and empty buildings

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 states:

'a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.' and

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12 (Zero Waste) of NPF4 states that development proposals will be supported where they reuse existing buildings and infrastructure.

The proposed development would re-use an existing building which has lain vacant since 2019. Although the façades of the existing building would be stripped, with new external walls, windows and doors installed, the works would not involve a wholesale demolition and rebuild approach, nor would any extensions to the existing building be required, therefore the proposals are considered to be inherently sustainable and generally compliant with the aims of Policies 9 and 12 of NPF4.

Impact on existing community facilities

Although the vacant nursing home is not considered to comprise an existing community site or facility, as per the definitions set out within Policy CF1 it is considered that the adjacent sports centre comprises a recreational centre (albeit a privately owned one, rather than a public facility) that could be considered to be afforded some protection by Policy CF1, which states:

'Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.'

It is therefore necessary to ensure that the proposed redevelopment of the vacant nursing home site would be compatible with (not adversely affect the operations of) the adjacent sports centre and football ground.

The Planning Service considers that the main aspect of the proposed development which could affect the viability of the neighbouring sports centre and football ground is the noise-sensitive nature of the proposed residential use. With the sports centre and football ground hosting noise generating uses, such noise emissions could lead to noise complaints from future residents of the proposed development that could, in-turn, affect the operations and viability of the sports centre and football club.

The potential impact of noise emissions from the sports centre and football club on the amenity of the residents of the proposed development is set out in the 'Amenity for residents' section of the evaluation below but to summarise, the applicant has submitted a Noise Impact Assessment which concludes that subject to the implementation of various mitigation measures, the noise emissions from the sports centre and football club would not adversely affect the amenity of the residents of the proposed development. Therefore, it is considered that noise complaints that could affect the operations and viability of those uses are not likely to arise.

The sports centre and football club have also raised concerns in relation to the impact that the

proposed use would have on car parking, with the potential for increased usage of the sports centre & football club car park by residents or visitors not attending the sports centre or football ground. An assessment of the implications of the proposed development on car parking is made in the 'Transport and Accessibility' section of the evaluation below but to summarise, additional parking spaces are proposed within the application site and the new use would likely have less onerous parking requirements than the existing authorised use of the site as a 60-bed nursing home (with associated staff and visitors). As such, the impact of the proposed use on car parking demand, and the associated potential for indiscriminate overspill parking, is not considered to be an issue when taking into consideration the existing authorised use of the site and the relatively small-scale nature of the development proposal (24 flats). The amount of car parking to be provided is also in excess of the guideline amount for affordable flats as set out in the Council's Interim Transport & Accessibility Aberdeen Planning Guidance.

There are no other factors related to the proposed development which the Planning Service considers would harm the viability or operations of the neighbouring sports centre and football club, therefore the redevelopment of the vacant nursing home building for mainstream residential use would not be contrary to Policy CF1.

Amenity for residents

Space standards, daylight receipt, outlook and privacy

Policy D2 (Amenity) of the ALDP sets out various criteria which new residential development should meet, in order to ensure that its occupants would benefit from a satisfactory quality of residential amenity. These criteria include:

Residential developments will also:

- *ensure that occupiers are afforded adequate levels of privacy;*
- *ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;*
- *provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;*
- *ensure minimal shading of external private and public spaces;*
- *ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;*
- *have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.*

In terms of privacy, all of the ground floor level flats would be dual aspect and privacy buffer planting strips would be placed in front of all 'front' elevation windows onto communally accessible areas, in order to maximise privacy for occupants, whilst all ground floor units would also have access to, and overlook, their own private garden areas to the rear. None of the flats would be overlooked from any neighbouring properties, including the adjacent sports centre, as a 2.2m high acoustic barrier timber fence to the eastern boundary would prevent any overlooking into windows and garden areas from the sports centre car park.

The Council's Interim Aberdeen Planning Guidance (APG) on Space Standards generally seeks a minimum internal floor area of 52sqm for a one-bedroom dwelling. However, the APG also notes that reusing and converting existing building stock is encouraged, as a more sustainable approach than demolition and rebuild, and advises that the Council may need to take a flexible approach to space standards due to the often constrained nature of converting existing buildings. The ground

floor flats would all meet the minimum space standard expected by the APG, with unit sizes ranging between 57sqm and 72sqm. On the first floor level however, the majority of the flats would be smaller than the guideline minimum, with most of the flats ranging between 45sqm and 49sqm in size. Albeit lower than the guideline minimum floor size of 52sqm, the first floor level flats would not be significantly smaller than the guideline minimum and their size is dictated, to an extent, by the existing floorplates and position of stairwells in the building. Given the sustainable re-use of the existing building, the relatively minor deficit in internal floor areas for the majority of the first floor level flats is considered to be acceptable.

Whilst the ground floor flats would all benefit from a dual aspect outlook, all of the flats at first floor level would have a single-aspect outlook. Whilst desirable for all residential units to be dual aspect, the single aspect layout at first floor level is largely dictated by the existing floorplates and the position of stairwells. The provision of access to multiple stairwells for all first floor flats for escape purposes, combined with the limited width of the building, necessitates a single-aspect layout, with a communal corridor running along one side of each of the three wings. Whilst single-aspect, the first floor level layout has been designed to maximise the amenity of the occupants, with flats only facing either south or west (not north), thus they would all receive direct sunlight at varying times of the day.

The outlook of all the flats would also be acceptable, with a mix of dual aspect flats at ground floor level, with their own private gardens, and single aspect flats at first floor level with elevated outlooks over the front and rear curtilages. In addition to the private garden areas for the ground floor flats, there would also be a communal garden area of a reasonable size within the sheltered rear curtilage which could be used by all residents for sitting out. All of the flats would either have their own private access door or they would be accessed via the communal main entrance, lobby and stairwell. Both the front and rear curtilages would be overlooked by windows of flats and communal hallways, thus ensuring an adequate sense of safety and enclosure.

It is therefore considered that, on balance, the occupants of the proposed flats would benefit from a satisfactory level of amenity and the proposals are thus considered to be acceptable and generally in accordance with the criteria set out in Policy D2 of the ALDP and the associated interim APG.

Open Space

Policy NE2 (Green and Blue Infrastructure) notes that biodiverse, useable and appropriate open space will be required in new developments, including on brownfield sites, although the potentially constrained nature of brownfield sites will be taken into consideration if it is not possible to meet the on-site open space standards set out in the Council's interim Aberdeen Planning Guidance on Open Space and Green Infrastructure. The Open Space and Green Infrastructure interim APG seeks a minimum of 2.8 hectares of open space per 1,000 people in new residential developments. With 24 one-bedroom flats proposed, the number of people estimated to be likely to live in the development would be 31 (24 x 1.3), thus equating to an open space requirement of 868sqm of open space. The useable area of open space to the rear of the building would be approximately 900sqm in size, with further unusable areas of tree and shrub planting also to be provided within the development. The proposed development would thus provide sufficient useable open space, in accordance with Policy NE2 of the ALDP and the associated interim APG. The site is also within walking distance of a large area of public open space in the nearby Tullos Park on Abbotswell Road, close to the River Dee.

Noise

Policy 23 (Health and Safety), paragraph (e) of NPF4 and Policy WB3 (Noise) of the ALDP both seek to ensure that noise sensitive developments, such as new housing, would be adequately protected from noise emissions generated by neighbouring noisy uses, with paragraph (e) of Policy

23 noting that the 'agent of change' principle applies to noise sensitive development. The adjacent sports centre and football club are operational for large parts of the day, seven days a week, (5.45am to 10pm, Monday to Thursday, with similar albeit slightly reduced hours Friday to Sunday - according to the sports centre's website) and the nature of the various uses of the facility (including gym classes with amplified music, indoor sports, outdoor football practice and competitive matches) is such that there is a level of noise emissions from the site that could be harmful to the amenity of the future occupants of the proposed residential development. A Noise Impact Assessment (NIA) was submitted and its findings demonstrate that, without mitigation, some of the properties in the new development (those with windows facing towards the sports centre) would suffer an adverse amenity impact as a result of noise emissions from the adjacent sports facility.

However, the NIA recommends that, subject to the implementation of various mitigation measures, including: the installation of a 2.2m high close-boarded timber acoustic fence along the mutual boundary between the application site and sports centre, and new external wall construction and window specifications in the proposed conversion to meet minimum sound reduction criteria, any noise emitted from the sports facility would be sufficiently reduced at the nearest new residential properties such that they would not be adversely affected to any significant degree. The Council's Environmental Health Service have reviewed, and accept, the findings of the applicant's NIA. A condition is attached requiring all of the noise mitigation measures to be implemented prior to the occupation of any units.

In addition to the aforementioned noise mitigation measures, the building's internal layout has also been designed to minimise any noise disturbance from the adjacent sports centre and football stadium, with no first floor flats proposed to have any outlook or windows on the building's eastern elevation, whilst the ground floor level flats with windows on the eastern elevation would be set on lower ground than the sports centre, and would thus be afforded a level of noise protection by the acoustic fencing to be installed along the raised mutual boundary. The site is bound to the northwest by the River Dee and to the south-west by a tree belt, with housing beyond, therefore no adverse noise emissions are expected from those directions. Whilst there are industrial units situated in relatively close proximity to the east of the site (c. 45m from building to building), the buildings face the opposite direction to the application site (south-east) and with no openings on the side or rear walls of the nearest industrial building, no significant noise emissions are anticipated from that direction.

The Planning Service is therefore satisfied that, subject to the implementation of the mitigation measures recommended in the NIA via condition, the proposed residential flats would all benefit from a satisfactory level of amenity in terms of protection from external sources of noise, in accordance with the requirements of Policies 23 of NPF4 and WB3 of the ALDP.

Summary

The Planning Service considers that, taking into consideration the benefits and constraints of re-using and converting the existing building, as opposed to a less sustainable demolition and rebuild approach, all of the proposed flats would benefit from a satisfactory quality of residential amenity, in accordance with the requirements of Policies D2, NE2 and WB3 of the ALDP, as well as Policy 23 of NPF4.

Design Quality and Placemaking

Policy 14 (Design, quality and place) of NPF4 requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 of NPF4 and Policy D1 (Quality Placemaking) of the ALDP require all new development to comply with the six qualities of successful places. The qualities of successful placemaking differ slightly

between NPF4 and the ALDP, therefore as the ALDP was adopted more recently, it takes precedence in the event of any difference in policy between the two documents. The proposed development can therefore be assessed against each of the six qualities of successful placemaking as defined in Policy D1 of the ALDP as follows:

- Distinctive

The proposed development would retain and re-use the existing building, with a modern wall cladding system to be applied to enhance the building's appearance. The absence of any new-build elements would ensure that the development would not have any adverse impacts on the streetscape or wider cityscape, including on key views along the River Dee. Most existing trees within the site would be retained and supplemented with new tree planting and soft landscaping, proportionate to the scale and nature of the development.

- Welcoming

The building would incorporate new windows and doors, and it would have attractive and clearly defined entrances, thus giving the building an appropriate frontage and providing legible wayfinding throughout the site.

- Safe and pleasant

The internal layout of the building has been designed to ensure that all public areas would be sufficiently overlooked, thus maximising natural surveillance and active frontages at ground floor level, and minimising opportunities for crime and anti-social behaviour. Private gardens would be provided for all ground floor flats and all residents would have access to a large and sheltered communal lawn area to the rear. The new boundary treatments would all be of a domestic scale and appearance, such that they would not detract from the character or visual amenity of the area.

- Easy to move around

It is acknowledged in the following sections of the evaluation that the unadopted access road serving the site from Abbotswell Road does not meet current guidelines for pedestrian footway width and segregation from the road carriageway, nor is there a satisfactory means of safe pedestrian crossing over the road between the painted pedestrian walkway and the entrance to the application site. However, and subject to an acceptable scheme being granted permission separately and subsequently implemented, the Roads Development Management team considers that an indicatively proposed pedestrian bridge link between the site and the neighbouring residential development to the south-west, over the unnamed burn, would provide a satisfactory safe means of pedestrian access between the site and Abbotswell Road. The proposed development itself would be easy to move around, with external pedestrian footpaths and access to both private and communal garden areas.

- Adaptable

The proposed development has been designed so that the ground floor units would all be wheelchair accessible, if required.

- Resource efficient

The proposed development would convert and re-use an existing building and brownfield site

to provide new affordable housing in a sustainable and accessible location, within walking, wheeling and cycling distance of public transport and various other amenities such as shops, open space and employment land.

To summarise, the proposed development would re-purpose an existing vacant building to provide affordable housing in a sustainable and accessible location. The existing building is not of any particular architectural merit and the refurbishment and recladding of the building would represent a visual enhancement to the localised streetscape, without harming any key views in the wider surrounding area. The development is considered to be generally compatible with the six qualities of successful placemaking, as set out in Policy D1 of the ALDP, and it would improve the quality of the area, in accordance with Policy 14 of NPF4.

20-minute neighbourhoods

Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 requires development proposals to contribute to local living including, where relevant to 20-minute neighbourhoods. Facilities and amenities outlined in Policy 15 as contributing towards successful 20-minute neighbourhoods include: public transport and safe walking, wheeling and cycling networks, employment, shopping, health facilities, schools, open space and affordable housing.

The application site lies within 400m of bus stops on Wellington Road which serve the city centre. Within 20 minutes' walking distance of the application site there are shops (including two food retailers: Tesco and Lidl), cafés, Torry Medical Practice and Tullos Park, amongst other facilities and amenities. It is thus considered that the proposed development would be sufficiently connected to, and within relatively easy reach of, various facilities and amenities, in accordance with the aims of Policy 15 of NPF4.

Transport & Accessibility

Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP require developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Policy T3 (Parking) states that low and zero car developments will be supported in suitable locations where there is adequate access to sustainable and active travel. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility.

Public transport, pedestrian safety and accessibility

The application site lies approximately 140m from Abbotswell Road and 275m walking distance from Wellington Road, where there are bus stops served by regular bus services to and from the city centre and the south of the city. The site is accessed from Abbotswell Road via an unadopted private road which also serves the adjacent sports centre and football ground. The road does not meet current guidelines for adopted road carriageway and pavement widths however, with the pedestrian walkway comprising a narrow strip painted along the north-eastern edge of the carriageway. Although the road is not particularly heavily trafficked, it does see a reasonable volume of traffic throughout the day due to the nature and opening hours of the sports centre and Spain Park. As such and combined with the lack of an appropriate means of pedestrian crossing over the road at the entrance to the application site, the Council's Roads Development Management (RDM) team consider that the site would not be appropriately and safely accessible to and from Abbotswell Road on foot by future residents if only using the existing pedestrian access. Following the concerns raised by the RDM team, the applicant submitted indicative proposals to demonstrate how a new pedestrian bridge link could be installed over the burn adjacent to the entrance to the application

site, linking it with the existing residential development (owned and operated by Hillcrest Homes) to the south. As the indicatively proposed bridge link and associated works to the car park area of the neighbouring development to the south fall outwith the current application site boundary, those works would require a separate planning permission. The RDM team are satisfied that, subject to further details of the indicative bridge link as part of a separate application and its subsequent installation if approved, the bridge would enable a satisfactory and safe means of pedestrian access (including for disabled users) to the application site from Abbotswell Road. The Planning Service is therefore satisfied that, subject to a 'Grampian' condition prohibiting the occupation of the proposed development until such time as an appropriate bridge link (or such other safe means of pedestrian access as may be deemed acceptable) has been formed, the development would be capable of being accessed safely by walking, wheeling and cycling. 100% secure and covered cycle parking would be provided within the building at ground floor level.

Therefore, as the site lies within walking distance of public transport and the wider adopted pedestrian footpath networks, it would be sufficiently accessible by sustainable and active modes of transport, in accordance with Policies 13 of NPF4 and T2 of the ALDP.

Car Parking

The application site lies in an Outer City Area, as defined in the Council's Transport & Accessibility Interim Aberdeen Planning Guidance (Interim Transport & Accessibility APG). Although the site lies within walking distance of public transport services and various facilities and amenities, it is acknowledged that residents of the proposed development may be likely to own cars and the provision of dedicated off-street parking is thus desirable. The Interim Transport & Accessibility APG incorporates a guideline figure of 0.8 car parking spaces per unit for housing association / social rented housing developments in the Outer City. The car parking requirement for the 24 housing association flats therefore equates to 20 spaces (rounded up from 19.2). The proposed development would incorporate 24 car parking spaces, including two disabled bays. As such there would be a slight overprovision as per the Interim APG guidance but the small amount of additional spaces is minimal and would facilitate one space per unit.

At present there are 20 car parking spaces within the application site and although the building has lain vacant for several years its authorised use is as a nursing home. The vacant nursing home is understood to incorporate approximately 60 bed spaces and shortly before it closed in 2019, the nursing home had 37 residents and 55 permanent staff. The Planning Service is therefore satisfied that not only does the site lie within walking distance of public transport services and various other facilities and amenities, but that the proposed development would incorporate sufficient car parking for the number of flats proposed, in excess of the guideline requirements of the Interim Transport & Accessibility APG, and also the amount of parking required for 24 affordable flats is likely to be less (potentially significantly so) than the authorised use of the building as a nursing home, which could be resumed / reinstated without permission. It is thus considered that sufficient car parking would be provided for the proposed development and that there would not likely be any significant impacts on parking supply for neighbouring uses, particularly the adjacent sports centre and football ground. The proposals are therefore compliant with Policy T3 (Parking) of the ALDP.

Planning Obligations

Policy 18 (Infrastructure First) of NPF4 and Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP both require any deficiencies in local public facilities or infrastructure that would arise as a result of a proposed new development to be addressed via the payment of financial contributions, where necessary. The Council's Developer Obligations team has reviewed the proposals in line with the Council's Planning Obligations Interim Supplementary Guidance and in consultation with various stakeholders, and they advise that financial contributions are required in

order to offset the impact of the proposed development on local healthcare facilities (Torry Medical Practice) and the core path network (Core Path 85: Tullos Park and Inverdee Pitches). The applicant is agreeable to paying the required contributions, which would be secured via a Section 75 legal agreement, should Committee resolve to approve the application.

In terms of Education, the application site is within the catchment areas for Kirkhill Primary School and Lochside Academy. Lochside Academy has sufficient capacity to accommodate additional pupils and although Kirkhill Primary School is expected to exceed its working capacity in the near future, on the basis that the proposed development would comprise 100% 1-bed units, no new pupils are expected to be generated, therefore no education contribution is sought.

As a landscaped garden and communal external amenity space would be provided in the development, no off-site open space mitigation or contribution is required and no contributions are required towards Community Facilities or Sports & Recreation.

Therefore, subject to the conclusion of a legal agreement to secure the aforementioned healthcare facilities and core path contributions, the proposed development is considered to be acceptable in accordance with the requirements of Policies 18 of NPF4 and I1 of the ALDP.

Affordable Housing

Policy 16 (Quality Homes) of NPF4 and Policy H5 (Affordable Housing) of the ALDP require 25% of all housing developments of 5 or more units to be provided as affordable housing. The proposed development would comprise 100% affordable housing (social housing operated by a Registered Social Landlord - Hillcrest). The proposal has been discussed with the Council's Housing Team and is in the Strategic Housing Investment Plan (SHIP), therefore the proposed development would significantly exceed the minimum 25% affordable housing requirement as set out in Policies 16 and H5. Due to the housing mix of the development being entirely 1-bed flats, and thus not fully in accordance with the requirements of Policy H3 (Housing Mix) of the ALDP (see below), all of the units shall be secured as affordable housing in perpetuity, via the Section 75 legal agreement.

Density

Policy H3 (Density) of the ALDP states that: *'The Council will seek an appropriate net density of development on all housing allocations and windfall sites. Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space.'*

Policy H3 doesn't specify a minimum density for residential developments on sites under one hectare in size, but notes that sites over one hectare in size should have a minimum density of 50 dwellings per hectare, with higher densities expected within the city centre, on public transport nodes and on brownfield sites.

The site is approximately 5,000sqm in size and with 24 flats proposed, that equates to a density of approximately 48 dwellings per hectare. Such a density is considered to be compatible with the Policy H3 minimum density sought for larger sites and would represent the efficient and sustainable re-use of the existing building on an accessible brownfield site. Given the development would comprise 100% 1-bed flats, it would not be possible to increase the density further without new-build elements. The proposals are thus considered to be of a satisfactory density considering the context of the site and the surrounding area, in accordance with Policy H3.

Housing Mix

Policy 16 (Quality Homes) of NPF states:

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;*
- ii. accessible, adaptable and wheelchair accessible homes;*
- iii. build to rent;*
- iv. affordable homes;*
- v. a range of size of homes such as those for larger families;*
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;*
- vii. homes for people undertaking further and higher education; and*
- viii. homes for other specialist groups such as service personnel.*

Policy H4 (Housing Mix and Need) states:

'An appropriate housing mix is expected in housing developments to reflect the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

For smaller developments (fewer than 50 units), a suitable mix of dwelling types and tenure will be provided in the interests of placemaking and local housing need and demand.'

Although the flats would all be 1-bed units, they would include a large number (50%) of wheelchair accessible units and the proposed development would comprise 100% affordable flats, to be operated by Registered Social Landlord, Hillcrest. The Council's Housing Strategy team have advised that the proposed development is included within the Council's Strategic Housing Investment Plan (SHIP) and that there is demand for 1-bed flats in the city, with two and three-bed flats in low demand for social rent. Therefore, based on the current need for 1-bed social-rented flats in the city, the lack of a mix of dwelling types and tenure for the proposed development is considered to be acceptable in the instance, in accordance with Policy 16 of NPF4 and despite some minor conflict with the aims of Policy H4 of the ALDP.

Natural Heritage

Policy 4 (Natural Places) of NPF4 and Policy NE3 (Our Natural Heritage) of the ALDP both require new developments which would be likely to have a significant effect on an existing European site (Special Area of Conservation - SAC) to be subject to an "appropriate assessment" in order to identify the implications of the development for the conservation objectives of the SAC.

The River Dee is a European Special Area of Conservation (River Dee SAC) and it flows west to east adjacent to the north-western boundary of the application site, with a small unnamed burn, a tributary to the Dee, running along the southern and western edges of the site. As such, a Habitat Regulations Appraisal screening exercise was undertaken in order to ascertain the potential impacts of the proposed development on the qualifying features of the River Dee (salmon, otter and freshwater pearl mussel). The HRA screening identified that as the application site is a brownfield site and the proposed development would comprise the refurbishment and conversion of the existing building, with no new-build elements, it would not be likely to have any significant effects on the qualifying features of the River Dee SAC. As such, no Appropriate Assessment was required. Any potential impacts of the indicatively proposed pedestrian bridge link would be assessed separately as part of any future planning application for the bridge.

Therefore, given the brownfield nature of the site, no protected species are considered likely to be present on the application site and the proposals are therefore compliant with Policies 4 and NE3.

Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 states that development proposals will not be supported where they will result in:

- i) *any loss of ancient woodlands, ancient or veteran trees, or adverse impact on their ecological condition; and*
- ii) *adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.*

Policy NE5 (Trees and Woodland) of the ALDP states that: *'development should not result in the loss of, or damage to, trees and woodlands... Where tree removal takes place or is necessary for good arboricultural reasons, replacement planting will be required to ensure an overall net gain in tree cover. Development that does not achieve this will not be supported.'*

The site is not covered by a Tree Protection Order but nevertheless, it is preferable to retain as many existing trees within and bordering the site as possible, as per the aims of Policies 6 and NE5. A total of 10 trees are proposed to be felled. However, all of the trees are noted in the applicant's Tree Survey as being semi-mature, with two category 'B' trees (moderate quality and value), four category 'C' trees (low quality and value) and four category 'U' trees (any existing value would be lost within 10 years, therefore could be removed for arboricultural management reasons).

The removal of the existing trees is required either in order to facilitate the development (by removing blockages to internal daylight receipt and facilitating the enlargement of the existing carpark), or because some of the existing trees are of a low quality and value. As part of the development it is proposed to plant ten new replacement trees (two Cherry, three Whitebeam, four Crab Apple and one Holly Oak) in the rear curtilage, adjacent to the unnamed burn that runs along the western edge of the site. The requirement to remove the existing trees is justified and considered to be acceptable on the basis of the proposed indicative replacement planting scheme, further details of which can be secured by condition. Therefore the Planning Service is satisfied that, subject to the submission of a detailed soft landscaping scheme, including the planting of additional trees within the site, the proposals would be acceptable in accordance with Policies 6 and NE5.

The area of proposed expansion of the existing car park to the front of the building would result in new development taking place within portions of the root protection areas of some trees along the southern edge of the site, adjacent to the unnamed burn. This tree belt forms an important localised landscape feature which helps to visually soften and break-up the streetscape of the surrounding area which is otherwise relatively built-up and hard-landscaped. The applicant has provided details of a 'no-dig' construction method for the partial excavation of the existing area of topsoil that would be required in order to facilitate the expansion of the car park. Further, precise details of the construction works are required by condition, in order to ensure that there would not be any significant adverse impacts to the roots of the adjacent trees which could harm their longevity, either in terms of direct damage or compaction. The use of a geo-grid system with porous pavements should enable the car park area to be enlarged without causing significant harm to the existing trees. Therefore, subject to approval of further details secured via condition, the proposals are acceptable in accordance with Policies 6 and NE5.

Landscaping

Policy D5 (Landscape Design) of the ALDP requires development proposals to be designed with an effective, functional and attractive landscape framework supported by clear design objectives, with the level of detail appropriate to the scale of development.

The vast majority of the existing established tree belt that runs along the southern and west edges of the site would be retained and whilst some existing trees would require to be felled, they are not generally of any significant quality or value. The proposed development would also incorporate new shrub and meadow-mix flower planting to both the front of the building and within privacy buffer shrub margins in front of ground-floor level front-elevation windows. Given the relatively constrained, brownfield nature of the site, and the need for useable areas of communal open space, it is not possible to incorporate a significant amount of new landscaping but nevertheless, the Planning Service is satisfied that, subject to further details in a detailed soft landscaping scheme via condition, the development could be appropriately landscaped, in accordance with the requirements of Policy D5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed development is relatively small-scale such that it would not, in itself, make any significant direct difference to the global climate and nature crises, nor to climate mitigation and adaptation. However, the proposed development would repurpose an existing building in an accessible location within the existing Aberdeen settlement boundary for a reasonable number of affordable residential flats, which would make a contribution towards addressing housing need in the city and reducing future pressure on the release of further greenfield land elsewhere within the city for housing in less sustainable locations. Furthermore, the existing building's walls and roof would be upgraded to meet current building regulations in terms of energy efficiency and it is therefore considered that the development would be inherently sustainable and could indirectly help to tackle the climate crisis and present opportunities to minimise greenhouse gas emissions and the proposals are therefore compliant with Policies 1 and 2 of NPF4.

Policy 3 (Biodiversity) of NPF4 requires proposals for local development *'to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.'* The proposed works predominantly relate to the conversion of the existing building but as part of the proposals, new private garden ground areas would be formed, along with a communal garden area within the rear curtilage. Although some trees would be felled to facilitate the development, they would be replaced with new trees in the rear curtilage, along with associated hedge and shrub planting. The proposals would thus likely provide a minor biodiversity gain for the site compared to the existing situation and it is therefore considered that the proposals are acceptable in accordance with Policy 3 of NPF4.

Flooding and drainage

Policy 22 (Flood Risk and Water Management) of NPF4 and Policy NE4 (Our Water Environment) of the ALDP both require new development to not be at risk of flooding and be adequately drained, thereby not increasing the risk of flooding to any neighbouring properties. The policies also require new developments to connect to the public sewer for foul drainage and for surface water to be drained sustainably on-site, without connecting into the public combined sewer network.

The applicant has submitted a Drainage Impact Assessment document which advises that the proposed development would be drained as at present, with additional car parking areas to be surfaced with porous pavements that would allow an attenuated discharge rate of surface water into the existing surface water sewer. The existing building drainage would remain in place, therefore the development would be adequately drained and would not pose a flood risk to any neighbouring properties. Scottish Water have confirmed to the applicant that there is sufficient capacity in both the Invercarnie Water Treatment Works and the Nigg Waste Water Treatment Works to service the proposed development.

Although bordering the River Dee, the application site sits on higher ground and is not at risk of flooding from the Dee. The small, unnamed burn which runs along the southern and western edges of the site is occasionally prone to some flooding but as with the Dee, the application site lies on higher ground and is not affected by any flooding of the burn. The applicant has submitted a Flood Risk Assessment which concludes that the application site is not at risk of flooding, nor would the proposed development heighten the risk of flooding to either the application site or any neighbouring properties. The findings of the applicant's Drainage Impact and Flood Risk Assessments are accepted by the Council's Flooding team.

Subject to a condition requiring further details of the proposed underground drainage network to attenuate and dispose of surface water falling on new areas of hardstanding within the site, it is considered that the proposed development would not be at risk of flooding and would be adequately drained, ensuring no increased risk of flooding to any neighbouring uses – all in accordance with Policy 22 of NPF4 and NE4 of the ALDP.

Waste Management

Policies 12 (Zero Waste) of NPF4 and R5 (Waste Management Requirements for New Development) of the ALDP require all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

The Council's Waste Strategy team have advised that the development would require to accommodate 2 x general waste bins, 2 x general waste bins (all 1280l) and one food waste container. A bin store large enough to accommodate the aforementioned bins is proposed to be erected towards the front of the site and a swept path analysis drawing demonstrates that a bin lorry would be able to enter and exit the site in a forward gear. As such, the proposals are compliant with Policies 12 and R5.

Low & Zero Carbon buildings, and water efficiency

Policy 19 (Heat and Cooling) of NPF4 states:

- (f) *Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.*

The proposed development would see dual aspect flats created on the ground floor, all of which would have appropriate sustainable temperature management by virtue of their orientation and ability to naturally cross ventilate. The first-floor level flats, whilst single aspect, would all face either to the south-east or south-west and as such, they would all receive direct sunlight at some point during the day. Due to their orientation, they would benefit from passive solar gain, which would help to reduce heating demand and associated lifecycle greenhouse gas emissions. The proposals are thus considered to be compliant with the requirements of Policy 19 of NPF4.

Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP requires new buildings to demonstrate that a proportion of the carbon emissions reduction target set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies and to reduce pressure on water abstraction from the River Dee through the incorporation of water saving technologies. The low & zero carbon and water efficiency technologies are not applicable to changes of use or the conversion of existing buildings however, thus the proposed development is acceptable, in accordance with Policy R6.

Policy R8 (Heat Networks) of the ALDP requires developments (including conversions exceeding 1,000sqm floorspace) within the city centre and/or within an identified heat network zone to connect to an existing heat network provide an alternative form of on-site sustainable heating or cooling. Although the building exceeds 1,000sqm in floor area, the site does not lie within the city centre and at the time of writing no Aberdeen Planning Guidance has yet been produced in relation to Heat Networks, therefore Policy R8 is not applicable to the proposed development.

Digital Infrastructure

Policy C11 (Digital Infrastructure) of the ALDP requires all new residential and commercial development to have access to modern, up-to-date high-speed communications infrastructure. The application site lies in an area of the city where high-speed broadband is known to be readily available. A condition is attached requiring all of the flats to have the ability to access to high-speed internet upon occupation, thus the proposals are acceptable in accordance with Policy C11.

Suicide Risk

Policy 23 (Health and Safety), paragraph (f) of NPF4 requires development proposals to be designed to take into account suicide risk. The proposed development would not incorporate any particular features that would increase the risk of suicide, being a low-rise residential development with appropriate associated landscaping and boundary treatments. The proposals are thus considered to be generally acceptable and in accordance with Policy 23(f) of NPF4.

Healthy Developments

Policy 23 of NPF4 states that development proposals that will have positive effects on health will be supported, whilst Policy WB1 (Healthy Developments) of the ALDP states that: *'Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.'*

The proposed development would create 100% affordable housing, the ground floor flats of which would each have access to their own private garden areas, whilst all flats would also have access to the large, sheltered communal garden area to the rear of the building. The development would have an outlook onto an established tree belt to the south and west, and over the River Dee to the north-west, and the natural setting of the expansive Tullos Park would be short distance away by foot. The Banks o' Dee sports facility adjacent to the site could also be easily utilised and accessed by occupants of the proposed flats for physical activity and sports participation, should they wish. The proposals are thus considered to be generally compliant with the requirements of Policy 23 of NPF4 and Policy WB1 of the ALDP.

Matters raised in representations

The majority of the matters raised in representations received from third parties are addressed in the foregoing evaluation. The remaining matters not addressed above, are each addressed, in turn,

as follows:

- *Improper development of land zoned for business and industry*

The proposed development is contrary to Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan (ALDP) as residential use would be out of character with the area and conflict with the adjacent Banks o' Dee sports facility.

Response: As noted above, the proposed development is not contrary to the requirements of Policy B1 of the ALDP, which does not specifically exclude residential development, nor any other form of development, provided existing Class 4, 5 and 6 uses would neither be lost or adversely affected by proposed development. The adjacent Banks o' Dee sports facility does not incorporate any Class 4, 5 or 6 uses, therefore Policy B1 is not applicable in terms of the impact of the proposed development on its operations.

- *Traffic generation, road and pedestrian safety*

The access road to the site from Abbotswell Road is already at capacity and would be insufficient as a pedestrian connection to a residential development, particularly given its narrow width and already heavy use by the adjacent sports facility. The proposed development would thus increase traffic above the capacity of the access road and result in road and pedestrian safety issues

Response: Subject to the granting of a separate permission for the indicatively proposed pedestrian bridge link, residents would be able to use the bridge link to the neighbouring residential development, which would then provide a safe pedestrian route to Abbotswell Road and the surrounding adopted footpath network. The amount of vehicle trips generated by the proposed development is considered likely to be broadly similar to that of the authorised nursing home use for the site, therefore it is considered that there would not likely be any significant impacts on traffic and road safety.

- *Impact on character of the area*

The proposed development would adversely affect the character of the area and would not meet the six qualities of successful places – contrary to Policy 14 (Design Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP.

Response: The character of the surrounding area is mixed, with a mix of uses, building sizes and designs. The proposed works would enhance the localised visual amenity of the area and the proposed new use would not affect the character of the area. The proposals are considered to be compliant with the six qualities of successful places for the reasons set out in the foregoing evaluation.

- *Security, health and safety*

The proposed development would cause security issues and would have a negative impact on the wellbeing of young people and children using the adjacent sports facility.

Response: The Planning Service does not consider that the proposed development would cause security issues or have a negative impact on the wellbeing of any persons, including children. The proposed development would reoccupy a long-term vacant building that is currently boarded up and has the potential to attract anti-social behaviour in its current form.

The conversion of the building for residential use would reintroduce natural surveillance which would be a deterrent to anti-social behaviour.

- Noise Impact Assessment limitations

The applicant's Noise Impact Assessment does not include football (Banks o' Dee) matchdays and with the club having in excess of 7 teams in the Scottish Highland League, noise from the stadium will adversely affect residents.

Response: The applicant's Noise Impact Assessment includes noise data taken in conjunction with input from the adjacent sports centre, with amplified music played in two studios and the gym simultaneously with all windows wide open for ventilation purposes, to give a 'worst case' scenario for noise from the sports centre.

Whilst the NIA does not include noise data taken from football matchdays, including Banks o' Dee who play competitive fixtures in the Highland League, the Planning Service considers that any such noise produced by football practice and fixtures would be unlikely to exceed the 'worst case' scenario of noise generated by amplified music and activity from the gym, sports hall and studios, whose windows and some doors face towards the application site. The football pitch is situated on the opposite side (north-east) of the Spain Park main stand and the sports centre building. Therefore the risk of noise leakage from the football pitch (and spectators) towards the application site is not considered to be significant.

- Wheelchair access

There is nothing on the plans about wheelchair accessible homes and the current access road is unsuitable for wheelchair access.

Response: The ground floor flats have all been designed to be wheelchair accessible. Subject to the granting of a separate permission for the indicatively proposed pedestrian bridge link, residents with wheelchairs would be able to use the bridge link to the neighbouring residential development, which would then provide a safe pedestrian & wheelchair route to Abbotswell Road and the surrounding adopted footpath network.

- Lack of consultation with neighbours

The lack of consultation with neighbours in the pre-application and planning process is rude and disrespectful

Response: The proposed development is a local, rather than a major development and there is no statutory requirement for applicants to either engage with neighbours during the pre-application process, nor is there a requirement for pre-application consultation for local developments.

- Maintenance of the communal access road

The communal access road has been maintained and improved at the expense of the sports facility and the owner of the former nursing home has not contributed in any way, nor entered into any dialogue in relation to the maintenance of the road.

Response: Land ownership and shared maintenance liabilities are not material planning considerations.

- Impact on fundraising for the adjacent sports facility

The redevelopment of the application site for residential use would result in donors and sponsors of the adjacent sports facility withdrawing their financial support which is heavily relied upon for the maintenance and enhancement of the facility.

Response: Such matters are not material planning considerations.

- Burden on permitted use

There is a burden on the use of the property as a nursing home which should be honoured by the Council.

Response: Title deed and similar burdens are not material planning considerations.

- Fire risk of external cladding

Response: The alleged safety implications of the use of building materials and cladding are not material planning considerations and would instead be assessed by the Council's Building Standards team as part of any Building Warrant application.

- Pedestrian bridge link to neighbouring residential site

Response: The pedestrian bridge link over the adjacent burn, to the neighbouring residential development, would be sited outwith the application site and would therefore require a separate planning permission. Its presence on the plans for the current application are therefore for indicative purposes only. The merits of the indicatively proposed bridge link would be assessed fully in any separate planning application and a Grampian condition attached to the current permission, if approved, would prevent the development from being occupied unless the bridge link is installed.

- Pedestrian bridge – procedure

Response: The Planning Service is aware that the indicatively proposed pedestrian access bridge does not form part of the current application and will require a separate application. Condition 2 (Scheme for Safe Means of Pedestrian Access) prevents the development from being occupied until such time as an appropriate scheme for a safe means of pedestrian access to the site, agreed with the Planning Authority, has been implemented.

- Pedestrian bridge – Land ownership

Response: Land ownership is not a material consideration and any disputes over ownership and access rights would be a matter between the various parties involved. A negative suspensive condition is attached (Condition 2).

Heads of Terms of Legal Agreement

Should the Planning Development Management Committee resolve to approve the application, a Section 75 legal agreement shall first require to be concluded in order to secure the aforementioned financial developer obligations towards healthcare facilities and core paths, as well as securing all of the flats as affordable housing in perpetuity.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The proposed change of use of the vacant nursing home building to form affordable residential flats would not result in the loss of any existing business or industrial uses, nor would the development harm the operations of any nearby business or industrial uses, therefore the proposals are not contrary to the aims of Policy B1 (Business and Industrial Land) of the Aberdeen Local Development Plan 2023 (ALDP). Although authorised for use as a nursing home (Class 8), the existing building has lain vacant since 2019 without any viable interest in resuming the authorised nursing home use. Furthermore, there is spare capacity in existing nursing / care homes in Aberdeen City, thus the loss of the existing facility has been adequately justified, in accordance with Policy WB4 (Specialist Care Facilities) of the ALDP. The proposed development would not adversely affect the operations or viability of the neighbouring sports centre and football club, in accordance with Policy CF1 (Existing Community Sites and Facilities) of the ALDP.

The provision of affordable housing, on a sustainably accessible site, which is included in the Aberdeen Strategic Housing Investment Plan, is acceptable in accordance with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and the sustainable re-use of a brownfield site, including a vacant building is compliant with the aims of Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 12 (Zero Waste) of NPF4.

A satisfactory level of amenity would, on balance, be afforded to the residents of the proposed development, in accordance with the requirements of Policy D2 (Amenity) of the ALDP and sufficient open space would be provided, in accordance with Policy NE2 (Green and Blue Infrastructure) of the ALDP. Subject to the implementation of mitigation measures, the residents of the development would not be significantly affected by any external sources of noise, in accordance with the requirements of Policy 23 (Health and Safety) of NPF4 and Policy WB3 (Noise) of the ALDP.

The development would be of an appropriate design quality for the application site context and would meet the six qualities of successful placemaking as set out in Policy 14 (Design, quality and place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. The development would be in a sustainably accessible location, within walking and cycling distance of various amenities and facilities, in accordance with the aims of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. Subject to the delivery of a safe means of pedestrian access to the site via condition, the site would be accessible via sustainable and active modes of transport, in accordance with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) of the ALDP. Sufficient car parking would be provided for the proposed use, in accordance with Policy T3 (Parking) of the ALDP.

The development would exceed the 25% affordable housing requirement as set out in Policy 16 (Quality Homes) and Policy H5 (Affordable Housing) of the ALDP and developer obligations shall be secured to offset the impact of the development on local healthcare facilities and the core path network, in accordance with Policies 18 (Infrastructure First) of NPF4 and I1 (Infrastructure Delivery and Planning Obligations) of the ALDP.

The proposed development is also generally compliant with all other relevant policies in NPF4 and the ALDP in relation to: density, housing mix, natural heritage, trees, landscaping, climate change, biodiversity, flooding & drainage, waste management, digital infrastructure, suicide risk and healthy developments.

CONDITIONS

(1) 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.

(2) SCHEME FOR SAFE MEANS OF PEDESTRIAN ACCESS

The development hereby approved shall not be occupied unless a scheme for the safe means of pedestrian and wheelchair access to and from the site from Abbotswell Road has been submitted to and agreed in writing by the Planning Authority and thereafter the approved scheme has been implemented in accordance with the agreed details, prior to the occupation of the development.

Reason: In order to ensure that the development can be accessed safely by walking and wheeling.

(3) NOISE MITIGATION

The development hereby approved shall not be occupied unless the critical noise mitigation measures set out in the 'Mitigation' section on Pages 17-20 of the approved Noise Impact Assessment (Couper Acoustics - Ref: 1029212314 – V1, Date: 8 June 2022) have been implemented in full.

Reason: In order to protect the residents of the development from external sources of noise and to protect the operations and viability of neighbouring commercial uses.

(3) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interests of visual amenity.

(4) SOFT LANDSCAPING AND TREE PLANTING

No works in connection with the development hereby approved shall take place unless a scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained;
- (ii) The location of new trees, shrubs, hedges, grassed areas;
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (iv) An indication of existing trees, shrubs and hedges to be removed.
- (v) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed no later than the 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.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(5) HARD LANDSCAPING MATERIALS

No works in connection with the development hereby approved shall take place unless a scheme of hard landscaping works, including the surface materials to be used for all roads, car parking areas, footpaths and other areas of hard landscaping, has been submitted to and approved in writing by the Planning Authority. Thereafter no flat shall be occupied unless the works have taken place in accordance with the agreed details.

Reason: To ensure the use of satisfactory materials for the hard-landscaped aspects of the development.

(6) CAR PARKING

The development hereby approved shall not be occupied unless the car parking area has been laid out in accordance with the details shown on approved Bradley Craig Architects drawing D(0-)01 Revision H (Proposed Site Plan), or other such drawing as may be agreed in writing with the Planning Authority.

Reason: In order to ensure that sufficient car parking is provided for the development.

(7) BOUNDARIES

The development hereby approved shall not be occupied unless a detailed scheme of site and plot boundary enclosures (including all fences and walls) for the entire development has been submitted to and approved in writing by the Planning Authority. Thereafter the boundary treatments shall be installed in accordance with the agreed details prior to occupation.

Reason: in order to preserve the character and amenity of the area.

(8) ELECTRIC VEHICLE CHARGING POINTS

The development hereby approved shall not be occupied unless details of all electric vehicle charging points to be installed in the car parking area have been submitted to, agreed in writing with, the Planning Authority and the charge points have thereafter been installed in accordance with the agreed details.

Reason: In order to ensure that sufficient electric vehicle charging points would be provided, thus encouraging the use of sustainably powered vehicles.

(9) TREE PROTECTION

No development in relation to the extension of the car park shall take place unless a detailed cross-section and construction methodology for the areas of the extended car parking area that would be formed within the root protection areas of trees to be retained, as shown on the approved Tree Survey Site Plan drawing (Struan Dalgleish Arboriculture – March 2023 - Appendix 1), has been submitted to and agreed in writing with the Planning Authority. Thereafter the works shall not take place other than in accordance with the agreed details. All other works within the site shall not take place other than in accordance with the tree protection details set out in sections 4.3 and 4.4 of the approved Tree Survey.

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

(10) DRAINAGE INFRASTRUCTURE

No development shall take place unless a scheme of all new drainage infrastructure, designed to meet the requirements of Sustainable Urban Drainage Systems, has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the agreed scheme.

Reason: in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(11) WASTE MANAGEMENT

The development hereby approved shall not be occupied unless the bin store area shown on approved drawings D(0-)01 Revision H (Proposed Site Plan) and D(0-)05 Revision B (Proposed Elevations) has been constructed and the required bins (2 x 1280l general waste, 2 x 1280l mixed recycling and 1 x food waste container) have been installed and are made available for use by residents upon occupation.

Reason: In order to ensure that waste and recyclables generated by the development would be securely and hygienically stored pending collection.

(12) CYCLE PARKING

The development hereby approved shall not be occupied unless details of the cycle racks to be installed within the Ground Floor cycle store have been submitted to and approved in writing by the Planning Authority. Thereafter the cycle storage facility shall be provided as shown on approved drawing D(0-)02 Revision G (Proposed Ground Floor Plan) and with the approved racks installed prior to occupation.

Reason: In the interests of encouraging more sustainable and active modes of travel.

(13) RESIDENTIAL TRAVEL PACK

No unit shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel

options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit on occupation.

Reason - In order to reduce dependency on the private car for travel.

(14) BROADBAND CONNECTION

No unit shall be occupied unless a scheme for the provision of a full fibre broadband connection to each flat has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved and no flat shall be occupied unless provided with a full fibre broadband connection.

Reason: In order to provide all flats with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan 2023.

(15) EXTERNAL LIGHTING

The development hereby approved shall not be occupied unless a scheme for all external lighting within the development has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme.

Reason: In the interests of public safety.

ADVISORY NOTES FOR APPLICANT

(1) NOISE FROM CONSTRUCTION WORKS

Operations creating noise which is audible at sensitive receptors should not occur outside the hours of 7am to 7pm Monday to Friday and 8am to 1pm on Saturdays.

(2) BIN PROVISION

The 24 flats will be provided with:

- 2 x 1280l general waste container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- 2 x 1280l co-mingled recycling container 128CM W X 145CM H X 100CM D (90cm minimum clearance to manoeuvre bins)
- 1 x food waste container for each bin store. 62CM W X 129.8CM H X 74CM D (80CM X 80CM (90cm minimum clearance to remove internal bin from front opening casing)
- 24 x kitchen caddy and caddy liners (for each property)

When planning bin stores, please take these measurements into account to ensure ease of use residents and collection for crew.

The following costs will be charged to the developer:

- Each 1280l bin costs £454.00
- Each food waste container costs £566.00
- Kitchen caddy and caddy liners £0.00
- A delivery of 10 or less bins will incur a £33 delivery fee.

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

It is pertinent to note that these services will be provided taking account of the following:

- No excess should be stored out with the containment provided. This is fly tipping.
- If the bin store will be locked and/ or involve a barrier, 8 keys must be provided for each store, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Please submit a PO for the bins you require.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact wasteplanning@aberdeencity.gov.uk