

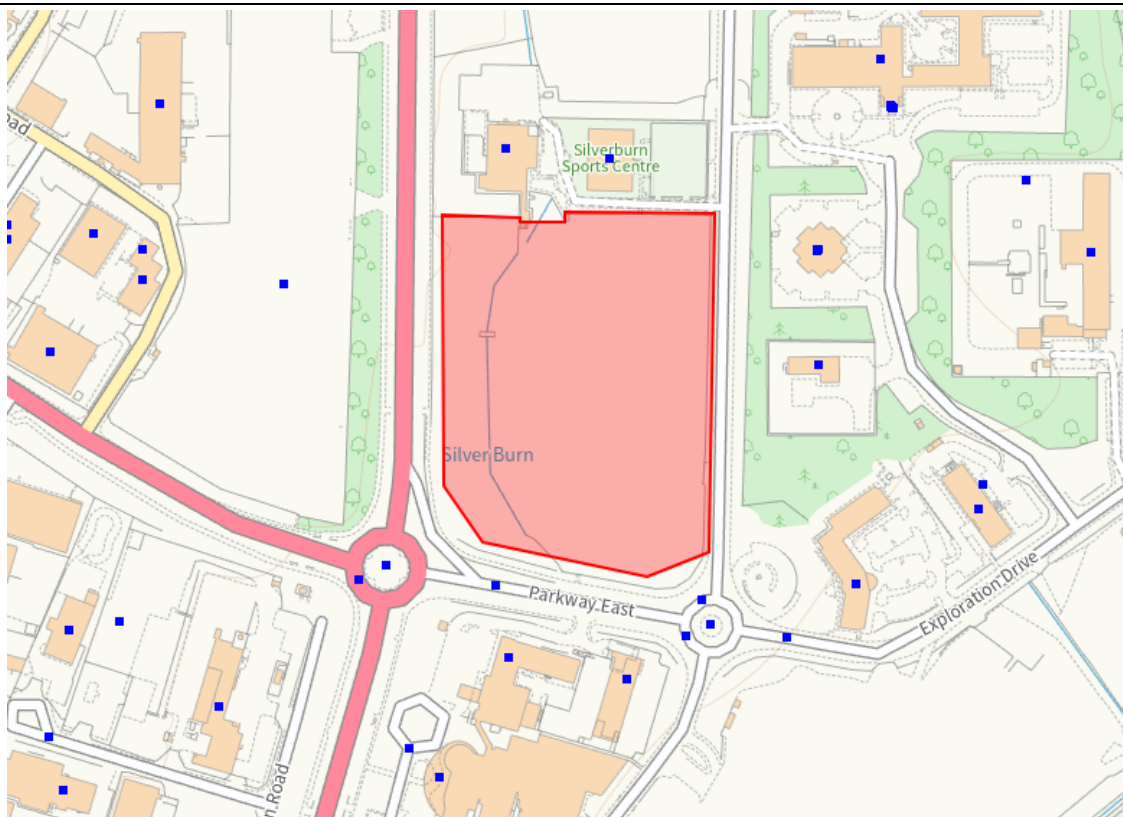


Planning Development Management Committee

Report by Development Management Manager

Committee Date:

Site Address:	Claymore Drive, Bridge Of Don, Aberdeen AB23 8GD
Application Description:	Approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (Ref: 191904/PPP) for the erection of 67 homes, supporting infrastructure and open space
Application Ref:	240839/MSC
Application Type	Approval of Matters Specified in Cond.
Application Date:	9 July 2024
Applicant:	Cala Homes (North) Limited
Ward:	Bridge Of Don
Community Council:	Bridge Of Don



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site is that of the former Silverburn House, a demolished office building located in a prominent position on a main route (A92 Ellon Road) into Aberdeen from the north.

The application site is allocated as Opportunity Site 12 – Silverburn House (OP12) as an opportunity for 100 homes on former employment land and is zoned under Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2023 (ALDP).

The site is largely cleared following the building being demolished in 2019. The application site covers an area of c.3.4 Hectares. The Silver Burn crosses the site from north to south and the land between the burn and the western boundary has become naturally maturing open space. There is an existing footbridge on the site over the burn. Bands of maturing trees are located along the eastern and southern boundaries of the site, which form part of a uniform landscaped tree line around Claymore Drive. The application site boundary is slightly smaller than that of the Planning Permission in Principle (reflecting what is included within the title boundary). The application site boundary in the PPI covers a total area of c.3.7 Hectares. The areas omitted from this application site boundary include a 10m wide strip to the west, a 6m wide strip to the south and areas to the southwest and southeast. It is understood these areas will remain as open green space.

The site is bounded to the west by Ellon Road (the A92), to the south by Parkway East, to the east by Claymore Drive, beyond which is the business and industrial premises of the 'Aberdeen Energy Park', and to the north by Silverburn Gymnastics Centre and the Bridges Pre School Nursery Silverburn Lodge. To the south and southeast of the site lies the former Aberdeen Exhibition and Conference Centre (AECC). Whilst much of that former complex has been demolished, there remains the substantial western section, which is currently in Class 10 use by 'King's Church' as well as an adjacent vacant hotel, both of which are to the south of the application site beyond Parkway East. Other than the site of the vacant hotel, the former AECC is allocated as an Opportunity Site 13 - AECC Bridge of Don (OP13) in the ALDP. Around 180 metres to the north of the application site is Opportunity Site 2 - Cloverhill (OP2), which is currently being developed as a residential led development of circa 530 homes under planning permission 210884/MSC.

Relevant Planning History

On the application site, Planning permission in Principle 191904/PPP granted the erection of a residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of up to 500 sqm of commercial floorspace (within classes 1 (shops), 2 (financial, professional and other services) and/or class 3 (food and drink)) with associated works.

In 2021, Planning Permission in Principle P150824 granted the redevelopment of OP13 (the former AECC to the southeast of the site) by way of the erection of a mixed use development to include approximately 498 residential units, commercial and business uses, a recycling centre and a park and ride facility. A Matters Specified in Condition (MSC) application (Ref: 240850/MSC) was submitted in July 2024 for the erection of 333 homes and associated works and is currently pending. The same year, MSC application 210884/MSC granted the erection of 536 homes on OP2 to the north of the site, as well as commercial/community/sports facilities and associated landscaping, open space and infrastructure.

APPLICATION DESCRIPTION

Description of Proposal

Approval is sought for the matters specified in conditions (MSC) 1 (phasing), 2 (detailed design), 3 (landscaping information), 4 (trees), 5 (drainage), 6 (historic drainage), 7 (SUDS), 8 (de-culverting/realignment), 9 (flood risk assessment), 10 (environmental enhancements), 11 (CEMP), 12 (street design), 13 (pedestrian crossing), 14 (traffic regulation orders), 15 (bus stops), 16 (safe routes), 17 (residential travel pack), 18 (noise assessment/mitigation measures), 19 (dust risk assessment), 20 (commercial floorspace), 21 and 22 (contaminated land) and 23 (carbon reduction/water efficiency) in relation to Planning Permission in Principle (Ref: 191904/PPP).

These matters relate to the erection of 67 dwellings, supporting infrastructure and open space. The dwellings would comprise 51 mainstream dwellinghouses (of which there would be 37 detached, 6 semi-detached and 8 terraced dwellinghouses) and 16 affordable dwellings (comprising 12 flats, 2 semi-detached dwellinghouses and 2 terraced dwellinghouses).

Amendments

In agreement with the applicant, the following amendments have been made to the application –

- The reduction in the number of homes from 72 to 67, primarily as a result of the revision to accommodate the central open space and a public footpath between ‘Road 1’ and ‘Road 2’.
- Various revisions to the proposed layout, including but not limited to:
 - The incorporation of an open space centrally within the development;
 - The incorporation of play equipment in the form of an active trail area in the open space to the west;
 - The addition of a path and recreational play space in the open space to the west of the site;
 - Alterations to the parking layout of the affordable homes;
 - Ensuring acceptable garden lengths and window-to-window distances;
 - Alterations to boundary treatments;
 - Adjusting the layout to orientate dwellings towards Claymore Drive;
 - The inclusion of visitor parking.

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=SGAM4LBZHH600>

- Arboricultural Impact Assessment
- Construction Environmental Management Plan
- Dust Risk Assessment
- Energy Statement
- External Materials
- Noise Impact Assessment
- Parking Schedule
- Residential Travel Pack

- River Condition and Enhancement Report
- River Assessment Statement
- Safe Route to School Assessment
- Geo-Environmental Interpretative Report
- Statement on Housing Mix
- Watercourse and Flooding Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal timeous objection by the local (Bridge of Don) Community Council within whose area the application site falls.

CONSULTATIONS

ACC - Contaminated Land Team – Has reviewed the Geo-Environmental Interpretative Report (Fairhurst) submitted in support of the above development and is satisfied that there is no evidence to suggest that significant contamination is present. Recommend that the associated planning conditions (21 and 22) are discharged.

The team agrees with the recommendation in the report of preparing a 'Detailed Material Management Strategy', that UKWIR testing is undertaken in accordance with the latest Scottish Water guidance on completion of the earthworks and once the final alignment of the water main is agreed and that waste management guidelines/regulations should be followed with respect to any surplus materials that require removal offsite.

ACC - Developer Obligations –The development is covered by an existing Section 75 legal agreement which identifies the planning obligations required to mitigate the impact of development. Any permission granted by an MSC would be bound by the terms of the existing agreement which would accommodate the development through proportionate contributions payable on a per unit basis, quarterly in arrears.

ACC - Environmental Health – No objection raised.

Condition 18 – Noise

The Noise Impact Assessment prepared by Envirocentre (Document no 14389) in September 2024 for Cala Homes has been reviewed. It should be noted that normal noise criteria required by the Service will not be met with open windows at this development. In order to meet the noise criteria requested windows will need to be kept closed and trickle ventilation installed to meet minimum noise requirements. All noise mitigation measures detailed within section 6.2 of the report should be fully implemented.

Condition 19 – Dust

The Dust Risk Management Plan prepared by Fairhurst for the Silverburn Development on Claymore Drive (July 2024 – Issue 3) has been reviewed and mitigation measures detailed within the plan will meet the criteria requested by this Service. On this basis it is considered that Condition 19 has been met.

ACC - Housing - Affordable housing provision should comprise a minimum of 16 units provided on-site as social rent and 0.75 units as a commuted sum. A minimum of 3 affordable homes should be wheelchair accessible. They recommend that the developer enters into early

discussions with a rented social landlord regarding the purchase of these units as social rent.

The units delivered need to meet housing need and demand, which currently means there is little requirement for 2 bed units. Family sized houses are the greatest need and therefore the development should provide affordable houses which adequately reflects the development as a whole. Bedrooms should be double bedrooms where possible.

ACC - Roads Development Management Team – There are no outstanding roads concerns with this proposal.

Phasing

The development will not be completed in phases and works and infrastructure will be planned based on delivery of the whole development. This is noted and accepted. It should be ensured that construction is undertaken in such a way that there is always suitable vehicular and pedestrian access.

Drainage

The submitted drainage assessment utilises the simple index approach to assess the suitability of the proposed SUDS measures. The hazard mitigation indices exceed the pollution indices for all proposed SUDS measures. There are no concerns in this regard.

The SUDS pond has been designed to be at least 5m from any adoptable surface. This is acceptable.

Street Design

The level of visitor parking has been agreed upon and is acceptable. The locations shown are also acceptable, subject to a revised landscaping drawing showing that these spaces are practical. Should such a drawing be submitted, no further consultation is needed on this matter.

The positioning of the affordable housing is somewhat unfortunate, as it appears to be placed where there is no scope for on-street parking. If there is insufficient parking, it will be difficult for residents to park near to their homes. Because more parking provision would be provided than is required in current Aberdeen Planning Guidance this is a note, and not a concern which needs actioned.

The pedestrian crossings at the site access have been extended into the site to provide safer crossing locations away from the junction.

Adequate traffic calming has been included within the site layout.

The applicant has confirmed that all driveways adhere to ACC minimum size requirements.

Regarding dropped kerb lengths, the applicant has confirmed that some double-double driveways are required. The applicant has been informed that these prolonged lengths of dropped kerb may hinder gully placement and they should ensure that this layout does not impede their drainage layout which will be assessed at the RCC stage or redesign may be required.

The applicant has done a very good job of designing the site to adhere to the junction spacing requirements which have recently been highlighted as being mandatory.

The cross corner and forward visibilities shown are acceptable.

The applicant notes that “all homes will be designed to be highly energy efficient and incorporate electric vehicle charging.” This is noted and accepted. The EV provision should adhere to Building

Standards requirements.

The affordable housing refuse store and collection points are noted, and no concerns are raised with respect to these.

Pedestrian Crossing (Condition 13)

The applicant has submitted a drawing showing the proposed toucan crossing layout, and how its provision would alter the existing road. This is acceptable at a high level, however the geometry and finer details will be assessed with more scrutiny as part of the required Road Construction Consent application.

Traffic Regulation Orders (Condition 14)

The applicant notes that, through pre-application discussions with the planning authority, ACC stated 'we can confirm that this has been undertaken already as part of the delivery of the Cloverhill Development ... As such, the matter specified has been addressed and no further information is required.' This is noted and accepted.

Bus Stop Upgrades (Condition 15)

It had been advised previously that a bus shelter would be required on the South side, and a standalone pole would suffice on the North side. These details are shown on the associated site drawings.

The extent of bus stop upgrades has been agreed upon with the applicant. No consideration has been given to amending the bus stop locations as they are existing and this application would have no reason to warrant moving them.

Safe Routes to School (Condition 16)

The applicant has submitted a Safe Routes to School Assessment. This assessment has been subject to revision as a result of discussions with ACC – Roads Development Management Team. The new revision of the document is considered acceptable and highlights safe routes to school.

Residential Travel Pack (Condition 17)

The submitted Residential Travel Pack is acceptable.

ACC - Schools Estates Team – No response received (as they have no comments to make).

ACC - Structures, Flooding and Coastal Engineering – Reviewed the updated 'Watercourse Investigation and Assessment of Flooding, Sep 2024' and the drawing 'Overland Flood Routing' submitted on 2 October and have no further comments.

ACC - Waste and Recycling – No objection. General guidance for the developer, what would be provided by Aberdeen City Council and the fees has been provided in the response.

Aberdeen International Airport – No objection – The development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Bridge of Don Community Council – Objection – Whilst having reviewed the updated Safe Routes to School Assessment, they are more comfortable with the suggestions given in the document, they remain concerned with the speed not being reduced at the Toucan crossing on Parkway East during school times. The crossing would not just serve the housing within this development but would have some of the children from the Cloverhill development too, in total having children from approximately 600 properties. Ellon Road is becoming a property corridor, the speed limit from B&Q to the Parkway should be 40mph, however this is frequently exceeded and Police have been informed. There should be a deterrent in place before another development

is started.

Police Scotland – It is recommended that the developer liaise with the Police Scotland Architectural Liaison service at each stage of the development for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CPTED). Due consideration should be given to crime reduction measures during the construction phase to ensure that goods and materials are not subject to theft. Police Scotland encourage the applicant to attain the 'Secured By Design' award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

Scottish Environment Protection Agency (SEPA) – Following the submission of further information, SEPA is satisfied with the information submitted and that it is sufficient to discharge the condition 6 and 9 in terms of their interests. The proposal is considered acceptable and the site would be at a low risk of flooding and there would be no resultant increase in flood risk elsewhere. With respect to condition 10, SEPA do not object to the discharge of this condition if (1) the Silverburn River Condition Assessment and Enhancement Report and the CEMP are revised to indicated that invasive non-native species material will be removed from the site (and appropriately disposed of) and (2) the management proposals outlined in section 5 of the Silverburn River Condition Assessment and Enhancement Report (October 2024) are implemented. They recommend that the culverts and channel of the Silver Burn are cleared and kept maintained as they are indicated to be partially blocked by silt and vegetation (since this consultation, it has been confirmed that the channel will be cleared of silt).

Scottish Water – No objection – There is sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service the development, although further investigations may be required once the formal application has been submitted. Scottish Water will not accept any surface water connections into the combined sewer system except in limited exceptional circumstances on brownfield sites and there being significant justification. Further general guidance has been provided.

REPRESENTATIONS

None.

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

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.

- Policy 1 (Tackling the Climate and Nature Crises)

- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 5 (Soils)
- 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 20 (Blue and Green Infrastructure)
- Policy 21 (Play, Recreation and Sport)
- Policy 22 (Flood Risk and Water Management)
- Policy 23 (Health and Safety)
- Policy 24 (Digital Infrastructure)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy 23 (Health and Safety)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D4 (Landscape)
- Policy D5 (Landscape Design)
- Policy H1 (Residential Areas)
- 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 R2 (Degraded and Contaminated Land)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Affordable & Specialist Housing
- Amenity & Space Standards
- Flooding, Drainage & Water Quality
- Landscape
- Materials
- Natural Heritage
- Noise

- Outdoor Access
- Open Space & Green Infrastructure
- Planning Obligations
- Resources for New Development
- Transport & Accessibility
- Trees & Woodlands
- Waste Management Requirements for New Developments

EVALUATION

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires planning authorities, when considering all development proposals, to give significant weight to encouraging, promoting and facilitating development that addresses the global climate emergency and nature crisis. Similarly, Policy 2 (Climate Mitigation and Adaptation) encourages, promotes and facilitates development that minimises emissions and adapts to the current and future impacts of climate change. Policy 3 (Biodiversity) seeks the enhancement of biodiversity.

Condition 1 (Phasing)

This condition requires a phasing programme to be approved by the Planning Authority outlining the delivery of buildings, open spaces and roads infrastructure across the entire application site with trigger points for the delivery of retail and/or commercial use to meet local need generated by new residential development.

In this instance, the agent has confirmed that the application will not be completed over multiple phases. The works and infrastructure – including the delivery of buildings, open spaces and roads infrastructure are thus planned based on the delivery of the whole of the development in a single phase. The timing in terms of the implementation of the infrastructure and provision of landscaping are stipulated in the conditions of the PPIp.

Whilst there was retail and/or commercial floorspace included in the PPIp, the detailed design is a residential development and no retail or commercial uses are proposed. There are existing retail and commercial uses in the area that satisfy the needs of the development and meet the aims of Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4. Consequently it is not necessary for such uses to be included in this development in order to meet the local need that would be generated.

Condition 2 (Detailed Design)

Condition 2 sets out the level of detail that must be submitted with an MSC application regarding the detailed design. The information that has been submitted with the application is in accordance with the specific details required by this condition as detailed plans, elevations, landscape, waste collection and drainage details having all been submitted.

Policy 14 (Design, Quality and Place) of NPF4 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Similarly, Policy D1 (Quality Placemaking) of the ALDP requires all development to ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Design and Placemaking

Vehicular access to the development would be taken from three junctions on Claymore Drive, the southernmost of which is existing. Within the development there would be a primary loop road (Road 1) connecting two of these accesses and another road (Road 2) connecting the middle access to the loop road. This network would serve most of the development, however there would also be two shared driveways each serving two detached houses. This arrangement would provide satisfactory levels of permeability and avoid cul-de-sacs, limiting the instance in which larger vehicles such as refuse collection vehicles would need to reverse. The Silver Burn would not be re-routed and the existing mature open space to the west and southwest of the site and the existing bridge over the burn would remain, providing an attractive setting for the housing. The landscaping scheme in this open space would include a path connecting to the north of the site and a recreational play space which would be in clear sight of the dwellings (Plots 28-32) on 'Road 1', providing natural surveillance.

A formalised footpath would connect the development with Parkway East to the south and the Toucan crossing across Parkway East would be on the desire line on Parkway East path connection. The application has been revised since submission so that the development would have a central area of open space with a footpath running centrally between 'Road 2' and the northern section of 'Road 1' through the area of central open space. This would provide suitable access to the open space from everywhere in the development in relatively short distances as well provide a pleasant focal point to the layout and good pedestrian permeability. The development would accord with the principles of 'Crime Prevention Through Environment Design' as it would incorporate suitable natural surveillance with front doors facing the streets, blank walls have generally been avoided in the design and the development would incorporate 'defensible space' in that there would be clearly defined front gardens, rear gardens and public open space. Following the submission of amendments to the design, the siting of open space, roads and paths, the layout is considered acceptable and there is a cohesive residential layout incorporating acceptable placemaking characteristics, working within the technical constraints of the site in terms of drainage and flood risk from the existing Silver Burn, providing opportunities for sustainable and active travel and having safe road design and acceptable parking provision (which is addressed in the evaluation of the relevant conditions below).

The development would incorporate acceptable street scenes which would relate to its site context. Road 1 would run parallel with, and have dwellings orientated towards the Silver Burn, providing an attractive outlook. The eastern part of the development would predominantly have a frontage onto Claymore Drive, which would integrate the development into the existing established streetscape, and blank gables have been avoided. There would be a consistent colour palette, comprising white render, light grey roughcast, natural stone, grey uPVC windows and doors and dark grey concrete tiles with the addition of front porches and gables adding variety. The dwellings would be acceptable in terms of their two storey forms, being of a scale and height proportionate to the length of the rear gardens to allow for sufficient sunlight within the development. In terms of its integration into the existing landscape, many of the dwellings would be orientated to the roads outside the site, including some on Claymore Drive which would directly front the existing road. To the south of the housing, a soft landscaped buffer would remain along Ellon Road and Parkway East. It is recognised that the scale and form of the dwellings would not necessarily be consistent with the scale of the existing roads infrastructure and the former AECC buildings to the south of the site, although would become so once OP13 has been developed for housing. It is considered that the proposed development would be of design, set within the established boundaries of the site, that would contribute to the local landscape and townscape character, in accordance with the aims of Policy D4 (Landscape) of the ALDP.

The supporting text for OP12 states that the site is an 'opportunity for 100 homes on former employment land' and that it needs to link into OP2 (Cloverhill) and OP13 (former AECC). The proposal would link to these sites using the existing footways on Ellon Road and Parkway East respectively. Whilst this would not follow a desire line through the development via the open space to the west, such a route would not be feasible because it would involve the development of a path on land outwith the control of the applicant. As such, it has not been proposed. The development would link to OP13 using the proposed toucan crossing. The pedestrian connections elsewhere and accessible walkable nature of the layout would support the aims of Policies 1 and 2 of NPF4.

Amenity

Policy D2 (Amenity) of the ALDP states that development will be designed to ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook. The qualities of successful placemaking referred to in Policy D1 (Quality Placemaking) of the ALDP also expects development to avoid unacceptable impacts on adjoining uses in terms of invasion of privacy.

All dwellings would be afforded acceptable levels of sunlight and daylight and garden areas and the internal floorspace of the dwellings would be acceptable. Rear gardens would be an appropriate length of at least 9m and there would be acceptable window-to-window distances to maintain adequate levels of privacy. With the proposed noise mitigation measures including acoustic fencing in specific locations (to be implemented as required by Condition 18), the dwellings and private gardens would not be subject to significant noise levels from any industrial activity or road traffic. The development would meet the requirements of the Amenity and Space Standards Aberdeen Planning Guidance. As such, the dwellings would be afforded acceptable levels of residential amenity, in accordance with Policies 14 of NPF4, and D1 and D2 of the ALDP.

Housing Density

Policy H3 (Density) states that the Council will seek an appropriate net density of development on all housing allocations. It seeks that for all residential developments over one hectare, the net density of new development is generally sought at no less than 50 dwellings per hectare. This is to achieve efficient use of land in terms of the scale and layout of the site and its context. This is a brownfield site that is well-serviced in terms of roads infrastructure and public transportation, adjacent to a primary route through the city. The total number of dwellings envisaged in the PPiP was 100-150 dwellings. 110 dwellings as well as commercial floorspace were shown on the indicative site plan submitted with that application. This application would result in there being 67 dwellings on the application site and a housing density of 20 dwellings per hectare across the site, in conflict with Policy H3 of the ALDP.

The applicant's Statement of Housing Mix sets out why a greater number of units could not be achieved. The PPiP indicated that the Silver Burn would be re-routed to the west of the site, creating a larger developable area and solely proposed flats and terraced dwellings to facilitate the density of development that had been allocated in the ALDP. The applicant sets out through the current application that due to the restriction on the title (resulting in the application site boundary in this application), the change in ground levels along the west of the site where the burn was previously proposed to be re-located and thus the limited land available to re-route the burn would have likely have required significant earthworks to existing mature open space and would have resulted in development being located in close proximity to Ellon Road with minimal buffer. The burn would not be re-routed in the proposed layout in this MSC, with the area to the west of the burn instead being an open space buffer with the road. The layout in the PPiP would have also utilised a road outside the application site boundary to the north, which due to ground levels would

not be feasible. The indicative layout in the PPIp also planned for the development to have unadopted roads and the areas of SUDS (sustainable urban drainage systems) indicated would not be of a size that would meet Scottish Water requirements. These matters when taken together demonstrate that the total area available for residential plots is significantly less than what was shown in the indicative layout of the PPIp. The result is that the proposed layout incorporates substantial areas of open space and sufficiently sized SUDS to the south and west. In terms of the resulting developable area, excluding the Silver Burn, the proposed open space to its west and south, and the SUDS proposed to the southeast, the density would be 28.6 dwellings per hectare.

In terms of having a greater density within the developable area available for residential dwellings, it is considered that the proposed layout could have incorporated a greater number of dwellings than what is being proposed, noting the significant number of detached dwellinghouses proposed. In terms of urban form, there are large buildings to the immediate south, notably the King's Church (the former AECC), and thus residential buildings on this site of more than two storeys could have been considered as an alternative in this context. A greater number of terraced and semi-detached dwellings with private gardens (including 'townhouse' style housing types) in place of some of the large, detached dwellings could have increased the overall density.

It is however acknowledged in terms of meeting affordable housing need and demand, there is no current need for the provision of two-bedroomed flats, which provides justification for not providing such housing types. The Statement of Housing Mix presents that the development of flats and smaller dwellings on this site would not be viable from a marketing perspective taking into account the number of smaller units being proposed as part of the OP13 and that adding smaller units to increase numbers would likely impact the rate of sales for the proposed development that currently offers a different housing type to much of what has been submitted in OP13 (Ref: 240850/MSC). The applicant considers that this would make it unviable, slowing the delivery of this prominent vacant brownfield site.

Taking into account the limited developable area, even if such revisions had been made, it is unlikely that the number of dwellings could have been significantly increased whilst also affording the occupants acceptable levels of amenity, open space and the required levels of infrastructure. Taking into account that much of the site would remain undeveloped as publicly accessible open space, that it would have acceptable placemaking characteristics (as set out below) and the justification presented, the conflict with Policy H3 is not to a degree that warrants refusal.

Housing Mix and Affordable Housing

The existing legal agreement requires affordable housing to be delivered on-site. Policies 16 (Quality Homes) of NPF4 and H5 (Affordable Homes) of the ALDP require the provision of at least 25% of the total number of homes to be affordable housing. Policy 16 states that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs will be supported. The development requires 16.75 affordable homes based on the number of units proposed. As required, the proposal incorporates 16 dwellings as affordable housing and the 0.75 fractional amount can be paid as a commuted sum as part of agreed developer obligations.

Policy H4 (Housing Mix) requires housing developments of larger than 50 units to achieve an appropriate mix of dwelling types and sizes. The proposed layout includes a range of unit types, giving variety to the development. The development would have a mix of housing types with slightly higher density residential blocks located towards the north and centre of the site. The dwellings would comprise 51 mainstream dwellinghouses (of which there would be 37 detached, 6 semi-detached and 8 terraced dwellinghouses) and 16 affordable dwellings (comprising 12 flats, 2 semi-detached dwellinghouses and 2 terraced dwellinghouses). There would be eleven house

types, which would provide interest and avoid significant repetitiveness. The units would range from one-bedroom affordable 'cottage' flats, three-bedroom affordable terraced dwellings, three-bedroom semi-detached dwellings, four-bedroom and five-bedroom detached dwellings, providing a variety of accommodation sizes. There would be accessible three one-bedroom cottage flats, which would be affordable housing. The affordable housing tenure is to be sold to a Rented Social Landlord for the provision of social rented affordable housing units. It is understood that at the time of writing that the provider has not been agreed.

There is a range of housing types, including affordable housing types and a sufficient number of affordable dwellings is proposed, as required by the legal agreement and in accordance with Policies 16 of NPF4 and H4 and H5 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

A refuse vehicle swept path analysis has been submitted which shows where waste and recycling would be stored and that there would be sufficient space for waste refuse vehicles to manoeuvre. The carry distance for the occupants of the dwellings accessed via shared driveways would not be excessive. Bins for the would generally be stored in gardens and presented on driveways or bin stances for collection day. On-street bin stores would be provided for some of the affordable dwellings.

Suicide

Policy 23 (Health and Safety) of NPF4 requires development proposals to be designed to take into account suicide risk. There are no features apparent within the development which would increase the risk of suicide occurring.

Summary

In summary, notwithstanding the conflict with Policy H3 (Density), the layout and design of the development are acceptable and accord with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policies D1 (Quality Placemaking), D2 (Amenity), H4 (Housing Mix) and H5 (Affordable Housing) and that any deviations from the detailed layout of Planning Permission in Principle have been justified. Condition 2 requires the design and layout to be implemented in accordance with the approved details.

Condition 3 (landscaping information) and Condition 4 (trees)

Condition 3 requires landscape details to be submitted. In general terms, it requires details of existing and proposed soft and hard landscape features, trees, water features, boundary treatment and play equipment. It furthermore requires a tree survey, arboriculture impact assessment and tree protection plan, a management plan for watercourse buffer strips and a programme for the completion and subsequent of landscaping. This information has been submitted accordingly.

Policy 3 (Biodiversity) of NPF4 requires development proposals to incorporate biodiversity enhancements.

Open Space Provision and Landscape Design

Policy NE2 (Green and Blue Infrastructure) of the ALDP requires the provision of biodiverse, usable and appropriate open space in new developments to ensure functionality. The proposed development would incorporate various green and blue infrastructure into the development. Policy D5 seeks development to be designed with an effective, functional and attractive landscape framework.

The Silver Burn would have a 6m wide buffer and the open space to its west would primarily comprise meadow grassland and would have a path within it. The mature trees in this area, which contribute significantly to the landscape setting of the site and provide a buffer from Ellon Road, would be unaffected by this development and would be retained. Additional planting is proposed along this corridor to enhance the soft landscape setting. SUDS would be included in the southeast corner. Distinct formalised areas of open space would be incorporated into the development with the central area of open space forming a focal point within the development and amenity land would be included along key sightlines to soften the streetscape. This would include an area of open space in the southeast corner and areas of amenity space to the east, which would retain the soft landscaped edge on Claymore Drive. Alongside the open space contributions required by the existing legal agreement, the development would incorporate acceptable and varied areas of open space throughout with a variety of planting of varying species. The retention of the existing area of open space to the west of the Silver Burn (also formerly undeveloped as amenity space) is maturing into meadow grassland. As such, the retention of this and its incorporation into the landscape design of the wider development, in addition to the proposed SUDS and planting would be positive and enhance the overall existing biodiversity of the site.

Trees

Policy 6 (Forestry, Woodland and Trees) of NPF4 seeks to protect and expand forests, woodland and trees. It goes on to state that development proposals that '*enhance, expand and improve woodland and tree cover will be supported*' and that '*Development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value.*' Policy NE5 (Trees and Woodland) largely reiterates these aims.

The development proposal would result in the removal of approximately 20 maturing maple trees that bound the site along Claymore Drive together with other trees within the development itself. Whilst this presents tension with policies 6 and NE5, approximately 83 new trees are proposed throughout the site. Hedge and replacement tree planting is proposed along much of this boundary which would be interspersed by dwellings which are orientated towards Claymore Drive, which contribute to the local landscape character. Alongside the proposed planting throughout the site, biodiversity enhancements are proposed in the form of bee hotels, hedges and meadow grassland. As such, taking into account the proposed planting and biodiversity enhancement measures, the loss of these trees would not be to a degree that warrants refusal.

Maintenance Details

Policy 20 (Blue and Green Infrastructure) of NPF4 states that development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Condition 3 requires that all soft and hard landscaping proposals are carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement the development (or such other date as may be agreed in writing with the Planning Authority). It also requires any planting which, within a period of 5 years from the

completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, to be replaced by plants of similar size and species to those originally required to be planted.

Condition 4 requires that no units are occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved by the planning authority.

The proposed landscaping would be provided and maintained in accordance with the landscape plan. It states that a factor will be appointed to assist in the establishment of a residents' association to follow the proposed landscape maintenance. Tree protection details have been set out in the Arboricultural Impact Assessment. These details are satisfactory for the purpose of these conditions.

Benches and Play Equipment

Policy 21 (Play, Recreation and Sport) of NPF4 states that development proposals likely to be occupied by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development. It also seeks new streets and public realm to be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood.

The proposal would include benches at appropriate locations within the development including within the central open space, at the southern end of the site adjacent to the Silver Burn and the SUDS, as well as the active trail area. Open spaces would be provided with adequate levels of natural surveillance and the active trail would include play equipment, to the benefit of children and young people, in accordance with the aims of Policy 21.

Boundary Treatments

Boundary treatments would take the form of 1.8m high timber fences to enclose rear gardens and masonry walls in areas where the boundaries are more prominent. The front gardens of the majority of the dwellings would be bounded by hedges, adding visual interest and softening the streetscape. The boundary treatments are acceptable.

Summary

The development would include acceptable tree planting and biodiversity enhancements are proposed throughout the site, including flower beds, shrubs, hedges, as well as bee hotels which would offset the loss of these trees, which would provide a strong landscape framework. The proposed landscape details are acceptable and include a variety of clearly defined open space and biodiversity enhancements. The landscape details accord with the aims of Policies 1, 2 and 3 of NPF4, as it would give significant weight to the global climate emergency and nature crisis and incorporate biodiversity enhancements. The development would include usable and appropriate open space to ensure functionality, in accordance with Policies 20 (Blue and Green Infrastructure) and NE2 (green and Blue Infrastructure) of the ALDP. The development would have an attractive landscape framework, in accordance with Policy D5 (Landscape Design) of the ALDP.

Conditions 5 (drainage) and 7 (SUDS)

Condition 5 requires details of the proposed means of disposal of foul and surface water in the form of sustainable urban drainage systems (SUDS) and for a 'development impact assessment' and detailed design and methodology statement. Condition 7 requires a scheme detailing the levels of SUDS surface water treatment, an assessment to demonstrate how the layout and design has considered the feasibility of de-culverting any watercourses within the site. A maintenance schedule has also been submitted. The conditions require these matters to be agreed, in consultation with SEPA.

Proposed Drainage System

Policies 22 (Flood Risk and Water Management) of NPF4 and NE4 (Our Water Environment) of the ALDP requires surface water to be managed through SUDS and to avoid flooding and pollution both during and after construction.

A drainage assessment, drainage strategy plan, drainage adoption plan and overland flood flow routing plan have been submitted which details the levels of SUDS. The development would include SUDS in the form of a drainage basin in the southeast corner of the site that will attenuate surface water and discharge into the existing sewer to the east of Claymore Drive. For building roofs, the water would drain via downpipes to new gravity drains, which would discharge via disconnection chambers to the new surface water sewer network. This would then drain to the detention basin to the south. From here the water would discharge at a restricted rate to the existing surface water sewer. Drainage channels would be provided between driveways and the public road to intercept water and to gullies. The Roads Development Management Team confirm that the hazard mitigation indices exceed the pollution indices and, as such, the measures would be sufficient.

Consideration for Re-aligning Watercourse and the 6m Buffer Between the Burn and Private Plots

The re-alignment of watercourses on the site, specifically the Silver Burn, would not be feasible (as explained in evaluating the matter of housing density in Condition 3). Condition 7 requires a minimum 6m buffer to be maintained between the development (including garden ground and property boundaries) and the top bank of the Silver Burn and any proposals to de-culvert watercourses through the site. There would be a minimum 6m buffer between the proposed development and the nearest property boundary, in accordance with this condition, and as accepted by SEPA.

Connection to Existing Public Sewer System

Condition 5 also seeks that the development connects to the public sewer system and that the dwellings are not occupied unless the drainage system has been provided and is operational. The development would connect into the existing public sewer system, with the intention for these to become adopted and thus maintained by Scottish Water. Scottish Water has been consulted and confirm that there is sufficient capacity. Policies 22 of NPF4 and NE4 of the ALDP both have a presumption against surface water connections to the combined sewer system and therefore the proposed arrangements are in full accordance with these planning policies.

Conditions 5 and 7 – Summary

The proposals are in accordance with Policy NE4 (Our Water Environment) which requires proposals to be the most appropriate in terms of SUDS. The original condition requires work to be undertaken in accordance with the approved scheme. The measures would support the aims of policies 1, 2, 3 and 22 of NPF4 through the use of more sustainable methods deal with surface water run-off.

Condition 5 requires that the development is occupied unless the agreed drainage system has been provided, is operational. Condition 7 requires the works to be carried out in accordance with the approved levels of SUDS surface water treatment. Policy 5 requires the drainage system is maintained throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Condition 6 (historic drainage)

Condition 6 requires a scheme for the treatment/decommissioning/removal of historic site drainage infrastructure to be submitted and approved in writing by the planning authority, in consultation with SEPA. The reason for the condition is to prevent the abandonment of waste and pollution of the environment.

Section 3.0 of the Drainage Assessment states that all historic private drainage infrastructure will be investigated and removed from the site and that should be necessary to retain any of the existing drainage, then proposals will be provided to justify its retention. SEPA are satisfied that this is sufficient for the purpose of this condition. As set out in addressing Conditions 21 and 22 below, there is no risk of land contamination on the site. The Contaminated Land Team have not objected to the application. The Construction Environmental Management Plan also demonstrates that there would be no risk of water pollution from the development. These details are acceptable as a scheme to address the matters specified in this condition.

Condition 8 (de-culverting/realignment)

Condition 8 requires a detailed scheme for the protection and enhancement of the water environment to be submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. The details required have been specified in the condition and the information has been submitted, as required.

The Silver Burn would not be realigned and there are no other watercourse engineering works proposed and it would not be feasible given the site constraints. No other permanent engineering activities are proposed in the water environment. The existing bridge over the watercourse would be incorporated into the development and would be used for access to the open space to the west. Surface water run-off would not be directed into the Silver Burn. SEPA have no objection with respect to the information submitted to address the matters specified in this condition. The proposal would include a 6m buffer between the development of the site and the corridor. The information submitted to discharge this condition is in accordance with the aims of Policies 22 and NE4 of the ALDP.

Condition 9 (flood risk assessment)

Condition 9 requires a Level 2 Flood Risk Assessment to be submitted and approved in writing by the planning authority, in consultation with SEPA, and sets out the details that are required within that submission.

Policy 22 (Flood Risk and Water Management) of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. In terms of the layout, the burn would not be re-aligned, there would be an acceptable buffer between the residential plots and the Silver Burn, and the development would avoid the functional floodplain (taking into account climate change).

Policy 22 of NPF4 seeks development to not be located within areas at risk of flooding (which it defines as land or built form with an annual probability of being flooded greater than 0.5%, including an appropriate allowance for future climate change). Whilst no detailed modelling had been provided, the information outlines the flows likely to reach the site along the Silver Burn and that the channel on the site would have capacity to convey these without impact on the development. SEPA accept this and have stated that this information is in accordance with all other information they hold on flood risk for the area. The Silver Burn channel would not overtop its channel and thus there would be no such risk to flooding within the development itself. In terms of culvert blocking, the culvert at the north of the site would be removed to prevent any risk from if it were blocked. The River Condition and Enhancements Report states that silt will be removed from the channel, as recommended by SEPA.

The exception in terms of flooding would only be if the culverts were to be blocked within and immediately downstream of the site, where they would a slight overland flow over the path at the south of the site, adjacent to the existing bridge to the west, and the footway to the southeast of the site adjacent to the SUDS. Otherwise, the development would not be at risk of flooding and the development would not result in additional flood risk off-site, in accordance with Policies 22 and NE6 of the ALDP.

SEPA also recommends that the culverts are unblocked. This has been added as an advisory note.

Condition 10 (environmental enhancements)

Condition 10 requires a scheme of environmental enhancements, including reference to those listed in paras 5.2 and 5.3 of SEPA's consultation response for the PPIP (dated 11 February 2020), to be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

The paragraphs in the response are wide ranging and include details relating to incorporating resource-efficient buildings, open space, biodiversity, sustainable and active travel. These matters have been addressed throughout this evaluation. It sought the development to have a 'horse-shoe' of open space, which it would have to its west and south, include SUDS and have a path over the Silver Burn to encourage resident interaction with the green/blue space. It would maintain the landscaping belt of open space along Parkway East and furthermore none of the trees along the southern boundary would be affected by the development. Invasive non-native species would be removed from the burn. The environmental enhancements proposed are acceptable. SEPA have stated that they have no objection to the discharge of this condition if the invasive non-native species are removed and appropriately disposed of, and if the biodiversity enhancements are implanted. It has accordingly been stated in the documentation that both these measures will be implemented and they are acceptable. The condition requires the scheme of environmental enhancements to be implemented in full.

Condition 11 (CEMP)

Policy NE3 (Our Natural Heritage) of ALDP states a CEMP may be required to address any potential adverse impacts on waterbodies during construction. Condition 11 requires a site-specific Construction Environmental Method Plan (CEMP) to be submitted and approved in writing by the planning authority in consultation with SEPA. This is in order to minimise the impacts of necessary demolition and construction works on the environment.

A CEMP has been submitted accordingly, which sets out how demolition and construction works would take place, the health and safety procedures, and procedures to minimise disturbance in

terms of noise, hours of construction (which would take place during standard working hours), mud on the road, lighting, dust, preventing pollution, waste storage and prevention. It also states that the invasive non-native species (INNS) would be removed from the Silver Burn and appropriately disposed of. SEPA have not commented on this condition. However, the CEMP is acceptable. The condition requires that the works are undertaken in accordance with the details agreed.

Condition 12 (street design)

Condition 12 requires the submission of details in relation to the proposed street design, including a parking strategy, road geometry, dimensions and swept-path analysis; road junctions and visibility splays; traffic calming measures; footway and cycleway provision; gradient; level details; finishing/surfacing materials and crossing points. The condition is in the interests of road safety. These details have been submitted with the application.

The development would have acceptably sized roads, traffic calming measures on both 'Road 1' and 'Road 2', acceptable visibility splays and swept path analysis would ensure that drivers, including refuse vehicles, would not need to undertake excessive manoeuvres and there would be adequate visibility. There are no cul-de-sacs, with the two turning heads in the shared driveways in this development being for individual dwellings.

An acceptable level of car parking would be provided, including visitor parking provision located in the south and west of the development adjacent to 'Road 1' and with the affordable housing provision. The proposed car parking provision is in accordance with the Transport and Accessibility Aberdeen Planning Guidance. Parking provision for detached houses would be in-curtilage and parking provision for the affordable housing would be in the form of a parking court adjacent to the affordable housing, including accessible parking spaces on both sides of the street. Driveways would be spaced at sufficient intervals to ensure parking would not dominate the space (allowing space for trees the front gardens of some of the detached dwellings. Since June 2023, the Building Standards Domestic Technical Handbook imposes requirements in terms of EV charging which supersede planning requirements, which would ensure that electric vehicle charging provision would be provided.

Condition 12 requires that no building will be occupied unless the streets and parking areas for the respective block are complete and available for use.

Conditions 13 (pedestrian crossing) and 15 (Bus Stops)

Condition 13 requires a scheme for a 'toucan' pedestrian crossing across Parkway East has been submitted to and approved in writing by the planning authority. This is to ensure that the site has appropriate pedestrian infrastructure to allow connection to local schools, shops and services in the surrounding area.

Condition 15 requires a scheme of upgrades to the bus stops on Parkway East to be submitted to, and agreed in writing by the planning authority. This is to provide the necessary infrastructure to make the development accessible by public transport and to encourage travel by sustainable means.

Policy T2 of the ALDP states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. It also states that where sustainable transport links to and from new developments are not in place, developers will

be required to provide infrastructure to support such facilities or a suitable contribution towards implementation.

The proposed layout would include such a crossing across Parkway East. A detailed plan of this and the alterations to the existing road has been submitted. This would be appropriately located on a desire line adjacent to the end of the southern footpath into the site and provide connection to the wider area to the south, as well as the local schools. The Roads Development Management Team accept this information and the drawings of the crossing that have been submitted, albeit they advise that the geometry and finer details will be assessed in greater detail separately through a Road Construction Consent application.

The proposal would upgrade the existing bus stops to the south of the application site on Parkway East and details of these have been submitted. A shelter would be located on the south side, and a standalone pole be located on the North side. The proposed crossing and bus stop upgrades are acceptable for meeting the requirement of Conditions 13 and 15, in accordance with Policies 13 of NPF4 and T2 of the ALDP.

Conditions 13 and 15 of the PPiP require no buildings within the development to be occupied unless these have been provided.

Condition 14 (traffic regulation orders)

Condition 14 requires Traffic Regulation Orders to have been obtained for the reduction of speed limits on the A92 to 40mph, including provision for temporary 20mph limits during school travel times prior to the occupation of any of the buildings within the development.

This was also a condition of the delivery of OP13 - Cloverhill and the speed limit along the A92 has already been reduced to 40mph, with a provision for temporary 20mph speed limits during school travel times, in line with housing having now been delivered and occupied at Cloverhill. As such, this matter has been addressed.

Condition 16 (safe routes to school)

Condition 16 requires a scheme providing safe routes to school to be submitted to, and approved in writing by the planning authority, and that the scheme includes the details of measures, including a timetable for implementation, required to help ensure safe travel to school. In response to this condition, the applicant has submitted a Safe Routes to School Assessment and this has been updated since submission.

In summary, to reach Scotstown Primary School, the pupils would cross the proposed toucan crossing on Parkway East (required by Condition 13), cross the toucan crossing on Ellon Road south of the Parkway roundabout and walk south along Ellon Road before turning west to walk along North Donside Road before reaching a signalised crossing on Scotstown Road. To reach Braehead School and Bridge of Don Academy, pupils would cross the proposed toucan crossing on Parkway East and the existing crossing on Ellon Road and would walk along the south side of the Parkway, using the existing footpath network. They would reach the existing zebra crossing on Scotstown Road and would be able to use Core Path 13 to reach them. The Roads Development Management Team have raised no concerns with respect to the proposed safe routes to school. The route avoids the need to traverse any industrial road, notably Broadfold Road.

The condition requires that no residential units are occupied unless the route has been provided (which would require the toucan crossing on Parkway East to be provided).

Condition 17 (residential travel pack)

Condition 17 requires the submission of a Residential Travel Pack based on the principles set out in the Travel Plan Framework agreed in the PPIp and containing proposals for reducing dependency on the private car. That Travel Plan Framework, in general terms, requires it to address matters to increase awareness among residents of travel choices, promote sustainable and active travel, increase health benefits from such and reduce single car occupancy trips.

Policy T2 (Sustainable Transport) indicates that travel plans will be required where thresholds set out in Aberdeen Planning Guidance are exceeded. The Transport and Accessibility APG states that a travel plan is a general term for a package of measures aimed at promoting more sustainable travel choices to and from a site, with an emphasis on reducing reliance on the private car, thereby lessening the impact of that site on the surrounding road network.

A residential travel pack has been submitted, which provides details on transport options for those living in the development following the principles of the Travel Plan Framework in the Planning Permission in Principle. The travel pack is considered acceptable and highlights opportunities for active travel and public transport, contributing towards the aims of Policies 13 of NPF4 and T2 (Sustainable Transport) of the ALDP. The Roads Development Management Team accept the contents of the Residential Travel Pack. The condition requires the approved travel pack to be provided to residents on first occupation.

Condition 18 (noise assessment/mitigation measures)

Condition 18 requires a noise assessment based on the final design and layout and details of any necessary noise mitigation measures to be submitted to, and agreed in writing by, the planning authority. A noise impact assessment has been submitted.

Policy D2 (Amenity) of the ALDP requires development to ensure that occupiers are afforded adequate levels of amenity in relation noise. Policy WB3 (Noise) of the ALDP states that housing and will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise to an acceptable level.

Policy 23 (Health and Safety) of NPF4 states that the agent of change principle applies to noise sensitive development. The proposed residential development would be a 'noise sensitive development' in terms of Section 41A of the Town and Country Planning (Scotland) Act 1997, as amended. This requires the planning authority to take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing businesses in the vicinity of the development. Section 41A states that a planning authority may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise.

As such, any necessary noise mitigation measures must be delivered at the expense of the developer. A Noise Impact Assessment has been submitted to address this condition. It identifies the surrounding noise sources as being road traffic, industrial activities from the business premises to the east. It found that, without any mitigation, external and internal noise exposure from these would be unacceptable. As such, mitigation has been designed into the scheme through a combination of acoustic timber fencing and enhanced façade design. The proposed layouts of many of the dwellings has been revised since submission so that the dwellings themselves would lie between the rear gardens and the noise sources, which would serve to mitigate noise levels in the rear curtilage of the dwellings, particularly along Claymore Drive.

ACC – Environmental Health have noted that that normal noise criteria required would not be met with open windows in this development. In this regard, the Noise Aberdeen Planning Guidance states that ventilation may be required where it is not possible to achieve these criteria with traditional window designs and windows partially open for ventilation.

With the proposed glazing, including a closed window design with appropriate trickle ventilation specifications (set out in Section 6.2 of the Noise Impact Assessment), along with acoustic fencing around rear gardens, the design and mitigation measures would be effective in minimising noise impact and would ensure that the dwellings would not be exposed to significant noise levels whereby the occupants would be afforded unacceptable levels of residential amenity, in accordance with Policies 23 of NPF4, D2 and WB3 of the ALDP. These measures would be incorporated into the design of the development itself, as required by Section 41A of the Town and Country Planning (Scotland) Act 1997, as amended.

Condition 18 requires that no residential unit within the development is occupied unless the approved mitigation measures for that unit have been implemented in full.

Condition 19 (dust risk assessment)

Condition 19 requires both an Air Quality (Dust) Risk Assessment and a site-specific Dust Management Plan based on the outcomes of that assessment to be submitted. It requires that the Dust Management Plan details the necessary control measures to be implemented, monitoring protocol and schedule and the responsible person for dust control on-site. This is to mitigate the impact of dust from construction activities associated with the development on local air quality.

Policy WB2 (Air Quality) of the ALDP requires development proposals which may have a detrimental impact on air quality to propose measures to mitigate the impact of air pollutants and an associated assessment to be submitted. The Aberdeen Planning Guidance states the six qualities of placemaking referred to in Policy D1 (Quality Placemaking) seeks that development avoids unacceptable impacts on adjoining uses in terms of dust and air quality.

A Dust Risk Assessment and Management Plan has been submitted to address the matters specified in this condition, which takes identifies the uses in the area and identifies the risks from the construction activities, which relate to earthworks, construction and 'trackout' from the movement of vehicles and it identifies the recommended mitigation measures, which would be monitored, recorded and controlled by the site manager.

The Environmental Health Service accepts the dust risk assessment and management plan on the assumption that that the dust management plan is fully implemented for the duration of the construction period. The Dust Risk Assessment and Management Plan and the recommended mitigation measures are acceptable. Condition 19 requires all works to be carried out in accordance with the control measures agreed, which would ensure these measures would be implemented accordingly for the duration of the construction period.

Condition 20 (commercial floorspace)

Condition 20 imposes a limitation on the total gross floor area of commercial units within the development, as well as further details required for any Class 3 (food and drink) use which may be proposed.

As the proposed final layout would include no commercial floorspace and it is solely a residential development, no further information is required. The matters specified in this condition are thus addressed.

Condition 21 (Contaminated Land (A)) and Condition 22 (Contaminated Land (B))

Condition 21 requires no development to be undertaken unless it is in accordance with a scheme to address any significant risks from contamination on the site which has been approved in writing by the planning authority. The condition sets out the information that must be included in the scheme as well as it being conducted by a suitably qualified person.

Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 and R2 require land that is suspected to be unstable or contaminated, development proposals to demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

The applicant has submitted a 'Geo-Environmental Interpretative Report' (prepared by Fairhurst) alongside a 'Contaminated Land Summary Letter' to address the matters specified in this condition. The investigations identify that there is no evidence to suggest that significant contamination is present on this site. The Contaminated Land Team has reviewed this report and are likewise satisfied that there is no evidence to suggest that significant contamination is present. They accordingly recommend that the associated planning conditions are discharged.

Condition 22 applies if the site were found to be contaminated and remediation required. As the information submitted evidences that there is not significant contamination, there is no additional information required with respect to this condition, given the information that has been submitted with this application.

The evidence submitted is satisfactory in demonstrating that the site would be suitable and fit for human occupation, as required by these conditions, in accordance with Policies 9 of NPF4 and R2 of the ALDP.

Condition 23 (carbon reduction/water efficiency)

Condition 23 requires a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) to be submitted and approved in writing by the planning authority.

Whilst the guidance referred to in this condition has been superseded, Policy R6 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP requires the proposed buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology and all new buildings to use water saving technologies and techniques, with the level of information required to comply with the policy being specified in the Resources for New Developments Aberdeen Planning Guidance.

An 'Energy Statement' has been submitted to address this condition which notes that air source heat pumps would be used alongside suitable thermal insulation. In terms of water efficiency measures, controlled shower flow rates, dual flushing toilets and water saving appliances would be designed into the dwellinghouses. The details submitted are acceptable, with the original condition requiring their implementation. The measures would support the aims of policies 1 and 2 of NPF4.

Matters Raised by Bridge of Don Community Council

With respect to the concern that the speed limit would not be reduced at the Toucan crossing on Parkway East during school times, there is no requirement within the condition of the PPIp to reduce the speed limit on Parkway East. This is a matter that is outwith the control of the applicant

and this MSC application and it would be for the roads authority to consider whether to alter speed limits, noting that Roads Development Management are content with the proposal toucan crossing location and design based on current speed limits, that include the 20mph limit applying on the A92 around school travel times. Should this remain a concern to Bridge of Don Community Council, this is a matter that could be raised outwith the planning process. With respect to concerns regarding the speed of vehicles on Ellon Road, which has since become a 40mph limit, this would be a matter for the police and traffic management. This is not within the scope of the planning application process.

DECISION

Approve Unconditionally

REASON FOR DECISION

The layout and design of this development are in general accordance with the principles of National Planning Framework 4 and the Aberdeen Local Development Plan 2023. The development would respond to the site context and there would be a variety of house types, sufficiently sized and appropriately located gardens, on-site affordable housing of differing types, and substantial and varied open space which would be acceptable in terms urban and landscape design. The residents, including children and young people would be afforded acceptable levels of residential amenity. The development proposal accords with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4), D1 (Quality Placemaking), Policy D2 (Amenity), D4 (Landscape) and D5 (Landscape Design) of the Aberdeen Local Development Plan (ALDP). Likewise, the road layout and parking provision would be acceptable such that there would be acceptable levels of road safety and indiscriminate parking would be minimised. The details and siting of the toucan crossing and bus stop upgrades would be acceptable and would encourage sustainable and active travel, in accordance with Policies 13 (Sustainable Transport) of NPF4, as well as T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

It is acknowledged that the detailed layout would have 67 dwellings on the site compared to 'around 100 to 150' indicatively referred to in the Planning Permission in Principle and that this proposal would conflict with Policy H3 (Density) of the ALDP in terms of its total site area, as there would be approximately 20 homes per hectare and this policy aspires to 50 homes per hectare. However, due to the site constraints in terms of the Silver Burn, which would not be culverted or realigned, and that much of the site would remain undeveloped as publicly accessible open space with acceptable placemaking characteristics, the density is not to such a degree that warrants refusal.

It is likewise acknowledged that approximately 20 maturing trees would be required to be felled along the eastern boundary on Claymore Drive, presenting tension with Policies 6 of NPF4 and NE5 of the ALDP. However, the development would include the planting of approximately 83 trees and biodiversity enhancements throughout the site, including flower beds, shrubs, hedges, as well as bee hotels, which would offset the loss of these trees. Environmental enhancements are proposed along the Silver Burn. The landscape details accord with the aims of Policies 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) of NPF4, as well as Policy NE2 (green and Blue Infrastructure) and D5 (Landscape Design) of the ALDP.

Otherwise, satisfactory information has been submitted on matters relating to layout, design, drainage, environmental enhancements, noise, dust, energy efficiency, flood risk, land

contamination and the other requirements of the conditions, in accordance with NPF4 and the ALDP.

ADVISORY NOTES FOR APPLICANT

(01) EARTHWORKS

Significant cut and fill earthworks are required and there is a considerable material surplus. The ACC - Contaminated Land Team recommends the preparation of a 'Detailed Material Management Strategy'. Waste management guidelines/regulations should be followed with respect to any surplus materials that require removal offsite.

It advises that UK Water Industry Research (UKWIR) testing is undertaken in accordance with the latest Scottish Water guidance on completion of the earthworks and once the final alignment of the water main is agreed.

(02) CLEARING OF SILT WITHIN CULVERT

As advised by SEPA, as the culverts are currently indicated to be partially blocked by silt and vegetation, it is recommended that these are cleared. Thereafter, it is recommended that the culvert and channel are kept maintained.