

Public Document Pack

ADDITIONAL CIRCULATION



To: Councillors Henrickson (Chairperson), Allard and Thomson.

Town House,
ABERDEEN 8 June 2022

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The undernoted item is circulated in connection with the meeting of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** to be held remotely on **WEDNESDAY, 8 JUNE 2022 at 10.00am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

- 4.1 Highpoint, 242 North Deeside Road - Erection of 14 Residential Flats Over 3 and 4 Storeys, 1 Shop Unit and Subdivision of Existing Flat to Form 2 Flats with Associated Infrastructure - 211791/DPP

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 211791.

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent – **Omitted Document** (Pages 3 - 66)

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

This page is intentionally left blank

Statement of Further Written Submissions

In support of an appeal against the deemed refusal of an application for full planning permission for the proposed erection of 14 residential flats, 1 shop unit and the subdivision of an existing flat to form 2 flats with associated infrastructure, car parking, access improvements, landscaping and amenity areas.

at High Point, 242 North Deeside Road, Peterculter, AB14 0UQ

Planning Application Ref: 211791/DPP

Prepared by:

JOHN HANDLEY ASSOCIATES LTD

Chartered Town Planning Consultants

65a Leamington Terrace

Edinburgh

EH10 4JT

On behalf of:

The applicant, Matnic Ltd

23 May 2022

Statement of Further Written Submissions

High Point, 242 North Deeside Road, Peterculter, AB14 0UQ

Planning Application Ref: 211791/DPP

Contents:

- 1.0 Introduction, Background & Scope of Statement
- 2.0 Key Determining Issues
- 3.0 Request for a Site Visit
- 4.0 Observations on the Report of Handling
- 5.0 Observations on the Planning Officer's Evaluation of the Proposed Development
- 6.0 Review of the Planning Officer's Reasons for Refusal
- 7.0 Observations on the Planning Officer's Comments on the Notice of Review Statement
- 8.0 Summary & Conclusions

Appendices:

1. Accessibility of Application Site
2. Proposed Elevation along North Deeside Road
3. Relevant Extracts from Scottish Planning Policy (June 2014)
4. Consultation Response from ACC Roads Development Management Team; 06 May 2022
5. Extracts from Aberdeen City and Aberdeenshire Retail Study 2013
6. Photograph of Co-op Development at 279-281 North Deeside Road
7. Copy of Report of Handling for Planning Application Ref: P141089 (Mixed Use Development at 279-281 North Deeside Road)

1.0 Introduction, Background & Scope of Statement

- 1.1 This Statement has been prepared by Chartered Town Planning Consultants, John Handley Associates Ltd, on behalf of the applicant and site owner, Matnic Ltd. It is submitted in support of an appeal against the deemed refusal of an application for full planning permission for the proposed erection of 14 residential flats; a new shop unit and the subdivision of an existing flat to form 2 new flats with associated infrastructure, car parking, access improvements, landscaping and amenity areas on a highly accessible, well-located, brownfield site which is located within the Peterculter neighbourhood centre.
- 1.2 As this is a deemed refusal appeal, the applicant has to date, not seen or commented on the Council's reasons for refusing the planning application which have now been set out in the Planning Officer's Report of Handling which is undated but was uploaded to the planning portal on 5th May 2022.
- 1.3 This Statement therefore provides the applicant's response to the Report of Handling; including the stated reasons for refusal. It also provides the applicant's response to the Planning Officer's observations on the submitted Notice of Review which is contained at the end of the Report of Handling.

2.0 Key Determining Issues

- 2.1 From a review of the Planning Officer's Report of Handling it is clear, in our opinion, that the Planning Officer has failed to give appropriate weight and due consideration to the following key determining issues:
1. The brownfield nature of the application site, and the over-riding presumption in favour of redeveloping brownfield sites that contributes to sustainable development;
 2. The application site's highly accessible location which is adjacent to well-used bus stops, cycle lanes and footpaths.
 3. The scale, massing and density of the established development surrounding the application site, and in particular the adjacent flatted residential developments to the east and south east of the application site.
 4. The benefits of delivering a new retail unit that will make a positive contribution to the vitality and viability of an important neighbourhood centre.
 5. The provision of new residential accommodation in a highly sustainable, accessible location that will meet a particular element of the City's housing land requirement, including the provision of affordable housing, and which will also support the shops, services and facilities provided in the Peterculter neighbourhood centre.
 6. The significant economic benefits of the proposed regeneration and redevelopment of a currently under-used, vacant and semi-derelict site that is not, in its current state, contributing to the vitality and viability of the Peterculter neighbourhood centre.
 7. The lack of any objections from relevant technical consultees.

- 2.2 We will therefore demonstrate in this Statement how this failure to take proper account of these significant material considerations has led to the Planning Officer's refusal of the planning application.
- 2.3 We will explain how a positive and balanced consideration of the application proposals can, and should, be taken and one that is compliant with relevant planning policy; supported by a range of material considerations; and supported by the relevant responses from the various technical consultees.
- 2.4 In our opinion, this planning application can be granted planning permission, subject to appropriate conditions.
- 2.5 For these reasons, we would therefore urge the Local Review Body (LRB) to share this opinion and support the proposed development. We have given reasons for approving the application at the end of this Statement.

3.0 Request for a Site Visit

- 3.1 As set out in the submitted Notice of Review Form, the applicant has requested that a site visit is undertaken prior to the LRB's consideration and determination of this appeal. We consider this to be an important procedural matter, and consider that it is essential that the LRB visits the site to consider its current state and its surroundings, and particularly the flatted residential development to the east and south east of the application site.
- 3.2 Although photographs and street views of the site have been submitted and are available; in our opinion a site visit is essential to gain a proper understanding of the true nature of the site and the scale, massing and densities of the properties bordering the site. We would therefore reiterate the applicant's request for a site visit as this will add significantly to the LRB's understanding and appreciation of the particular merits of the site and the scale, density and type of development already existing in the surrounding area.

4.0 Observations on the Planning Officer's Report of Handling

- 4.1 The Planning Officer's Report of Handling was not available when the appeal was submitted. As such, the applicant did not have an opportunity to comment on the Report of Handling in the submitted Notice of Review Statement. We have therefore provided below our comments on the key points raised in the Report of Handling. The intention is not to provide a detailed critique of the Officer's Report or to re-state points that have already been made in the Notice of Review Statement. Rather, the approach taken is to focus on the key matters and draw out the relevant considerations set out in the Report of Handling.

- 4.2 This demonstrates how the Planning Officer has, from the very outset, adopted a negative position on this proposed development and sought to refuse the application, rather than take a more balanced, and positive view of this opportunity to regenerate and redevelop a highly accessible, well-located, brownfield site which will provide much needed new housing and add to the vitality of the Peterculter neighbourhood centre.
- 4.3 It should also be noted that we have not provided a detailed planning policy review in this Statement or sought to repeat the submissions made at the planning application or Notice of Review stages. Instead we are focussing on the key policy issues and the range of other material considerations that are relevant to this proposed development and which, in our opinion, allow the application to be viewed positively and allow planning permission to be granted subject to appropriate conditions.
- 4.4 It is also notable that the Planning Officer has focussed on certain policy aspects in his Report, but is silent on others that are directly relevant to this planning application. The Planning Officer has also chosen to ignore the clear precedents established adjacent and opposite the application site for this scale and density of development. These are, in our opinion, significant omissions in the Report of Handling.
- 4.5 The comments below therefore highlight how a different and more balanced approach can be taken to this application, and we explain the policy matters and other material considerations that support this.

(1) Site Description

- 4.6 Page 1 of the Report of Handling describes the site and the surrounding area. It confirms the site's location within the Peterculter neighbourhood centre and the range of mixed uses found in the local area. It confirms that the application site is located adjacent to a range of local shops and facilities, including convenience stores and a post office. The existing commercial and residential uses on the site are noted along with the vacancies and former commercial uses of the site. This confirms the existing and established mix of uses found on the site but also acknowledges that the site is now suffering from a degree of vacancy and under use.
- 4.7 Specific reference is made in the Officer's Report to the site's location "*at the gateway to the countryside*". The Planning Officer also notes that there are "*mature trees beyond the northern and eastern fringes of the site which has a moderate southerly aspect*". This confirms that the application site benefits from its south facing aspect; and its proximity to existing areas of open space, mature woodland and established landscaping. These are all positive features of the site and one that any redevelopment can take advantage of. These are not negative features.

- 4.8 The Planning Officer notes that there are a range of building types of varying sizes and scale surrounding the site, including 4-storey flats; 1½ storey granite buildings; a mix of new and traditional retail units, and large detached houses. This confirms that the local area is characterised by a mix of buildings of differing ages, types, uses, scale and massing. There is clearly no uniform or prevailing building type. It is an area characterised by a range and mix of building types and sizes. This is a significant point and one that can be confirmed at the site visit.
- 4.9 The Planning Officer has not included any reference in his site description to the 4 storey, mixed retail and flatted development that was constructed on the site of the former car sales facility at 279-281 North Deeside Road. This recently constructed mixed use development is located 75 metres to the south east of the application site and is, in our opinion, a key material consideration of some significance to the assessment of this planning application.
- 4.10 This development, which is now occupied by a Co-op store at ground floor level, is discussed in detail in the submitted Design & Access Statement as it is considered to be a key comparison for the proposed development of the application site. This is not, however, mentioned in the Planning Officer's description of the site and the surrounding area.
- 4.11 The Planning Officer has also failed to describe or take into account the excellent accessibility of the application site. As explained above, the site is highly accessible and is located within the retail core of Peterculter directly adjacent to a range of local shops, facilities and services. These accessibility benefits are not, however, acknowledged in the Report of Handling. It is therefore essential that the LRB takes this omission into account as part of its assessment and consideration of the application proposals.
- 4.12 In this respect, and this can be confirmed at the site visit, the site is located on a bus route where services 19 and 201 provide direct links to the city centre on a 15 minute and 30 minute frequency respectively (i.e. 6 buses an hour). Bus stops are located directly adjacent to the site (on the north side of North Deeside Road) and 20 metres to the south west of the site (on the south side of North Deeside Road). The site is also within easy walking distance (i.e. under 400 metres) of the core path network. It is the same distance from cycle paths, both off-road and on-road, including the Deeside Way. The proximity of the site to these bus stops; core paths and cycle paths is confirmed in Appendix 1.

(2) Description of Proposal

- 4.13 Page 2 of the Report of Handling describes the proposed development. It confirms that the proposal seeks full planning permission for the redevelopment of the site to provide a total of 16 new residential units offering a mix of 1 and 2 bedrooms and a new retail unit, together with 18 car parking spaces. There is also recognition that the proposal will include external communal amenity space and that each new build apartment would have private balconies or terraces, providing further private external amenity space for each property.

- 4.14 The Planning Officer does not, however, explain that the proposal will also provide a secured and covered bicycle storage facility for 16 bicycles and the provision of 2 active electric vehicle charging points. These are important elements that enhance and reinforce the sustainability of the proposed redevelopment of this brownfield site.
- 4.15 The Planning Officer also questions some aspect of the proposed development and appears critical of other aspects. It also provides inaccurate or missing information on a number of elements.
- 4.16 For example, the Planning Officer advises that the section of the new building fronting onto North Deeside Road would be around 1 storey higher than the buildings to the west and south, but fails to mention that the proposed new building would be lower than the 4 storey apartment block which is located directly to the east of the site. The Planning Officer also makes no mention of the 4 storey mixed use development to the south east of the site which is occupied by the new Co-op store with flatted residential apartments above. The Co-op development is directly comparable to the application proposals but this feature is not discussed in this part of the Report of Handling.
- 4.17 This selective use of some height comparisons but not others in the Report of Handling is not helpful, and does not provide a complete picture of the proposed development and how it reflects and respects the heights and massing of adjacent properties.
- 4.18 Full details of the site and the adjacent properties are set out in the submitted Design and Access Statement and this explains how the proposed development responds positively to its surroundings, including the properties to the east and south east of the site. We would refer the LRB to that document and would note that these matters can all be reviewed and confirmed at the site visit.
- 4.19 The Planning Officer queries the accuracy of the cross section information submitted in support of the planning application. This has been checked and we can confirm that this is accurate. The applicant's architects have also provided an elevation of the proposed development and how it would be viewed from North Deeside Road. We have included this in Appendix 2 of this Statement.
- 4.20 This elevation confirms that the new building would fit comfortably within the street scene as it fronts North Deeside Road with the heights stepping up from the Spar store to the west and then through the new development to the Gordon Arms Hotel apartments to the east. This is considered to be a positive design solution, as explained in the Design Statement.
- 4.21 The Planning Officer is also dismissive of the access arrangements to the flats and is critical of the fact that the entrance area will be covered and is not accessed directly from the street. There is also reference to the need to walk past a bin store and car park to access the properties. The Planning Officer has also queried the car parking arrangements.

- 4.22 We can confirm that the bin store will be fully enclosed and the access into the apartments will be via a covered, safe and well lit pedestrian path. The car parking will be communal as confirmed in the Notice of Review Statement.
- 4.23 The Planning Officer also advises that the footprint of the new building would extend “*almost to the rear boundary*” of the site. This is not correct, and we can also confirm that the proposed new building would be sited some 18 metres from the elevation of the existing house to the north of the site.
- 4.24 The Planning Officer is also dismissive of the level of external amenity space being proposed, and describes this as “*small and incidental amenity space*”. The total amenity space being provided as part of the development is 327.6m² which equates to 20.48m² per dwelling. Each new build apartment has also been provided with approximately 4.5m² of external balcony/terrace space, which results in a total level of amenity space of over 25m² per dwelling. This compares favourably to the Co-op development on the south side of North Deeside Road which has a total of 199 m² of amenity space which equates to less than 20m² per flat.
- 4.25 The Planning Officer has chosen to ignore any comparison with the Co-op development. This is a surprising, and significant, omission given its direct relevance to the application proposals.
- 4.26 The Planning Officer’s description of the proposal also makes no reference to the provision of affordable housing as part of the proposed development. Similarly, there is no mention of the potential economic benefits of the proposed development, including the benefits of delivering a new retail unit within the neighbourhood centre.
- 4.27 These are further, significant omissions in this section of the Report of Handling, and illustrate the selective, and negative, approach adopted by the Planning Officer in the description of the site, the surrounding area, and the merits of the proposed development.

(3) Supporting Documents

- 4.28 Page 3 of the Report of Handling lists the various supporting reports submitted with the planning application. Whilst no discussion is given to these documents in this section of the Report of Handling, we can confirm that an extensive package of supporting information has been provided to address all relevant site specific and technical considerations. This includes the submission of the following reports: Design and Access Statement; Tree Survey Report; Bat Survey Report; Site Investigation; Drainage Impact Assessment (DIA); Surface Water Assessment; Daylight and Sunlight Assessment Report; and Noise Impact Assessment (NIA).

- 4.29 In addition to these supporting reports, a package of detailed drawings has been prepared in support of the application, including: site plans; detailed layout plans; elevations and floor plans; drainage and landscape plans. The package of supporting information submitted with the planning application has been prepared to provide a detailed assessment of the proposed development and addresses relevant policy requirements set out in the Development Plan as well as issues raised during the pre-application stage. These documents provide further support for the proposals and confirm that there are no technical or physical constraints to developing the site for the scale and type of development now being proposed.
- 4.30 Throughout his Report of Handling, the Planning Officer is, in our view, largely critical of the findings of these reports. We disagree with this opinion. These reports have been prepared by recognised experts and have been prepared to established industry standards. The findings and conclusions set out in each report are robust and accurate. We would therefore urge the LRB to take the opportunity to review each report and to prefer the conclusions of the respective technical experts.

(4) Consultations

- 4.31 Page 3 of the Report of Handling summarises the various consultation responses. Since the Report of Handling was prepared, an updated consultation response has been submitted by ACC Roads Development Management Team and this was uploaded to the portal on 6th May 2022. The comments set out in the Report of Handling under this matter are therefore not accurate, and the updated consultation response confirms that: *“from a Roads Development Management perspective the applicant has addressed previous comments, therefore have no further observations and have no objections to this application”*.
- 4.32 In addition to confirming that it has no objections to the proposed development, the updated response from the Roads Development Management Team also confirms the accessibility of the site, its proximity to existing public transport and the sustainability benefits of the proposed level of cycle parking. Indeed, the application site is considered to be so close to the existing bus stop that it may require to be relocated. This matter, and indeed all access, parking and related matters can be controlled by way of the usual planning conditions.
- 4.33 In addition to the support from the Roads Development Management Team, the application has attracted no objections from any of the technical consultees and all matters raised can be suitably addressed by way of conditions as is the standard approach for an application of this scale and nature.
- 4.34 These conditions would deal with noise mitigation measures; waste and recycling provision; affordable housing provision; developer contributions towards the core path network, healthcare facilities and open space; and details of the water and drainage arrangements. These are all standard conditions which can be imposed to control these aspects of the development. The applicant is happy to accept such conditions.

4.35 The lack of objections from any of the technical consultees is a significant material consideration which supports our view that planning permission can be granted for this proposed development, subject to the imposition of appropriate conditions.

(5) Community Council and Public Representations

4.36 Page 4 of The Report of Handling summarises the responses received from the Community Council and the public. The Planning Officer advises that the Community Council has raised concerns about overdevelopment; car parking; scale and design; and potential conflict with policies on affordable housing and low energy development. In response to these concerns we can confirm that the proposed development will make provision for affordable housing in full accordance with LDP Policy H5; and details of energy saving measures can be suitably controlled by way of a condition in accordance with LDP Policy R7. These are therefore not valid reasons for refusing the application.

4.37 As discussed above, the proposed car parking arrangements have been agreed and accepted by the Roads Development Management Team in its updated consultation response. This is therefore not a valid reason for refusal.

4.38 In response to concerns over the scale and density of the development in relation to its context, we disagree with this view and would direct the LRB to the developments to the east and south east of the application site (the 4 storey flatted development at the former Gordon Arms Hotel and the 4 storey mixed retail and flatted residential development occupied by the Co-op). As explained in the Design and Access Statement, these developments are very much part of the local context and cannot be ignored. These developments have established a clear precedent for this scale and type of development in this location. These are significant material considerations which support the design approach for the proposed development of the application site. It is our position that the proposals for the site do not constitute overdevelopment and would reflect and respect its local context and the heights and massing of adjacent properties. This is not, in our opinion, a reason for refusing this application.

4.39 In addition to the Community Council's comments, the Report of Handling advises that three public representations were received, two objections and one letter of support. The two objectors share the concerns raised by the Community Council which we have addressed above, and are not valid reasons for refusing this application.

4.40 The support for the proposals was submitted by the owner of an adjacent property. We understand this is a local business owner who *"welcomed the proposal as it would result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village"*.

4.41 This support from adjoining local businesses is significant and it confirms that they welcome the proposed development due to its positive impact on the local neighbourhood centre.

(6) National Planning Policy and Guidance

- 4.42 At page 5 of the Report of Handling the Planning Officer discusses national planning policy and guidance that he considers relevant to the application proposals. References are made to the Scottish Planning Policy (SPP) and a number of Planning Advice Notes, and the Officer provides specific quotes from PAN65 and PAN75 which provide advice, but not policy, on open space and transport matters.
- 4.43 Whilst, the Planning Officer does make reference to the fact that the SPP “*expresses a presumption in favour of development that contributes to sustainable development*” – that is the only comment on the SPP. There is no discussion or explanation of the policy approach set out in the SPP. This is, in our opinion, an important omission as the SPP is a significant material consideration of some considerable weight and relevance to this application.
- 4.44 This is therefore another example of the Planning Officer’s use of selective information in the Report of Handling. He has chosen to quote from an advisory note on open space which is not relevant to this planning application. PAN 65 provides advice on open space and civic spaces. This is an application for the redevelopment of a brownfield site for retail and residential use. It is not an application for the creation of a new civic space, park, play area or sports pitch. PAN65 is not therefore relevant.
- 4.45 In contrast, the weight to be given to the SPP is significant, but this is not explained or set out in this section of the Report of Handling. In our view, the Planning Officer should have discussed and provided quotes from the relevant sections of the SPP which are set out under paragraphs 28 to 46 on pages 9 to 14 of the SPP. We have enclosed the relevant extracts from the SPP in Appendix 3, and would note in particular the following key sections of the SPP which are of direct relevance to this planning application.

Paragraph 29 of the SPP confirms that decisions on planning applications should be guided by the following principles: giving due weight to net economic benefit; supporting good design and the six qualities of successful places; making efficient use of existing capacities of land, including supporting town centre and regeneration priorities; and supporting delivery of accessible housing, business, retailing and leisure development.

Paragraph 33 confirms that where a development plan is more than five years old (as is the case with the Aberdeen LDP), then the presumption in favour of sustainable development (as set out under paragraph 29) will be a significant material consideration. It confirms that decision-makers should take into account any adverse impacts which would significantly and demonstrably outweigh the benefits of the development when assessed against the wider policies of the SPP.

Paragraph 35 confirms that the supporting information accompanying a planning application should be proportionate to the scale of the application, and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made.

Paragraph 36 confirms that planning's purpose is to create better places through a collaborative process that includes renewal or regeneration of urban environments, to provide sustainable, well-designed places and homes which meet people's needs.

Paragraph 38 advises that this means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term.

Paragraph 40 confirms that planning should direct the right development to the right place and decisions should be guided by: optimising the use of existing resources; using land within or adjacent to settlements for a mix of uses; creating more compact, higher density, accessible and more vibrant cores; considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; and locating development where improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Paragraph 41 encourages development that complements local features, including skylines, scales, street and building forms, and materials to create places with a sense of identity.

Paragraph 44 recommends a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated.

Paragraph 45 encourages and supports development that re-uses or shares existing resources, maximises efficiency of the use of resources and explains that this can mean denser development that shares infrastructure and amenity with adjacent sites.

Paragraph 46 supports using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport.

- 4.46 In our opinion, the above sections of the SPP confirm that the application proposals can, and should be supported. The SPP quite clearly supports the development of brownfield sites and specifically encourages the reuse and regeneration of such sites at higher densities and for a mix of uses. It explicitly supports denser development that shares infrastructure and amenity with adjacent sites. It also recommends a mix of building densities and types creating more compact, higher density, accessible and more vibrant centres where improvement would have the most benefit for the amenity of local people and the vitality of the local economy. The application proposals meet all of these objectives.

- 4.47 The application proposals will make efficient use of a largely vacant and derelict brownfield site located within the Peterculter neighbourhood centre. It will deliver a well-designed, accessible housing and retail development which will meet local housing needs, regenerate the site, support the centre and make a significant contribution to the local economy.
- 4.48 The application proposals therefore meet the guiding principles set out in the SPP. This includes those set out at paragraph 29 of the SPP.
- 4.49 These are very important points, and significant material considerations, but the Planning Officer has chosen to ignore these and has instead quoted from a planning advice note on open space which is not relevant to this planning application.
- 4.50 We would also note that the SPP confirms that the level of supporting information should be proportionate to the scale of the application; and balanced decisions should be taken giving proper weight to the economic benefits of the proposals, and it is only where adverse impacts would significantly and demonstrably outweigh the benefits of the development should refusal be considered. The Planning Officer has not taken this approach.

(7) Development Plan & Supplementary Guidance

- 4.51 The Planning Officer sets out his interpretation of the relevant development plan policies and other supplementary guidance on pages 5, 6 and 7 of the Report of Handling.
- 4.52 In response to the comments on the approved Strategic Development Plan (SDP), we would agree that there is no directly relevant strategic policy applicable to this application, and the SDP has limited relevance to this proposal. The SDP does, however, confirm that its vision is to promote a City Region that is attractive as a place to live, work and do business, as well as a City Region that is more resilient and sustainable for communities and the environment. The SDP's aspiration is to promote growth, economic opportunity and diversification, while protecting and valuing the environment and people. The application proposal to bring a largely vacant and derelict brownfield site back into an active and productive use in accordance with its LDP allocation; and its ability to contribute positively to the local environment and economy by investing in and enhancing the retail offer within an allocated retail centre in addition to the provision of much needed local housing, including the provision of affordable housing, clearly accords with the SDP's overall vision.
- 4.53 On page 6 of the Report of Handling, the Planning Officer confirms that the currently adopted Aberdeen LDP is out-of-date and the terms of paragraph 33 of the SPP (which we have discussed above) are triggered, meaning that the presumption in favour of development that contributes to sustainable development is a significant material consideration for this planning application. The weight to be afforded to the out-of-date LDP is therefore diminished and the relevant sections of the SPP take on an enhanced status.

- 4.54 For this reason, which is accepted and acknowledged by the Planning Officer, it is crucial for the LRB to consider and assess the relevant sections of the SPP in its determination of this application. We would therefore refer the LRB to the comments noted above, and the extracts from the SPP set out at Appendix 3. These confirm that a more balanced view should be taken allowing the planning application to be supported.
- 4.55 On pages 6 and 7 of the Report of Handling, the Planning Officer discusses the status of the Proposed Aberdeen LDP. As this emerging LDP is still at the Examination stage, it cannot be given any significant weight and, in our opinion, is not relevant to the determination of this application. The fact that the application site is not allocated for development in the Proposed LDP is not relevant. It is a brownfield site within a settlement where there is a presumption in support of its redevelopment, including the proposed retail and residential use of the site.
- 4.56 On page 7 of the Report of Handling, the Planning Officer confirms that the Housing Need and Demand Assessment is a material consideration. We agree with this assertion and would note that the Examination into the Proposed LDP (as discussed above) has identified that there is a housing land shortfall within the Aberdeen City Housing Market Area and the Examination Reporters are currently holding Hearings to consider the need to allocate further unallocated sites to address this housing land shortfall. Whilst the outcome of that process won't be known for a number of months, the delivery of 16 housing units on the application site will, albeit in a small way, help the Council to meet at least part of this identified housing land shortfall. In doing so this would prioritise brownfield development and take the pressure off the release of further unallocated greenfield housing sites.
- 4.57 This is a further reason why the proposed development of the application site can be considered to constitute sustainable development. It clearly meets the SPP's objective of considering the re-use and re-development of brownfield land before new development takes place on greenfield sites. The Planning Officer's Report is silent on this important point.

5.0 Observations on the Planning Officer's Evaluation of the Proposed Development

- 5.1 Having described the site, its surroundings and the proposed development, and having established the identified policy context, the Planning Officer provides his evaluation of the application on pages 7 to 14 of the Report of Handling.
- 5.2 However, and as we have demonstrated above, the Planning Officer has taken a very selective view of the site and its surroundings, and of relevant policy. In our opinion, the Planning Officer has omitted a number of significant points of direct relevance to the assessment and consideration of this planning application. He has not taken a balanced and informed assessment of the application and has failed to properly consider the relevant sections of the SPP which is a significant material consideration in this case. He has also chosen to ignore the accessibility of the site; the economic benefits of the proposals; and the scale and density of adjacent buildings.

5.3 These are all significant shortcomings and result in a less than complete assessment of the proposed development. This comes through in the Planning Officer's evaluation of the planning application and it is clear he has failed to take into account a number of significant material considerations. We have outlined these below and have demonstrated how a more balanced and reasoned evaluation would allow this planning application to be supported and planning permission granted, subject to appropriate conditions.

(1) Principle of Development

5.4 The Planning Officer discusses the principle of the proposed development on page 7 of the Report of Handling. He confirms that *"the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA"*, and explains that *"the principle of a mixed-use development at the site is welcomed"*.

5.5 The Planning Officer also confirms that *"the delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords in principle with the SPP presumption in favour of development that contributes to sustainable development"*. This is a very significant point, as the Planning Officer has confirmed that this proposal constitutes sustainable development.

5.6 As we have explained in our discussion on the SPP above, this means that there is a presumption in favour of granting planning permission for this development, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

5.7 This is a high threshold and any negative impacts of the development must be significant, and must be balanced against the benefits of the development. However, to make this assessment, a proper understanding of the benefits of the development must be reached. As we have demonstrated above, we do not believe that the Planning Officer has taken the range of benefits of the proposed development into full account in his consideration and determination of this planning application, and we have explained this further below.

(2) Density/Scale

5.8 The Planning Officer considers the density and scale of the proposed development on page 7 of the Report of Handling, and he also makes reference to the local context. He is critical of the density of the proposed redevelopment of the site, and appears to prefer houses over flats. He concludes that the proposed development's *"scale and height are not typical of the wider context"*, and suggests that *"this part of Peterculter largely retains its historic village character... evidenced by the predominance of low-rise buildings with pitched slated roofs and substantive garden grounds"*.

- 5.9 This is not correct, and it would appear that the Planning Officer has reached this conclusion by ignoring the existence of the 4 storey flatted development immediately to the east of the application site (which is the development of the former Gordon Arms hotel) and ignoring the 4 storey mixed use development to the south east of the site which is occupied by the new Co-op store with flatted residential apartments above.
- 5.10 As we have explained above, the Co-op development is directly comparable to the application proposals, and the former Gordon Arms Hotel development is taller than the proposed development (see Appendices 2 and 6). These are both significant material considerations that must be taken into account as part of the assessment of the application proposals. They cannot be ignored.
- 5.11 The Planning Officer has, however, chosen to ignore both the Co-op development and the former Gordon Arms hotel development on the basis that they are *“not considered to represent a precedent or be representative of the prevailing built form”*. This is a quite astonishing statement from the Planning Officer. These buildings exist. They are an established part of the street scene and are important buildings in terms of both the application site and their role as forming a key part of the local context of the area. These buildings must be considered as part of the assessment of this planning application.
- 5.12 As we have noted above, the Planning Officer’s selective use of some scale and height comparisons but not others is not appropriate. It does not provide a complete and accurate picture of the proposed development, and how it has been designed to reflect and respect the scale, height and massing of adjacent properties.
- 5.13 This can be confirmed at the site visit and we would ask the LRB to consider the proposed scale, height and density of the proposed development in the context of these adjoining buildings which have, in our opinion, established a clear precedent for this scale and type of building in this location.
- 5.14 In our opinion, the application proposals have been designed to respect and reflect the scale, heights and massing of the wider context within which the development will be located. It is compatible with the scale and density of immediately adjacent uses and would be in keeping with the character and amenity of the local area. The new development has therefore been designed with due and proper consideration for its context and complies with the principles of Policy D1 of the adopted LDP.
- 5.15 In response to the Planning Officer’s comment that the proposed development should be assessed as a “big building”, we do not share that view. The proposed building has been designed to be 3 storeys at the street frontage, stepping up to 4 storeys towards the rear of the site similar to the approach adopted at the Co-op development. As we have explained above, it will also be lower than the adjacent flatted development at the former Gordon Arms Hotel site. It is not, therefore a big building and LDP Policy D3 is not relevant to this proposal.

(3) Design

- 5.16 The Planning Officer assesses the design of the proposed development on page 8 of the Report of Handling, and he reiterates his view that *“Peterculter...largely retains its village character and the proposal is thus considered to be incongruous and unduly dense”*. This conclusion is, however, based on the incorrect assumption that the Co-op development and the former Gordon Arms hotel development are not relevant, which they clearly are.
- 5.17 As we have explained above, and confirmed in the Design and Access Statement, a proper consideration of the application proposals must take into account both of these developments. They are an important part of the local context and cannot be ignored. These developments have established a clear precedent for this scale and type of development in this location and support the design approach for the proposed development of the application site.
- 5.18 It is therefore our opinion that the application proposals have been designed to accord with LDP Policy D1 which requires high standards of design and a strong and distinctive sense of place. In this respect, the design context for the application proposals is the existing commercial and residential use of the site and the mix of uses in the surrounding area, including adjacent retail and residential properties. This includes both the Co-op development and the former Gordon Arms hotel development
- 5.19 Given the surrounding developments and the site’s situation and position, it has the capacity to absorb the proposed scale of sensitively designed flatted development; and by careful siting and orientation of the new building it responds positively to the existing street scene. The siting, massing, shape, design and finishes of the new development in tandem with a high quality external works package have been detailed to ensure that development of the site will be seen to fully integrate with the established character of the local area without any long term, adverse impacts upon the landscape, townscape, views or visual amenity.
- 5.20 The new development will use high quality materials and will respect and enhance the character of the local area. The redevelopment proposals will help repair the urban fabric in this location and establish a more coherent and distinctiveness sense of place.

(4) Impact on Retail Centre

- 5.21 The Planning Officer assesses the impact of the proposed development on the Peterculter neighbourhood centre on page 8 of the Report of Handling. He accepts that *“a new commercial unit and residential accommodation would in theory support the diversity/offering/success of the Peterculter ‘high street’, and is therefore welcome in principle”*, and he agrees that the *“provision of a new retail unit within a designated centre accords with the objective of ALDP policy NC4”*. These are all positive features of the proposals.

- 5.22 However, he then considers that the “proposals would not support the functioning of the existing retail centre” due to concerns over a loss of car parking and concludes that the “proposal is therefore considered to potentially conflict with the objectives of ALDP policy NC6”. This position is not accepted. As the applicant has confirmed in the Notice of Review Statement the proposed car parking area will be available to the public. There will therefore be no loss of car parking and in fact an increase of 15 spaces over the current situation.
- 5.23 Furthermore, and as we have confirmed above, the application site occupies an important location within the neighbourhood centre. It is a highly accessible site, but is currently underused and has suffered from vacancies and a degree of dereliction. In its current state it is not contributing in any meaningful way to the vitality of the local centre. The application proposals have therefore been designed to address the inefficiencies of the current uses on the site and would represent a significant £2M investment in the Peterculter centre which will deliver a range of benefits to the local area, including significant improvements and investment in new retail and residential uses, which are entirely appropriate in this accessible, central location.
- 5.24 The site is covered by LDP Policy NC6 which confirms that retail is the preferred use within these designated centres. Policy NC6 also confirms that a mix of uses is desirable and proposals for changes of use from retail to non-retail will be supported if it meets a range of criteria. The application proposals meet all specified criteria.
- 5.25 In particular the proposed redevelopment and regeneration of the site will make a positive contribution to the vitality and viability of the centre by bringing a vacant site back into active use and also delivering additional residential development, which will in turn increase the footfall and potential customer spend in the centre.
- 5.26 Based on the information provided in the *Aberdeen City and Aberdeenshire Retail Study 2013* (see Appendix 5) the estimated average retail expenditure by each adult in this area in 2022 is £7,769 per annum, thereby generating a direct expenditure of almost £0.25M based upon the completed development having an average of two adults per household. These figures are based on 2011 prices and are likely to be an underestimate of the actual annual increase in potential available expenditure to the local area as a result of the new development.
- 5.27 An estimated increase of at least £0.25M per annum will therefore represent a significant increase in potential expenditure in the local area given the relatively small scale of the existing centre.
- 5.28 Contrary to the views of the Planning Officer, the proposed residential use of the upper floors of the development will therefore make a positive contribution to the amenity and offering of the Peterculter centre and will not undermine its principal retail function. The proposed redevelopment of the site will not alter the main use of the centre and, in our opinion, can be considered to be an appropriate and entirely complementary and compatible use.

- 5.29 The development of a new retail unit on the application site is therefore fully supported by Policy NC6, and the introduction of additional residential development in this location is entirely compatible with the existing uses within the surrounding area. It will make an effective and sustainable use of the existing underused site whilst also retaining a continued retail use of the ground floor premises.
- 5.30 The proposals have been designed to cater for a local need, and the vitality and viability of the centre would be enhanced rather than undermined through the introduction of the application proposals which will ensure that the premises will be occupied in a positive way to the benefit of the centre, bringing a vacant site back into active use. This will also see the creation of a live and attractive shop frontage at ground floor level which enhances and improves the amenity of the neighbouring area.
- 5.31 On this basis, the application proposals will have no adverse impact on the retail centre and fully meets the objectives and criteria set out under LDP Policy NC6.

(5) Economic Benefit/Viability

- 5.32 The Planning Officer assesses the economic benefits of the proposals on page 13 of the Report of Handling, and he accepts that the proposal would provide employment creation during construction and associated with operation of the retail unit. However, he considers this will be *“of limited significance in the context of the wider economy of the city”* and concludes that the proposal *“offers no overriding economic benefits that may warrant approval given the policy conflicts identified above”*. The Planning Officers is therefore dismissive of the economic benefits of the proposed development.
- 5.33 This development is not, however, intended to serve the wider city. It has been specifically designed to meet local needs and to address the inefficiencies of the current uses on the site in order to bring benefits to the Peterculter neighbourhood centre.
- 5.34 It will, in our opinion, represent significant investment in the Peterculter centre bringing substantial economic benefits and employment opportunities to the local area. The positive economic impact of 16 new dwellings in the local area would be significant. Employment opportunities will exist during the construction and is expected to include opportunities for local suppliers and sub-contractors. A range of direct and indirect employment opportunities will therefore be created during the construction phase and once the new retail unit is operational.
- 5.35 The increased retail expenditure of at least £0.25M per annum will also have a further positive impact on the Peterculter centre and its associated shops and services. This will be in addition to the substantial council tax benefits arising from the new development.

- 5.36 Therefore, and whilst not significant in a city wide context, this development will bring significant economic benefits to the local Peterculter area. This is, in our opinion, a significant material consideration in support of the application proposals, and one that the Planning Officer has clearly failed to acknowledge in his evaluation of the proposed development.
- 5.37 In response to the Planning Officer's comments on the viability of the development, the applicant is confident that the proposals for the site are viable and deliverable. There would be no point in submitting an application for an unviable development. The suggestion that "*no weight can be attached to this issue as no viability statement or other related viability justification has been submitted*" is therefore not relevant to this planning application.

(6) Residential Amenity

- 5.38 The Planning Officer assesses residential amenity issues on page 9 of the Report of Handling, and is critical of the findings of the submitted Daylight and Sunlight Assessment Report. He considers that the proposal would adversely affect the amenity of the adjacent house to the north due to over-domination, overshadowing and overlooking and requested extended detailed cross sections to show the relationship with this property.
- 5.39 The Planning Officer also raises concerns about the poor level of amenity for future occupants of some of the proposed flats and concluded that the lack of accurate supporting information means "*it cannot be concluded that the development would not result in adverse impact on existing residential amenity*". The Planning Officer is also critical of the provision of adequate usable external amenity space for proposed occupants and considers that due to an increased risk of overspill car parking pressure from the development it would likely result in adverse impact on existing residential amenity.
- 5.40 The Planning Officer does accept that the submitted Noise Assessment has demonstrated that an adequate noise environment could be created for occupants of the flats and its findings are accepted and suitable mitigation measures could be conditioned in compliance with LDP Policy T5.
- 5.41 In response to these amenity concerns, we can confirm that the proposed development has been designed to fully meet the needs of users and occupiers of the new development, and full consideration has been given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy.
- 5.42 The submitted Daylight and Sunlight Assessment Report has been prepared by recognised technical experts and produced in accordance with BRE Guidelines. It is not deficient and concludes that the design of the new building allows for a very minimal impact on the surrounding buildings whilst enabling development of the area.

- 5.43 The Design Consultants have confirmed that the house to the north sits at a higher level and its daylight is not affected by the proposed development. It should also be noted that the owner of the house to the north has not objected and is understood to be fully supportive of the proposed development.
- 5.44 In our opinion, the proposals for the site will provide a high quality development which is compatible with the immediately adjacent uses and would be in keeping with the scale, density and character of the local area. A co-ordinated and integrated approach has been taken to the planning and design of the proposals to ensure that the new development can be accommodated without any adverse impact on existing residential amenity.

(7) Pedestrian Access/Vehicle Access/Parking/Servicing

- 5.45 The Planning Officer's evaluation of the proposed development's access, parking and servicing arrangements is set out in pages 10 and 11 of the Report of Handling.
- 5.46 As noted above, this assessment was prepared prior to the submission of the updated Consultation Response from the Council's Roads Development Management Team. This updated response (which is included at Appendix 4) has confirmed that the proposed access, parking and servicing arrangements are all acceptable to the Council's Roads Team and can be controlled by way of suitable conditions. The Planning Officers comments on these matters are therefore no longer relevant.

(8) Landscape/Open Space Provision

- 5.47 The Planning Officer's assessment of landscaping and open space is set out on page 11 of the Report of Handling and he confirms that the provision of public open space is not required for brownfield sites, and a contribution could be sought for enhancement of off-site public space in accordance with the objective of LDP Policy NE4. The applicant is happy to accept this arrangement.
- 5.48 The proposed development would therefore provide enhancements to existing public spaces in the local area in accordance with LDP Policy NE4. This is a further positive benefit of the development, which has not, in our opinion, been acknowledged by the Planning Officer in his evaluation of this planning application.
- 5.49 The Planning Officer is, however, critical of the submitted landscape plan and considers that the extent of greenspace within the site would be limited and its usability would be restricted and he concludes that *"insufficient green space would be provided within the site to provide amenity for occupants"*. We do not agree with this conclusion and as shown on the submitted landscape plans, a significant amount of landscaping is being provided by way of new shrubs, trees and planters.

5.50 As we have confirmed above, the total amenity space being provided as part of the redevelopment of the site is 327.6m² which equates to 20.48m² per dwelling. Each new build apartment has also been provided with approximately 4.5m² of external balcony/terrace space, which results in a total level of amenity space of over 25m² per dwelling. This compares favourably to the Co-op development on the south side of North Deeside Road which has a total of 199 m² of amenity space which equates to less than 20m² per flat. The level and quality of amenity space being provided is therefore considered to be appropriate and comparable to recent developments in the immediate area.

(9) Tree Impact

5.51 The Planning Officer assesses the proposed development's impact on trees at page 12 of the Report of Handling and initially confirms that "*the development does not result directly in tree removal*", but then goes on to conclude that the development does not accord with the Council's policy on trees.

5.52 However, and as confirmed in the submitted Tree Survey, there are no trees within the application site. There will therefore be no tree loss as a result of the proposed development.

5.53 This is a positive feature of the proposals, as is the proposed new tree planting which is confirmed in the submitted landscape plans. This proposed new tree planting will significantly enhance the existing situation and will increase and enhance the long term continuity of tree cover both within and surrounding the application site.

5.54 The proposed development will therefore meet the objective of LDP Policy NE5.

(10) Drainage

5.55 The Planning Officer assesses the drainage arrangements for the proposals on page 12 of the Report of Handling and notes that Scottish Water, ACC Roads and Dee District Salmon Fishery Board have no objection to the development and there is adequate foul drainage capacity to service the development. The Planning Officer also confirms that the submitted DIA and surface water assessment indicate that the site can be adequately drained, but he raises concerns that the surface water discharges from the site are contrary to Scottish Water advice and SUDS best practice.

5.56 We can confirm that this is not correct and the applicant's engineers, Cameron & Ross, have designed the new drainage scheme in full consultation with Scottish Water and this has been agreed. It is notable that Scottish Water has not objected to the planning application. It should also be noted that the proposals involve the redevelopment of a brownfield site which currently relies on an existing, historical drainage arrangement. The existing drainage arrangements for the site will therefore be improved and enhanced in accordance with best practice.

5.57 On this basis, and as is normal practice, a suitable condition can be imposed to ensure that the proposed drainage arrangements of the new development accord with the objectives of LDP Policy NE6.

(11) Ecology Impact

5.58 The Planning Officer assesses the ecological impacts of the proposals on page 12 of the Report of Handling and confirms that as the site is already largely developed (i.e. it is a brownfield site) it has limited ecological interest and he accepts that the application raises no conflict with the ecology enhancement objectives of LDP Policy NE8.

5.59 It should also be noted that the new landscaping proposals will enhance the bio-diversity value of the application site. These positive benefits are not mentioned in the Report of Handling.

5.60 The Planning Officer also raises concerns with the findings of the submitted bat survey and has requested that a further survey is provided to rule out the use of the building by bats and demonstrate compliance with LDP Policy NE8.

5.61 In response, we can confirm that the bat survey was undertaken by a recognised and licensed bat roost surveyor in accordance with guidelines set out in the Bat Conservation Trust – Bat Surveyors Good Practice Guidelines, and English Nature, Bat Mitigation Guidelines. The survey has concluded that the buildings on site showed no evidence of bats roosting, and are damp and contain materials not preferred by bats. The survey concluded that the buildings have very little bat roost potential and have not been used by bats.

5.62 On this basis, the submitted bat survey has concluded that as no bats were using the buildings for roosting, the proposed demolition of the outbuildings and development of the site will not impact on the bat population in the area and no mitigation is necessary. The conclusions of the submitted bat survey are therefore clear and robust. There is no need for a further bat survey.

(12) Crime Risk

5.63 The Planning Officer assesses crime risk issues of relevance to the proposals on page 13 of the Report of Handling, and considers that *“the communal car park and pedestrian access to the flats would be vulnerable to potential crime risk as they would be unduly secluded”*. This is not accepted and the development has been designed to interact closely with the street, providing continuity of urban frontage and natural surveillance. The layout of the development will enhance community safety and urban vitality and has direct and convenient connections on foot and by cycle. The proposed new road space has been limited to avoid encouraging greater car use or cause or add to congestion in the surrounding area but has been designed as an integral and necessary part of the new development.

5.64 The applicant has also confirmed in the Notice of Review Statement that CCTV cameras can be installed together with the general lighting and security lighting to address any potential crime risk issues. These matters can all be controlled by way of suitable conditions.

(13) Affordable Housing/Developer Obligations

5.65 The Planning Officer evaluates affordable housing on page 13 of the Report of Handling and confirms that the provision of affordable units including the means of delivery could be the subject of a section 75 agreement. The applicant is agreeable to this approach. This is a further benefit of the proposed development.

(14) Energy and Water Efficiency

5.66 The Planning Officer assesses energy and water efficiency on page 13 of the Report of Handling and has confirmed that this matter can be addressed by way of a suspensive condition. The applicant is agreeable to this approach.

(15) Other Technical Matters

5.67 Other technical matters are considered on page 13 of the Report of Handling, and the Planning Officer confirms that there are no other technical matters of relevance to the application proposals.

(16) Proposed Aberdeen Local Development Plan

5.68 The Planning Officer comments on the status of the Proposed LDP on page 14 of the Report of Handling, but as we have confirmed above, the Proposed LDP is currently at Examination and has no weight in relation to the determination of this planning application.

(17) Other Concerns Raised in Objection

5.69 The Planning Officer assesses other concerns on page 14 of the Report of Handling, and confirms that the loss of or impact on private views from adjacent residential premises is not a material planning consideration.

5.70 The concerns regarding the scale of development, impact on residential amenity and the retail centre, parking provision and other technical concerns have already been addressed above and we have demonstrated that these are not valid reasons for refusing this application.

6.0 Review of the Planning Officer's Reasons for Refusal

- 6.1 The Planning Officer has provided his reasons for refusing the planning application on pages 14 and 15 of the Report of Handling. We have reviewed each reason and copied these below along with the applicant's response to the comments set out under each reason.

"Reason for Refusal 1. Insufficient Information

Insufficient information has been submitted in order to assess the impact of the development. Extended detailed cross sections and a revised sunlight impact assessment with sun / shadow cast analysis is required to demonstrate the impact on existing residential premises to the north of the site. Submission of a transport statement and clarification of servicing arrangements is required in order to assess the transport impact of the development and demonstrate compliance with policy T2: Managing the Transport Impact of Development and policy R6: Waste Management Requirements for New Development within the Aberdeen Local Development Plan 2017 (ALDP). Submission of an additional competent bat survey is required to demonstrate that there would not be adverse impact on bats in accordance with the expectations of ALDP policy NE8: Natural Heritage."

Applicant's Response:

An extensive suite of supporting information has been submitted to address all relevant site specific and technical considerations. This includes a Design and Access Statement; Tree Survey; Bat Survey; Site Investigation; Drainage Impact Assessment; Surface Water Assessment; Daylight and Sunlight Assessment; and Noise Impact Assessment. In addition, a package of detailed drawings has been prepared in support of the application, including: site plans; detailed layout plans; elevations and floor plans; drainage and landscape plans.

The package of supporting information has been prepared to provide a detailed assessment of the proposed development and addresses relevant policy requirements set out in the Development Plan as well as issues raised during the pre-application stage. These documents provide clear support for the proposals and confirm that there are no technical or physical constraints to developing the site for the scale and type of development now being proposed.

These reports have all been prepared by recognised experts and have been prepared to established industry standards. The findings and conclusions set out in each report are robust and accurate. We would therefore urge the LRB to take the opportunity to review each report and to prefer the conclusions of the respective technical experts.

The application has attracted no objections from any of the technical consultees and all matters can be suitably addressed by way of conditions as is the standard approach for an application of this scale and nature.

Paragraph 35 of the SPP confirms that the level of supporting information accompanying a planning application should be proportionate to the scale of the application, and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made.

The submitted Daylight and Sunlight Assessment has been prepared by accredited technical experts and produced in accordance with BRE Guidelines. It is not deficient and concludes that the design of the new building allows for a very minimal and acceptable level of impact on the surrounding buildings whilst enabling the redevelopment of the application site.

There is no need for a Transport Statement. ACC Roads Development Management Team has confirmed that it has no objections to this application.

The submitted Bat Survey was undertaken by a recognised and licensed bat roost surveyor in accordance with Bat Conservation Guidelines. The survey has confirmed that the buildings on site showed no evidence of bats roosting, have very little bat roost potential and have not been used by bats.

The Bat Survey concluded that as no bats were using the buildings for roosting, the proposed demolition of the outbuildings and development of the site will not impact on the bat population in the area and no mitigation is necessary. The conclusions are therefore clear and robust. There is no need for a further Bat Survey.

For all of these reasons, insufficient information is not a valid reason for refusing this planning application.

“Reason for Refusal 2. Residential Amenity

The proposed development is considered to borrow amenity from adjacent land and would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external drying area and limited communal open space would be substantially shaded by the proposed building and would be inconvenient for practical use due to proximity to car parking, restricted size and inconvenient access. The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in adverse impact on existing residential amenity.”

Applicant’s Response:

Paragraphs 29, 40, 44, 45 and 46 of the SPP support the development of brownfield sites and specifically encourages the reuse and regeneration of such sites at higher densities and for a mix of uses.

The SPP explicitly supports denser development that shares amenity with adjacent sites.

The SPP also recommends a mix of building densities and types creating more compact, higher density, accessible and more vibrant centres where improvement would have the most benefit for the amenity of local people and the vitality of the local economy.

The application proposals meet all of these objectives set out in the SPP and represent sustainable development.

The total amenity space being provided as part of the development is 327.6m² which equates to 20.48m² per dwelling. Each new build apartment has also been provided with approximately 4.5m² of external balcony/terrace space, which results in a total level of amenity space of over 25m² per dwelling. This compares favourably to the Co-op development on the south side of North Deeside Road which has a total of 199 m² of amenity space which equates to less than 20m² per flat.

There are no issues with the proposed levels of car parking and ACC Roads Development Management Team has confirmed that it has no objections to this application.

The application site is not a remote location. It is located within a local retail centre directly adjacent to a range of shops, services and facilities. It is highly accessible to regular public transport with an existing bus stop immediately adjacent to the site. It is within easy walking distance (under 400 metres) of the core path network and off-road cycle paths.

The redevelopment and regeneration of this semi-derelict site will improve and enhance the existing residential amenity surrounding the site.

For all of these reasons, residential amenity is not a valid reason for refusing this application.

“Reason for Refusal 3. Overdevelopment

Notwithstanding the conclusion of the submitted design and access statement, the scale and form of the proposed development would not respect the context of the site, which largely retains a low-density village character, by reason of its excessive footprint, height and massing. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3: Big Buildings. The significant underprovision of car parking for the proposed residential development would not accord with the expectations of ALDP policy T2: Managing the Transport Impact of Development and the remote location of the site relative to the city centre does not warrant approval of a low car development. It is considered that insufficient green space and tree planting would be provided within the site to provide amenity for occupants and enable continuity of tree cover in the wider area in the interest of the objective of ALDP policy NE4: Open Space Provision in New Development and NE5: Trees and Woodland. The proposal is therefore considered to represent overdevelopment of the site by reason of its inappropriately high density and conflicts with the objectives of ALDP policies D1: Quality Placemaking by Design and H3: Density.”

Applicant’s Response:

As above, the SPP supports and encourages the reuse and regeneration of the application site at higher densities and for a mix of uses. The application proposals meet all of these objectives set out in the SPP and represents sustainable development.

ACC Roads Development Management Team has raised no issues with the proposed levels of car parking and has confirmed that it has no objections to this application.

The application site is not a remote location. It is located within a local retail centre; is accessible to public transport and within easy walking distance of the core path network and off-road cycle paths.

The Planning Officer has failed to assess the proposed development against the context established by the 4 storey flatted development immediately to the east of the application site and the 4 storey mixed use development to the south east of the site.

The Co-op development is directly comparable to the application proposals, and the former Gordon Arms Hotel development is taller than the proposed development. These buildings are an established part of the street scene and are important buildings in terms of both the application site and the local context of the area. These buildings have not been properly considered as part of the assessment of this planning application.

The Planning Officer’s selective use of some scale, density and height comparisons but not others is not appropriate. It does not provide an accurate picture of the proposed development and how it has been designed to reflect and respect the scale, height and massing of adjacent properties.

These adjoining buildings have established a clear precedent for this scale and type of building in this location and set the context for assessing the proposed development of the application site.

The application proposals have therefore been designed to respect and reflect the scale, heights and massing of the wider context within which the development will be located. It is compatible with the scale and density of immediately adjacent uses and would be in keeping with the character and amenity of the local area.

The new development has therefore been designed with due and proper consideration for its context and complies with the principles of Policy D1 of the adopted LDP.

It has been designed to be 3 storeys at the street frontage, stepping up to 4 storeys at the rear of the site similar to the approach adopted at the Co-op development (see photograph at Appendix 6). It will be lower than the adjacent flatted development at the former Gordon Arms Hotel site (see Appendix 2). It is not a big building and LDP Policy D3 is not relevant to this proposal.

For all of these reasons, overdevelopment is not a valid reason for refusing this application

“Reason for Refusal 4. Design Quality

The form and materiality of the proposed development would be incongruous to its context, by reason of the perpendicular relationship of the building to the street, its extensive footprint / use of flat roofs and the proposed use of metal wall / roof cladding, such that it would not accord with the objective of ALDP policy D1: Quality Placemaking by Design and Materials TAN. It is considered that the proposed pedestrian access arrangements for the new flats would be neither welcoming nor pleasant. The pedestrian entrance points would not be visible from the street and would entail walking through the undercroft of a building and car park and thus would be neither attractive nor well defined and would conflict with the secure by design advice provided by Police Scotland. This arrangement is also considered to conflict with the objective of ALDP policy T3: Sustainable and Active Travel as pedestrian movement has not been prioritised. The layout as proposed would also result in poor natural surveillance of the car park from public rooms (e.g. lounges). No re-use of existing granite downtakings / rubble is proposed on site such that there would be a degree of conflict with ALDP policy D5: Our Granite Heritage.”

Applicant’s Response:

As confirmed above, the application proposals have been designed to respect and reflect the scale, heights and massing of the wider context within which the development will be located. It is compatible with the scale and density of immediately adjacent uses and would be in keeping with the character and amenity of the local area.

The new development has been designed with due and proper consideration for its context and takes a similar design approach to the Co-op development to the south east of the application site. It complies with the principles of Policy D1 of the adopted LDP.

The proposed development has been designed to interact closely with the street, providing continuity of urban frontage and natural surveillance. The layout of the development will enhance community safety and urban vitality and has direct and convenient connections on foot and by cycle.

The proposed new road space has been limited to avoid encouraging greater car use or cause or add to congestion in the surrounding area but has been designed as an integral and necessary part of the new development.

ACC Roads Development Management Team has raised no issues with the pedestrian access arrangements and has confirmed that it has no objections to this application.

If required, CCTV cameras can be installed together with security lighting to address any potential crime risk issues. These matters can all be controlled by way of suitable conditions.

A condition can be imposed on the planning permission requiring the re-use of any salvageable granite downtakings as part of the new development.

For all of these reasons, design quality is not a valid reason for refusing this application.

“Reason for Refusal 5. Adverse impact on Peterculter Neighbourhood Centre

The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in a reduction of available on-street car parking spaces within the wider retail centre which could adversely affected the viability of existing business on North Deeside Road. The proposal thereby conflicts with the objective of ALDP policy NC6: Town, District, Neighbourhood & Commercial Centres.”

Applicant’s Response:

As confirmed above, the application site is not a remote location. It is located within a local retail centre and directly adjacent to a range of shops and services. It is highly accessible to public transport and within easy walking distance of the core path and off-road cycle network.

There are no issues with the proposed car parking arrangements and ACC Roads Development Management Team has confirmed that it has no objections to this application. There will be no loss of car parking and an increase in spaces over the current situation.

The application proposals have been designed to address the inefficiencies of the current uses on the site and would represent a significant £2M investment in the Peterculter centre

It will deliver a range of benefits to the local area, including significant improvements and investment in new retail and residential uses, which are entirely appropriate in this accessible, central location.

The proposed redevelopment and regeneration of the site will make a positive contribution to the vitality and viability of the centre by bringing a vacant site back into active use and delivering additional residential development, which will in turn increase the footfall and potential customer spend in the centre.

The proposed development is estimated to lead to a direct expenditure increase of almost £0.25M per annum of potential available expenditure to the local area. This represents a significant increase in potential expenditure in the local area given the relatively small scale of the existing centre.

The proposed development will make a positive contribution to the amenity and offering of the Peterculter centre and will not undermine its principal retail function.

This development is not intended to serve the wider city. It has been specifically designed to meet local needs and to address the inefficiencies of the current uses on the site in order to bring benefits to the Peterculter neighbourhood centre.

The vitality and viability of the centre would be enhanced rather than undermined through the introduction of the application proposals which will ensure that the premises will be occupied in a positive way to the benefit of the centre, bringing a vacant site back into active use.

This will also see the creation of a live and attractive shop frontage at ground floor level which further enhances and improves the amenity of the centre.

The application proposals will have no adverse impact on the retail centre and fully meets the objectives and criteria set out under LDP Policy NC6.

For all of these reasons, adverse impact on Peterculter Neighbourhood Centre is not a valid reason for refusing this application.

“Reason for Refusal 6. Road Safety (Access)”

Implementation of the development would be likely to result in intensification of the use of the existing site access and thereby increased public road safety risk due to the restricted visibility at the site egress and potential for conflict with traffic using North Deeside Road. Neither proposals for removal of existing on street car parking on North Deeside Road, in order to achieve the required visibility splay, nor other road safety measures are currently being promoted by the Council or are otherwise likely to be deliverable to address this concern.”

Applicant’s Response:

ACC Roads Development Management Team has confirmed that it has no objections to this application and has not raised any issues with the proposed site access or car parking arrangements.

Road safety (access) is not a valid reason for refusing this application.

“Reason for Refusal 7. Sustainable Development”

Notwithstanding the desire to secure redevelopment of brownfield sites within settlements, the proposal would not contribute to the overall objective of sustainable development, as expressed in Scottish Planning Policy 2014, by reason of its excessive scale and density, the potential adverse impact on the viability of Peterculter retail centre and the inappropriate surface water drainage arrangements and absence of appropriate sustainable drainage features in conflict with the objective of ALDP policy NE6: Flooding, Drainage & Water Quality.”

Applicant’s Response:

As confirmed above, the scale and density of the proposed development matches the parameters set by adjoining buildings, including the development on the former Gordon Arms Hotel site and the Co-op development to the south east of the application site. These establish clear precedents for supporting and approving the application proposals.

The proposed development will make a positive contribution to the amenity and offering of the Peterculter centre and will not undermine its principal retail function.

The vitality and viability of the centre would be enhanced rather than undermined through the introduction of the application proposals which will ensure that the premises will be occupied in a positive way to the benefit of the centre, bringing a vacant unit back into active use.

The application proposals will have no adverse impact on the retail centre and fully meets the objectives and criteria set out under LDP Policy NC6.

The new drainage scheme for the site has been designed in full consultation with Scottish Water and this has been agreed. Scottish Water has not objected to the planning application.

The proposed development involves the redevelopment of a brownfield site which currently relies on an existing, historical drainage arrangement. The existing drainage arrangements for the site will therefore be improved and enhanced in accordance with best practice. An appropriate condition can be imposed to ensure that the proposed drainage arrangements of the new development accord with the objectives of LDP Policy NE6.

As the Planning Officer acknowledges in his evaluation of the application, the delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords with both the LDP's and the SPP's presumption in favour of development that contributes to sustainable development.

This proposal constitutes sustainable development and there is a presumption in favour of granting planning permission, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

The Planning Officer has failed to acknowledge the benefits of the proposed development and has sought out unwarranted and unsubstantiated reasons for refusing the application.

None of the perceived impacts of the proposed development are significant and can all be controlled by way of appropriate conditions. The benefits of approving this development clearly outweigh any adverse impacts.

For all these reasons, sustainable development is not a valid reason for refusal, but is a reason for approving this application.

6.2 For the reasons stated above, we do not agree, or accept the reasons for refusal given by the Planning Officer.

6.3 Given the shortcomings on the part of the Planning Officer, we would respectfully request that the Council's Local Review Body re-assesses the particular merits of this application; and takes into account the matters discussed above.

6.4 Following a proper review of the proposed development, it will be clear to the Local Review Body that planning permission can be granted, subject to appropriate conditions controlling all relevant technical and detailed design matters.

7.0 Observations on the Planning Officer's Comments on the Notice of Review Statement

7.1 On pages 15 to 17 of the Report of Handling, the Planning Officer provides comments on the applicant's Notice of Review Statement.

7.2 We have reviewed these additional comments, but they largely repeat the points set out in the Report of Handling which we have already addressed and discussed above. No new matters are raised in the Planning Officer's response to the Notice of Review Statement and all matters have been adequately addressed.

8.0 Summary & Conclusions

- 8.1 Our review of the Planning Officer's evaluation of the application and the stated reasons for refusal has demonstrated that the Planning Officer has, from the very outset, adopted a negative position on this proposed development and sought to refuse the application, rather than take a more balanced, and positive view of this opportunity to regenerate and redevelop a highly accessible, well-located, brownfield site which will provide much needed new housing and add to the vitality of the Peterculter neighbourhood centre.
- 8.2 We have demonstrated that the Planning Officer has focussed on certain policy aspects in his Report, but is silent on others that are directly relevant, and support this application.
- 8.3 The Planning Officer has also chosen to ignore the clear precedents established adjacent and opposite the application site for this scale and density of development. These are, in our opinion, significant omissions in his assessment and determination of this planning application.
- 8.4 In this respect we would draw particular attention to the Planning Officer's decision not to consider the application proposals against the context established by 4 storey flatted development immediately to the east of the application site (which is the development of the former Gordon Arms hotel) and the 4 storey mixed use development to the south east of the site which is occupied by the new Co-op store with flatted residential apartments above.
- 8.5 As we have explained above, the Co-op development is directly comparable to the application proposals, and the former Gordon Arms Hotel development is taller than the proposed development (see Appendices 2 and 6). These are both significant material considerations that must be taken into account as part of the assessment of the application proposals. They cannot be ignored.
- 8.6 The Planning Officer has, however, chosen to ignore both the Co-op development and the former Gordon Arms hotel development on the basis that they are *"not considered to represent a precedent or be representative of the prevailing built form"*. This is a quite astonishing statement from the Planning Officer. These buildings exist. They are an established part of the street scene and are important buildings in terms of both the application site and their role as forming a key part of the local context of the area. These buildings must be considered as part of the assessment of this planning application.
- 8.7 This matter can be confirmed at the site visit and we would ask the LRB to consider the proposed scale, height and density of the proposed development in the context of these adjoining buildings which have, in our opinion, established a clear precedent for this scale and type of building in this location.

- 8.8 We would also ask the LRB to review and consider the Report of Handling which assessed and approved the mixed retail and flatted development that was constructed on the site of the former car sales facility at 279-281 North Deeside Road that is now occupied by the Co-op development (Application Ref: P141089).
- 8.9 The approach taken in the assessment of that planning application was the correct and appropriate approach. It confirms that a balanced and positive determination can be taken to the proposed redevelopment of the application site. This would follow the approach adopted by the Council in respect of a comparable development some 75 metres to the south east of the application site.
- 8.10 We have enclosed a copy of the Report of Handling for that development as Appendix 7 and would ask the LRB to compare the approach taken in respect of the Co-op site with the approach taken with the application site.
- 8.11 The approach adopted for the Co-op development demonstrates how a positive and balanced consideration of the proposed mixed use redevelopment of a well located brownfield site can, and should, be taken and one that is compliant with relevant planning policy; supported by a range of material considerations; and supported by the relevant responses from the various technical consultees.
- 8.12 It is clear from our review of the Report of Handling for the proposed development on the application site that the Planning Officer has not taken this approach.
- 8.13 The Planning Officer has, instead, taken a very selective view of the site and its surroundings, and of relevant policy.
- 8.14 In our opinion, the Planning Officer has omitted a number of significant points of direct relevance to the assessment and consideration of this planning application. He has not taken a balanced and informed assessment of the application and has failed to properly consider the relevant sections of the SPP which is a significant material consideration in this case.
- 8.15 He has also chosen to ignore the accessibility of the site; and dismiss the economic benefits of the proposals.
- 8.16 These are all significant shortcomings and result in an incomplete assessment of the proposed development by the Planning Officer.
- 8.17 We have demonstrated that the SPP confirms that the level of supporting information should be proportionate to the scale of the application; and balanced decisions should be taken giving proper weight to the economic benefits of the proposals, and it is only where adverse impacts would significantly and demonstrably outweigh the benefits of the development should refusal be considered.

- 8.18 As we have explained in our discussion on the SPP above, this means that there is a presumption in favour of granting planning permission for this development, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.
- 8.19 This is a high threshold and any negative impacts of the development must be significant, and must be balanced against the benefits of the development. However, to make this assessment, a proper understanding of the benefits of the development must be reached.
- 8.20 As we have demonstrated above, we do not believe that the Planning Officer has taken the range of benefits of the proposed development into full account in his consideration and determination of this planning application.
- 8.21 The Planning Officer has failed to acknowledge the benefits of the proposed development and has sought out unwarranted and unsubstantiated reasons for refusing the application.
- 8.22 None of the perceived impacts of the proposed development are significant and can all be controlled by way of appropriate conditions. The benefits of approving this development clearly outweigh any adverse impacts.
- 8.23 From a review of the Planning Officer's Report of Handling it is therefore clear, in our opinion, that the Planning Officer has failed to give appropriate weight and due consideration to the following key determining issues:
1. The brownfield nature of the application site, and the over-riding presumption in favour of redeveloping brownfield sites that contributes to sustainable development;
 2. The application site's highly accessible location which is adjacent to well-used bus stops, cycle lanes and footpaths.
 3. The scale, massing and density of the established development surrounding the application site, and in particular the adjacent flatted residential developments to the east and south east of the application site.
 4. The benefits of delivering a new retail unit that will make a positive contribution to the vitality and viability of an important neighbourhood centre.
 5. The provision of new residential accommodation in a highly sustainable, accessible location that will meet a particular element of the City's housing land requirement, including the provision of affordable housing, and which will also support the shops, services and facilities provided in the Peterculter neighbourhood centre.
 6. The significant economic benefits of the proposed regeneration and redevelopment of a currently under-used, vacant and semi-derelict site that is not, in its current state, contributing to the vitality and viability of the Peterculter neighbourhood centre.
 7. The lack of any objections from relevant technical consultees.

- 8.24 This failure to take proper account of these significant material considerations has led to the Planning Officer's refusal of the planning application.
- 8.25 In our opinion, none of the stated reasons for refusal are valid and this planning application can be granted planning permission, subject to appropriate conditions.
- 8.26 We would therefore urge the LRB to share this opinion and support the proposed development.
- 8.27 This can be done by taking a positive and balanced consideration of the application proposals, similar to the approach taken by the Council for the redevelopment of an adjacent site (see Appendix 7).
- 8.28 In our opinion the proposed redevelopment of the brownfield site at 242 North Deeside Road is compliant with relevant planning policy; is supported by a range of material considerations; and the relevant responses from the various technical consultees.
- 8.29 The proposed redevelopment of this accessible, brownfield site has been designed with due consideration for its context and complies with the principles of LDP Policy D1 – Quality Placemaking by Design. The proposal is also considered to comply with the provisions of LDP Policy NC6 – Town, District, Neighbourhood and Commercial Centres, and has been designed to meet the requirements of Policies R6 – Waste Management Requirements for New Developments; NE6 – Flooding, Drainage & Water Quality; and T2 - Managing the Transport Impact of Development. The application can therefore be considered to accord with the relevant policies of the development plan and should be granted planning permission.
- 8.30 Planning Permission can therefore be granted, subject to conditions.
- 8.31 We would therefore respectfully request that this appeal is upheld, and would urge the LRB to grant planning permission subject to appropriate conditions.
- 8.32 If it would assist the consideration of this appeal, we would welcome the opportunity to present this evidence to the LRB by way of a Hearing and an accompanied site visit.
- 8.33 We would also be happy to agree suitable conditions for the planning permissions if the LRB is so minded.

JOHN HANDLEY ASSOCIATES LTD

Chartered Town Planning Consultants

65a Leamington Terrace

Edinburgh

EH10 4JT

Appendices:

1. Accessibility of Application Site
2. Proposed Elevation along North Deeside Road
3. Relevant Extracts from Scottish Planning Policy (June 2014)
4. Consultation Response from ACC Roads Development Management Team; 06 May 2022
5. Extracts from Aberdeen City and Aberdeenshire Retail Study 2013
6. Photograph of Co-op Development at 279-281 North Deeside Road
7. Copy of Report of Handling for Planning Application Ref: P141089 (Mixed Use Development at 279-281 North Deeside Road)

Appendix 1: Accessibility of Application Site



Location of existing bus stops adjacent to application site



Service 19 Route Map

19

Monday to Friday
Valid from: 24/04/2022
Valid to: 25/06/2022

19 Culter - Tillydrone Via CULTS-CITY CENTRE-ABERDEEN UNIVERSITY

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	---	---	---	---	---	0558	---	0620	---	0640	0656	0711
Cairn Road	---	---	---	---	---	0610	---	0632	---	0654	0710	0725
Ashley Road	---	---	---	0601	---	0622	---	0647	---	0711	0727	0742
Broad Street	---	0522	---	0612	---	0634	---	0700	---	0724	0741	0756
Sir Duncan Rice Library	---	0532	---	0622	---	0647	---	0713	---	0737	0756	0811
St George's Church	0516	0535	0605	0625	0645	0650	0700	0716	0730	0740	0759	0814
Tillydrone	0519	0538	0608	0628	0648	0653	0703	0719	0733	0743	0802	0817

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	0726	0740	0754	0808	0823	0838	0853	0908	0923	0938	0953	1009
Cairn Road	0741	0755	0809	0823	0838	0853	0908	0923	0938	0953	1008	1024
Ashley Road	0758	0812	0826	0840	0855	0910	0925	0940	0955	1010	1025	1041
Broad Street	0812	0826	0840	0854	0909	0924	0939	0954	1009	1024	1039	1055
Sir Duncan Rice Library	0827	0841	0855	0909	0924	0939	0954	1009	1024	1039	1054	1110
St George's Church	0830	0844	0858	0912	0927	0942	0957	1012	1027	1042	1057	1113
Tillydrone	0833	0847	0901	0915	0930	0945	1000	1015	1030	1045	1100	1116

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	1023	1038	1053	1108	1123	1138	1153	1208	1223	1238	1253	1308
Cairn Road	1038	1053	1108	1123	1138	1153	1208	1223	1238	1253	1308	1323
Ashley Road	1055	1110	1125	1140	1155	1210	1225	1240	1255	1310	1325	1340
Broad Street	1109	1124	1139	1154	1209	1224	1239	1254	1309	1324	1339	1354
Sir Duncan Rice Library	1124	1139	1154	1209	1224	1239	1254	1309	1324	1339	1354	1409
St George's Church	1127	1142	1157	1212	1227	1242	1257	1312	1327	1342	1357	1412
Tillydrone	1130	1145	1200	1215	1230	1245	1300	1315	1330	1345	1400	1415

Service No.:	19	19	19	19	19	19	19	19	19	19	19	19
Notes:												
Culter	1323	1338	1353	1408	1423	1438	1453	1508	1523	1538	1554	1610
Cairn Road	1338	1353	1408	1423	1438	1453	1508	1523	1538	1553	1609	1625
Ashley Road	1355	1410	1425	1440	1455	1510	1525	1540	1555	1610	1626	1642
Broad Street	1409	1424	1439	1454	1509	1524	1539	1554	1609	1624	1640	1656
Sir Duncan Rice Library	1424	1439	1454	1509	1524	1539	1554	1609	1624	1639	1655	1711
St George's Church	1427	1442	1457	1512	1527	1542	1557	1612	1627	1642	1658	1714
Tillydrone	1430	1445	1500	1515	1530	1545	1600	1615	1630	1645	1701	1717

Extract from Service 19 Timetable confirming 15 minute frequency of service

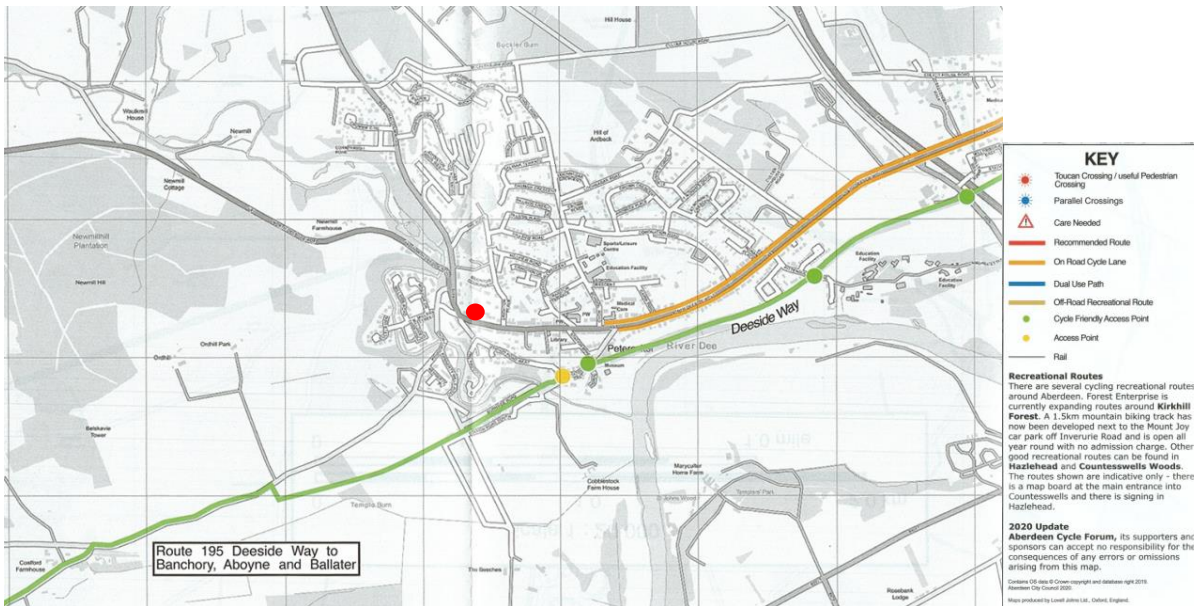
MONDAY TO FRIDAY

	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201	201
			A	B	A	B	A	B												
Aberdeen Union Square		0605	0635	0645	0705	0715	0730		0745	0815	0845	0915	0945	1015	1045	1115	1145	1215	1245	
Cults Kirk Brae		0622	0700	0710	0730	0740	0755		0810	0840	0910	0940	1010	1040	1110	1140	1210	1240	1310	
Culter Blacks Bar		0633	0710	0720	0742	0752	0807		0820	0852	0922	0952	1022	1052	1122	1152	1222	1252	1322	
Crathes Castle Gates		0646	0722	0732	0754		0819		0832	0904	0934	1004	1034	1104	1134	1204	1234	1304	1334	
Hill of Banchory Primary School		0652	0728	0738	0800		0825		0838	0910	0940	1010	1040	1110	1140	1210	1240	1310	1340	
Banchory Academy Layby		-	-	-	-		-		-	-	-	-	-	-	-	-	-	-	-	
Banchory Raemoir Road		0657	0733	0743	0805		0830		0843	0915	0945	1015	1045	1115	1145	1215	1245	1315	1345	
Banchory High Street arr		0703	0739	0749	0812		0836		0849	0922	0952	1022	1052	1122	1152	1222	1252	1322	1352	
		↓	↓	↓					↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓
Banchory High Street dep		0703	0739	0749	0814				0849	0925	0955	1025	1055	1125	1155	1225	1255	1325	1355	
Banchory Burnett Road		0705	-	-	0816				-	0927	-	1027	-	1127	-	1227	-	1327	-	
Kincardine O'Neil			0748	0758					0858	1008		1108		1208		1308		1408		
Aboyne Main Street			0757	0807					0902	0907		1017		1117		1217		1317		1417
Dinnet Cottage				0815					0910	0915		1025		1125		1225		1325		1425
Banchory Depot Bus Stop		0551	0711		0825				0920	0925		1035		1135		1235		1335		1435
Ballater Golf Road arr		0553	0713		0829				0924	0929		1038		1138		1238		1338		1438
		↓	↓		↓				↓			↓				↓				↓
Ballater Golf Road dep		0553	0713		0830				0930			1140				1340				
Crathie for Balmoral		0605	0725		0842				0942			1152				1352				
Braemar Auchendryne Square		0620	0740		0859				0959			1209				1409				

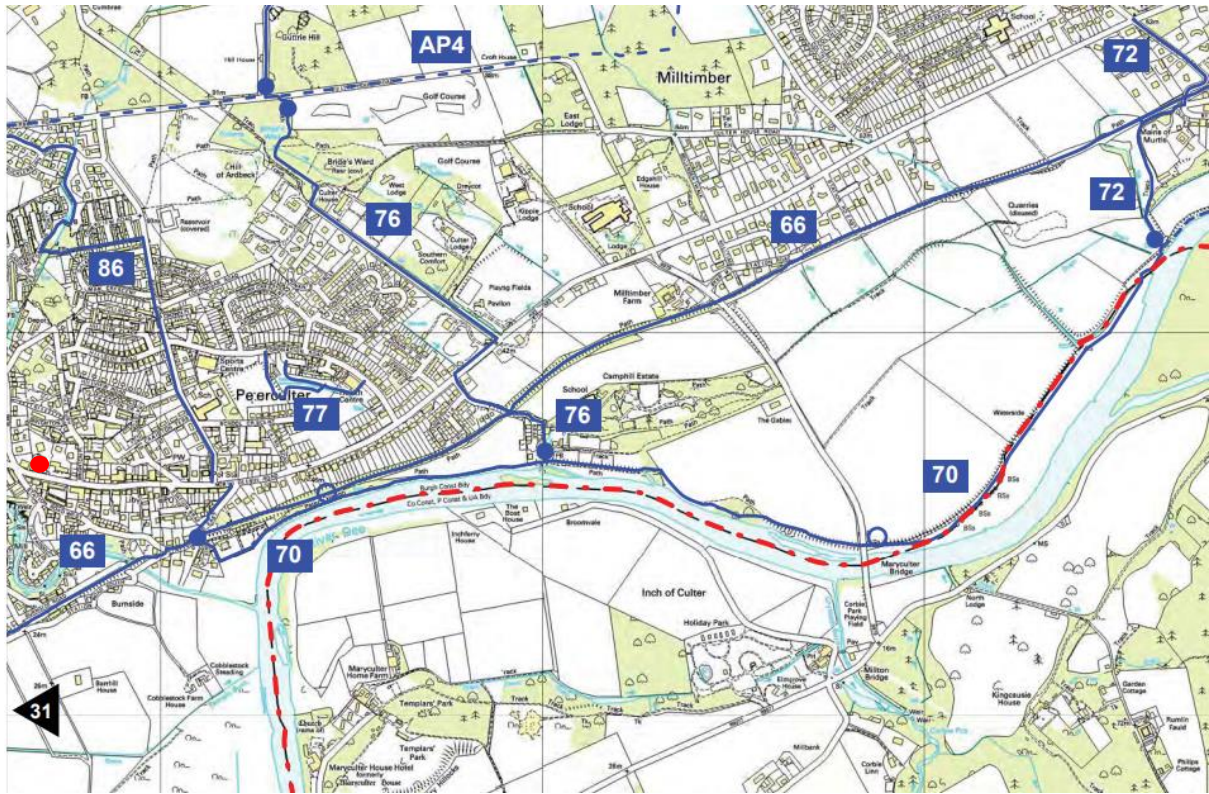
Key
 F Fridays only
 NF Not Fridays
 A Operates on Aberdeenshire Schooldays only
 B Operates on Aberdeenshire School Holidays only
 ↓ To comply with Drivers Hours regulations, this journey connects at indicated locations. The connection is guaranteed, through fares are available and customers may remain on the vehicle, which operates through.
 - Stop not served

You can also check journey information by going online at stagecoachbus.com, or by signing up for email updates.

Extract from Stagecoach Service 201 Timetable confirming 30 minute frequency of service

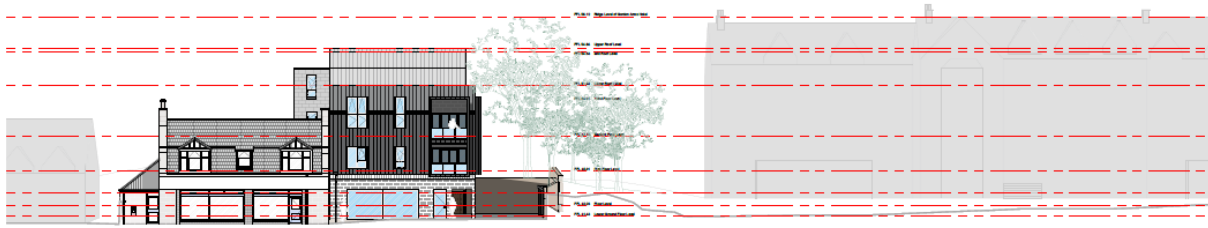


Location of Application Site in relation to existing Cycle Network



Location of Application Site in relation to existing Core Path Network

Appendix 2: Proposed Elevation along North Deeside Road



Spar Store

Proposed Development

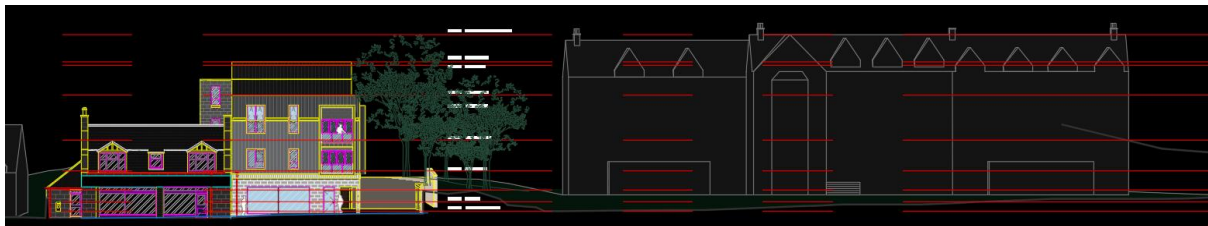
4 Storey Apartments (former Gordon Arms Hotel)



Spar Store

Proposed Development

4 Storey Apartments (former Gordon Arms Hotel)



Proposed Development

4 Storey Apartments (former Gordon Arms Hotel)

Appendix 3: Relevant Extracts from Scottish Planning Policy (June 2014)

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

9

Scottish Planning Policy

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date²² or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

Scottish Planning Policy

Placemaking

NPF and wider policy context

36. Planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government's policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland's communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland's distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

Policy Principles

Planning should take every opportunity to create high quality places by taking a design-led approach.

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:

39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- *Distinctive*

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- *Safe and Pleasant*

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- ***Welcoming***

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- ***Adaptable***

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- ***Resource Efficient***

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- ***Easy to Move Around and Beyond***

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

Consultee Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of 14no. residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure at High Point, 242 North Deeside Road, Peterculter, Aberdeen AB14 0UQ.

It is noted that initial Roads Development Management comments in regard to this application were lodged 12th January 2022, since such the applicant has provided further detail and submissions in regard these comments.

As per previous, it is confirmed that the proposed level of associated parking provision of 18no. spaces, which equates to provide 1 space per unit, is considered acceptable given associated cycle storage and proximity to public transport. It is confirmed since such comments the applicant has detailed and confirmed that the parking provision meets the minimum parking dimensions of 2.5m x 5m and 6m aisle width, therefore is acceptable.

Additionally, associated cycle parking/storage provision has been clarified to provide space for 18no. bikes which shall provide space/storage for each flat/unit.

Within previous comments it was sought for further consideration and design given to the upgrade of the existing vehicular access to the site to create a betterment at this location. The applicant has since provided further proposal in this regard which is to build out the access and have been in contact with Roads Officers to discuss, it has also been advised that the existing bus stop location can be moved east slightly in order to tidy up this congested location. It is confirmed that Roads Officers have also liaised with the Public Transport Unit (PTU) to agree on such alterations to this existing bus stop which would be the movement of flagpost sign, bay markings and kassel kerbs, while retaining the existing bus shelter location.

In regard to this access upgrade and bus stop alterations, the exact details/design of such shall be purified via required Section 56 Roads Construction Consent (RCC). However, the principle and indicative design of this is accepted.

It is noted and confirmed that from a Roads Development Management perspective that the applicant has addressed previous comments, therefore have no further observations and have no objections to this application.

Appendix 5: Extract from Aberdeen City and Aberdeenshire Retail Study 2013

A4: Aberdeen City

Pitney Bowes Business Insight
Consumer Retail Expenditure Summary (£ Per Annum)
Prepared by: AnySite



Prepared For: Braniff Associates
Project: Area 4: AHMA

Area:	Area 4: AHMA				
Description	2010 Per Person	2011 Per Person	2012 Per Person	2017 Per Person	2022 Per Person
Food	1,490	1,508	1,533	1,574	1,607
Alcoholic Drink	286	298	315	310	320
Tobacco	226	240	246	201	171
Books Newspapers Magazines	146	139	137	117	99
Books	48	44	44	41	38
Newspapers and Magazines	98	94	94	76	61
Clothing and Footwear	868	915	944	1,323	1,610
Footwear	119	122	127	173	213
Clothing	750	793	817	1,150	1,397
Furniture/Floor/Textiles	385	379	376	379	411
Furniture/Floor Coverings	272	265	259	243	254
HH Textiles/Soft Furnishings	113	114	116	136	158
Audio-visual Equipment	445	420	396	753	993
Domestic Appliances	64	63	63	74	82
AV/Photo/Optical Goods	364	341	317	658	893
Telephone/Fax Equipment	17	16	16	21	18
Hardware and DIY Supplies	280	275	276	286	296
China Glass and Utensils	60	61	61	60	64
Repair/Maintenance Materials	101	97	98	97	90
Tools/Equip for Home/Garden	50	50	53	58	63
Gardens/Plants/Flowers	68	66	63	71	78
Other Goods	1,203	1,202	1,212	1,401	1,656
Chemists' Goods	384	388	389	431	498
Jewellery/Watches/Clocks	99	115	122	111	111
Non-durable HH Goods	70	67	68	72	72
Bicycles	25	26	26	31	37
Recreational Goods	472	454	455	598	762
Other Miscellaneous Goods)	153	152	151	159	175
Total Goods	5,329	5,376	5,435	6,344	7,163
Convenience Goods	2,170	2,208	2,255	2,232	2,231
Comparison Goods	3,159	3,168	3,178	4,112	4,931
Bulky Goods	335	328	322	316	335
DIY Related Goods	263	256	256	265	272
Price Base:	2010	2011	2012	2011	2011

Appendix 6: Photograph of Co-op Development at 279-281 North Deeside Road



Appendix 7: Report of Handling for Planning Application Ref: P141089 (Mixed Use Development at 279-281 North Deeside Road

Signed (authorised Officer(s)):

277-281 NORTH DEESIDE ROAD, PETERCULTER

PROPOSED MIXED-USE DEVELOPMENT
COMPRISING 10 2-BEDROOM FLATS A RETAIL
UNIT AND 2 OFFICES

For: Culter Properties, Mr Kenny Pratt

Application Type : Detailed Planning Permission

Application Ref. : P141089

Application Date : 17/07/2014

Advert : Can't notify neighbour(s)

Advertised on : 06/08/2014

Officer : Gavin Clark

Creation Date : 26 November 2014

Ward: Lower Deeside (M Boulton/A Malone/M Malik)

Community Council: No response received

RECOMMENDATION: Willingness to approve subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities/ meeting spaces, sports contributions, library facilities, core path networks and the Strategic Transport Fund.

DESCRIPTION

The site is located within the established village centre of Peterculter, and is located on the southern side of North Deeside Road. The site was previously used as a car sales facility (which has since been demolished, with the site cleared). There is difference in levels between the front and rear of the site, the lowest part of the site is approximately 3m below street level. An area of overgrown land is located in the south-east section of the site, and is accessed via a dilapidated stairwell. There are houses to the immediate south of the site, but at a significantly lower level. The main street through the village consists of a mixture of shopping, commercial and residential uses with parking along the roadside.

The site is rectangular in shape, with a frontage of 45m along the south edge of North Deeside Road and a depth of between 36m and 41m. The site extends to approximately 1675 square metres.

RELEVANT HISTORY

An application for planning permission (Ref: 140233) presently has a willingness to approve subject to a number of conditions and the conclusion of a legal agreement. This application proposes the erection of sixteen flats with associated car parking and landscaping.

The previous car sales outlet was established for a number of years and in 2000 received outline consent (now planning permission in principle) (Ref: A0/0606) for a residential development. This application was approved by Planning Committee on the 7th September 2000, although it was never implemented.

An application for planning permission in principle for a residential development (Ref: P091782) was approved by Planning Committee on the 17th June 2010. This was followed up by application (Ref: 130872), which was submitted in June 2013 for the approval of matters specified in Condition 1 (Means of Access, siting, design and external appearance of building and landscaping). This application was withdrawn in January 2014, and the planning permission in principle has since expired.

PROPOSAL

The application seeks detailed planning permission for the erection of 10 two-bedroom flats (two at lower ground floor, four at first floor and four and second floor level), a retail unit (at ground floor level) and two office units (located at lower ground floor level) with associated landscaping and car parking facilities.

The proposed building would be four storeys in height, with three storeys located above street level, and one at basement level. The walls on the first three storeys of the front elevation, which includes the basement level, would be constructed in natural granite (walls, lintols and cills). The top storey (both front and rear) would be constructed in a zinc standing seam with matching flashings. The first three storeys on the rear elevation would be constructed in a smooth cement render (colour off-white). The flat roof would be constructed with a sarnafil single ply membrane (colour off-grey), with zinc flashings to the fascia and soffit. The windows, doors and screen would be constructed with high-performance pre-finished double glazed timber windows, doors and screens (frame colour – dark grey).

The entrance feature would be constructed with zinc standing seam and matching flashings. The handrails and balustrades would be powder coated in galvanised steel (and coloured dark grey). The projecting balconies and semi-enclosed balconies would also contained powder coated pressed metal flashings. The semi-enclosed balconies would be constructed in a multitude of colours including red, green, blue and yellow.

The property would have a maximum height of 11m. As the basement would be located below street level, the top three storeys would be visible from North Deeside Road, and would have a height of approximately 8.5m from street level. The building would extend approximately 37m along North Deeside Road, and would have an overall width of approximately 10.5m. The properties on either side of the site are one-and-a-half storeys, with a height of approximately 6.7m above street level.

As mentioned previously, the retail unit would be located at ground floor level. The retail unit would cover an area of approximately 350 sqm with access taken centrally from North Deeside Road; deliveries to the site would also be taken from an access on the front elevation of the site. Refuse storage (for all uses) would also be taken from North Deeside Road, on the easternmost corner of the site.

Two office units would be located at ground floor level. Both of these units would measure approximately 93 sqm and would be accessed via the proposed car parking area to the rear of the property.

Two of the flatted properties would be located at ground floor levels and would each cover an area of approximately 82 sqm. Each of these properties would have two bedrooms (facing onto light wells on North Deeside Road) with a kitchen dining area facing towards both the car park and landscaped area to the rear.

The properties on first and second floor level would all contain two bedrooms with kitchen/ dining/ living areas facing southwards overlooking Deeside. These flatted properties range in size from 66sqm to 95sqm. Three of the properties at first floor level would include semi-enclosed balconies and the other would include a small balcony. A small terrace would be afforded to all properties at second floor level, overlooking South Deeside.

Access would be taken from the north-west corner of the site. A visibility splay of 2.4m x 25m would be provided, as agreed with colleagues in the Roads Projects Team, and in line with the access which previously existed on site. Ramped access is required due to the gradient of the site; this would be at a gradient of 1:50 for the first 8m. The access to the site would be 5m wide. In addition, the applicants propose 24 car parking spaces (12 residential spaces, three mixed residential/ retail spaces, three office spaces and ten spaces afforded to the retail use, including four to the front), two motorcycle parking spaces and 12 cycle storage spaces would all be provided. The cycle storage facility would be located in the eastern section of the site to the immediate south of the garden area, would measure approximately 2.4m x 5m with an overall height of 2m.

Areas of landscaping would be provided throughout the site, with private useable garden space located in the eastern and southern sections of the site. Small areas of planting would also be located to the rear of the building, to the immediate east of the access to the car park and in the south-west corner of the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141089>

On accepting the disclaimers enter the application reference quoted on the first page of this report.

- Phase 2 Site Investigation – dated 30th June 2014
- Drainage Impact Assessment – dated July 2014
- Design Statement - dated July 2014
- Noise Impact Assessment – dated 3rd July 2014

CONSULTATIONS

Roads Projects Team – have raised no objection to the application, and are content with the level of car parking (including the mixed elements), cycle parking within the curtilage of the site. A condition would be inserted requiring the submission of further details in relation to how the car parking would be split and controlled.

Details in relation to delivery vehicles, and the formation of four parking spaces and the new access, which would be located on North Deeside Road, would require Roads Construction Consent and permission from Traffic Management. An informative and appropriate condition has been inserted into the consent in this regard. A condition stating that the gradient of the access road should be no more than 1:12 and have a non-slip surface has also been inserted.

The service is content with the findings of the Drainage Impact Assessment. They have also noted the level of contribution required towards the Strategic Transport Fund. This would be provided via a Section 75 Legal Agreement.

Environmental Health – have made comment with regards to the submitted Noise Assessment, and note that no consideration has been given for potential plant noise from the ground floor retail units. Note that it would be difficult to provide this information at the current time, and this is a matter that could be controlled via adequate planning condition.

Contaminated Land – have reviewed the submitted Contaminated Land Assessment and have noted a general acceptance of the submitted report. They have advised that the proposal should not be fully discharged until a Verification Report has been received, and agreed, by the Planning Authority.

Developer Contributions Team - have advised that contributions will be required in relation to affordable housing, community facilities/ meeting places, sports contributions, library facilities and the core path networks. This is to be concluded as part of a S75 Legal Agreement.

Communities, Housing and Infrastructure (Flooding) – have confirmed their satisfaction with the levels of drainage information submitted, this matter will be discussed later in this report.

Community Council – no response received

REPRESENTATIONS

Five letters of representation have been received. The objections raised relate to the following matters –

1. That the addition of a further retail unit in Culter would have an overly negative effect on surrounding businesses;
2. The retail units business activity (deliveries) would contribute to an increase in traffic at what is already a busy crossing; concerns in relation to the access to the site, pedestrian safety, and the levels of car parking that would be associated to the various elements of the development;
3. Issues raised in relation to the boundary treatments, including safety and privacy issues;
4. Flooding: concerns were raised in relation to foul drainage proposals, surface water proposals, and the assessment of flood risk;
5. Concerns raised about landscaping, particular the area to the rear, including a mature tree, which has been requested for removal

Positive comments:

1. The proposal is more acceptable than the previous scheme, due to a reduction in levels of noise pollution (due to the re-location of the bin storage area);

PLANNING POLICY

Aberdeen Local Development Plan

Policy RT1: Sequential Approach and Retail Impact: states that all retail, leisure and other

development appropriate to town centres should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-

Tier 1: Regional Centre

Tier 2: Town Centres

Tier 3: District Centres; and

Tier 4: Neighbourhood Centres

Retail Parks

Policy RT2: Out of Centre Proposals: states that retail, commercial and other development appropriate to town centres, when proposed on a site that is out of centre, will be refused planning permission if it does not satisfy all of the following planning requirements:

- No suitable site in a location that is acceptable in terms of Policy RT1 is available, or likely to become available in a reasonable time;
- There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres;
- There is, in qualitative or quantitative terms, a proven deficiency in the provision of the kind of development that is proposed;
- The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would be dependent solely on access by private car; and
- The proposed development would have no significantly adverse effect on travel patterns and air pollution.

Policy RT3: Town, District and Neighbourhood Centres: states that proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre;
2. the proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located;
3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant);
4. the proposed use caters for a local need; and
5. the proposed use retains or creates a live and attractive shop frontage.

Policy I1: Infrastructure Delivery and Developer Contributions: states that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of development proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Policy T2: Managing the Transport Impact of Development: states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1: Architecture and Placemaking: to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportion of building

elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2: Design and Amenity: in order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing;
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court;
3. All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council;
4. When it is necessary to accommodate car parking within a private court, the parking must not over dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in higher density schemes;
5. Individual flats within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeat standard units laid out with no regard for location or orientation are not acceptable;
6. Development proposals shall include measures to design out crime and design in safety; and
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy H5: Affordable Housing: developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R2: Degraded and Contaminated Land: states that the City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a suitable level for its proposed use.

Policy R6 Waste Management Requirements for New Development: states that housing developments should have sufficient space for the storage of residual, recyclable and composite wastes. Flatted developments will require communal facilities that allow for separate storage and collection of these materials. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Policy R7: Low and Zero Carbon Buildings: all new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement.

Emerging Aberdeen Local Development Plan

- Policy D1: Quality Placemaking by Design
- Policy NC4: Sequential Approach to Impact
- Policy NC5: Out of Centre Proposals
- Policy I1: Infrastructure Delivery and Planning Obligations
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy H1: Residential Areas
- Policy H3: Density
- Policy H5: Affordable Housing
- Policy R2: Degraded and Contaminated Land
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1: Digital Infrastructure

Supplementary Guidance

- Infrastructure and Developers Contribution Manual
- Landscape Guidelines
- Low and Zero Carbon Buildings
- Transport and Accessibility
- Waste Management
- Hierarchy of Retail Centres

EVALUATION

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

Principle of Development:

The application site is located within an area designated as a local neighbourhood centre within the Aberdeen Local Development Plan. Policy RT3 (Town, District and Neighbourhood Centres) of the ALDP advises that proposals for changes of use will only be permitted under certain circumstances. The proposal includes a retail unit at ground floor level as well as two office units at lower ground floor level. Although the site has never been in Class 1 Use the proposed development is encouraged and would comply with the general principles of Policy RT3 (Town, District and Neighbourhood Centres) as the proposal would make a positive contribution in terms of vitality and viability, would not undermine the principle retail function of the centre, would be likely to cater for a local need, and would create a live and attractive shop frontage.

The proposal is required to be assessed against Policy RT2 (Out of Centre Proposals), which advises that retail, commercial and other development appropriate to town centres, when proposed on a site that it out of centre, will be refused planning permission if it does not satisfy a number of planning criteria.

It is quite clear that there would be a number of vacant sites throughout the city that could accommodate a retail unit of this size; however none of these are located within the settlement of Culter, for this reason it is considered that the Class 1 element would be acceptable in this location. The proposed store would serve a local need, within a clearly defined settlement. For the reasons mentioned elsewhere within this evaluation, the proposal would positively impact on the vitality and viability of the retail centre and would accord with the general principles of the Hierarchy of Centres SPG. There are also very few retail units of this size and in this part of Culter, the proposal would provide a positive contribution, and would provide a need to the people of the village. The site is also in close proximity to a number of key links, being located on the A93, which has good public transportation links and good walking links throughout Culter (as the proposal is located within the centre of Culter). For the reasoning above, and elsewhere within this report, the development would not have a significant impact on travel patterns or air pollution. For the reasoning mentioned above, the proposal is considered to be generally compliant with the general principles of Policy RT2 (Out of Centre Proposals) of the ALDP.

The proposed flatted dwellings would have a positive contribution to the surrounding area. The proposal would contribute to the local housing stock and, as a result of the above, the proposal is considered to accord with Policy rt2 (Out of Centre Proposals) and RT3 (Town, District and Neighbourhood Centres) of the ALDP.

Roads and Access:

The proposed access arrangements and parking provision have been arrived at following consultation with the Council's Roads Projects Team, who have advised of their general satisfaction with the proposal, subject to the insertion of a number of conditions.

The proposal includes 28 car parking spaces which would be split between the residential, office and retail development. Four spaces (including one disabled) would be located on North Deeside Road and would be related to the retail element. Outwith the retail units opening hours these spaces would be used by delivery vehicles. This would be controlled by a Traffic Regulation Order (TRO) (which is to be subject to a planning condition and informative). To the rear of the plot 6 spaces would be allocated to the office unit (with three of these being split with the residential use), 12 spaces allocated solely for the residential use and 6 spaces allocated for the retail unit. Control over these spaces would be controlled via planning condition.

The percentage of parking per flat provided would meet the Council's guideline for one bedroom flats, which is in line with similar developments that have recently been approved within the surrounding area. The proposal could potentially result in additional on-street parking on North Deeside Road, however the development is relatively small scale and the proposed level of car parking would be likely to only result in minimal, if any, overspill parking occurring. The proposal would therefore have a negligible impact on the surrounding road network. The proposed level of car parking and the splits between retail, office and residential is considered sufficient.

Ten cycle parking spaces would also be provided in a secure compound in the south-east corner of the site. The proposal accords with this element of guidance (which requires one cycle parking space per flat). One cycle space would also be required in association with the retail unit, no details of this space have been submitted, and would therefore be requested via an appropriate planning condition.

Access to the site would be taken from North Deeside Road. Visibility splays of 2.4m x 25m would be provided, in line with the previous access. Whilst this is not the adopted standard for accesses from new housing developments, it is considered acceptable in this instance; given that it is an existing approved access, which was associated with the car sales facility.

The proposal is in a sustainable location, given its proximity to a public footpath and cycle path on the former Deeside Line, its location in the centre of Culter and its location of the no 19 bus route, together with a number of Stagecoach services.

Whilst the level of parking proposed does not accord with the Transport and Accessibility SG, the level of cycle parking, along with the proposed access are acceptable. The proposal would be unlikely to result in an unacceptable level of indiscriminate parking on the surrounding road network as a result of the shortfall in parking spaces. The proposal is therefore considered to be acceptable in this regard.

Architecture and Placemaking:

The proposed development is set within a plot extending to approximately 1675 square metres. The

surrounding area is mixed use in nature, with residential properties on either side. The surrounding area is characterised by a variety of property heights and types, ranging from single storey shops, one and a half storey properties and three/ four storey residential blocks on the northern side of North Deeside Road. There is no consistent height/ pattern of development. The proposed building is higher than those in the surrounding area and it is clear that the proposal would have an impact on the existing settlement. The impact is not considered to be to an unacceptable degree, given that there is no defined building height/ settlement plan and given the variety of building types and heights in the surrounding area, which range from single storey shop units to a 3 ½ storey block on a neighbouring site. The proposal would not have an unacceptable impact on the adjacent one and a half storey buildings and the building line would not be altered to an unacceptable degree. This element of the proposal is therefore considered acceptable.

It is proposed that the front and side elevations of the property would be finished in granite. The use of this material is welcomed, and is considered to complement the properties in the surrounding area, which are predominantly granite built with slate roofs. Although the site is vacant, the proposal would replace a building which was of no architectural merit. The use of other materials, including zinc on the top floor, coloured zinc on the rear balconies and render on the rear elevation is considered acceptable. The use of these additional materials would have a neutral impact on the character and appearance of the surrounding area.

For the reasons stated above, the proposed development is considered to have been designed with due regard for its context and would make a positive contribution to its setting, and therefore accords with the general principles of Policy D1 (Architecture and Placemaking) of the ALDP.

Design and Amenity:

It is important to ensure that an appropriate level of amenity is provided within each development; in addition, privacy is something which should be incorporated into each development. The proposal would have a negligible impact in terms of loss of privacy and overlooking. Each property (particularly those at upper floor level) would overlook the rear gardens of the properties on both North Deeside Road and Station Road West. This situation would not be dissimilar to a number of other properties on North Deeside Road and the separation distances from the flatted properties to those on Station Road West is likely to mean that any overlooking/ loss of privacy would be negligible. The balcony designs on half of the properties on the rear elevation have also been designed in such a way as to minimise any overlooking issues (to either side of the proposed building) and as a result the proposal would have a negligible impact in terms of privacy and overlooking.

Daylighting and shadowing calculations have also been undertaken; there would be no unacceptable impact on the residential properties located in the surrounding area.

The development has a public face onto North Deeside Road, with a private face overlooking the proposed car parking and a landscaped/ amenity area. All residents of the proposal would have access to sitting out areas, either by way of rear balconies/ terraces, which would be south facing and a communal area which would be located in the east/ south-east area of the site. The proposal would see more than 50% of the rear garden being utilised as car parking facilities. This element of the proposal is considered acceptable; the flatted properties at ground and first floor level would have access to balconies and sitting out areas, whilst the properties at second floor level would have access to a terraced balcony. A small area of landscaped ground located in the south-east corner of the site for the use of all residents, in particular those at lower ground floor level. Extensive planting would also help add to the character of the site and lessen the impact of the car parking area on the level of amenity afforded to occupiers of the properties.

The proposal has been designed in such a way as to make opportunities offered by views and sunlight, with living rooms and balconies being south facing and providing views over the Dee Valley and allowing for a sufficient level of sun lighting.

The proposal does not offend any of the other criteria set out in this policy and whilst not fully in accordance (in terms of the parking layout and amenity space), the proposal does not offend the general principles of Policy D2 (Design and Amenity) of the ALDP.

Low and Zero Carbon Buildings

The application does not include any details to demonstrate how Low and Zero Carbon Generating Technologies will be incorporated into the development, or alternatively how the buildings could achieve deemed compliance with the Council's published 'Low and Zero Carbon Buildings' Supplementary Guidance. On this basis it will be necessary to attach an appropriate condition to secure such information should planning permission be approved and to ensure compliance with Policy R7 (Low and Zero Carbon Buildings) of the ALDP and associated Supplementary Guidance.

Waste Management:

The applicant has provided details for the storage of waste. This would be located inside the building, and accessed via North Deeside Road on the north-east corner of the site. The layout and facilities provided have been agreed in consultation with the Waste Management Team who have no objections to the proposal. Subsequently, the proposal is considered to accord with Policy R6 (Waste Management Requirements for New Development) and its associated Supplementary Guidance – Waste Management.

Flooding:

The Roads Projects Team and Flooding Team have advised of flooding concerns in the wider area. The proposal would depend on a pumping station to discharge the surface water run-off and the foul water to the North Deeside Road Scottish Water sewer. In case of failure of the pump, the properties located on the southern boundary may be affected.

The Roads Projects Team has advised that these issues could be resolved to an acceptable degree and an appropriate condition has been inserted to ensure all drainage issues are rectified prior to commencement of development.

It has also been advised that the applicants should consult with Scottish Water to ensure that connection to the local network would be provided. The applicants have been made aware of this, and an informative has been attached to the consent in this regard.

Landscaping

A landscaping plan was submitted by the applicants. The proposal includes the following planting:

- Rear Elevation/ Access: would include low level shrub planting at the rear of the apartments; fastigate trees and shrub planting would be located in the south west section of the site;
- The useable garden space in the eastern section of the site would include a mixture of tree and shrub plating, grassed areas and a footpath, along with the cycle storage facility in the south-east corner of the site.

- The useable garden space in the south-east corner of the site and would be accessed via an existing staircase. This would include mixed shrub planting including specimen shrubs and a grassed area and would cover an area of approximately 90 sqm.

The proposed planting layout is considered to be acceptable and would help contribute to an acceptable level of amenity space that would be associated with the residential development.

Contaminated Land:

The applicants have submitted a Contaminated Land Assessment due to previous concerns highlighted on the site. The proposal has been assessed by an authorised officer within the Council, who has agreed with the conclusions and recommendations of the submitted report. Remedial works would be implemented during the construction of the development.

A condition is proposed in relation to the submission of a verification report, to be submitted to, and approved in writing by the Planning Authority. Subject to the above findings and appropriate condition, the proposal does not offend the principles of Policy R2 (Degraded and Contaminated Land) of the ALDP.

Matters raised in letters of representation

As mentioned previously, five letters of representation have been received, the issues highlighted can be addressed as follows:

1. This matter has been addressed within the evaluation section of the report (principle of development) and would add to existing shop facilities within Peterculter; it is considered that the proposal would enhance the viability and vitality, and provide a welcome addition to, the village centre;
2. The Council's Roads Projects Team is content with both the level of parking proposed and deliveries to the site; these matters have been discussed in the evaluation section of this report and would be controlled via an appropriate planning condition.
3. Some details have been submitted in relation to boundary treatments, with the applicants indicating that the existing wall is to be retained, cleaned and made good to receive new coping and render finish to match the proposed property. A new section of block work boundary wall would be located on the southern boundary to match existing. The existing granite boundary wall (closest to the north-east corner of the site is to be retained and made good and a new 1.8m high timber fence is to be added around the perimeter of the lower garden). Finalised details of the boundary treatments are to be requested via planning condition;
4. The evaluation section of this report discusses the flooding matter in more detail; it is considered that this matter could be adequately addressed;
5. A satisfactory level of landscaping would be provided; and would be controlled via planning condition. The mature tree has not been indicated for removal and this would be a matter for both the current applicant and neighbour to resolve;

There were no issues raised in the letters of representation which would warrant refusal of planning permission.

Developer Contributions and Affordable Housing:

The proposed development has been subject to assessment by the Aberdeen City and Aberdeenshire Developer Contributions Team. The applicants are aware of this requirement, and have intimated

their agreement to make the required payments in full. As a result of this the proposal is considered to accord with Policy I1 (Infrastructure Delivery and Developer Contributions) and the associated Infrastructure and Developers Contribution Manual.

In terms of affordable housing, it has been noted that 25% affordable housing, by way of 2.5 low-cost ownership homes would be provided as part of the proposal. This would be provided by way of a developer contribution. It is therefore considered that an appropriate level of affordable housing could be provided on site, in accordance with the principles of Policy H5 (Affordable Housing) of the ALDP.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the proposal is considered to accord with the general principles of the emerging local development plan for the same reasoning that it accords with the adopted local development plan. There are no material changes that would alter the recommendation to approve planning permission.

Conclusion

In summary, the proposed development relates to the site of a former car showroom within a neighbourhood centre as identified in the Aberdeen Local Development Plan. The proposed uses do not offend the principles of Policy RT2 (Out of Centre Proposals) RT3 (Town, District and Neighbourhood Centres), and includes an element of retail use, which has never before been present on site. Permission has also been granted previously for residential use on site. The density of development is also considered to be acceptable. The Council's Roads Projects Team, Environmental Health Service, Flood Prevention Unit, Contaminated Land Team and Waste Management Service have also found the proposal acceptable, subject to appropriate conditions. An appropriate level of financial contributions has been agreed with the applicant, and would be subject to a legal agreement. The level of landscaping/ planting provided is also considered to be acceptable, and would be controlled and implemented via appropriate conditions. The proposal is considered to be consistent with all other relevant policies of the ALDP and its associated supplementary planning guidance. The proposal is therefore put forward with a willingness to approve, subject to condition, and the conclusion of a S75 Legal Agreement.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent documents until the applicant has provided developer contributions towards affordable housing, community facilities/ meeting spaces, sports contributions, library facilities, core path networks and the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The proposed development does not contravene the terms of Policy RT2 (Out of Centre Proposals), Policy RT3 (Town, District and Neighbourhood Centres) of the Aberdeen Local Development Plan and provides an appropriate design, scale and form of development, in accordance with Policy D1 (Architecture and Placemaking). The proposal has also been assessed to have an acceptable impact on the character and amenity of the surrounding area, and will be designed in such a way as to minimise the overall impact on residential amenity, although there would be less parking and landscaping, the proposal accords with the overall aims of D2 (Design and Amenity of the Aberdeen Local Development Plan).

An appropriate level of Developer Contributions, will be made by the applicant; and therefore the proposal does not offend Policy I1 (Infrastructure Delivery and Developer Contributions).

Whilst the level of parking proposed does not accord with the Transport and Accessibility Supplementary Planning Guidance in terms of the number of parking spaces for the residential units, the level of cycle parking, along with the proposed access is considered to be acceptable. Notwithstanding the shortfall in on-site parking, the proposal would be unlikely to result in an unacceptable level of indiscriminate parking on the surrounding road network. The proposal is therefore considered to be acceptable in this regard.

It is considered that an appropriate level of planting and amenity space will be provided within the curtilage of the site, given the confined nature of the site, and the balconies that would also be afforded to the properties on the upper floors. Appropriate mitigation measures have been undertaken and, subject to condition, the proposal accords with Policy R2 (Degraded and Contaminated Land). Waste provision has been provided in line with Policy R6 (Waste Management Requirements for New Development). An appropriate condition will also be inserted to ensure compliance with Policy R7 (Low and Zero Carbon Buildings).

CONDITIONS

It is recommended that approval is granted subject to the following conditions:-

- (1) That the development hereby approved shall not be occupied unless the car parking and motorcycle areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 4441-20K of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.
- (2) That none of the units hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing no. 4441-20K have been provided - in the interests of encouraging more sustainable modes of travel.
- (3) That the mixed use development hereby granted planning permission shall not be occupied unless details for one Sheffield cycle stand located close to the retail units entrance have been submitted to, and approved in writing, and thereafter implemented to the satisfaction of the Planning Authority – in the interest of encouraging more sustainable modes of transport.
- (4) That the mixed use development hereby granted planning permission shall not be occupied unless full details have been submitted to, and approved in writing by the planning authority showing details of how the rear car parking area will be split between the three uses, this may

include signage indicating which spaces are used for each use, and thereafter implemented to the satisfaction of the Planning Authority – in the interests of public safety and the free-flow of traffic.

- (5) That the mixed use development hereby granted planning permission shall not be occupied a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' Supplementary Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
- (6) that all planting, seeding and turfing comprised in the approved scheme of landscaping (Drawing No. HLD K155.14/SL-03) shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
- (7) That the mixed use development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 900 (Revision 3) and the submitted Drainage Statement (dated July 2014) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan/ documentation - in order to ensure that the proposed development can be adequately drained.
- (8) That the mixed use development hereby granted planning permission shall not be occupied unless the refuse storage facilities as highlighted in drawing no. 441-04P has been provided – in order to preserve the amenity of the neighbourhood and in the interests of public health.
- (9) That the mixed use development hereby granted planning permission shall not be occupied unless a glazing system which provides a minimum of 38 dB, Rw and 32 dB, Rtr noise attenuation shall be installed in all bedrooms facing North Deeside Road such that the internal noise levels do not exceed the WHO recommended noise criteria of 30 dB LAeq, 2300 – 0700 hours with windows closed but trickle vents open has been installed to the satisfaction of the planning authority – to protect occupiers of the flatted properties from road traffic noise.
- (10) That the mixed use development hereby granted planning permission shall not be occupied a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation – to ensure that the site is suitable for the use and fit for human occupation.
- (11) That the mixed use development hereby granted planning permission shall not be occupied unless finalised details of all boundary treatments have been submitted to, and approved in writing by the planning authority said details shall thereafter be implemented to the satisfaction of the planning authority – in the interests of visual amenity.
- (12) That the mixed use development hereby granted planning permission shall not be occupied unless full details of the proposed railings to the front of the property have been submitted to, and approved in writing by the planning authority, said details shall thereafter be implemented to the satisfaction of the planning authority – in the interests of visual amenity.
- (13) That the mixed use development hereby granted planning permission shall not be occupied unless full details of the granite walls, lintols and cills, zinc finishing and balcony detailing have been submitted to, and approved in writing by the planning authority, said details shall thereafter be implemented to the satisfaction of the planning authority – in the interests of visual amenity.
- (14) That prior to the commencement of development, full drainage details shall be submitted to, and approved in writing by the Planning Authority. These details shall include full surface water run-

off details and foul water connections and confirmation of Scottish Water's acceptability of the proposal - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

- (15) That prior to the occupation of any residential property, all areas of open space as shown on drawing HLD K155.14/SL-03 and 441-20K shall be provided, and shall remain in perpetuity – in the interests of amenity of the area.
- (16) That the retail unit hereby granted planning permission shall not be occupied unless full details of any plant or machinery associated with the retail unit have been submitted to, and approved in writing, by the planning authority – in the interests of visual and residential amenity of the surrounding area.
- (17) That deliveries to the retail unit hereby granted planning permission shall not occur outwith the hours of 0700-1900 hours, Monday to Saturday and 1000-1600 hours on Sundays - in order to protect the amenity of the adjacent residents.
- (18) That the proposed layby at the sites frontage requires a Traffic Regulation Order (TRO) to control the times by which parking is permitted. This will accommodate deliveries without causing disruption to the surrounding road network. The retail unit hereby granted planning permission shall not be occupied until such a time as a suitable Traffic Regulation Order (TRO) has been agreed and implemented – in the interest of public safety and the free flow of traffic.

INFORMATIVES:

1. That, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) Out with the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) Out with the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) At any time on Sundays, except (on all days) for works inaudible out with the application site boundary.

[For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.
2. The formation of four parking spaces on North Deeside Road and the development vehicle access will require Roads Construction Consent. The applicant is to contact Colin Burnet (Tel: 01224 522409) of the RCC team to discuss the requirement of this.
3. It has been agreed that the parking area on North Deeside Road will act as a delivery layby. This requires specific restrictions placed on it using a Traffic Regulation Order to ensure that the area is available to delivery vehicles at the correct times. The applicant should contact Doug Ritchie (Tel: 01224 522325) of the Traffic Management section to discuss this at the earliest opportunity.