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To: Councillor Milne, Convener; Councillor Finlayson; Vice Convener; and Councillors Boulton, Corall, Cormie, Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Thomson and Townson.

Town House,
ABERDEEN, 16 April 2014

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 24 APRIL 2014 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION, INCLUDING THOSE NOT IN THE REPORT PACK, ARE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 20 March 2014 - for approval (Pages 1 - 10)
- 1.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 31 March 2014 - for approval (Pages 11 - 12)

**PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN
REPORTS**

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Oldfold Farm, North Deeside Road, Milltimber, Development Including Residential Comprising Approx. 550 House Units, Commercial, Primary School, Associated Ancillary Uses and Infrastructure Improvements Including Road Junction Formation On A93 (Pages 13 - 108)
Reference No - 130378
Planning application documents can be viewed here - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130378>
- 2.2 Stoneywood Area S6, Stoneywood, Erection Of 276 Flats and 16 Townhouses With Associated Infrastructure, Public Open Space and Parking (Pages 109 - 132)
Reference No – 131012
Planning application documents can be viewed here – <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131012>
- 2.3 Blackhills Quarry, Cove, Proposed Extension To Blackhills Quarry (Pages 133 - 168)
Reference No – 130490
Planning application documents can be viewed here – <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130490>
- 2.4 Fairley Road (Land To East Of), Kingswells, Proposed Construction of 7 Detached Units, 28 Semi-Detached Units and 11 Terrace Houses With Associated Access Roads, Drainage and Suds Storage (Pages 169 - 212)
Reference No – 130288
Planning application documents can be viewed here – <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130288>
- 2.5 Unit 7 Kittybrewster Retail Park, Bedford Road, Demolition Of Unit 7 and Erection of Class 11 (Assembly and Leisure) and Class 3 (Restaurant) Development with Associated Works Including Car Park Reconfiguration (Pages 213 - 256)
Reference No – 130766
Planning application documents can be viewed here – <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130766>

- 2.6 (Land South Of) South Lasts Farm, Contlaw Road, Milltimber, Erection of 1 No.Wind Turbine (Hub Height 60m, Total Height 86.5m) Associated Tracks and Substation (Pages 257 - 288)

Reference No – 131859

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131859>

- 2.7 Old Police Station, Hazlehead Crescent, Aberdeen, Section 42 Variation Of Condition, Seek To Vary Condition No.5 of Planning Permission From Application P111106 To Increase Hours of Operation On Sundays From 8.30am to 10pm (Pages 289 - 310)

Reference No – 140133

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?140133>

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 2.8 Land To South West, Loirsbank Road, Cults, Erection Of 4 No.Detached Dwellings (Pages 311 - 352)

Reference No – 111566

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?111566>

- 2.9 Loirsbank Road, (Land To South West), Excavation and Ground Works to Form Compensation Storage Areas (Pages 353 - 384)

Reference No – 111697

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?111697>

- 2.10 Auchenfroe, 267 North Deeside Road, Milltimber, Proposed New Dwellinghouse within the Curtilage (Pages 385 - 418)

Reference No – 140148

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?140148>

OTHER REPORTS

- 3.1 Tree Works at Frairsfield Road, Cults (Pages 419 - 426)

- 3.2 Planning Digest (Pages 427 - 430)

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 20 March 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cormie, Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Samarai, Jennifer Stewart, Sandy Stuart (substituting for Councillor Corall), Thomson and Townson.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=2880&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 13 FEBRUARY 2014

1. The Committee had before it the minute of its previous meeting of 13 February 2014.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 25 FEBRUARY 2014

2. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 25 February 2014.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF PLANNING APPEALS PANEL OF 14 MARCH 2014

3. The Committee had before it the minute of meeting of the Planning Appeals Panel of 14 March 2014.

The Committee resolved:-

to note the minute.

FAIRLEY ROAD (LAND TO EAST OF), KINGSWELLS - 130288

4. The Committee had before it a report by the Head of Planning and Sustainable Development which recommended:-

That the Committee express a willingness to approve the application in respect of planning permission for the construction of 7 detached units, 28 semi-detached units and 11 terraced houses with associated access roads, drainage and Sustainable Urban Drainage Systems (SUDS), but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to secure (1) onsite affordable housing provision; (2) Strategic Transport Fund contributions; and (3) developer contributions towards affordable housing, education facilities, community facilities and recreation and healthcare, and subject to the following conditions:-

(1) That no more than 21 dwellinghouses (i.e. Phases 1 and 2 as shown on Drawing No AOL_208 rev. C) hereby granted permission shall be occupied unless (a) the new pedestrian footpath along the east side of Fairley Road has been provided and is available for use; (b) an RCC compliant road link and pedestrian footpath has been provided up to the eastern legal boundary of the application site as per Drawing No APL_205 rev H; and (c) the open space provision to the south of the access road (as shown on Drawing No APL_205 rev H) is completed and laid out in accordance with drawing no APL_301 rev I, and the Fairley Road planting schedule Rev A (unless otherwords agreed in writing by the planning authority). The approved 'public open space' shall not thereafter be used for any purpose other than as public open space; (2) That no more than 40 dwellinghouses hereby granted permission shall be occupied unless all pedestrian footpaths shown on Drawing No APL_205 rev H have been constructed up to the legal boundary of the application site and are available for use; (3) That plots 22 - 34 inclusive hereby approved shall not be occupied unless the car parking areas relative to those houses have been constructed, drained, laid-out and demarcated in accordance with Drawing No APL_205 rev H, or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as planning authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development; (4) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as planning authority; (5) That no development shall take place unless a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as planning authority (in consultation with Aberdeen International Airport). The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full; (6) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by Aberdeen City Council as planning authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme; (7) That no development shall take place unless a site specific Environmental Management

Plan (EMP) has been submitted for the written approval of Aberdeen City Council as planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management; (8) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, a detailed scheme of the site boundary enclosure along the western side of the development hereby granted planning permission. The scheme shall include details of the 'drystane gateway' to the site. None of the buildings along the Fairley Road elevation (plots 1-9 inclusive) hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (9) That no development shall take place unless further details of the render finishes to the walls of the dwellinghouses hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (10) That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (dated July 2012) have been implemented in their entirety; (11) That no development shall take place unless there has been submitted and approved in writing a detailed Residential Transport Pack which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets; and (12) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of Aberdeen City Council as planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" as soon as practicable.

Following a number of questions from the Committee, and Councillor Delaney as one of the local members, with particular emphasis on educational provision given constraints at Kingswells Primary School, the Convener proposed that a site visit be undertaken to enable members to visit the school, and for officers in Education, Culture and Sport to be in attendance and provide information on where and how additional children could be accommodated in terms of their education. The Convener added that in the event that a site visit did not prove possible, or officers in Education, Culture and Sport were unable to be in attendance, that the application be deferred until the next meeting on 24 April.

The Committee resolved:-

- (i) to defer consideration of the application meantime to enable members to visit the site; and
- (ii) to request officers in Education, Culture and Sport to provide a presentation at a future meeting on school role forecasts and how they are determined.

PHASES 2 & 3, PRIME FOUR BUSINESS PARK, LAND TO NORTH OF PHASE 1 - 131501

5. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the formation of a link road and associated landscaping and drainage works, by purifying the parts of condition 3 attached to planning permission in principle granted for application 120649, namely (I) access; and (VIII) landscaping, subject to the following conditions:-

(1) That no development shall take place unless samples of all hard landscaping materials (apart from the tarmac road covering) to be used in the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; and (2) That unless otherwise agreed in writing by the planning authority, all planting, seeding, turfing and other associated soft and hard landscape works, as well as the footpaths and cyclepaths all as comprised in approved drawing numbers OPEN_497_C89A_HS001 Rev. 00 or such other drawings as may subsequently be approved in writing for the purpose by the planning authority, shall be carried out in or before 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.

There was circulated an additional condition as follows:-

(3) That unless otherwise agreed in writing, the junction and stacking lanes shall be constructed in accordance with drawing no. OPEN_497_C89A_X001 REV 00 and thereafter shall be implemented in full accordance with the approved plans.

The Committee was addressed by Councillor Delaney, one of the local members for the area, who expressed a number of concerns in connection with the application.

The Committee resolved:-

to approve the recommendation with the additional condition.

SITE 17 CRAIGSHAW DRIVE, WEST TULLOS INDUSTRIAL ESTATE - 131287

6. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the erection of a three storey office block and a predominantly two storey office block with associated car parking, with the issue of the consent document being withheld until such time as the applicant had entered into an appropriate agreement with the planning

authority for the payment of developer contributions in relation to core paths and the Strategic Transport Fund, and subject to the following conditions:-

(1) That notwithstanding the details shown on Drawing No. Ph3_502 rev D that no development in relation to Building 5 pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme showing the windows at first floor level on the south facing elevation of the 2 storey section of building being fitted with obscure glass including details of the obscuration level; (2) That neither of the office buildings hereby granted planning permission shall be occupied unless a scheme detailing motorcycle and cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (3) That the office buildings hereby granted planning permission shall not be occupied unless details for the provision of showers, lockers and changing facilities have been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said details; (4) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with Drawing No. L4501 rev C and drained in accordance with Drawing Nos. 92218/2060 and 92218/2070 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; (5) That the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan Nos. 92218/2060 and 92218/2070 or such other plans as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan; (6) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (7) That all planting, seeding and turfing comprised in the approved scheme of landscaping 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; (8) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (9) That the building hereby approved shall not be occupied unless 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; and (10) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets;

There was circulated an amended condition 10, and an additional condition as follows:-

(10) That each building shall not be occupied unless a suitable Green Travel Plan for each building has been submitted to and agreed in writing by the planning authority by the prospective occupier which outlines sustainable measures to deter the use of the private car, in particular single occupant trips, as well as including future modal split targets, detailed monitoring arrangements, funding commitments, a programme of implementation and a mechanism for the review of targets and measures to be implemented and associated penalties for not meeting targets; and (11) That the development hereby approved shall not be occupied unless a scheme for an External Lighting Strategy has been submitted to, and approved in writing by, the planning authority and the approved scheme has been implemented and is fully operational prior to occupation.

Councillor Cormie moved as a procedural motion, seconded by Councillor Townson:-

That a site visit be undertaken to enable members to assess the perception that the proposed development represented overdevelopment of the site.

On a division, there voted:- for the procedural motion (7) - Councillors Cormie, Greig, Jaffrey, MacGregor, Jennifer Stewart, Sandy Stuart and Townson; against the procedural motion (8) - the Convener; the Vice Convener; and Councillors Boulton, Grant, Lawrence, Jean Morrison, Samarai and Thomson.

The Committee resolved:-

to reject the procedural motion and thereby determine the application this day.

The Convener moved, seconded by Councillor Boulton:-

That the application be approved in accordance with the recommendation contained within the report but with the inclusion of the amended condition 10 and additional condition 11; condition 1 being amended to require permanent integral obscure glazing; and a further additional condition requiring a bird management plan.

Councillor Cormie moved as an amendment, seconded by Councillor Greig:-

That the application be refused on the grounds that the proposed development represented overdevelopment of the site, and the expected increase in the volume of traffic generated by the development would have a detrimental impact on the surrounding road network.

On a division, there voted:- for the motion (10) - the Convener; the Vice Convener; and Councillors Boulton, Grant, Lawrence, MacGregor, Jean Morrison, Samarai, Thomson and Townson; for the amendment (5) - Councillors Cormie, Greig, Jaffrey, Jennifer Stewart and Sandy Stuart.

The Committee further resolved:-
to adopt the motion.

SOUTH LASTS FARM, CONTLAW ROAD - 131865

7. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the formation of an access track on the existing farmland, associated with planning permission previously granted for the erection of a wind turbine (120166), subject to the following conditions:-

(1) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority; (2) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be used unless the drainage has been installed in complete accordance with the said scheme. For the avoidance of doubt, no surface water should drain onto the public road; (3) That all planting, seeding and fencing comprised in the approved scheme of landscaping 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; (4) That no development shall take place pursuant to this planning permission unless the approved construction method statement (dated 19/12/13) and the temporary ecological protection measures shown on drawing 108-025 have been implemented in full for the duration of works on the site; (5) That the track hereby approved shall not be used unless the proposed motor vehicle restriction gates have been installed in accordance with the approved details, or such other details as may be subsequently approved, and include provision for pedestrian/ cycle/equestrian access; and (6) That the access road hereby approved shall not be used unless the first 20m of its length (as measured from the B979 junction) have been surfaced with bitmac, or other suitable bound surface, and the required visibility splays are maintained as shown on drawing no. SCT2114/P/JA/01 revA of the drawings hereby approved, or such other detailed drawing as may be approved.

The Committee resolved:-
to approve the recommendation.

21 FOREST ROAD (LAND AT REAR) - 130934

8. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application in respect of planning permission for the erection of a two storey class 4 office building on land to the rear of the property accessed from Queen's Lane North, as well as associated car park and access, subject to the following conditions:-

(1) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of SUDS has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme; (2) That no development shall take place unless a full structural investigation and report of the boundary wall has been submitted for the further written approval of the planning authority. Such report should include remedial action for any problems encountered; (3) That no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (4) That all planting, seeding and turfing comprised in the approved scheme of landscaping 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; (5) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (6) That no part of the development hereby approved shall be occupied unless the new granite wall, access and pedestrian footpath (as shown on drawing PL04 rev B and PL01 rev D) has been implemented in its entirety; (7) That no part of the development hereby approved shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; and (8) That on occupation of the premises, the Green Travel Plan (a stamped copy of which is attached to the permission) shall be implemented in its entirety. Within one month of occupation, the planning authority shall be notified of the Travel Plan Co-ordinator and what steps have been taken to implement the Green Travel Plan.

There was circulated an amended condition 6 to take account of the retention of the existing wall as follows:-

- (6) That no part of the development hereby approved shall be occupied unless the access, including amendments to the wall and “give way lines” (as shown on drawing PL04 rev B and PL01 rev D), has been implemented in its entirety.

Councillor Jennifer Stewart proposed that a site visit be undertaken to enable members to visualise the size of the development due to the perception that it could represent overdevelopment of the site.

The Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

MIDDLETON LODGE (SITE ADJACENT TO STATION ROAD, PITFODELS) - 131279

9. The Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee **refuse** the application in respect of planning permission for the erection of three detached dwellinghouses on the site, on the following grounds:-

- (1) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2 Green Belt of the Aberdeen Local Development Plan 2012. If permitted, the application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy when sufficient land has been identified for greenfield housing through the development plan;
- (2) The application is deficient in information in respect of a design statement and tree survey. It is therefore not possible to make a full assessment of the implications of the development on the Lower Deeside/Pitfodels Conservation Area, and the potential loss of existing trees on site. As such it has not been possible to ascertain whether the proposal complies with Policies D1 Architecture and Placemaking, D5 Built Heritage and NE5 Trees and Woodlands of the Aberdeen Local Development Plan 2012; and
- (3) The application as currently submitted could result in a road safety hazard due to the intensification of use of a sub-standard access point which also has poor pedestrian linkages to the surrounding area.

The Committee resolved:-

to approve the recommendation.

CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLAN - PITFODELS AND OLD ABERDEEN

10. The Committee had before it a report by the Director of Enterprise, Planning and Infrastructure which outlined two character appraisals and management proposals for the Old Aberdeen and Pitfodels Conservation Areas as a basis for public consultation.

The report recommended:-

that the Committee -

- (a) approve the draft Old Aberdeen and Pitfodels Conservation Area Character Appraisals, together with the proposed boundary amendments and guidance to Old Aberdeen Conservation Area, as set out in appendix 1 to the report, as a basis for a six week consultation period; and
- (b) agree that, following completion of the public consultation, any comments received and subsequent amendments to the document be presented to a future meeting of the Committee.

The Committee resolved:-

to approve the recommendations.

- RAMSAY MILNE, Convener.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 31 March 2014. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Grant, Greig, Jaffrey, Lawrence, MacGregor, Jean Morrison MBE, Jennifer Stewart, Sandy Stuart (substituting for Councillor Corall), Thomson and Townson.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=2978&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

21 FOREST ROAD (LAND AT REAR) - 130934

1. With reference to Article 8 of the minute of meeting of the Planning Development Management Committee of 20 March 2014, wherein it had been agreed to visit the site, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended**:-

That the Committee approve the application in respect of planning permission for the erection of a two storey class 4 office building on land to the rear of the property accessed from Queen's Lane North, as well as associated car park and access, subject to the following conditions:-

- (1) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme;
- (2) That no development shall take place unless a full structural investigation and report of the boundary wall has been submitted for the further written approval of the planning authority. Such report should include remedial action for any problems encountered;
- (3) That no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting;
- (4) That all planting, seeding and turfing comprised in the approved scheme of landscaping 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; (5) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (6) That no part of the development hereby approved shall be occupied unless the new granite wall, access and pedestrian footpath (as shown on drawing PL04 rev B and PL01 rev D) has been implemented in its entirety; (7) That no part of the development hereby approved shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; and (8) That on occupation of the premises, the Green Travel Plan (a stamped copy of which is attached to the permission) shall be implemented in its entirety. Within one month of occupation, the planning authority shall be notified of the Travel Plan Co-ordinator and what steps have been taken to implement the Green Travel Plan.

There was circulated an amended condition 6 to take account of the retention of the existing wall as follows:-

(6) That no part of the development hereby approved shall be occupied unless the access, including amendments to the wall and "give way lines" (as shown on drawing PL04 rev B and PL01 rev D), has been implemented in its entirety.

The Committee heard from planning and roads officials in relation to the application, following which members asked various questions of the officers in attendance.

The Convener moved, seconded by Councillor Jaffrey:-

That the application be approved in accordance with the recommendation contained within the report but with the inclusion of the amended condition 6 as circulated.

Councillor Jennifer Stewart moved as an amendment, seconded by the Vice Convener:-

That the application be refused on the grounds that the proposed development represented overdevelopment of the site; would impact negatively on the character of the conservation area; would generate additional traffic resulting in road safety concerns in regard to access to, and egress from, the site via a one-way single lane; and would lead to a loss of privacy for a number of neighbouring residential properties.

On a division, there voted:- for the motion (8) - the Convener; and Councillors Grant, Jaffrey, Lawrence, MacGregor, Jean Morrison, Sandy Stuart and Townson; for the amendment (4) - the Vice Convener; and Councillors Greig, Jennifer Stewart and Thomson.

The Committee resolved:-

to adopt the motion.

- RAMSAY MILNE, Convener.

Planning Development Management Committee

OLDFOLD FARM, NORTH DEESIDE ROAD,
MILLTIMBER

DEVELOPMENT INCLUDING RESIDENTIAL
COMPRISING APPROX. 550 HOUSE UNITS,
COMMERCIAL, PRIMARY SCHOOL,
ASSOCIATED ANCILLARY USES AND
INFRASTRUCTURE IMPROVEMENTS
INCLUDING ROAD JUNCTION FORMATION ON
A93

For: CALA Management Ltd & Seven Inc Trades
of Aberdeen Trades Widows' Fund

Application Type : Planning Permission in
Principle

Application Ref. : P130378

Application Date: 21/03/2013

Officer: Matthew Easton

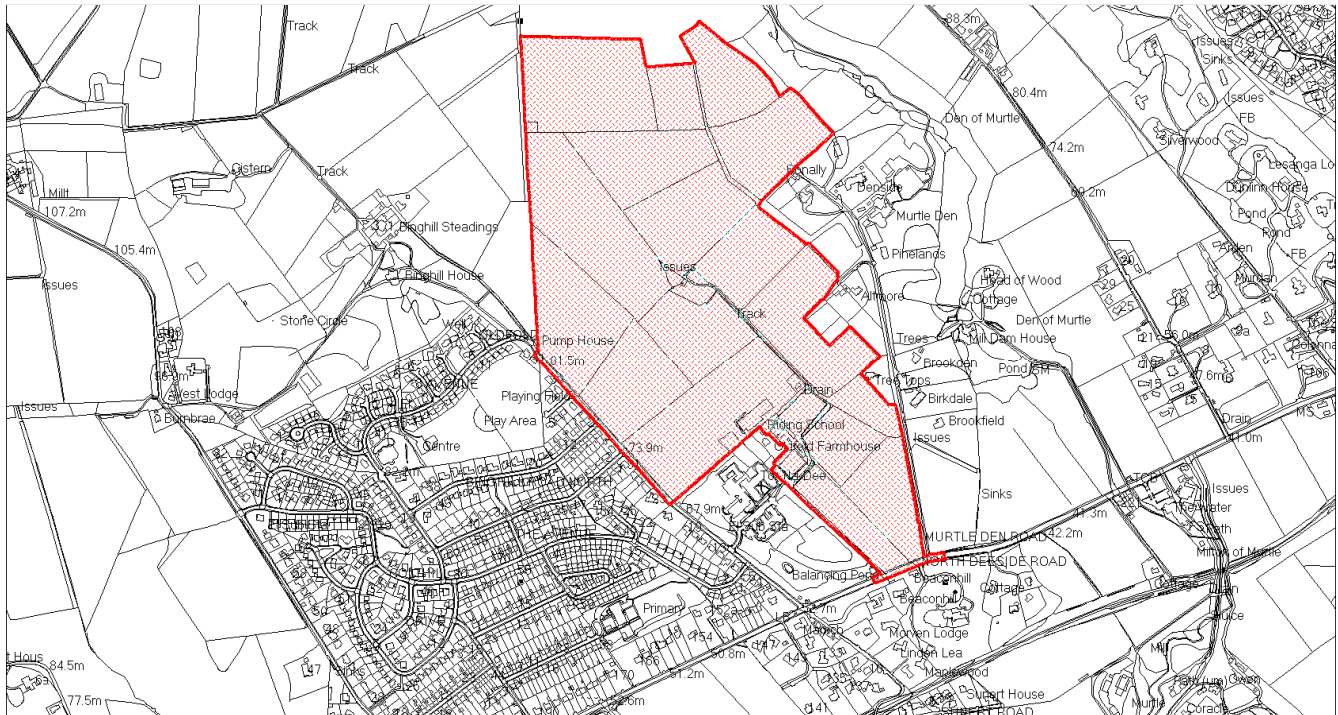
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure

Advertised on: 17/04/2013

Committee Date: 24/04/2014

Community Council : Comments



RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a section 75 legal agreement with the Council to secure –

- 1) The provision of 25% affordable housing in accordance with the Development Framework and Masterplan and include a range of delivery options, including on-site provision.**
- 2) Developer contributions towards primary education provision and a proportionate element of land for a new school (to include community facilities, library facilities, sports & recreation facilities and playing field provision);**
- 3) Developer contributions towards secondary education, community facilities, healthcare provision, the core path network and the strategic transport fund; and**
- 4) Developer contributions towards improvements at the North Deeside Road / Kirk Brae junction.**

DESCRIPTION

The site is located immediately to the east of the built up area of Milltimber and comprises approximately 48 hectares of open countryside.

The southern boundary is defined by North Deeside Road (A93). The western boundary is formed by the residential development at the former Tor-na-dee hospital, now known as Woodland Grove which is set within mature woodland. The trees within Tor-na-Dee and those surrounding the Oldfold Farm buildings are subject of tree preservation order no.170. The western boundary then follows Binghill Road along the eastern edge of Milltimber for approximately 575m and continues across fields.

The northern boundary is formed by mature mixed woodland at Den of Murtle, which is designated as a Local Nature Conservation Site, noted for the quality of its wet woodlands and woodland flora. There are also sizeable areas of standing water.

The woodland continues around to the east to Murtle Den, which comprises thirteen large homes accessed via a private road within a woodland setting. Murtle Den Road and the grounds of houses along it, delineates the east boundary of the site.

The land is comprised predominately of improved grassland, which is used for livestock grazing. Buildings forming Oldfold Farm are located in the south western side of the site, where there are also riding stables. Most fields are defined by stone walls and some by post and wire fences.

The site has a southerly aspect with views out over the Deeside valley. It rises gently from North Deeside Road towards the Den of Murtle and there is a difference of around 40m between the lowest and highest parts of the site.

There are no significant watercourses within the site, although there are areas where water naturally gathers and which have become boggy.

RELEVANT HISTORY

- In June 2011 CALA submitted a proposal of application notice to the Council indicating their intention to carry out public consultation on the proposed development.
- The Oldfold Development Framework was approved as interim planning guidance by the Enterprise, Planning and Infrastructure Committee on 31st January 2012.
- An Environmental Impact Assessment (EIA) screening opinion was issued by the Council in February 2012 which determined that an environmental statement would not be required to accompany any planning application.
- The Oldfold Development Framework was approved by the Scottish Government on 22nd April 2013 and thereafter adopted as supplementary guidance.

PROPOSAL

Planning permission in principle is sought for a residential development comprising approximately 550 residential units, commercial floor space, a replacement primary school, associated ancillary uses and infrastructure improvements which would include a new junction between the A93 and the Oldfold site.

Indicative proposals are shown in the Design and Access Statement, which is largely identical to the Development Framework and Masterplan. It will be expected that the matters specified in conditions applications which come forward with the detailed layout of the development shall be in accordance with the Framework and Masterplan and the Design and Access Statement. The key aspects of the development are –

- A total of 20 development blocks within the main development which would comprise of a variety of house types and densities. Higher density areas would be located at the centre of the development, with lower densities on the edges, linking the site to the wider countryside and existing Milltimber community. The lower densities are expected to be up to 17 dwellings per hectare with the higher density expected to be 20+ dwellings per hectare. The mix of house types would include terraced, semi-detached and detached properties.
- A development block separate from the main development and located to the north of Murtle Den Road. It would accommodate nine large detached properties and be accessed by an extension to Murtle Den Road.
- A mixed use local centre to provide support services for the expanded Milltimber community. It would be located on the primary road through the development close to Binghill Road. It would feature up to 1000m² of commercial floor space in a mix of unit sizes ranging from 75m² to 200m² which could be occupied by uses such as shops, cafes, nursery/crèche, small offices and community uses.

- A new primary school to replace the existing Milltimber Primary School would be built adjacent to the local centre, on the west side of the development. The school would accommodate the additional pupils generated by the development as well as those from the existing community.
- There would be six areas which would each have their own distinct character which takes account of their context and use –
 - *Binghill* which would provide the interface with the existing Milltimber settlement.
 - *North Deeside Road* which would act as the gateway to the development from the A93
 - *Den of Murtle* in the north which would integrate the development into the countryside and surrounding woodland.
 - *Oldfold* where the majority of residential units and the neighbourhood centre would be located.
 - *Murtle Park* which would address the eastern boundary with the existing Murtle Den Road and provide a woodland buffer.
 - *Murtle Den* which would be distinct from the wider development and feature detached housing within a woodland setting.

The primary vehicular access to the development would be via a new traffic light controlled junction on North Deeside Road. It would be located 60m west of Murtle Den Road and 200m east of the Binghill Road / Beaconhill Road junction. Secondary access to the development would be provided by two new junctions onto Binghill Road, close to the existing junctions with Binghill Road North and Binghill Hedges.

The site would feature a hierarchy of streets which would aid navigation through the development and integrate the development with the existing urban fabric of Milltimber.

The alignment of Core Path AP10, connecting Milltimber and Cults, would be included within the site.

It is anticipated that 25 units would be built in 2015 and 50 units per annum thereafter.

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?130378>. On accepting the disclaimer enter the application reference quoted on the first page of this report. The following documents have been submitted –

- Design and Access Statement
- Planning Delivery Statement
- Copy of comments submitted by CALA to the Council's Primary School Estates Review
- Transport Assessment
- Pre-Application Consultation Report

- Ecological Surveys

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation in between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved two public exhibitions and meetings with community groups.

- The first public exhibition event was held at the Waterwheel Inn located between Bielside and Milltimber on the 23rd and 24th June 2011. A total of 163 members of the public attended the events and staff from CALA and the Seven Trades as well as their design, transportation and engineering consultants were available to answer questions.
- A public meeting was held on 7th September 2011 in the Woodlands Grove Community apartments where CALA explained directly to those attending the proposals for Oldfold.
- A second public exhibition was held at the Waterwheel Inn on 24th November 2011. The event was attended by 38 people comprising a mix of community members, CALA representatives and local members.

A report on the public consultation that was undertaken has been submitted as part of this application. The report details the feedback that was received from the community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions were rejected.

The main concerns raised were in relation to –

- the capacity of the road network to accommodate the additional development. The aspiration to create and new bus service through the development and Milltimber attracted criticism and scepticism;
- the principle of any expansion of Milltimber;
- the density and number of homes proposed;
- the location of the proposed new primary school and the capacity of existing schools to accommodate further development;
- the proposal to accommodate employment land within the development;
- the provision of affordable housing in Milltimber
- loss of greenfield land;
- the provision of a neighbourhood commercial centre;
- the provision of open space and parks;
- the inability of existing sewers and other infrastructure to cope with additional development;
- impact on Binghill Road;
- impact on Woodland Grove Community
- the location and safety of the SUDS ponds;
- nuisance from construction traffic;
- the number of proposed homes to be served by Murtle Den Road and impact on that community.

In support of the development the following matters were raised –

- the extent of open space and parks to be provided;
- the opportunity to provide retail and work opportunities for local people;
- the new primary school;
- the proposed quality of space and layout;
- the density and number of homes proposed;
- the potential for affordable housing to cater for either local young people or older residents;

The consultation process informed both large scale changes to layout and small scale matters of detail. The key changes that took place in the masterplan as a result of the consultation were:

- the location of the A93 junction
- the alignment of the primary street
- the location of the primary school
- the location and nature of employment land
- the interface with Binghill Road and
- the interface with Murtle Den.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than five objections have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team –

Murtle Den Road – The applicants have agreed to upgrade Murtle Den Road to an adoptable standard. This includes the existing road and any extension to the north. It has been agreed that a reduced standard of road construction can be applied which should consist of a single track road with passing places at 50-60m intervals, street lighting, drainage, turning facility at the northern end of the road (within the development site) and a footway to one side of the carriageway. The existing standard of road construction will require to be investigated, and if this does not meet current design standards it will require to be reconstructed. The detail of this can be resolved through the RCC process and conditioned to any planning consent

Public Transport – Paragraph 168 of Scottish Planning Policy (SPP) is clear that planning permission should not be granted for sites that generate significant travel demand and are out with 400m walk distance of public transport services. PAN75 reinforces this threshold in paragraph B13, which states that accessibility of public transport from residential developments should be less than 400m.

Given that the development cannot meet this requirement for approximately two thirds to three quarters of the development (by area); concern is raised in respect of the lack of public transport and these concerns should be highlighted to Committee Members. However, should the Committee be minded to approve the application, it is requested that a condition be attached to any consent that the closest bus stops to the development on the A93 be upgraded to a minimum standard of shelter, seating, lighting and raised kerbs. The footway on the development side of the A93 should be widened to a minimum of 2m in width along the site frontage.

Layout – The applicant will only be able to complete Aspirational Core Path (ACP) 10 within the site boundary. This route should be completed to a minimum standard of 3m in width and be a shared use facility for all users excluding motorised vehicles. It must be lit and surfaced to the satisfaction of the local authority. It must be a segregated route away from roads and must extend the full width of the site to the edge of site boundary and allow for future connection. Links to the main routes within the development must be provided and other routes where appropriate. It must follow the line of ACP10 as outlined in the Councils Core Paths Plan. All this should be secured by condition to any consent to this planning application, and the detail can be established through later applications.

The street hierarchy is generally acceptable and details of actual streets can be determined through detailed application processes. The primary street is important in conveying pedestrians along a continuous route and pedestrian provision will be required to both sides, irrespective of whether or not there is development to the side of the carriageway. On occasion it may be necessary to provide off carriageway facilities for cyclists on secondary streets.

Green Links will be car free routes, and therefore there will be no parking. For the avoidance of doubt it is requested that a condition be applied to any consent preventing parking on Green Links such as they be established through the detailed planning process.

Primary School – The specific requirements of the primary school would be established through the detailed application for the school, it is however important that the principles are established at this stage. The November 2013 TA has adequately addressed these issues, and would ask that they be highlighted through any consent in order that they are incorporated into the application for the school. The applicants' willingness to contribute to a signalised crossing point on Bingham Road is noted, and it is likely that this would be necessary for the residential development alone, irrespective of the school. It is therefore likely to be appropriate that the developer install the crossing point. The position and type of this crossing can be agreed through detailed applications.

Traffic Impact – Modelling for the access arrangements to the development have been received that provide a like-for-like comparison with the scenario that the Council requested be considered. As anticipated the introduction of a second set of traffic signals would, overall, result in more delay to the network and on the

A93 compared to the scenario when the signals at Binghill Road are removed. However, it is highly likely that the removal of the signals would lead to the situation of substantial delay to vehicles trying to leave Beaconhill Road which could amount to several minutes in the PM peak period. With all vehicles routing through the development access the modelling shows that there is the potential for queuing for vehicles exiting the development and Milltimber in the AM peak. While this is reduced with the retention of the Binghill Road signals, those vehicles emerging from Binghill Road would still experience additional delay on the A93 at the new access junction. Removing the Binghill Road signals would result in all vehicles having to access Milltimber via the development access junction, which would produce a relatively large number of right turning vehicles. There is concern that if this is the only access point, the number of occasions that queuing into the westbound lane would occur would be higher than if both sets of signals are in place. The length of the right turn lane that can be provided is limited due to land ownership constraints. Therefore, the proposal for accessing the development and a junction layout in keeping with Fairhursts drawing 83744/1099 Rev C is accepted. It should however be noted that pedestrian and cycle facilities would be required, to integrate with the existing provision on the A93, and the signals should incorporate Toucan crossing facilities to permit access to the Deeside Way.

It is noted that the proposed crossroads at Binghill Road West would be removed and replaced with a mini-roundabout, the principal of which is accepted. Amendments will be required to the layout in drawing 83744/sk8002, however this can be resolved at the detailed design stage. The proposed crossroads would remain at the Binghill Road/ Binghill Hedges junction however it would likely be necessary to install features to increase safety at this junction and restrict traffic speeds; again this can be resolved through detailed applications.

Confirmation from the Councils Education Service that the new school will not be constructed until after the Aberdeen Western Peripheral Route (AWPR) has been constructed has been requested. To date no confirmation has been received. Therefore a condition is requested to any consent for this site that the new primary school not be opened until after the AWPR has been fully completed and opened. This is based on the traffic modelling that has been completed to date within which the school has been modelled only in the post AWPR scenario.

The A93/ Abbotshall Road/ Westerton Road junction has been modelled following the recent submission of the threshold assessment originally requested in December 2012. This has shown that the junction will operate above capacity with the development in place. As the junction is effectively landlocked on all sides by private gardens there is no scope for physical improvements within the control of the developer. Additional surveys have been undertaken which show that despite traffic calming there are a substantial number of vehicles "rat running" along Abbotshall Road and Westerton Road. The removal of these "rat running" vehicles from Abbotshall Road provides some additional relief to the junction in order to accommodate the development traffic. The developers transport consultants have provided an enhanced upgrade of the A93/ Kirk Brae junction in order to provide further relief than that required by the impact of the development directly on this junction alone. This improvement should encourage

drivers to use the Kirk Brae/ North Deeside Road junction as opposed to routing along Friarsfield Road and North Deeside Road. As there are other developments in the area it is preferred that the applicant makes a contribution equivalent to the cost of these works. It is therefore requested that this be subject to a legal agreement, and through this the developer provide a detailed drawing of the necessary proposals which will be costed and agreed with the Roads Authority. A financial contribution equivalent to this amount will then require to be made.

Assessment has been undertaken based on 275 units being completed prior to the impact of the AWPR being taken into consideration. It is therefore requested that a condition be applied to any consent that the development be limited to 275 units prior to the full completion and opening of the AWPR.

A small impact has been identified at the A93 North Deeside Road/ Milltimber Brae junction in the pre-AWPR scenario. However as this is small and the junction will be removed in the post-AWPR scenario, no mitigation is required at this junction.

A small impact has been identified at the North Deeside Road/ Baillieswells Road junction, however with prioritisation of the traffic signal timings this impact can be accommodated within existing capacity. No mitigation works are therefore required.

It was requested that for the initial phase of development, either the number of houses within the development be reduced so that the North Deeside Road/ Kirk Brae junction operated within capacity, or mitigation was carried out to bring the junction within capacity. This has not been done. However it is noted that it is now proposed to provide a financial contribution in lieu of works at this junction for the development as a whole. It would be the preference that the contribution be used, in combination with that from other developments in the area, towards an overall solution at this junction. To that end, the Roads Projects Team are willing to agree that the first phase of the development can progress as intended, despite the junction predicted to operate above capacity in the pre AWPR scenario. For the latter phases the contribution should be provided. The scale of the contribution will need to be agreed; however this can be undertaken following the issuing of any consent and be based on the cost of designing and delivering a no-net-detriment solution for the Oldfold development at this junction. Following any consent being issued, detailed drawings of the proposed mitigation will be required and subsequently costed in agreement with this service. It is requested that a longer than normal time period be provided for the Council to progress and deliver a solution at this junction.

Drainage – A Drainage Impact Assessment for the site as a whole has been received. It is noted that the surface water will be treated by grass conveyance swales and detention basins. The detention basins will additionally act as the attenuation for the development. This is acceptable. No attenuation calculations have been submitted which would be expected at this stage, however the scale of the site means that it is likely that this can be accommodated, and on this one

occasion to allow the development to progress to Committee it is agreed that these calculations should be conditioned to any consent.

Strategic Transport Fund – The site will be eligible for a contribution to the Strategic Transport Fund (STF). As the application is for Planning Permission in Principle it is not possible to make an estimation of the size of the required contribution at this time. It is requested that provision be made within the legal agreement for contribution to the STF to be assessed phase by phase of the development as it is brought forward for detailed planning consent, and in line with the Supplementary Planning Guidance.

Travel Plan – It is requested that a condition be attached to any consent that each house be provided with a Travel Pack prior to occupation.

Conclusion – In light of the comments above, and with the provision of the conditions requested and a legal agreement, the Roads Projects Team have no objection to this development.

Environmental Health – Air quality in the vicinity of the development area is good and the Environmental Health Service's concern would be the impact of the additional vehicle trips on areas of poor air quality/Air Quality Management Areas, such as the city centre and the Anderson Drive corridor. As the development is quite a distance from areas of concern, additional trips on these areas are likely to be insignificant in terms of the overall flow, especially with the AWPR. An air quality assessment in this case is likely to be of limited value and therefore is not necessary.

Developer Contributions Team –

Affordable Housing – The affordable housing requirement would equate to 137.5 units. The Housing Service has advised that for this scale of development all delivery options would require to be included within any legal agreement consisting of sale to RSL of land or completed units, low cost home ownership, off-site contributions, commuted payment or any other options which may be available at the time of delivery.

Primary Education – The zoned Primary School is Milltimber Primary School. A primary school is proposed as part of this application and there have been discussions with the Education Service on the phasing and delivery of the primary school.

The Council's Education Service is clear that the capacity of Milltimber Primary School is 9 classrooms and with the current mix of pupils comprising composite classrooms the functional capacity sits at 225. However it is noted that the school roll forecasts show a maximum capacity 270. Additional accommodation will therefore be required prior to reaching this capacity however on the basis of the methodology as set out in the roll forecasts the higher capacity figure (270) has been used for the purpose of the calculations.

Education contributions are calculated on the average of over capacity over a 5 year period. Oldfold would be developed out over a longer period beyond the school roll forecast period. However in order to provide certainty an average has been calculated on the basis of the full 550 units averaged out over a 5 year period. The average over capacity over the 5 year period of the full development of 550 units is 61.8 pupils.

A site for the primary school and pitch has been identified within the Oldfold masterplan and extends to 6.15 acres. This development will be required to reserve the site for this use and contribution to a proportionate element of the land take for the replacement school (4/15ths). The value of the land is subject to a separate valuation exercise. Phasing of the school site is likely to be prior to 2019 and agreement will require to be reached in relation to servicing of the school site.

Secondary Education – The zoned Secondary School is Cults Academy. Education contributions are calculated on the average of over capacity over a 5 year period. This development will be developed out over a longer period beyond the school roll forecast period. However in order to provide certainty an average has been calculated on the basis of the full 550 units averaged out over a 5 year period. The average over capacity over the 5 year period of the full development of 550 units is 40.2 pupils.

Community Facilities – In order to fully utilise the public halls and other community facilities, improvements will be necessary. The developer is not at liberty to address existing shortcomings, however, further cumulative development will impact on local venues and it is therefore considered that a contribution is justified. Local facilities, including the community centre, are well used and therefore a contribution is required to mitigate the impact from additional residents utilising these facilities. Details of the specification of the primary school may impact on this level of contribution if facilities are to be provided within the school and in this instance contributions would be directed towards the school.

Sports and Recreation – Confirmation is awaited from the Education Service on the specification of the new school as it is likely to include provision for playing fields and sports and recreation to be available for community use. Contributions required towards these elements are therefore likely to be included within Education contributions.

Library – The new primary school is likely to include a community library provision therefore no contributions are sought.

Core Path Network – The Local Development Plan Action Programme identifies a requirement for implementation of a path identified as Aspirational Path 10 in the Core Paths Plan and upgrades to the Deeside Way. Contributions will be sought to promote and extend the Core Path network in and around Milltimber. However it is acknowledged that site will provide for the implementation of a significant part of AP10 and therefore the overall contribution has been reduced by 50%.

Healthcare – Infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by each proposed development. Contributions will be calculated using nationally recognised space standards and build costs, based upon the population requirements for GP surgeries, dental chairs and community pharmacies. Any financial contributions will need to be agreed with the Council, in consultation with NHS Grampian, before an application can be determined. Contributions would be utilised towards provision of an extension to Peterculter Health Centre for provision of additional GP space and dental facilities.

Enterprise, Planning & Infrastructure (Flooding) – A full survey of all watercourses both culverted and open remains outstanding. These surveys are critical to understanding the potential impact from any development on properties downstream of the development. Any surveys should be extended downstream to include culverted sections south of the A93

The discharge rate has been calculated as 157.9 litres per second, presumably all discharging to the Oldfold Burn. A topographical survey should be carried out to ascertain if indeed all greenfield run off is discharging to the Oldfold Burn or if there is a split between the two watercourses in the site

Full details of all SuDS facilities including design calculations and drawings should be submitted for approval.

Education, Culture & Sport (Archaeology) – A condition should be attached requiring a the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work.

Scottish Environment Protection Agency –

SEPA is satisfied with the submitted assessment of the nearby wetland areas. The wet woodland in the bottom of the small valley is fed by a number of springs running in from the north of the woodland. These have been historically dammed in a number of areas running through the base of the valley and eventually supply the reservoir/loch to the east of the site. We are therefore satisfied that the development will not effect the water levels in this area.

The proposed low density residential area which backs onto Murtle Den is in quite close proximity to the slope which runs down into the wet woodland. Careful drainage is required here to divert any run off along the top of the slope.

It is noted that the waste water drainage from this development would discharge to the public sewer via a new pumping station and rising main. SEPA have no objection to this aspect of the proposal but recommend that confirmation of available connection is gained from Scottish Water.

It is noted that the sustainable drainage (SUDS) proposals would include permeable paving with sub-base for car parking areas and grass swales to two extended detention basins to treat all other surface water run-off on site. This would provide surface water run-off from the site with the best practice two levels of SUDS treatment.

The applicant has therefore demonstrated that for this application for planning permission in principle there is adequate space within the site for SUDS however they have not confirmed how this will be achieved in detail. Therefore, SEPA requests that a condition is attached to the consent requiring the submission of details of a SUDS scheme. If this is not attached, then SEPA objects.

A well designed SUDS scheme can form part of a wider green network, contribute to the amenity of the site and promote biodiversity. Any planting undertaken should use native species with opportunities taken to remove non-native species.

The Hydrology section of the Design and Access Statement makes reference to a number of springs within the site and producing a construction method statement to avoid run-off/sediment impacting on the River Dee. Construction works can increase the risk of water pollution due to the release of sediment from exposed surfaces, contaminant discharges and accidental spillage. SEPA is therefore pleased to note that pollution prevention during construction has been recognised as a potentially important issue and that this will be addressed through the production of the relevant construction method statement/ environmental management plan.

SEPA requests that a condition is attached to the consent requiring that a construction environmental management plan (CEMP) is submitted. If this is not attached, then please consider this representation as an objection.

SEPA requests that a condition is attached to the consent requiring that a site waste management plan is submitted. If this is not attached, then SEPA objects.

Cults, Bieldside and Milltimber Community Council – The Community Council has no strong objections to the development in principle provided that the following matters are addressed –

- the timing of completion of the proposed new primary school should be aligned with the current forecast of pupil demand and capacity limit at the existing primary school.
- the Milltimber community have expressed a strong desire that there should be a single community centre for the whole of the Milltimber population. Any related planning contributions should go towards improving the existing facility.
- the transport assessment should take into account the North Deeside Road / Abbotshall Road / Westerton road junction.
- developments at Oldfold and Friarsfield should be phased so that demands on transport infrastructure do not exceed 85% junction saturation limits.

- Binghill Road will have increased usage and therefore improvements to it will be required.
- Existing roads within Milltimber are unsuitable for buses.
- there is concern with the level of affordable housing proposed as it is not in keeping with the current provision in Milltimber and surrounding areas. However the Community Council support the concept of a flexible delivery mechanism such as commuted sums in lieu of on-site provision.
- drainage and sewerage designs should be adequate.

Police Scotland –

- Pedestrian routes need to be wide, straight, illuminated by uniform lighting and have high levels of natural surveillance;
- landscaping schemes should ensure that natural surveillance is not compromised by inappropriate planting;
- different surface treatments should be used to define public and private spaces.

Scottish Water –

- Scottish Water has no objection to this application.
- Invercarnie Water Treatment works may have capacity to service the proposed development.
- Nigg Waste Water Treatment Works and waste water network may have capacity to service the development.
- Scottish Water's initial investigations have highlighted there may be a requirement for the developer to carry out works on the local water network and waste water network to ensure there is no loss of service to existing customers.

REPRESENTATIONS

Fifteen letters of representation have been received from 10 residential addresses in Milltimber and Murtle Den, the Milltimber Community Association and representatives of the Camphill Communities. The following matters are raised –

Transportation

1. The TA is not independent as it was commissioned by CALA, it has no non-technical summary. Additional traffic data should be submitted to give the public confidence that the figures are accurate.
2. The development would add to congestion along the A93 and Binghill Road.
3. The proximity of the A93 junction to Tor Na Dee Lodge and East Drive (Oldfold Farm access) will cause safety issues.
4. Will a controlled pedestrian crossing be maintained at Binghill Road.
5. How will parking around the school be dealt with.
6. Turning provision for service vehicles should be provided in block U (Murtle Den Road extension).

7. Murtle Den Road should be adopted - until then ACC should grant legal rights for owners to use the extension to the road. Issues with land ownership of Murtle Den Road should be taken into account if it is to be widened.

Access

8. The development would result in an increase in the number of people using the Deeside Railway Line for recreational purposes, thereby resulting in increased anti-social behaviour which would have a negative impact upon the Camphill Communities.
9. The houses proposed on Murtle Den Road should be accessed from the main development and measures should be taken to ensure that traffic is directed away from 'The Cottage'
10. No details of planting or access prevention along boundary with Tor Na Dee.
11. The plans for AP10 sit uncomfortably with maintaining Murtle Den Road as a private road.

Design and Layout

12. The quality of the proposed housing is felt to be in keeping with the standard already in existence in Milltimber.
13. The provision of the Binghill Park and other green space is welcomed and the efforts to minimise the impact of the development on existing residents is appreciated.
14. The limited extent of commercial land use is appreciated – industrial would not be appropriate.
15. The density of housing should be reduced.
16. High quality open space and play areas should be provided
17. Generally very happy with proposed layout and design - look forward to work starting.

Planning Contributions

18. Whilst affordable discounted housing would be appropriate social housing would not be appropriate for Milltimber.
19. Adequate health facilities should be provided / on site.
20. Adequate Police services should be provided.
21. Planning contributions should be provided and in a timely manner.
22. Contributions towards a community centre should be used to enhance the existing centre and not to create a new one.

Education

23. CALA should pay for the new primary school.
24. The new primary school is essential and very much welcomed.
25. What provision would be made for additional children before the new school opens?
26. Adequate nursery provision should be provided.
27. Adequate secondary provision should be provided.

28. Existing school is at capacity.

Drainage

29. Development could result in additional peak flows along drainage channels and the Mill Stream, resulting in flooding within the Camphill Estate.
30. An impact assessment should be undertaken to determine if the sewer system can cope.
31. Upgrading of the sewer system could disrupt the agricultural activities of the Camphill Communities and affect the land's biodynamic and organic status. Assessments should be carried out to determine how the impact can be mitigated. Development could affect the quality or quantity of groundwater supplying a spring to the farm buildings on Camphill's Murtle Estate.
32. Would SUDS alleviate current flooding issues, would ponds have safety provisions included and SUDS should be designed as green infrastructure?

Other Matters

33. Construction would result in disruption to residents and displace traffic.
34. Open space should be open to everyone
35. No indication of steps to be taken to ensure privacy of residents in Woodland Grove (Tor-na-dee) have been provided
36. Further housing is not required
37. The site should remain as green belt
38. Water and power infrastructure is inadequate
39. The proposed homes should be moved to the Countesswells development to save money
40. Views over the field would be lost
41. Overall impression favourable subject to safeguards
42. Existing properties on Murtle Den Road would not have legal access to the extension
43. It would be unfair for individual owners of Murtle Den Road to have to pay for upkeep of the road if owners of the extended part did not.
44. The additional houses and traffic proposed at Murtle Den Road would have an adverse impact upon the character and environment of the road
45. Three to five houses would be more appropriate for Murtle Den Road rather than nine

PLANNING POLICY

National Policy and Guidance

Creating Places (Scottish Government) – Scotland's new policy statement on architecture and place published in June 2013 sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

Designing Places (Scottish Government) – Launched in 2001 *Designing Places* sets out government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives.

Designing Places is a material consideration in decisions in planning applications and appeals.

Designing Streets (Scottish Government) – *Designing Streets* is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside *Designing Places*, which sets out government aspirations for design and the role of the planning system in delivering these.

Scottish Planning Policy (Scottish Government) – SPP is the statement of Scottish Government policy on land use planning, and includes the government's core principles for the operation of the planning system and concise subject planning policies. The general policy relating to sustainable development and subject policies relating to open space and physical activity, landscape and natural heritage, transport and housing are all relevant material considerations.

Aberdeen City and Shire Strategic Development Plan 2014 (SDP)

While the preference is for development to take place on brownfield sites, the scale of growth expected will mean that more than half of new development will need to take place on greenfield sites. Reducing travel distances and making walking, cycling and public transport more attractive to people is vital. One or two new secondary schools, associated primary schools and improvements to transport infrastructure will be required to serve new development in the city. The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

Sustainable mixed communities – to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to.

Accessibility – to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Strategic Infrastructure Plan 2013 (SIP)

A key aim of the SIP is to enable the delivery of Aberdeen's share of the housing allocations in the Strategic Development Plan and affordable housing.

Aberdeen Local Development Plan 2012 (ALDP)

Policy LR1 (Land Release Policy) – The site is identified in the ALDP as opportunity Site OP62 (Oldfold) which is allocated for 400 homes in the period of 2007-2016 and 150 homes in 2017-2023. Over the period 2007-2023, 5 hectares of employment land is also allocated.

The Oldfold site must be subject of a masterplan and will require (i) a major new road junction connecting the site to North Deeside Road, (ii) a new primary school within the site, (iii) an extension to Peterculter Health Centre to accommodate one extra GP and two dental chairs and (iv) a new community pharmacy.

Policy I1 (Infrastructure Delivery and Developer Contributions) – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments 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) – New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car 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 proportions 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 D3 (Sustainable and Active Travel) – New development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained through the provision of suitable alternative routes.

Policy D6 (Landscape) – Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy H3 (Density) – An appropriate density of development is sought on all housing allocations and on developments of over one hectare must meet a minimum density of 30 dwellings per hectare, have consideration of the site’s characteristics and those of the surrounding area, create an attractive residential environment and safeguard living conditions within the development.

Policy H4 (Housing Mix) – Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan, reflecting the accommodation requirements of specific groups, in particular families and older people. This mix is in addition to affordable housing contributions.

Policy H5 (Affordable Housing) – Housing developments of 5 or more units are required to contribute no less than 25% of the total units as affordable housing.

Policy RT5 (New Development Serving New Development Areas) – Masterplans for sites allocated for major greenfield residential development should allocate land for retail and related uses at an appropriate scale to serve the convenience shopping needs of the expanded local community. Sites should be provided in accessible locations.

Policy NE4 (Open Space Provision in New Development) – The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE5 (Trees and Woodlands) – There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Policy NE6 (Flooding and Drainage) – Where more than 10 homes or greater than 100m² floor space is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must: be the most appropriate available in terms of SUDS; and avoid flooding and pollution both during and after construction.

NE8 (Natural Heritage) – Developments that, taking into account, any proposed mitigation measures, has an adverse effect on protected species or an area designated because of its natural heritage value will only be permitted where to satisfies the relevant criteria in SPP.

Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.

Policy NE9 (Access and Informal Recreation) – New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

R2 (Degraded and Contaminated Land) – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA.

Policy R7 (Low and Zero Carbon Buildings) – States that all new buildings, in order to meet with 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.

Supplementary Guidance

Oldfold Development Framework and Masterplan – The Development Framework and Masterplan provides a two-dimensional spatial framework that analyses the context of the site and outlines the vision for the future of the Oldfold site. It goes on to explain the design evolution of the proposed layout and highlight matters relating to access, connectivity, transportation, landscaping etc. It also discusses the proposed character areas of the development and potential phasing.

The following supplementary guidance (SG) documents are also of relevance to the assessment of this application:

- Affordable Housing SG
- Low and Zero Carbon Buildings SG
- Infrastructure and Developer Contributions Manual SG
- Open Space SG
- Transport and Accessibility SG
- Trees and Woodlands SG

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

For the purpose of this evaluation; the application is for planning permission in principle and accordingly, the consideration of each aspect of the proposal will deal primarily with the principle of the development and generality of the proposed layout rather than any detailed design. Applications for matters specified in conditions would address the detailed layout and position & appearance of buildings.

Phasing of Housing

The allocation of the site was pursued through the Aberdeen Local Development Plan (ALDP) preparation process with the site being identified for development by the Council, subsequently ratified by the Reporter appointed by the Scottish Government and thereafter by the full Council. This process culminated with the adoption of the ALDP in February 2012 which allocated Oldfold as a housing land release site (Policy LR1) for 550 homes and 5 hectares of employment land.

The ALDP sets out that the OP62 allocation should provide 400 homes within the phase one of the plan (2007-2016), with a further 150 homes provided in phase two (2017-2023) which it is expected would be released by the next version of the ADLP, anticipated adopted taking place 2016.

Planning permission in principle is sought through this application for all 550 homes at once, which therefore technically represents a departure from the phasing proposed in the ALDP and is contrary to Policy LR1 (Land Release Policy).

Since the adoption of the ALDP in February 2012, the Aberdeen City and Shire Strategic Development Plan (SDP) has been published and was approved by Scottish Ministers on 28th March 2014. The SDP continues the growth aspirations of the previous Structure Plan and specifies an allowance of 12,000 housing units on greenfield sites within Aberdeen in phase one (up to 2016). In second phase (2017-2026) 5000 units are allowed for.

The Main Issues Report (MIR) for the next ALDP was published in January 2014 and stakeholder and public consultation is now being reviewed. The MIR considers the overall vision and strategy of the existing LDP to be appropriate. In

accordance with the SDP, the MIR also proposes that the next ADLP carries forward and releases the current phase two allocation of 150 homes to the period of 2017-2026.

It is apparent that the Councils latest position on the future development of the city continues the growth strategy within the current strategic and local development plans. Despite this, it must be noted that the MIR is only a consultation document at this stage and the proposed ALDP is not expected to be published in early 2015. Thus, approving both phases of the housing at Oldfold would still be contrary to the current ALDP.

The applicant has provided indicative build rates and anticipates that 25 units would be completed in 2015 and thereafter 50 units per annum, with development completing around 2025. This build rate would result in only 75 units being completed by the end of 2016, significantly below the expectations of the ALDP which anticipated 400 units completed within phase one.

It has also been intimated by the applicant that in order to continue seamlessly with the build programme from phase one to phase two, the certainty which having planning permission for all 550 units, is required. There are also upfront infrastructure costs such as the new junction, contributions towards the primary school and potential water infrastructure upgrades required to be funded.

Taking into account the indicative build-rate and the stages of the planning process which still need to be completed before work can start on site, the risk is very low that the number of completed units before 2017 would exceed that allocated to the phase one period. The granting of consent for both phases at Oldfold would also bring certainty for the developer which would assist in the delivery of the development. Therefore although contrary to Policy LR1 (Land Release Policy) it is considered acceptable to permit the full allocation of housing at Oldfold at this stage.

Employment Land

The employment element of the allocation is not allocated to any specified plan phase, and may be provided in full in the current plan period. One block within the development is identified as being for commercial and community uses and amounts to 1.18 hectares. This is significantly below the 5 hectares identified for Oldfold within the ALDP.

The Oldfold Development Framework and Masterplan, which has been adopted as supplementary guidance by the Council, does not include 5 hectares of employment land. The Framework and Masterplan included a detailed analysis of the context of the Oldfold site and explored how an expansion of Milltimber could be accommodated. There are no local services or employment uses within Milltimber at the moment and through the Development Framework and Masterplan, it was concluded that 5 hectares of employment land would be inappropriate. It was considered that the creation of a local neighbourhood centre with approximately 1000m² of floor space for local shops, cafes and small offices

would be appropriate for the size of the development and the character of Milltimber.

The reduction in the level of employment land from the expected by the ALDP is contrary to the plan's overall strategy of creating sustainable communities, which have a mix of residential and employment land which in turns reduce the need to travel by car between home and work. However as already noted, the Development Framework and Masterplan, which has been adopted as supplementary guidance, is promoting an alternative approach which it is considered is appropriate for Milltimber.

Failure to provide sufficient employment land within the city represents a risk to the ALDP's aim of expanding the population of Aberdeen. Within the current plan period (2007-2023), 105 hectares of employment land has been provided, with a further 70 hectares allocated as strategic reserve land for the period 2024-2030. The amount of land allocated for employment is significantly more than it is expected will actually be required. Therefore the failure to provide the allocated 5 hectares at Oldfold is not expected to have an adverse impact on the ability of the city to accommodate new or expanded employment uses.

Density and Mix

The density of development proposed at Oldfold is on average 20.7 units per hectare (excluding the Murtle Den block). This figure is below the minimum of 30 dwellings per hectare which is required by Policy H3 (Density).

Notwithstanding the above, it is worth noting that in establishing whether a proposed density of development is appropriate and may be considered acceptable for a specific site, the minimum levels sought through Policy H3 cannot be applied in isolation. The policy also requires developments to have consideration for the sites characteristics and those of the surrounding area.

The Development Framework and Masterplan has taken into account the characteristics of the Oldfold site and existing Milltimber settlement, where the average density is approximately 17 units per hectare. Therefore, in order to take into account the context, it is proposed that there would be a mix of densities throughout the site. Low (17/ha) and medium (17-22/ha) densities would feature in the south, east and north parts and higher densities (22+/ha) are proposed in the core of the development, around the school and neighbourhood centre.

Although the proposed average density is lower than that required by Policy H3, consideration has been given to the context of the surrounding area in order to create an attractive residential environment which would respect its surroundings. Despite the lower than required density, the proposal would still meet the full housing allocation of 550 units for the site and be in compliance with the adopted Framework and Masterplan. Therefore although the proposed densities are not fully compliant with Policy H3, they are consistent with the Development Framework and Masterplan and appropriate for the context of the site.

The Design and Access statement shows that there would be an appropriate mix of dwelling types and sizes, in line with the Framework and Masterplan and Policy H4 (Housing Mix).

Compliance With Framework and Masterplan

The Development Framework and Masterplan sets out a clear vision for the site as being an expansion to Milltimber that reflects the quality associated with North Deeside, both in quality of homes provided and the quality of the environment. Oldfold will be a place in which the houses, streets and outdoor spaces all combine to reflect the high standards expected of new development. The approach to development at Oldfold is based on four key issues:

- Respect the setting
- Be part of Milltimber
- Create a community
- Protect and integrate the surrounding landscape.

Proposed pedestrian routes have been designed to actively encourage walking to the primary school and neighbourhood centre. Maximum connectivity is also proposed between the site and Milltimber and connections to the existing cycle network along the A93 and Deeside Railway Path would also be provided. The development would be made up of a strong street hierarchy with a primary street, green links, secondary streets and two types of minor streets. Aspirational Core Path 10 would take a route through the site and connect Binghill Road to Murtle Den Road.

The Council's supplementary guidance on open space requires 4.7 hectares of meaningful and useable public open space for a development of this scale. The Development Framework and Masterplan indicates that 8.1 hectares of meaningful and useable open space could be accommodated within the site as part of the intended layout.

The design and access statement submitted is largely identical to the approved Development Framework and Masterplan which has been adopted as supplementary guidance by the Council. Therefore the proposal accords with the aspirations of this document, which is an important material consideration that weighs in favour of the development.

Transportation

The developer has submitted a Transport Assessment (TA) which examines transportation, traffic and access issues. Concern has been raised that the TA is not independent as it was commissioned by the developers and has no non-technical summary. It is the developer's responsibility to provide a TA for their proposed development and as per normal practice the scope of the TA was agreed with the roads authority prior to its submission. Thereafter it was audited

by the Roads Projects Team and recommendations made to the planning service.

Public Transport Provision

North Deeside Road is the main public transport corridor in Lower Deeside with the nearest bus stops to Oldfold being 53m to the east of the Bingham Road / North Deeside Road junction for eastbound services, and 60m west of the junction for westbound services. There are a total of eight daytime services per hour, in each direction, which provide access to the city centre; these services consist of routes 19 (Platinum Line), 201, 202 and 203. The 19 service, provided by First Bus, operates between Tillydrone and Peterculter via the city centre, at a 12 minute frequency. Stagecoach Bluebird's Royal Deeside services 201-203 operate between Aberdeen Bus Station and Banchory at a combined frequency of every 20 minutes.

Scottish Planning Policy (SPP) states that *“planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on the private car and where...access to public transport networks would involve walking more than 400m... the transport assessment does not identify satisfactory mechanisms for meeting sustainable transport requirements.”*

Two thirds to three quarters of the Oldfold development site would be more than 400m (5–10 minute walk) from the existing bus stops on North Deeside Road and the majority of the site would require a 10-15 minute or 15-20 minute walk to reach North Deeside Road. Therefore in order to investigate possible solutions, the developer has approached both the main public transport operators within the city, with a view to establishing whether it was feasible to re-route buses through the Oldfold development.

The response from Stagecoach Bluebird and First Bus is that the option of diverting the existing services into the development is not considered realistic, as it would result in the services becoming less attractive to existing passengers as a result of the extended journey times, and could result in a requirement for additional vehicles. It is further suggested that bus passengers are attracted to higher frequency services on key corridors and are prepared to walk further than 400m to take advantage of frequent services rather than be restricted to the timetable of a low frequency service which may be within 400m.

Constraints within the local road network prevent the use of full size buses on existing routes into Milltimber such as Contlaw Road and Bingham Road. This has thus far precluded the operation of buses away from the A93 corridor. The North Deeside Road/Oldfold junction and main road through the development would be designed to accommodate buses; however the operators advise that if services were diverted into the development, for the reasons above it would require use of the same access and egress point. Both operators indicate that this would be particularly unattractive to both themselves and existing passengers. They further advise that the scale of development would not support an additional dedicated service to and from the city centre and a direct service would simply provide

excess capacity on the A93 corridor once it left the development, diluting the viability of existing services.

Stagecoach Bluebird suggest that consideration should be given to the provision of a community transport dial-a-ride type of operation which could provide access to bus services along the A93 corridor for areas where operation of full size buses is not possible, or where demands for public transport to not fit well with a timetabled service. This idea was considered by the Roads Projects Team, however it was thought unlikely that enough revenue would be generated to maintain the service after any subsidy from the developer ceased, resulting in the service being withdrawn at that point. Furthermore due to the nature of the dial-a-bus services it would be unlikely that it would be able to provide a sufficient service to be the equivalent of a traditional bus service in terms of taking residents to work. For these reasons dial-a-bus was discounted.

A condition would be attached to any consent that the closest bus stops to the development on the A93 be upgraded to a minimum standard of shelter, seating, lighting and raised kerbs. The footway on the development side of the A93 should be widened if possible to a minimum of 2m in width along the site frontage to accommodate the upgraded infrastructure.

With no viable solution identified to provide public transport to a large portion of the development site, there is clear conflict with the expectations of SPP, PAN75 and the Council's own sustainable transport policies and guidance, which all require new development to be within 400m of public transport provision, the lack of which is likely to encourage the use of the private car. In isolation this would be a reason for refusal of planning permission however this must be balanced against other material considerations and the fact that the whole of the site is allocated for residential within the ALDP.

Primary Vehicular Access (New A93 (North Deeside Road) Junction)

The primary access to the development would take the form of a signalised T-junction on North Deeside Road. The provision of the access at this location is consistent with the Development Framework and Masterplan. It is also the only point at which there is the possibility to access the primary road network.

There are existing traffic signals at the A93/Binghill Road/Beaconhill road junction, approximately 215m to the west of the proposed development site access. Traffic modelling for two scenarios was looked at in relation to how the additional junction could be accommodated.

The first scenario would see the existing traffic signals remain and the introduction of a second set of signals at the new T junction. It is apparent that the introduction of a second set of traffic signals at this new junction would result in additional delay to traffic on the A93. Concern was therefore raised with this arrangement by the Roads Projects Team and the developer was requested to look at a second scenario which removed the existing lights at the A93/Binghill Road/Beaconhill Road junction so that there would only be one set of signals on this section of the A93.

In this second scenario, the lower section of Binghill Road would have to become one-way from south to north due to the removal of the signals and poor visibility. The modelling shows that although the delay to traffic on the A93 would be less, it would be highly likely that the removal of the signals would result in substantial delay to vehicles trying to exit Beaconhill Road onto the A93, which could amount to several minutes in the PM peak period. Similarly, removing the Binghill Road signals and introduction of the one-way section would result in a large number of vehicles having to leave Milltimber and Oldfold via the new Oldfold access junction. This could result in a relatively large number of right turning vehicles at this junction as motorists are more likely to utilise a signalised junction over a non-signalised junction where they do not have priority. The Roads Projects Team has concern that if this is the only access point the number of occasions that queuing into the westbound lane will occur will be higher than if both sets of signals are in place. The length of the right turn lane that can be provided is also limited due to land ownership constraints. Aside from implications on the free flow of traffic, removing the existing signals would potentially restrict and deter pedestrian movement at this location. Cults, Bielside and Milltimber Community Council has advised that residents of Milltimber have concerns that the removal of the signals would lead to safety concerns and difficulties when entering and exiting Binghill Road and Beaconhill Road.

Concern has been raised in representations with the proximity of the new A93 junction to the access to Tor-na-dee lodge and the track known as East Drive, which provides access to Oldfold Farm access. It is anticipated that this track would be retained as a pedestrian route as part of the development. The Roads Projects Team has raised no concerns with regards to the proximity of this or the Tor-na-dee lodge access.

In conclusion, for these reasons outlined in the second scenario, and despite the fact that the overall network would operate more efficiently with the removal of the traffic signals at the A93/Binghill Road/Beaconshill Road junction, the Roads Projects Team has recommend that the traffic signals be retained, in addition to the installation of the development access road signals. Once installed the traffic signals timings would be optimised to ensure the most efficient flow of traffic.

Secondary Vehicular Accesses (Binghill Road)

Two secondary accesses to the development would be provided onto Binghill Road. The first would be located opposite Binghill Hedges. As cross-roads are generally discouraged, it is likely that it would be necessary to install features to increase safety and reduce speeds at this junction. The second access would be located at Binghill Road West where a mini-roundabout is proposed. These connections are designed principally to provide local access to the proposed mixed use centre and new primary school. Significant vehicular use of either of these routes by future residents of Oldfold is not envisaged, as the priority route to North Deeside Road would be via the new principal route to the signalised site access. Similarly it is not envisaged that existing residents would route through the proposed site in significant numbers given that the existing route to the

Binghill Road signalised junction provides a more direct connection onto North Deeside Road.

Both these connections are in accordance with the development framework and masterplan and are accepted in principle by the Roads Projects Team. Conditions have been attached requiring detailed design proposals to be submitted.

Traffic Impact on Local Road Network

Traffic modelling has been carried out by the developer and audited by the Roads Projects Team. It is assumed that no more than 275 homes would be constructed prior to the opening of the Aberdeen Western Peripheral Route (AWPR). It is also anticipated that the mixed use centre and new primary school would not be open before this date.

The four junctions noted below have been analysed in detail. Beyond these junctions the significance of development traffic is increasingly reduced as it distributes over the wider network and detailed analysis is therefore not required.

- In the pre-AWPR scenario, a minor impact has been identified at the North Deeside Road (A93) / Milltimber Brae (B979) junction, however as the impact would only be minor and the junction would be removed once the AWPR is open, no mitigation measures are therefore requested.
- A minor impact has been identified at the North Deeside Road (A93) / Bielside Station Road / Baillieswells Road (Cults) junction; however with prioritisation of the traffic signal timings this impact can be accommodated within the existing capacity of the junction. Therefore no mitigation works are required.
- North Deeside Road (A93) / Kirk Brae (Cults) is expected to operate marginally over capacity in the pre-AWPR phase, which although undesirable, would be a short term issue which would be relieved by the eventual implementation of the AWPR. However as the Oldfold development progresses, the junction will again operate over capacity, with the impact of the AWPR taken into consideration. It has therefore been recommended by the Roads Projects Team that the developer should pay a financial contribution towards improvements at this junction. The contribution, in combination with that from other developments in the area, would be used towards a solution at this junction to be designed and progressed by the Council. The contribution amount is yet to be agreed; however it would be based on the cost of designing and delivering a no-net-detriment solution for the development at this location. It would be secured through a section 75 legal agreement.

Traffic Impact on Wider Road Network

The developer would be required to contribute towards the Strategic Transport Fund (STF) which aims to gather contributions to pay for significant transport projects to mitigate congestion caused by the cumulative impact of developments throughout the city. The level of contribution payable will be dependent on the composition of the development, and will be determined as the detailed design of the development evolves. Contributions can be secured as part of a section 75 legal agreement.

Murtle Den Road

The nine homes proposed to the north of Murtle Den Road would be accessed via Murtle Den Road. This has been agreed in the Development Framework and Masterplan as the most appropriate access solution. Although it has been suggested that five homes would be more appropriate, the Development Framework and Masterplan consider that nine homes set within large woodland grounds would be acceptable.

The Roads Projects Team has indicated that Murtle Den Road should be upgraded to adoptable standard in order to provide satisfactory access. The Council and applicant have agreed that the normal standard which would be expected on a residential street can be reduced in order to maintain the special character and appearance of Murtle Den Road. This would consist of a single track road with passing places at 50-60m intervals, street lighting, drainage, turning facility at the northern end of the road and a footway to one side of the carriageway. The current standard of the road's construction will require to be investigated, and if this does not meet current standards it will require to be reconstructed to an adoptable standard. It is intended that the Council would thereafter adopt Murtle Den Road and be responsible for its maintenance. The detailed design of the upgraded road and extension to the road would be agreed through matters specified in conditions. To that end a condition has been attached requiring details to be approved by the Council prior to development commencing on the nine homes proposed to the north of Murtle Den (block U). Any legal or ownership disputes with regards to land required in order to upgrade Murtle Den Road are not material planning considerations and will need to be resolved by the applicant and any interested parties.

It is not considered that the increase in level of traffic associated with nine additional homes would significantly affect the character of Murtle Den Road.

Taking the above in account, the concern raised that the plans for AP10 sit uncomfortably with maintaining Murtle Den Road as a private road are considered to have been addressed.

Ecology

Development of this scale on greenfield land will inevitably have an impact upon existing landscape and wildlife. The site has been allocated through the appropriate local development plan process and therefore the loss of greenfield land in itself would not be sufficient reason to justify refusal of the application. Any impact on habitats or species however must be managed to allow the development to be delivered with minimal impact.

A habitat survey has been carried out to determine what flora and fauna are present on the site. The conclusion was that habitats on the site are largely unremarkable with the site being dominated by grassland and areas of woodland and scrub at the edges.

There are however a number of protected species which occur on the site or in close proximity

Bats

Bats are a European protected species under the Conservation (Natural Habitats, &c.) Regulations 1994 and as such it is illegal to amongst other things either deliberately or recklessly capture, injure or kill a wild bat or deny it the use of its roost.

A bat survey has been carried out and a potential bat roost was identified within the Oldfold Farm buildings. Prior to demolition of the farm a further survey will be required to determine what mitigation measures need to be agreed. Should a direct impact be unavoidable then a license would need to be obtained from Scottish Natural Heritage to disturb any bats or their roosts.

The woodland margins of the site are used for foraging by bats however the wide open fields of the development site provide a poor habitat. The creation of strong tree-lines though the site will encourage bats and are welcomed.

Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992. A badger survey has been carried out and no badger setts were identified on the site, however setts were recorded in the woodland to the north and east. Due to the close proximity the development has the potential to impact upon their activity. However it is anticipated that the housing proposed within woodland at Murtle Den and parkland in the north of the site would provide continued opportunities for badgers. A condition has been attached requiring a badger protection plan to be submitted prior to the commencement of development at any of the blocks within phase 5 or block U.

Birds

Thirty species of birds were identified on or adjacent to the site, several of which are birds of high conservation concern or identified as priority species. Those

species which depend on trees for cover, nesting and feeding would be provided with enhance opportunities though the proposed landscaping and tree planting associated with the development.

In summary the submission of further information would ensure compliance with Policy NE8 (Natural Heritage) of the ALDP, and fulfil the planning authority's duty with regard to ensuring adequate protection is afforded to a protected species.

Drainage

A drainage impact assessment has been submitted which explains how the principles in relation to drainage would be addressed.

Foul Water

New foul sewers and a foul pumping station would be provided within the development. The pumping station would be provided towards the south east corner of the site and would pump flows to the south west of the site along North Deeside Road where it would discharge to the existing Scottish Water sewer network. SEPA has no objection to the proposed foul drainage proposals.

Scottish Water has indicated the Invercarnie Water Treatment Works and waste water network that would service the area may have capacity to service the proposed development. No objection is raised to the proposal, however connection to the network can only be given when the appropriate application and technical details have been received by Scottish Water. Where upgrading work is required it may be necessary for the developer to fund works to enable their development to connect.

Surface Water

New surface water sewers and sustainable urban drainage (SUDS) features would be provided to service the site and would be located within the new roads and areas of open space. Surface water would be treated in the following ways –

- run-off from driveways within individual house plots would be drained to sub-soils at source via soakaways;
- run-off from the proposed access roads would be drained directly to the proposed surface water sewers via traditional trapped gullies.
- Car parking areas would be provided permeable paving with stone filled filter trenches located beneath the car parking areas; these measures would then discharge into the new sewers.
- The new surface water sewers would discharge into grass conveyance swales which in turn discharge flows into one of two extended detention basins located in the south east corner and the east side of the site. The combination of the grass swales and the extended detention ponds would provide the whole development area with the required two levels of treatment. The detention basins would be designed as part of the open space within which they would be located. Should they need to be fenced off for safety

reasons this would be done sensitively so that they still contribute to the design of the open space.

The Drainage Impact Assessment indicates that the rate and volume of surface water run-off post development would not exceed the run-off from the existing greenfield site, which is required by drainage best practice. Developers are not expected to address existing flooding problems.

The wet woodland at Den of Murtle (a Local Nature Conservation Area) is dependent on the hydrology of the area and although out-with the site, there is the potential for the development to have an impact on it. An assessment of nearby wetland areas has been submitted for review to SEPA and identified that the wet woodland at Den of Murtle is fed by a number of springs running in from the north of the woodland. These have historically been dammed at a number of locations and eventually supply the loch/reservoir to the east of the site. SEPA are therefore satisfied that the development would not effect the water levels in this area.

The concerns of the Camphill Community in terms of the potential for downstream flooding are noted and would be addressed through a full survey of watercourses and topographical survey as requested by the Flood Prevention Unit. Ideally this should be provided up-front but given its absence, a condition has been applied requiring its submission and approval along with all drainage matters, prior to development commencing.

Through the submission of applications addressing foul and surface water drainage the proposal would be in accordance with Policy NE6 (Flooding and Drainage).

Contamination

Due to the existing use as a farm, there is the potential for ground around the farm to have become contaminated. Therefore a condition has been attached requiring submission of an investigation to determine the nature and extent of any contamination and thereafter a remediation plan to address any significant risks and ensure the site is fit for the proposed residential use. Subject to a satisfactory report being submitted the proposal would be in accordance with Policy R2 (Degraded and Contaminated Land).

Planning Contributions

The developer has agreed a package of planning contributions to mitigate against the impact of the development on local infrastructure and services. All contributions and phasing of payments would be secured by a section 75 legal agreement and would be timed appropriately to mitigate the scale of development at each phase.

Affordable Housing

The developer has agreed to provide affordable housing at a rate of 25%. The Council's Housing Service has advised that for this scale of development all delivery options would require to be included within any legal agreement. Options for delivering affordable housing include sale to registered social landlord (RSL) of land or completed units, low cost home ownership, off-site contributions, commuted payment or any other options which may be available at the time of delivery.

Concern has been raised by a small number of objectors with the idea of social housing being introduced to Milltimber and in particular the perceived type of tenants which a registered social landlord caters for. One of the overarching objectives of the ALDP is to create sustainable mixed communities with a mixture of house types, house sizes and tenures. Therefore the proposed to include affordable housing on site is consistent with the aims of the ALDP. Claims that anti-social behaviour would take place are unfounded and are not considered to be a material consideration. Notwithstanding and importantly there is an expectation that a substantial proportion of the units would be provided on-site.

Subject to the conclusion of a legal agreement to secure the required provision, the proposal would be in accordance with Policy H5 (Affordable Housing).

Primary Education

A new primary school with nursery to replace the existing Milltimber Primary School would be built adjacent to the local centre, on the west side of the development. The school would accommodate the additional pupils generated by the development as well as those from the existing community. The existing school also accommodates pre-school children within a nursery and it is anticipated that this would form part of the new school also.

The developer has agreed to provide a financial contribution plus a proportionate element of land for the school. The timing of the school provision would be determined through the section 75 legal agreement and would be appropriate to the demand on the school roll.

The school is also likely to accommodate sports and community facilities. The location of the new school would be adjacent to the proposed neighbourhood centre and has been chosen as it would be within an 800m walk distance of all units within Oldfold. It would also be convenient for those living within the existing parts of Milltimber. The specification, layout and design of the school would be determined through a future planning application. Parking provision, including drop-off areas which are safe and easy to access would be provided. Appropriate Safe Routes to School would be identified and an appropriate crossing facility on Binghill Road would be provided to ensure the safe movement of pedestrians and cyclists between Milltimber and Oldfold.

Secondary Education

Oldfold would be within the zone for Cults Academy. The average over capacity over the 5 year period of the full development of 550 units is 40.2 pupils. The developer has agreed to pay contributions towards secondary education provision at Cults Academy in line with the level of impact the development would have.

Community Facilities

Contributions would be provided to improve community facilities in Milltimber as a result of the additional pressure placed on them. Milltimber Community Hall is located at Oldfold Walk, within the Meadows area of Milltimber and is operated by Milltimber Community Association (MCA), a self-financing charity. MCA and Cults, Bielside and Milltimber Community Council (CBCMC) have both indicated that their preference would be for any contributions to help expand the facilities at community hall rather than establish any competing facilities. This is acceptable in principle however details of the specification of the primary school may impact on this level of contribution if facilities are to be provided within the school and in this instance contributions would be directed towards the school.

Sports & Recreation Facilities

Confirmation is awaited from the Council's Education Service on the specification of the new school as it is likely to include provision for playing fields and sports and recreation to be available for community use. Contributions required towards these elements are therefore likely to be included within Education contributions.

Library

The new primary school is likely to include for community library provision, therefore no contributions are sought in this regard.

Core Path Network

The Local Development Plan Action Programme identifies a requirement for implementation of a path identified as Aspirational Path 10 (AP10) in the Core Paths Plan and upgrades to the Deeside Way. AP10 crosses through the middle of the site in an east/west orientation and the intention is to provide this path in order to create a pedestrian and cycle link (3m wide) between Binghill Road and Murtle Den Road and the Council are currently undertaking work on the detailed alignment to the east of Murtle Den Road. It is acknowledged that site will provide for the implementation of a significant part of AP10 and therefore the overall contribution has been reduced by 50% to take this into account.

Healthcare

Healthcare contributions would be provided and utilised towards provision of an extension to Peterculter Health Centre to provide additional GP space and dental facilities. It would not be proportionate to require new health facilities within

Oldfold and the most viable option has been identified as expanding existing facilities.

Time Periods

The planning authority has powers to direct that the duration of consent granted may differ from the usual periods stated in legislation, which is 3 years from the grant of Planning Permission in Principle. In this instance, the scale of the housing allocation is of considerable scale and there is little realistic prospect that full details of the entire 550 homes and associated works would be ready to be submitted within a period of 3 years. The scale of the allocation is such that it is clear that there is reasonable justification to deviate from the usual periods. It is considered appropriate to grant a period of 5 years and a direction reflecting this would be attached to the grant of planning permission in principle.

Relevant Planning matters raised by the Community Council

- The timing of provision of the new primary school and matters relating to the community centre contributions was dealt with under the Planning Contributions Sections of the report.
- The junction at North Deeside Road / Abbotshall Road / Westerton road has not been analysed in detail as explained in the 'Traffic Impact on Local Road Network' Section of this report.
- The development would be phased with infrastructure provided at the appropriate time.
- Arrangements at Binghill Road are explained in the transportation section of this report.
- The situation with buses is explained in the Public Transport' section of this report.
- The proposals for affordable housing are explained in the developer contributions section of this report.
- Drainage and sewerage matters are addressed in the drainage section of this report.

Relevant Planning matters raised by representations not already addressed

- Construction Traffic – Concern has been raised that construction would result in disruption to residents and displace traffic. A development of this scale will inevitably create disruption however this would not be a competent reason for refusal.
- Policing – The policing of the area is not a matter which is attributable to particular developments and therefore planning contributions are not sought.
- Open space should be open to everyone – Open space would be for everyone and would not only be for those living within the development.

- Tor-na-Dee Boundary – The existing boundary with Tor-na-Dee is likely to remain, along with the access track to Oldfold farm house. Exact details of planting to enhance the existing landscaping would be agreed through detailed applications.
- Water and power infrastructure is inadequate – The developer would need to agree any connection to or upgrading of water and power infrastructure with the relevant authorities.
- Views over the field would be lost – loss of a view is not a material planning consideration however the development would be integrated into the landscape to limit any impact on landscape setting.
- Increase in people using and being anti-social on the former Deeside Railway Line – Whilst the proposed development may lead to an increase in the level of users on the popular former railway for recreational purposes, which is to be welcomed, there is no evidence to suggest that this would have an impact on the level of anti-social behaviour which takes place in the area.
- The housing should be moved to Countesswells – The Oldfold site has been allocated through the Aberdeen Local Development Plan (ALDP) preparation process with the site being identified for development by the Council, subsequently ratified by the Reporter appointed by the Scottish Government and thereafter by the full Council.

Summary

The development plan must be considered as a whole. Most developments will comply with some policies and conflict with others. Therefore, a judgement needs to be made about the weight to be given to and the balance between each policy.

Although, as set out in the evaluation, the proposal does not comply with some of expectations and policies relating to phasing, provision of employment land and public transport, for the reasons set out earlier in this report, the indicative proposals do represent a considered and appropriate expansion of Milltimber. The proposed development also represents a relatively straightforward site, which is free from significant constraints. The development of Oldfold would assist in the delivery of affordable housing and Aberdeen's share of the housing allocations within the Strategic Development Plan, which is a priority of the Council's Strategic Infrastructure Plan. As such, it is considered that notwithstanding conflict with some aspects of the development plan, on balance the benefit to the City in terms of the increased supply of housing would justify approving the application.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a section 75 legal agreement with the Council to secure –

- 1) **The provision of 25% affordable housing in accordance with the Development Framework and Masterplan and include a range of delivery options, including on-site provision.**
- 2) **Developer contributions towards primary education provision and a proportionate element of land for a new school (to include community facilities, library facilities, sports & recreation facilities and playing field provision);**
- 3) **Developer contributions towards secondary education, community facilities, healthcare provision, the core path network and the strategic transport fund; and**
- 4) **Developer contributions towards improvements at the North Deeside Road / Kirk Brae junction.**

REASONS FOR RECOMMENDATION

The proposed development relates to a site zoned for residential and employment development in the Aberdeen Local Development Plan (ALDP) through Policy LR1 (Land Release) across two phases. Consent is now sought for both phases and taking into account the indicative build-rate and the stages of the planning process which still need to be completed before work can start on site, the risk is very low that the number of completed units before 2017 would exceed that allocated to the phase one period. The granting of consent for both phases at Oldfold would also bring certainty for the developer which would assist in the delivery of the development. Therefore although contrary to Policy LR1, it is considered acceptable to permit the full allocation of housing at Oldfold.

The failure to provide 5 hectares of employment land is contrary to the ALDP's overall strategy of creating sustainable communities, which have a mix of residential and employment land which in turns reduce the need to travel by car between home and work. However, the Development Framework and Masterplan, which has been adopted as supplementary guidance, is promoting an alternative approach which it is considered is appropriate for Milltimber and would still provide employment opportunities and local services.

The Design and Access Statement is in full accordance with the framework and Masterplan. Due regard has been paid to Policy D1 (Architecture and Placemaking) and national design policies in the preparation of the spatial strategy for Oldfold. A satisfactory level of open space in accordance with Policy NE4 (Open Space Provision in New Development) would be provided and a route for Aspirational Core Path 10 has been identified in accordance with Policy NE9 (Access and Informal Recreation).

Although the proposed average density of development is lower than that expected by Policy H3 (Density), consideration has been given to the context of the surrounding area in order to create an attractive residential environment which would respect its surroundings. Despite the lower than required density, the proposal would still meet the full housing allocation for the site and be in compliance with the adopted framework and masterplan. An appropriate mix of

house types and sizes would be provided in accordance with Policy H4 (Housing Mix).

Matters relating to drainage and hydrology can be appropriately assessed via further submissions. thereby satisfying the provisions of policy NE6 (Flooding and Drainage).

The submission of further information would ensure compliance with Policy NE8 (Natural Heritage), and fulfil the planning authority's duty with regard to ensuring adequate protection is afforded to a protected species. Due regard would be given to existing trees and Policy NE5 (Trees and Woodland) through submission of a tree survey.

In accordance with Policy I1 (Infrastructure Delivery and Developer Contributions), a new primary school would be provided on site and appropriate level of financial contributions to mitigate against the impact on primary and secondary education, community, library and sports & recreation facilities, healthcare and core path network. Affordable housing would be provided at a rate of 25% in accordance with Policy H5 (Affordable Housing).

Appropriate means of access from North Deeside Road and Binghill Road has been agreed in principle with the Council's Roads Projects Team. Contributions would be provided towards improvements at the North Deeside Road / Kirkbrae junction and the strategic transport fund to mitigate the wider impact on the network.

Despite discussions with public transport operators, no viable solution has been identified which would provide a satisfactory level of access to bus routes. Therefore a large portion of the development site would be in excess of 400m away from a bus stop. Therefore there is clear conflict with SPP, PAN75 and the Council's Policies T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel). Whilst this is far from ideal, the Council has ambitious targets for house building within the city and Oldfold represents a relatively straightforward site, which is free from significant constraints which could delay development. The Design and Access Statement is in full accordance with the adopted Oldfold Development Framework and Masterplan and the result would be an attractive, coherent and otherwise acceptable expansion of Milltimber. It is considered that notwithstanding conflict with some aspects of the development plan, on balance the benefit to the City in terms of the increased supply of housing would justify approving the application.

CONDITIONS

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

- (1) PHASING

All development shall take place in accordance with the phasing strategy contained within section 6.1 of the Oldfold Design and Access Statement, unless otherwise agreed through the submission of a matters specified in conditions application for an alternative phasing programme covering the same matters - in order to ensure development is progressively accompanied by the appropriate associated infrastructure.

(2) PROVISION OF AWPR

No more than 275 residential units shall be occupied unless all legs of the Aberdeen Western Peripheral Route (AWPR) have been constructed and are fully operational - there would be insufficient capacity on the local road network unless the AWPR is available to mitigate the impact of the proposed development.

(3) PROVISION OF MIXED USE CENTRE

No more than 264 units shall be completed before the proposed mixed use centre within block G has been completed and is available for use - in order to ensure provision of support services at an appropriate time for the expanded Milltimber Community.

(4) PROVISION OF VEHICLE ACCESS FROM NORTH DEESIDE ROAD (A93)

No residential unit within any phase (except phase 1 block U) shall be occupied unless the proposed signalised junction between the site and North Deeside Road (A93) has been constructed in accordance with Fairhurst drawing 83744/1099B (or such other drawing as may subsequently be approved in writing for the purpose by the planning authority) and is fully operational - in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(5) PROVISION OF VEHICLE ACCESS FROM BINGHILL ROAD (1)

No development within phases 3, 4 or 5 shall take place unless a matters specified in conditions application for the provision of access into the development at the existing Bingham Road and Bingham Road West junction has been submitted to and approved by the planning authority - in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(6) PROVISION OF VEHICLE ACCESS FROM BINGHILL ROAD (2)

No development within phases 4 or 5 shall take place unless a matters specified in conditions application for the provision of access into the development at the existing Bingham Road and Bingham Hedges junction has been submitted to and approved by the planning authority - in order to provide satisfactory access to the site and mitigate the impact of the proposed development on the road network.

(7) UPGRADING OF MURTLE DEN ROAD

No development within phase 1 block U shall take place unless a matters specified in conditions application for the upgrading of Murtle Den Road has been submitted to and approved by the planning authority.

(8) PROVISION OF SIGNALISED CROSSING POINT AT BINGHILL ROAD

No development within phases 4 or 5 shall take place unless a matters specified in conditions application for a signalised crossing point on Bingham Road has been submitted to and approved by the planning authority. The specification and exact location shall be agreed through the said application - in order to provide satisfactory linkages between the existing Milltimber settlement and the development site.

(9) DRAINAGE

That no development in any phase shall take place unless a matters specified in conditions application comprising a scheme of all foul and surface water drainage works for the whole development has been submitted to and approved by the planning authority in consultation with SEPA. The scheme shall include a topographical survey and survey of all watercourses (both open and culverted) within the site and any areas downstream which may be affected by the development - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(10) ARCHAEOLOGY

No development within any particular phase shall take place unless a matters specified in conditions application comprising programme of archaeological work in accordance with a written scheme of investigation for that particular phase has been submitted to and approved by the planning authority - in order to protecting any items of historical importance as may exist within the development.

(11) CONTAMINATION

No development within any particular phase shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination within that particular phase has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) within any particular phase shall be occupied unless -

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken for that phase and
2. a report specifically relating to the building(s) within that phase have been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final buildings within any particular phase shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for that phase, unless the planning authority has given written consent for a variation - in order to ensure that the site is fit for human occupation.

(12) BAT SURVEY

No development associated with the demolition of the Oldfold farm buildings shall take place unless a matters specified in conditions application comprising a bat survey has been submitted to and approved by the planning authority. The survey must be carried out in accordance with the Councils Supplementary Guidance 'Bats and Development' and identify any mitigation measures required to address any impact on bats or their roosts - in order to mitigate any potential impact on protected species.

(13) BADGER PROTECTION

No development shall take place in block U or phase 5 unless a matters specified in conditions application comprising a badger protection plan has been submitted to and approved by the planning authority. The protection plan must include a survey which has been undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the development site, and shall include an up to date assessment of badger activity in the development site surroundings. Any required mitigation measures to minimise disturbance to badgers must be identified and be in accordance with Scottish Natural Heritage best practice guidance - in order to mitigate any potential impact on protected species.

(14) TREE SURVEY

No development within any particular phase shall take place unless a matters specified in conditions application comprising a tree survey for that particular phase has been submitted to and approved by the planning authority. The survey shall be undertaken in accordance with the Councils Supplementary Guidance 'Trees and Woodland - in order to safeguard any trees of value within and surrounding the site and assist in integrating existing trees into the development.

(15) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

That no development within any particular phase shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved by the planning authority in consultation with SEPA - in order to control pollution of air, land and water.

(16) SITE WASTE MANAGEMENT PLAN

That no development within any particular phase shall take place unless a matters specified in conditions application comprising a site specific site waste management plan (SWMP) for that particular phase has been submitted to and approved by the planning authority in consultation with SEPA - in order ensure that waste on the site is managed in a sustainable manner.

(17) LAYOUT AND DESIGN

No development within any particular phase shall take place unless for that phase a matters specified in conditions application has been submitted to and approved by the planning authority comprising –

a) details of existing and proposed site levels;

b) details of layout, design and external appearance of -

- i. buildings and ancillary structures;
- ii. vehicular, cycle & pedestrian accesses and car & motorcycle parking;
- iii. short and long term secure cycle parking;
- iv. storage areas for waste and recyclables;
- v. plot boundary enclosures;
- vi. exterior lighting;
- vii. play zones (if relevant to that phase and in accordance with the Development Framework and Masterplan);

c) details of compliance with the Council's supplementary guidance on Low and Zero Carbon Buildings.

- in order to ensure a satisfactory design and layout of the plot, integrate the development into the surrounding landscape, ensure provision of a suitable level of parking and ensure provision of satisfactory drainage arrangements.

(18) LANDSCAPING

No development within any particular phase shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping covering all areas of public and private green space for that particular phase has been submitted to and approved by the planning authority. The scheme shall be in accordance with the Development Framework and Masterplan and include details of -

- (a) tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- (b) proposed hard surface materials;
- (c) existing stone field boundaries and how they would be integrated into the finished development;
- (d) the existing hedge on the boundary between the site and Binghill Road and how it would be integrated into the finished development;
- (e) arrangements for the management and maintenance of open space - in order to integrate the development into the surrounding area.

(19) BUS STOP IMPROVEMENTS

No unit within any phase shall be occupied unless a matters specified in conditions application comprising unless a matters specified in conditions application has been submitted to and approved by the planning authority for the improvement of the existing bus stops at the following locations -

- a) on the north side of North Deeside Road, 27m west of Murtle Den Road;
- b) on the south side of North Deeside Road, opposite Beaconhill Lodge;
- c) on the south side of North Deeside Road, 53m east of Binghill Road.

The said scheme should consider the provision of bus shelters, timetables, lighting, boarding kerbs, and clearway markings at each bus stop, taking into account the locational characteristics of each stop - in order to encourage the use of public transport.

(20) RESIDENTIAL TRAVEL PACK

No unit within any phase shall be occupied unless a matters specified in conditions application comprising a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the planning authority – in order to encourage use of more sustainable modes of transport.

(21) SAFE ROUTES TO SCHOOL

The primary school shall not be occupied unless a matters specified in conditions application which identifies safe routes to the new primary school from within the development and the existing settlement of Milltimber and any associated work to create the safe routes, has been submitted to and approved by the planning authority - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

DIRECTION

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows;

that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following;

- (i) the expiration of 5 years from the date of this grant of planning permission in principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

INFORMATIVE:

that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

Dr Margaret Bochel
Head of Planning and Sustainable Development



Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

28 January 2014

Dear Mr Easton,

Planning Application 130378: Oldfold Farm development

I am writing on behalf of the Cults Bielside and Milltimber Community Council (CBMCC) to express our concerns regarding traffic management associated with the proposed development at Oldfold Farm. As noted in our letter dated 10th April 2013, we identified potential concerns over the assumption that Binghill Road would see reduced traffic and we see no reason to change those views. Residents of Milltimber are repeatedly telling us that any plans to remove traffic signals at the junction of Binghill Road, Beaconhill Road and North Deeside Road will lead to safety concerns and difficulties when entering and exiting Binghill Road and Beaconhill Road. Unfortunately it appears the Roads Projects Department are advocating such a removal and we would like to raise an objection to that proposal before it is firmly adopted (Ref. TR/IH/1/51/2 dated 19 Dec 2013 paragraph 2.10).

While we note that traffic modelling has been done and that the Roads Department believe that access to Beaconhill Road and Binghill Road from the North Deeside Road will not be a problem, the very fact that we require a set of traffic signals today to enable safe movement of vehicles at this junction suggests those beliefs are poorly founded. The Roads Projects Department's concerns over managing delays due the close proximity of a signal controlled junction at Binghill Road to a signal controlled junction at the entrance to the Oldfold development are more than outweighed by safety concerns over access to Beaconhill and Binghill Roads. We see other roads in Aberdeen which have multiple traffic signal controlled junctions and crossings in close proximity e.g. Garthdee Road, Union Street, so having two such junctions on the NDR around Oldfold should not be a concern. We suggest the Roads Department set their minds to establishing the best way to allow the two signal controlled junctions work together.

We also note the Roads Department views on the timing of construction of the new primary school at Milltimber to accommodate the increased number of pupils due to the Oldfold development (Ref. TR/IH/1/51/2 dated 19 Dec 2013 paragraph 2.12). Our view on the timing is that the school should be built and ready for when the demand in places is predicted to justify it. If that should be before the availability of the AWPR and the Roads Department are concerned about the amount of traffic in the area, phasing of Oldfold development should be adjusted to keep within allowed traffic levels, rather than allowing pupil demand to exceed Milltimber school capacity, until the AWPR is available. It is good to remember that planning is supposed to eliminate or reduce problems, not create them.

The Community Council would appreciate confirmation from Planning and Roads Projects that the proposal to remove traffic signals from the Beaconhill and Binghill Road junction with the North Deeside Road will not be pursued.

Peter Roberts, Planning Liaison Officer CBMCC
6 Marchbank Road, Bielside, Aberdeen AB15 9DJ

Yours sincerely,

Peter Roberts

Peter Roberts

Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik, Peter Evans – Woodlands Grove Residents Committee, Secretary CBMCC



290 North Deeside Road
Cults, Aberdeen
AB15 9SB

12th April 2013

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Mr Easton,

Re: Planning Application 130378 - Oldfold Farm, North Deeside Road, Milltimber, Aberdeen AB13 0HQ - Planning Permission In Principle – “Development including residential comprising approx. 550 house units, commercial, primary school, associated ancillary uses and infrastructure improvements including road junction formation on A93”

I am writing on behalf of the Cults, Bielside and Milltimber Community Council (CBMCC) to comment on the above proposal. CBMCC has no strong objection to the development in principle provided that Aberdeen City Council (ACC) addresses and agrees a solution to the following issues in discussions with the developer.

1. ACC is requested to ensure that the timing of completion of the proposed new primary school is in line with the current forecast of pupil demand and capacity limit at the existing Milltimber primary school – with the current forecast of capacity being reached/exceeded in 2018 (Ref. ACC website). This is earlier than the date proposed by Cala for delivery of a new school.
2. The developer recognises the need to provide community facilities as part of the development. The Milltimber community has expressed a strong desire that there be a single community centre for the whole of the Milltimber population. We recognise that there is no legal requirement for Cala to contribute to facilities out with the planned development area but in consultations held between Cala and the community, Cala have been sympathetic to the goal of a single community centre. Planning gain discussions should aim to reach a legal agreement with Cala that they will contribute to enhancing the current community facility, which can be used by the whole Milltimber community, current and future.
3. We note that the Transport Assessment conducted for the submission shows that the traffic saturation level is reached, and in some cases exceeded, at some junctions. We also note that the Assessment did not take into consideration the impact of extra traffic at the North
Christine McKay, Planning Coordinator. 290 North Deeside Road, Cults, AB15 9SB

Deeside Road (NDR)/Abbotshall Road/Westerton Road junctions. This location was seen as a critical point in the Traffic Assessment for the Friarsfield development. We believe the Transport Assessment should be extended to take into account the impact of additional traffic from Oldfold on this junction.

4. As a general comment, Transport Assessments completed for both Friarsfield and Oldfold Farm indicate that the NDR and its main junctions are operating close to or above capacity until the AWPR is available. We look to ACC to ensure that any new development in the Lower Deeside Area is phased such that demands on transport infrastructure do not exceed the 85% junction saturation limits. Transport assessments should ensure they take into consideration all existing approved developments within the local area.

We remain unconvinced that the opening of the AWPR will lead to a reduction in traffic along NDR in the Cults, Bieldside, Milltimber area; it may even increase it due to traffic coming from the city centre to connect to the AWPR.

5. The planning proposal suggests that Binghill Road will not become a major use road in/out of the development, which seems unlikely, especially for eastbound traffic heading to the school and commercial/community heart, both of which are essentially situated on Binghill Road. We doubt that people will pass Binghill Road along NDR to get to the new junction and come back around the site to get to the facilities. We expect Binghill Road will have increased usage, and as such, improvements to it will need to be made; potholes and road surface in general are poor already.
6. The assessment states that new roads in the development will be suitable for buses on routes that could be extended into the existing road network. Experience has shown that existing Milltimber roads are not suitable for buses (narrow streets, parked cars and tight corners). Planning should not work with the assumption that buses running within the estate can form part of Milltimber's transport option.
7. We are concerned with the level of affordable housing that might be imposed on the development by planning regulations because this would not be in keeping with the current provision in Milltimber and surrounding areas. In discussions with Cala, they have suggested they would ensure the type of affordable housing built would be sympathetically designed e.g. housing for elderly and retired people. We support the concept referred to in Section 6.3 of the Design and Access statement regarding delivery of affordable housing where ACC can apply section 75, permitting a flexible delivery mechanism for affordable housing units e.g. commuted sums in lieu of on-site provision.
8. The public consultation meetings also raised concerns about drainage and sewerage plans; we look to ACC to ensure that the designs proposed by the developer are adequate.

We look forward to receiving acknowledgement of this letter and that the above comments will be taken into consideration when reviewing the Cala proposal.

Yours sincerely,

Christine McKay, Planning Coordinator. 290 North Deeside Road, Cults, AB15 9SB

Christine McKay
CBMCC Planning Coordinator

cc. Councillors Boulton, Malik, Malone, Secretary CBMCC

Christine McKay, Planning Coordinator. 290 North Deeside Road, Cults, AB15 9SB

PI - Application reference 130378 : Oldfold Farm

From:
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 11/04/2013 15:35
Subject: Application reference 130378 : Oldfold Farm
CC:
Attachments: Application reference 130378 Camphill Communities.pdf

Dear Sir or Madam,

Please find attached a submission with respect to planning application reference 130378 on behalf of the Camphill Communities.

Regards

Nick James

Nick James BA(hons) MPhil MRTPI
Principal Environmental Planner

See our latest news [here](#)

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Application reference 130378: Application for Planning Permission in Principle for Development including residential comprising approx. 550 house units, commercial, primary school, associated ancillary uses and infrastructure improvements including road junction formation on A93 at Oldfold Farm, North Deeside Road, Milltimber, Aberdeen AB13 0HQ

Representation prepared on behalf of the Camphill Communities

Introduction

1. This written submission has been prepared on behalf of the Camphill Communities (Aberdeen City & Shire). It provides an overview of the work of the Camphill Communities within the Dee Valley and specifically on the Murtle Estate a short distance to the south of the proposed development site, which houses:
 - One of Camphill School Aberdeen's (CSA) campuses
 - Camphill Medical Practice NHS
 - Murtle Farm

It describes the Camphill Communities concerns with the current application and which lead to the Communities registering an objection to the scheme.

The Camphill Communities

2. The Camphill Communities (Aberdeen City & Shire) have an historical relationship within the Dee Valley spanning some 70 years, serving a wide range of users of all ages (estimated in excess of 1800). Currently more than 700 people live and work within the communities.
3. Camphill is particularly valued as a resource for people with special needs¹. The Camphill communities provide a range of services and facilities for vulnerable children, young people and adults with special needs across a number of sites including:
 - Murtle Estate, Bielside
 - Camphill Estate, Milltimber
 - Cairnlee Estate, Bielside,
 - Newton Dee Estate, Bielside
 - Beannachar Estate, Banchory-Devenick
 - Tigh a Chomainn, Peterculter.
4. Camphill communities are registered as appropriate with the Care Inspectorate, the independent regulator of social care and social work services across Scotland. Camphill School Aberdeen (CSA) is also inspected by Education Scotland.
5. Land is managed according to biodynamic principles and all farmland has organic status.
6. Camphill works to create communities in which vulnerable children and adults can live, learn and work with others in a healthy social environment based on mutual care and respect.
7. Camphill communities are valued for the quality and effectiveness of their distinctive provision². Key contributing factors, based on the movement's philosophy, are:
 - its unique integrated programme of care, education/work and therapy;
 - its community based operational structure;
 - the quality of the environment, both built and natural, which supports these.

¹ The term 'special needs' is used throughout to encompass individuals with learning disabilities, autistic spectrum disorder, mental health problems, social, emotional and behavioural needs, all of whom have additional support needs. Many are 'disabled' as defined by the Disability Discrimination Act 1995, amended 2005 where a disabled person is defined as someone who has 'a physical or mental impairment which has a substantial and long-term adverse effect on [their] ability to carry out day-to-day activities'

² The value and effectiveness of Camphill's approach has been validated by external authorities, for example the Camphill School's Education Scotland/Care Inspectorate Reports and the National Autistic Society Autism Accreditation Report -(see www.camphillschools.org.uk).

8. Extensive use is made of the natural outdoor environment throughout the year, both on and offsite (e.g. estate grounds including agricultural land and garden areas, Deeside walkway), for educational, therapeutic and recreational activities. The Camphill communities' organic/biodynamic farms and market garden operations also produce food for consumption by the communities.
9. The Camphill approach has always fostered inclusion and the non-institutionalisation of special needs individuals, with staff and their families living alongside those with special needs in a home-like setting and sharing all aspects of life. This approach is supported by the lack of perimeter fencing, freedom of movement, encouragement of appropriate independence and integration with the wider community.
10. Underpinning and supporting these key principles is respect and care for the environment as a sustainable resource and an essential foundation for the implementation of Camphill's integrated approach. This is demonstrated in practice through biodynamic and organic agriculture on the Camphill estates, an emphasis on self-sufficiency, architectural design which is sympathetic to its setting and the minimal use of barriers to create a sense of space and freedom.
11. The aim is to foster a safe, tranquil and nurturing setting in line with the environmental quality of the wider area in which the communities are situated. This provides the context for successful implementation of the therapeutic principles and practices which Camphill has developed to enable each special needs individual to fulfil his/her potential.

Camphill School

12. Camphill School Aberdeen (CSA) is a provider of individualised programmes of residential and non-residential education and care, therapeutic intervention services, early years work, emergency/respite care, family and home-school support and specialist training.
13. The school is spread over three campuses: Murtle Estate, Camphill Estate and Cairnlee Estate. Extensive year round use of the outdoor environment is a feature of the integrated individualised programmes for educational, therapeutic (including riding therapy) and recreational purposes.
14. The pupils attending CSA on the Murtle campus are a highly vulnerable sub-group within the special needs population. They are characterised by complex and multiple diagnoses and complex additional support needs. Many have Autism Spectrum Disorder (ASD), with its perceptual disturbances, notably sensory hypersensitivities. All have significant emotional and behavioural challenges and the majority have learning disabilities.
15. All present extreme and multiple challenges to a degree which has proven unmanageable by family, community and other educational settings. It is important to appreciate the vulnerability of these children, especially those with ASD, to changes in their environment, particularly sensory stimuli. Minor changes can have impacts which are unpredictable and disproportionate to the stimuli in question.

Murtle farm

16. Murtle Estate also houses an organic/biodynamic farm, primarily producing beef and lamb for Camphill School. The Murtle farm also provides a training and work facility for young adults with additional support needs. It has land on the River Dee flood plain through which the western sewer trunk runs.

Camphill Medical Practice

17. Camphill Medical Practice, situated on Murtle Estate, Bielside, offers the full range primary care medical services to the local community, Tor Na Dee nursing home and Craig Court (neuro-rehabilitation for acquired brain injury). It also provides the specialist care required by the special needs adults and children in the Camphill communities. The NHS contract under which Camphill Medical Practice operates recognises its innovative integrated approach³.
18. **Patients:** The practice has a patient list of approximately 1,400 people of all ages, which includes around 250 patients with moderate to severe complex learning disabilities and

³ In 1999, the Camphill Medical Practice won the Innovative Practice Award from the Royal College of General Practitioners for this integrated and radical approach to Primary Care

with chronic mental health problems. In addition it provides an integrative therapeutic approach to approximately:

- 100 referred patients per year who have long-term, unresolved illness or disabilities, such as learning disabilities, mental illness, Multiple Sclerosis, asthma;
- 100 referred patients with cancer.

19 From this brief overview, it will be evident that the Camphill communities within the Dee Valley are particularly sensitive, both in terms of the characteristics of children and adults with special needs who live in or attend them and in terms of the environment within which the estates are located. The quality of this environment is critical to the work of Camphill, providing a context within which individuals with special needs can enjoy an improved quality of life. The following are the key features of the positive and nurturing environment of Camphill communities:

- Tranquil, calm and quiet
- Predictable and stable
- Low arousal: minimal disruptive sensory stimuli
- Sense of safety and security
- Extensive useable natural and beautiful outdoor environment
- Opportunities for integration, learning and experience

20 Changes which reduce the quality of the wider environment, or have a negative impact on any of the above key features, particularly where they introduce sources of noise, visual stimulation or general disturbance, are likely to undermine the Camphill approach and present potential problems for individual children or adults with special needs.

21. In addition, changes which have negative impacts on the ease of access to any of the Camphill communities' estates, particularly Murtle Estate with Camphill Medical Practice and CSA campus, or which have negative impacts on movement of children and adults with special needs between the Camphill communities' estates, could compromise the communities' service provisions.

Planning application ref 130378

22. The current application for Planning Permission in Principle proposes approximately 550 houses, commercial buildings, primary school and infrastructure works, including a new junction on the A93. The site is identified in the Aberdeen Local Development Plan as site OP62, capable of accommodating 550 homes and 5 hectares of employment land.

23. The development proposal raises a number of concerns for the Camphill Communities.

Surface water flows:

24. Section 5.11 of the Design and Access statement states that '*the attenuated surface water flow will discharge into the adjacent existing watercourse*' suggesting that the development will drain into drainage channels on the eastern boundary of the site. These run south east and then south, passing under North Deeside road and the Deeside walkway, across arable fields on Murtle estate and eventually converge with and discharge into the Mill Stream as it flows south through the Camphill Communities' Murtle Estate (see **Map 1**).

25. This burn already lacks sufficient capacity to accommodate peak flows, with flooding affecting the area where it passes under the Deeside walkway, and also areas within the Murtle Estate, including an access road to Murtle Farm, and organically farmed fields that are used for cropping, grazing and CSA's riding school.

26. There is a particular concern that development of the scale proposed at Oldfold Farm could result in peak flows increases along the drainage channels described above and

consequently the Mill Stream, exacerbating and increasing frequency of flooding problems within the Estate. This could also damage structures including bridges and require measures such as dredging to prevent further flooding of land, including the outdoor ménage of the riding school and of residential accommodation of the nearby Garden Cottage.

Sewerage

27. It is understood that the Oldfold Farm development would be connected to the Deeside western trunk sewer which runs along the northern side of the River Dee (the CALA Design and Access statement at p58, section 5.11 indicates that the scheme would 'pump foul flows to south west along North Deeside road, where it will discharge into the existing sewer network'.)
28. It is not yet known whether the existing foul drainage network has the capacity to accommodate this increase from the Oldfold development. There are several indications within the submitted planning documents, including comments by Scottish Water, that an impact assessment will be required to assess the capacity of the existing western trunk to cope with the increase load. This should take into account the additional foul sewage which will be generated by other consented development in Aberdeen City and Aberdeenshire, including the Blairs development on the south side of the River Dee which includes 280 dwellings and a 150 bed hotel.
29. The existing north-south axis sewage pipe from Milltimber connects to the western trunk sewer on Murtle Estate river fields. This main west-east sewage trunk runs east through Murtle agricultural land, through land leased by the Camphill Communities (Ewe Haugh) and then through Newton Dee Camphill community arable fields (all with organic status). This carries the sewage for Milltimber, Bieldside and Cults (see **Map 1**).
30. Consideration should therefore be given to the potential impacts, direct or indirect on the Camphill Communities land and agriculture activities, particularly the land's biodynamic and organic status, as a result of any upgrading to the trunk sewer network.
31. Depending on the need for upgrading of the sewage system and the proposed plan for this, the proposed development could result in the temporary or permanent loss of farmland owned or leased by Camphill Communities. This land has been managed over many years and now enjoys biodynamic and organic status, providing a significant food source for the Camphill Communities and, equally importantly, providing opportunities for therapeutic work, training and outdoor activities, for young people and adults with special needs. Temporary and permanent losses of land will impact on the Communities' ability to derive these benefits.
32. Activities related to the sewage upgrade could also result in a number of impacts on the farmland's biodynamic and organic status. These could result from work where the north-south sewage axis enters the western trunk, upgrade to the west-east trunk at any point along the North Deeside on Camphill communities land, and through the movement of machinery and materials across land owned and farmed by Camphill Communities. These activities could reduce the extent of grazing land available to Camphill Communities (on its owned land and leased land) and could restrict daily movement of livestock and farm machinery. There would be an elevated risk of pollution during any works on the floodplain due to the risk of flooding. This could also affect the land's biodynamic and organic status.
33. For these reasons, the Camphill Communities would strongly object to disturbance of these fields for any upgrading of the sewer trunk due to the development.
34. Assessment of the drainage water and foul water disposals should consider the potential for impacts on other Camphill communities, including the nearby Newton Dee Estate. This should inform consideration of whether, and if so how, such impacts could be mitigated to avoid detrimentally affecting the special needs communities and their agricultural activities.

Groundwater flows:

35. The farm buildings on the Murtle Estate currently draw their water supplies from a spring, just to the south of former railway line. There is a concern that development on the Oldfold Farm could, as a result of soil sealing or other construction activity, affect either the quality or the quantity of groundwater supplying this spring.

Traffic

36. The proposed development raises concerns regarding the impact of increased traffic from the development on North Deeside Road. This could affect the ingress to and egress from Murtle Estate, which is already difficult during peak traffic times. In turn, this could have a detrimental impact on CSA service provision with regards to day pupil transport, staff access and pupil movement between the CSA campuses on Murtle Estate and Camphill Estate to the east. Patients accessing the Camphill Medical Practice could also experience negative impacts. Traffic generated by the Oldfold development could compound the traffic flow problems generated by the construction of the AWPR around Milltimber.

Increased disturbance and access onto Camphill Communities estates and riverside farmland

37. It is the intention of the Oldfold development to facilitate connectivity to the Deeside walkway (Core path 66) [see Planning Delivery Statement Appendix2:Infrastructure checklist] via provisions for a footpath to it from the Oldfold site by way of Core path 72 [see Design & Access Statement p21:Connectivity].
38. It should be noted that Core path 72 continues beyond the Deeside walkway and onto the side of the River Dee, to connect with Aspirational path AP8, which runs east along the Deeside and along the edge of Camphill Community farmland.
39. This implies that due to the Oldfold development there will be:
- Increase the total number of people walking in the area, especially accessing the Deeside walkway;
 - Increasing the proportion of people who are unfamiliar with local walking routes and more likely to use routes beyond established core paths, e.g. aspirational path AP8.
40. Camphill communities have concerns that this has the potential to lead to:
- increase in anti-social behaviour and intrusion within the Murtle Estate and on Murtle farm river fields, with significant disturbance to agricultural operations on Murtle Estate, due to increased recreational activity by the general public in and around its river fields. There have already been problems of vandalism, drunkenness, littering, fires, damage to trees and theft associated with people camping along the riverside. There is a real concern that improved access will exacerbate these kinds of problems;
 - compromising the safety, freedom of movement and outdoor therapeutic programmes of CSA pupils, as well the agricultural activities of the Murtle Estate farm.
 - present a significant management challenge for CSA since, under the terms of the Land Reform (Scotland) Act, access onto Murtle estate cannot be restricted, even though Murtle Estate include a number⁴ of residential properties without their own defined curtilages, together with community buildings and areas used for outdoor therapeutic activities.

Conclusions

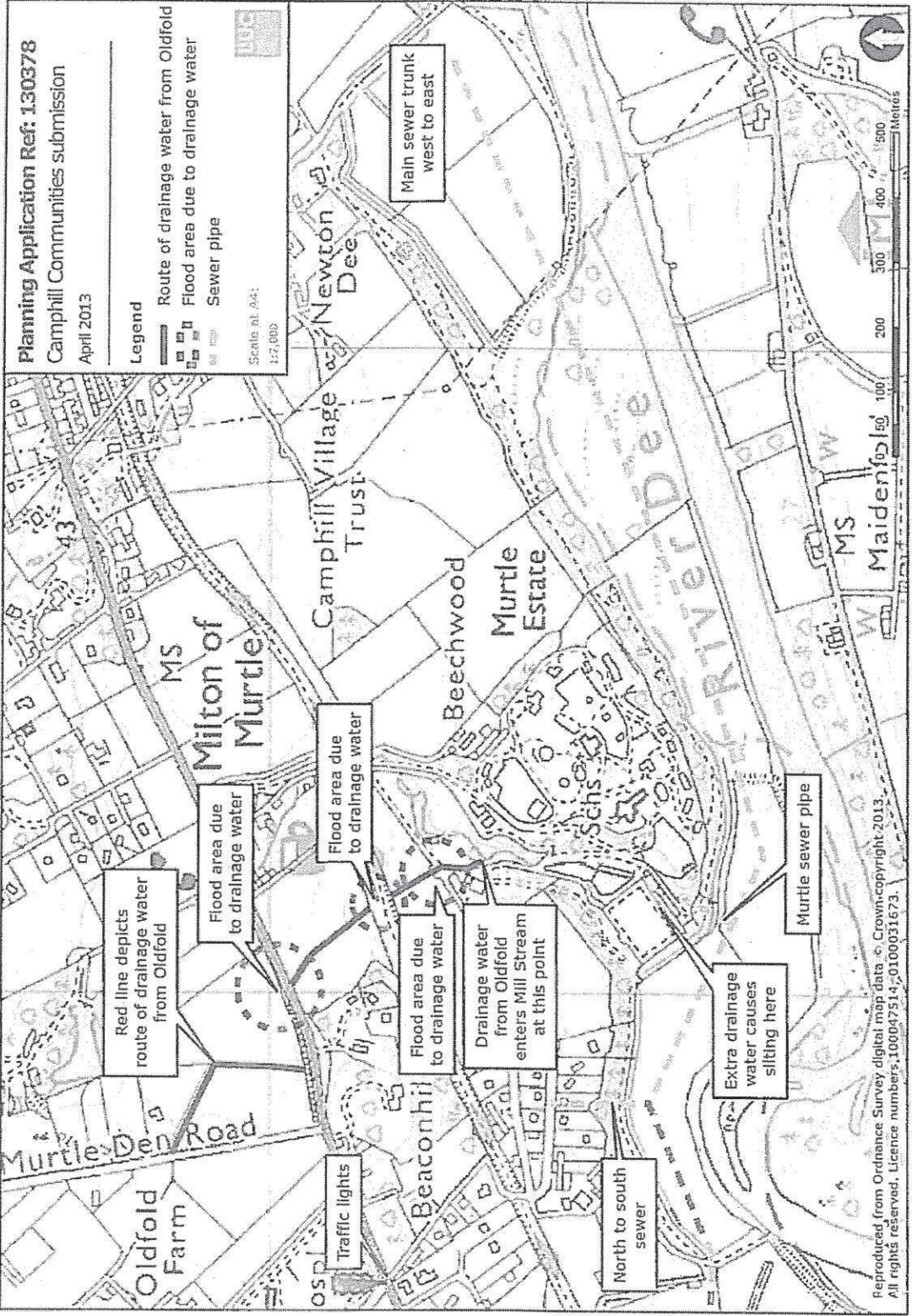
41. The Camphill Communities **object to the proposed development** for the following reasons:
- the potential impact on surface water flows and the risk that the development will exacerbate existing flooding problems on the Murtle Estate;
 - the potential impacts of any upgrade required to the sewerage network passing through land managed by the Camphill Communities, including implications for its

⁴ Murtle: 20 houses

organic and biodynamic status and its use for food production and therapeutic activities;

- the potential impacts on groundwater supplies serving springs which supply farm buildings on Camphill's Murtle Estate;
- the potential for traffic generated by the development to exacerbate congestion on North Deeside Road, affecting access to, from and between Camphill estates;
- the potential for the proposed development to increase unmanaged access pressures including anti-social behaviour on land owned or managed by the Camphill Communities, with implications for people with special needs living on the Murtle and Newton Dee Estates.

Map 1: Surface water drainage through the Murtle Estate and location of the Trunk Sewer and connections to it



1 Bingil Road North
Mill timber
Aberdeen AB13 OJD

28th March, 2013

Application number: 130378

Dear Sir/Madam,

Please find below our concerns regarding application number 130378 originally sent 24th November 2009.

Thank you for your letter of 19th November containing the reply from Mr Lawson of Calla Homes and for your continued correspondence with us on this matter.

We did both meet with Mr Lawson at Mill timber Primary School on the 11th November and did discuss the proposed development with him. However his assertion that our primary concern was the loss of view is simply not true.

In reply to his e-mail we would like to make it clear that we were unaware of the public exhibitions facilitated by Aberdeen City Council in June of this year and that we are not solely protesting against the Calla development but the whole proposed development of 500 houses. When we asked Mr Lawson the time period for construction he told us that it would be over 5 years, which seems rather more than a temporary disturbance. The concerns we put to Mr Lawson were:

1. Bingil Road is currently at full capacity as is North Deeside Road. How could the traffic system deal with at least another 500 cars? I thought the Council's plan was to try and reduce commuting, not increase it.
2. The Utilise in Mill timber are at maximum capacity. We have regular power and water cuts, averaging four-six cuts per year.
3. Mill timber primary school is currently at maximum capacity.

At the meeting we received a copy of the Aberdeen Local Development Plan which we have now had time to consider. Highlighted in it, and I quote:

1. 'the capacity of Cults Academy is a particular issue'
2. 'a new primary school at Mill timber may have to be considered'
3. 'development options would require considerable transport improvements'
4. 'sewage system understood to be at capacity and will require upgrading'
5. 'cannot add lanes to North Deeside Road and a new link road would have to be considered'

Would it not make more sense to move the 500 houses proposed for Old fold into the Countess Wells site savings millions of pounds in addressing the problems listed above.

We are fully aware of the disruption that constructing these homes would bring, through the recent 18/24 month redevelopment of Tor-Na-Dee. The noise, pollution, dusts and dirt was at times unbearable.

In conclusion, yes we would be very upset if with lost the view and our close connection with the open fields next to us but that was the reason we moved here in the first place. However this is far from being the only reason and I think the other reasons that we have outlined here, if not fully addressed, would have a far more negative effect on the quality of life for everyone in Mill timber, including those living within the proposed new development. It would be far more than just the loss of a view.

Yours Sincerely

Duncan Wood, Marlene Arthur.

Milltimber Community Association
Milltimber Community Hall
The Meadows
Milltimber
Aberdeen

Email:

Matthew Easton
Enterprise Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

11th April 2013

Dear Mr Easton,

Planning Application 130378 - Planning Permission In Principle - Oldfold Farm

I am writing on behalf of Milltimber Community Association (MCA) to comment on the application above.

The MCA does not object to the development so long as the following representations are addressed through legal agreements and/or planning conditions. These are explained in more detail below:

1. There should be planning gain of suitable finances from the developer to **extend the current community facilities** in Milltimber.
2. This should be calculated on the base in the council's **Supplementary Guidance: Infrastructure and Developer Contributions Manual** (May 2012), of the requirement for 0.69 m2 of community facilities per household.
3. The **timing** of this planning gain should be set out to ensure there is a suitable and proportionate contribution if the development is not completed. It should allow community facilities to be built in time to serve the growing community.
4. The **open space**, including the SUDS pond, should be **designed to a high standard** to benefit all the residents of Milltimber as well as biodiversity. Full details of the open space design, including play and/or sports facilities, should be submitted to and approved by the Council as part of the matters required by conditions.
5. All the open space in the Oldfold development (apart from gardens) **should be open to all residents of Milltimber** – there should be no areas that are exclusive to certain residents.
6. There should be discussion with the city council's access and planning gain officers on how the development can contribute to fulfilling the aspirational **core path that links Milltimber to Cults** through Bielside

and other links to the green network.

Milltimber Community Association

The MCA is a self-financing charity, whose objectives are to promote and provide for the leisure and recreation of Milltimber residents. The MCA is staffed entirely by volunteers. We own and run the Milltimber Community Hall and hold a number of community events every year.

Community Facilities

The Council's Oldfold Development Framework and Masterplan states that "EXISTING COMMUNITY CENTRE - CALA understands that the existing Community Centre requires to be extended and if through discussion the impact of the new development is considered significant, appropriate contributions will be agreed through planning gain discussions" (page 61) and

"Milltimber Community Hall, is owned and operated by the community and is very highly regarded. There is not considered to be any need for a further facility, and there is a strong preference for the existing operation to be enhanced, extended as required and made available for the enlarged community." (page 91).

There is good reason for requiring a contribution to community facilities and for locating them outwith the Oldfold site, at the existing community hall:

- The current hall is successful and at capacity. It is busy every day throughout the week, used by groups such as a dance school, Scouts, Cubs, Beavers, Brownies, O'50s, gardening, scrabble and badminton clubs and a drama class. At weekends it is let for private parties and events. Many of the classes using the hall have waiting lists to join them and we have had to turn away requests from new groups. Any increase in the population at Milltimber will add to this pressure.
- The community hall is close by the location of the new school, linked to it by the Meadows Park. Together with the other facilities provided by the Oldfold development, there would be a single centre to Milltimber, resulting in an integrated community. In addition, it is the Council's policy to look for volunteers to run community facilities at new schools and it would not be practical to have volunteers running two separate centres, let alone in such close proximity.
- Increasing the size of the hall would allow us to have dedicated space for some groups, for example, Playgroup. They would no longer need to set up and take down their equipment every day and could have dedicated pegs for the children.
- The total footprint of the MCA building (including toilets and side stores) is 342 square metres. This footprint is not all working area as it includes the walls of the building. Based on the calculation in the Council's Supplementary Guidance on Developer Contributions, that is sufficient for 496 households. However, Milltimber already has around 1000 households and this development would increase it by 50%.
- The MCA arranged the building of the existing hall and has the expertise to manage its extension. It is financially capable of fitting out any extension. It is a measure of the MCA's success that we have not had to fund raise for 10 years.

- We believe extending the existing hall is in keeping with the government's guidance to help create a sustainable community with a sense of place.

Open Space

It is important that the open space is designed and equipped well to provide for all the residents of Milltimber. The current play equipment is poor for a community of Milltimber's size.

The open space should be available to everyone in Milltimber. During the public consultation, Cala Homes suggested that part of it might be exclusive to houses sited close to Murtle Den. This does not comply with the Land Reform Act and would not provide for the whole of the community.

SUDS, such as ponds, can form an important part of green infrastructure. They can be designed to benefit not only wildlife but provide a relaxing environment for people. Scottish Water will adopt SUDS managed in this way so long as there is material to inform the residents eg householder pack/interpretation board. Also, so long as the management does not result in an increase in costs, which it should not, as wildlife friendly areas typically require less intensive management.

Core Path

The Council's Core Path Plan marks an aspirational route between Cults and Milltimber. In addition to being a popular recreational route, this has potential to provide a safe route to school for children in Milltimber travelling to Cults Academy. Currently the only route is along the pavement of the North Deeside Road. This pavement is too narrow to be used safely, particularly by cyclists and the cycle lane on the road is not sufficiently safe. The alternative of the Deeside Line would require two crossings of the main road and is too much of a deviation from their route to be used by school children.

We would welcome the opportunity to meet with you and Cala Homes to discuss our comments if that would be helpful, or explain them to the Planning Gain officer.

Yours sincerely

Sue Smedley
Chair of Milltimber Community Association

cc. Peter Roberts, Milltimber, Bieldside and Cults Community Council
Councillors Boulton, Malik, Malone

CALA PLANNING APPLICATION Ref P130378

OLDFOLD FARM, MILLTIMBER

Response Submitted By: Robert, Fiona Taylor
29 Bingham Road
Milltimber
Aberdeen

10 April 2013

Overview: There is concern that, since this is not detailed planning permission being applied for, then it is difficult to give comprehensive and detailed comment, however, given the available information, the following comments apply to the CALA submission:

1. General Response

In the main the quality (not the density) of housing proposed by CALA is felt to be in keeping with the standard of residential accommodation already in existence in Milltimber.

The plans for the continuation of the existing wall and hedge, the development of Bingham Park and the positioning of residential accommodation opposite existing houses in Bingham Road has been noted. It is very much appreciated that the developer has given consideration to minimising the impact of such a large development on existing residents.

A new primary school would be both essential and very welcome given that the current provision of school places is inadequate for the demographic of existing families resident in the area.

If the area is to lose the existing greenbelt then the proposal to introduce Bingham Park, Hilltop Park and other green areas into the development is most welcome.

At previous Planning Meetings there has been mention of Community and Commercial Facilities but it has proved difficult to establish what precisely is envisaged. That this proposal appears to limit the extent of this is appreciated since it is felt that Industrial units and a large area of shops would be inappropriate in what is a purely residential area.

2. Main Concerns

The current residential type and tenure of Milltimber Village is of a standard and quality to require an equal level of new build development if the Residential Amenity of the area is not to be down graded. Whilst a limited provision of Affordable Discounted Housing may be appropriate to allow first time buyers the opportunity to move into the housing market it is felt that Social Housing development would not.

The current proposal is to build 550 new homes, which is a doubling of the size of the village. This is felt to be totally inappropriate when viewed against the current housing density, swamping and changing the whole character and ethos of the village. It also puts pressure on infrastructure, utilities, police, health provision, secondary education, transport and roads etc. If the development is to go ahead it is felt that the density of housing should be reviewed and reduced.

Until the new Primary School is built (and it is understood that the lead time from decision to build to admission of pupils is one year - eighteen months) what provision will be made for the additional children during this time?

The proposed level of development is going to put an enormous strain on the established road network and transport provision. Each of these factors is already of major concern to current residents because of the inadequacy of the existing provision. **There is no alternative route to the North Deeside Road**, which already struggles to cope with existing traffic levels. It is recognized by Aberdeen City Council that the proposed Western Peripheral Route will exacerbate not alleviate this situation. How is this to be resolved?

The current plan directs existing residents and others accessing the school and community areas along Binghill Road. This will mean a dramatic increase in traffic on this existing residential road. Consideration should be given to limit the demand of through traffic on this thoroughfare if the proposals are not to result in severe detriment to the road itself and existing residents.

Consideration should be given to adequate provision of:

- Nursery and Secondary Education to serve the existing and proposed communities
- Health and Dental Services
- An appropriate Police Service within the greatly enlarged community to oversee the considerable increase in the village population and the impact of this on retail, community and grassed areas (refer provision of services as currently in demand in the comparable Westhill, Aberdeenshire area).

The introduction of SUD's to the development will serve to control the excess water over the new site but will not necessarily alleviate any current flooding problems experienced by existing residents and evident on the roads. Has full consideration been given to this? Will the new build add to the problem of flooding for existing residents? In addition has consideration been given to landscaping around the SUD's and introducing any necessary safety provisions if there is going to be open water lying?

During building there will be a high volume of works traffic and heavy vehicles requiring access to the site. This will cause noise, light and atmospheric pollution, damage the existing road surface, affect access and on road parking, and potentially introduce road safety issues for residents and children of Bingham Road. In addition displaced traffic may divert to other village roads eg Contlaw Brae causing similar demand problems there. What is proposed to avoid this?

As a final comment there remain major concerns about the drainage, sewerage and condition of the existing roads. Also to reiterate there will be a huge increase in the volume of cars to be accommodated.

CALA PLANNING APPLICATION Ref P130378

OLDFOLD FARM, MILLTIMBER

Response Submitted By: MR + MRS N K TAYLOR
27 BINGHILL RD
MILLTIMBER
ABI 30JA

10 April 2013

Overview: There is concern that, since this is not detailed planning permission being applied for, then it is difficult to give comprehensive and detailed comment, however, given the available information, the following comments apply to the CALA submission:

1. General Response

In the main the quality (not the density) of housing proposed by CALA is felt to be in keeping with the standard of residential accommodation already in existence in Milltimber.

The plans for the continuation of the existing wall and hedge, the development of Bingham Park and the positioning of residential accommodation opposite existing houses in Bingham Road has been noted. It is very much appreciated that the developer has given consideration to minimising the impact of such a large development on existing residents.

A new primary school would be both essential and very welcome given that the current provision of school places is inadequate for the demographic of existing families resident in the area.

If the area is to lose the existing greenbelt then the proposal to introduce Bingham Park, Hilltop Park and other green areas into the development is most welcome.

At previous Planning Meetings there has been mention of Community and Commercial Facilities but it has proved difficult to establish what precisely is envisaged. That this proposal appears to limit the extent of this is appreciated since it is felt that Industrial units and a large area of shops would be inappropriate in what is a purely residential area.

2. Main Concerns

The current residential type and tenure of Milltimber Village is of a standard and quality to require an equal level of new build development if the Residential Amenity of the area is not to be down graded. Whilst a limited provision of Affordable Discounted Housing may be appropriate to allow first time buyers the opportunity to move into the housing market it is felt that Social Housing development would not.

The current proposal is to build 550 new homes, which is a doubling of the size of the village. This is felt to be totally inappropriate when viewed against the current housing density, swamping and changing the whole character and ethos of the village. It also puts pressure on infrastructure, utilities, police, health provision, secondary education, transport and roads etc. If the development is to go ahead it is felt that the density of housing should be reviewed and reduced.

Until the new Primary School is built (and it is understood that the lead time from decision to build to admission of pupils is one year - eighteen months) what provision will be made for the additional children during this time?

The proposed level of development is going to put an enormous strain on the established road network and transport provision. Each of these factors is already of major concern to current residents because of the inadequacy of the existing provision. **There is no alternative route to the North Deeside Road**, which already struggles to cope with existing traffic levels. It is recognized by Aberdeen City Council that the proposed Western Peripheral Route will exacerbate not alleviate this situation. How is this to be resolved?

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Consideration should be given to adequate provision of:

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As a final comment there remain major concerns about the drainage, sewerage and condition of the existing roads. Also to reiterate there will be a huge increase in the volume of cars to be accommodated.

I wish to comment on the request for outline planning permission at Oldfold Farm, Milltimber in the following terms.

1. MILLTIMBER PRIMARY SCHOOL

During a conversation my wife and I held with a director of CALA at the Waterwheel Inn, Milltimber on or about 24th June 2011 we were given to believe that he believed that the viability of Milltimber Primary School would at some time be called into question during the construction of the additional housing and, as a consequence, CALA would pay for the construction of the new primary school shown on the development plans. There appears to be no mention of this quid pro quo in the request for outline planning permission. Additionally, the cost of a new primary school in Milltimber was highlighted in the local press recently as part of the Council capital budget. **Consequently, I call for the request for outline planning permission at Oldfold Farm, Milltimber to be denied if such a payment does not form part of the application.**

2. TRAFFIC CONGESTION

During the public consultation period I made an objection due to the proposals on the grounds of lack of consideration of the effects of the proposals on traffic congestion on the A93, North Deeside Road. I was advised that this would be addressed when the request for outline planning permission was made. I have studied the report and make the following comments.

- a. During my conversation on or about 24th June 2011 I made the point that a report commissioned by CALA could not be said to be independent when commissioned by a company which stands to benefit from its findings.
- b. Neither I, nor any other reasonably intelligent resident, can be expected to understand a technical report without an 'executive summary' by which I mean a summary helpful to layman to understand it, which is missing in this report.
- c. I note by the control sheet, 'Revision Record, Issue 2, Description' that, following Issue 1, an update was created to incorporate client comments. Surely an independent report should not include such comments.
- d. In reference to 'c' above, although I do not understand the technicalities of the report and have not been given an executive summary, I cannot believe that the addition of 550 houses in Milltimber, to say nothing of other similar proposed developments along the A93, will not add substantially to the growing congestion on the A93. Such beliefs are reinforced by many conversations I have had with local residents which, if extrapolated, would suggest a very high proportion of residents of Milltimber agree with them.
- e. Before outline planning permission is given the following figures should be published showing current measured maximum and minimum traffic flow rates from 6am to 6pm (both east/west and west/east) at each side of each of the main junctions on the A93 from the junction with Springfield Road (Mannofield) to the junction with Malcolm Road, Peterculter (B979). This data should form the basis of further measurements taken frequently during the years of construction including the construction of the AWPR. This would give members of the public confidence that the figures being provided were

reasonable (allowing for normal margins of error). Over estimating the use of bicycles or walking shows little regard for how things are or are likely to be, particularly in winter.

3. **SUMMARY**

I object to the application for outline planning in principle based on two of the objections I made during the organised public consultation.

- a. The application should be refused until such time as the cost of the primary school is agreed to be borne by CALA
- b. Traffic surveys are published and agreement is made to continue them all as described in 2e.

David Eunson
28 Monearn Gardens
Milltimber
Aberdeen AB13 0EA

P&SD Letters of Representation		
Application Number: 130378		
RECEIVED 16 APR 2013		
Nor .	Sou	Map
Case Officer Initials: MEA		
Date Acknowledged: 19/04/13		

Rob Knox

Finnan Lodge, Old Inn Road, Findon, Aberdeen. AB12 3RT. Tel: ;
Email: ;

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

02/04/2013

Dear Sir/Madam

Application Reference: 130378

I can confirm I am one of the new owners of Tor Na Dee Lodge, 106, North Deeside Road, Milltimber, Aberdeen, AB13 0HW. On the 28th March 2013, we were invited by Peter Evans Chairperson of Woodland Grove Residents Committee to attend a meeting with CALA and the residents of Woodland Grove at Woodland Grove.

Our concern was why the boundary of our property and road access fronting the A93 North Deeside Road had only recently been outlined in red? I have enclosed Figure 52 from the CALA, Oldfold, Milltimber, Design and Access Statement showing this. My main concern was that the access to the CALA development could be taken closely to East Drive (the access road to Oldfold Farm), which lies adjacent to our property. This would affect the access we currently enjoy, and if permitted would devalue our property and therefore I would strongly object to this. It would also restrict further the already extremely poor and dangerous access to Oldfold Farm. We have been assured by CALA that Figure 51 from the CALA Design and Access Statement is only an indicative layout and that the access to their development will be centrally located between East Drive and Murtle Den Road.

CALA confirmed ground conditions and topography dictate this, and the "New Access" is shown on Figure 52 of the CALA Design and Access Statement. Furthermore we have been informed by CALA that East Drive will not be used for construction vehicles for the CALA development and will remain the access to Oldfold Farm. Whilst East Drive is adopted my understanding is that it would not meet with current adoption standards because it can not achieve the correct visibility splays to access the A93 North Deeside Road. East Drive is a single track road with limited passing spaces, leading to Oldfold Farm.

Continued

In general we are very happy with the proposed layout and design and look forward to seeing the development gaining planning consent and construction works starting.

Yours faithfully

Rob Knox

- Enclosures: Fig 51 & 52 from the CALA Design and Access Statement

Fig 51

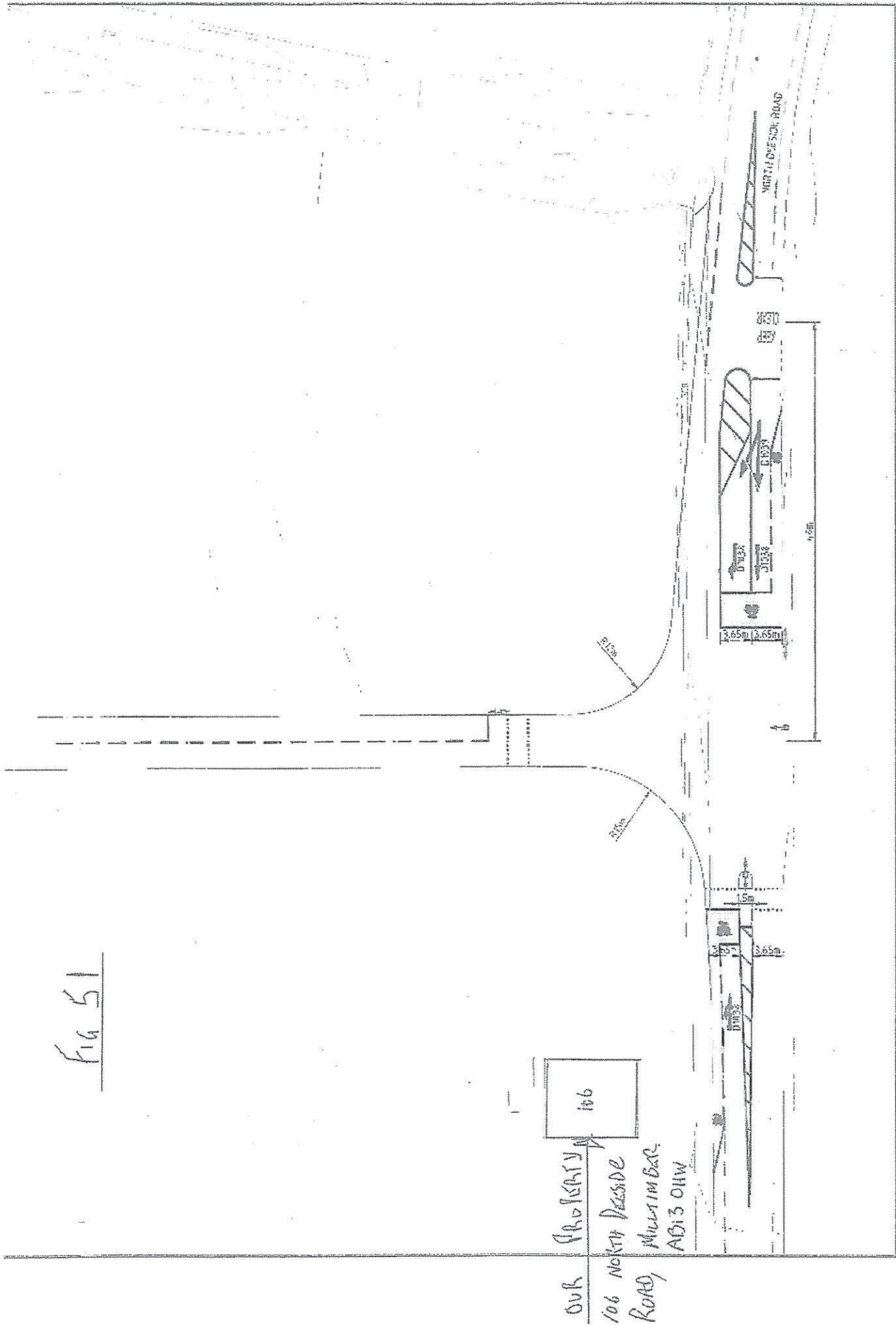


fig. 51: Indicative layout for junction with A93.

Fig 52

LEGEND

- Location of junction to A65
- ▬ Primary Street connection
- ▬ Primary Streets
- ▬ Secondary Street
- ▬ Minor Street
- ▬ School Street (Single Sided)

OUR PROPERTY
106 NORTHDESSIDE
ROAD, MILLSHARL,
AB13 0HW



Fig. 52: Proposed street hierarchy.

Mr & Mrs George W Knox

Finnan Lodge, Old Inn Road, Findon, Aberdeen, AB12 3RT. Tel: t
Email: t

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
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AB10 1AB

02/04/2013

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Continued

In general we are very happy with the proposed layout and design and look forward to seeing the development gaining planning consent and construction works starting.

Yours faithfully

 George W Knox

Shenac Knox

- Enclosures: Fig 51 & 52 from the CALA Design and Access Statement
- Also sent via email

Fig 51

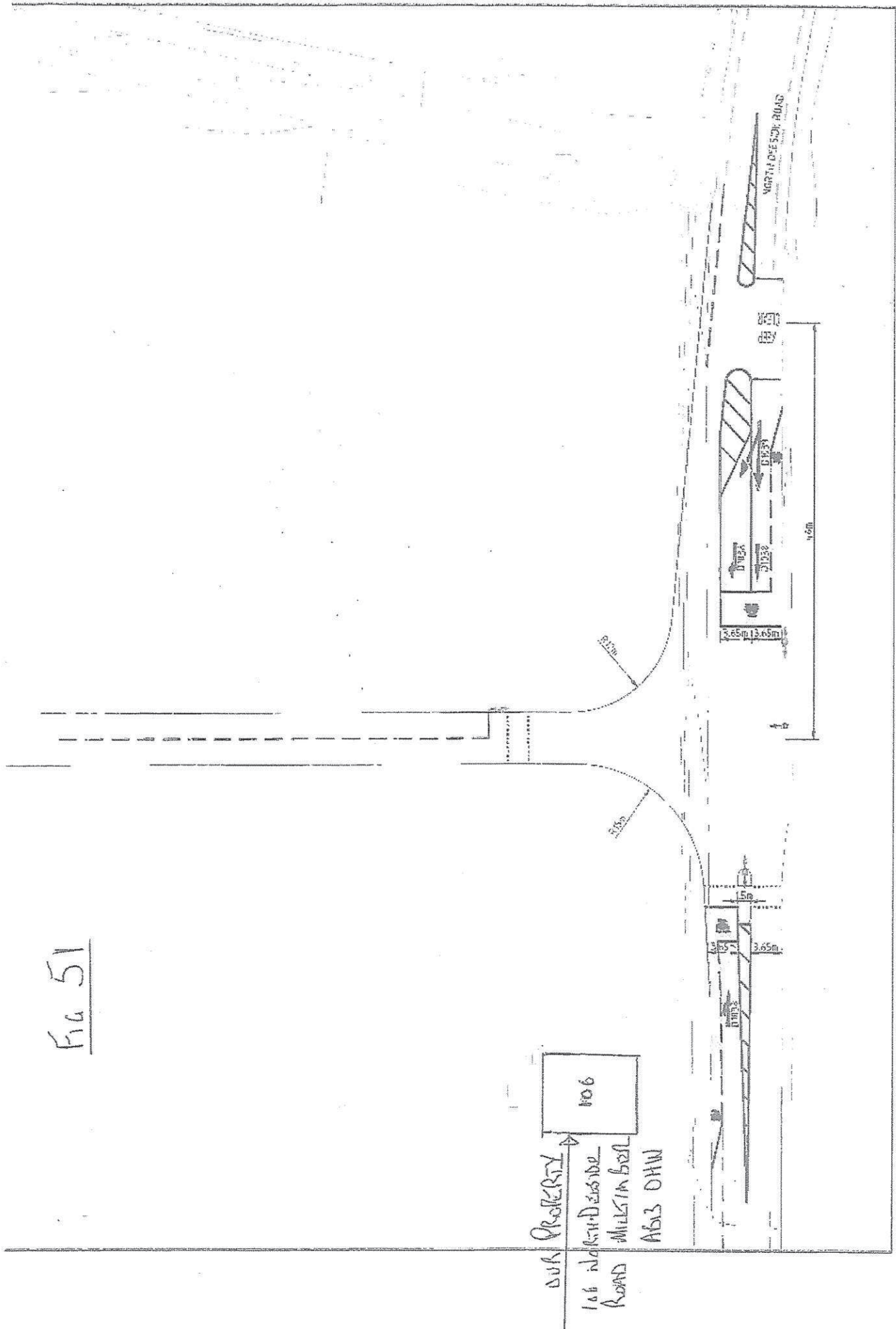


fig. 51: Indicative layout for junction with A93.

FIG 52

LEGEND

-  Easement
-  PROPOSED SUBDIVISION
-  PROPOSED STREET
-  PROPERTY LINE
-  SURVEY POINT
-  SURVEY BOUNDARY



OUR PROPERTY
 106 NORTH DEXSIDE
 ROAD, MOUNTAIN VIEW,
 ABIS OHW

Bonally
Murtle Den Road
Milltimber
AB13 0HS
Telephone (

Aberdeen City Council
Planning Reception
Planning & Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

8 April, 2013

Dear Sirs,

Planning Application Number 130378

I have received the Neighbour Notification Notice dated 24 March and wish to comment on the application for planning permission in principle submitted by CALA Management Limited and The Seven Incorporated Trades of Aberdeen Trades Widows' Fund (the "Applicant"). I understand that the Council will take my comments into account before the application is determined.

At this point I should mention that:

- my home at Bonally is situated both to the south-east and to the north-west of the proposed development and will be very much affected by it - particularly by the houses which the Applicant wishes to build at the top of Murtle Den Road ("MDR") and
- my comments relate only to that part of the application relating to MDR and the nine houses which the Applicant wishes to build at the top of MDR. This I believe is referred to as development block U in the Masterplan prepared by the Applicant. I will refer to these houses as the "Development" from now on in.

My comments relate essentially to three matters. These are – in no particular order:

MDR

MDR is a private access road serving the 13 properties which currently exist with planning permission having recently been granted for two more – a total of 15

15

properties. Each house has its own exclusive access to MDR. The metalled surface of the road is about 3m wide for most of its length although it does widen after it passes the front gates to Bonally (about three quarters of the way up the road). There are currently two passing places both on the east side of MDR – one at the junction with the North Deeside Road (“NDR”) and the other about half way up MDR. There are no pavements and there is no street lighting.

MDR is about half a mile long and with the existing properties spaced out over its entire length (not everyone going to or coming from the existing properties whether in vehicles, by bicycle or on foot needs to travel the whole length of MDR) it can cope with the current “load” although there can be spikes at peak times e.g. morning and evening rush hours and at lunch time.

I understand that the Applicant proposes that MDR remain a private access road but that a new access be created linking the Development to MDR and that the Development be connected to the ACC Aspiration Path AP10.

The Development is to consist of a concentrated cluster of houses at the top of MDR which if it goes ahead must substantially increase the “load” on MDR essentially along its whole length. I don’t think that there is any doubt that MDR in its present state could not cope with this increased “load”. It would have to be improved (a) to cope with the increased load - it would have to be widened to allow vehicles to pass each other without the need for passing places and (b) for road and personal safety reasons at least a pavement and possibly street lighting would have to be provided for the safety of pedestrians and cyclists using MDR. It seems from the Masterplan that the Applicant may be proposing to upgrade MDR with the existing road becoming a “Secondary Street” and the new extension into the Development being a “Minor Street” both as defined in the Masterplan. This proposal to differentiate between the existing MDR and the extension into the Development will in itself create difficulties particularly with large service/delivery vehicles. MDR is and will continue to be a cul-de-sac. However, if the Development proceeds it will now (presumably) terminate in the Development. Provision must be made within the Development to allow large (and indeed any) vehicles to turn on MDR without having to use private driveways or grass verges for the purpose. The provision for turning is inadequate at present and leads to frequent damage to the grass verges necessitating repeated repairs.

Additionally, in the Planning Committee discussions relating to the Planning Permission Decision referred to below much was made of the need to ensure that all properties on MDR had an exclusive access directly to/from MDR. This to protect the amenity and distinctive character of MDR. It seems to me that in this current application the Applicant proposes a “community” separate from the existing properties on MDR but connected to MDR by a single narrow access road. The differentiation of the street type - Minor rather than Secondary - supports this view. All of the houses within the Development will be connected to this new access and from there will all access MDR from this single point. The existing properties on MDR will have no legal right to use this new access. This scenario seems to me to be completely at odds with the principles discussed and agreed by the Council in the Planning Permission Decision mentioned above.

MS

In these circumstances I urge the Council (if planning permission is to be granted) to make it a condition of any grant of planning permission that the Applicant be required (a) to bring MDR (along its whole length – including the “extension” into the Development) up to at least a Secondary Street standard (including provision within the Development for vehicles (large and small) to turn without using private driveways and/or encroaching on verges) and which would enable the Roads Authority to adopt MDR (as extended) as a public road; (b) to require this to be done when the Development is completed and (c) (if and until MDR is adopted as a public road) to grant to the existing property owners on MDR legal rights to use the “extension” into the Development as if it were in fact part of MDR and to agree with the existing property owners a fair and equitable scheme or arrangement for the on-going repair and maintenance of MDR by all of those entitled to use it.

This brings me to a land ownership issue. Whilst I understand that this might not be regarded as strictly a material planning consideration I have noted from a recent Planning Permission Decision (ref: P120919 - see condition (13)) granted by the Council that “*satisfactory access to the plots*” must be provided and “*constructed and ready for use prior to commencement of the construction work on the foundations of the proposed dwellinghouses*”. I understand that this condition was inserted because of a disagreement between the applicant and an objector as to the ownership of the land required for the access in question. A similar situation may arise here if MDR is to be widened (as surely it must) as a condition of the grant of planning permission for the Development and hence on that assumption I assume that the Council will follow the precedent it set in this Planning Permission Decision in determining the current application. By way of explanation it is clear that the section of MDR where it abuts the property known as Inchyra is no more 3m or so wide. In the Masterplan a Secondary Street is defined as generally consisting of a carriageway of 5.5m wide with 2m wide footways on either side. Accepting that, it seems clear that without the agreement of the owners of Inchyra and/or the owners of the property opposite Inchyra (on the east side of MDR) MDR cannot be widened beyond the extent of the current metalled surface i.e. 3m or thereby. In an effort to be helpful I enclose a copy of a **plan** showing the boundaries of Inchyra simply for your reference. The Applicant has already been given a copy of the plan as also the opportunity to check its accuracy on the ground.

Again whilst perhaps not a material planning consideration it is of great concern to me (as someone who must share in the costs of maintaining MDR) to know how - if MDR is not to be adopted as a public road - are the costs of its on-going maintenance, repair and renewal to be apportioned and paid for? At present the “existing owners” pay for maintenance and repairs on a “frontage” basis. This liability does not extend to maintaining footways or street lighting none of which currently exist. It would be unfair for the individual owners within the Development who would have to travel along the whole of the existing road to have no liability at all for the maintenance of MDR save for the “extension” within the Development. Additionally, the connection of the Development to ACC Aspiration Path AP10 will undoubtedly create additional pedestrian traffic (and perhaps bicycles) along MDR as members of the public not resident in the Development use it for recreational and other purposes. It would not be a great stretch of the imagination to foresee MDR becoming in due course a public right of way. This “public access” doesn’t sit well with the plan to retain MDR as a private (and privately maintained) access road.

MS

The junction of MDR with the North Deeside Road ("NDR")

At present the junction of MDR with the NDR is remote from the junction of other roads with the NDR. The nearest junction is the traffic light controlled junction with Bingham Road to the west. Even with the existing "load" on MDR it can be very difficult indeed to turn into or out of MDR from/to the NDR because of the relatively constant traffic flow on the NDR. This is particularly so at peak times in the morning, lunchtime and evening although it can be difficult at any time of the day particularly if you wish to turn right from MDR on to the NDR. Pedestrians or cyclists trying to cross the NDR to reach the bus stop on the south side or to cycle west take their lives in their hands.

It can also be difficult if not dangerous – given the curve and width of the NDR at that point – to turn right into MDR from the NDR. A badly positioned or large vehicle turning right into MDR can (and often does at present) effectively block the NDR. On more than one occasion a vehicle travelling west on the NDR has almost collided with a stationary vehicle waiting to turn into MDR. MDR is not visible to drivers travelling west on the NDR until they are almost upon it. I think that (given the proximity to the Bingham Road junction) "sleepy" drivers travelling west on the NDR don't expect a vehicle to be stationary opposite MDR.

Creating a new major junction (presumably also controlled by traffic lights) squeezed into the narrow corridor between MDR and the entrance to the Tor-na-Dee Lodge house funnelling (as it must) the residents of some 550 new homes and employees, visitors and others to and from these homes, the new school and commercial premises etc. can only substantially increase the current traffic flow on the NDR with the attendant knock on effect of greatly increasing the delay and danger to me and the other owners of properties on MDR and our visitors. If you couple that with the increase in vehicular and pedestrian traffic which must follow completion of the Development and the connection to the ACC Aspirational Path AP10 the risks must increase again.

It seems to me that if MDR is to remain a private access road as at present then for the reasons set out above either the Development should be accessed not from MDR but from the main site which the Applicant intends to develop and be linked to the new internal road layout the Applicant intends to construct (thus avoiding any increase in the current load on MDR) or alternatively MDR must be re-routed to connect to this new internal road layout and not be connected directly to the NDR. This latter suggestion is not likely to find favour with the current property owners on MDR and cannot be imposed upon them by the Applicant.

The destruction of the character of the existing MDR environment

Much play has been made in the consultation process and in the Masterplan of retaining the distinctive character and environment of MDR and to be fair to the Applicant much has been proposed in relation to the natural barrier e.g. tree belts etc. separating the main development site from MDR which is particularly helpful to me (given the location of Bonally) and doubtless to my neighbours. However, this good work is undone by the Development. The Development would in my view completely

MS

destroy the existing character of MDR. At present there are 13 properties of various styles and ages spaced out over the half mile length of MDR (five on the west and eight on the east). Property owners and their visitors turn off MDR at points all along MDR with very few travelling the length of MDR – save for vehicles turning at the top. This keeps traffic speeds low and pedestrians, cyclists and animals safe. The environment is quiet and tranquil with no need for pavements and/or intrusive street lighting.

The Development envisages a “community” of nine new (in the sense of modern styles and doubtless very similar in appearance) houses in a concentrated cluster at the top of MDR with MDR “improved” to Secondary Street status with the “access” from MDR to the Development via a narrow single private access which the existing property owners on MDR can’t use. MDR is still to be a private access road. I can’t see how this plan preserves the existing character and environment of MDR in any way. It effectively creates two separate and distinct communities - the existing and the new – each completely at odds with the other. Further, everyone visiting the Development must travel the whole length of MDR which will almost certainly increase traffic speeds – why slow down when you know you have half a mile to travel before reaching the Development. If you couple this with the increased traffic flow which the Development must generate and the increased pedestrian traffic generated too (including non-resident traffic flowing from the connection to ACC Aspirational Path AP10) there can be nothing but a significant negative impact on the character and environment of MDR as it presently exists.

In my view the Development is an “over-development” if it is to be accessed from MDR. A maximum of three to five houses rather than nine would be more in keeping with the existing character of MDR with MDR being the same width etc. along its whole length including the extension into the Development. This would give the Development a “unity” with MDR which the current applicant doesn’t provide. Clearly, if the Development were to be accessed not from MDR but from the new road layout on the main site (which I consider would be much more appropriate for the reasons set out in this letter) with no access to MDR then nine houses would be more acceptable although not desirable.

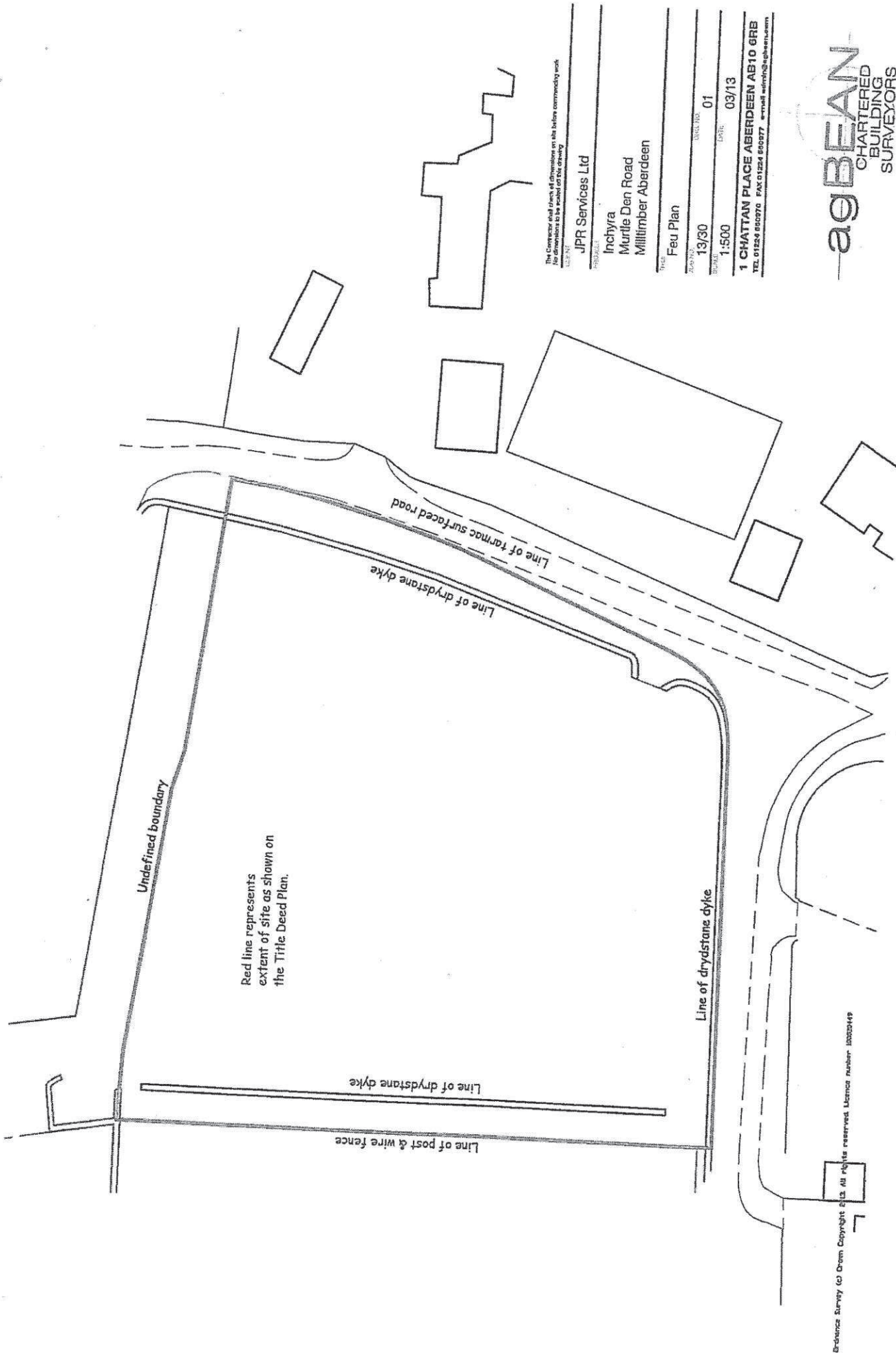
I hope that my comments are clear and understandable. If you have any queries or questions please don’t hesitate to call me. It would be helpful if you could acknowledge safe receipt.

In closing can you confirm that the application will be dealt with by the Planning Committee rather than under delegated powers and if so when and where the Planning Committee Meeting will take place. I understand that I will not be able to address the Planning Committee but I would like to attend the meeting to hear the Committee’s deliberations and decision in the matter.

Yours faithfully,

Mrs Moira Sinclair

MS



Red line represents extent of site as shown on the Title Deed Plan.

Undefined boundary

Line of farmac surfaced road
Line of drydstane dyke

Line of post & wire fence
Line of drydstane dyke

Line of drydstane dyke

The Engineer shall check all dimensions on the field immediately work has commenced to be correct on the drawing.

DATE: 03/13
SCALE: 1:500
SHEET: 01
PROJECT: Feu Plan
DRAWN BY: JPR
CHECKED BY: JPR
PROJECT: JPR Services Ltd
Inchyra
Murtle Den Road
Milltimber Aberdeen
1 CHATTAN PLACE ABERDEEN AB10 6RB
TEL 01224 660970 FAX 01224 660977 email info@agbean.com

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Telephone

Aberdeen City Council
Planning Reception
Planning & Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

8 April, 2013

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- my comments relate only to that part of the application relating to MDR and the nine houses which the Applicant wishes to build at the top of MDR. This I believe is referred to as development block U in the Masterplan prepared by the Applicant. I will refer to these houses as the "Development" from now on in.

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MDR is about half a mile long and with the existing properties spaced out over its entire length (not everyone going to or coming from the existing properties whether in vehicles, by bicycle or on foot needs to travel the whole length of MDR) it can cope with the current “load” although there can be spikes at peak times e.g. morning and evening rush hours and at lunch time.

I understand that the Applicant proposes that MDR remain a private access road but that a new access be created linking the Development to MDR and that the Development be connected to the ACC Aspiration Path AP10.

The Development is to consist of a concentrated cluster of houses at the top of MDR which if it goes ahead must substantially increase the “load” on MDR essentially along its whole length. I don’t think that there is any doubt that MDR in its present state could not cope with this increased “load”. It would have to be improved (a) to cope with the increased load - it would have to be widened to allow vehicles to pass each other without the need for passing places and (b) for road and personal safety reasons at least a pavement and possibly street lighting would have to be provided for the safety of pedestrians and cyclists using MDR. It seems from the Masterplan that the Applicant may be proposing to upgrade MDR with the existing road becoming a “Secondary Street” and the new extension into the Development being a “Minor Street” both as defined in the Masterplan. This proposal to differentiate between the existing MDR and the extension into the Development will in itself create difficulties particularly with large service/delivery vehicles. MDR is and will continue to be a cul-de-sac. However, if the Development proceeds it will now (presumably) terminate in the Development. Provision must be made within the Development to allow large (and indeed any) vehicles to turn on MDR without having to use private driveways or grass verges for the purpose. The provision for turning is inadequate at present and leads to frequent damage to the grass verges necessitating repeated repairs.

Additionally, in the Planning Committee discussions relating to the Planning Permission Decision referred to below much was made of the need to ensure that all properties on MDR had an exclusive access directly to/from MDR. This to protect the amenity and distinctive character of MDR. It seems to me that in this current application the Applicant proposes a “community” separate from the existing properties on MDR but connected to MDR by a single narrow access road. The differentiation of the street type - Minor rather than Secondary - supports this view. All of the houses within the Development will be connected to this new access and from there will all access MDR from this single point. The existing properties on MDR will have no legal right to use this new access. This scenario seems to me to be completely at odds with the principles discussed and agreed by the Council in the Planning Permission Decision mentioned above.

W

In these circumstances I urge the Council (if planning permission is to be granted) to make it a condition of any grant of planning permission that the Applicant be required (a) to bring MDR (along its whole length – including the “extension” into the Development) up to at least a Secondary Street standard (including provision within the Development for vehicles (large and small) to turn without using private driveways and/or encroaching on verges) and which would enable the Roads Authority to adopt MDR (as extended) as a public road; (b) to require this to be done when the Development is completed and (c) (if and until MDR is adopted as a public road) to grant to the existing property owners on MDR legal rights to use the “extension” into the Development as if it were in fact part of MDR and to agree with the existing property owners a fair and equitable scheme or arrangement for the on-going repair and maintenance of MDR by all of those entitled to use it.

This brings me to a land ownership issue. Whilst I understand that this might not be regarded as strictly a material planning consideration I have noted from a recent Planning Permission Decision (ref: P120919 - see condition (13)) granted by the Council that “*satisfactory access to the plots*” must be provided and “*constructed and ready for use prior to commencement of the construction work on the foundations of the proposed dwellinghouses*”. I understand that this condition was inserted because of a disagreement between the applicant and an objector as to the ownership of the land required for the access in question. A similar situation may arise here if MDR is to be widened (as surely it must) as a condition of the grant of planning permission for the Development and hence on that assumption I assume that the Council will follow the precedent it set in this Planning Permission Decision in determining the current application. By way of explanation it is clear that the section of MDR where it abuts the property known as Inchyra is no more 3m or so wide. In the Masterplan a Secondary Street is defined as generally consisting of a carriageway of 5.5m wide with 2m wide footways on either side. Accepting that, it seems clear that without the agreement of the owners of Inchyra and/or the owners of the property opposite Inchyra (on the east side of MDR) MDR cannot be widened beyond the extent of the current metalled surface i.e. 3m or thereby. In an effort to be helpful I enclose a copy of a **plan** showing the boundaries of Inchyra simply for your reference. The Applicant has already been given a copy of the plan as also the opportunity to check its accuracy on the ground.

Again whilst perhaps not a material planning consideration it is of great concern to me (as someone who must share in the costs of maintaining MDR) to know how - if MDR is not to be adopted as a public road - are the costs of its on-going maintenance, repair and renewal to be apportioned and paid for? At present the “existing owners” pay for maintenance and repairs on a “frontage” basis. This liability does not extend to maintaining footways or street lighting none of which currently exist. It would be unfair for the individual owners within the Development who would have to travel along the whole of the existing road to have no liability at all for the maintenance of MDR save for the “extension” within the Development. Additionally, the connection of the Development to ACC Aspiration Path AP10 will undoubtedly create additional pedestrian traffic (and perhaps bicycles) along MDR as members of the public not resident in the Development use it for recreational and other purposes. It would not be a great stretch of the imagination to foresee MDR becoming in due course a public right of way. This “public access” doesn’t sit well with the plan to retain MDR as a private (and privately maintained) access road.

M

The junction of MDR with the North Deeside Road ("NDR")

At present the junction of MDR with the NDR is remote from the junction of other roads with the NDR. The nearest junction is the traffic light controlled junction with Bingham Road to the west. Even with the existing "load" on MDR it can be very difficult indeed to turn into or out of MDR from/to the NDR because of the relatively constant traffic flow on the NDR. This is particularly so at peak times in the morning, lunchtime and evening although it can be difficult at any time of the day particularly if you wish to turn right from MDR on to the NDR. Pedestrians or cyclists trying to cross the NDR to reach the bus stop on the south side or to cycle west take their lives in their hands.

It can also be difficult if not dangerous – given the curve and width of the NDR at that point – to turn right into MDR from the NDR. A badly positioned or large vehicle turning right into MDR can (and often does at present) effectively block the NDR. On more than one occasion a vehicle travelling west on the NDR has almost collided with a stationary vehicle waiting to turn into MDR. MDR is not visible to drivers travelling west on the NDR until they are almost upon it. I think that (given the proximity to the Bingham Road junction) "sleepy" drivers travelling west on the NDR don't expect a vehicle to be stationary opposite MDR.

Creating a new major junction (presumably also controlled by traffic lights) squeezed into the narrow corridor between MDR and the entrance to the Tor-na-Dee Lodge house funnelling (as it must) the residents of some 550 new homes and employees, visitors and others to and from these homes, the new school and commercial premises etc. can only substantially increase the current traffic flow on the NDR with the attendant knock on effect of greatly increasing the delay and danger to me and the other owners of properties on MDR and our visitors. If you couple that with the increase in vehicular and pedestrian traffic which must follow completion of the Development and the connection to the ACC Aspirational Path AP10 the risks must increase again.

It seems to me that if MDR is to remain a private access road as at present then for the reasons set out above either the Development should be accessed not from MDR but from the main site which the Applicant intends to develop and be linked to the new internal road layout the Applicant intends to construct (thus avoiding any increase in the current load on MDR) or alternatively MDR must be re-routed to connect to this new internal road layout and not be connected directly to the NDR. This latter suggestion is not likely to find favour with the current property owners on MDR and cannot be imposed upon them by the Applicant.

The destruction of the character of the existing MDR environment

Much play has been made in the consultation process and in the Masterplan of retaining the distinctive character and environment of MDR and to be fair to the Applicant much has been proposed in relation to the natural barrier e.g. tree belts etc. separating the main development site from MDR which is particularly helpful to me (given the location of Bonally) and doubtless to my neighbours. However, this good work is undone by the Development. The Development would in my view completely



destroy the existing character of MDR. At present there are 13 properties of various styles and ages spaced out over the half mile length of MDR (five on the west and eight on the east). Property owners and their visitors turn off MDR at points all along MDR with very few travelling the length of MDR – save for vehicles turning at the top. This keeps traffic speeds low and pedestrians, cyclists and animals safe. The environment is quiet and tranquil with no need for pavements and/or intrusive street lighting.

The Development envisages a “community” of nine new (in the sense of modern styles and doubtless very similar in appearance) houses in a concentrated cluster at the top of MDR with MDR “improved” to Secondary Street status with the “access” from MDR to the Development via a narrow single private access which the existing property owners on MDR can’t use. MDR is still to be a private access road. I can’t see how this plan preserves the existing character and environment of MDR in any way. It effectively creates two separate and distinct communities - the existing and the new – each completely at odds with the other. Further, everyone visiting the Development must travel the whole length of MDR which will almost certainly increase traffic speeds – why slow down when you know you have half a mile to travel before reaching the Development. If you couple this with the increased traffic flow which the Development must generate and the increased pedestrian traffic generated too (including non-resident traffic flowing from the connection to ACC Aspirational Path AP10) there can be nothing but a significant negative impact on the character and environment of MDR as it presently exists.

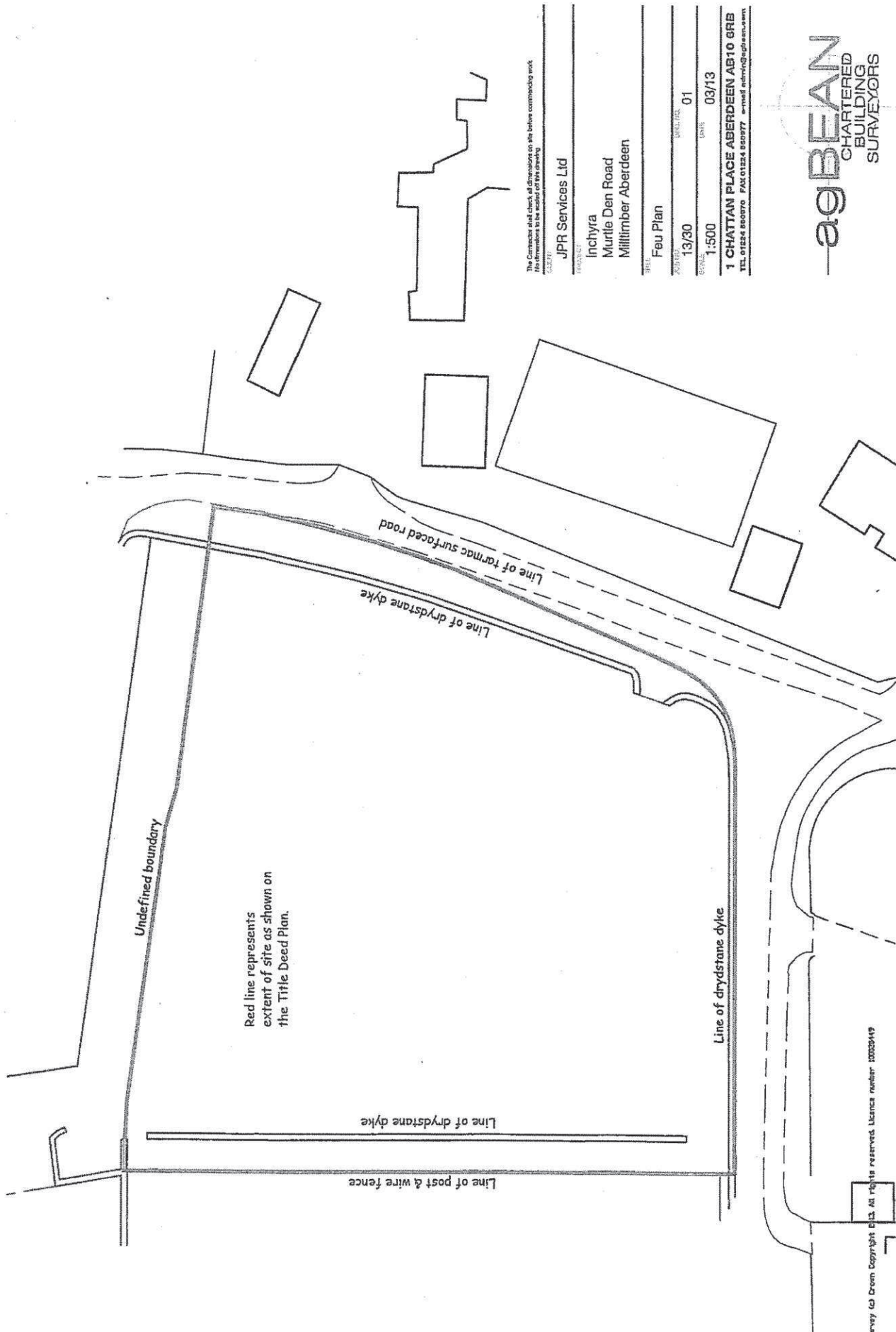
In my view the Development is an “over-development” if it is to be accessed from MDR. A maximum of three to five houses rather than nine would be more in keeping with the existing character of MDR with MDR being the same width etc. along its whole length including the extension into the Development. This would give the Development a “unity” with MDR which the current applicant doesn’t provide. Clearly, if the Development were to be accessed not from MDR but from the new road layout on the main site (which I consider would be much more appropriate for the reasons set out in this letter) with no access to MDR then nine houses would be more acceptable although not desirable.

I hope that my comments are clear and understandable. If you have any queries or questions please don’t hesitate to call me. It would be helpful if you could acknowledge safe receipt.

In closing can you confirm that the application will be dealt with by the Planning Committee rather than under delegated powers and if so when and where the Planning Committee Meeting will take place. I understand that I will not be able to address the Planning Committee but I would like to attend the meeting to hear the Committee’s deliberations and decision in the matter.

Yours faithfully

John W Sinclair



The Customer shall check all dimensions on the before commencing work. No dimensions to be scaled off this drawing.

JPR Services Ltd	
FACILITY	
Inchyra	
Murtle Den Road	
Milltimber Aberdeen	
SITE	
Feu Plan	
ADDITION	DATE/NO. 01
SCALE	DATE 03/13
1 CHATTAN PLACE ABERDEEN AB10 9RB	
TEL 01224 860970 FAX 01224 860977 email enquiries@agbean.com	



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From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 02/04/2013 14:06
Subject: Planning Comment for 130378

Comment for Planning Application 130378

Name : George Knox
Address : Finnan Lodge
Old Inn Road
Findon
Aberdeen
AB12 3RT

Telephone :
Email :
type :
Comment : Dear Sir/Madam

I can confirm I am one of the new owners of Tor Na Dee Lodge, 106, North Deeside Road, Milltimber, Aberdeen, AB13 0HW.

On the 28th March 2013, we were invited by Peter Evans Chairperson of Woodland Grove Residents Committee to attend a meeting with CALA and the residents of Woodland Grove at Woodland Grove.

Our concern was why the boundary of our property and road access fronting the A93 North Deeside Road had only recently been outlined in red? Please see Figure 52 from the CALA, Oldfold, Milltimber, Design and Access Statement showing this. My main concern was that the access to the CALA development could be taken closely to East Drive (the access road to Oldfold Farm), which lies adjacent to our property. This would affect the access we currently enjoy, and if permitted would devalue our property and therefore I would strongly object to this. It would also restrict further the already extremely poor and dangerous access to Oldfold Farm. We have been assured by CALA that Figure 51 from the CALA Design and Access Statement is only an indicative layout and that the access to their development will be centrally located between East Drive and Murtle Den Road.

CALA confirmed ground conditions and topography dictate this, and the 'New Access' is shown on Figure 52 of the CALA Design and Access Statement.

Furthermore we have been informed by CALA that East Drive will not be used for construction vehicles for the CALA development and will remain the access to Oldfold Farm. Whilst East Drive is adopted my understanding is that it would not meet with current adoption standards because it can not achieve the correct visibility splays to access the A93 North Deeside Road. East Drive is a single track road with limited passing spaces, leading to Oldfold Farm.

In general we are very happy with the proposed layout and design, and look forward to seeing the development gaining planning consent and construction works starting.

Yours faithfully

George W Knox

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 07/04/2013 12:47
Subject: Planning Comment for 130378

Comment for Planning Application 130378

Name : Peter Evans
 Address : 90 Binghill Grove
 Milltimber
 AB13 0HF

Telephone
 Email
 type :

Comment : In the Design & Access Statement there is reference to:
P34 Western Boundary

- Enhanced Woodland
 - No connections promoted across Tornadee Private Site
- There are no details of planting; or preventing connections;? It appears that the Oldfold Farm Lane; and cottage is outside of the proposed development.

P49 Re-location of Bus Stops on A93

- Which ones?
- To where?

P49 Traffic Signals, phased with existing,

- Will Pedestrian control be retained at Binghill Road Junction?

P55/ P59 Blocks A, B, C Low Density 22, 7, 30 on Eastern Boundary

- These form part of Phase 1 with Block U
- If this sequence of development is adhered to it will help to form an important screen for the Eastern boundary of our development.

P56 Block G Mixed Use;

- Appears to have (Vehicle) access directly onto Binghill Road, how will this impact on traffic volumes on the southern section of Binghill Road?

P56 Block K Primary School

- The vehicle access is from inside the development?
- (P76 Safe Routes to School) Provides pedestrian access to the school from Binghill Road, what about parking on Binghill Road, or at Block G?
- Parents WILL park anywhere to drop off; witness the mayhem currently on Binghill Road and Crescent at school times!

P81 Gateway to Milltimber' from A93

- Sounds idyllic, low walls, trees etc, is that going to be reality?
 - Will the Entrance; be completed at the start with Phase 1?
- Along with the other residents of Woodland Grove, I attended a presentation by CALA Homes recently and the overall impression is favourable, IF the safeguards to protect our site are adhered to.

39 Bingham Road

Milltimber

Aberdeen

AB13 0JH

29 March 2013

Dear Sirs,

App.130378 Oldfold

Contrary Issues not considered by this application have been previously stated. Important among these are

1. The already serious inadequacy of the road and transport system for commuters in and out of Aberdeen. The AWPR will do nothing to correct this.
2. The failure to consider the effect of a massive increase in resident numbers on basic facilities such as medical provision. In this particular respect the existing medical practices are already oversubscribed.
3. The greenbelt designation was made for good reason. Supposedly long term planning, which evidently changes as planners come and go, is valueless but expensive.

Yours sincerely

P E Brown (Owner)

Aberdeen City Council

Planning & Sustainable Development

Marischal College

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 26/03/2013 14:46
Subject: Planning Comment for 130378

Comment for Planning Application 130378

Name : Captain & Mrs A Woodward
Address : 69. Bingham Grove,
Milltimber,
Aberdeen.
AB13 0HF

Telephone :

Email :

type :

Comment : We object to this development on the following grounds:

1. No provision for any form of Medical facilities either Doctor or Dentist within the actual development. Provision of extra facility at Peterculter medical centre is grossly insufficient due to distance from the development site.
2. Massive increase in traffic and traffic disruption on North Deeside road. (It is not known what reduction of traffic will occur when AWPR is completed so any present traffic assessments/projections are useless.)
3. No apparent indication that steps will be taken by the Developers to ensure that the privacy of Woodland Grove grounds and amenities will be maintained as no measures taken to secure the boundary between the development site and Woodland Grove/Tor Na Dee complex.
4. Further housing development in the area is not required.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 11/04/2013 21:48
Subject: Planning Comment for 130378

Comment for Planning Application 130378

Name : John Wild
Address : Owner of:
The Cottage
Murtle Den Road
Milltimber
AB13 0HS

Telephone :

Email :

type :

Comment : My property is the most affected by the application to build nine houses on an extension to Murtle Den Road (MDR). It is the former coach house and stables to Bonally and is situated immediately adjacent to MDR at the present cul-de-sac. The front of the building (including main access door and garage door) is 1 metre from the edge of the metalled pavement of MDR. A vehicle reversing onto MDR is at least 1 metre onto the carriageway before the driver has line of sight along the road. A person leaving the house would currently be stepping directly onto a the contiguous pavement of MDR at a natural passing point with significant risk of personal injury. The most effective way to prevent a serious accident would be to create a new dedicated access to the nine plots from the main part of the development, rather than as an extension to the road. Should the proposal to extend the road remain in the final plans it is imperative that steps are taken to direct the line of the road and traffic away from the front of my building. furthermore, as the road is relatively straight the design must include traffic calming measures and measures to prevent the area adjacent to my house becoming a natural passing point.

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Planning Development Management Committee

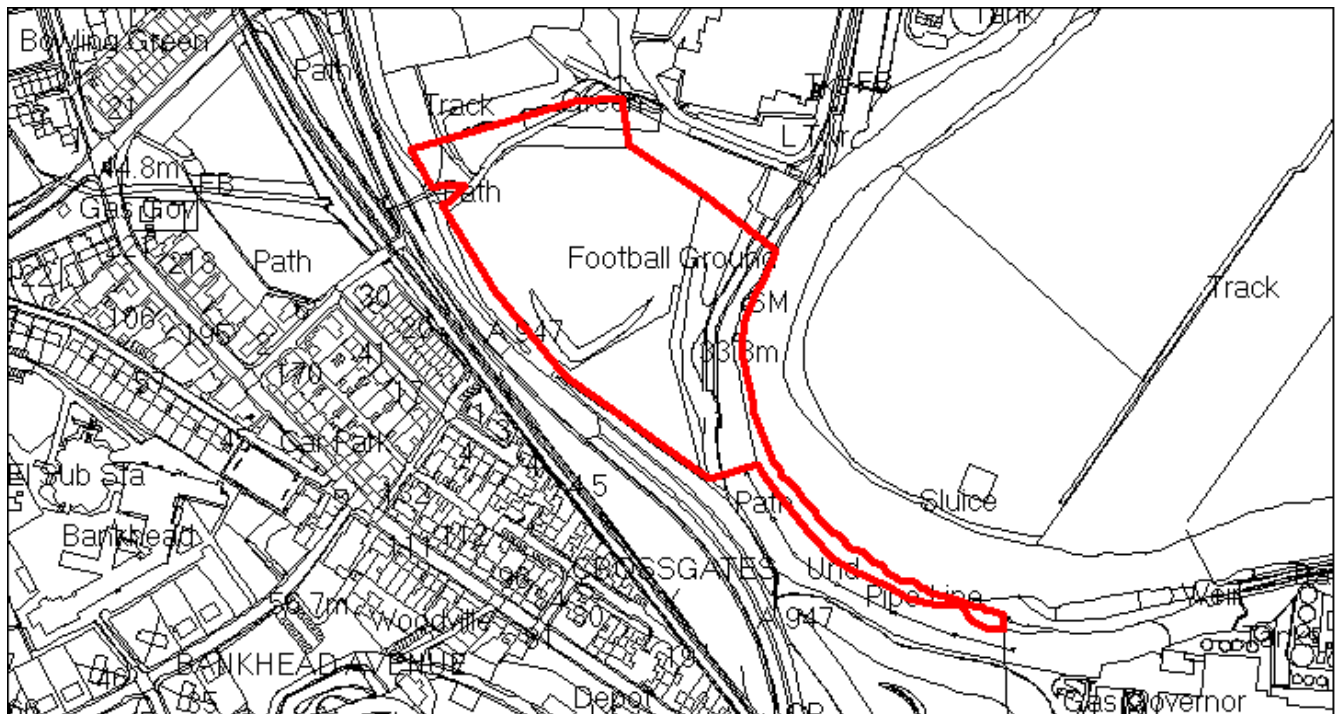
STONEYWOOD AREA S6, STONEYWOOD

ERECTION OF 276 FLATS AND 16 TOWNHOUSES WITH ASSOCIATED INFRASTRUCTURE, PUBLIC OPEN SPACE AND PARKING

For: Dandara

Application Type : Detailed Planning Permission
Application Ref. : P131012
Application Date: 18/07/2013
Officer: Paul Williamson
Ward : Dyce/Bucksburn/Danestone(B Crockett/G Lawrence/N MacGregor/G Samarai)

Advert : Dev. Plan Departure
Advertised on: 28/08/2013
Committee Date: 24 April 2014
Community Council : No response received



RECOMMENDATION:

Indicate a willingness to approve the planning application subject to conditions and the modification of the existing legal agreement to secure planning gain contributions, relating to: Sports and Recreation, Health Facilities, Community Facilities, Libraries, and Core Paths.

DESCRIPTION

The application site is some 4.11 hectares and lies at the southern extremity of the larger Stoneywood Estate site (c.35 hectares), currently being developed by Dandara. It abuts Stoneywood Road to the south and west, Stoneywood Paper Mill to the north east, and the River Don to the east.

The majority of the site formed part of a disused sports pitch and is referred to as S6. The associated Sports and Social Club was on adjacent land (now site S5) to the north. The woodland surrounding the perimeter of the application is middle aged, in comparison to the older woodland planting relating to the original Estate, further north. The woodland towards the site boundaries, and particularly to the north and east, has canopy heights extending up to 25 metres.

In respect of existing access, vehicles can utilise a gated access point towards the south west of the site, off the A947 Stoneywood Road. A path also connects the Bankhead area to the west, underneath Stoneywood Road, which ultimately leads down to the Paper Mill. Further non-vehicular access can also be obtained from the network of paths through the existing wooded policies of the Estate.

RELEVANT HISTORY

The site has a planning history dating back to the 1991 Aberdeen District Wide Local Plan.

1991 – The concept of residential development at Stoneywood is not new, with the 1991 Aberdeen District Wide Local Plan allocating land for housing at Stoneywood Terrace. This recognised a planning approval for 82 houses on land to the north and south of Stoneywood Terrace, which was subsequently renewed in 1986. That permission was never implemented.

December 2002 – The Stoneywood Design Brief was approved in December 2002, as supplementary planning guidance. The brief covered the majority of the Stoneywood Estate and supported the use of the land to the south as a technology park. This has now been superseded by the approved Stoneywood Estate Development Framework and Masterplan in May 2011.

June 2008 - In the previous Aberdeen Local Plan, the southern half of the wider Stoneywood Estate was allocated as opportunity site OP95, an employment allocation, and as a Specialist Employment Area (SE69) for a 20 hectare technology park.

August 2010 – Land at Stoneywood was identified in the Proposed Aberdeen Local Development Plan (LDP) for around 500 houses for delivery during the period 2007-2016 (Site OP24). The LDP identified the need for a masterplan to be prepared.

On 24th May 2011 the Enterprise Planning and Infrastructure Committee approved the Stoneywood Estate Development Framework and Masterplan, as interim planning guidance pending adoption of the LDP. The LDP was

subsequently adopted in February 2012. The Development Framework and Masterplan has therefore now been adopted as supplementary guidance to the Plan.

Planning permission in principle (PPiP) (ref 110790) for a “proposed residential development of approximately 425 houses with a mix of supporting and ancillary facilities including a neighbourhood centre, landscaping, open space and recreational facilities” was approved by the Development Management Sub-Committee on 2nd May 2012.

A number of subsequent applications have been considered since for Matters Specified in Conditions, relating to 110790. This includes sites N4a, S1a/S1b, N2, N3/N4b/N5, which are either completed or under construction for residential dwellings/apartments. Sites S2 and S2/S3, located to the south of Stoneywood Terrace, have recently seen a mixture of residential dwellings, apartments, offices, and retail units approved and construction has yet to commence.

MSC applications relating to sites S4 and S5, which lie to the north of the current application, remain pending at this time.

PROPOSAL

This is an application seeks detailed planning permission for a substantial increase in the level of development, within area S6, approved as part of the PPiP (ref: 110790).

The Development Framework and Masterplan approved the following: 90-125 units, including: flats, detached, semi detached and terraced dwellings, with building heights suggested as: 5 storeys for flats, and a maximum of 4 storeys for all other buildings.

It is now proposed to develop 276 flats, split across 4 blocks, and a 16 no. 3 bed roomed terraced townhouses. A total of 292 units, an increase of between 167-202 properties.

In detail the composition of the flatted properties would be:

Blocks A + D: 43 units comprising - 10 studios, 8 one bed, and 25 two bed properties

Block B: 95 units comprising - 33 studios, 26 one bed, and 36 two bed properties

Blocks C: 95 units comprising - 26 studios, 25 one bed, and 44 two bed properties

Area S6 would compose of two terraces of 3 storey townhouses and Block D, fronting towards the main access road, with the rear gardens adjacent to the Stoneywood Road landscaped/tree-lined boundary. The three remaining flatted blocks, which range from 4 to 7 storeys in height, would extend in a rectilinear fashion from the main access road, towards the existing woodland at the north

eastern and eastern edges of the site, with the Stoneywood Paper Mill below. The final flatted block would be parallel to Stoneywood Road to the south of the proposed access road.

Vehicular access to flatted blocks A and B would be from a secondary street towards the north west corner of the site. This street would lead to areas of surface parking, and two separate areas of underground parking (one beneath the open space between blocks A and B, with the remainder underneath Block B. Vehicular access to Block C would be from a further secondary access road, off the main access spine road, towards the south of the site. Associated parking would again comprise a mix of surface and underground parking, beneath the Block C. Parking associated with Block D would be accessed via the primary spine road, and would be a mixture of surface, and decked parking. Overall a total of 413 car parking spaces would be provided for the flats, including 4 car club spaces, a ratio of 1.5 per flat. A total of 190 secure cycle parking spaces would also be provided throughout the flatted blocks.

Each of the three bedroomed dwellings would have 2 car parking spaces, one of which would be an integral garage space.

Areas of open/civic space would be provided between Blocks A and B, and Blocks B and C respectively. Further open space would be provided around the periphery of site S6, with additional recreational opportunities within the adjacent woodland and pathway network.

The flatted blocks would see external finishes comprise of: detailed masonry to the car parking areas (basecourse) with dark grey brick walling. Balconies would be wrapped in zinc, with a combination of structural glass balustrades, and timber cladding to internal faces. All houses would be three storeys in height and have integral garages and driveways. External materials would be white render, dark grey roof tiles with slate appearance and dark coloured windows.

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?131012>

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

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation, including a public meeting on Thursday 25 April 2013, between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved a public event at the applicants sales and marketing suite on site, 20 people attended. The event materials included a capacity study of the site, draft indicative layouts, together with sketch elevations and visualisations. Staff of both the applicants and their agent were also on hand to answer queries

on the proposals. Separate meetings were also held with the Community Councils for Dyce and Stoneywood, and Bucksburn/Newhills on 27 and 28 March respectively.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the proposal has been the subject of 6 or more letters of representation that express objection or concern about the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objections subject to the imposition of planning conditions relating to: provision of car club spaces; car/motorcycle/cycle parking; residents travel pack; and, drainage.

Environmental Health – No objection. Request the attachment of a planning condition relating to the submission and approval of a noise assessment, in light of the potential exposure of future residents to noise from air traffic, and industrial activity.

Waste Aware Team – No objection. Have agreed the number of refuse bins to be provided. Suggest revisions to the bin storage areas, as part of the final waste management proposals.

Developer Contributions Team – An existing legal agreement is already in place relating to the original planning permission in principle (Ref: 110790). This caters for an increase in numbers and the associated provision of appropriate contributions in relation to affordable housing and education. Further consideration would have to be given to contributions towards: Sports and Recreation, Health Facilities, Community Facilities, Libraries, and Core Paths.

Enterprise, Planning & Infrastructure (Flooding) - No objection. Initially requested the submission of surface water drainage proposals for the development. However, it was subsequently confirmed that this formed part of the wider drainage approval for the whole site.

Scottish Environment Protection Agency – No objections following the review of the submitted flood risk assessment.

Aberdeen International Airport – No objection as the proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria subject to conditions relating to: cranes; submission of a landscaping scheme; SUDS; and, bird management during construction.

Community Council – No comments received.

REPRESENTATIONS

6 letters of objection have been received and relate to the following matters –

1. A previous application for an industrial business park, together with quality houses would have been of benefit to the local community, as it would

- have created beautiful walkways through the woods with little disturbance to wildlife;
2. Loss of almost half the trees on site, and a larger housing development created;
 3. The level of development is intended to change from 125 units to 292, thus making a mockery of the original decision;
 4. Substantial increase in traffic due to this and other developments in the vicinity;
 5. Environmental concerns relating to pollution and noise;
 6. Insufficient roads infrastructure;
 7. The heart (woodland) has already been ripped out of the original Stoneywood Estate, with the loss of trees and wildlife habitat; and,
 8. Stoneywood does not have the amenities required for a growing population including schools and medical centres.

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

The site falls within a wider area (OP24 – Stoneywood) allocated for LR1 (Land Release Policy) purposes in the adopted Aberdeen Local Development Plan.

The main issue to be determined is whether the proposal accords with the general principles of the approved Development Framework and Masterplan, which was prepared in support of the application for planning permission in principle and was the subject of an extensive public consultation exercise.

Policy LR1: Land Release Policy – Part A Phase 1 Release Development 2007-2016; and Employment 2007 – 2023, states that: housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment.

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 proportions 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 dominate the space. Underground or decked parking will be expected in high density schemes;
- 5) Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight.
- 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 the adjoining areas and the sky.

Policy D3: Sustainable and Active Travel – New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

Policy D6: Landscape – Development will not be acceptable unless it avoids:

- 1) Significantly adversely affecting landscape character;
- 2) Obstructing important views of the City's townscape;
- 3) Disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
- 4) Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities.

Policy I1: Infrastructure Delivery and Developer Contributions – Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbated 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 – New development will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Policy H3: Density – The City Council will seek an appropriate density of development on all housing allocations and windfall sites. All residential developments of over one hectare must:

- 1) Meet a minimum density of 30 dwellings per hectare;
- 2) Have consideration of the sites characteristics and those of the surrounding area;
- 3) Create an attractive residential environment and safeguard living conditions within the development; and

- 4) Consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy H4: Housing Mix – Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan.

Policy H5: Affordable Housing – 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 H8: Housing and Aberdeen Airport – Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57dB LAeq will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.

Policy NE4: Open Space Provision in New Development – The City Council will require the provision of at least 2.8 hectares per 1,000 people of meaningful and useful public open space in new residential development.

Policy NE5: Trees and Woodlands – There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity.

Policy NE6: Flooding and Drainage – Development will not be permitted if:

- 1) It would increase the risk of flooding;
- 2) It would be at risk itself from flooding;
- 3) Adequate provision is not made for access to waterbodies for maintenance; or
- 4) It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

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.

Supplementary Guidance

The approved Stoneywood Development Framework and Masterplan document is now incorporated into the Supplementary Guidance contained in the ALDP.

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.

PPiP (ref. 110790) has already been granted for the development of the site with housing, as part of Dandara's wider development at Stoneywood Estate. The site also falls within a Land Release Policy (LR1) Area in the adopted Aberdeen Local Development Plan (ALDP) and is identified as an Opportunity Site (OP24) in the Plan. OP24 states that the area represents an opportunity for development of 500 houses, subject to a Masterplan. A Development Framework and Masterplan was approved by the Enterprise, Planning and Infrastructure Committee in 2011 and it is now incorporated as supplementary guidance in the ALDP. The principle of housing development here is therefore not an issue.

The main issues related to the proposal are considered to be:-

- Means of access and Parking;
- Siting and Design;
- Density and Level of Development;
- Landscaping;
- Sustainable Urban Drainage Systems (SUDS) / Drainage;
- Refuse collection arrangements;
- Other Relevant policies of the Development Plan;
- Any material considerations raised by the letters of objection; and
- Conformity to the approved Development Framework and Masterplan.

Taking each issue in turn:-

Means of Access and Parking

The proposed means of vehicular access via the A947 and the spur road linking with S5 to the north is considered acceptable, and is as illustrated within the approved Masterplan. No further requirement for a Transport Impact Assessment was considered necessary, following the analysis of information provided with the application, and in light of the original submission relating to the PPiP application. In respect of parking, the provision of 445 car parking spaces, together with spaces for motorcycles and bicycles has been confirmed as being acceptable by the Roads Officer. Following their consideration of the revised layout, and the provision of swept path analysis for refuse vehicles, no objection was raised, although several planning conditions have been suggested.

As per the requirements of the PPiP, the applicant also is to provide a residential travel pack to all residents. That document highlights information on local walking, cycling and vehicular routes, along with the various public transportation options available in the area. Furthermore, the applicant has committed to the provision of 4 no. spaces for the car club on site, which shall be available for future occupiers to utilise, as an alternative to having a private car. Furthermore, the site is approximately 1.7 km (just over 1 mile) from Dyce Railway Station, therefore also providing another travel alternative. The proposal therefore accords with policies D3 and T2 of the Adopted Local Development Plan.

Siting and Design

The proposed layout and siting of the buildings are considered to be acceptable.

It is acknowledged that the Masterplan outlined a maximum of 5 storeys within S6. While the proposed level of development is up to 7 storeys (for Blocks B and C), this would be in stepped arrangement, with the western aspects of the development towards the A947 Stoneywood Road being five storeys, before stepping up to six, and then seven storeys respectively at the eastern edge. While two storeys could be considered significant, the context of the surrounding woodland which rises up to a canopy height of approximately 25 metres, allows the development to be accommodated without wider visual impacts on character of the area. Furthermore, the proposal would also maximise the opportunities for views in and out of the site, thus according with other principles of Policy D2.

The scale, massing, layout and external materials generally comply with the masterplan and are therefore considered acceptable. They are also therefore deemed to accord with policy D1, in that the development has been designed with due consideration for its context, and the contributing factors such as the detailing, spaces around buildings, contribute positively to securing a development which accords with the principles of the masterplan, and overall development concept.

Density and Level of Development

The site extends to approximately 4.11 hectares, with a total of 292 units proposed. This equates to some 71 dwellings per hectare, thus exceeding the minimum requirement of 30 dwellings per hectare as set out in the Aberdeen and Aberdeenshire Structure Plan, and the LDP. However, within the Masterplan, the plot area for site S6 was only 2.04 hectares, with a suggested density of 44-61 units per hectare. Accordingly, the level of development that can be achieved on a much larger site, and one which shall have no further detriment to woodland/habitat loss, can be increased proportionally.

In respect of the change in numbers, while the Masterplan identified a range of between 90-125 units for site S6, an increase to 292 units is quite substantial. However, as noted above, the creation of a more densely developed site is not necessarily a negative thing. As demonstrated through the site layout, the total provision of open space is around 2.677 hectares. While this also includes woodland within the application site, enhanced access to these areas shall also be provided. Spaces between and around the buildings are also of a high quality thus reflecting the general requirements and intention of achieving an attractive development.

In addition, it should be noted that other parts of the wider Stoneywood Estate have been developed at densities which were either lower than, or towards the lower end of the densities that were identified in the approved Masterplan. This includes:

- N3/N4/N5: 63 units compared to 75;

- S1: 42 units compared to up to 52;
- S2/S3: 70 units compared to up to 117; and,
- S4: 39 units compared to up to 50.

Therefore in light of this context and the larger area of land available at S6, than originally indicated in the Masterplan, it is considered that a higher density can be readily accommodated without additional detriment to the existing woodland, or the wider character and appearance of the overall development. The provision of a higher number of flats upon the site provides a much wider range of accommodation, and prevents the site mix from being overly dominated by large detached dwellinghouses. This is therefore in accordance with the requirements of policies D6, H3, and H4.

Landscaping

The existing S6 site is largely within a clearing between the existing woodland to the north, east and south, and the A947 to the west. As such, there is a more flexible developable area when compared to other parts of the wider estate where large scale clearance of existing trees was required. The development zone would sit within the strategic landscaping already approved for the wider development. Details of the specific landscaping proposals for area S6, have not been submitted, but can ultimately be controlled by planning condition. The proposal is therefore considered to accord with policy NE5 of the Adopted Local Development Plan

Sustainable Urban Drainage Systems (SUDS) / Drainage

A Drainage Assessment was submitted in support of the application. Sustainable Urban Drainage would be to a SUDS pond located to the north of the site, adjacent to the boundary with Waterton House. The Council's flood prevention officers have been consulted and are satisfied that the details are acceptable, therefore being in accordance with Policy NE6 of the Local Development Plan.

Refuse Collection Arrangements

Refuse collection would be from household bins, and communal bin stores for the flatted properties, all of which would be collected by refuse vehicles. The Roads and Waste Officers are satisfied with the swept path information submitted. Notwithstanding, as the final bin storage areas have yet to be confirmed, this matter can be dealt with by means of a planning condition.

Other Relevant Policies of the Development Plan

In respect of noise and Aberdeen Airport, while located within the 57 dB LAeq contour, the site has already been allocated for development within the Adopted Local Development Plan. Furthermore, the consultation response from Environmental Health did not raise any objection to the proposals. Accordingly, they requested the use of a condition for the submission of a noise assessment,

and the implementation of any necessary mitigation measures thereafter. The proposal is therefore considered to accord with policy H8 of the Adopted Local Development Plan.

Issues Raised in Letters of Representation

A number of issues have been raised by objectors to the proposal -

1. A previous application for an industrial business park, together with quality houses would have been of benefit to the local community, as it would have created beautiful walkways through the woods with little disturbance to wildlife – *As outlined in the 'History' section, the concept of the Technology Park was included in the 1991 Local Plan and the 2002 Stoneywood Design Brief. However, those developments were not realised, and the site has subsequently been allocated for residential development. Suitable access to the wooded areas is proposed.*
2. Loss of almost half the trees on site, and a larger housing development created – *this statement appears to relate to the wider estate and not specifically this application. While a number of trees have been lost on other sites, site S6 is within a substantial clearing, and therefore the footprint of development would not result in any detriment to the existing woodland. Furthermore, enhanced landscaping provision is proposed within the site.*
3. The level of development is intended to change from 125 units to 292, thus making a mockery of the original decision – *the reasoning behind this increase has been addressed above.*
4. Substantial increase in traffic due to this and other developments in the vicinity - *The issue of Roads and access has been addressed above. No objection on roads safety or capacity grounds have been received.*
5. Environmental concerns relating to pollution and noise – *No objection was received from Environmental Health to this application. A noise assessment would however have to be carried out and any measures recommended thereafter implemented in order to protect future residents from noise from aircraft, and adjacent industrial uses;*
6. Insufficient roads infrastructure – see 4);
7. The heart (woodland) has already been ripped out of the original Stoneywood Estate, with the loss of trees and wildlife habitat – see 2); and,
8. Stoneywood does not have the amenities required for a growing population including schools and medical centres – *The original planning permission in principle has an associated s75 legal agreement requiring the provision of affordable housing, and appropriate contributions towards education, health, libraries, the strategic transport fund, and community*

facilities. Thus mechanisms are already in place to secure additional contributions for affordable housing, and education. Other relevant contributions are subject to negotiation and agreement, and would be a delegated matter should this application be approved, as the current legal agreement would have to be modified. This is therefore considered that the proposals are in accordance with the requirements of policies I1 and H5 of the LDP.

Conformity with Development Framework and Masterplan

The proposal generally complies with the approved Development Framework and Masterplan as required by condition 15 of the planning permission in principle. Some changes to the core street network have already been approved and the application complies with these.

Summary

In summary, the development will fall within a woodland setting and will provide good connectivity for residents both within and outwith the site into that woodland and wider area. The layout, form, design, access and sense of place created by the proposal are all considered acceptable and there would be no unacceptable impacts on neighbouring properties. While S6 is to be at a higher level of density than originally envisaged, the applicant has developed other sites within the wider estate at slightly lower densities. Furthermore, they have demonstrated that this higher density can be comfortably accommodated within the site, whilst in compliance with the relevant development plan policies. Accordingly, the proposal is considered acceptable and is in general conformity with both the planning permission in principle and the approved Development Framework and Masterplan.

RECOMMENDATION

Indicate a willingness to approve the planning application subject to conditions and the modification of the existing legal agreement to secure planning gain contributions

REASONS FOR RECOMMENDATION

That the proposal complies with the Adopted Aberdeen Local Development Plan, in particular Policies LR1 (Land Release Policy), D1 (Architecture and Placemaking); D2 (Design and Amenity); and T2 (Managing the Transport Impact of Development), together with the general principles contained within the approved Stoneywood Estate Development Framework and Masterplan.

CONDITIONS

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

(1) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented, as it relates to those buildings - in order to preserve the amenity of the neighbourhood.

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(3) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme. The scheme must also outline the measures in place to avoid endangering the safe operation of aircraft through the attraction of birds - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(4) that the development hereby approved shall not be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas, relating to those occupations, hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No's. DP 522 04 Rev B and DP 522 12 Rev B 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.

(5) that no development pursuant to this planning permission shall take place nor shall the buildings be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the proposed buildings, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(6) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing

trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. All landscaping plans and plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport - in the interests of the amenity of the area, and in the interest of aircraft safety.

(7) that all planting, seeding and turfing comprised in the approved scheme of landscaping 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.

(8) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(9) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

(10) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(11) That prior to the occupation of any of the flatted properties within the development, the developer shall provide the 4 no car club spaces as shown on drawing: Masters4s5s6 rev A, as hereby approved, and thereafter such spaces shall be retained in complete accordance with the details as so agreed - in the interest of providing sustainable transport.

(12) that the development hereby approved shall not be occupied unless the refuse storage areas hereby granted planning permission, as they relate to such occupations, have been constructed, drained, laid-out and demarcated in

accordance with drawing No. DP 522 12 Rev B 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 storage of refuse ancillary to the development and use thereby granted approval - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(13) that no individual development plot shall be occupied unless there has been submitted to, and approved in writing by, the planning authority, a comprehensive Residential Travel Pack for that development plot, setting out proposals for reducing dependency on the private car. This should also include information on external connectivity to key facilities, and, in consultation with local schools and the planning authority, information on safer routes to schools - in order to encourage more sustainable forms of travel to and from the development, to ensure that the amount of private car trips generated by the development does not exceed that identified in the supporting Transport Assessment, and in the interests of the safety of pupils traveling to and from local schools.

(14) that the building hereby approved shall not be occupied unless 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'.

(15) that no part of any dwelling house or flat shall be built below a height of 30m AOD – to minimise the risk of flooding of residential property.

(16) Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with the Advice Note 8 'Potential Bird Hazards from Building Design'. The Bird Hazard Management Plan shall be implemented, as approved, on completion of the development and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority – it is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

(17) In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development (above 25m AGL), then their use must be subject to a separate consultation with Aberdeen International Airport (AIA) – in the interests of aircraft safety and the operation of Aberdeen Airport.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

Planning committee

24 Malcolm Road

Bucksburn

Objection to Planning application 131012

Aberdeen

AB21 9LN

9TH Sept. 2013

Stoneywood development

Dandara 500 houses

Latest application 131012

125 to 292 in football pitch area

Grounds for objecting

Planning site history

The mill application requesting **change of use from green belt** to a high quality landscaped area with quality industrial buildings in a business park with a number of quality houses. The benefit to the community was to be beautiful walkways through the woods with little disturbance to the wild life.

Once change of use was granted

What did we get!

The original application was changed to 500 houses.

Almost half of the trees being removed turning the woodland into a housing development.

Not satisfied we now have a request with another change (application 131012 increase the number of houses from 125 to 292 adding 167 more. This clearly makes a mockery of the original reason for the request to change the green belt policy.

The main concern has been for the massive increase in traffic due to this and other developments. While each development has to be considered separately, the councillors cannot continue to ignore the massive effect this is having within the area.

Note planning has already set aside land for thousands of new houses surrounding Bucksburn Stoneywood Grabstone and nearly every other piece of land around Dyce airport is slowly being covered by buildings.

Clearly even with the Western Peripheral Route the roads system through Bucksburn will continue to build up and bring the traffic to a stand still every day of the week. The planners don't seem to see this or have any concern regarding the health effects on local people. The councillors have a duty to stand up for the people they represent and vote against application 131012.



Brian Rattray

Letter from Dr A.K. Lough B.Sc. D.Sc F.R.S.E

12 Ellerslie Road

Bucksburn

Aberdeen AB21 9EJ

Telephone [REDACTED]

Ken Lough [REDACTED]

To Aberdeen City Council Planning Application Search

Reference number 131012

Dandara Application

Stoneywood Estate S6 area.

Re: End of public comment stage: Wednesday 11th September 2013

Dear Sirs

I wish in the strongest possible terms to express a deep concern at the planning application made by Dandara to build 292 housing units on their Stoneywood Estate S6. The concern is based on the very obvious increase in the number of vehicles on the roads particularly in the areas surrounding the proposed development. Add to that the fact that the very considerable developments in the Mugiemooss area and the Stoneywood area both of which are far from being fully occupied and whose burden of car and truck vehicles are to be seen crawling this way and that way to the frustration of those driving. And that is nothing compared to the disgracefully long lines that crawl on their way to the Airport daily.

Over the fifty years and more of life here I can report that there is in this community a fear and a dread that with housing, limiting as it does any hope of expanding the road system to any degree, the addition of yet another large development with yet another invasion of cars we here are becoming increasingly isolated from hospitals and ancillary health provisions, educational resources, good shops, theatres and other such provision because of the uncertainties of transport. These are widely held concerns and I request that you do not discount the apparent absence from the public particularly since application was presented to the public in the form of a mystical computer invitation which is, in my view, impenetrable.

Yours faithfully

[REDACTED]
Ken Lough

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 September 2013 22:24
To: PI
Subject: Planning Comment for 131012

Comment for Planning Application 131012

Name : GRAHAM PAUL

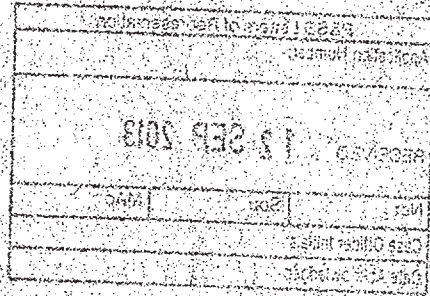
Address : 324 STONEYWOOD ROAD BUCKSBURN ABERDEEN AB219JX.

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : i object to this proposal, because the roads are already congested and cause huge environmental problems to the local community, in pollution noise, and dangerous conditions. dandara have already changed the conditions and goalposts on many occasions, which are detrimental to both residents and people who work in the area. i trust you understand our already devastating situation.



Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 September 2013 22:18
To: PI
Subject: Planning Comment for 131012

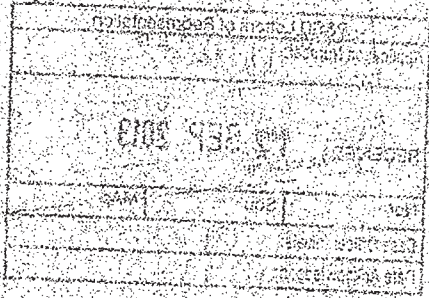
Comment for Planning Application 131012

Name : paul walters
Address : 103 waterton road

Telephone :

Email : [REDACTED]

type :
Comment : i strongly object to the expansion of even more houses and flats on this site as i feel the current roads infrastructure is unable to manage an already very busy route through stoneywood.



Dawn Ramsay

From: Robert Forbes
Sent: 19 September 2013 15:35
To: Dawn Ramsay
Subject: FW: Beautiful Old trees & Stoneywood
Attachments: scan0017.pdf

Can this be lodged as an objection to planning application 131012 ? Ta.

From: PI
Sent: 12 September 2013 09:31
To: Duncan McGregor; Robert Forbes
Subject: FW: Beautiful Old trees & Stoneywood

From: stefka odoherty [REDACTED]
Sent: 11 September 2013 20:03
Subject: Beautiful Old trees & Stoneywood

Dandara originally proposed to build a maximum of 125 housing units on their Stoneywood Estate S6 area which is the grassland area located on the left hand side of Stoneywood Road (A947) just before the left hand turn onto Old Meldrum Road (Google Map AB21 9LN). Dandara have now put in a planning application to the council to build 292 housing units on this area (with parking spaces to accommodate the over 550 vehicles of residents who will live there). This will increase further the traffic level on an already heavily used road.

Go to Aberdeen City Council website, then P on "A to Z index" for Planning Application Search, put in reference number 131012 to read their proposal. Press "Comment on this application" if you wish to make comment on the proposal. End of public comment stage is Wednesday 11th September 2013

DANDARA RIPIED APART HEART OF STONEYWOOD. STONEYWOOD ESTATE IS DEVASTATED. MANY BEAUTIFUL OLD TREES CHOPPED OFF. THE ANIMAL HABITAT KILLED. DANDARA POLLUTED THE RIVER SEVERAL TIMES. STONEYWOOD DOESN'T HAVE THE AMENITIES → SCHOOLS + MEDICAL CENTERS FOR THE OVERGROWING POPULATION → THE PEOPLE BUYING THESE OVERPRICED HOUSES + PLATS. MORE HOUSES + MORE CARS CONTRIBUTE TO MORE POLLUTION + BIGGER CONGESTION ON THE ROADS → WHICH IS BAD ENOUGH ALREADY.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 September 2013 18:21
To: PI
Subject: Planning Comment for 131012

Comment for Planning Application 131012

Name : leslie simpson
Address : 216 bankhead road
bucksburn aberdeen

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : this is no go location for local traffic at peak times as it stands without this added 550 vehicles. you must all be aware of this if you try to travel from aberdeen to east dyce by car at peak times.my daily life is arranged to avoid the "traffic" but this is not possible on some occassions.please be sensible with this objection as we have to live with it long after dandara have left the area.



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Planning Development Management Committee

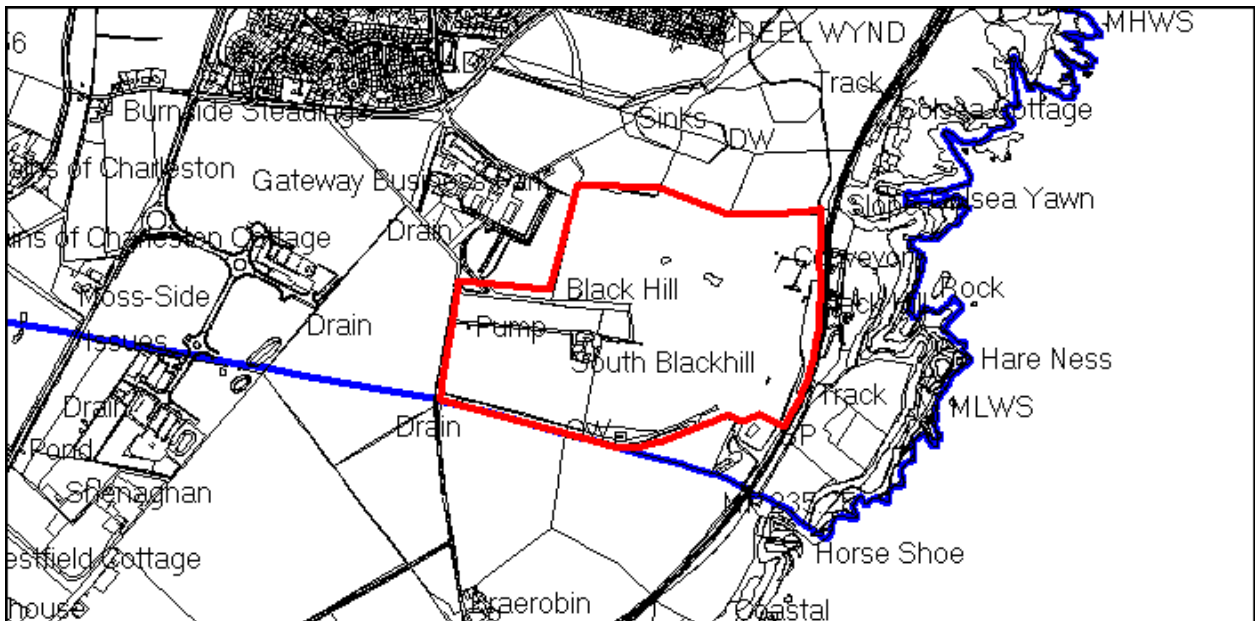
BLACKHILLS QUARRY, COVE

PROPOSED EXTENSION TO BLACKHILLS QUARRY

For: Leiths (Scotland) Ltd

Application Type : Detailed Planning Permission
Application Ref. : P130490
Application Date: 05/04/2013
Officer: Gavin Clark
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)
Advertised on: 24/04/2013
Committee Date: 24 April 2014
Community Council : No response received



RECOMMENDATION: Willingness to approve subject to the conclusion of a legal agreement that would require: a roads condition survey be carried out in 2020, and reviewed every five years thereafter; and that this be used to attribute the percentages of costs (attributed to ACC and the applicant) associated to repairing damage caused to the road network.

DESCRIPTION

Blackhills Quarry is an existing operational hard rock quarry situated in a semi-rural location to the south of Aberdeen, the southern boundary of the application site adjoins the administrative boundary with Aberdeenshire Council.

Cove Cottage, a residential property within the ownership of the applicants, is located some 100m to the south of the site; access to which is gained via the quarry access road. The closest private residential property, Colsea Cottage, is located some 250m to the north-east. Cove is located to the north and the site is approximately 300m from the closest residential properties therein.

The Gateway Business Park is located some 400m to the west of the permitted quarry development and some 300m from the proposed extension area.

The proposal is related to an existing quarry operation and currently comprises agricultural land. A vegetated strip of land along the eastern boundary forms a stand-off between the quarry and the East Coast Railway Line.

The land to the north, south and west comprise agricultural land. The East Coast Railway Line forms the eastern boundary of the application site, with land falling sharply away to the coast and the North Sea after this. The applicant's main office and workshop, at Rigifa Farm, is located to the north-west.

RELEVANT HISTORY

There has been a quarry at this location for quite some time; the most recent planning permissions are as follows:

Planning Permission (Ref: 85/2431) was approved in May 1986 for the extension and formation of a new base level to the rock quarry.

Planning Permission (Ref: 96/1600) was approved in November 1996 for an extension and retention of use of the quarry and construction of a new access road.

Planning Permission (Ref: A6/2284) was approved in March 2007 for a variation to conditions associated with Planning Ref: 96/1600.

PROPOSAL

The proposal seeks detailed planning consent for the continuation of hard rock quarrying and processing; the extension of an existing excavation area; the continued operation, relocation/ replacement of the asphalt and ready-mix concrete plants, the recycling of construction/ demolition waste and road planings to produce recycled aggregates and the final re-instatement of the land.

The application and plans are supported by an Environmental Statement as required by the Environmental Impact Assessment (Scotland) Regulations 2011.

Overall it is indicated that the continued quarrying operation would yield an estimated 9 million tonnes of hard rock over a period of 36 years, at a production rate of 250,000 tonnes per annum. A further 1 year shall be required to complete restoration works on cessation of operations; planning permission is therefore sought for a period of 37 years.

The applicants envisage that an average of 20,000 tonnes of construction and demolition waste and road planings might be imported annually for recycling.

The proposed site boundary (including or excluding the existing quarry, extends to approximately 28.59 hectares, with the proposed excavation area covering 19.03 hectares, mineral extraction has been split into six individual phases for which appropriate timescales are identified in the table below:

<u>Phasing</u>	<u>Years Duration</u>	<u>Years Cumulative</u>
Phase 1	4 years 3 months	4 years 3 months
Phase 2	7 years 6 months	11 years 9 months
Phase 3	9 years 2 months	20 years 11 months
Phase 4	6 years 2 months	27 years 1 month
Phase 5	6 years 3 months	33 years 4 months
Phase 6	2 years 8 months	36 years
Restoration	1 year	37 years
Total Years	37 years	37 years

The Phase 1 development would extend the existing excavation area westwards. Soils and over burden would be stripped in advance of the excavation works, and would be used to form a 3m high screening mound along the southern extension boundary. The excavation works would be created on two levels, the 61m (AOD) level developed to the south and 74m (AOD) level to the west.

As Phase 1 excavation operations near completion, advance soil and overburden stripping would be undertaken over the remainder of the extension excavation area; the materials being utilised to form a permanent landscaped mound on the western extension boundary. The resultant mound would have a maximum height of 9m.

The upgrading of the asphalt and ready-mix concrete plants are also proposed at this early stage and are to be located within the south-east operational area. The plant would have a maximum overall height of approximately 32m, and would have a site coverage of approximately 1200 sqm

The Phase 2 development would further extend excavation operations to the west with excavation again on two levels: at 61m and 78m.

During Phase 3 the Phase 2 upper 78m level would be developed west, to the excavation limit in the north of the site, the Phase 1 63m bench would be developed west to the excavation limit in the south within the excavation area. Simultaneously, the 48m quarry floor would be developed to the south and west.

During Phase 4 the 48m quarry floor would be developed west to the excavation limit, within the extension area. Simultaneously, within the main quarry the middle bench would be developed west to the northern/western excavation limits at 63m.

During Phase 5 the 48m quarry floor would be developed west to the northern/western excavation limits.

The eastern quarry faces would be developed east during Phase 6, over two levels to final excavation limits at 61m and 48m AOD. As Phase 6 progresses the asphalt and ready-mix plants shall be removed to allow extraction to be undertaken to the full permitted extent in the south-east.

For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the development falls within Schedule 1, as the area of the site exceeds 25 hectares. As such an Environmental Impact Assessment (EIA) was required and an Environmental Statement (ES) has been submitted in support of the application. An outline of the content of this statement is provided within the "supporting documents" section below.

As a major application, as defined by the Town and Country Planning (Hierarchy of Developments) Scotland Regulations 2009, the application has been subject to statutory pre-application discussion and a Pre-Application Consultation Report (see Appendix 1) has been submitted as part of the ES. The application has been advertised publicised in accordance with Regulation 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Schedule 3 of the same regulations. It has also been advertised under the Environmental Assessment (Scotland) Regulations.

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?130490>

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

The Environmental Statement

The ES reports on the findings of an environmental impact assessment (EIA) of the proposed development. EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures. The range of potential impacts considered in the ES fall under the following headings:

- Section 1: sets the legislative context, the objectives of the EIA process and the approach to the study.

- Section 2: gives background to the project; describes the areas of the proposal and: site history, location, topography, land use and geology; and discusses the issues of need and alternative options.
- Section 3: sets out details of the quarry development and methods of working, providing details of procedure, blasting, access, construction works and operation.
- Section 4: considers the planning and development framework within which the application requires to be considered.
- Section 5: describes how the scoping process identified key impacts for assessment.
- Sections 6 to 15 include the following environmental assessments:
 6. Landscape and Visual Impact
 7. Hydrological and Hydrogeological Assessment
 8. Ecology
 9. Restoration
 10. Noise
 11. Air Quality
 12. Blasting
 13. Access and Traffic
 14. Archaeology
 15. Recreational Access
- Section 16 sets out the Extractive Waste Management Plan for the quarry.
- Section 17 provides a summary of the Environmental Impacts and Benefits and an overview of the scheme.

The Environmental Statement also includes the following seven appendices:

Appendix 1: Pre-Application Consultation Report
 Appendix 2: Consultation Responses
 Appendix 3: Water Management
 Appendix 4: Noise Assessment
 Appendix 5: Blasting Assessment
 Appendix 6: Archaeological Assessment
 Appendix 7: Waste Management Plan.

PRE-APPLICATION CONSULTATION

Pre-application consultation in between the applicant and the local community, as required for 'major' developments, as defined in the 'Hierarchy of Development' Regulations was undertaken. This consultation involved a public event, which

was held on the 22nd January 2013 at the Cove Bay Hotel, advance notice was advertised on the 11th January 2013 in the Press and Journal.

This event allowed the applicants' representatives to explain the proposals and record any public comments. A report on the public consultation undertaken, and the findings arising from it, has been submitted as part of the application, in accordance with the relevant planning regulations.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as applications for development requiring Environmental Impact Assessment (EIA) fall out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Requested that colleagues in the Roads Structures Team be consulted in regard to the application, to ascertain if there will be a requirement for the applicants to contribute towards maintenance costs associated to additional wear and tear that the surrounding road network will experience as a result of the extension. Such a contribution has since been agreed by the applicants.

It was also required that confirmation that HGV routes from the quarry to the site will be as they currently are. This position was confirmed by the applicant.

A request was also made seeking the submission of further details in relation to cycle parking within the site. This would be controlled via planning condition.

Roads Structures Team – Following negotiations between the Council and the applicants it has been agreed that a roads condition survey, including traffic counts, to determine the percentages of costs directly attributable with damage to the road network as a result of the proposed development be undertaken. This process would begin after 2020 following the expiry of the current permission.

Future surveys and monitoring (likely to be on a 5 yearly basis, unless either party highlights a specific need for an interim assessment) would follow on from 2020.

The surveys would comprise the following:

- Condition survey of specified existing roads (photographic and written assessment);
- Traffic counts;
- Confirmation of positions of counts; and
- Details of extraction rates from Quarry records.

Environmental Health – no observations.

Developer Contributions Team – developments of this nature do not attract developer contributions. No further comment to make.

Enterprise, Planning & Infrastructure (Flooding) – no observations

Education, Culture & Sport (Archaeology) – no objection to the application, subject to the insertion of the following condition: *“no development shall take place within the area indicated (in this case the area of the whole development) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work”*.

Community Council – no response received.

External Consultees:

Aberdeen International Airport (AIA) – the proposal does not conflict with safeguarding criteria, thus there is no objection to the proposal.

Aberdeenshire Council – advise that the partially developed business, industrial and leisure development at Mains of Cairnrobin is identified in the information submitted in support of the application as a location sensitive to potential noise and blast impacts. They are therefore concerned about the proposed south-westwards extension of Blackhills Quarry, which raises potential safety issues, associated to the blasting, and may act as a constraint to certain types of development at Mains of Cairnrobin. They have therefore requested that planning conditions which apply to the existing planning consent also be applied to any consent issued for the quarry extension, in particular condition 3, which dealt with noise levels and conditions 4, 5 and 7 which dealt with blasting operations.

This response will be discussed in greater detail in the evaluation (response to letters of representation) section of this report.

Health and Safety Executive (HSE): advised that EIAs are concerned with projects which are likely to have significant effects on the environment. HSE’s principal concerns are the health and safety of people at work and those affected by work activities. HSE has no comments on this environmental statement.

They also advised that separate consultation with HSE’s Quarries Inspectorate may be required in relation to any planning application associated with the EIA. Such additional consultation was subsequently undertaken, with no comments received. However, it should be noted that the applicant is required to obtain consent (under the Quarries Regulations 1999).

Historic Scotland – the proposal would have no significant impacts on any nationally important heritage assets. Therefore, they have no objection to the proposal.

Network Rail – have concerns that the safe operation of the railway and/ or integrity of the railway infrastructure may be jeopardised by the proposed works and consequently recommend the insertion of a number of conditions in relation: to blasting; drainage; plant and machinery; development within 10m of railway property; and lighting.

Scottish Environment Protection Agency – have requested that a condition be applied to any consent requiring the submission of a restoration and aftercare plan. Otherwise, they have no objections in principle to the development.

Scottish Natural Heritage –advised that the proposed development is out with any nationally or internationally designated nature conservation site and has no significant connectivity to such a site. It would neither raise other natural heritage issues of a significant nature. Accordingly, they have no further comment to make on the Environmental Statement and are content that the Council identifies any additional environmental impacts and addresses these without further reference to SNH.

Scottish Water – no objection

Transport Scotland – the proposed developed would result in an intensification of use of the site, however, the percentage increase of traffic on the trunk road is such that the development is likely to cause minimal environmental impact on the trunk road network. On this basis they have no comment to make.

REPRESENTATIONS

Three letters of objection have been received and relate to the following matters:–

1. That an extension to the operation of the quarry could result in the blight of neighbouring land, including both existing operations and land which has been identified in the Local Plan (both Aberdeenshire and Aberdeen City) for employment purposes. Also advised that employment land and associated land releases are essential for the prosperity of the city and would provide more jobs than the existing quarry operation;
2. Concerns in relation to Health and Safety Executive (HSE) concerns, which have already resulted in the removal of council owned land from a class 4, 5 and 6 allocation because of perceived blast zone concerns;
3. Application should be refused unless reassurance can be given that (a) no detriment would occur to neighbouring employment land and (b) previously allocated council land is rezoned.
4. Questioning the need to grant permission for a period of 37 years. In terms of good planning it would seem sensible to restrict and review any consent after a shorter time period so as to have more control over any potential detrimental future impact that the quarry operations may have on its immediate neighbours.

5. Note that there is no 400m stand-off / buffer zone applicable to the quarry. This contradicts the statements made by the applicants in representations in 2011 to the draft Aberdeen Local Development Plan, when it was successfully argued that land proposed for employment purposes at Blackhills of Cairnrobin be excluded from the finalised plan on the basis of such a 400m buffer zone. Given the 400m buffer zone does not form part of any statutory guidance, it would be appropriate for the land at Blackhills of Cairnrobin to be brought forward for employment use in any review of the Local Development Plan. This land at Blackhills of Cairnrobin is important in helping link employment land at Aberdeen Gateway with the similar allocation to the south, at Mains of Cairnrobin.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy: Paragraph 225 of SPP states that “An adequate and steady supply of minerals is essential to support sustainable economic growth. The minerals industry provides raw material for construction, manufacturing, agriculture and other sectors. Continuity of supply to meet demand depends on the availability of land with workable deposits having planning permission for extraction”.

Paragraph 226 goes on to state: “Planning Authorities should have regard to the availability, quality, accessibility, and requirement for mineral resources in their area when preparing development plans. Authorities should liaise with operators and neighbouring planning authorities and use verifiable sources of information to identify appropriate search areas. These search areas, or where appropriate, specific sites should be identified and safeguarded in development plans and the criteria to be satisfied by development proposals set out. The same safeguarding principles should apply to land allocated for development which is underlain by minerals and where prior extraction of the mineral would be beneficial.

Paragraph 227 further comments: “Planning authorities should ensure a land bank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas... This is particularly important in the city regions”

Finally Paragraph 231 states: “Development plans and development management decisions should aim to minimise significant negative impacts from minerals extraction on the amenity of local communities, the natural heritage and historic environment and other economic sectors important to the local economy, and should encourage sensitive working practices during extraction. Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated. Wherever possible, haulage should be by rail, or coastal or inland shipping, rather than by road. Where there are significant transport impacts on local communities, routes which avoid settlements as far as possible should be identified. Advice on mineral

workings is provided in PAN 50: Controlling the Environmental Effects of Surface Mineral Workings, PAN 50 Annexes A-D and PAN 64: Reclamation of Surface Mineral Workings”

PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on these issues and how they should be addressed when assessing mineral applications.

PAN 64 (Reclamation of Surface Mineral Workings?) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction, in order to bring land back to an acceptable condition.

All relevant national policy and advice is considered in the Assessment and Conclusions section of this report.

Aberdeen City and Shire Strategic Development Plan

Aberdeen City and Shire is a region of global significance. As the energy capital of Europe it has the ambition, skills and resources to lead the move towards a more secure and sustainable supply of energy and lead Scotland forward on a path of economic recovery.

The main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

Paragraph 3.45 also advises that *“In some cases, developments which aim to meet more than local needs may need to be based in this area, such as mineral extraction. In these cases, developers will need to justify this against the aims, strategy, objectives and targets of this plan. Meeting regeneration needs could be one part of this justification.*

Aberdeen Local Development Plan

Opportunity Site 71: Blackhills Quarry: Cove – Planning permission granted in 1996 to continue hard rock extraction and processing, extend work area, continue manufacture of asphalt and bitumous macadam, etc. Also includes area containing future mineral reserves.

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. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Planning Guidance.

Policy D6: Landscape – states that development will not be acceptable unless it avoids:

1. Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct “sense of place” which point to being either in or around Aberdeen or a particular part of it;
2. Obstructing important views of the City’s townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreational areas, and pathways and particularly from the main city approaches;
3. Disturbance, loss or damage to important recreation, wildlife, or woodland resources or to the physical links between them; and
4. Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside access.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Policy NE2: Green Belt – states that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Policy NE5 – Trees and Woodland – appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Buildings and services should be sited so to minimise adverse impacts on existing and future trees and tree cover.

Policy NE8 – Natural Heritage – states that development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. In all cases of development at any location:

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified;
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance exists on the site;
3. No development will be permitted unless steps are taken to mitigate negative development impacts;

4. Natural heritage beyond the confines of designated sites should be protected and enhanced;
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken;
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats; and
7. There will be a presumption against excessive engineering and culverting; natural treatment of floodplains and other water storage features will be preferred wherever possible, there will be a requirement to restore existing culverted or canalised water bodies where this is possible, and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea.

Policy R1: Minerals – states that mineral extraction proposals are acceptable in principle, provided that:

1. There is no significant impact on the character and amenity of the surrounding landscape or residential properties / local communities or the ecology of the area;
2. Sufficient information has been submitted with a planning application to enable a full assessment of the likely effects of development, together with proposals for appropriate control, mitigation and monitoring;
3. Where necessary, an appropriate buffer distance has been agreed with the Planning Authority, through consultation with local communities, taking account of specific circumstances of the proposal; and
4. Restoration will take place concurrently with excavation where possible. After excavation ceases, restoration will be completed in the shortest time practicable and the proposals accompanied either by an appropriate financial bond or supported by an industry guarantee scheme (such as the Quarry Product Association's Restoration Guarantee Scheme). The proposal after use will add to the cultural, recreational or environmental assets of the area.

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.

An Environmental Statement (ES) was required as the development falls within Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 2011. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application but it is not part of the application itself. However, provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan.

Adequacy of the Environmental Statement

Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the **'main'** or **'significant'** environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. Overall the ES is considered to be satisfactory, thus meeting the requirements of the Regulations.

The Principle of Development

In respect of the principle of development, the proposal must be assessed against Policy R1 (Minerals) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan.

Policy R1 (Minerals) of the Aberdeen Local Development Plan requires that proposals for mineral extraction are acceptable in principle, provided that there is: no significant impact on the character and amenity of the surrounding landscape / residential areas, the ecology of the area; that sufficient information has been submitted to allow a full assessment of the likely effects of the development, together with proposals for control, mitigation and monitoring; where appropriate buffer distances have been agreed; and that restoration would be undertaken concurrently with excavation or as soon as possible thereafter.

For the reasons mentioned later in this evaluation, it is considered that the proposal accords with this section of policy.

Policy NE2 (Green Belt) states that *“no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland, and forestry, recreational uses compatible with an agricultural or natural setting, **mineral extraction** or restoration or landscape renewal”*. As the proposal is associated with mineral extraction it is considered to generally accord with the terms of Policy NE2, subject to more detailed consideration against other relevant policies.

In addition, it is important to note that the land associated to this application has been identified within the Aberdeen Local Development Plan as an opportunity site associated to mineral extraction, processing, manufacture of asphalt and bituminous macadam, as well as noting that the area contains future mineral reserves (OP 71 – Blackhills Quarry, Cove).

Scottish Planning Policy (SPP) / Planning Advice Notes (PANs)

Scottish Planning Policy provides a statement of Government policy in respect of minerals and confirms that an adequate and steady supply of minerals is essential to support sustainable economic growth. SPP confirms that in order to ensure that there is adequate continuity of supply to meet demand planning authorities should ensure a landbank of permitted reserves for construction of a minimum 10 year extraction is available at all times in all market areas.

In addition to ensuring the required need for minerals is met SPP also confirms which matters planning authorities should consider when deciding planning applications for extraction. These matters are discussed below, through the assessment of the Aberdeen Local Development Plan and associated material planning considerations. Prior to considering the effects of the development it is necessary to consider any associated need, in relation to the requirement for a minimum 10 year landbank of permitted reserves. In this respect the proposal would ensure compliance with Scottish Planning Policy (as the existing permission currently has only a further six years to run).

Two Planning Advice Notes, PAN 50 and PAN 64, are relevant to the determination of this application. PAN 50 (Controlling the Effects of Mineral Workings) provides advice on best practice, with respect to mineral working in relation to the control of: noise, dust and traffic. PAN 64 provides advice on best practice for reclamation of sites and relates specifically to: restoration conditions; after care considerations; various uses of sites; planning conditions; agreements; and after care schemes. The advice contained within both PANs has been considered, where appropriate, in the processing of this application and the formulation of conditions has taken cognisance thereof.

In summary, it is considered that the proposal accords with the relevant sections of SPP. Further, in terms of the operational aspects the proposal accords with the relevant advice within the Planning Advice Notes.

Landscape and Visual Impact Assessment

The proposed development is considered to be generally compliant with Scottish Planning Policy, the Aberdeen City / Shire Strategic Development Plan and the Local Development Plan. Given the proposal is to extend an existing quarry, rather than a new operation; it is more readily accommodated within the landscape. However, any proposals for mineral extraction will inevitably have impacts on the landscape resource, consideration of potential impacts, together with measures to minimise and mitigate them, is key to establishing the acceptability of the proposal.

Policy D6 (Landscape) is relevant to the determination of this application. The proposed quarry extension is located within open farmland in the Loirston character area: *“this area has a flattish landform that forms a shallow basin-like depression around Loirston Loch in the north.... Land Use is divided between the urban industrial and residential developments in the north and the east, and predominantly agricultural uses that occur elsewhere. ... There are very few trees within the area except to the east of Loirston Loch and around some of the traditional farm steadings to the south of the Loch. Apart from this the vegetation generally consists of improved agricultural grassland.”*

The site is not within any statutory landscape designations i.e. Areas of Great Landscape Value.

The ES looked at the potential impacts on receptors within the landscape. Potential sources of visual impact are also identified. The site itself is enclosed by boundary fencing, which shall be maintained throughout operations. The extension area is also fenced as an agricultural unit and this fencing shall be maintained for the duration of operations. There is therefore, apart from the proposed bunding, there is no introduction of any new element in the landscape. Low key “danger deep working” signage shall be maintained on the quarry boundary.

Existing bunds have been formed to the northern boundary of the quarry, to the south-east and at certain sections on the western boundary. The northern and south-eastern bunds shall be maintained. A low bund shall be extended along the southern boundary of the site and a further landscaped mound created at the western extent of the proposed extension. There are acoustic and visual benefits from these bunds, but equally there are landscape and visual impacts associated with the bunding itself.

The largest potential visual impact is associated with the formation of the bund, which is a relatively short term operation. Once formed the bunds shall be seeded to establish grassland cover. The bunds will therefore have a relatively limited impact on the wider landscape in the short-term, with the only significant visual impact on close viewpoints or where the bunds appear on the skyline.

The visual impact can also be broken down into each of the six phases of development:

Phase 1: As this nears completion a permanent landscaped bund shall be formed on the western part of the extension, with a maximum height of 9m. Materials stockpiled to the west of the quarry void, together with soils stripped from the footprint of Phase 2 operations shall be used to create this bund.

Phase 2: The phase 1 landscape bund shall be completed, grassed and extended to tie in with the existing southern boundary bund. The developing excavation shall be screened by these bunds.

Phase 3: Upper quarry levels shall be developed to the north-western extent of the proposed excavation limit.

Phases 4, 5 and 6: The remaining phases of the development shall be maintained within the current operation area. As Phase 6 progresses the asphalt and ready-mix plants shall be removed to allow the extraction to the full permitted extent in the south-east.

Much of the mitigating bunding is already established and only adaptations to address issues associated to the extension area are required. The major addition is to the west of the site. In addition the use of bunding is important, and the ultimate treatment suggested is that should be grassed and used as grazing, which will also manage growth.

The proposal shall have direct impacts within this coastal area of Open Farmland as well as more significantly on landform. A number of these impacts would be short-term, with small number over a longer term, related to the life of the quarry. Residual impacts are to be mitigated to retain key landscape components. Landform (i.e. the excavated area proposed as part of the extension) would be permanently altered, but this effect would be limited to that area, which is not generally visible in the wider landscape.

Views would be available for visual receptors including residents, recreational users of the area immediately around the proposal, travellers on the road network and workers within the farmland and the quarry itself. Views from out with the immediate environs of the site are limited by the topography and further mitigated by the bunding discussed above.

Taking all of the above into account, the proposal does not offend the general principles of Policy D6 (Landscape) of the Aberdeen Local Development Plan.

Services (including Access and Water / Drainage)

Access to the quarry is from the A956, via the local unclassified road network (Cove Road and Findon Road). From the quarry, dispatch vehicles travel some 650m west along a surfaced internal access road to Findon Road travelling north, then some 660m north to the junction with Cove Road, thereafter around 265m west to the junction with Wellington Road, where a distance of 460m north is covered to the junction with the A956.

The proposal would result in the continuation of quarry related vehicle movements, as opposed to the introduction of a new source. It is proposed that quarry production / despatch would continue at current levels. An average despatch of 175,000 tonnes of dry aggregates, 65,000 tonnes of asphalt and 25 cu.m of ready mixed concrete is proposed annually. It is also envisaged that 20,000 tonnes of construction and demolition waste would be imported annually for recycling.

At current production rates the volume of traffic, based on a 50 week year and average vehicle loads over a 5.5 day week, equates to an average of 124 daily vehicle movements Monday to Friday (62 empty and 62 full) and 62 movements on a Saturday (31 empty and 31 full).

Policy T2 (Managing the Transport Impact of Development) is considered to be of direct relevance. The proposal has been subject to detailed discussion between the Council's Roads Structures Team and the applicants, with regards to potential impacts on the surrounding road network.

It is accepted that no net increase in vehicular movements will occur.

However, it has been agreed that a legal agreement, requiring a road condition survey, including vehicle counts as well as road surveys, be entered into. The vehicle counts would be used to determine the percentage of maintenance costs associated with damage of the road networks by the applicants operations. This process would begin after 2020, following the expiry of the current permission.

Subsequent monitoring (5 yearly, unless either party highlights a specific need for an interim assessment) would be from the point that the current permission expires - 2020.

Subject to the above legal agreement it is considered that the proposal is acceptable with regards to Policy T2 (Managing the Transport Impact of Development) of the ALDP.

Surface water run-off from the surrounding area is currently diverted by drains around the quarry area. There are no ditches or watercourses within the proposed extension area, or surroundings that would be affected by the proposals. The screening bunds, which are to be established along the boundaries of the extension area, shall also act to restrict potential for surface water run-off from the surrounding area, into the quarry. The quarry floor area has been extracted down to 48AOD, which is above the groundwater table and there is thus no ground water flow into the excavated area.

Site water management schemes shall be subject to on-going assessment and modification, as required, to ensure that water is managed appropriately and in accordance with the Water Environment and Water Services Act 2003, and the Controlled Activities Regulations 2011. SEPA have the locus for such matters.

The Impact on the Natural Environment, Wildlife and Habitats

The ES includes a detailed ecological assessment, which has been considered by the Environment Team. This assessment identified the baseline condition of the site, with respect to ecological value, and the potential impact of the proposal on wildlife and nature conservation interests. The objectives of the assessment process are to ensure the maintenance of viable populations of native species throughout their natural range, and where practicable the improvement of the status of rare or endangered species.

Following the submission of clarification in relation to the impacts of the development on the Balnagask and Cove Local Nature Conservation Site (LNCS) the Environment Team found the content of the ES to be acceptable.

Due to the nature of the quarrying operations it shall not be possible to return the landform to its pre-existing state, and while the margins shall be re-graded and covered, the final landform shall have relatively steep-sided slopes. The proposed restoration, discussed below, shall ensure an acceptable reintegration with the surrounding landscape.

The restoration scheme is designed to create an appropriate habitat, with a minimum management demand. In the longer term, the habitat quality shall improve naturally and be self-sustaining.

The proposed restoration will see a positive statement with respect to: landscape, conservation status and habitat.

As a result of the above, the proposal is considered to accord with the principles of Policy NE8 (Natural Heritage).

Trees and Woodland

There is to be no impact on existing trees or woodland as a result of the proposal to extend the quarry. Limited information has been submitted with the application relating to proposals for new tree planting, as part of the proposed mitigation measures. In general the Council are supportive of the creation of new woodland areas. As a result of the lack of detail it is considered appropriate to apply conditions requiring the submission of a landscaping scheme and future maintenance thereof. Subject to these conditions the proposal complies with Policy NE5 (Trees and Woodland).

Hydrological and Hydrogeological Assessment

The Environmental Statement assessed potential residual impacts to the water environment from physical changes to overland drainage. Subject to appropriate mitigation and control measures such impacts are considered minor. All other potential residual impacts have been assessed as negligible. Overall the potential impacts to surface and groundwater, from the proposed development, are not considered by the ES to be significant.

The ES was assessed internally by colleagues in the Environment Team, who accept the statement, subject to clarification on issues relating to Baseline Conditions, and the potential impacts on Hydrology and Hydrogeology, matters which were subsequently clarified satisfactorily.

Effects on Communities (Noise, Blasting and Dust)

Noise: The issues relating to noise from the site has been addressed in the responses to letters of representation. It is considered that the proposed site operations meet the relevant best practice as detailed within PAN 50 Annex A. Noise control measures, to be implemented, along with effective day-to-day site management shall ensure that the proposed development is undertaken without significant noise impacts. It has also been adequately demonstrated that there shall be no residual impacts from the development in terms of noise levels currently experienced.

Dust: The regulation and control of potential dust nuisance, from the site, will continue to be based around the principle of best practice, with emphasis based on the day-to-day management: to identify on-going requirements for dust mitigation and to ensure prompt remedial action in the event of failure.

The possibility of cumulative dust impact, attributable to two or more mineral workings in close proximity, has also been considered. The potential for cumulative impact is assessed as low / negligible.

Following advice contained within PAN 50 Annex B, control of dust emissions and mitigation of the potential environmental impacts of dust from the operations shall be controlled a Site Dust Management Strategy. Overall the potential for dust emission from the site is low and it is unlikely that there will be any reduction in air quality. No residual impacts have been identified.

Blasting: The proposed extension area would develop the quarry to the west over agricultural land. The quarry would be developed in three benches over a series of 6 phases, the development progressing generally from east to west through Phase 1-5 and then east during Phase 6.

The recovery of rock would continue using blasting. As blast induced ground vibration is assessed as having the potential for impact, it was considered that the development of the quarry should be blast design led, to ensure acceptable impacts at residential properties. Accordingly, an assessment of blasting was undertaken by Vibrock Ltd, based on knowledge of blast designs, proposed for the extension and data from monitoring a typical production blast at the existing workings. Blasting operations have also been considered against point 1, contained within the response to letters of representation.

Restoration and Aftercare Proposals

From the cessation of quarrying operations, a period of one year has been allowed for the completion of restoration. The restoration would address the stability and safety of the areas that have been subject to excavation or the effects of excavation.

The quarry reinstatement proposals focus on conservation enhancement, with the sculpting of the quarry floor to create ponds and ephemeral wetland and the reintroduction of naturalistic species.

The landscaped bunds / screening, along the western edge of the quarry void, would be reinstated as grassland; some regarding is to be undertaken along the eastern edge. The soil and overburden from the remaining peripheral bunds would be utilised for restoration works around the periphery of the quarry and within the void.

The slopes of the final quarry void would be lightly seeded with a native grassland mix to provide some vegetation cover and then left to natural regeneration. Dense shrub planting would be undertaken on the quarry benches to discourage access to steep faces. Some elements of bare rock and scree would also remain, to provide areas of additional ecological interest.

The restored quarry floor in the north-east corner would be left at a slightly lower level than the remainder, allowing water to gather and to form a small, shallow water body, with an adjacent area of marshy grassland.

At surface, areas of ground affected by operations would be restored to native grassland with scattered elements of shrub planting and bare ground to merge with the vegetation of the surrounding area.

Woodland planting would be undertaken to the north-west corner of the quarry. This would be a relatively small woodland block of shrub species and would increase habitat diversity, as well as being a linking feature to other woodland, enhancing Cove community woodland.

At cessation of operations, buildings and plant would be removed from the existing site infrastructure areas and the processing and stocking areas and these areas would be reinstated to grassland. The site access would be retained for the continued use of Cove Cottage and the adjacent industrial workshop. Restoration areas would be subject to a five year aftercare period. As a result, the proposal accords with PAN 64 which aims to ensure that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.

Issues Raised in Letters of Representation / Aberdeenshire Council

The applicant's submitted a supporting letter (received 31st May 2013) which took into account a number of matters raised in letters of representation. Taking account of this letter the representations are responded to as follows:

1. In relation to potential impacts on the development site at Mains of Cairnrobin, the issues were raised with the applicant and a further statement was received from Vibrock Ltd, which provided noise and blast vibration predications for the identified land at the closest point of contact. This submission demonstrates that the predicted levels are consistent with

the recommendations in PAN50 Annex A (Noise) and Annex D (Blasting). As a result it is considered that it has been demonstrated that there is no physical constraint on the adjacent sites, being utilised for their stated designated uses of: business, industrial or storage and distribution.

In relation to the site at Aberdeen Gateway Business Park, ambient and background noise monitoring was undertaken, as part of the submitted noise assessment. The measurements submitted were: 53dB LAeq, 4.25h and 39dB LA90. The applicants have provided predicted noise levels for each phase of the proposed extension, for both routine operations and drilling operations, which occur every few weeks. These predictions confirm that noise levels for normal and drilling operations comfortably meet the lower criteria recommended in PAN 50, the predictions being within a range of 36-42 dB. These predicted noise levels also fall comfortably within the noise limits currently permitted by the existing planning permission. British Standard BS8233:1999 (Sound Insulation and Noise reduction for Buildings) gives examples of satisfactory noise levels inside buildings, for example meeting rooms and executive offices, a range of 35-40 dB LAeq, T, this is well above the worst case predicted levels.

For production blasting, operations have been designed to meet a vibration criterion of 6mms-1 ppv for 95% of events, with no blast exceeding 12.0mms-1 at private residential properties. This criterion corresponds with the vibration limits set by the current planning permission for the site and is the lower parameter of the criterion recommended within PAN 50 Annex D "The Control of Blasting at Surface Mineral Workings". As the residential property at Rigifa lies in closer proximity, and in the same direction as Aberdeen Gateway, this ensures that vibration levels within the Gateway development would meet the criteria set for residential properties. Vibration predictions indicate that vibration levels within the Gateway Business Park are likely to be in the region of 0.5 – 2.1mms-1 with a maximum of 4.8mms-1. It is therefore considered that all levels would be comfortably within the blasting criterion.

The proposed development would have no impact on the proposed link road between the Mains of Cairnrobin and Aberdeen Gateway sites.

From the above, it is considered that there would be no significant change and that the extended Blackhills Quarry would operate without any undue disturbance to existing or future businesses within the Mains of Cairnrobin/ Aberdeen Gateway Business Park.

The reporter for the Aberdeen Local Development Plan Inquiry concluded that the removal of the land adjacent to the quarry, which was to be designated for business use, would not have any significant effect on the adequacy of the overall supply of employment land in Aberdeen. In a wider sense development is dependent on minerals and Blackhills Quarry is a strategic source for Aberdeen City, and the surrounding area, with respect to dry aggregates, coated road stone and ready-mix concrete.

National and Development Plan policy is clear that the sterilisation of important mineral resources should be avoided. The land to the west of the quarry could be utilised for business development at a later date, and the proposal would allow for the release of important mineral resources.

2. The main control over blasting operations is: The Quarries Regulations 1999. Scottish Planning Policy paragraph 233 states that: *“Authorities should not impose standard buffer zones between sites and settlements since distances will need to take account of the specific circumstances of individual proposals including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise and the mitigation that can be implemented”.*

The Health and Safety Executive (HSE) do not set specific danger zones for blasting operations; these are determined by the operators for each individual blast. With respect to Blackhills Quarry, due to the close proximity of the excavation area to the northern, southern and eastern boundaries, when blasting is taking place at these boundaries, it may be necessary to delineate temporary danger zones, out with the operational area, and post sentries to keep these areas clear. To the west, due to separation distance between the excavation area and the site boundary, some 100 metres, it is anticipated that the danger zone would be confined within the applicants landholding at all times and there would be no requirement to restrict vehicular or pedestrian movements on the unclassified Cove to Findon road. Consequently, it can be reasonably ascertained that there is no significant potential for physical restraints or safety concerns within the confines of the land designated for development at the Aberdeen Gateway Business Park or the land designated for business use at Mains of Cairnrobin.

3. Following a detailed assessment of the proposal, it is considered that the proposed extension to Blackhills Quarry can be undertaken without any undue disturbance to existing or future businesses. The allocation of business land at OP79 was premature (in the eyes of the reporter), with potential that this land could be suitably re-zoned at a later date. Such potential can be fully considered as a separate exercise and at an appropriate time, out with the processing of this application.
4. The existing quarry and this proposed extension have been identified as being strategically important, and in this particular case it is considered appropriate to grant planning consent up until 2050. The existing quarry has permission in place until 2020 and this consent would ensure consent was in place for the predicted extraction life of the quarry. The applicants have advised that they plan to invest significantly in the site, which in turn would provide a long-term aggregate supply. Control over any potential detrimental impact could be addressed via appropriate planning conditions. In this instance it is considered appropriate to grant permission for a period of 37 years to allow full extraction of the identified safeguarded mineral reserve.

5. The applicants have advised that blast vibration, not distance, is the relevant factor with respect to the proximity of built development to quarry operations and this could be controlled by decking and reduced charge weights, albeit at an additional cost. In making representations in 2011, with respect of the Aberdeen Local Development Plan, the applicants were conscious of the fact that development undertaken in close proximity could necessitate decking and additional cost to the Company. These costs were considered unreasonable at that time, when the site was an existing consented quarry operation. If the quarry was to be extended closer to sensitive development, as per the proposal, it is clear that additional costs would be required to ensure the maintenance of appropriate standards and the applicants are aware of this.

Conclusion

Any proposal for mineral extraction will have associated environmental implications and some impact on the amenity of the surrounding area. However, minerals can only be worked where they are found, a significant constraint. The key considerations are the significance of these impacts, compatibility with the development plan, and any other relevant material considerations.

The application has been reviewed both internally by the Council, and by external consultees including: SEPA, SNH, Network Rail and the Scottish Government. This processing has confirmed that the proposal does not adversely affect any designated sites of nature conservation or built heritage interest, or give rise to any other significant environmental impacts.

The proposal was subject to detailed discussions between the Council and the applicants, in relation to potential impact on the surrounding road network. Appropriate contributions are to be provided to address the applicant's share of such impacts. As such the impact on the road network is considered to be acceptable.

Some concerns were raised in terms of landscape and visual impact. The landscape and visual impact assessment has been undertaken in accordance with the appropriate guidelines and methodologies. The quarry would be partially visible from the main road, and railway, but appropriate bunding, as suggested within the ES, would help negate any major concerns.

Overall, the proposed extension to extend the operating lifespan of Blackhills Quarry to 2050 is in accordance with the policies of the Aberdeen Local Development Plan. The applicant has undertaken a thorough assessment of the necessary issues, as set out in the ES. The proposal is thus considered to be an acceptable form of development and, subject to a legal agreement in relation to a roads conditions survey / maintenance, is considered to be acceptable. The proposal is therefore recommended for approval.

RECOMMENDATION

Willingness to approve

REASONS FOR RECOMMENDATION

The proposal is considered to be an acceptable form of development which is in accordance with Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) 50 (Controlling the Effects of Surface Mineral Workings) and 64 (Reclamation of Surface Mineral Workings), in that the proposal will ensure an adequate supply of minerals within Aberdeen City, and would ensure a bank of permitted reserves of construction aggregates for a period exceeding 10 years.

The proposal also accords with the Aberdeen City and Shire Strategic Development Plan, which aims to ensure that development such as mineral extraction is justified against the aims, strategy, objectives and targets of the plan.

The site has been allocated within the Aberdeen Local Development Plan (OP71) and the proposal is considered to be consistent with the terms of Policy NE2 (Green Belt) and R1 (Minerals) of the Aberdeen Local Development Plan. The proposal has been assessed against natural heritage issues and is considered to be in accordance with Policy NE8 (Natural Heritage), in addition adequate landscaping / bunding would be provided, with conditions inserted in relation to the submission of a landscaping plan, the proposal is therefore considered to be consistent with the terms of Policy NE5 (Trees and Woodland) and Policy D6 (Landscaping).

The impact on the surrounding road network would be controlled via an appropriate legal agreement. In addition, the Councils Roads Projects Team has raised no objection to the application. The proposal is considered to accord with policy T2 (Managing the Transport Impact of Development).

There are no material planning considerations which would warrant refusal of planning permission in this instance.

CONDITIONS

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

(1) At least one (1) year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect

that any backfilling below the water table will have on groundwater - to prevent pollution of the water environment and to minimize and prevent mineral waste on site.

(2) That the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained - in order to protect the environment and amenity of the area in general.

(3) That the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to:

- i) 07:00am - 07.00pm, Mondays to Fridays;
- ii) 07:00am - 1.00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays, or national holidays;

Unless written consent of the planning authority is obtained - in the interest of residential amenity.

(4) That the hours of operations for operation and dispatch from the asphalt plant shall be restricted to:

- i) 06:00am - 07.00pm, Mondays to Fridays;
- ii) 06.00am - 12.00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays or national holidays;

Unless the written consent of the planning authority is obtained – in the interest of residential amenity.

(5) That the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at any existing noise sensitive property external to the site boundary, the details for measuring which are to be submitted to, and approved in writing by the Planning Authority. South Blackhills may be periodically subject to higher levels but not exceeding 60dBL provided that the property remains under the control of the applicant and suitable noise attenuation measures that are submitted to and approved by the Planning Authority are introduced to the property - in the interest of residential amenity.

(6) That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms⁻¹ ppv for 95% of events with no blast exceeding 12.0mm/sec⁻¹ at existing private residential and commercial properties, with a limit of 12mms⁻¹ being applied at railway structures and 14.8mms⁻¹ being applied at Haven Cottage - which is owned by the applicant - in the interests of residential amenity.

(7) That prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with

the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority - in the interest of public safety.

(8) That prior to the commencement of any blasting operations, details of the methods employed to minimise air pressure from blasting operations, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place only in accordance with the scheme as approved or such subsequent amendments as may receive the written approval of the planning authority - in the interests of public safety.

(9) That the depth of the quarry shall not exceed 48m above ordinance datum (AOD) without the prior written approval of the planning authority - in order to protect the character of the area.

(10) That within one year of this permission, a detailed landscaping scheme shall be submitted to and approved in writing by the planning authority, this scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(11) That all planting, seeding and turfing comprised in the approved scheme of landscaping 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.

(12) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(13) That within one year of the date of this permission, a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(14) That no blasting shall take place within the site unless the prior approval of Network Rail is obtained. For the avoidance of doubt, Network Rail should be notified seven days in advance of any blasting in order to afford them an opportunity of making comment - in the interests of public safety.

(15) The level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec - to maintain the integrity of the railway infrastructure.

(16) That the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(17) Without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(18) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(19) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(20) Cranes and jibbed machines, used in connection with the works, must be positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres - to maintain the safety of railway operations.

(21) All cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure - to maintain the safety of railway operations.

(22) Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the Planning Authority, shall be supplied with a copy of the results - to maintain the safety of railway operations and the integrity of railway infrastructure.

(23) That within a year of the date on this permission, a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken - to maintain the safety of railway operations and the integrity of railway infrastructure.

(24) The developer shall (a) meet the costs of all reasonable protective works carried out by Network Rail, which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions, and (b) indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by the negligence of Network Rail, their servants, agents or licensees - to maintain the safety of railway operations and the integrity of railway infrastructure.

(25) Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections should be forwarded to Network Rail, in consultation with the Planning Authority, for assessment and comment before development commences - to maintain the safety of railway operations and the integrity of railway infrastructure.

(27) Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc. – for safety, Network Rail needs to be aware of all development adjacent to its property.

INFORMATIVES

Where possible, the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations.

Any dewatering during excavations should be in compliance with CAR General Binding Rule (GBR) 2 and GBR 15. Abstraction of groundwater in quantities greater than 10m³/day may require authorisation under CAR depending on the scope and duration of the works.

Dr Margaret Bochel

Head of Planning and Sustainable Development

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 16/04/2013 21:21
Subject: Planning Comment for 130490

Comment for Planning Application 130490
Name : Eric Shearer
Address : 7 Rubislaw Park Crescent
Aberdeen

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : I have a concern that an extension to this operation could result in the blight of neighbouring land which has been identified in the Local Plan for employment purposes. Employment Land release is essential to the prosperity of our city and will provide significantly more jobs than the existing quarry operation.

As long as this application does not give rise to an HSE designation as regards "blast zones" I would have no objection. I am however aware that HSE concerns have already resulted in the removal of council owned land from a class 4,5 and 6 allocation because of perceived blast zone concern.

In my opinion the requirement for the allocation of additional employment land is much more important to our city than an extension to the quarrying operation. Hopefully both can co-exist and it is crucial that granting this consent does not blight development in this area - which it would appear it already has.

My view would be that in the interests of the city the application should be refused unless reassurance can be given that (a) no detriment will occur to neighbouring employment land and (b) previously allocated council land is rezoned.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 08 May 2013 23:22
To: PI
Subject: Planning Comment for 130490

Comment for Planning Application 130490

Name : Bruce Plant Ltd
Address : c/o Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Bruce Plant Ltd wish to submit a holding objection to the above planning application.

Bruce Plant have interests in land immediately to the south of Blackhills Quarry, falling within the administrative boundary of Aberdeenshire Council. The land is allocated in Aberdeenshire Council's adopted Local Development Plan for business use and Bruce Plant Ltd have obtained planning permission in principle for business, industrial and storage and distribution uses on that land.

The land falls within the safeguarding zone for the proposed quarry extension yet the Environmental Statement and Blasting Assessment take no cognisance of this committed development or the implications on it.

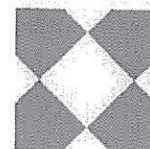
My client is extremely concerned that the proposal to extend the quarry could prejudice the development of the allocated land to the south. Until such time as the implications have been properly assessed my client objects to the proposals.

Both the Environmental Statement and the Blasting Assessment require to be amended to address the issues arising from the Aberdeenshire Local Development Plan and my client reserves the right to make further representations once that information is made available.

I would also be grateful if you could confirm that Aberdeenshire Council have been consulted on the proposals.

Yours faithfully,

John Findlay for Bruce Plant Ltd.



Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Planning & Sustainable Development	
Mail ID	29272
RECEIVED	24 MAY 2013
REPLY	/ /
Section	DM
Officer	GAC

23 May 2013

FAO: Gavin Clark
Ref: mc531/318759

Dear Sir/Madam

**Proposed Extension to Blackhills Quarry, Cove, Aberdeen
Representation by Stockland Muir Limited to Planning Application P130490**

I am writing on behalf of my clients Stockland Muir Limited regarding the proposed extension to Blackhills Quarry, Cove. My clients are the owners and developers of Aberdeen Gateway Business Park at Cove. Aberdeen Gateway was allocated for employment use in the adopted 2008 Aberdeen Local Plan. The allocation for employment use was carried forward to the Aberdeen Local Development Plan (Site OP69) and a northwards extension of the site was included in that plan. The land has been zoned in the Local Development Plan as Business and Industrial Land (BI1) and is recognised in the plan as being vital to Aberdeen retaining its position as a competitive and sustainable business location. Stockland Muir Limited have serviced the site and several major occupiers are now operating from Aberdeen Gateway and planning applications have recently been submitted for two further developments and other application submissions are imminent. Aberdeen Gateway is therefore a major established employment site located in a key location to the south of the City and serves the needs of companies vital to the continuing and future prosperity of Aberdeen and the North East of Scotland.

My client's site at Aberdeen Gateway is identified in the information submitted in support of the application to extend the quarry as both a potential noise sensitive and blast sensitive location. My clients are therefore concerned about the proposed south westwards extension to Blackhills Quarry which raises potential safety issues for existing and new occupants of Aberdeen Gateway and may act as a physical constraint on certain types of development on my clients' land. It may also act as a constraint on the future development of zoned employment land to the south and east at Mains of Cairnrobin in Aberdeenshire, which is conditioned by its current planning consent, for business and industrial development, to link to the employment land at Aberdeen Gateway to meet Aberdeen City and Aberdeenshire Roads officer's traffic requirements.

My clients met with the applicants and quarry operators Leith's (Scotland) Limited on 7 May 2013 to seek reassurances regarding the impact of the proposed quarry extension on Aberdeen Gateway and the land at Mains of Cairnrobin. Following the meeting further information was supplied to my clients by Leith's environmental and planning consultants. This provided further clarity on the proposed blasting operations and confirmed that any danger zones to the west of the quarry would be confined

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within Leith's landholdings at all times and there will be no requirement to restrict vehicular or pedestrian movements on the unclassified Cove to Findon road. Whilst this did provide reassurance to my clients they still wish to make representations on the current planning application to ensure there will be no detrimental impact on the Aberdeen Gateway Business Park and the employment land at Cairnrobin.

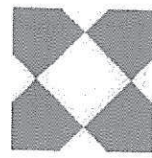
We would ask that the planning conditions that apply to the existing planning consent at Blackhills Quarry be also applied to any consent issued for the quarry extension, in particular condition 3 which deals with noise levels and conditions 4, 5 and 7 which deal with blasting operations. We would suggest that consideration be given in the blasting conditions to controlling the maximum instantaneous charge (MIC) through the imposition of decking of the charge to ensure compliance with vibration limits. It is noted in the Planning and Environmental Statement submitted in support of the quarry extension in Chapter 12 Blasting that in terms of mitigation *"Vibroch Ltd has recommended a criterion for restricting vibration levels from production blasting in order to minimise the potential for annoyance to nearby residents. Accordingly a criterion, derived from PAN 50 Annex D, of 6mms-1 ppv for 95% of events with no blast exceeding 12.0mm/sec-1 at private residential and commercial properties is proposed as a satisfactory magnitude for vibration from blasting with a limit of 12mms-1 being applied at railway structures and 14.8mms-1 being applied at Haven Cottage which is owned by the applicant."* It is also stated in this chapter that with regard to blasting the quarry can operate within accepted vibration criterion and without undue annoyance to local residents or commercial properties. Existing conditions 3 and 4 have been imposed in the interests of residential amenity. We would suggest that the justification for imposition of these conditions be extended to also include commercial amenity, particularly as part of the Gateway Business Park has been reserved for Class 4 Office use which is more sensitive in terms of noise and vibration than Class 5 Industrial and 6 Warehousing and Storage uses.

My clients welcome that a landscaped screening mound is to be created along the western boundary of the proposed extension to ensure visual and acoustic screening for uses to the west. My clients also note the statement by Leith's in their application submission that there is no 400 metre stand-off buffer zone applicable to the quarry. This contradicts statements made by their agents in representations in 2011 to the draft Aberdeen Local Development Plan when they successfully argued for land proposed for employment at Blackhills of Cairnrobin to be excluded from the plan on the basis of the 400 metre buffer zone. Given the 400 metre zone does not form part of any statutory guidance, my clients consider that it would be appropriate for the land at Blackhills of Cairnrobin to be brought forward again for employment use in a review of the Local Development Plan and representations will be made regarding this matter. This land is important in helping link the employment land at Aberdeen Gateway with the employment land to the south at Mains of Cairnrobin in Aberdeenshire. In this respect we would also question whether it would be appropriate to grant consent for the quarry for a period as long as 37 years as is being applied for. In terms of good planning it would seem sensible to restrict and review any consent after a shorter time period so as to have more control over any potential detrimental impact that the quarry operations may have on its immediate neighbours in the future.

Whilst not objecting in principle to the planning application for the proposed extension to Blackhill's Quarry, my clients would ask that their representations regarding Aberdeen Gateway and the land to the south and east at Mains of Cairnrobin and Blackhills of Cairnrobin be taken into account in assessing the application and drafting the planning conditions attached to any consent.

If you require any clarification on the above please do not hesitate to contact me.





Yours faithfully

[Redacted signature]

Malcolm Campbell
Associate

[Redacted line]

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M
F [Redacted]

cc Ewan Black, Stockland Muir Limited



Robert Vickers

From: Gavin Bruce Drummond Clark
Sent: 23 May 2013 16:21
To: PI
Subject: FW: Proposed Extension to Blackhills Quarry, Cove, Aberdeen - Representation to Planning Application P130490
Attachments: mc531 Blackhills Quarry Representation Planning Application P130490 May-2013.pdf

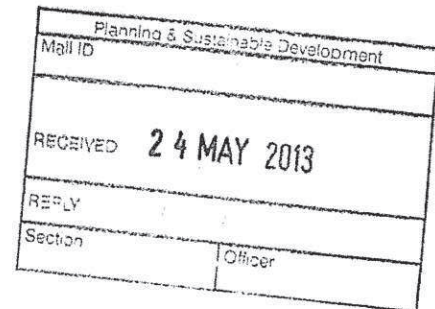
Hi,

I believe that the period of representation on this application has expired. This should therefore be logged as a late response.

Gavin

Gavin Clark

Planning Trainee (Development Management South)
Planning and Sustainable Development
Enterprise Planning and Infrastructure
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From: Malcolm Campbell [REDACTED]
Sent: 23 May 2013 16:11
To: PI
Cc: Gavin Bruce Drummond Clark
Subject: Proposed Extension to Blackhills Quarry, Cove, Aberdeen - Representation to Planning Application P130490

Dear Sir/Madam

Please find attached representation to the above planning application submitted on behalf of my clients Stockland Muir Limited. I would be obliged if you could acknowledge receipt of this representation.

Kind regards

Malcolm



Malcolm Campbell

Associate
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AB25 1XQ
United Kingdom

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Planning Development Management Committee

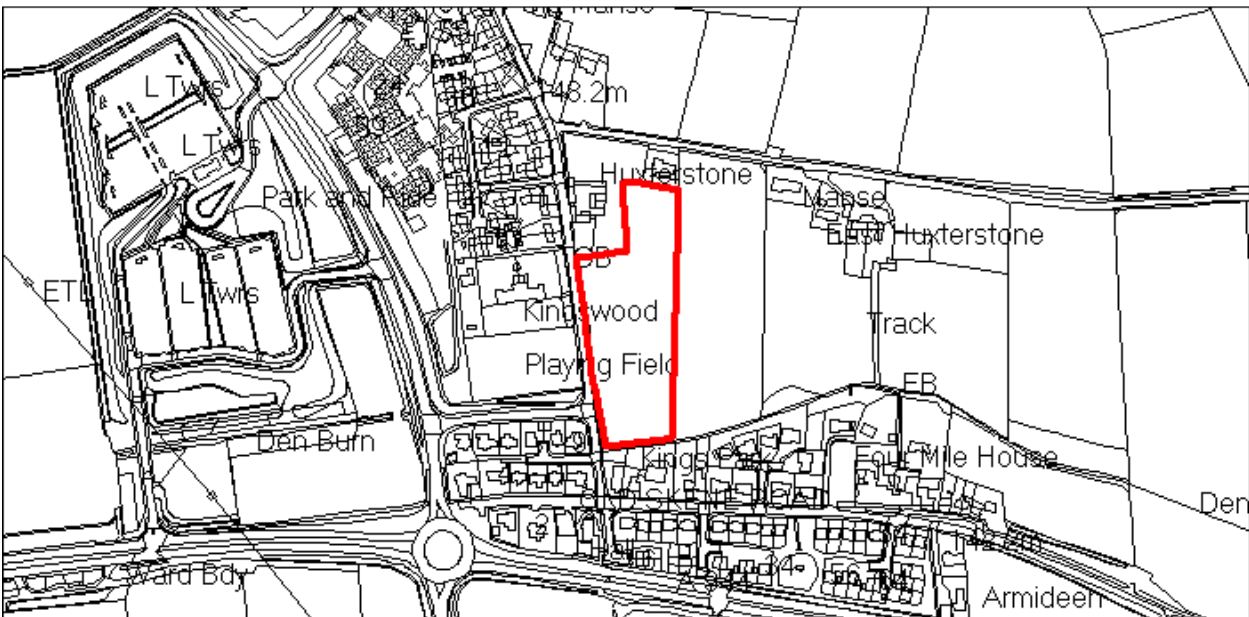
FAIRLEY ROAD (LAND TO EAST OF),
KINGSWELLS

PROPOSED CONSTRUCTION OF 7
DETACHED UNITS, 28 SEMI-DETACHED
UNITS AND 11 TERRACE HOUSES WITH
ASSOCIATED ACCESS ROADS, DRAINAGE
AND SUDS STORAGE

For: Dandara Group

Application Type : Detailed Planning Permission
Application Ref. : P130288
Application Date: 05/04/2013
Officer: Tommy Hart
Ward : Kingswells/Sheddocksley/Summerhill (L
Ironsides/S Delaney/D Cameron)

Advert : Can't notify neighbour(s)
Advertised on: 17/04/2013
Committee Date: 24/04/2014
Community Council : comments received



RECOMMENDATION:

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure;

- 1. On-site affordable housing provision;**
- 2. Strategic Transport Fund contributions;**
- 3. Developer contributions towards:**

- **affordable housing;**
 - **education facilities;**
 - **community facilities and recreation;**
 - **healthcare; and**
4. **Provision of a footpath along the western boundary of the application site on Fairley Road.**

DESCRIPTION

The application site forms the western side of the West Husterstone Masterplan Area (OP42) which covers a total of around 6 hectares. The site itself extends to some 1.6ha and lies on the edge of the village of Kingswells, around 4 miles to the west of Aberdeen City Centre. The site comprises undeveloped agricultural land and slopes down from north to south. To the north is a 20-30 year old drydash finished bungalow 'Morven' fronting onto the Langstracht and a more traditional steading and farmhouse facing onto Fairley Road. Generally the boundary enclosures for these properties consists of hedging and low-level stone dyke walling. The land to the east of the site is currently undeveloped agricultural land and to the south lies the Den Burn. On the opposite side of Fairley Road, there are a number of 1960's style 2-storey semi-detached properties with a white harl and brick finish to the walls. The front boundary treatment for those properties is generally a 1m high wall and low-level hedges.

RELEVANT HISTORY

Site specific

Planning ref 120296 (Proposal of Application Notice) was submitted for consideration in February 2012. No further consultation was required.

Planning ref 130404 for the erection of a temporary sales cabin was approved conditionally by the Planning Development Management Committee in September 2013.

Planning ref 130405 for the erection of 3 non-illuminated hoardings and 2 flagpoles was approved conditionally under delegated powers in September 2013.

Site to the east

Planning ref 130912 for the erection of 97 dwellings, access roads, landscaping, drainage and SUDS was approved subject to satisfactory completion of a s75 Legal Agreement at the Planning Development Management Committee in January 2014.

PROPOSAL

Detailed planning permission is sought for the erection of 46 residential dwellings with associated access roads, drainage and SUDS.

Layout of the Development

The site is generally laid out in three rows of houses on a north-south axis. The properties to the west would face onto Fairley Road with the two other rows facing an internal access road. At the north-end of the site, there would be a group of thirteen properties surrounding a formal parking area. To the south of

the site, an area of formal amenity space is shown along the Den Burn and would include SUDS tanks.

Proposed houses

Two-storey houses are proposed, namely: 2 detached four-bed properties; 5 detached three-bed; 25 semi-detached three bed; and 5 three-bed terraced properties.

The external finishes vary between two character areas - the nine properties facing onto Fairley Road being within the 'Fairley Road' character area and the remainder of the properties being within the 'central' character area. Finishes are generally in the order of white drydash render, dark grey roof tiles and white timber effect windows. Some properties would have timber front and garage doors, whilst others may have a more contemporary design approach. Accents of timber cladding are used sporadically throughout the site. The final details of the external finishes will be dealt with through a planning condition.

The houses on plots 9, 10 and 46 have a high-level window on the gable-ends which face onto the public road, thus breaking up and providing more interest to these prominent elevations.

Affordable Housing

Nine affordable units are proposed within the northern cul-de-sac. These would be 2-storey 2-bed mid-terraced properties finished externally to match the other properties within the 'central' character area.

Access

The main access point is from Fairley Road which is then to link with the adjacent site to the east. Pedestrian access is also proposed from Fairley Road and again links to the east.

Open Space

Some 0.288ha (2880sqm) of open space is proposed at the south end of the site beyond the access road.

Drainage

A SUDS tank is shown within the open space area to the south of the access road.

Proposed site boundary treatment

Existing drystone dykes will either be retained or rebuilt along the Fairley Road and eastern boundaries. A feature drystone dyke is proposed at the access to the site off Fairley Road. Hedging and 1.8m high fencing are proposed in other areas throughout 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?130288>

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

Design Statement

Landscape Appraisal and Planting Schedule

Drainage Assessment for Kingswells

Ecological Appraisal (Northern Ecological Services, May 2012)

West Huxterstone Transport Assessment (Fairhurst, October 2012).

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because Kingswells Community Council have objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team - The proposed parking is considered acceptable, as is the access to the site and driveways onto Fairley Road. A residential travel plan is required. The internal layout of the site is acceptable in terms of vehicular movement. Information is still required in relation to surface water treatment for the access road but this could be conditioned. In relation to the Strategic Transport Fund, the applicant has been made aware that a contribution is required.

Environmental Health – no comments received

Developer Contributions Team - a developer contributions package is required to mitigate the impact of the development, relating to: securing on-site affordable housing and contributions towards affordable housing; education facilities; community facilities; playing fields; library; and healthcare facilities.

Enterprise, Planning & Infrastructure (Flooding) - there were potential flooding issues associated with the proposal but following the removal of the houses on the southern side of the access road, there are no objections forthcoming. A condition is requested requiring a Drainage Impact Assessment to be submitted for approval prior to work commencing on site. Discussions are on-going in relation to mitigation of potential on-site flooding issues.

Education, Culture & Sport (Archaeology) - requests a condition be attached requesting the submission of a programme of archaeological work to be approved in advance of work taking place on site

Scottish Environment Protection Agency – no objection subject to a condition being applied requiring the submission of details of SUDS and a construction environmental management plan both to be submitted and approved before development can commence.

Community Council – Kingswells Community Council object to the application. The reasons for objection can be summarised as;

1. The application fails to take account of the instructions of the Enterprise, Planning and Infrastructure Committee of 6th November with regards to: a) allowing for the possibility of two exits onto Fairley Road; b) instruct officers to look at a range of options for affordable housing rather than restrict to one type; c) phase the site development in conjunction with advice from the Education, Culture and Sport Service;
2. There is no acknowledgment of phasing in this application;
3. The primary school can only accommodate more pupils if house building at West Huxterstone is delayed until 2016 – developer contributions will not solve this issue;
4. The application fails to comply with the Masterplan guiding principles regarding open spaces;
5. The application fails to comply with the Masterplan with respect to lack of 'gateway' opportunity;
6. The application fails to comply with the Masterplan with respect to lack of homezones.

Transport Scotland – no objections

Police Scotland – in general, the site layout offers high levels of natural surveillance. However, the rear of properties can be vunrable to theft, particularly where there is unobserved access and this should be taken into account.

Aberdeen International Airport - the proposed development does not conflict with safeguarding criteria, subject to condition relating to: measures to limit bird strike risk to Aberdeen Airport and submission of SUDS scheme. A requirement controlling the use of cranes can be included as an informative as can the requirement to ensure that the fabric design of dwellings is such that noise impact, from aircraft, on residential amenity levels is mitigated but bearing in mind that the site lies outwith the noise contours which would cause disturbance.

REPRESENTATIONS

Two letters of objection have been received. The objections raised relate to the following matters –

1. A cul-de-sac is shown adjacent to the Stewart Milne application site where there should be a through-road;
2. No flood risk assessment has been submitted but it would appear that some houses would fall within the flood area and could not be constructed;
3. There are drainage issues at the south west corner of the site which will be made worse by the proposed development.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is a statement of Scottish Government policy on land use planning. Of particular interest is the general policy relating to Sustainable Development, as well as the subject planning policies relating to Housing; Affordable Housing; Location; and Design of New Development.

Designing Places is the statement that sets out the Government's expectations that the planning system delivers high standards of design in development projects.

Designing Streets (A Policy Statement for Scotland) promotes pedestrian friendly design in developments.

Strategic Policy

Aberdeen City and Shire Structure Plan sets out vision for the local area and sets objectives in relation to; Economic growth; Population growth; Quality of the environment; Creation of sustainable mixed communities; and Accessibility.

Aberdeen Local Development Plan

Policy LR1- Land Release Policy Part A

Phase 1 release development: Housing 2007 – 2016; development on sites allocated in Phase one will be approved in principle.

Policy I1 - Infrastructure Delivery and Developer Contributions

Where development, either individually or cumulatively, will place additional demands on community facilities or infrastructure necessitating 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 situations.

Policy D1 - Architecture and Placemaking

Seeks to ensure high standards of design, with due consideration to context and that a positive contribution to the setting is made. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be carefully considered.

Policy D2 - Design and Amenity

Sets out design and layout criteria to be addressed in new residential developments.

Policy H3 - Density

All residential developments over one hectare must:

1. Meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;
2. Consider the site's characteristics and those of the surrounding area;
3. Create an attractive residential environment and safeguard living conditions within the development; and
4. Consider providing higher densities in the City Centre, around local centres, and public transport nodes.

Policy H5 - Affordable Housing

Housing developments of five or more units are required to contribute no less than 25% of the total number of units as affordable housing. Supplementary Guidance provides more detailed information.

Policy NE4 - Open Space Provision in New Development

At least 2.8ha of meaningful and useful open space should be provided per 1,000 people in new developments. Supplementary Guidance (Affordable Housing) provides more detailed information.

Policy NE6 - Flooding and Drainage

Applications will be required to provide an assessment of flood risk in order to show that there would be no risk from flooding. A drainage impact assessment is also required for any development over 10 homes.

Policy NE9 - Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Supplementary Guidance

The Council's Supplementary Guidance "OP42: West Huxterstone Masterplan"; "Affordable Housing"; "Infrastructure and Developer Contributions Manual"; "Open Space" and "Transport and Accessibility" are relevant planning considerations in the determination of the application.

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 Residential Use

The Aberdeen Local Development Plan (ALDP) identifies the site as part of an Opportunity Site (OP42) within Part A of Land Release Policy LR1 with an indicative allocation of 120 units. The site is also a long-standing housing land allocation, being included in the previous Aberdeen Local Plan (2008) as Strategic Housing Land Reserve (SLHR30). These factors reflect an identified need for housing land in this area and thus there is conformity with the Housing Land section of SPP. The West Huxterstone Masterplan identifies the site as suitable for residential development. Lastly, the application is considered to accord with the Structure Plan objective relating to population growth, by providing additional housing opportunity and choice. Accordingly, the principle of residential use on the site is acceptable in terms of development plan considerations.

Design, Scale, Mix and form of development

'Designing Places' sets out the Government's expectations of the planning system to deliver high standards of design. It lists what the Government

considers to be successful places, including being 'distinctive', 'safe and pleasant', 'easy to get to and move around' and 'welcoming'.

The design and the layout of the development generally meets these broad objectives with the exception that this 'place' is not considered to be distinctive in that the general type of houses are not uncommon with many Dandara residential developments within Aberdeen. Notwithstanding, ALDP Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration for its context.

This context is currently that of agricultural land with properties to the immediate north of the site being a mix of traditional steading and farm house, otherwise drydash render finished bungalows, 1½ and two storey properties are the common residential style. Otherwise there are a small number of more vernacular granite built properties in the locality. Although the proposal does not directly mimic these design types or styles, in respect to the the existing properties on Fairley Road, the proposed dwellinghouses in that character area would fit in comfortably, being predominantly 2-storey semi-detached properties with a white render finish, enclosed by dry stane dykes and low-level hedging, and are thus considered acceptable. In terms of site context, it is clear that the introduction of houses of a design and style, typical of Dandara, would not directly relate to the character of the locality, nor the buildings to the north, but when taken in the context of the wider Kingswells area, the design and form of development would generally respect the varying design and finish of dwellings, as well as the overall character and pattern of development. In this wider context (including what has been approved on the adjoining site to the east), it is considered that the approach taken is consistent and therefore acceptable in terms of ALDP Policy D1.

The layout of the development is generally in keeping with what is shown in the Masterplan as regards: access, landscaped areas and general plotting. An attempt has been made to ensure that the internal layout of the development is designed so as to give priority to pedestrians and cyclists, rather than motorised vehicles through the inclusion of 'homezone' design principles and a meandering internal road, in keeping with the thrust of 'Designing Streets'. Embedded in the design is a desire to ensure the development is a 'safe' place.

By virtue of the layout and design of the application site, as discussed above, it is also considered that the proposal complies with ALDP Policy D2 (Design and Amenity) in respect of: provision of public and private faces to the development; making the most of natural sun/daylight; providing useable private gardens and other 'sitting out' areas; and designing out crime.

Although the development falls below the threshold for ALDP Policy H4 (Housing Mix) to be a material consideration, it is worth noting that the proposal comprises a mix of 2 – 4 bedroom properties, which are 2-storeys in height and vary between terraced, semi and detached properties. It is considered that the proposed mix of properties throughout the site is varied.

With regards the affordable housing element, ALDP Policy H5 (Affordable Housing) and the supplementary guidance on the same seeks on-site provision of 25%. The application seeks to provide 9 units on-site (c.20%). The remaining 5% (2.5 units) would be addressed by way of a commuted sum to be included in the section 75 legal agreement. Although the on-site provision is less than the stated policy target, the planning authority accepts the approach, and is in line with what relates to the site to the east. The location and design of the affordable units is also considered to fit comfortably with the rest of the development, in an attempt to avoid distinction between tenures. As such there are no conflicts with regards SPP, PAN 2/2012, the Council's Supplementary Guidance and Policy on Affordable Housing.

In terms of density, ALDP policy H3 (Density) seeks to ensure a minimum of 30 dwellings per hectare, which is net of any land not directly related to the housing. The development would provide 46 dwellings on an area of land of around 1.6ha in size, resulting in a gross density of 28.75. Taking account the open space provision of around 0.288ha, the net provision is around 35.06, which is in line with policy requirements.

The useable open space extends to around 2880sqm (0.288ha) which is proportionately greater than the expectations for the site, as set out in policy NE4, the West Huxterstone Masterplan and the Supplementary Guidance on Open Space.

Impact on Residential Character and Amenity

The nearest residential properties lie to the immediate north of the site, which are 1 – 1 ½-storeys in height. The nearest property to 'Morven' would be around 22m away and the nearest property to the farmhouse at Wester Huxterstone around 30-35m to the south and south east. The physical separation, boundary treatment and drop in levels towards the south means that the new houses would have an acceptable impact on the amenity currently afforded to the residential dwellings closest to the application site. In terms of the residential character of the wider area, the proposed development reflects the general form and scale of development in the locality and is therefore acceptable.

Visual Impact of the Development

The application site is currently undeveloped and without any significant boundary screening, save for trees within the Den Burn corridor to the south and some low-level hedging and stone dykes. The site has a reasonable slope, rising around 5m in height from south to north. It is accepted that the development will have a substantial visual impact on the existing character of the area, given the site is currently open agricultural land, however it is allocated for development in the Aberdeen Local Development Plan and the Masterplan has a preference for residential development thereon. The site is prominent when viewed from Fairley Road and that vista will also see a change in character and feel. With respect to the wider area, it is not considered that there would be an unacceptably significant impact due in part to: topography; landscaping; existing buildings; and the design approach taken.

Traffic Impacts, Access Arrangements and Car Parking

A Transport Assessment (TA) was submitted in support of the application and was updated through discussions with the Roads Projects Team. Following a review of the junction modelling, it is considered that the application would not have any significant impact on the surrounding road network and so there are no objections from the Roads Projects Team in that respect.

In relation to vehicular access, this would be from a junction onto Fairley Road, which is considered adequate for the number of units proposed and there is no technical need for a second access.

Pedestrian access to the site would be from Fairley Road, at the main vehicular junction and also at the northern end of the site adjacent to the boundary of Wester Huxterstone farmhouse, which would link with the Kingswells Avenue to Old Skene Road core path. Pedestrian access to the east is proposed at two points: off the northern 'homezone'; and at the vehicular access link, to the adjacent approved development.

The car parking provision has been evaluated and is considered to be satisfactory.

Given the above, it is considered that there are no conflicts in relation to ALDP Policy T2 (Managing the Transport Impact of Development).

Site Drainage and Flooding

The drainage proposals submitted have been ratified by Roads and Flooding officers and no objections have been forthcoming. For the most part, the information provided is acceptable. However, some clarification relating to how the car parking and access roads will be treated can be dealt with as part of the suspensive condition requiring the submission of updated drainage proposals and via the RCC process.

With regards flooding, the plans originally proposed three houses on the southern side of the access road, within the Den Burn flood plain. The Council's 'flooding' team objected to that proposal on the basis that it could potentially increase flood risk at this section of the Den Burn. In order to allow the application to progress, the plans were amended to remove these properties and discussions are ongoing with a view to finding an acceptable solution. Any further future proposals for the development of this area will be assessed on their merits, taking account of the integrity and value of the open space, sense of place, overall design objectives and any other material considerations.

School Capacity

The indicative capacity of Kingswells Primary is 450 pupils with the current role at 441. Although this provides some capacity on paper, advice from ACC Education indicates that the school is full as a result of recent internal configuration changes which have impacted on non-teaching spaces (library and dining areas for example) which have been converted into teaching space. It is also considered that the potential for extension is limited. Notwithstanding, the development of site OP42 has historically been incorporated into the school role forecasts.

The capacity issues at Kingswells Primary, as set out above, could be mitigated via a developer contributions package to be used for the purposes of expanding Kingswells Primary or transporting children to another school and secured through the s75 legal agreement. A small developer contribution has been requested by the PG Team in respect of education. The developer has indicated that the site would be built in phases: with 21 being before the end of 2014 and the remainder in 2015 which would help limit the scale of impact on the school and this is generally in line with the school forecasts.

Relevant planning matters raised by the community council

1. a) information has been provided which demonstrates that 2 access off Fairley Road could not be accommodated and this was confirmed by the Roads Project Team; b) the affordable units proposed on this part of the overall OP42 site differ in style and tenure from what was approved in the adjacent application for Stewart Milne, although it is accepted that they comprise 9 two bed mid-terraced properties; c) this has been dealt with in the school capacity section above.
2. Phasing is proposed and is discussed in the school capacity section above;
3. School capacity issues are discussed above;
4. The open space proposed is around 0.288ha in size which is in excess of what was expected for this portion of the OP42 site, as indicated within the approved Masterplan;
5. The plans have been updated to show a new drystone dyke at the entrance, which is considered to be in the spirit of the OP42 Masterplan 'gateway';
6. The submitted plans show 'homezone' areas within the application site, which are considered to be in the spirit of the OP42 Masterplan.

Relevant planning matters raised in written representations

In relation to the points raised in written representations; the following comments are raised;

1. The plans have been updated to show the internal road laid out such that it links with / adjoins the Stewart Milne application site and associated road network to the east;
2. A flood risk assessment has been submitted and assessed by the relevant officers. Subsequent to that, the plans have been amended to remove the houses from south of the access road;
3. A drainage impact assessment has been submitted in support of the application and a condition has been attached requiring the submission of detailed drainage details for the site and that these be agreed with the relevant technical officers.

Proposed legal agreement for developer contributions

A section 75 legal agreement can secure: (1) on-site provision of 9no affordable housing units; (2) contributions towards the 'Strategic Transport Fund'; (3) developer contributions towards: affordable housing; education facilities; community and recreation facilities; core path network links/improvements and

local healthcare provision; (4) Provision of a footpath along the western boundary of the application site on Fairley Road. Such an agreement would see the proposals comply with ALDP Policies: I1 (Infrastructure Delivery and Developer Contributions), H5 (Affordable Housing) and the Supplementary Guidance on 'Affordable Housing'.

RECOMMENDATION

Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure;

- 1. On-site affordable housing provision;**
- 2. Strategic Transport Fund contributions;**
- 3. Developer contributions towards:**
 - affordable housing;**
 - education facilities;**
 - community facilities and recreation;**
 - .healthcare; and**
- 4. Provision of a footpath along the western boundary of the application site on Fairley Road.**

REASONS FOR RECOMMENDATION

The proposal is deemed suitably compliant with relevant national policy including Scottish Planning Policy (SPP) in relation to: sustainable development; housing, location and design of new development; and, affordable housing. Further, the proposal is considered to be acceptable in terms of the general principles and objectives of Scottish Government publications: 'Designing Places' and 'Designing Streets'.

In terms of the Aberdeen City and Shire Structure Plan, the application is considered to conform to the general principles contained within the objectives: 'economic growth'; 'population growth'; 'quality of environments'; 'sustainable mixed communities'; and 'accessibility'.

The proposal is considered to be of an appropriate scale, form and style in accordance with Aberdeen Local Development Plan (ALDP) Policy D1 (Architecture and Placemaking). The approach is also consistent with the OP42: West Huxterstone Masterplan and ALDP Policy LR1 (Land Release Policy). An acceptable residential environment is proposed, in accordance with ALDP Policy D2 (Design and Amenity), an appropriate mix of houses is proposed and the density is in line with the requirements of ALDP Policy H3 (Density).

Access and parking arrangements have been agreed with the Council's Road Projects Team, as required by Supplementary Guidance on 'Transport and Access'. The site is easily accessible by foot and motorised vehicles and links would be afforded to the core path network in line with the requirements of ALDP Policy NE9 (Access and Informal Recreation).

Details of appropriate landscaping can be secured via condition, and open space provision exceeds the requirements of the OP42 West Huxterstone Masterplan, ALDP Policy NE4 (Open Space Provision in New Development), and Supplementary Guidance on 'Open Space'.

Appropriate 'Developer Contributions' and 'Affordable Housing' provision can be secured through the s75 agreement, as set out above, in compliance with ALDP Policies I1 (Infrastructure Delivery and Developer Contributions), H5 (Affordable Housing), and Supplementary Guidance 'Infrastructure and Developer Contributions Manual' and 'Affordable Housing'.

It is therefore concluded that the proposed development demonstrates due regard for the relevant provisions of the development plan, and no material considerations have been identified which would warrant a determination other than in accordance with the plan.

CONDITIONS

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

1. That no more than 21 dwellinghouses (i.e. Phases 1 and 2 as shown on drawing no AOL_208 rev. C) hereby granted permission shall be occupied unless;
 - a. The new pedestrian footpath along the east side of Fairley Road has been provided and is available for use;
 - b. an RCC compliant road link and pedestrian footpath has been provided up to the eastern legal boundary of the application site as per Drawing No APL_205 rev H;
 - c. the open space provision to the south of the access road (as shown on Drawing No APL_205 rev H) is completed and laid out in accordance with drawing no APL_301 rev I, and the Fairley Road planting schedule Rev A (unless otherwords agreed in writing by the Planning Authority). The approved 'public open space' shall not thereafter be used for any purpose other than as public open space;
 - in the interests of amenity, pedestrian safety and in order to allow satisfactory vehicular access to the site to the east and ensure compliance with the West Huxterstone Masterplan.
2. That no more than 40 dwellinghouses hereby granted permission shall be occupied unless all pedestrian footpaths shown on Drawing No APL_205 rev H have been constructed up to the legal boundary of the application site and are available for use - in order to allow satisfactory pedestrian access to the site to the east and ensure compliance with the West Huxterstone Masterplan.
3. That plots 22 – 34 inclusive hereby approved shall not be occupied unless the car parking areas relative to those houses have been constructed,

- drained, laid-out and demarcated in accordance with Drawing No APL_205 rev H, or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as Planning Authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development - in the interests of public safety and the free flow of traffic.
4. That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation, such a programme shall be submitted in advance for the written approval of Aberdeen City Council as Planning Authority - in the interests of protecting items of historical importance as may exist within the application site.
 5. That no development shall take place unless a bird hazard management plan has been submitted to and approved in writing by Aberdeen City Council as Planning Authority (in consultation with Aberdeen International Airport). The submitted plan shall include details of the developer's commitment to managing the risk of attracting birds to the site during excavation activities, measures put in place for the safe dispersal of birds, and thereafter the such approved measures shall be implemented in full – to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.
 6. That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by Aberdeen City Council as Planning Authority and thereafter no individual house shall be occupied unless the drainage required for that house has been installed in complete accordance with such an approved scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.
 7. That no development shall take place unless a site specific Environmental Management Plan (EMP) must be submitted for the written approval of Aberdeen City Council as Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise & dust management - in order to minimise the impacts of necessary demolition/construction works on the environment.
 8. That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of the site boundary enclosure along the western side of the development hereby granted planning permission. The scheme shall include details of the 'drystone gateway' to the site. None of the buildings along the Fairley Road elevation (plots 1-9 inclusive) hereby granted planning permission

shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

9. That no development shall take place unless further details of the render finishes to the walls of the dwellinghouses hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.
10. That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (report dated July 2012) have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.
11. That no development shall take place unless there has been submitted to and approved in writing a detailed Residential Transport Pack which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of Aberdeen City Council as Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" as soon as practicable - in order to preserve the character and visual amenity of the area.

INFORMATIVES

Cranes:

This response applies to a maximum development height of 153m AOD. In the event that during construction, craneage or scaffolding is required, then their use must be subject to separate consultation with Aberdeen International Airport (AIA). We would like to draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

Sustainable Urban Drainage (SUDS): The proposed SUD ponds have the potential to attract feral geese and waterfowl, therefore details of the pond's profile and its attenuation times are requested from the applicant. If the pond is to remain dry for the majority of the year and has a rapid drawdown time, it should not be an attractant. However, should this not be the case, the scheme must outline the measures in place to avoid endangering the safe operation of aircraft through the attraction of birds.

Landscaping: All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport by encouraging bird feeding/roosting and thereby presenting a bird strike threat to aircraft operating at the Airport. Expert advice should be sought on trees and shrubs that discourage bird activity as described above.

Noise: Given the proximity of the development to the airport, all relevant insulation in building fabric including glasses, glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested. The Developer is advised to make themselves aware of current flight paths, including that of helicopters.

Hours of Construction: that, except as the Planning Authority may otherwise agree in writing,

- no piling work shall be carried out; and
- no construction or demolition work shall take place outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; 9.00 am to 4.00 pm Saturdays; or at any time on Sundays; except (on all days) for works inaudible outwith 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.

Lighting: That lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal - to avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

Waste Management: A full site waste management plan for the processing of construction and demolition waste should be submitted to and approved in writing by the relevant authority (in this case SEPA) and no work shall be carried out unless in accordance with the approved plan unless the relevant authority has given written consent for a variation – to ensure that waste on the site is managed in a sustainable manner

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Response from Kingswells Community Council

Planning Application 130288

Proposed Construction Of 10 Detached Units,

28 Semi-Detached Units and 11 Terrace Houses

with associated access roads, drainage and SUDS basin

1. Enterprise, Planning and Infrastructure Committee decision

The masterplan for this development went to Environment, Planning and Infrastructure Committee on the 6th November 2012. The committee decision was taken to try and resolve some of the contentious issues prior to a planning application. The Enterprise, Planning and Infrastructure Committee resolved:-

to approve the recommendation, subject to the following revisions:-

- “(i) allow for the possibility of two exits to be made onto Fairley Road as a possible alternative to exiting onto the old Lang Stracht;*
- (ii) instruct officers to look at a range of options for affordable housing rather than restrict this to any one type; and*
- (iii) phase the site development in conjunction with advice from the Education, Culture and Sport Service.”*

It is with real dissatisfaction and frustration that KCC have had no feedback on these issues, from developers or planning officials, since then. It appears that this decision has been ignored by the developers and their justifications for this planning application has been accepted and left unchallenged by ACC planners.

2. Application for 49 houses

This application is part of a Masterplan for a 120 home development and as such must contribute to the planning process as if it were a major planning application,

5.9 When considering the development of sites Aberdeen Local Development Plan Policy 11 – Infrastructure Delivery and Developer Contributions indicates that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Developer contributions will be the subject of negotiation at the time any planning application is made. In this context, the cumulative effects of development of each site on the local community should also be considered.

Consequently, the development must contribute to Aberdeen’s stock of affordable housing and any other liabilities based on a proportion of the Master planned development.

3. Contravening the masterplan principles - Phasing of development

It is stated in the masterplan 9.0 *Phasing and delivery* that development should be phased as staggered building is crucial for adequate education provision. KCC suggested a phased plan which would see all children accommodated at Kingswells Primary School.

There is no acknowledgement of phasing in this application and, within the site; another separate planning application from Stewart Milne Group is still to be presented. It would be gross negligence if ACC allowed both developers to build simultaneously without constricts of a phased agreement.

4. Developer Gain will not resolve the problem of education provision

It is absolutely clear that Kingswells Primary School can only accommodate more children if house building at West Huxterstone is delayed until 2016 and is phased as demonstrated in our Masterplan response. We are now in a situation where normal methods to mitigate overcrowding will no longer work at Kingswells as the primary school building has now been extended into the original playground and there is no land available for further short-term or permanent extension. At Kingswells, future overcrowding cannot be simply solved through asking for developer contribution. Further house building at this time in Kingswells will severely compromise the quality of education for children in an already very large, constricted primary school.

5. Sewer

There is a sewer running parallel to Fairley Road. The development should take due account of the sewer.

6. Contravening the masterplan principles - open spaces

This planning application does not comply with the Masterplan - 4. Guidance Principles. There are no *“series of green spaces which will be linked by a network of landscaping / Landscaping and open space requirements will be accommodated in the overall layout, within which the general philosophy will be to create “streets” and “places” rather than “roads”.*”

7. Gateway Opportunity

The Master plan calls for the entrance from Fairley Road to incorporate a Gateway Opportunity. The current application makes no allowance.

The site is split further into character areas, as shown on Figure 18. The opportunity for ‘gateway features’ over and above those found on standard plots exist at a number of important corners/thresholds in the development. The masterplan indicates generic house footprints either side of these threshold-junctions which are generally symmetrical. The masterplan also indicates a variation in ground scape and the use of shared surfaces at these points. The perspectives which are positioned to indicate such locations, indicate these attributes (symmetry and groundscape), and also indicate that the low level front garden boundary treatment is continued around the corner to the rear garden and that windows in adjoining public rooms are shown on these corner elevations. All of these steps have been taken to both ‘turn corners’ and create a focus at these points as part of the syntax of the overall development. Each gateway will be formed by a paired symmetrical grouping of housetypes. They will be rendered in a contrasting finish and will have different contrasting roof and door colours at each location to emphasis them as a focal point within the setting of the overall development

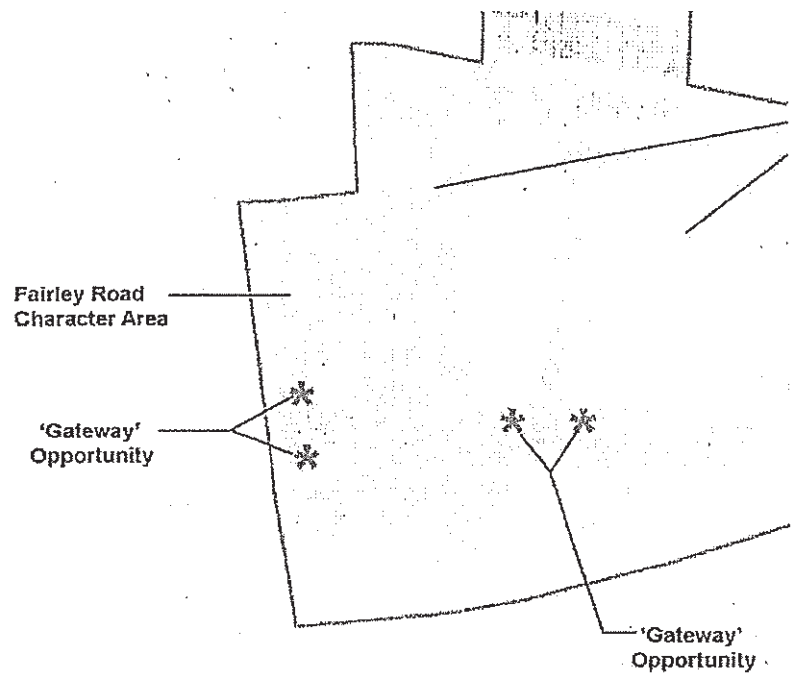


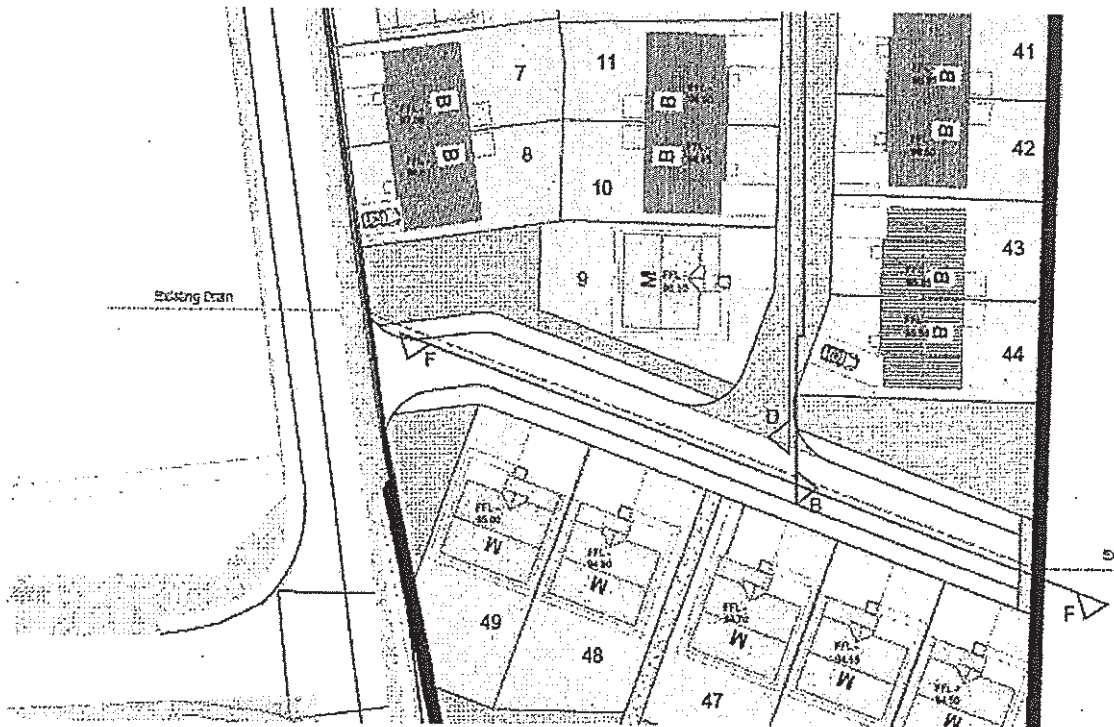
Figure 18: Character Areas

8. Home Zones

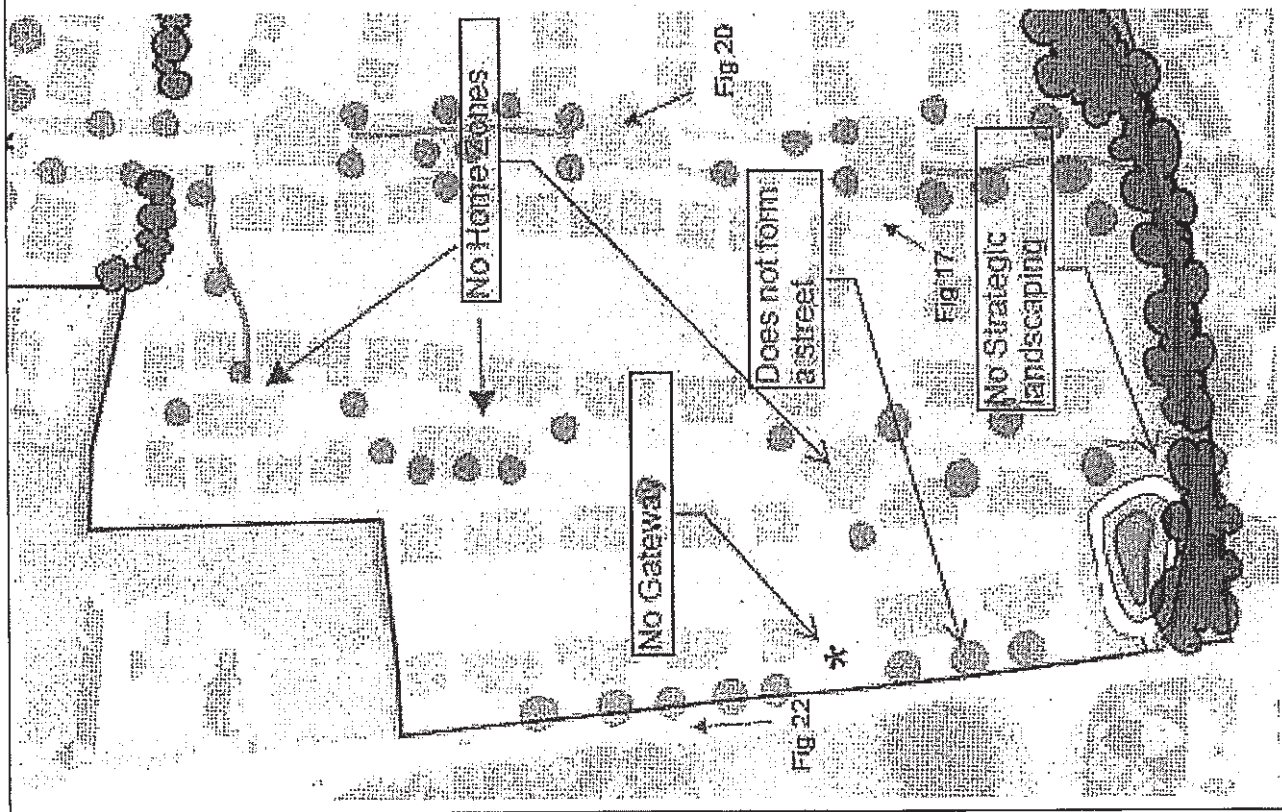
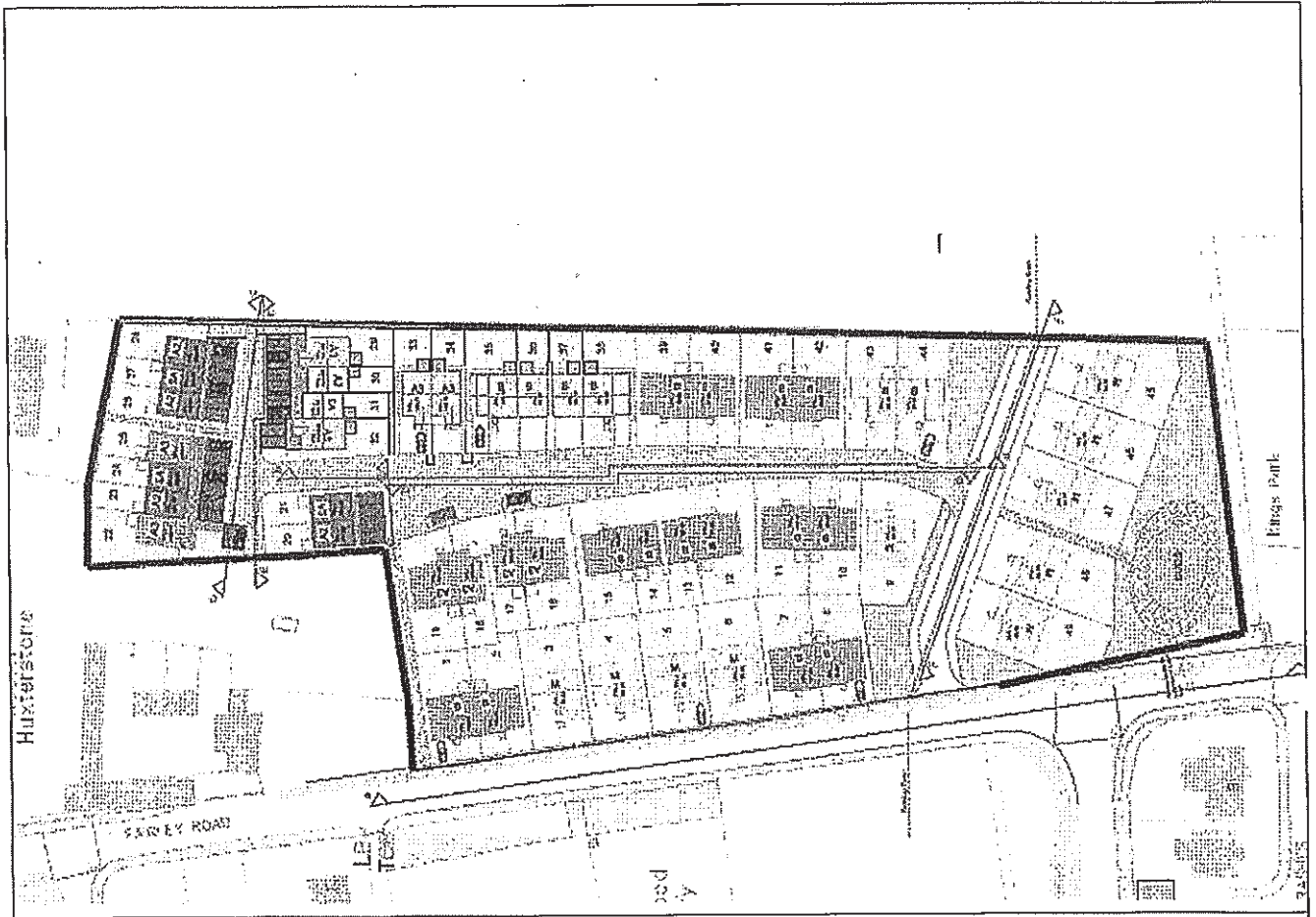
The Master plan calls for the roads within the development to incorporate home zones. The current application makes no allowance.

Fairley Road Character Area

The houses facing Fairley Road will be of a similar typology of those found elsewhere along the street as demonstrated in Figure 22. They will formally face the street and will utilise a simple palette of materials and detailing complemented, where practical, by rebuilt drystone dykes and formal tree planting forming their front gardens. The houses either side of this area's entrance will be selected to respond to the 'gateway' opportunity.



The home zones utilise areas of shared surfaces bounded by hedging. These areas in turn are defined by a series of terraced blocks which are arranged to formally demarcate a square. The house types entering these areas are laid out to be symmetrical and to frame that threshold. Such arrangements are illustrated on the indicative perspective of the eastern square and is an indication of the approach which will have to be adopted for these spaces.



9. Other aspects of the Master Plan that have been ignored

4.1 Guiding Principles

Through the site analysis and public consultation, proposals have developed and these are described in the following sections. The following principles have guided this Masterplan:

- Traditional villages are successful due to their use of both green and "urban" spaces. Such spaces assist the legibility of their community due to the association of streets with a sense of place.
- The development of the site will be based on a series of green spaces which will be linked by a network of landscaping. The southern edge of the site will enjoy clusters or strands of trees to create a more open "parkland" environment, whilst denser shelter belt planting will be utilised around the eastern perimeter of the site.
- Landscaping and open space requirements will be accommodated in the overall layout, within which the general philosophy will be to create "streets" and "places" rather than "roads".
- The "streets" and "places" created will be aligned with groups of housing. Building lines are an important consideration in the design of successful development and will ensure the creation of a "street".

4.2 First Thoughts

The initial analytical proposals for the site which were considered important to achieve the masterplan vision include the following and are demonstrated below and on page 11:

- Retention of the Den Burn and the Green Space Network along it to avoid the risk of flooding, to create and benefit from an attractive area and the creation of a landscaped SUDs basin towards the lower part of the site.
- Creation of a new shelter belt to the east of the site to provide appropriate screening of the development and to soften the development in terms of long distance views from the Lang Stracht and the A944.
- Enhancement of the buffers to the east of the site.
- Provision of an appropriate density of housing whilst retaining quality public green space.
- Creation of a series of linked public spaces lined with trees to allow green space to flow through the heart of the site.
- Creation of an easily accessible public green space to the south of the site.
- Principal vehicular access to the site to be provided from Fairley Road with a secondary vehicular access point from the Lang Stracht. Alternatively, consideration may be given to two access points from Fairley Road. Pedestrian and cycle access to be provided alongside vehicular accesses and through the landscaped area to the south of the site.
- Integration of the development within the context of Kingswells village by reinforcing the building lines with the surrounding developments along the Lang Stracht. The development should face outwards at these points.
- Reinforcement of the rural character of these interfaces by means of street side planting, front garden enclosures and in selected locations, hedges and stone dykes.
- The landscape framework will be supported by appropriately scaled and designed house types, which will be created using the established pattern of field boundaries, reflecting the character of Kingswells.

10. Conclusion

The planning application does not comply with the Masterplan. The application demonstrates how 49 homes can be squeezed into the space available without any regard to provide any community green space. This is a case of building houses – not communities.

The planning application does not adequately take account of the requirements of Environment, Planning and Infrastructure Committee on the 6th November 2012.

The comments made by KCC on the assessment of the second access from Fairly Road must be considered, and a fully independent assessment must be made. If the only reason for not proceeding with this option is that there will be less housing achievable then this is not adequate justification.

Kingswells Community Council request that this application is refused at this time.

Appendix 1

KCC comments on Fairhurst Access Statement

KCC comments are shown in red.

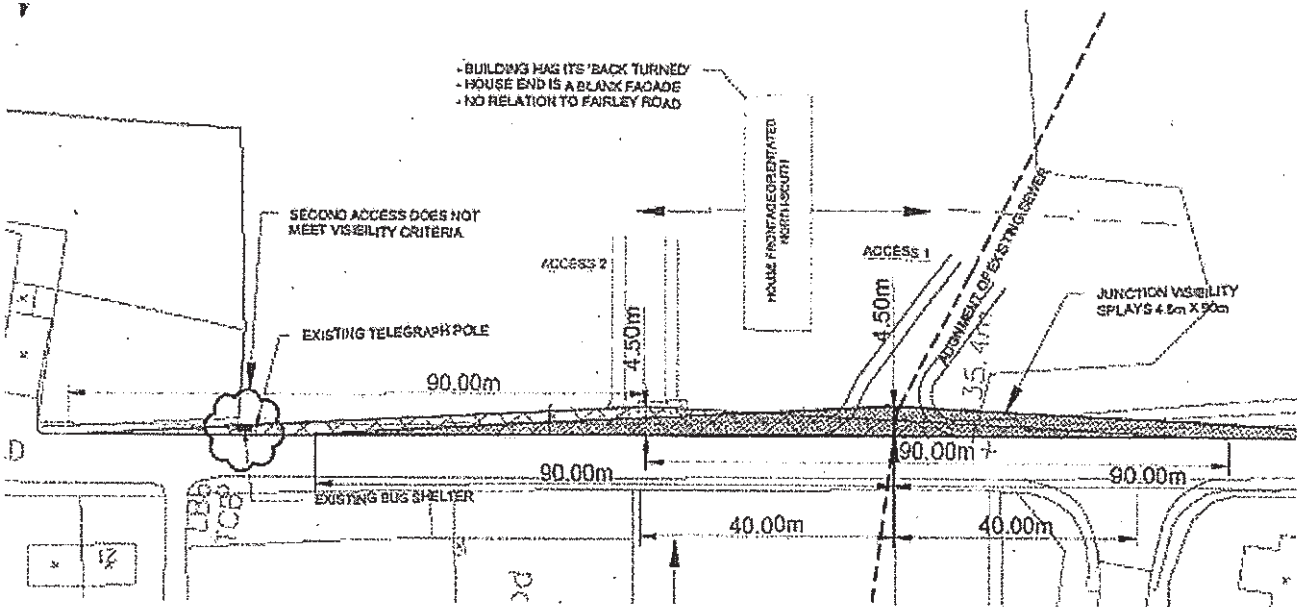
94412: West Huxterstone, Kingswells**Access Statement****1.1. Introduction**

- 1.1.1. This Access Statement has been prepared to summarise investigations into the feasibility of provision of two vehicular accesses to the West Huxterstone development site from Fairley Road.
- 1.1.2. The West Huxterstone site is identified in the Aberdeen Local Development Plan 2012 for the development of up to 120 houses.
- 1.1.3. Aberdeen City Council (ACC) Road Design Standards require a second point of vehicular access to be provided to a housing development if the total number of dwellings exceeds 100.

1.2. Vehicular Access from Fairley Road

- 1.2.1. ACC identifies a Road Hierarchy within guidance, which is designed to classify roads according to their principal purpose. Different classifications of road types identify differing standards applicable to key elements of road and access junction design. The principal matters requiring consideration when identifying suitable locations for the provision of development accesses are Junction Spacing and Visibility.
- 1.2.2. Fairley Road is identified as of Local Distributor Road status. A Local Distributor Road requires a minimum spacing between junctions of 40m, and a Visibility Splay of 90m by 4.5m. A Visibility Splay of 90m by 4.5m requires a driver to have uninterrupted view 90m to left and right from a point 4.5m back from the Give Way/Stop line at the junction.
- 1.2.3. ACC have a 'general presumption' against the provision of crossroads junctions which therefore precludes the provision of an access directly opposite to the connection from Fairley Road to C89 Kingswells Distributor Road. (This is not actually true. KCC have spoken to Roads Dept officials who have indicated that they have no problem with crossroads if they are engineered properly) The consequence of this is that the furthest south a junction can be located is at a point 40m north of the connector road. This junction location and indicative design is shown in blue on the Fairhurst Drawing 94412/8004 Revision A appended to this Access Statement. This location allows the provision of a junction which is compliant with design guidelines.

1.2.4. The location of the access junction 40m to the north of the existing Fairley Road/C89 connector road allows the access road to follow the alignment of the existing sewer, in accord with best practice in design. The sewer alignment is identified on the drawing.



(It is noted that the junction provided is less than 40m off the existing junction and has been re-orientated to provide a more advantageous design. The current speed limit in Fairley Road is 20mph and this is enforced using speed bumps. Consequently, the sight line requirements are less than stated by Fairhurst – this has been confirmed by ACC roads officials.)

- 1.2.5. In order to identify whether a second access could be provided, a point 40m north of the 'blue' junction has been identified, and Visibility Splays for this access have been identified and are shown in red on Drawing 94412/8004 RevA. The Visibility Splays cannot be provided as there is a visibility constraint to the north at the boundary wall of West Huxterstone Farm which cannot be mitigated. (KCC have verified that the sight line can be achieved see Appendix 2, and by reducing the site line requirement to suit 20mph speed limit would make it even more achievable.)
- 1.2.6. Drawing 94412/8004 Rev A identifies the implications of the provision of two access points from Fairley Road in terms of the orientation of housing which would result. Housing between the access points would require to face either north or south towards the access roads rather than west towards Fairley Road. Current National Policy contained in Designing Streets seeks to provide a 'street' feel, with the agreed Development Masterplan identifying housing facing out towards Fairley Road. (There is no requirement to change the orientation of any of the proposed homes. With the available house styles there are various options available to fill the space between access roads and comply with the requirements of the National Policy. If the relaxation on site distance is incorporated then this becomes easier. Referring to the excerpt from the proposed application – the application includes Plots 48 and 49 side on to Fairley Road and Plot 9 with its back to Fairley Road. This is in contravention of the National Policy)
- 1.2.7. The provision of a second access from Fairley Road would result in a very unattractive street scene which would not be in accord with Policy or the agreed Masterplan, with the sides of houses facing Fairley Road rather than house fronts. (See the comments on 1.2.6 – this is not the case. The application includes Plots 48 and 49 side onto Fairley Road – this is against National Policy)
- 1.2.8. The provision of two accesses to the West Huxterstone development from Fairley Road compliant with National Policy and Road Design Standards cannot be achieved. (This statement is not true. The preparation of this report has been half-hearted, with its primary aim to prove the option unviable [at any cost]. It employs double standards. In reality, it shows that if the same criteria were to be applied to the current application it would not be compliant with National Policy.)

Appendix 2

KCC Assessment of 2nd Entrance From Fairley Road

Current application

This site has historically been in the ownership of two joint developers; Graham Homes and Stewart Milne Homes Ltd (SMG).

To date, the original Masterplanning has been lead by Stewart Milne Homes Ltd on behalf of these two developers.

It appears that the west most 40% of the site has been sold on from Graham Homes to Danrara Development Group.

Given that change of ownership, evidence should be given that Dandara has accepted the conditions agreed in the Masterplanning process.

Planning submission

Dandara has now submitted an application for planning permission in respect of their share of the OP 42 development site; application 130288.

That submission shows 49 houses and relies on a WA Fairhurst Road Report.

The layout site plan shows one access to comply with 49 houses

Dandara submitted further reporting from WA Fairhurst such that there is no second access available to Fairley Road in terms of roads provision to comply with National Policy and Aberdeen City Council (ACC) Roads Design Standards.

Responses by Kingswells Community Council

The original site contains conditions identified by a Scottish Office Reporter;-

- No design of OP 42 such that access is made to the two further eastmost fields
- 120 houses maximum

Given that Kingswells has been identified as a village with substantial historic sites that evidence the area was carved out by the last ice age and that the Denburn forms topography that impacts into, and down through the City, the valley and Denburn must be preserved as seen now to continue and enhance the character and culture of Aberdeen.

OP 42 is a full development site of 120 maximum houses and must be treated on that basis despite two developers.

The developers are in partnership; they will share the assess/egress roads on the site albeit programmed and submitted at differing dates.

The WA Fairhurst 3 page Access Statement and accompanying drawing has been inspected and is herewith replied to in detailed terms. The general terms within that statement advise that a second access on site at Fairley Road is unachievable.

- Aberdeen City Council (ACC), Property & Technical Services Department, produced "Guidelines and Specifications for Roads within Residential and Industrial Developments" dated September 1998.

- That document is current and is referred to by WA Fairhurst in 1.1.3.
- ACC no longer holds that document as cast in stone; it is a reference only for basic layouts; lengths, areas, sight lines etc are to be assessed on individual circumstances.
- The drawing 94412/8004 A supplied by WA Fairhurst is inaccurate as follows and is referred to
 1. A cross over junction is possible and could be acceptable in certain circumstances. However in this case the main Westhill to Aberdeen sewer would preclude this on practical terms.
 2. The 40-metre distance from the centre line of the un-named road to the trunk sewer manhole is actually 37 metres. That would move the proposed access road south by 3 metres.
 3. The 40 metre length between the proposed access road and the "access 2" shown is not a definite requirement; it is a guideline measurement only in terms of the ACC document, and can be changed if circumstances dictate.
 4. The visibility splay shown towards the north from the "access 2" at 4.5 x 90 metres is again a guideline only. In this case measurements were taken from the centreline of "access 2" shown on the drawing north wise. A 90 metre point was established on the kerb going north, and a line established for a 4.5 x 90metre splay. It missed the dyke forming the feu at the north end by 300mm at the north side of the bus shelter. That line extending north did not also consider that the "access 2" shown could be moved 3 metres south given the trunk manhole sewer point already identified as incorrect.
 5. In terms of Fairley Road per say; assessment of the road is as it is found at the date of application; in this case the road incorporates a number of tarred and "permanent" traffic calming pillows. Further, while not a legally binding statement, there is 20 mile an hour numbers laid down within circles that advise that the road speed is now 20 miles per hour.
 6. In terms of the Guideline document and Table 6, the sight line splays are therefore capable of reduction.
 7. Given that, the road splays would be changed to 4.5 x 60 metres and accepted by ACC.

The result is, a second assess to Fairley Road is capable of being incorporated within the development of both the initial 45-house application and ultimately the 120-house development forming the OP Site 42.

That would negate the need to provide an access to the Lang Stracht and to preserve the east fields within the glacial valley again identified by the Reporter as of Historic importance.

Other matters

The Dandara site drawing APL_205 shows at the south end of the site, five houses in a somewhat constricted area.

That area is currently a natural wetland and course for the Denburn and that has to be preserved despite the SUDS pond shown on the drawing.

Planning Objection/Representation from Mr & Mrs McGrath, Morven, Kingswells, ABERDEEN

Proposed Development by Dandara Group at Fairley Road, Kingswells, Aberdeen

Application Number 130288

Planning & Sustainable Development	
Mail ID	29183
RECEIVED	07 MAY 2013
REPLY	/ /
Section	DM
Officer	TOH

Executive Summary

We object to the above application on the basis that it does not fully comply with the adopted Aberdeen Local Development Plan, undermines Aberdeen City Council's strategic intent to have balanced communities and will be detrimental in terms of amenity to the community and to the individual houses already within OP Site 42.

Our objections and concerns are listed in summary form here and grounds for our concerns are detailed in the following paper:-

1. The proposed development of two storey housing is outwith the character and previous planning guidance for housing within this area.
2. The plans fail to contain elevation documents that show the existing housing on the site, leading to insufficient information on the impact on the existing properties to enable planning officers and elected members to make a fully informed judgement.
3. Insufficient consideration is given to the sewage and surface water drainage systems of the existing properties resulting in unquantifiable risk and request that planning permission is withheld until this is fully resolved.
4. No information is given on how our rights to access to maintain our property (as documented in title deeds) will be provided, nor detail of lighting placement can be shared to give compliance with building regulations regarding heights and placement of street lighting relative to bedroom windows.
5. The plans do not contribute to the strategic planning intent of Aberdeen City Council to create balanced communities.
6. The plans will have an adverse impact on the ability of the school to adequately cope with an increased number of children.
7. There is a disproportionate density of housing relative to the total intended housing density for the whole OP Site 42 as described in the adopted Local Development Plan.
8. The plans fail to provide safe and attractive open spaces to encourage children to follow an active outdoor life.

We respectively request that members of the Planning Authority and elected members on the Committee give consideration to the following concerns.

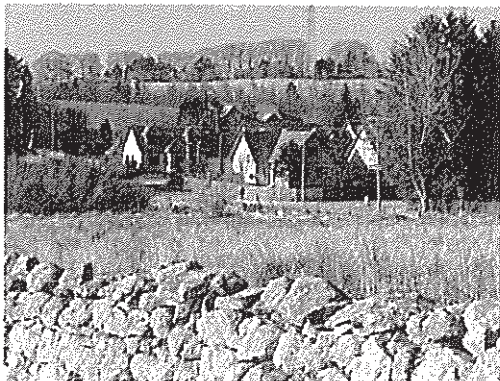
1. The Site Character-

The design statement clearly identifies the existing housing within the site as a 1½ storey traditional farmhouse and a bungalow (Morven).

It then draws attention to the two storey semi-detached properties on Fairley Road. These are to the north west of the site and at no point in a direct line with the site (as can be seen in the following photographs which are taken along the line of the hedge to the front of Wester Huxterstone).



The document fails to describe the houses to the south of the site which are the houses most visible to this development. To the south west is the small development of Whiterashes, and to the south



of the site the houses in John Arthur Court (off Old Skene Road) and more recently the very new houses built on Old Skene Road - all of which are 1½ storey cottage style houses.

Finally the houses to the North East of the site (The Manse, Burnside and the East Huxterstone Steadings) are also a combination of bungalows and 1½ storey buildings

During the masterplanning exercise the design team discussed the development as being of 1½ storey housing, and the final version of two storey houses was surprising.



We wish to object to the proposed development of two storey housing as being outwith the character and previous planning guidance for housing within this area.

2. The Proposed Site Layout (including Impact on the Existing Properties)

Lack of Information on Impact on properties already on the site - The Site Section Drawings A-A and C-C fail to show the existing houses of Wester Huxterstone and Morven. This makes it very difficult to fully comprehend the impact the new development will have on the amenity of the pre-existing houses. As the taller two storey houses are being built in front of the smaller single storey and 1½ storey houses it would seem essential to be aware of the relative heights to judge the impact on privacy, day light and the sky line when viewed from the Westhill Road. Should the plans proceed unamended, Morven will face directly onto the rear of the row of seven two-storey terraced houses. The bedroom windows of these houses could be level with the lounge, master bedroom and second bedroom windows of Morven. The south facing lounge window of Morven is in effect a glass wall. It is impossible without having elevation drawings that show the relative heights to know if we shall be forced to live with curtains drawn to achieve a degree of privacy. We request the plans be refused until detailed information on the impact on the existing properties is fully described to enable planning officers and elected members to make a fully informed judgement.

The sewer and surface water drainage for Wester Huxterstone and Morven run directly through the field and connect to the existing main sewer identified within the plans. To ensure these pipes can be repaired the house titles include irredeemable rights of access across the field for the purpose of maintenance and repair. Despite having sent this information to Ryden's to allow this to be considered within the planning proposals there is nothing within the document to indicate that these pipes will be protected, or included within the scheme. The present layout suggests that if the drainage for these two properties is not included within the scheme it will be impossible to repair any damage as the pipes will be below housing and our irredeemable rights of access will be meaningless. We object to the plans on the basis of risk to the sewage and surface water drainage systems of the existing properties and request that planning permission is withheld until

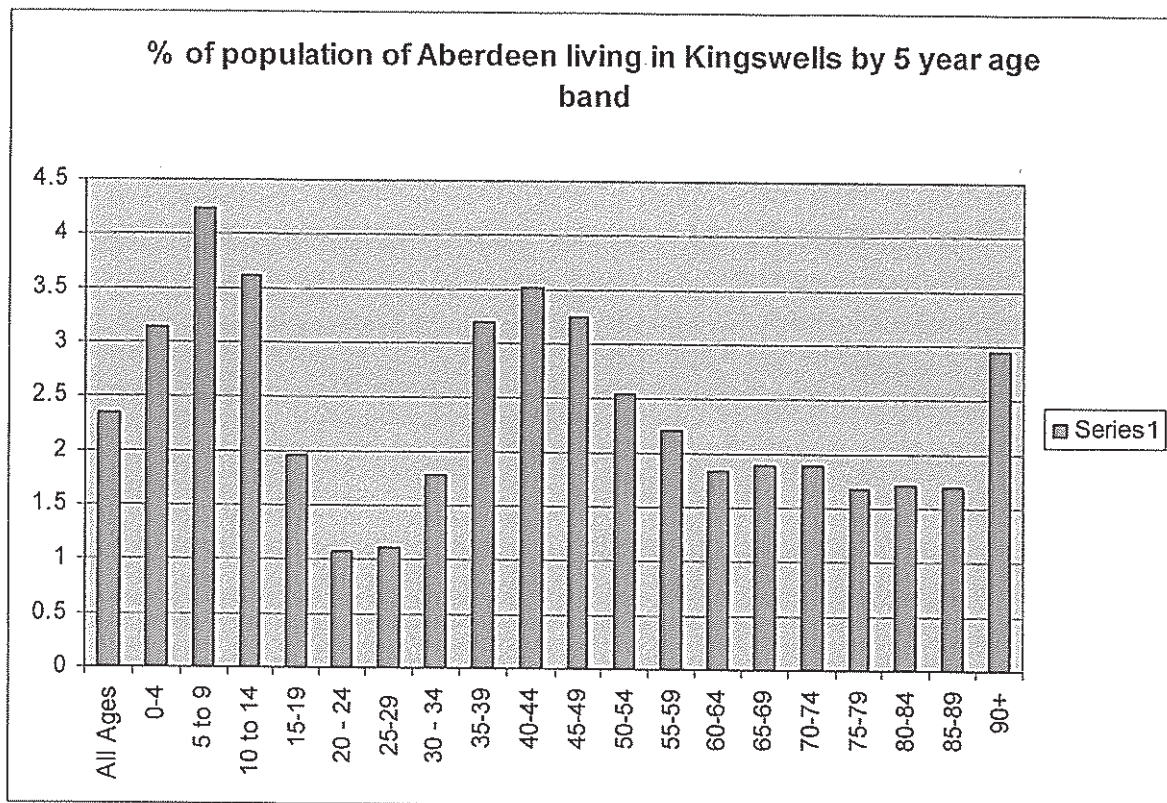
this is fully resolved. There is a secondary risk that our properties will not be able to be sold due to the impact on our property title deeds.

Water Supply – Subsequent to the development at Whiterashes there were difficulties with our water supply resulting in multiple failures of electric showers. Scottish Water investigated the situation and explained that as our water supply flows uphill from Wester Huxterstone there was insufficient water volume to maintain water pressure at peak times. This resulted in us having to invest in alternative showering facilities. The water volume to the house remains low and will deteriorate further unless new water supplies are brought to the area. We are aware that the Business Park has invested in additional piping to bring water to the area, but these plans seem to indicate an intention to use the existing water supply without increasing the infrastructure required to bring additional water capacity to Kingswells.

Property maintenance our present title also gives irredeemable rights of access to maintain our boundary fence, etc. This may be facilitated to an extent by the path shown between plots 25 and 26, but this path does not extend to the full length of our boundary. In the interest of preventing neighbour disputes over the maintenance of the long established cyprus hedging this path should be extended along the entire expanse of the hedge. We also note the police comments about this being a security risk and that the path should be protected by a secure gate. We would seek assurance that this would not obstruct us from maintaining the boundary hedge. In addition, we would be concerned if there was to be street lighting on the path as this would shine into the two south facing bedroom windows. We request that planning officers and elected members object to the plans until detailed information is provided on how access to maintain our property will be provided, and the detail of lighting placement can be shared to give compliance with building regulations regarding heights and placement of street lighting relative to bedroom windows.

Housing Mix – We object to the plans on the basis that they do not contribute to the strategic planning intent of Aberdeen City Council to create balanced communities.

Various planning documents issued by Aberdeen City and most recently the Aberdeen City and Shire Strategic Development Plan highlights the need to “create sustainable mixed communities and the associated infrastructure, which will meet the highest standards of urban and rural design for the needs of the whole population”. The 75+ population in Aberdeen City is expected to increase by 69% increase over the next 25 years (*General Register Office for Scotland Population Projections 2011*). Kingswells as a community is very underserved by housing suitable for the over 75 population. Aberdeen City Council website population estimates show the percentage of the Aberdeen Population living in Kingswells by age group to be above the average for all ages in the age groups 0-14 and 35 – 54, indicating that the community is well served with family housing. [The relatively high age 90+ population is due to the presence of a large nursing home.]



Many households face the choice of remaining in their 3-4 bedroomed family home, or leaving Kingswells to find appropriate pre-retirement/retirement housing elsewhere in the City. If this development is allowed to proceed on the basis of yet more family housing it is perpetuating this situation. Failure to encourage people to relocate to suitable accommodation to support their older years will result in continued dependency on care services rather than the strategy described in the Councils Joint Strategic Commissioning Plan of encouraging people to be able to remain safe, independent and self caring within their own homes. If private developers are not encouraged to contribute to the development of housing for all age groups and all levels of physical ability, the burden to provide such housing will fall on the Council and the cost of care on the Council and NHS.

There are people far more competent than ourselves to comment on the style of housing, but there is much to be learned from the existing Kingswells housing. Streets include a mixture of single, 1½ storey and two storey housing, set at different distances from the street, with a range of styles and sizes, enabling people of all ages to co-exist within a street. This development (like the most recent one on Old Skene Road) is by contrast very uniform and boring. We admit we are not experts, but were very surprised to see toilet accommodation being directly accessed off the cooking area of the kitchens.

Public Services – Schooling. One benefit to the City of encouraging this development to more closely reflect the need for a balanced community within Kingswells would be that it would reduce the constant upward pressure within Kingwells on pre-school and primary schooling, thus allowing

the present school to continue to meet the needs of all such children within the community. Should the school fail to accommodate additional children the Council will be faced with two high cost options i) conveying children to pre-school and primary school establishments elsewhere in the city, ii) building a new school. The first option not only brings significant recurring costs but as potentially it would affect children as young as 3 it seems inappropriate and would affect the ability of the children to be part of the village community and socialise with other children in Kingswells. Enabling relocation within Kingswells from pre-existing family housing to pre-retirement housing would vacate houses within the community for new families to move in to. These existing houses would be closer to the school and village centre facilities and reduce the traffic within the village as it would facilitate walking to school etc. We object to the plans on the basis of the impact they will have on the ability of the school to adequately cope with an increased number of children.

Public Amenity – Open Space and the health and safety of children. The total area of Opportunity Site 42 West Huxterstone was 6 hectares and the adopted Aberdeen Local Development Plan (February 2012) identified this as suitable for 120 houses. This site is 1.576 hectares of the total 6 hectares (26%) and the proposed plans are for 49 houses (41% of the 120 houses). This would indicate a degree of overcrowding relative to the spacing of the second phase, or a determination by the developers to exceed the 120 houses agreed within the Aberdeen Local Development Plan. This increased density has resulted in very small gardens for many of the houses, combined with a lack of play areas and open spaces other than the SUDS and small open space area around the Den burn. This end of Kingswells has very few accessible areas for children. The open space adjacent to Adventure Aberdeen (the previous primary school) is frequently flooded and unsuitable for play, it is also often used for dog exercise classes and by Adventure Aberdeen for classes. If allowed to proceed this will be the third family housing development within the community with no consequential investment in leisure or recreation spaces. We would like to raise an objection to the plans on the grounds of failing to provide sufficient open space (for what is intended as family housing) which may lead to children choosing to play around the SUDS and the burn with associated risk of harm or drowning. Another reason why the site should perhaps be targeted for an older age group. We object to the plans on the basis that there is a disproportionate density of housing relative to the total intended housing density for the whole OP Site 42 as described in the adopted Local Development Plan, and also due to the failure of the plans to create safe and attractive open spaces to encourage children to follow an active outdoor life.

We would wish to thank the officers and elected members of the planning authority for considering these concerns.

From: Jim Hepburn [REDACTED]
To: <pi@aberdeencity.gov.uk>
Date: 20/04/2013 23:08
Attachments: DSC_1670.JPG; DSC_1674.JPG; DSC_1680.JPG; DSC_1685.JPG; DSC_1676.JPG

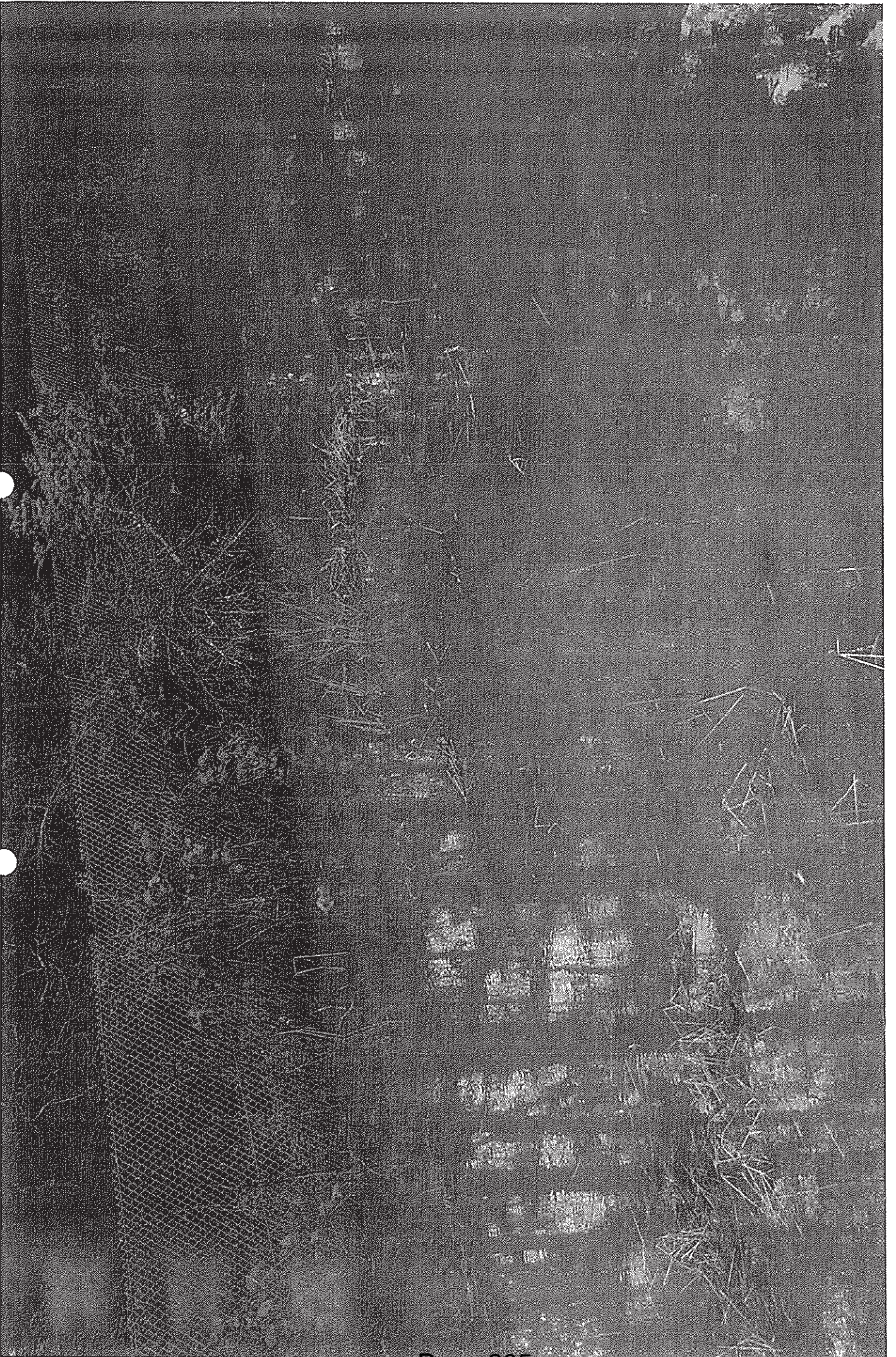
9 Whiterashes
Kingswells
AB15 8QE

Dear Sir / Madam,

Having received the Neighbour Notification Notice regarding Application Number 130288 for the development in Kingswells, I would like to draw your attention to the conditions we observe on a regular basis. The attached pictures were taken after heavy rainfall had passed and the water level had actually fallen a few inches. My concerns are for the condition of the proposed development site as, over the years, the lower end of the proposed site has been permanently waterlogged, so I am amazed to hear that this area is to be developed. A more personal concern is the effects development could have on my property. At the moment the land surrounding my property, although saturated, can just cope with the draining of rainwater. However, changes to the surrounding terrain may tip this delicate balance, therefore any changes or development will be monitored closely and those responsible will be held accountable.

J Hepburn











PI - Fwd: Re: West Huxterstone - Dandara

From: Tommy Hart
To: PI
Date: 19/04/2013 10:45
Subject: Fwd: Re: West Huxterstone - Dandara

Please log this as an objection for application 130288

ta

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Tommy Hart
 Senior Planner (Development Management)

Planning and Sustainable Development | Enterprise, Planning and Infrastructure | Aberdeen City Council | Business Hub 4 |
 Ground Floor North | Marischal College | Aberdeen | AB10 1AB |
 Direct Dial: 01224 523126 | Fax: 01224 523180 | Switchboard: 08456 08 09 10
 Email: tomhart@aberdeencity.gov.uk | Website: www.aberdeencity.gov.uk/planningapplications

>>> Marianne McGowan [REDACTED] 19/04/2013 09:22 >>>
 Tommy

Can you treat as an objection meantime. Hopefully I can withdraw once the cul de sac has been amended.

Marianne

Marianne McGowan BA(Hons) MSc MRTPI
 Area Director - Strategic Land
 Stewart Milne Group

On 19 Apr 2013, at 08:54, "Tommy Hart" <TomHart@aberdeencity.gov.uk<<mailto:TomHart@aberdeencity.gov.uk>>> wrote:

Marianne

Thanks for that. Have I to take this as an objection or just comments?

Tommy

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Tommy Hart
 Senior Planner (Development Management)

Planning and Sustainable Development | Enterprise, Planning and Infrastructure | Aberdeen City Council | Business Hub 4 |

Ground Floor North | Marischal College | Aberdeen | AB10 1AB |
Direct Dial: 01224 523126 | Fax: 01224 523180 | Switchboard: 08456 08 09 10
Email: tomhart@aberdeencity.gov.uk<mailto:tomhart@aberdeencity.gov.uk> | Website:
www.aberdeencity.gov.uk/planningapplications<http://www.aberdeencity.gov.uk/planningapplications>

>>> Marianne McGowan [redacted] <mailto:[redacted]> > 18/04/2013 18:04 >>>
Tommy

I have seen that Dandara have lodged their planning application and would make the following points

- 1) Dandara have shown a cul-de-sac from their access point to the south of the site. This is not in the spirit of the masterplan which requires a connection through to the SMH portion of the site. I trust you will be seeking Dandara to amend this to take their road to the property boundary.
- 2) I note Dandara have not lodged a flood risk assessment for their part of the site. We have concluded ours and as a result I suspect that Dandara could not construct some of the houses south of their access road as it in the flood plain.

Happy to discuss.

Marianne

Marianne McGowan BA(Hons) MSc MRTPI | Area Director - Strategic Land Division
Stewart Milne Group
Osprey House, Mosscroft Avenue, Westhill, Aberdeen AB32 6JQ
Switchboard - [redacted]
Direct - [redacted]
Mobile - [redacted]
www.[redacted] blocked: [redacted]

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Planning Development Management Committee

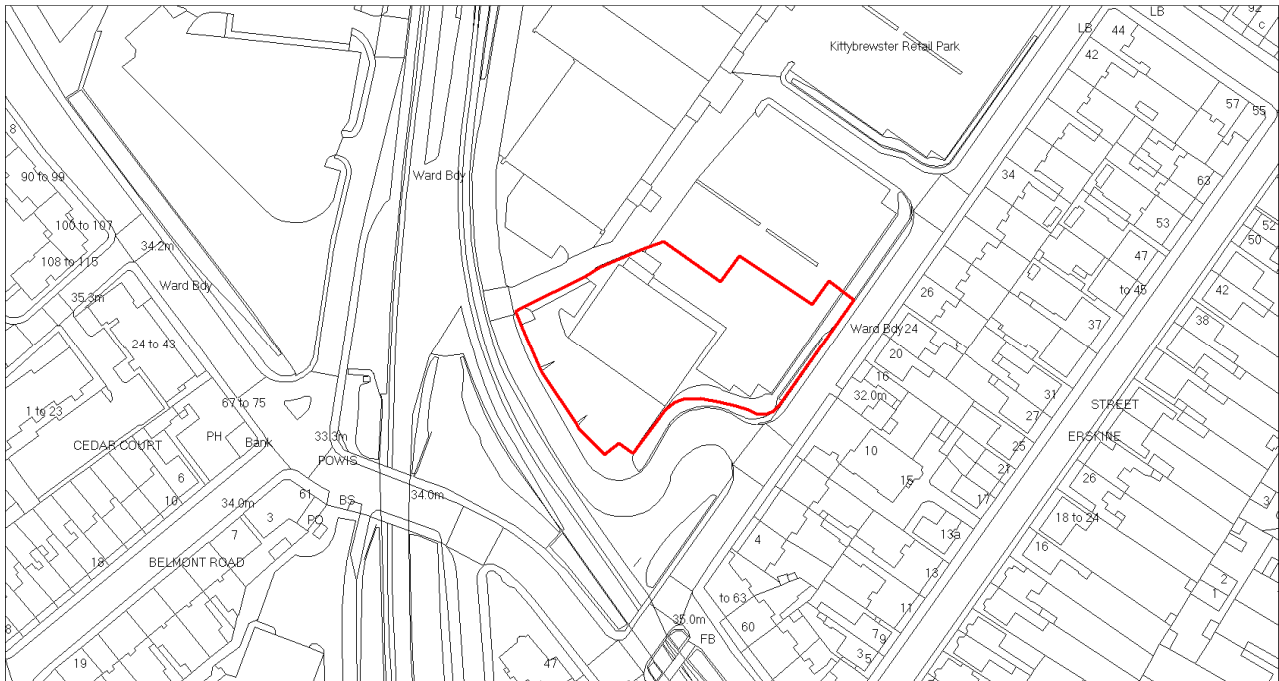
UNIT 7 KITTYBREWSTER RETAIL PARK,
BEDFORD ROAD

DEMOLITION OF UNIT 7 AND ERECTION OF
CLASS 11 (ASSEMBLY AND LEISURE) AND
CLASS 3 (RESTAURANT) DEVELOPMENT
WITH ASSOCIATED WORKS INCLUDING CAR
PARK RECONFIGURATION.

For: Zurich Assurance Limited

Application Type : Detailed Planning Permission
Application Ref. : P130766
Application Date: 30/05/2013
Officer: Sally Wood
Ward : Tillydrone/Seaton/Old Aberdeen
(J Noble/R Milne/R Grant)

Advert: Section 34 -Proj. Pub. Concern
Advertised on: 19/06/2013
Committee Date: 24/04/2014
Community Council : Objects.



RECOMMENDATION: Approve, subject to conditions.

DESCRIPTION

The application site is located at Kittybrewster Retail Park, and relates to Unit 7, which is currently occupied by two retailers, both retailing furniture. The Unit is located within the southern part of the Retail Park. The north boundary of the application site is adjacent the car park, the east elevation faces towards Bedford Road, beyond which are residential properties. To the west and north west is a secondary vehicular access which is generally a service road and is signed as not for 'public access' from the Bedford Road, beyond which is a railway line.

The existing units (Unit 7) occupy the ground floor only, and are considerably lower than the other Units within the Park, and are some 4.9 metres in height.

RELEVANT HISTORY

131509 Engineering and other works to existing service yard and adjacent areas including extension to service yard and creation of pedestrian linkages and associated works (in relation to P130766). Pending consideration.

A6/0872 Refurbishment of the frontage of existing units with the inclusion of a free-standing canopy over the walkway around the front of said units. Approve subject to considerations, 26.02.2007

A6/0883 Erection of a pod unit consisting of 5 units at ground and first floor levels. Approve subject to considerations, 07.03.2007

A6/0874 Demolition of Unit 7 and erection of new retail unit. Refused contrary to officer recommendation at Committee 08.03.2007. Allowed on appeal, 29.10.2007.

Pre-2000 Consents pertaining to the wider Retail Park.

89/0603 Erection of 133 000 sq. ft. non-food retail units 10 000 sq. ft. garden centre & 5000 sq. ft. restaurant. Withdrawn by applicant, 08.11.1989.

89/1081 Erection of 142 500 sq. ft. non-food retail units and a 10 000 sq. ft. garden centre on the 10 acre site. Granted subject to conditions, 17.01.1990.

90/0965 Repositioning of the customer access road. Granted subject to conditions, 17.01.1990.

PROPOSAL

The application seeks detailed planning permission which involves the demolition of the existing unit (unit 7) and for the erection of two detached buildings, one to

accommodate a fast food restaurant with drive-through and the other to accommodate a gym.

The fast food restaurant would be sited within the eastern section of the application site boundary, and would sit some 10 metres from the back of the footpath along Bedford Road. The building would have primarily a rectangular footprint, with the narrow elevation presented parallel to Bedford Road. The building would have a flat roof and be 7.2 metres in height. Accommodation would be over two floors. The proposed building is shown as 13.0 metres wide by 25.7 metres long (including the porches at ground floor). It would have large overhanging eaves details at the roof.

The gym would be located to the west of the proposed restaurant and would have an irregular footprint which is best described as comprising of a rectangle with a triangle attached to it. The building would be 10.3 metres high, and at its widest 34.6 metres by 35.5 metres. A mezzanine floor would be installed which would in size be approximately 50% of the ground floor area.

In addition to the erection of the buildings, it is proposed to carry out changes to the existing layout within the retail park, to accommodate alterations to the car park, vehicular turning areas for servicing and infrastructure required in association with the proposed drive-through. Some of the engineering works are subject to a subsequent submitted planning application which is pending consideration, P130766, and will be dealt with under delegated powers following determination of this application.

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?130766>

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

In support of the application the following documentation was received:

1. Design and Access Statement (purely focused on the Restaurant element of the proposal).
2. Planning Statement (purely focused on the Restaurant element of the proposal)
3. Transport Assessment
4. Sequential Test
5. Aberdeen Retail Availability study

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there have been more than five letters of representation and an objection from the Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team - A Transport Assessment (TA) has been submitted in support of the application and this has been followed by extensive discussion and the submission of a number of technical notes. In summary no objections, but notes the following, a number of which matters are recommended to be secured by conditions.

Car Parking

At present the retail park has 496 car parking spaces. Following the development this will fall to 447 car parking spaces. In accordance with the Councils parking standards the proposal generates a maximum of 140 car parking space requirement. This would leave a total provision of 347 car parking spaces for the existing retail units, of which 194 are located in an overflow car park to the rear of the Park. The TA has demonstrated that overall there would be sufficient capacity within the site to accommodate the existing demand and that generated by the new development; however there would be an increased reliance on the overflow car park to the rear. Satisfied that there would be sufficient parking within the site and do not consider that the loss of parking spaces in the site would create an overspill problem to the surrounding street. However, pedestrian access to and from the overflow car park requires to be improved, and a condition should be attached that prior to occupation the developer identify and provide an acceptable pedestrian route to the overflow car park.

Awareness of the rear car park will be required as the TA identifies that increased use of it will be required. This should involve bold signing and lining throughout the car park and pedestrian areas. A review of the lighting and security arrangements in the rear car park area must be undertaken in order to alleviate any feeling of fear of lack of security that members of the public may have, this should be secured by condition.

Cycle and Motorcycle Provision

Cycle and motorcycle parking must be provided in accordance with the Councils parking standards, secured by condition. Showers, lockers and staff changing facilities should also be secured.

Vehicular Access

A number of traffic surveys have been undertaken. The March traffic survey has surveyed the queue on Bedford Road, and this has shown that, as expected, the currently queues extend past the service access to Kittybrewster on a number of occasions. For a number of reasons, and taking into consideration the impact reported, the Roads Projects Team considers that the development cannot be accommodated in its entirety on the current road network. The Councils committed Third Don Crossing scheme will introduce a bus gate on Bedford Road, reducing the amount of traffic onto this link. It is considered with the evidence submitted to the Planning Authority, that the fast food and drive-through restaurant can only be accommodated following the implementation of the Bedford Road bus gate associated with the Third Don Crossing. Recommend a

condition be attached to any consent that the restaurant proposed is not occupied until after the Bedford Road bus gate has been completed and is in operation. The increase in vehicular trips associated with the proposed gym is relatively small, and therefore satisfied that this could be accommodated on the local road network in its current condition, and therefore will not require to be phased.

Given the results of the Traffic Surveys it is considered that it is inappropriate that the development uses the current service access as a second general access point. The interaction of the queues from the Powis Place/ Bedford Road junction mean it would be difficult to turn right from the development, with potential implications to the wider road network. Given the increased use of the overflow car park there may be increased temptation for vehicles to try and use the service access, which would be unacceptable. Therefore request that the service access be formally identified as such, and a condition securing a means of preventing general vehicles from using this route and that this is carried out to the satisfaction of the Council.

Other

Satisfied with the servicing arrangements that have been identified.
A condition securing a Travel Plan is required for the development.

Environmental Health – no objections, subject to conditions.

Enterprise, Planning & Infrastructure (Flooding) - seeks clarification on surface water discharge

Planning Gain – no contributions are considered appropriate in this instance as one use class is being replaced with another.

Community Council Froghall Sunnybank and Powis– Objects. Comments are summarised as follows:

1. Concern about a 24-hour drive in to be open 24 hours a day, 7 days a week. Inappropriate in a retail park, everything else is closed and it is quiet after normal working hours. All night opening would increase traffic, noise, litter and anti-social behaviour.
2. The building would result in a loss of privacy.
3. Close to three schools, encourage childhood obesity.
4. Inadequate access and turning for large delivery vehicles at the loading bay.
5. Footprint of drive-in facilities (extended driveways) is a waste and misuse of valuable inner city space.
6. Extra traffic would break up the community.
7. Junction of Bedford Road and Powis Terrace already suffers traffic generation and pollution. Problems will be exacerbated with Third Don Crossing and proposed one way system.
8. Do not need another restaurant; existing facilities would be detrimentally affected.

REPRESENTATIONS

25 number of letters of representation have been received, objecting to the application. The objections raised relate to the following matters –

1. Opening hours 24 hours a day, 7 days a week (shops close at a reasonable time).
2. Attract crowds at night –intoxicated persons. Unsocial behaviour.
3. The road is currently at capacity
4. Additional traffic
5. Existing 20 mph speed limit is rarely enforced
6. Insufficient parking within the Retail Park has led to instances of on-street car parking outside dwellings on Bedford Road. Loss of residents parking.
7. The retail park at weekends is completely congested and access onto Bedford Road via the ramp difficult.
8. If propose to use the road to the west of Unit 7 the traffic at the lights would be a big problem.
9. Powis Place/Bedford Road development will increase traffic flow, frustrate locals with bus delays, and noisy vehicles stopped outside houses waiting to access the junction.
10. Road safety concerns for cyclists, including at the junction with Powis Terrace.
11. Encourage speeding/racing/use of car park at night
12. The proposal would increase numbers of HGV's in the area
13. Road safety- pedestrians, pets, children.
14. Litter
15. Increase in crime/ vandalism
16. Not in keeping with the area (the proposed use)/ Change the character of the area which is predominantly residential
17. Attraction to seagulls and vermin
18. Visual impact of a two storey building, which would be predominantly illuminated, affecting visual impact and views. Out of character.
19. Light pollution
20. Loss of privacy
21. Odour.
22. Noise – 24 hours; from cars; from HGV's; from pedestrians; from outside eating area; from plant on the roof. Currently park closes and barriers put in place, 24 hours will increase noise
23. Pedestrian safety. Lack of crossings in area.
24. Attract school children, particularly at lunch times. Against healthy eating. Children congregating on streets. Raises road safety concerns.
25. Questions raised about notification/publicity of the planning application
26. Same plans were proposed at Berryden, but legal action was taken which prevented it from occurring. We are now subject to this proposal as a community, and the community does not have money for a legal challenge.
27. Existing tenants will lose tenancy
28. Demolition of existing buildings will cause dust and noise.
29. Do not need additional amenities in the area, there are enough.
30. Impact on existing businesses

31. There are two drive-through's within 5 miles at Bridge of Don and Dyce, don't need another.
32. Errors in supporting statement, the existing units are occupied not vacant.
33. Object to the ethical considerations about the parent company.
34. Unacceptable that local residents were not notified in writing of the application.
35. Berryden Retail Park would be a more suitable location.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy, 2010

Commercial centres are distinct from town centres as their range of uses and physical structure makes them different in character and sense of place. They generally have a more specific focus on retailing or on retailing and leisure uses. Examples of commercial centres include out-of-centre shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres (para. 54).

Investment to maintain and improve commercial centres should be supported where the centres are part of the network and where such investment will not undermine town centres (para. 55).

The evening economy should be encouraged and managed in appropriate centres to ensure life and activity outwith usual retail hours. When...deciding applications, planning authorities should consider the scale of the developments and their likely impact, including cumulative impact on the character and function of the centre, the amenity of nearby residents and anti-social behaviour and crime (para. 58).

The sequential approach should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception. It should also apply to proposals to expand or change the use of existing developments where proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are considered in the following order:

- town centre,
- edge of town centre,
- other commercial centres identified in the development plan,
- out of centre locations that are or can be made easily accessible by a choice of transport modes (para. 62).

Where developments in commercial centres are not consistent with the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on the existing centres is acceptable. Out-of-centre locations should only be considered when:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable,

- development of the scale proposed is appropriate, and
- there will be no significant adverse effect on the vitality and viability of existing centres (para. 63).

Scottish Planning Policy also promotes good design within development, and deals with topics including transport and parking, promotion of sustainable and energy efficient development, and waste management..

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

D1 - Architecture and Placemaking

To achieve high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy C1 – City Centre Development – Regional Centre

Proposal for new retail...leisure and other city centre uses shall be located in accordance with the sequential approach referred to in the Retailing section of the Plan and in the relevant Supplementary Guidance: Hierarchy of Retail Centres.

Policy C2 – City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail development as defined in Policy RT1. Where sites are not available in the City Centre Business Zone, then sites elsewhere in the City Centre may be appropriate.

Policy T2 – Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Reference is made to car parking standards.

Policy D3 – Sustainable and Active Travel

New development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel.

Policy RT1 – Sequential Approach and Retail Impact

All retail, commercial, 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
Tier 4 - Neighbourhood Centres
Retail Parks

Proposals for development on an edge-of-centre site will not be supported unless:

- the proposal is one that would have been appropriately located in the retail location to which it relates; and
- in the retail location to which it relates no suitable site for the proposal is available or is likely to become available in a reasonable time.

In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location listed in the Supplementary Guidance: Hierarchy of Retail Centres, and shall accord with all other relevant policies of the Local Development Plan, including those relating to design, access and amenity. A Retail Impact Assessment may be required.

Policy RT2 - Out of Centre Proposals

Retail, commercial, leisure 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 requirements:

1. No other suitable site in a location that is acceptable in terms of policy RT1 is available or is likely to become available in a reasonable time.
2. There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.
3. There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
4. 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 not be dependent solely on access by private car.
5. The proposed development would have no significantly adverse effect on travel patterns and air pollution.

Policy R6 - Waste Management Requirements for New Development

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. This percentage requirement will be increased as specified in Supplementary Guidance.

Other

There are other policies (H1 Residential Areas and H2 Mixed Use Areas) which whilst not strictly applicable as the site is identified as a Retail Park within the development plan, nevertheless consider relevant factors in terms of impact on amenity. Policy H2 is for Mixed Use Areas, which this has similar characteristics. It is therefore considered that the principles of these policies are appropriate to ensure that development does not have an adverse impact on existing residential amenity.

Supplementary Guidance

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

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.

Location within Retail Park

Scottish Planning Policy indicates that Retail Parks (Commercial Centres) are acceptable locations for retail and leisure forms of development. It also supports proposals which do not change the context of the Retail Park. The Council's Local Development Plan defines Retail Parks as 'a grouping of three or more retail warehouses with associated car parking', whilst there is no mention of leisure within the definition, there is also no steer that only retail forms of development would be acceptable. It is therefore considered that the proposal is not in conflict with the Retail Park, given the policies contained within the Development Plan and Scottish Planning Policy. The sequential approach assessment submitted by the agents demonstrates that there are no suitable sites for the proposed uses in any established centres which are sequentially preferable.

On this basis it is considered that the proposal is acceptable in terms of principle, subject to detailed considerations. The proposal is considered to comply with, or not be in conflict with, planning policies C1 (City Centre Development – Regional Centre), C2 (City Centre Business Zone and Union Street), RT1 (Sequential Approach and Retail Impact) and RT2 (Out of Centre Proposals), and Supplementary Guidance Hierarchy of Centres.

Representations submitted raise concerns relating to the suitability of the site, and recommend that the proposal should be sited elsewhere within the city.

However, there are no objections raised in planning policy terms to the location of the development at Kittybrewster Retail Park.

Supporting Statement

It is noted that within the submitted supporting statement that reference is made to Units 7 both being vacant. This is not however the case. The fact that the units are both in operation is not a material consideration in the assessment of this application in light of the relevant planning policies.

Transport

Based on the observations from the Roads Projects Team it is considered, subject to conditions, that there would be no adverse impact in terms of road safety or road network capacity. Conditions include phasing of the proposed development; improvements within the internal layout of the car parking areas, including improvements to the pedestrian access to the rear car park; and no general vehicle access of the 'service road'.

A number of the representations raised concerns in connection with issues related to traffic, including additional traffic, capacity of the road network, car parking, road safety, and pedestrian safety. It is noted however that the Roads Projects Team have raised no objections on any of these issues, subject to conditions which would provide any appropriate mitigation.

It is judged that it is both necessary and relevant to phase the timing of the occupation of the restaurant use with drive through because it is considered that the proposal as submitted would have an adverse impact on the existing road network if it were to be implemented in its entirety within the current road layout. It is considered that the proposed gym building would not have an adverse impact on the road network due to the anticipated vehicle numbers, and therefore there are no concerns relating to this element of the proposal. The fast food restaurant and drive through however, would contribute to the road network in an adverse way due to capacity issues. There are some reservations with regards to the mitigation works proposed by the applicants Transport Assessment, but the Roads Projects Team have sufficient evidence to be confident that post the next Bridge of Don Crossing and the Bus Gate, that the proposed restaurant use with drive through would not have an unacceptable impact on the road network. On that basis it is considered that the restaurant and drive through cannot be operational until the bus gate is fully operational. No specific dates can be given to this element of off-site works and therefore it is considered that any condition must refer to the physical works, although it is expected to be completed before the end of 2015.

It is considered that the existing Retail Park is well served by a frequent bus service. The proposal will involve a rationalisation of car parking spaces, but will include an enhancement of pedestrian access to the overflow car park secured by condition. A condition proposing additional cycle spaces and motorcycle

spaces should provide for alternative forms of travel, and showering and changing facilities for staff.

The Roads Projects Team has requested a Travel Plan, but given the nature of the proposals, a gym and fast food restaurant with drive through, it is not considered that this is appropriate. In terms of the uses they would operate 24 hours a day which would mean staff covering various shifts. The site is well served by public transport, and given the existing units, in this instance it is therefore not considered necessary for a Travel Plan.

On the basis of the above observations it is considered that the application is acceptable, and subject to conditions, complies with or is not in conflict with planning policies T2 (Managing the Transport Impact of Development); D3 (Sustainable and Active Travel); and supplementary guidance Transport and Accessibility.

Design

The two proposed building are considered acceptable in design terms for the setting of the Retail Park. The restaurant building would largely comprise of cladding, glazing, and grey blocks. Whilst there are no objections in principle, it is considered necessary to condition the finishes in terms of samples and colours. In relation to the proposed gym building the external finishes will closely match those of the existing retained units within the wider Retail Park, with brick base course and metal cladding above.

It is considered that the proposed development is acceptable, and would not be out of character within the Retail Park. The proposal is not in conflict with planning policy D1 (Architecture and Placemaking).

Impact on Residential Amenity

Noise and odour concerns are referred to in the section below, however there are other impacts to consider in terms of residential amenity.

The proposed restaurant would be some 22 metres from the nearest residential property on the south-east side of Bedford Road. The site is lower than Bedford Road by some 3 metres approximately in this part of the Retail Park. The proposed restaurant would be 7.2 metres in height to the top of the flat roof, which is 2.3 metres higher than existing Unit 7. Although the proposed building could be viewed from the residential properties along Bedford Road it is considered that there would be no loss of privacy or light because of the separation distance. The proposed gym would be taller at 10.3 metres in height but would be in excess of 50 metres away from the nearest residential property. The proposal therefore should have no adverse impact on residential amenity. It is acknowledged that any external lighting could potentially have an impact in terms of glare, and therefore it is considered prudent to apply a condition stating that no external lighting be installed unless otherwise approved in writing by the Planning Authority, to allow effective control over this.

The works pertaining to the demolition would be temporary. There are Health and Safety controls which relate to demolition works, and Environmental Health have some controls in relation to matters of noise and dust. An informative in terms of noise is proposed, as for reasons cited above it is not necessary or appropriate to control through planning condition. Whilst the demolition work is being undertaken there is an obligation for contractors to ensure it is complying with regulations relating to dust.

Noise and Odour

Environmental Health has noted that the footprint of the proposed new building would be closer to Bedford Road than that of the existing building. Environmental Health considers that the creation of a 24 hour drive through restaurant would result in an increase of vehicles using Bedford Road, including in the evenings and at night which has the potential to cause noise disturbance to the residential properties on Bedford Road; and that whilst at least three deliveries would occur to the site there is no indication of the time that these would be undertaken

Environmental Health also considered that there is the potential for noise from any plant associated with the operation of the restaurant, which is to be on the roof of the building. Although there is a statement indicating that any plant would be screened, it is not clear from the submitted plans. Furthermore, given that the application site is lower than Bedford Road there is the potential for odours from the production of food to have an impact on the surrounding area unless suitable and sufficient extract filtrated systems are fitted.

On the basis of the above considerations, Environmental Health recommends a number of conditions to mitigate against noise and odour. They recommend that the conditions include (i) details of ventilation systems and implementation; (ii) noise report, mitigation and implementation; (iii) suitable sound attenuation; (iv) refuse facilities; (v) litter bins; (vi) timing of deliveries and uplifts (vii) hours of building works.

In response point (i) recommended a condition which includes maintenance of the ventilation system, it is questionable if this could be enforced under planning control, and given Environmental Health's own powers, it is recommended that it is applied as an informative in the event of approval. Point (v) in terms of litter bins will be sought as part of a condition seeking external seating and decking arrangements. Point (vii) above is not considered a reasonable condition and therefore it is recommended that it is in the form of an informative because it can be controlled through Environmental Health. Point (vi) whilst a reasonable condition is considered impracticable. There are no restrictions on the existing units 7a and 7b, or on the remainder of the Retail Park in terms of timing of delivery. Whilst it is reasonable to consider the application of such a condition, and indeed the agent has advised that their clients would find this acceptable, any conditions imposed have to meet six tests as expressed in Circular 4/1998, and the willingness of an agent to a condition is not reasonable in itself.

Considering that a lorry could enter the Retail Park in any of the areas outwith the application site boundary and that it could sit and wait until it delivers, which could involve engines running, etc. and given that 24 opening hours means that vehicles could enter the site anyway, it is judged that there would be no valid reason to restrict servicing. Whilst it is desirable, it is not judged reasonable.

It is noted that a number of the representations raised concern in relation to the proposed 24 hour opening hours, which in turn could lead to increased noise and presence of people; concerns of noise, odour and litter. However, the proposal, subject to conditions, is not in conflict with residential amenity concerns, or planning policy R6 (Waste Management Requirements for New Development).

Drainage

The flooding team have sought information on the drainage of surface water. It is concluded that the drainage to the site would not alter from the existing, and it is noted that there would be no significant additional hard surfaces within the site, there are therefore no objections as it is judged that there would be no flooding issues arising.

Other Concerns Raised in Representations

There are no planning policies which seek to limit the opening of fast food restaurants in terms of proximity to schools in the interests of the health of children in order to reduce childhood obesity. It is considered that this is not a material planning consideration in the determination of this application because of the absence of such policies.

The impact on existing operators and/or existing tenants, and whether there is a need for an additional restaurant are not material planning considerations. The Planning Authority cannot refuse an application based on the 'ethics' or 'ethos' of a business. It must be the planning merits of the use which are considered not the operator or business.

A number of the objections refer to neighbour notification, these have come from those persons who would not have received individual notification from the Planning Authority, i.e. their premises are beyond 20 metres of the planning application site boundary. All neighbouring premises within 20 metres were notified, and an advertisement was put in the press. The Planning Authority has carried out notification in accordance with the Development Management Procedures.

Some representations state that the proposal would increase the number of HGV's in the area. It is not considered how this would be the case. There would be a degree of servicing for the proposed units, but this is considered no different to the existing units or the wider Retail Park. It is not considered this would be any different to the present situation. In any case, there are no objections to this element raised by the Roads Projects Team.

Reference is made to the fact that the existing 20 mph speed limit is rarely enforced. The proposal does not change this, nor is it reported that it is regularly breached.

The proposed uses may actually serve to detract speeding/racing as the proposed uses may increase patronage outwith the existing hours. The occupancy of the restaurant would be a form of surveillance. In any case, it is not considered that the proposed uses themselves would encourage speeding or racing. The use of the car park at night is likely to be more than would be the case generated by the existing units because of the increase in opening hours.

There is no evidence to suggest that the proposed uses would cause an increase in crime or vandalism. It may be the case that occupancy of the buildings would provide natural surveillance and detract such activity. In any case, the use itself is not considered to be associated with increased crime or vandalism.

The developer would be required to secure waste and recycling facilities. It is noted that the proposed restaurant occupier carries out litter picks within the locality of the existing restaurants. It is not judged that the proposal in itself would attract seagulls or vermin. Many restaurants operate within the town centre close to residential properties, this is not a reason to refuse the application. The occupier would have to ensure appropriate practices as a deterrent to avoid potential concerns arising from vermin which could threaten their own business.

Other matters

Policy R7 Low and Zero Carbon Buildings – all new buildings in meeting building regulation energy requirements must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions at a level as cited in the Supplementary Guidance on Low and Zero Carbon Buildings. No details of Low and Zero Carbon Technology has been provided, however currently as stated, if a development complies with the Building Standards then it is in compliance with the supplementary guidance. It is therefore judged that it is not necessary to apply a condition. The proposal is not in conflict with planning policy R7 or Supplementary Guidance Low and Zero Carbon Buildings.

There are no planning gains contribution required for this particular application, the proposal is therefore considered to comply with Supplementary Guidance Infrastructure and Developers Contribution Manual.

It should be noted that research into the planning history has clearly established that although the garden centre was never implemented under planning reference 89/1081 which was granted on 17.01.1980 it cannot be implemented as its footprint has been largely built on by a retail unit. Any concerns that may arise relating to the possible subsequent construction of a garden centre at the Retail Park as a result of keeping the historic planning application has been clarified as it is not possible without the submission of any future applications, which would be considered on their own merits.

Conclusion

It is considered that the proposal is acceptable subject to conditions relating primarily to access issues, phasing of part of the proposal subject to completion and implementation of the Bus Gate, noise and odour control, and external materials, amongst other considerations.

RECOMMENDATION

Approve, subject to conditions.

REASONS FOR RECOMMENDATION

The proposed development, subject to conditions, complies with both national and local planning policies. Scottish Planning Policy indicates that Retail Parks (Commercial Centres) are acceptable locations for retail and leisure forms of development. It also supports proposals which do not change the context of the Retail Park. The sequential approach assessment submitted by the agents demonstrates that there are no suitable sites for the proposed in any established centres. On this basis it is considered that the proposal is acceptable in terms of the principle, and as such the proposal complies with, or is not in conflict with, planning policies C1 (City Centre Development – Regional Centre), C2 (City Centre Business Zone and Union Street), RT1 (Sequential Approach and Retail Impact) and RT2 (Out of Centre Proposals), and supplementary guidance Hierarchy of Centres. Subject to conditions relating to the phasing of the development, and improvements to the access points and internal layout, and securing of cycle and motorcycle spaces and infrastructure, it is considered that the proposed development complies with, or is not in conflict with, planning policies T2 (Managing the Transport Impact of Development); D3 (Sustainable and Active Travel); and supplementary guidance Transport and Accessibility. The proposed design of the development is acceptable, subject to conditions relating to external materials, and would therefore not be out of character within the Retail Park, the proposal therefore complies with planning policy D1 (Architecture and Placemaking). The proposal, subject to conditions securing noise assessments and mitigation and details of the waste and recycling areas, is not in conflict with residential amenity concerns, or planning policy R6 (Waste Management Requirements for New Development).

CONDITIONS

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

(1.) The restaurant and drive through hereby approved shall not be occupied or brought into first use until the Bedford Road bus gate has been implemented in full and is in operation. – The existing traffic network cannot accommodate the extra traffic generated from the restaurant and drive through element of the proposal, as demonstrated within the submitted Transport Assessment and

Traffic Surveys submitted on behalf of the applicant. It is considered that the Bedford Road Bus Gate will free up the capacity needed on the road network.

(2.) No occupation of either building hereby approved shall take place until a detailed scheme which outlines measures to restrict vehicular access to the existing service access to vehicles which are service vehicles only has been submitted to and approved in writing by the Planning Authority, and implemented in full in accordance with the approved details. Thereafter the implemented scheme shall be retained at all times in accordance with the approved details. – In the interests of road safety and freeflow of traffic. The service access is close to the Bedford Road and Powis Terrace junction. The existing service access is signed, but general access can still be obtained to the detriment of the flow of traffic. The anticipated traffic levels from the development hereby approved are such that it is considered necessary to formalise the service access.

(3.) No occupation of either building hereby approved shall take place until a detailed scheme for a pedestrian access to the overflow car park from the main Retail Park has been submitted to and approved in writing by the Planning Authority, and implemented in full in accordance with the approved details. The scheme should consider pedestrian safety measures. Thereafter the implemented scheme shall be retained at all times in accordance with the approved details. – In the interests of pedestrian safety, road safety and freeflow of traffic. The Transport Assessment places a greater need on the overflow car park in terms of capacity. The existing overflow car park is difficult to access by pedestrians, a route is therefore required which is safe and convenient to use. The anticipated traffic levels from the development hereby approved are such that it is considered necessary to formalise a suitable form of pedestrian access.

(4.) No occupation of either building hereby approved shall take place until a detailed scheme which outlines measures to improve awareness of the overflow car park for car users has been submitted to and approved in writing by the Planning Authority, and implemented in full in accordance with the approved details. The scheme should consider bold signage and lining within the car park of the Retail Park. Thereafter the implemented scheme shall be retained at all times in accordance with the approved details. – In the interests of road safety and the freeflow of traffic. The Transport Assessment places a greater need on the overflow car park in terms of capacity. The existing overflow car park is not well signed and rarely used, measures are required to make drivers aware of its presence. The anticipated traffic levels from the development hereby approved are such that it is considered necessary to promote the overflow car park, to ensure adequate car parking capacity.

(5.) No occupation of either building hereby approved shall take place until a detailed scheme showing cycle parking spaces and motor cycle spaces, showering and changing facilities for employees within each building, in accordance with the Supplementary Guidance Accessibility and Transport, and a timetable for implementation has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in

accordance with the approved details. – To promote alternative modes of travel, in accordance with the Supplementary Guidance: Accessibility and Transport and policy D3 Sustainable and Active Travel of the Local Development Plan.

(6.) No occupation of either building hereby approved shall take place until a detailed timetable for the phasing of the implementation of the car parking as shown on the approved plans has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, and thereafter the car parking retained at all times in accordance with the approved details. – In the interests of road safety and the freeflow of traffic, to ensure adequate car parking provision within the Retail Park.

(7.) No occupation of the restaurant or operation of the drive through shall take place until full details of a scheme capable of filtering, extracting and dispersing of cooking fumes, has been submitted to and approved in writing by the Planning Authority, and implemented fully in accordance with the approved details. – In the interests of residential amenity.

(8.) No development shall commence on site until a detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the Planning Authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area and as approved by the Planning Authority shall be installed prior to the first use of the building that the mitigation measures pertain to, unless the Planning Authority has given prior written approval for a variation. - To adequately mitigate against any potential noise issues arising, in the interests of residential amenity.

(9.) No development shall commence on site until a detailed scheme of hard landscaping for the sites has been submitted to and approved in writing by the Planning Authority, which scheme shall include the type and colour of materials. - In the interests of the visual amenity and for the avoidance of doubt.

(10.) No occupation of either building hereby approved shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Planning Authority, which scheme shall include proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting for. - In the interests of the visual amenity.

(11.) That all planting, seeding and turfing comprised in the approved scheme of landscaping 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 visual amenity of the area.

(12.) No occupation of either building hereby approved shall take place until a detailed scheme of the proposed boundary treatment has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details. – For the purposes of clarification and in the interests of visual amenity.

(13.) No occupation of either building hereby approved shall take place until a detailed scheme showing bin storage and recycling areas, including timetable for implementation, has been submitted to and approved in writing by the Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details. – In the interests of public safety, and in accordance with planning policy R6 (Waste management Requirements for New Developments).

(14.) No occupation of the restaurant building shall take place until a detailed scheme of the proposed external seating and decking areas has been submitted to and approved in writing by the Planning Authority. The scheme shall include provision of litter bins. Thereafter the scheme shall be implemented in accordance with the approved details and thereafter retained at all times in accordance with the approved details. – For the purposes of clarification and in the interests of visual amenity.

(15.) Notwithstanding the details submitted, full details of the external materials for each building hereby approved, including samples as may be required, shall be submitted to and approved in writing by the Planning Authority prior to the completion of the foundations of that building the materials are proposed for. Details shall include type and colour. Thereafter the development shall be completed in accordance with the approved details. – Although details have been submitted for external materials, their colour, texture and profile are not fully known. For the purposes of clarification and in the interests of visual amenity.

(16.) No occupation of the restaurant and drive through shall take place until the scheme as approved under planning reference 131509 has been implemented in full. – To ensure that the unit can be fully serviced, the servicing areas as shown in this approved application is unacceptable, and the scheme under planning reference 131509 is therefore required to be implemented.

(17.) No external lighting shall be installed, erected or placed within the application site boundary, except as otherwise may be approved in writing by the Planning Authority. Such details required for consideration by the Planning Authority will include the submission of the installation, type, intensity of illumination and location of lighting, including any hoods, and shall ensure that the throw of light is confined solely within the boundaries of the site. – No details of lighting were submitted with the application, for the purposes of clarification and the avoidance of any doubt, in the interests of visual and residential amenity.

(18.) For the avoidance of any doubt no free standing canopies or structures are hereby approved as part of this planning permission. – The plans submitted appear to indicate structures to the south and east side of the restaurant, within the drive through and access, of which no details have been submitted. For the purposes of clarification and for the avoidance of doubt.

(19.) For the avoidance of doubt, other than those shown on the plans hereby approved, no enlargement by way of extension, installation of a mezzanine floor, or other alteration to any of the buildings the subject of this permission shall be carried out without express planning permission first being obtained. – To enable the Planning Authority effective control. The design of the buildings are such that extra floorspace could be created without the requirement for planning permission, and as such the resultant impact upon the capacity of the road network and car parking requirements would not be considered to the potential detriment to road safety, the freeflow of traffic, and residential amenity.

INFORMATIVES

1. You are advised that the ventilation scheme as requested in condition 7 should conform with supplementary information and follows 'best practice' advice given by the Environmental Health Service. A system of regular maintenance for the aforementioned ventilation system should be submitted, to and agreed in writing, to the satisfaction of this the Environmental Health Service. Poor ventilation of ventilation systems can result in increased noise and the introduction of odour and can ultimately have a negative effect on the amenity of the residents living in close proximity to the application premises.
2. It is recommended that the proposed ventilation system be designed and installed following best practice as per the guidance contained within the following documents:
 - i. DEFRA, Control of Odour and Noise from Commercial Kitchen Exhaust Systems, Netcen/ED48285/Issue 1, 21 May 2004, Department of Environment, Food and Rural Affairs;
 - ii. HSE Information Sheet – Ventilation of Kitchens in Catering Establishments. Catering Sheet No. 10;
 - iii. DW 171, Specification for Kitchen Ventilation Systems – Heating and Ventilation Contractors Association (HVCA), (2005) ISBN 0-903783-29-0;
 - iv. CIBSE Guide B2: Ventilation and Air Conditioning, ISBN 00900953306, Chartered Institution of Building Services, 2001;
 - v. CIBSE Guide B3: Ductwork, ISBN 1903287200, Chartered Institution of Building Services, 2002.

3. You are advised to place adequate litter bins externally to facilitate waste disposal related to the development hereby approved .
4. You are advised that service deliveries/uptime to and from the premises be restricted to occur only between the hours of 07:00 – 19:00 Monday to Saturday and 10:00 – 16:00 Sundays.
5. You are advised that in order to protect residents of the surrounding properties from any potential noise nuisance from the proposed development, building works should not occur:
 - out with the hours of 0700 –1900 hours, Monday-Friday inclusive;
 - out with the hours of 0800-1600 hours on Saturdays; and
 - no works should be audible out with the site boundaries on Sundays.
6. You are advised that the signage shown on the plans hereby approved does not form part of this approval. All signage is dealt with under the Control of Advertisement Regulations, and is not dealt with under legislation relating to planning control.
7. With regard to refuse storage, you should contact the Cleansing Client Section (Tel: 01224 489272) in order to discuss the number and size of bins required and the proposed location of any bin storage area.
8. In order to operate the premises after 11pm you are advised that a late hours catering licence under the Civic Government (Scotland) Act 1982 would also require to be applied for.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Sally Wood
Aberdeen City Council
Planning and Sustainability Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

4 July 2013

Dear Ms Wood

Objection to planning application 130766

Following our recent discussion by phone, I have outlined our community council's response to planning application 130766.

Froghall, Sunnybank and Powis Community Council have concerns about the above proposal to build a 24 hour drive in MacDonalDs at the Kittybrewster retail park.
We wish to object on the following grounds:

It is proposed that the restaurant be open 7 days/week, 24 hours/day. This is totally inappropriate in a retail park where the other businesses are closed and everything is quiet after normal working hours. All night opening would attract increased traffic, noise, litter and anti-social behaviour at night in a residential street after the pubs and clubs have closed. The building would also result in loss of privacy for the residents.

The restaurant is within 10 minutes walk from 3 schools – Sunnybank, St Machar Academy and Kittybrewster . Opening a MacDonalDs in this location would encourage childhood obesity and undermine the efforts the schools and community centres have been making to change and improve children's eating habits.

There is not adequate access or turning space within the plans for large delivery lorries at the loading bay. The footprint for the drive-in facilities - extended driveways - is a waste and misuse of valuable inner city space. The plans for the drive-in seem to be at odds with the assertion in the planning application section 7.3 that the site is well served by public transport.

Generation of extra traffic will increasingly break up the community, which already suffers from traffic congestion and pollution especially at the junction between Bedford Road and Powis Terrace. These problems will be exacerbated if Bedford Road becomes a one way system with the Third Don Crossing

We do not need a MacDonalDs in an area where there are already several local food outlets whose businesses would be detrimentally affected by a MacDonalDs. There are three other MacDonalDs within close proximity of the retail park.

On behalf of Froghall Sunnybank and Powis Community Council



From: Sinclair, James [REDACTED]
Sent: 17 June 2013 20:26 †
To: PI
Subject: Reference: McDonald's Restaurant Planning Application Number 130766
Attachments: img004.pdf

Dear Sir / Madam

I am writing to object to the proposed building of a McDonald's restaurant within the Kittybrewster Retail Park (**Planning Application Number 130766**) for the following reasons.

- The building of a fast food / drive-through restaurant will have a significant detrimental impact on the local area and put further stress on local residents already experiencing a marked increase in traffic on Bedford Road. Congestion during morning and evening rush hours will be increased throughout the area and in particular at the junction of Bedford Road and Powis Place.
- The 24 hour / 7 day week opening hours will attract drunken individuals and groups who will seek out the restaurant after a night of drinking in Aberdeen city centre. This will cause anti-social behaviour during the late evening / early morning. Furthermore, the local area will experience an increase in littering which is already at an unacceptable level. Both my neighbours and I have to frequently remove discarded alcoholic bottles / cans and food packaging from our front garden. This littering situation will only get worse if the proposed restaurant is built.
- The removal of the existing retail units and the building of the restaurant will also cause an increase in dust and noise throughout the local area.
- In addition the close proximity of local schools will attract school children to the restaurant thus adding to the deficiency in diet that Scotland and the United Kingdom has experienced in recent years. I do not believe it is Aberdeen City Council policy to encourage local school children to eat fast food.
- Finally, I would like to state that it is unacceptable that the local residents were not notified in writing of the proposal to build a fast food / drive-through restaurant with a 24 hour / 7 day opening hours. I was only notified of the building proposal for the McDonald Restaurant by a neighbour.

It is my belief that if a McDonald's restaurant has to be built in the area then the Berryden Retail Park would be a more suitable location, where there is more space, a larger distance from local housing and better service roads.

Yours sincerely

Dr James P. Sinclair

The University of Aberdeen is a charity registered in Scotland, No SC013683.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 June 2013 19:36
To: PI
Subject: Planning Comment for 130766

Comment for Planning Application 130766

Name : Sarah Nicoll
Address : 109D Sunnyside Road
Aberdeen
AB24 3LT

Telephone :

Email : [REDACTED]

type :

Comment : I wish to object to the proposed application on several grounds.

Firstly, Bedford Road is subject to severe congestion owing to the retail park junction. This congestion is particularly bad at weekends and evenings, and I feel that this problem would be worsened by the presence of additional units with extended opening hours. I have personally witnessed several "near misses" where drivers, frustrated at being unable to enter/exit the park, have pulled out in front of other traffic and narrowly avoided an accident.

Secondly, I consider it to be inappropriate to allow a McDonald's outlet to open in such close proximity to schools (St Machar Academy and Sunnybank Primary). With the exception of the University and visitors to the retail park, I consider that school children would make up a considerable proportion of the customers. I understand that the school has previously objected to the presence of other fast food outlets in its proximity, owing to the unhealthy lifestyle that they promote.

I am also concerned about the odour emanating from the restaurant, and whether its presence is likely to encourage vermin such as rats and foxes to the surrounding area.

Finally, I object to the placement of a McDonald's in my local area owing to ethical considerations about the parent company.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 June 2013 07:48
To: PI
Subject: Planning Comment for 130766

Comment for Planning Application 130766

Name : David Chillas
Address : Furniture Mountain
Unit 7
Kittybrewster Retail Park
Bedford Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to this development. Our reasons are fairly obvious...we will be kicked out in October 2014. McDonalds Planning Statement Item 2.6 says the unit has been vacant for a period of time, which is wrong. We have traded here very successfully for 5 years employing 7 personnel as have the Bed Shed next door who I think employ 4 people from this outlet. I have the feeling this objection may be entirely futile as our objections are fairly selfish, however the traffic implications....have you thought them through, the park on a Saturday and Sunday afternoon is completely congested and access onto Bedford Road via the ramp is very difficult, if the intention is to use the back road behind our building onto Bedford Road, the traffic at the lights will be a big problem...I think.

Mr Robert Beckett
26E Bedford Road
Aberdeen
AB24 3LE

Aberdeen City Council
Planning Reception
Planning & Sustainability Development
Marischal College
Broad Street
AB10 1AB

Planning Application Number : **130766**

Dear Sir/Madam

I would like to officially lodge my opposition to the above requested planning application. I have lived in Bedford Road for 25 years and enjoy my happy coexistence with the retail units opposite my home.

I feel the above proposal shall end this peaceful relationship I have with the retail park as a restaurant opening as I fear 24hrs a day 7 days a week or even until 12pm, 7 days a week will greatly effect my enjoyment of evening peace I currently value in my property.

I would find the visual impact of a well lit 2 storey building offensive to my current view of the retail park.

I fear that the character of the quiet neighbourhood would also be effected by the congregation of youth groups or gangs and also of groups of people who would have been taking alcohol. I think the noise and disturbance would really detriment my living conditions.

I would also fear the extra chance of vandalism in my local area as this restaurant in my opinion would attract extra people from a far and wide area where there is little for the younger generation to do at night.

The top of Bedford Road has confounded planners for many years at the junction with Powis place and this development in my opinion will on greatly increase traffic flow at the junction and frustrate local residents further with bus delays and noisy vehicles stopped outside our properties awaiting access to the junction.

I feel there are more than enough local amenities and any further is not a requirement of the area. We have a broad range of choice for ready meals and fast food with out the need for more.

From my past experience of these restaurants the immediate location would be subject to much greater littering and may attract extra vermin into the area be it rats or sea gulls .e.g.

I thank you for considering my objection to the above planning application.

Regards

Robert Beckett.

PI

From: penny Lawal [REDACTED]
Sent: 11 June 2013 07:31
To: PI
Subject: NO TO KITTYBREWSTER

HI

I am emailing again after speaking to my neighbours, and they are in shock and disgusted by this plan. I have found out that there was this same plan but for Berryden, but they have taken them to court. This is taking advantage of us as people in our area can not afford to take them to court. The traffic will be affected which will affect the buses as well. I suggest that you the council meet with us that will be affected by this plan in a meeting to hear us aloud and push back the date to appeal so we have extra time seeing as this was kept secret from all of us and is not fair. It is sneaky and devious which people with money are but this is my life being affected and those of others.

penny Lawal

Sent from Windows Mail

Sent from Windows Mail

PI

From: penny Lawal [REDACTED]
Sent: 10 June 2013 12:26
To: PI

Hi

Planning application number 130766. I live directly opposite where the planning is, and that is all it will come to. I have enough of drunks dropping their bottles in my garden, but this building with 24/7 MacDonald's will affect our lives. Not your life my life, the drunks will increase, the rubbish and noise will go up. I will have my privacy intruded and that is not right. I moved into here because it is good location not too much noise, not much trouble crime is down. With this in building it would change our lives. You cant build things that will drastically have an affect on others. I will not keep quiet about this, I am not the sort of person you upset and get away with it. People like me and others that are living here and settled will be affected. I will not let this planning go ahead. This is a home I live on and the is nothing wrong with how it is now but I am disgusted that this is being planned which will have dramatic affect on our lives. This is not going to affect their lives of the people involved in the planning but it affects my life. Crime will go up and litter on my property will go up, crime too will go up. That is not something I am happy to let happen. I don't want drunken people looking for a MacDonald's at all time of the night and early morning then to drop off their left overs on my property that the fast food staff at MacDonald's are not going to pick from my property and noise from drunks all times. After the shops close here the road goes quieter and I have never complained about noise or drunks before because they are not too noisy and never been sick on my property. With this planning I will have drunks at all times going back and forth at all hours, they will drop their rubbish where they like in my property which you are not going to pick, you wont have to clean the sick. Plus when I moved with my husband into this property I have privacy and that is what I like. The is no way you can build a two storey building which invades my privacy that is not going to happen. I do not want to see a two storey building when I look out the window and see drunks and hear them. I don't mind shops opposite in the empty spaces but the is no way I will allow this, it is not needed the is kfc down the road and it is isolated away from the homes but my property is what I chose because of the factors of not too noisy the is not too much rubbish on my property.

Penny Lawal
Sent from Windows Mail

Sent from Windows Mail

17/6/13

Lewis Brown
57 Bedford Place
Aberdeen
AB24 3NS

Aberdeen City Council

I am writing to voice my concerns regarding the planning application for a 24 hour McDonalds restaurant and take-away - planning application number 130766 at the Kittybrewster retail park. I feel this development will have a negative effect on the surrounding area.

My concerns being - 1, disturbance especially late at night from people under the influence of alcohol, possibly damaging peoples property and vehicles - my car has already been scratched by sharp objects and defaced by paint.

2, Noise from people and cars

3, litter being dropped away from the premises - the street bins are already overflowing at any time.

4, Effect it will have on existing businesses supplying food and refreshments in the area.

5, The already congested junction between Bedford Road and Power Place, this area is a constant bottle neck for traffic during the day with tailbacks forming at any time

6. Possible large volume of schoolchildren from St Machar school congregating at lunch times around quite narrow roads and pavements thus giving concern to drivers in this congested area.

I trust Aberdeen City Council will consider these points before any decision is made.

Yours sincerely

1 Elmfield Avenue,

Aberdeen,

AB24 3NU

16/06/13

Aberdeen City Council

Planning Reception

Planning & Sustainability Development

Marischal College

Broad Street

Aberdeen

AB10 1AB

Planning Application 130766

Dear Sirs,

We object to the above Planning Application for a 24 hour Macdonald's at Kittybrewster Retail Park for the following reasons.

- 1 Traffic is frequently gridlocked at the Bedford Road / Powis Terrace / Belmont Road junctions. Increased traffic flow would only make the situation worse.
- 2 We are concerned that the proximity of St Machar Academy would give easy access for pupils. St Machar Academy had problems with Fast Food Vans near the school in the past.
- 3 There are three corner shops in the immediate area which depend on the sale of snacks as part of their livelihood. There is also a snack van permanently sited in the Kittybrewster Retail Park.
- 4 We are concerned about increased traffic at night with associated risk of noise pollution and amount of litter being thrown out of moving vehicles.

Yours Sincerely



David R. Sinclair



Helen J. Sinclair (Mrs)

Jennifer Foxen

From: Shonagh Spencer [REDACTED]
Sent: 17 June 2013 03:00
To: PJ; Ross Grant; Ramsay Galloway Milne; James Noble
Subject: objection to - planning application no 130766

Dear Sirs / Planning dept

I hereby note my objection to;
Planning Application 130766
reference; 0000 531 63-001
McDonalds Restaurant in Kittybrewster Retail Park, Bedford Road Aberdeen.

I have lived in Bedford Road for twenty-eight years and I do not mind the retail park as it is contained in the segregated area of the street, however a 24 hour 7 day a week restaurant is a totally different matter. The shops already there are family orientated and close at a reasonable time.

I feel this restaurant application is detrimental to a residential area and outline my objections;

This will cause extra traffic at the junction of Powis Place and Bedford road which is frequently jammed already.

A restaurant, presumably "take away" will cause litter in my street. This will also attract seagulls and noise throughout the early hours as the sun rises and throughout the day as they scavenge the street for dropped food. This will also attract vermin from the rail way line.

A 24hr restaurant will have people walking up and down the street throughout the night, I can think of nothing worse than the city centre revellers coming for food after a night out, loud and intoxicated and where there are intoxicated people and crowds there is trouble and anti social behaviour and I do not want this on the street I live on, I want to feel safe! Like any street in a city centre there is a certain amount of drugs, muggings, hold ups (in the local shops) a rape last year, and numerous burglaries in the houses. Only a few years ago the residents of Bedford Road were give a "safe house set from the council" including automatic plugs for putting lights on when out, stickers etc and now you are proposing a restaurant that will bring excessive crowds of people and 24 hours right throughout the night!

A McDonalds will draw a young crowd from the neighbouring housing estate and like at the Beach, I feel this will encourage "boy-racers" in fast cars zooming up and down the street and again I can think of nothing worse than this, especially in an evening and throughout the night.

I would like to ask why you have not put notices through the doors of the houses in Bedford Road and neighbouring Streets to let people know of this planning application?. If a neighbour wants to do a planning application for building works, then this is posted through the letterbox. I can only assume the Aberdeen City Government wants this application to proceed and by keeping it quiet will have less objections. McDonalds presumably have agreed to offer "X" amount of jobs, which I am sure would be a benefit for the Council, but at what cost to the local residents who live here in this area! - I OBJECT TO THIS APPLICATION NO 130766

George Milne

From: Mills, Dr Martin [REDACTED]
Sent: 11 June 2013 21:45
To: PI
Subject: Proposed McDonald's Restaurant – Kittybrewster Retail Park

Dear Sir or Madam,

We write to object in the strongest terms to the two storey, 24-hour, seven days per week, drive through McDonald's restaurant (planning application number 130766), that has been ill-advisedly proposed for Kittybrewster Retail Park.

The impact of such an establishment, operating in the way intended, on a largely residential area can only be harmful.

We object in particular on the following grounds:

Health impact on St. Machar Academy and Sunnybank Primary School: in other areas councils are actively restricting openings of fast food shops near schools, but this establishment will contribute to obesity and ill health in schoolchildren and shows the council is sending out the wrong message to school pupils in the area.

Noise and disturbance: a fast food establishment open all night is likely to attract drinkers on their way home from pubs nearby, and will be a focus for further drunkenness causing noise and disturbance to nearby residents either facing the retail park area or living on the routes to and from the restaurant.

Litter: No takeaway establishment is able to control the littering that will take place as customers leave with their food, consume it on the way home and toss the cartons around the streets and gardens nearby.

Excess traffic: There is already excess traffic in the area, with the junctions of Bedford Road and Powis Terrace and Bedford Road and Belmont Road particularly congested, no pedestrian crossing of Bedford Road from Powis Terrace to St. Machar Drive, and problems for pedestrians trying to cross the access roads to Kittybrewster Retail Park. Mercifully at present traffic is quieter at night. A drive through takeaway, open all the time, will add to daytime congestion and destroy any nighttime relief.

Though Kittybrewster Retail Park may seem like an industrial site, it is in fact surrounded by a strong residential area that has struggled for more than ten years to bring down crime, vandalism and antisocial behaviour. An all-night takeaway on this scale would reverse these efforts completely.

Yours faithfully,

Dr. Martin A. Mills

Dr. Nicola J. Mills

43, Bedford Place, Aberdeen, AB24 3NT

Friends of Sunnybank Park

Keeping the 'sun' in Sunnybank



Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

29th June, 2013

Dear Sir or Madam,

**RE: Proposed McDonald's Restaurant – Kittybrewster Retail Park
(planning application number 130766)**

On behalf of the Friends of Sunnybank Park we are writing to object to planning permission being given to the proposed McDonald's restaurant for Kittybrewster Retail Park.

As the trustees for Sunnybank Park in Sunnyside Road, we are particularly concerned about the quantity of extra litter a takeaway on this scale would generate. The park is run by volunteers and we are just beginning to get the litter problem under control: this development would overwhelm us. In addition, extra traffic in the area would put pressure on pedestrian access by families, students and children to the park.

Yours faithfully,

N.J. Mills

Secretary,
Friends of Sunnybank Park

Board of Trustees

Alan Carter (Vice-Chair)
Nick Mills (Secretary)
Sinclair Laing (Treasurer)
Grace Banks
Gordon Ritchie

Abdul Latif
Aftab Majeed
Wamberto Vasconcelos
Rachel Smith

Contact

Secretary
Friends of Sunnybank Park
Sunnybank Community Centre
Sunnybank Road
Aberdeen AB24 3NJ

Website
Email

Charity Registered in Scotland, SC042629

51 Cluthbank Terr
Aberdeen
AB24 3NN

Tues 11th June 2013

To: THE MEMBERS OF THE PLANNING
COMMITTEE

I have just become aware of the fact that "MACDONALDS" have applied for planning permission to build a 2-storey building at KITTY BREWSTER which would be open for 24 hrs daily

I would like my objection to this planning request be noted because
a) the effect of great deal of extra traffic on an already extremely busy road.


b) the possibility of a lot of noise during the night

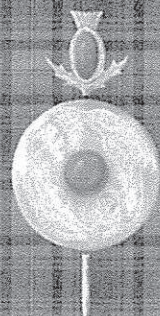
c) the nearness to St Machar's School
~~THE~~ MACDONALDS are not exactly known

for providing a healthy diet for
a children! I

For these 3 reasons alone I would
like ~~may~~ you to refuse Planning
Permisserion .

● Thank you!


MRS AGNES G. COLLINS



Sally Wood

From: Sally Wood
Sent: 24 June 2013 09:50
To: 'penny Lawal'
Subject: RE: Hi - 130766 Kittybrewster

See you at 10:00 on Friday 24th June.

Kind Regards,

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number [REDACTED]
Facsimile [REDACTED]

-----Original Message-----

From: penny Lawal [REDACTED]
Sent: 24 June 2013 09:48
To: Sally Wood
Subject: Re: Hi - 130766 Kittybrewster

Yes please 10am please.

-----Original Message-----

From: Sally Wood <SalWood@aberdeencity.gov.uk>
Date: Mon, 24 Jun 2013 08:43:20
To: [REDACTED]
Subject: RE: Hi - 130766 Kittybrewster

Morning Ms Lawal

As mentioned earlier I can do a meeting between 10:00 and 16:00 - would you like 10:00am? or please suggest a time between that period,

thanks

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197
Facsimile 01224 523180

From: penny Lawal [REDACTED]
Sent: 24 June 2013 09:34
To: Sally Wood
Subject: Re: Hi - 130766 Kittybrewster

Hi

Could we have the meeting on Friday I am off that day, could we have it in the morning.?

Penny Lawal

Sent from Windows Mail

From: Sally Wood
Sent: ?Monday?, ?24? ?June? ?2013 ?09?:?29
To: [REDACTED]

Dear Mrs Lawal,

- I am unsure why the wrong address has been attributed to you, but I will arrange with our Applications Support Team to get that amended. From my file, I cannot see a postal address, only e-mail.

If you wish for a meeting I am happy to arrange that within Marischal College. You can call me to arrange, direct line number is 01224 522197, or I am free this afternoon between 14:00 and 16:00 or tomorrow (Tuesday) between 10:00 and 14:00, or Friday this week between 10:00 and 16:00, please let me know if any of these days suit, or I can check availability for next week.

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on

<http://www.aberdeencity.gov.uk/customerfeedback>

<<http://www.aberdeencity.gov.uk/customerfeedback>> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Sally Wood

Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197

Facsimile 01224 523180

From: PI

Sent: 24 June 2013 09:18

To: Sally Wood

Subject: FW: Hi

From: penny Lawal

[mailto: [REDACTED] <mailto: [REDACTED]>

Sent: 24 June 2013 08:42

To: PI

Subject: Hi

Hi

Sally I would like a meeting with you regarding the planning opposite me. And my address is 4 Bedford road not 54 I live on first flat on Bedford road.

Penny Lawal

Sent from Windows Mail

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From: webmaster@aberdeencity.gov.uk
Sent: 11 June 2013 18:11
To: PI
Subject: Planning Comment for 130766

Comment for Planning Application 130766

Name : Vicky Roberts
Address : 62 Elmbank Terrace
Aberdeen
AB24 3NL

Telephone :

Email : [REDACTED]

type :

Comment : I have huge concerns about the above application for a McDonald's to be built at Kittybrewster Retail Park for the following reasons:

- 1) Traffic congestion - we already have an issue with traffic at the Bedford Road/Powis Terrace junction (right outside [REDACTED] at). Trying to get out of parking bays with queuing traffic is a nightmare at present and frustrated drivers use Elmbank Terrace as a short-cut to avoid the junction. The set 20 mph speed limit is rarely enforced as it is and the traffic is becoming increasingly dangerous to residents, pedestrians and pets in the area. I am concerned that even more cars being attracted to the area will increase this problem even further.
- 2) Noise pollution with the proposed extended opening hours of the retail park - at present the park closes and barriers are put up in the evenings so the streets become quieter and there is less noise pollution. If the park is to remain open for longer hours and there is to be an outside eating area the noise pollution, which is terrible at rush hours from traffic and pedestrians, is only going to get worse and go on later in the evening.
- 3) The proximity to St Machar Academy - in a time where schools are striving to encourage healthy eating, a national priority, having a McDonald's, or any other fast food outlet of this size, so close to the school is going to have a detrimental effect on the diets of the pupils and the school's efforts to encourage healthy eating.
- 4) Increased disturbances and vandalism - in an area that already suffers from vandalism to vehicles and property (my car has been vandalised 3 times in the last 18 months and windows have been broken on the ground floor in the last 6 months) having a 24 hour restaurant attracting even more people to the area worries me. There is no CCTV on the surrounding streets so no matter how much security is put in the the retail park, it will not help disturbances and vandalism as soon as customers leave the retail park and start walking home or hanging out in the local area.

Robert Vickers

From: CREMINS, Joan (WGMS - Unity) [REDACTED]
Sent: 19 June 2013 17:55
To: PI
Cc: [REDACTED]
Subject: Planning application 130766

From: Joan E Cremins
26D Bedford Road
ABERDEEN AB24 3LE

[REDACTED]
01224 488683

To: Aberdeen City Council
Planning Reception – Planning & Sustainability Development AB10 1AB

Dear Sirs
RE: Planning application number 130766

I would like to object to the proposed construction of a 2-storey, 24 hour McDonalds restaurant in the retail park on Bedford Road. My objections are due to:-

- 1) The effect a 24/7 hour eating facility will have on the character of the neighbourhood which is mainly residential.
- 2) The potential increase in delinquency this will attract to the neighbourhood due to a 24/7 license. We already have a problem and the police do not have the time to patrol this area enough already.
- 3) Possible noise & disturbance caused by customers to the restaurant. Early morning drunks, vandalism, cars/vans causing noise pollution. The noise from roof top plant of the building.
- 4) Congestion – we already have problems with this on Bedford Road due to the junction and the retail park. This will only increase with the proposed construction.
- 5) Residents' parking affected by customers to the restaurant.
- 6) Loss of privacy due a 2 storey building overlooking the row of houses/flats.
- 7) This area already has a lot of eateries:
 - Sainsburys cafee
 - Dominos
 - The University Hub
 - Chip shop
 - Sandwich deli shop
 - Refershments van in the retail park

so there is no need for a MacDonaldis. In fact it could pose a significant loss in revenue to local businesses.

I'd appreciate your consideration of my objections.

Yours faithfully

Joan Cremins

Wood Group Management Services Limited, a Company incorporated in Scotland with its Registered Number SC178510 and with its registered office at John Wood House, Greenwell Road, East Tullos Industrial Estate, Aberdeen, AB12 3AX, Scotland, United Kingdom.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 June 2013 23:53
To: PI
Subject: Planning Comment for 130766

λ

Comment for Planning Application 130766

Name : Mr and Mrs J Wilson

Address : 38 Bedford Place

Aberdeen

AB24 3NX

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : We wish to object to this planning application. We feel that it would be extremely detrimental to the area.

The restaurant will be open 24 hours a day seven days a week and will cause a lot of noise and much disruption to the area not only from people but also traffic. Bedford Road and Powis Place are already very congested and this will only make matters worse. There are many children in the area who walk to school and this will make it more dangerous for them with the possibility of accidents.

In the past we have had a lot of vehicle vandalism in the early hours which has stopped over the past couple of years and things have been very peaceful. This Fast Food Restaurant will just encourage more people into the area at all times of the day and night and we feel that this vandalism would be likely to start again.

It would also be very close to local schools such as St Machar Academy and Sunnybank Primary. We know that school children are being encouraged to eat healthy meals and snacks and are discouraged from taking sweets etc to school. St Machar Academy has also managed to have the burger van from Bedford Avenue removed as part of the City Council's healthy eating policy. Giving planning permission for any Fast Food Outlet here would be detrimental to the Council's own nutritional policy for schools and would damage all the good work that the Council is achieving. We would hope that the Councillors take our objections seriously and reject this planning application.

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Agenda Item 2.6

Planning Development Management Committee

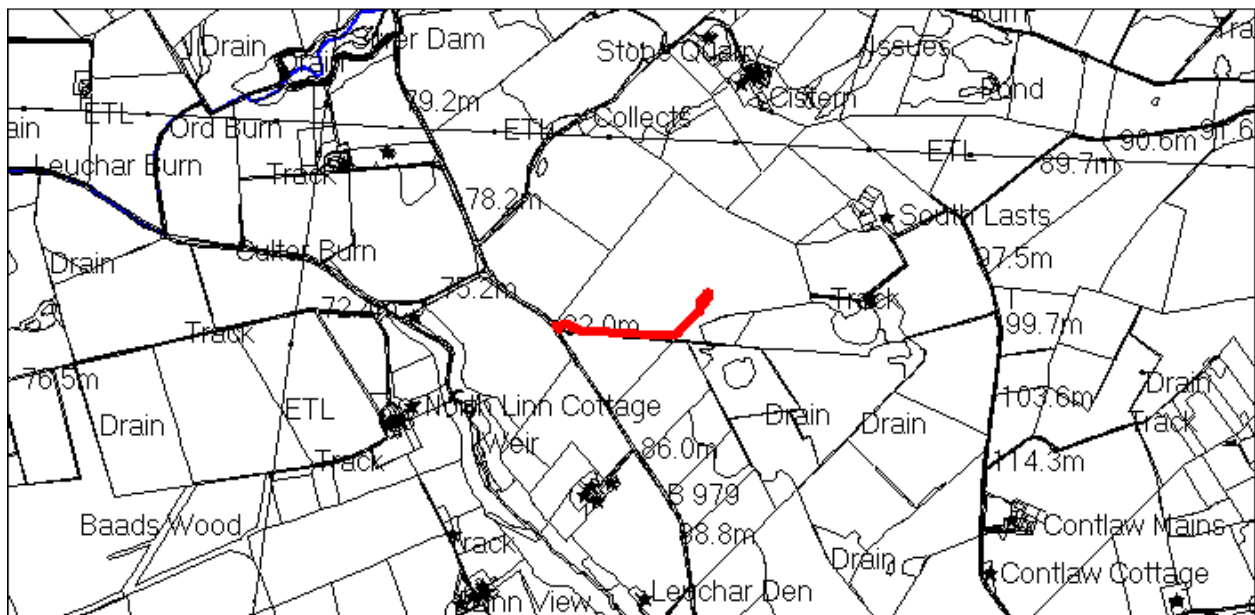
(LAND SOUTH OF) SOUTH LASTS FARM,
CONTLAW ROAD, MILLTIMBER

ERECTION OF 1 NO.WIND TURBINE (HUB
HEIGHT 60M, TOTAL HEIGHT 86.5M)
ASSOCIATED TRACKS AND SUBSTATION

For: Aberdeen City Council and G&B Renewable
Ltd

Application Type : Detailed Planning Permission
Application Ref. : P131859
Application Date: 08/01/2014
Officer: Robert Forbes
Ward : Lower Deeside (M Boulton/A Malone/M
Maik)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 15/01/2014
Committee Date: 24th April 2014
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

This site comprises farmland located in open countryside about 2km north of Peterculter, 2.5km south of Westhill and 4 km south-west of Kingswells. The farm buildings at South Lasts Farm site, located to the north-east of the site, are currently accessed by a tarred private road, approximately 3m wide, leading north from the junction with the public road (Contlaw Road). Beans Hill lies approximately 1km to the east of the farm buildings, at a maximum elevation of 137m. The farm contains no rights of way or recreational paths. It is relatively devoid of natural vegetation or landscape features of special interest and is used as arable farmland and improved grassland. The field boundaries are generally defined by fencing / low drystone dykes. An area of mature / amenity deciduous woodland is located to the south of South Lasts Cottages and is designated as a Local Nature Conservation Site. The heavily trafficked B979 lies about 370m to the west of the turbine at its closest point

RELEVANT HISTORY

A screening opinion (ref 130447) has been issued in terms of the EIA regulations that formal EIA is not required for the current proposal.

Conditional planning permission for erection of a 74m high wind turbine at South Lasts Farm was granted at Committee in July 2012 (ref. 120166) and is currently being implemented on higher land approximately 750m to the east of South Lasts farmstead on the west flank of Beans Hill. Conditional planning permission for formation of a new access track from the B979 in order to enable delivery of the turbine tower was approved at Committee in March 2014 (ref. 131865).

PROPOSAL

This is an application for full planning permission to erect a single 500kw (i.e. 0.5MW) wind turbine and undertake associated development. The turbine would be located at the east end of the site. It would have an overall height of 86.5m above ground level. The rotor diameter would be 53m and the hub height 60m. The supporting column would have a maximum diameter of 3.3m at the base, narrowing to 1.3m at the turbine. It would be mounted on a buried concrete pad foundation that would be constructed on site. An access track to the turbine would be constructed from the B979 public road at the western edge of the site. The track would be located to the north of an existing field boundary and ditch and would be about 400m long. It would have a width of about 5m, rising to the east. A substation would be located about 50m to the south-west of the turbine. It would be located within a GRP housing about 8m long by 3m wide by 3m high.

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?131859>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because of Community Council objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection;

Environmental Health – No observations;

Enterprise, Planning & Infrastructure (Flooding) - No observations;

Education, Culture & Sport (Archaeology) - Request that a condition be imposed to allow archaeological investigation of the site;

Community Council – Culter Community Council question the legitimacy of the proposal in terms of farming diversification / support. They object on the basis of local and Scottish government policy conflict and on road safety grounds, as they consider the turbine to be a distraction to drivers using the B979 and due to shadow flicker. Specific conflict with policy regarding green belt, green space network, access and informal recreation, natural heritage, landscape and renewable / wind energy development are asserted. Their comments are circulated herewith;

NERL (NATS)– No safeguarding objection;

MoD (Defence Infrastructure Organisation)– No objection;

AIA– No objection;

CAA – No objection.

BP – No objection. Request that the applicant liaises with them to ensure pipeline protection;

SHELL – No objection regarding possible impact on their pipeline.

REPRESENTATIONS

148 letters of support have been received, primarily from residents of Aberdeen and Aberdeenshire. These generally express support for renewable energy and consider that the environmental effects of the development have been adequately assessed. The economic benefit to a local farmer is also a factor expressed by many.

An objection from an adjacent Community Council has also been received. It supports renewable energy but is also concerned about piecemeal approval of turbines and their cumulative environmental impact. It considers conflict with green belt policy and adverse impact on residential amenity to be concerns. It considers that the City Council should set out its policy for further wind turbine development in the South Lasts area for public review and comment before any further approvals.

Two letters of objection have been received, both from local residents. The general concerns identified are

1. visual / landscape impact (e.g. turbine height / visibility);
2. contravention of planning policy / guidance;
3. adverse effect on tourism and recreation;
4. undue proximity to existing dwellings and settlements (e.g. Peterculter);
5. adverse impact on residential amenity;

6. adverse impact on road / public safety (e.g. driver distraction);
7. absence of community / social benefits; adverse impact on TV reception;
8. alleged factual inaccuracies in the supporting information;
9. lack of community engagement and
10. creation of an undesirable precedent / cumulative impact.

PLANNING POLICY

National Policy and Guidance

The key priority of the Scottish Government is sustainable economic growth. The Scottish Government's support for the principle of developing renewable energy supplies is now well established. Scottish Planning Policy (SPP) states that the planning system should support the transformational change to a low carbon economy and be consistent with national objectives and targets, including deriving by 2020 the equivalent of 100% of electricity demand from renewable sources. Paragraphs 187 to 191 of SPP relate to wind farms, and state that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. With regard to the issue of separation distances with settlements, paragraph 190 of the SPP refers to a guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edge of towns, cities and villages, to reduce visual impact. However, the topic specific advice states that this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography. The topic specific advice regarding onshore wind turbines produced by the Scottish Government, dated December 2013, is of particular relevance in identifying relevant issues.

Paragraphs 159 – 164 of SPP regarding green belts are also relevant. Paragraph 159 states that:-

“The purpose of green belt designation in the development plan as part of the settlement strategy for an area is to:-

- direct planned growth to the most appropriate locations and support regeneration,
- protect and enhance the quality, character, landscape setting and identity of towns and cities, and
- protect and give access to open space within and around towns and cities.

Certain types and scales of development may be appropriate within a green belt, particularly where it will support diversification of the rural economy. These may include development associated with agriculture... and essential infrastructure such as ...electricity grid connections. “

Aberdeen City and Shire Strategic Development Plan (2014)

The sustainable development and climate change objective within this plan expresses the desire to be a city region which takes the lead in reducing the amount of carbon dioxide released into the air and limits the amount of non-

renewable resources it uses. It has a target that the city region's electricity needs be met from renewable resources by 2020.

Aberdeen Local Development Plan

The site lies within the green belt as defined in the adopted local plan of 2012. Policy NE2 (Green Belt) states that :-

“No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The following exceptions apply to this policy:-

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:-

- a) the development is within the boundary of the existing activity.
- b) the development is small-scale.
- c) the intensity of activity is not significantly increased.
- d) any proposed built construction is ancillary to what exists.

2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections....which cannot be accommodated other than in the green belt.”

Other local plan policies of relevance include
Policy NE6 (Flooding and Drainage),
Policy NE8 (Natural Heritage),
Policy NE9 (Access and Informal Recreation),
Policy D5 (Built Heritage),
Policy D6(Landscape),
Policy BI4 (Aberdeen Airport),
Policy I1 (Infrastructure Delivery and Developer Contributions)
Policy R8 (Renewable and Low Carbon Energy Development).

The site does not lie within or adjacent to the green space network, so that policy NE1 is not considered relevant in this case.

Supplementary Guidance

The Council's Supplementary Guidance (SG) regarding Wind Turbine Development in Aberdeen City (April 2013) is of particular relevance. This states that the LDP supports the principle of wind turbines in any location providing that there is no detrimental impact on: our built and natural heritage, air safety, tourism and recreation, residential properties or safety. Having a positive approach to renewable developments will help to meet the Scottish Government's target for 100% of Scotland's electricity to be generated from renewable sources by 2020. The guidance identifies areas of particular constraint for the development of wind turbines within the city with regard to a number of factors. It also identifies relevant issues and required supporting information.

Other Material Considerations

The guidance produced by SNH regarding “Assessing the impact of small scale wind energy proposals on the natural heritage” (March 2012) is also relevant.

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. The development plan consists of the approved strategic development plan and the adopted local plan. Other material considerations include Scottish Government planning policy (SPP) and related advice and the Council's SG.

The Scottish Government's support for the principle of developing renewable energy supplies is now well established. The proposal would contribute to achievement of the SPP target for renewable energy generation and the equivalent target within the strategic development plan. It is also consistent with local plan policy R8 which encourages the development of renewable energy development in principle.

Green Belt Policy

It is clear that the proposal is associated with the existing activity on the site. It satisfies the relevant criteria regarding being within the boundary of and being ancillary to the existing activity, and it would not significantly increase the intensity of agricultural activity there. As there is no definition in the local plan of what constitutes small scale development in the context of local green belt policy, this is essentially a matter of judgement.

The topic specific guidance produced by the Scottish Government and SNH is of particular relevance in this regard. The former indicates that the power rating of turbines can be up to 3MW (with 5MW turbines in development), whereas the power rating of the proposed turbine is approximately 1/6 of this (0.5MW). SNH regard the development of groups of 3 or fewer turbines to be "small scale wind energy" as opposed to a "wind farm", so that the proposal falls within this definition. The planning application does not fall within the category of major development as defined by the Scottish Government. Therefore, in terms of green belt policy and visual / landscape assessment, the development can be regarded as small scale, notwithstanding the fact that the turbine is a large structure.

In any event, whether or not the development is regarded as small scale, and notwithstanding the previous approval for a turbine on this farm, it would help to sustain the viability of the existing agricultural enterprise at the site, to the benefit of the amenity and function of the wider green belt area. Its landscape and visual impacts are considered in detail below. Although local plan green belt policy is silent as regard the specific issue of wind turbine development, given the wider expectations and encouragement contained within the development plan (e.g. local plan policy R8) and Scottish Planning Policy regarding exploitation of renewable energy, and given that the Council's SG does not identify green belt as a constraint to wind turbine development and indeed encourages their development throughout the city in principle, it could be considered unreasonable to refuse this proposal on such grounds. In the event of refusal on such grounds,

the Council could therefore be vulnerable to an appeal for costs. This is particularly given that other turbines have been approved within and adjacent to the green belt. The other non domestic turbines of smaller scale that have previously been approved in the Aberdeen green belt have been regarded as being compliant with similar policy wording.

Although the proposed turbine may effectively sterilise the potential for further housing development within a radius of approximately 530m of the turbine, this is not considered to conflict with the objectives of green belt policy (indeed this would assist in the objective of urban regeneration and direction of planned growth to more appropriate locations). It is also significant that no land within or in the vicinity of the site has been identified for possible future release for longer term / major development.

The proposed electricity connection between the turbine and the existing grid line would accord with part 2 of green belt policy (NE2). It can therefore be concluded that the proposal accords with the objectives and function of green belt policy at both local and national level.

Recreational Impact

The proposal would not conflict with the potential use of the site and wider land for agricultural, forestry, or recreational purposes. Experience of other similar wind turbines located in the countryside would tend to indicate that they are compatible with agricultural operations, including grazing by animals. There is evidence within the city to suggest that the development of a wind turbine is compatible with recreational uses such as golf courses and does not therefore compromise such potential.

The proposal would cause no severance or disturbance to existing rights of way or recreational footpaths or bridleways. Indeed the proposed access track would improve the potential use of the surrounding land for public recreation and would facilitate appropriate access to the countryside, including public access to Beans Hill, in accordance with the objective of policy NE9.

Landscape and Visual Impact

It is considered that the Landscape and Visual Impact Assessment undertaken for the proposal was carried out in accordance with accepted methodology, specifically SNH Guidelines for Landscape and Visual Impact Assessment. Other than Green Belt, the site is not covered by any formal landscape designation (such as Areas of Outstanding Natural Beauty, National Park or National Scenic Area). The site does not lie within an area of Prime Landscape or Secondary Landscape as identified by the Council or other area of constraint as identified in the Council's SG.

The natural landscape context of the site has been significantly modified since prehistoric times due to removal of the natural woodland cover to create farmland and in more recent times by upgrading / erection of farm buildings and infrastructure such as roads, overhead power lines and wind turbines. Although any wind turbine is going to have an impact on the landscape, there is no policy embargo against development or landscape change within the green belt. Indeed, the use of land for intensive agriculture results in continuous landscape

change, and has resulted in the erection of large buildings of industrial appearance. It is essentially a matter of subjective opinion whether one considers the effect of wind turbines to have a positive or negative impact on landscape character. It is considered that wind turbine development is more appropriate in an intensive arable landscape which has already experienced a significant degree of landscape change, such is the case here, than a landscape with a high degree of wildness and relative absence of obvious human influence (such as the Cairngorms plateau, or, on a more local scale, Elrick Hill).

Whilst the proposed turbine would clearly be visible from many public places and parts of the surrounding countryside, it is considered that it would not fundamentally compromise the enjoyment of countryside as a visual or recreational asset or the landscape setting of the city. It is considered that the proposed turbine is of a relatively simple form and subtle design typical of those used in wind farms and very similar to the previously approved turbine at the farm. The undulating landscape context and extent of afforestation further afield provides significant screening from the main urban areas, the existing main road network and from woodland paths. Additionally, the relatively modest 86 metres to blade tip height is in keeping with the fairly low relief of the undulating farmland in the vicinity of the site and it would not dominate nearby hills in the way that the largest modern turbines, which are about 150m high, could. Although the turbine is 12.5m taller than the previously approved turbine and the rotor diameter 5m greater, the approved turbine was set on significantly higher ground, and its design and appearance is the same, so that, in effect the visual impact and scale of the proposed turbine would be similar.

With regard to the issue of separation distances with settlements, paragraph 190 of the SPP refers to a guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edge of towns, cities and villages, to reduce visual impact. However, the topic specific advice states that this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography. In this case the turbine would be approximately 2km from the northern edge of Peterculter. It would not be visible from the historic parts Peterculter or Milltimber due to the significant change in levels, intervening rising ground and local topography, with these settlements being positioned along the south facing flank of the Dee Valley. Although the turbine would be visible from parts of Westhill, that settlement is currently experiencing significant industrial expansion to the south, so that its landscape context is in a state of flux, with a loss of its pre-existing rural context ongoing. It is considered that the impact of the turbine would not be significant in this regard.

It is therefore considered that the overall landscape has the capacity to contain the proposed scheme in terms of its visual impact and cumulative impact and it is compatible with the existing open farmland character of the site. Although the proposal would result in the creation of a new landmark feature, it is considered that the proposal would not obstruct views of the City's townscape, landmarks and features when seen from roads, paths and recreation areas, including the main road approach to the city from the west. Conditions are suggested in order to minimise the visual impact of the structure and associated substation.

It is considered that the impact of the turbine on landscape character and visual amenity would be acceptable and that it accords with local plan policy D6. As regards the visual and landscape impact of the access track and substation, it is considered that this can be mitigated by the use of a condition requiring the implementation of landscape planting within the site.

Built Environment / Cultural Heritage / Tourism Impact

There are no listed buildings within the vicinity of the site. The site does not lie within or near to any conservation area. Taking into account the visual impact information supporting the application and the presence of existing tree groups and other landscape features, such as electricity pylons, it is considered that the proposed turbine would be sufficiently distant from existing cultural heritage assets (such as Drum Castle / Garden and Cullerlie Stone Circle) that their setting would not be affected. The proposal would not require the removal of any dykes of heritage value and no features of archaeological interest would be directly impacted. There is no evidence that the proposal would have adverse impact on tourism. It is therefore considered to accord with local plan policy D5.

Natural Heritage / Ecological Impact

The site does not lie within a designated nature conservation site. The proposal is supported by a comprehensive non statutory environmental statement. It is noted that survey information has been gathered over an extensive period of time with numerous site visits having been undertaken to gather ecological data. This also considers the potential impact of the development on a range of species including birds, bats, otters and badgers. The statement is therefore considered to be robust. Given the absence of trees, woodland, hedgerows, water features or buildings in the immediate vicinity of the turbine and its exposed nature, it can be concluded that the turbine would not affect bats.

Given that the site contains no features of particular ecological interest, it is considered that any impact would be limited and does not justify refusal. The provision of hedgerow planting along the access track would serve to create new habitat of particular ecological benefit in a highly cultivated arable setting. A construction method statement is suggested in order to minimise the impact due to construction of the access track. The proposal would therefore accord with local plan policy NE8.

Hydrological Impact

Given the significant distance from the site to existing water bodies and the River Dee, it is considered that any impact on water quality during construction would not be significant and can be addressed by condition. This would satisfy the requirements of local plan policy NE6.

Air Safety

As the proposal would have no adverse impact on navigation associated with Aberdeen Airport, or on route to it, it would comply with policy B14 and there is no requirement for any associated mitigation measures. The MoD has no objection in relation to possible impact on its radar facilities or training areas.

Public / Road Safety

The Council's roads officers have no concern regarding possible distraction to drivers or other road users (due to the moving nature of the turbine blades) and any risk to the public as a result of potential turbine failure, or ice throw, is considered to be insignificant given its distance from any existing public road or path. The oil and gas pipelines which cross the west end of the site would not be adversely impacted by the development.

Residential Amenity

Although some nearby dwellings which are not under the applicant's control would be located marginally within 10 times the rotor diameter distance (i.e. 530m), it is considered that the turbine would be sufficiently distant from existing houses (>500m) and of a size that, in terms of the Council's guidance and related Scottish Government guidance, there would be no need for mitigation measures or monitoring to address the concerns regarding shadow flicker. A similar conclusion can be reached as regards concerns regarding noise / vibration impact and the findings of the noise assessment provided by the applicant have not been questioned by the Council's Environmental Health Officers, who, in any event, have separate statutory powers in relation to noise nuisance. Neither have they expressed any concerns regarding any impact on human health. Given the digital TV switchover in the Aberdeen area, there is no need to impose conditions to address the issue of impact on TV reception. Any future occupants of any proposed development within closer proximity would be aware of the presence of the turbine and its associated noise / other impacts and it is unlikely that their amenity would be fatally compromised, particularly given the noise levels and disturbance routinely experienced by urban dwellers. Although it is clear that the turbine would alter the view from a number of rural dwellings and some residents of Westhill, it is not considered that their amenity would be fatally compromised and it is an established planning principle that there is no right to protection of private views.

Planning Gain /Developer Contributions

As the development would be accompanied by the infrastructure and facilities required to support the scale and type of development proposed (i.e. the access track, substation and electricity connection to the grid) it would comply with local plan policy I1. The application is not of a type or scale where developer contribution is sought and there is no evidence that it would have adverse external impacts, or off site road improvements, which require to be mitigated by planning gain contribution. The appeal decision in Aberdeenshire in relation to the approved wind farm at Meikle Carewe makes clear that it is not appropriate to seek planning gain contributions unrelated to the direct impact of the development, or contributions to a community fund for wider social benefit, through the planning application process.

Precedent

Given that other wind turbines have recently been developed in the vicinity of the site, at Upper Beanshill, and given the recent approval for a similar turbine at South Lasts and given the wider expectations and encouragement contained within the development plan and Scottish Planning Policy regarding exploitation of renewable energy, it is considered that approval of this proposal would not

establish an undesirable precedent for wind turbine development in the green belt. It is recognised that there is an emerging trend towards the development of individual or small clusters of wind turbines in lowland farmland, and there is evidence of similar developments in similar countryside within Aberdeenshire. Such future development proposals will continue to be considered on their merits taking account of relevant policy and guidance and the specific impacts associated with such development.

Other Issues

The site does not lie within the green space network as defined in the Adopted Local Plan, so that policy NE1 is not relevant in this case. The proposal satisfies the relevant criteria set out in policy R8. As regards the alleged inadequate public engagement, no statutory pre-application was required due to the limited scale of the development. The relevant advertisement of the application has taken place. Neighbour notification is not required in this case as there are no notifiable premises adjacent.

Conclusion

Drawing these points together and taking into account the proposal is in an area with a presumption in favour of wind energy developments and that the potential to develop larger scale wind energy schemes within much of the city boundary is constrained by other factors such as proximity to housing, opportunity sites, air safety, prime landscape designation and areas of ecological interest / wildlife value (as evidenced by the Council's SG), it is considered that, subject to imposition of conditions, the impact of the proposal would be acceptable and that it accords with the development plan. The other material considerations do not warrant refusal and can be addressed by condition.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

Subject to imposition of conditions to address the environmental / amenity impacts of the development, it would accord with the Development Plan policies R8, D5, D6, NE2, NE8 and NE9, with the Council's supplementary guidance regarding wind turbine development and with the objectives of the Scottish Government in relation to sustainable economic growth.

CONDITIONS

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

(1) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of

investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(2) Prior to work commencing on site, full colour details of the proposed Turbine and substation shall be submitted for the further written approval of the Planning Authority and the development shall be implemented in accordance with the approved details - in order to minimise its impact on the visual amenity of the surrounding area.

(3) That no development pursuant to this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site - in order to prevent potential water pollution.

(4) That no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(5) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(6) That all planting, seeding and turfing comprised in the approved scheme of landscaping 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 no development shall take place unless a scheme for ecological protection (drawing no131859-01), or such alternative has been submitted to, and approved in writing by, the Planning Authority, and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree / ecological protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(9) Prior to the commencement of development on the site, the developer shall obtain written approval from the planning authority, following consultation with Transport Scotland - Trunk Road Network Management Directorate (the trunk roads authority) and Police Scotland, for a traffic management plan. This plan shall include details of:

- i) routing of construction traffic and construction workers' traffic;
- ii) provision of any temporary car park;
- iii) controlled routing of heavy vehicles;
- iv) arrangements for police escort or other escort approved by Police Scotland of abnormal loads;
- v) any speed restrictions required; and
- vi) temporary site signage identifying routes for all site vehicles and advising drivers of all necessary information.

Such provisions in the approved plan shall be fully implemented, unless otherwise agreed in writing by the planning authority.

Reason: to minimise disruption arising as a result of traffic movements and in the interest of road safety.

(10) In the event that this turbine becomes obsolete or redundant, it must be removed within 6 months of such event. In the event that the turbine and associated equipment is removed, the site shall be made good, in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal - to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

(11) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, or other

buildings or structures within the site without the written approval of the planning authority.

Reason: to prevent advertisements being displayed on the turbines, buildings and structures, in order to protect the amenity of the area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

CULTER COMMUNITY COUNCIL



St Quentin
18 Hillside Road
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AB14 0TX

4th February 2014

Mr Robert Forbes
Senior Planner (Enterprise, Planning & Infrastructure)
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Mr Forbes,

Planning Application P13/1859: South Lasts Farm: erection of a second wind turbine with ancillary equipment and access track.

This application was discussed briefly by the members of Culter Community Council (CCC) at their meeting. The Chairperson proposed, and the members agreed, that since the position of this 2nd turbine was being moved only some ten metres distance from its original site in Application P131122 then all the points made in CCC's original letter of objection remained relevant. CCC's new Planning Liaison Officer (Mr Brian Yule) agreed. Due to unforeseen circumstances however Mr Yule has been unable to do this and the Chairperson has asked me to send to you CCC's strong objections to this application (P131859) as they had to the previous one (P131122) and also to the application (P120166) to the first turbine now approved. They are as follows.

The members consider that the first turbine may have been accepted as a diversification of farm business with the potential to provide electricity far in excess of the farm's needs and the surplus being sold to the National Grid. The application for a second turbine however we consider to be a commercial/industrial enterprise solely to provide electricity for sale to the Grid with Aberdeen City Council being the primary applicant along with the farmers trading as G and B Renewable Ltd.

In considering the application and supporting documents, we find that numerous policies within the Local Development Plan (LDP) as well Scottish Government Planning Policy (SPP) will be contravened. Our overriding concerns and objections however relate to the safety of the B979 road users which we consider has not been properly and fully addressed – possibly because it does not fit into any direct policy in the LDP or SPP.

Road Safety: (cf. Policy R8 WED points 3 and 4; Renewable Energy)

The B979 is a narrow secondary winding road without pavements which has been heavily used as the Aberdeen bypass for some 25-30 years by HGVs (10-12% of the traffic) as well as cars, vans and commuters who wish to skirt around Aberdeen or to move north or south without entering the city. The chosen site for this proposed turbine will lie some 400 metres (m) to the east of the road. Its access track will join the B979 some 200/250m from the junction of the access road to the small North Lasts community but which, more importantly, serves Leith's Sand and Gravel Quarry, well used by lorries transporting much needed construction material. This section of the road (from the bridge over the Ord Dam and Burn, round two fairly blind bends near the quarry entrance and the proposed new access track to as far south as the entrance to Denmill has been the scene of various, often serious, accidents in the past, at least one being fatal. To add the distraction of a massive turbine at this point very much increases our concerns on the safety of this section of the road.

In the Supporting Environmental Document (pages 49 and 50) the consultants state that "for two houses on the west side of the B979 the occupants will experience major visual impact in some rooms with the turbine being very visible in the nearby skyline" and "a degree of visual complexity and confusion would arise with the proposed turbine, the already consented turbine and pylons also in the wider view". They classed this as 'major' and 'significant'. They also stated that "the same effects would be true for motorists on the B979 while travelling for 1.5 km in either direction" but classed this only as 'moderate to major' and of 'borderline significance' because of a 'shorter duration time'. It is our contention however that drivers often have to judge and act swiftly to remain safe/avoid an accident on this section of the road and cannot afford, or be subject to, additional distractions/hazards. The classification for drivers should be 'major' and 'significant' at least.

Another possible hazard for drivers in this same section of the road is the potential for shadow flicker. In their use of software in a desktop study in their Supporting Environmental Document the consultants show (p 93 Fig 10) a significant section of the B979 lies within the theoretical shadow flicker area. This area also borders for some distance along the access road to the Quarry and the North Lasts small community. This is not mentioned in the discussion. Only the effects on the residents of the South Lasts houses to the east of the B979 are considered.

We would also point out that for drivers passing the turbine it will be standing in their peripheral vision which is many times more sensitive to motion than direct vision so that normal blade movement may prove distracting let alone shadow flicker.

The supporting documentation for the consented (first) turbine at South Lasts (which will stand at ~1.4 km distance from the B979) quoted a study (Schreuder, 1992) on two accidents "in the vicinity of wind turbines" where the advice given was that "turbines should not be located in places where the driver needs to pay great attention." It takes only one driver to be momentarily distracted to cause an accident.

The consultants have only considered the visual impact on drivers in their supporting document, not the cumulative effects of all potential hazards additional to those already existing for this 'country road' heavily used by HGVs, cars and vans as Aberdeen's bypass. It is our contention this needs to be addressed before this application is considered.

As well as our objection to this application on the grounds of Road Safety we strongly object to the disregard for policy in the LDP (and SPP) as follows:

Policy NE 2: Green Belt

This application is contrary to the Green Belt policy in the LDP. It cannot be classed as essential for agriculture or for recreational uses compatible with agriculture. Nor does it satisfy any of the permissible exceptions listed in NE 2.1 a, b, c or d, or in NE 2.2. The proposal may be *within the farm boundary* (1a) but at 86 metres in height, will not be *small scale* (1b), its *activity* will be *intense*

where none existed before (1c) and the turbine cannot be counted as *ancillary* to the farm business, when a turbine of this capacity is intended to export electricity to the Grid (1d) for another partner. Neither can the proposal be classed as essential infrastructure (NE 2.2) when it is obviously a commercial venture, to which there are several alternatives. To permit this development would not only be contrary to the LDP, but would also open up the Green Belt to sporadic development of wind turbines.

Policy NE 1: Green Space Network

The LDP Policy NE 1 para.1, states that “the City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network (and therefore Green Belt) to which proposals for developments that are likely to destroy or erode its character or function will not be permitted.” This is reinforced by Scottish Planning Policy: paras.149 & 150 and the Land Reform Act. The area around the site is well used by local residents for informal leisure (one of the purposes of the Green Belt and Green Space network). Granting permission will therefore go against these policies.

Policy NE 9: Access and Informal Recreation

The LDP states that “new development should not compromise the integrity of existing or potential recreational opportunities, including access rights, core paths, other paths and rights of way.” Coupled with the first turbine (already under construction) this turbine will further erode, even prevent, the recreational use of the area by its size, its very loud noise and disturbing effect in peripheral vision.

Policy NE 8: Natural Heritage

We are pleased to see this policy goes beyond protecting only designated sites as well as protected species (NE 8.4 “Natural heritage beyond the confines of designated sites should be protected and enhanced”) and also asks for “evidence of any adverse effects on protected species as well as the need for the development” (in NE 8.1). The environmental survey included in support of this application is quite comprehensive, but we are additionally aware of sightings of pipistrelle bats, merlins, barn owls and tawny owls around this site. The members are also concerned by emerging research on the effects of wind turbines on bats by the Bat Conservation Trust. This apparently shows the pressure differential close to the moving blades causes their lungs to collapse. The survey report also does not cover more subtle long-term effects on the flora, which have been observed by research over a 10 year period to change from temperate to sub-arctic species, through the cooling effect of the blades – and, importantly, the knock-on effects this may have on the food chain.

Policy D 6: Landscape

The aim of this policy (LDP para. 3.27) is to “protect, maintain and manage the natural topography and landscape of Aberdeen’s unique setting of rural, informal and formal open spaces,” in essence, the Green Belt. It also says “maintaining and managing aspects of this unique landscape is critical” The site proposed for this massive wind turbine contravenes the criteria and therefore raises our objections on several points:

- For people having to live in the vicinity of this proposed turbine their view of their landscape will be vastly changed
- It will not avoid “adversely affecting landscape character” and “sense of place for a particular part of Aberdeen”, namely the city approaches in Lower Deeside (D 6.1)
- It will obstruct important views of Deeside and the city surrounds from publicly accessible vantage points, recreation areas and pathways (D 6.2).
- It will be obstructive in the landscape views, not only for local residents, but also for visitors from Royal Deeside and the Cairngorm National Park, for a ½ km stretch of the A93, just outside Peterculter, which is the “western gateway” to the city. (D 6.2)
- It will cause, not avoid, disturbance or even loss of an important recreational resource (D 6.3) as described above (in Policies NE1 and NE 9).
- In addition, in the Landscape Strategy, it points to a general presumption against any development in the Green Belt which will affect landscape setting.

Policy R8: Renewable and Low Carbon Energy Developments

Comments on the negative effects on the local environment and landscape character (R8.1) and also on tourism (R8.3) have already been made under Policies NE1, NE9 and D6 above.

Comments on the significant negative effect on the amenity of nearby dwelling houses (R8.4) have already been made under Policies NE1, NE9 and D6 above.

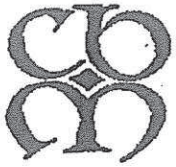
Policy R8: Wind Energy Developments (WED)

- R8 WED 1 Electromagnetic Interference. If this turbine is permitted and interference does occur to telecommunication and broadcasting installations then we ask that rapid and successful mitigation will be ensured through planning conditions and at no cost to those affected
- R8 WED 2 and 4 The Supporting Environmental Document (pp 49 and 50) states there will be significant cumulative effect (“degree of significant complexity and confusion”) especially for those dwelling within 10 rotor diameters of this proposed turbine and there would be the same effect on drivers on the B979 when travelling in either direction for approximately 1.5 km. (see further comments on Road Safety above).

Yours sincerely,

Lavina C Massie (Vice Chairperson) Culter Community Council

Cc: Councillors Boulton, Malik and Malone



cbmcc@cbmcommunity.org.uk

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

28 January 2014

Dear Mr Forbes,

Planning Application 131859: Erection of 1 Wind Turbine and Ancillary Equipment South Lasts Farm

I am writing on behalf of the Cults Bieldside and Milltimber Community Council (CBMCC) to express our concerns regarding the proposed development. We believe the application should not be approved until the Aberdeen City Council has clarified its plans for approving the installation of wind turbines in and around South Lasts Farm. As noted in our letter relating to Application 131122, which has now been withdrawn, application 131859 relates to a second wind turbine to be installed at South Lasts Farm, with the first turbine (application 120166) being approved by ACC in August 2012. The community is concerned about a piecemeal approval of applications for individual turbines being made with an increasing impact on the local environment.

Specific objections relating to this proposal relate to the location of the wind turbine in the green belt which does not comply with Local Development Plan Policy R8, where the turbines have an adverse impact on the amenity of nearby dwelling houses. In addition, the location of a wind turbine at South Lasts Farm would potentially conflict with Policy NE9: Access and Informal Recreation and Policy D6: Landscape, with a potential for a cumulative effect on landscape and natural heritage. We note that these objections and other points raised by Community Councils in Kingswells and Peterculter regarding planning application 120166 were not accepted by the Aberdeen Enterprise, Planning and Infrastructure team (no reasons given) but we raise them again regarding the current application 131859.

The Cults, Bieldside and Milltimber Community Council noted its concerns that approval of wind turbine application 120166 would lead to further applications in its letter dated 4 April 2012; this is now happening. The Community Council supports renewable energy and we believe the Aberdeen City Council should set out its policy for further wind turbine installations in the South Lasts Farm area for public review and comment before any additional proposals are approved.

Yours sincerely,

Peter Roberts

Peter Roberts
Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik, Valerie Watts – Chief executive ACC

Peter Roberts, Planning Liaison Officer CBMCC
6 Marchbank Road, Bieldside, Aberdeen AB15 9DJ

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 28 January 2014 12:44
To: PI
Subject: Planning Comment for 131859

Comment for Planning Application 131859

Name : Robert Joss
Address : North Lasts Farmhouse
Malcolm Road
Peterculter

Telephone :

Email : [REDACTED]

type :

Comment : Dear Sir/Madam

I am writing to inform you of my objections to the proposed planning application Reference 131859 for a wind turbine at South Lasts Farm.

My principal objections are to the sheer scale of the proposed wind turbine with its overall height of circa 86.5 metres, its location with regards to the surrounding landscape and its proximity to the busy B979 road nearby. The proposed application does not meet the Local Development Plan requirements for siting turbines ten rotor diameters away from residential properties. I am also concerned about several factual inaccuracies contained with the 'Supporting Environmental Document for Proposed Wind Turbine at South Lasts Farm'; prepared by Loco2gen which I found on a cursory examination of the report. This tends to lead one to wonder how many other inaccuracies there are in this report which supports the application.

In terms of its sheer size and impact on the surroundings, I can only refer to, and agree with, the following extract from the Loco2gen report itself (section 5.5).

'It would appear as a prominent structure in the local landscape, dwarfing the scale of undulating low rising hills in the backdrop, the vertical scale of surrounding conifer blocks and pylons on the nearby skyline. It would contrast with the prevailing agricultural character and the relative tranquility of the surrounding landscape and would compromise the containment provided by the nearby hills that form a backdrop to the surrounding flat agricultural fields';

The Aberdeen Local Development Plan (2012) Policy R8 states that the development of renewable and low carbon energy schemes is supported and applications will be supported in principle if proposals 'Do not cause significant harm to the local environment, including landscape character';. I would suggest that the proposed turbine does cause significant harm to the local landscape character.

In Section 4.6.3 of the report, Supplementary Guidance, Landscape Guidelines (2012), states that 'The council's general environmental approach to development indicates that developments will be allowed where they do not destroy or damage natural resources or their setting, adversely affect amenity or be visually damaging to the appearance or setting of Aberdeen';. I would suggest that the proposed turbine's dimensions are such that it would be visually damaging to Aberdeen.

I note from Section 4.5 that in the latest Consultation Draft of Scottish Planning Policy that 'It is intended to increase the suggested separation distance between wind farms and cities, towns and villages from 2 km to 2.5 km';. The Loco2gen report itself states that Peterculter is only approximately 2 km away. Therefore this application would fail to meet these guidelines.

The Aberdeen Local Development Plan (2012) Policy R8 states that "For wind energy developments, proposals will also need to meet the following specific requirements and ensure that :

4. Turbines are 10 rotor diameters from residential properties";

The Loco2gen report in Table 25 states that North Lasts, where we live alongside 4 other dwellings, is only 522m away. This is within the 530m exclusion zone for the proposed turbine arrangement. Therefore the proposed application does not meet the Local Development Plan requirements. I also note that South Lasts Cottages are only 384m away.

I note from section 5.3.1 "The site and surrounding landscape", "Apart from an active sand and gravel quarry located to north of Ord Burn, the predominant land use is mixed agriculture"; The quarry nearby the site is actually located south of the Ord Burn, another factual error contained in this report.

In Section 10.2.1 the report states "suggests that shadow flicker should not be a problem where separation is greater than 10 rotor diameters (in this case 530m); There are no dwellings within this distance to the proposed wind turbine";

Again, this is factually incorrect as their own report in Table 25 states that North Lasts is only 522m away, and South Lasts Cottages are a mere 384m away.

In section 10.2.2, no mention is made of North Lasts which is within 10 rotor diameters of the proposed turbine location.

In the shadow flicker assessment in figure 10, the contours mysteriously circumvent North Lasts and flicker events appear as a zero in Table 26. Can the Council verify these figures? The report states in Section 10.4 that "the requirement to mitigate shadow flicker events is likely to be put forward as a planning condition and this is a condition that the developer is willing and able to meet"; How will this be enforced in operation?

In Section 12.3.2 the report states "Overall television reception issues are not perceived to be a major concern due to the likely low number of houses that will actually be impacted, the move to digital reception, and the ability to rectify issues for those individual households that are affected"; Who is responsible for rectifying these issues and how is this enforced ?

In Section 12.4 the report states "It is considered that any interference that may occur can be successfully mitigated against and stated within the planning conditions of the project"; As before, how would this be enforced ?

In Section 14.2 it states "With the nearest public road being approximately 600m to the south"; This is yet another important factual inaccuracy contained within this report. Inspection of Figure 9 within the report highlights that the busy B979 is located a mere 180 metres away.

Section 14.2 also states "With regard to driver distraction that is unlikely to be a concern given the distance of the turbine to the road and scale of development proposed"; Given that the authors of the report cannot get the distance correct to the nearest road, then any conclusions they draw here are considered dubious. It is patently obvious that an 86.5m structure located close to the busy B979 road which is widely recognised as a rat-run for vehicles bypassing Aberdeen would lead to driver distraction and potential accidents/fatalities.

I note from the supporting environmental document for this planning application, prepared by Loco2gen, section 1.3.3 states that "The main driver for the landowner is to develop wind energy on the site in order to diversify the farming business. A single wind turbine, such as the one proposed, will provide a sustainable income over the 20-25 years of expected operation"; The goals of income diversification are to increase revenue, support the existing farming business and spread the farmer's risk into a non-agricultural sector. A wind turbine is considered to be a suitable option for the site as it achieves the above"; Given that the applicant G&B Renewables has already received planning consent for a turbine on their farmland which is currently undergoing construction, then one wonders whether another turbine is actually necessary to achieve these goals. It would be fairer for Aberdeen Council, as a co-applicant, to consider another farm owner who would benefit from this income diversification.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2014 07:05
To: PI
Subject: Planning Comment for 131859

Comment for Planning Application 131859

Name : Helen Joss
Address : North Lasts Farmhouse
Malcolm Road
Peterculter

Telephone :

Email : [REDACTED]

type :

Comment : I object to planning application 131859 for the following reasons:

1. The application does not comply with Local Development Plan Policy NE2: Greenbelt. The structure is extremely large scale and is not essential for agriculture, woodland or forestry uses. It is not compatible with an agricultural or natural setting and goes against the greenbelt policy of maintaining the landscape setting between the villages of Peterculter, Milltimber and Westhill.

2. The cumulative effect of incremental changes due to development of two large scale wind turbines in this location, proposed within a short timescale and the second one proposed by Aberdeen Council warrants a public consultation process to gain views of the affected communities in the city and shire. The location is very close to the city/shire boundary. All surrounding community councils objected to the first wind turbine application and it is concerning that Aberdeen City Council are proposing the second turbine. Did the council and planners have prior knowledge of a dual (or more) turbine development for South Lasts and if so why are the applications being presented in a piece meal manner without proper consultation with local communities, or representation of their views. I rely on the local planning department to act impartially to planning applications and I am concerned that in the case of the two turbines at South Lasts they cannot be fully impartial without full public consultation.

3. The application does not comply with Local Development Plan Policy R8: Renewables. Specifically the scale of the structure and its lowland location on undulating fields will cause significant harm to the local environment, including landscape character. (This location is not on the top of a hill in the distance, but right in the middle of low land fields). Furthermore it is not set at a sufficient distance from dwelling houses and as such will cause significant adverse impact on the amenity of the dwelling houses at South Lasts and North Lasts and Denmill.

4. The location of the turbine is sited too close to nearest dwelling houses at North Lasts and South Lasts, and too close to Peterculter and Milltimber. Planners and the Council must be well aware of nationally reported measures by scottish ministers to control the location of wind farms via latest planning policies, with ministers proposing to extend the distance between wind turbines, towns and villages. The House of Lords are also debating an increase of the distance from wind turbines to dwelling houses. The residents in these rural locations do not have a large community voice and rely on the planners to protect the greenbelt and rural settings within the city and shire. The report contains inaccurate information on nearest dwellings and communities.

5. The application does not comply with Local Development Plan Policy D6: Landscape. The structure size and scale will significantly adversely affect the surrounding landscape character and rural 'sense of place'. This greenbelt location provides an important buffer between the communities of Peterculter, Milltimber and Westhill, each with individual identities.

6. This second large scale turbine approval in a low land undulating field location will set a precedent for other such structures sporadically placed in relatively flat farmland around the city boundaries.

7. The development does not comply with the Aberdeen landscape strategy as it does not incorporate a sense of place through design. It does not relate to, and is not compatible with the scale, massing, density, and materials of adjoining areas; nor does it conserve the existing site features – such as open spaces and views of rural buildings.
8. This area which contributes to landscape setting is especially important, and sensitive to change, as it is exposed to a high degree of visibility from places of regular public accessibility, such as the B979 public road and surrounding woods and recreation areas.
9. Greenbelt policy states that any provision of utilities must be located unobtrusively and have a minimal impact, particularly in terms of landscape, nature conservation, habitat, nuisance and pollution. The Aberdeen landscape strategy states that development proposals shall be compatible with the landscape character of the surrounding area in terms of siting, scale, massing, colour, design, density, orientation and materials; and otherwise be capable of being absorbed within sites without adverse effects upon landscape features, character or local amenity. The proposed turbine size, scale and location do not meet these criteria.
10. Tourism and recreation - the area proposed for the above development is widely used for recreation and is part of a local 'round trip' walking / jogging / cycling route connecting the Milltimber and Culter communities. Many people enjoy the peace and tranquility of the area, and the stunning uninterrupted open views which bring so many tourists to the Aberdeen and Deeside area. I believe that the addition of this industrial sized structure will severely impair the attraction of the surrounding area for recreation and tourism, and will not be supported by the local community using the area.
The structure will be visible on the main approach to the city boundary via the B979 and from many other locations around the city and shire.
11. Driver distraction - This is a serious concern not adequately addressed in the planning application. I am a regular user of the B979 which is a rural road but at also a commuter route and connects to two quarries. The Malcolm Road area between Culter and Westhill is where the turbine will be closest and most dominant visually. This road is used by joggers, horses, cyclists, drivers and industrial lorries. Many of the lorries using the road are not local so are unlikely to become 'used' to the view. This is a busy road, but is also poorly designed with no pavements or cycle paths, and with a low sun, can be particularly tricky to negotiate. It is a well known problem locally and unfortunately there have been many accidents, some fatal. It is unacceptable if even one additional accident occurred because of the sizeable structure / moving blades / rotating head distracting drivers.
12. Protection of open spaces, good management of landscapes, and sustaining biodiversity. Personally I feel that a structure of this size is not in keeping with the surrounding landscape and is therefore not aligned with numerous government planning policies / advice notes and european directives. I do not believe that the environmental, social or economic benefits, outweigh the detrimental effect this structure will have to the Deeside landscape.
13. Impact on television reception and lack of community engagement. Given the nature of this application, and the number of people affected I am disappointed that the local communities of Culter, Milltimber, Culter, Bieldside, Westhill, Maryculter - plus all those who may have reduced TV reception - have not been formally consulted and engaged by either the planning department or the council/developer. This goes against the governments policies and advice which emphasises the importance obtaining local community views. Consequently, this application is unlikely to receive representative feed-back from affected communities.

P&SD Letters of Representation		
Application Number: 131889		
RECEIVED 3.1 JAN 2014		
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials: RI		
Date Acknowledged: 05/02/14		

Ronald Dalgarno
79 Ruthrieston Circle
Aberdeen
AB10 7LB

Application Reference 131859

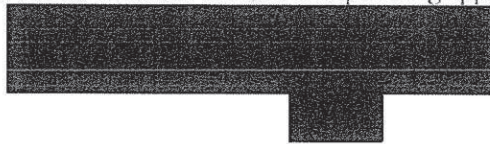
Dear Mr Forbes,

I would like to register my support for the proposed wind turbine at South Lasts Farm. A single wind turbine at this location is in keeping with Scottish Government energy policies.

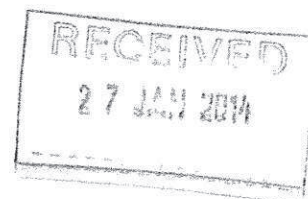
I feel it is important to allow local farming business to diversify considering the current economic climate and a wind turbine of this scale will be an ideal solution. The single nature of the turbine will mean that negative impacts are kept to a minimum and current farming activities can be carried out as normal.

i trust that the Council will be favorable towards this planning application

Yours sincerely,



Ronald Dalgarno



Angela Reid
Heughhead Farmhouse
Kincardine O'Neil
AB34 5AY


Wind Turbine Application 131859

Aberdeen City Planning Department,

This scale of development would seem to be far better than larger commercial wind farm schemes, with the profit staying within the Aberdeen City area we will also be able to see a local economic benefit.

I would therefore like to state my support of this development and I hope you will consider the above points when making your decision.

Yours,


Angela Reid

James Hutton
The Beeches
Blackhall Road
AB51 4JE

Dear Mr Forbes,

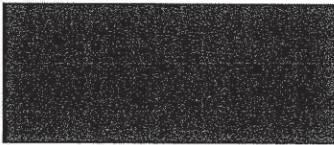
I would like to give my support for the wind turbine at South Lasts Farm (reference 131859).

I feel that the location represents a good opportunity for developing wind energy and the turbine has been sited so that visual impacts will not be severe.

I fully support the development of alternative methods of electricity generation and I feel that Aberdeen City Council's Planning Committee should support this application and help contribute to targets set by the Scottish Government.

Yours Sincerely

James Hutton



Peter Glegg
6 Sinclair Terrace
Cove Bay
AB12 3PF

Dear Mr Forbes,

I would like to give my support for the wind turbine at South Lasts Farm (reference 131859).

I feel that the location represents a good opportunity for developing wind energy and the turbine has been sited so that visual impacts will not be severe.

I fully support the development of alternative methods of electricity generation and I feel that Aberdeen City Council's Planning Committee should support this application and help contribute to targets set by the Scottish Government.

Yours Sincerely

Peter Glegg



W A Donald
12 Clashbog Place
Bucksburn
AB21 9UY

Application Reference 131859

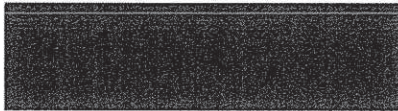
Dear Mr Forbes,

I would like to register my support for the proposed wind turbine at South Lasts Farm. A single wind turbine at this location is in keeping with Scottish Government energy policies.

I feel it is important to allow local farming business to diversify considering the current economic climate and a wind turbine of this scale will be an ideal solution. The single nature of the turbine will mean that negative impacts are kept to a minimum and current farming activities can be carried out as normal.

I trust that the Council will be favorable towards this planning application

Yours sincerely,



W A Donald

Mr S Still
21 Abbotshall Drive
Cults
AB15 9JJ

Application 131859, South Lasts Farm Wind Turbine

Dear Mr Forbes,

I would like to register my support for the above mentioned planning application at South Lasts Farm.

I support the development of alternative means for generating electricity to contribute to the goals set by the Scottish Government. Wind energy is proven, abundant, and sustainable, and I believe we should take advantage of the resources that are available for generations to come.

I believe that this application had adequately assessed and potential to impact upon the environment. Due to the setting of the development adjacent to the existing transmission lines I am of the opinion that the environmental and social impacts will be minimal.

Yours Sincerely,


Mr S Still

Alan Wilkie
Braegiewell
Echt

Application 131859, South Lasts Farm Wind Turbine

Dear Mr Forbes,

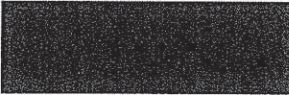
I would like to register my support for the above mentioned planning application at South Lasts Farm.

I support the development of alternative means for generating electricity to contribute to the goals set by the Scottish Government. Wind energy is proven, abundant, and sustainable, and I believe we should take advantage of the resources that are available for generations to come.

I believe that this application had adequately assessed and potential to impact upon the environment. Due to the setting of the development adjacent to the existing transmission lines I am of the opinion that the environmental and social impacts will be minimal.

Yours Sincerely,

Alan Wilkie



E Jaffrey
13 Battock Terrace
Torphins
AB31 4JD

Dear Mr Forbes,

I would like to give my support for the wind turbine at South Lasts Farm (reference I31859).

I feel that the location represents a good opportunity for developing wind energy and the turbine has been sited so that visual impacts will not be severe.

I fully support the development of alternative methods of electricity generation and I feel that Aberdeen City Council's Planning Committee should support this application and help contribute to targets set by the Scottish Government.

Yours Sincerely

E Jaffrey

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Planning Development Management Committee

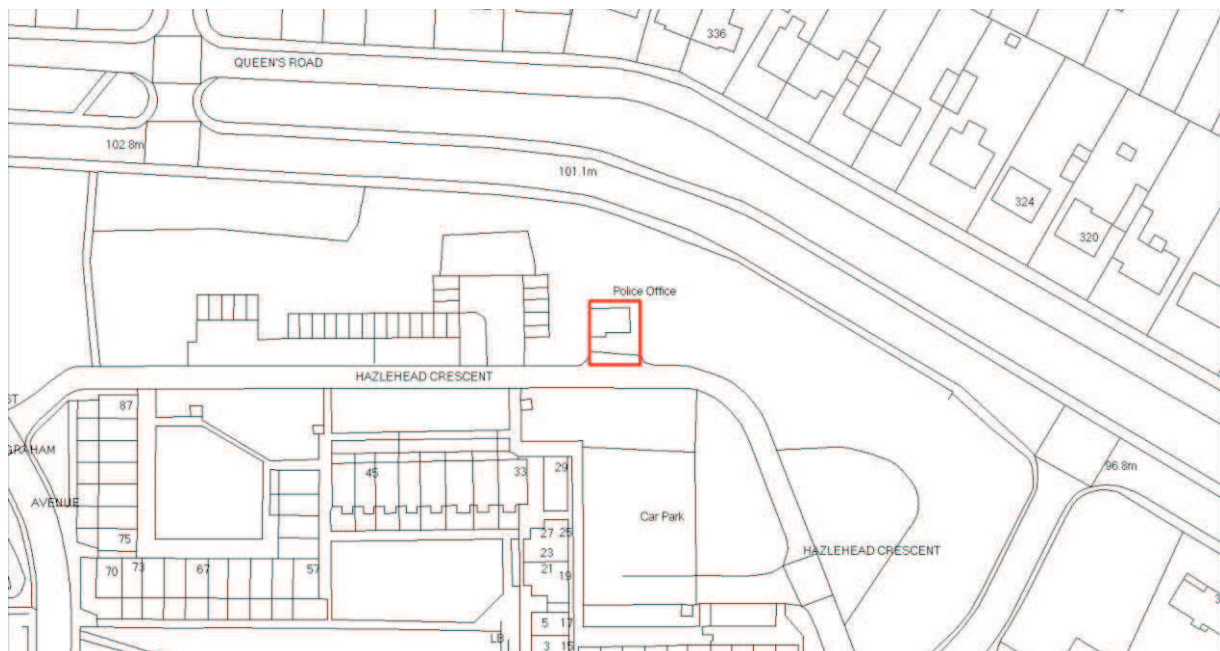
OLD POLICE STATION, HAZLEHEAD
CRESCENT, ABERDEEN

SECTION 42 VARIATION OF CONDITION -
SEEK TO VARY CONDITION NO.5 OF
PLANNING PERMISSION FROM APPLICATION
P111106 TO INCREASE HOURS OF
OPERATION ON SUNDAYS FROM 8.30AM TO
10PM "

For: Mr Graeme Herd

Application Type : Section 42 Variation
Application Ref. : P140133
Application Date: 31/01/2014
Officer: Gavin Clark
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)
Advertised on: 12/02/2014
Committee Date: 24 April 2014
Community Council : No response
received



RECOMMENDATION: Approve Subject to Conditions

DESCRIPTION

The application site is located on the northern side of Hazlehead Crescent, to the south of Queen's Road and is visible from Queen's Road. The property is surrounded by green space with numerous mature trees close to the property. The property to which this application relates is a standalone, single storey building, with a small area of car parking and grassed area. The site is located close to a main bus route. The surrounding area, particularly to the immediate south, comprises a high density residential area including terraced houses and flatted properties.

RELEVANT HISTORY

- Detailed planning permission (Ref: P111106) was approved by full council in October 2011 for the change of use of the existing police station to form a hot food take-away (fish and chip shop). This application is currently in the process of being implemented and the current application seeks to amend condition 1 of this consent.
- Advertisement Consent (Ref: 130339) was approved in August 2013 for the erection of 1 no. illuminated sign board.
- Detailed Planning Permission (Ref: 130251) was approved in April 2013 for a proposed extension to the front (south elevation), erection of timber fenced bin store (on the western elevation) and small modifications to the fabric of the building, and glazed screens/ windows.

PROPOSAL

The application seeks a variation of planning condition 5 of the original permission, which restricted the opening hours of the approved hot-food takeaway (between the hours of 8:30am and 4pm on a Sunday). This application seeks consent to use the hot food takeaway between the hours of 8:30 and 10pm on a Sunday.

The original planning application (Ref: 111106) sought permission for a change of use of existing police station to hot food takeaway (fish and chip shop).

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?140133>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Planning Development Management Committee because 17 letters of representation have been received. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – no observations

Environmental Health – no observations

Enterprise, Planning & Infrastructure (Flooding) – no observations

Community Council – no response received.

REPRESENTATIONS

17 letters of objection have been received. The objections raised relate to the following matters –

1. Concerns in relation to potential noise impacts as a result of extended opening hours;
2. Concerns in relation to an increase in traffic associated with the hot-food takeaway;
3. Concerns in relation to the planning application process;
4. Concerns in relation to the increase in opening hours;
5. Concerns about the proximity of the chip shop to the local primary school;
6. Concerns in relation to an increase in anti-social behaviour;
7. Concerns about an increase in litter;

The applicant provided a letter in support of the application, details of which are provided in the evaluation section of this report.

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1: Residential Areas: within existing residential areas, proposals for non-residential uses will be refused unless they are considered complimentary to the residential use or it can be demonstrated that there would be no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Supplementary Guidance

Harmony of Uses

EVALUATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

Applicant's Supporting Statement

The applicants provided an additional supporting statement to allow the premises to operate between the hours of 8:30am and 10pm, stating that the original application satisfied development policy and that the premises could operate without harm to residential amenity. They have also advised that they have complied with all other conditions associated with the original planning application.

The current application has been submitted as a result of customer comment and also to bring the premise in line with the operating hot-food take away. Extending the opening hours on a Sunday would assist with this.

At the time of the original application, the intended operating hours were until 10pm, seven days a week. It was a matter of regret that they were not aware of the intention to include the restriction at the time of consideration of the application.

In conclusion, the supporting statement states *“that there is no evidence to suggest that the opening hours will be likely to cause nuisance to residential amenity”*, which was the reason given for the restriction, and *“there is no justification to continue to impose this onerous restriction on a Sunday opening”*.

Principle of Development

The only consideration as part of this application is the Variation of Condition 5 to allow hours of opening of the hot-food takeaway to be extended to between the hours of 8:30am and 10pm, in line with the approved hours Monday – Saturday. Environmental Health have no objection to the increase in opening hours.

The proposed use has already been established (although the permission is yet to be implemented). The proposal would see the use extended into early and mid-evening only and it would be sited close to Queen's Road, which is a main thoroughfare into the city, with a high level of traffic and associated noise disturbance. In addition, the proposal would be located more than 25m from the nearest residential property, with a road and open space separating the building. Taking the above into account, it is considered that the extension of hours associated with the hot-food takeaway would have negligible impact on the character of the surrounding area. It is judged that the proposal complies with Policy H1 (Residential Areas) and the associated Supplementary Guidance: Harmony of Uses.

Issues raised in Letters of Representation

1. In terms of noise, Environmental Health has raised no objection to the increase in opening hours. For the reasons mentioned above it is considered that the proposal would have a minimal impact on the character and amenity of the surrounding area;
2. It is anticipated that any additional traffic generated from extending the opening hours would be relatively low and would have no significant impact on the local road network. Further, it would be reasonable to expect a significant number of customers to come from the local area, and would therefore be less likely to arrive by car. In addition, the Council's Roads Projects Team have raised no objection to the application;
3. The correct procedures, including neighbour notification/ advertisement of the application were undertaken during the determination of the application. All properties (one) within twenty metres of the property received neighbour notification;
4. The increase in opening hours between 4pm and 10:30pm on a Sunday is considered to be acceptable;
5. This issue was addressed during the determination of the original planning application. The proposed variation, which relates solely to extension of the opening hours on a Sunday, would have no impact on the local school or its pupils;
6. This is not a material planning consideration;
7. This would be controlled in accordance with the previous planning consent;

Conclusion

In conclusion, it is considered that the proposed variation is acceptable, and in accordance with the Aberdeen Local Development Plan and its associated Supplementary Planning Guidance. In this instance there are no material planning considerations which would warrant refusal of planning permission. The proposed variation is therefore recommended for conditional approval.

RECOMMENDATION

Approve Subject to Conditions

REASONS FOR RECOMMENDATION

It is considered that the proposal to vary condition no. 5 of planning approval Ref. 111106 to allow the hot-food takeaway to trade between the hours of 8:30am and 10pm on a Sunday would not have a detrimental impact on the character or amenity of the surrounding area, or on the amenity of the adjacent residential properties. The proposal therefore accords with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan and the associated Supplementary Planning Guidance: Harmony of Uses.

CONDITIONS

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

(1) that the use hereby granted planning permission shall not take place unless any external duct work comprised in the approved scheme for filtering, extracting and dispersing cooking fumes has been finished in a colour to match the exterior of the premises or treated in accordance with such other scheme as may be submitted to and approved in writing by the planning authority - in order to preserve the visual amenity of the neighbourhood.

(2) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for litter disposal and, if appropriate, recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(3) that the building hereby granted planning permission shall not be used for the sale of hot food unless it has been adapted to provide sound attenuation against internally generated noise. Such a scheme shall ensure that the internal noise level in residential properties above and adjacent to the hot food shop is not greater than 45 dB[A] during the day and 35 dB[A] at night in each habitable room, all in accordance with details submitted to and approved in writing by the planning authority before development commences, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of the neighbourhood.

(4) that the use hereby granted planning permission shall not take place unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes from the premises and a system of regular maintenance has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to preserve the amenity of the neighbourhood.

(5) that hot food shall not be sold from the premises other than during the hours from 8.30 am until 10.00 pm, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of the neighbourhood.

(6) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith 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 outwith 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

Dr Margaret Bochel
Head of Planning and Sustainable Development

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PI

From: TonyClark [REDACTED]
Sent: 07 March 2014 15:58
To: PI
Subject: Hazlehead Chip Shop

Hi, I'm a resident of Hazlehead Crescent, and I was told this is the email address to send letters of complaint about the Hazlehead chip shop extended hours planning application ref: P140133.

As a resident of hazlehead crescent, I strongly object to this premises having longer opening times on a Sunday, there are lots of children around the area of this chip shop inc my own, and I don't need the excessive noise and traffic hassle that will come with the opening of this chip shop, never mind extended hours on a Sunday.

I find it incredible that a council that has schools promoting healthy eating, inc Hazlehead Primery School, let planning permission for this chip shop go ahead as it is, never mind the owner now trying to get longer hours.

I strongly hope the council will not be soft on this application this time.

Really fed up resident.

Mr Clark.



From: webmaster@aberdeencity.gov.uk
Sent: 26 February 2014 10:45
To: PI
Subject: Planning Comment for 140133

Comment for Planning Application 140133

Name : KATHLEEN MACLEOD
Address : 340 QUEENS ROAD
ABERDEEN

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I SUSPECT THE APPLICANTS STRATEGY WAS ALWAYS TO GET THEIR FOOT IN THE DOOR BY WATERING DOWN THEIR ORIGINAL PLANNING APPLICATION WHICH THEY KNEW WOULD BE CONTENTIOUS AND RISKED BEING DIS-ALLOWED. TO APPLY FOR OPENING HOUR CONCESSIONS EVEN BEFORE THE CHIPPER HAS OPENED DISPLAYS
● CONSIDERABLE CYNICISM TOWARDS THE PLANNING APPROVAL PROCESS AND LOCAL RESIDENTS, OR LACK OF BUSINESS PLANNING ON THE PART OF THE APPLICANTS,OR BOTH.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 22 February 2014 10:37
To: PI
Subject: Planning Comment for 140133

Comment for Planning Application 140133

Name : Kenneth Macleod
Address : 340 Queens Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The approval of the original application to allow use of these premises as a take away was both contentious and marginal. Consequently I feel it is inappropriate, even before the original application has been implemented, to allow this concession on Sunday opening hours. We should see how the original application operates in practice before such a concession.

Also in making their original application, the applicants represented to the Council (see the Environment Committee Report) that they would install video cameras, litter bins & appoint a member of their staff to collect litter in the area of the take-away. These representations were made to influence the Council decision and to allay residents concerns. I would again like to see these measures being implemented before granting this application.

Finally since the granting of the original application there have been 2 instances of the applicants erecting unauthorised signage for which the Council subsequently had to order removal. Such actions do not inspire confidence in the applicants by residents.



From: [REDACTED]
Sent: 26 February 2014 09:31
To: PI
Subject: Representation to council regarding planning application ref P140133

Dear Sir/Madam

I am resident at 320 Queens Road, nearby to the proposed chip shop that has already somehow been passed (despite objections) by the council and is under construction.

I now hear that the applicant is applying to change his previous application to allow earlier opening hours on Sunday's from 0830hrs through to 2200hrs.

As a local resident I strongly object to this application and would like this taken into consideration by the council. It is bad enough you feel a chip shop located between 2 schools is a good idea (I thought you were trying to improve our children's health! Very naive of me I know), but I cannot believe you would endorse selling chip shop food for children's Sunday breakfast. Unbelievable!

I hope some good sense filters through and this proposal is halted.

Yours Faithfully

William Gray



From: Debbie Foster [REDACTED]
Sent: 25 February 2014 22:36
To: PI
Subject: Regarding new hours for chip shop at Hazlehead.

[http: \[REDACTED\]](#)
Feel the hours on a Sunday were fine before 10am to 4pm.
New hours I think are a bad idea. 8.30 to 10pm, this is crazy.
Big change from old hours. It's a Sunday for heavens sake & most shops don't even open that early on a Sunday. What are they hoping to sell on a Sunday that early??? Chips???
Not amused at all. .

One incredibly unhappy Queens road resident!!!

PI

From: Alison Inness [REDACTED]
Sent: 26 February 2014 14:04
To: PI
Subject: Objection re Planning Application reference P140133

Dear Sirs,

I write to object to the above application which relates to the extension of opening hours for a chip shop at Hazlehead.

The reasons for objection are as follows:- The location of the chip shop is a residential area, which is very quiet of a Sunday morning and evening with residents enjoying time at home. Allowing this shop to extend it's proposed opening hours will disturb neighbouring residents by way of increased noise levels, traffic, noxious cooking smells etc. for longer periods of time than are warranted given the nature of the business to be conducted from the premises and what would be regarded as normal hours for Sunday trading Other similar establishments in Rosemount and Mannofield do not open at those hours on a Sunday - at least not in the morning and they are in less predominately residential areas- and granting this application would set an unacceptable and unhealthy precedent.

In all the circumstances, the prejudice to the local community in granting this application far outweighs any prejudice to the Applicant and the application should be refused.

Yours Faithfully,
Alison Innes,
298 Queen's Road,
Aberdeen.
Sent from my iPad

PI

From: Carol Pollard [REDACTED]
Sent: 26 February 2014 16:14
To: PI
Subject: Re -P140133 RE former Police Station Hazelhead Aberdeen

Re -P140133 RE former Police Station Hazelhead Aberdeen

This email is an objection to the opening hours on a Sunday for the above application on behalf of 328 Queens Road AB15 8DT. Also we were not aware that they had been granted Sunday opening times.

We have not been consulted at any point to the above or the original application, it is only by the local Councillor providing a flyer that we have been able to object today.

We thank you in anticipation.

328 Queens Road

PI

From: Michael Findlay [REDACTED]
Sent: 26 February 2014 18:12
To: PI
Subject: Planning Application ref P140133

Dear Mr Clark,

First of all I cannot object strongly enough to the proposed change of hours on a Sunday for the chip shop. It is bad enough that it was passed in the first place but to allow an additional 6 hours on a Sunday is absolutely out of the question.
Second, virtually no notification about this proposed change, if it hadn't been for Councillor Jennifer Stewart notifying us we would have not have known about it. So is this the latest Council policy - sneaky to avoid objections from the locals.
Third, no much wonder we didn't hear about it, you only have to inform properties within a 20 metre radius. Who came up with this idea? Yet another way of avoiding telling the locals who may object.

Yours in disgust,

The Findlay family.
(348 Queen's Road)

PI

From: Carol Gibb [REDACTED]
Sent: 26 February 2014 12:35
To: PI
Subject: Complaint/objection re planning application ref P140133

It has come to my attention that the chip shop that is due to open in the former police sub station at Hazlehead has applied to change its opening hours on a Sunday to 08:30am to 10pm.

I strongly object to these opening hours. I can see absolutely no reason why a chip shop should require to be open this early on a Sunday, and I am also concerned about the noise, traffic and parking disruptions these opening hours will cause to an otherwise quiet residential area.

Carol Gibb
Owner
63 Hazlehead Crescent
AB15 8EX
Sent from my iPad

PI

From: [REDACTED]
Sent: 26 February 2014 22:05
To: PI
Subject: Objection to planning application ref P140133

Dear Sir/Madam

I live at 320 Queens Road, nearby to the proposed chip shop that is under construction.

I now hear that the applicant is applying to change his previous application to allow earlier opening hours on Sunday's from 0830hrs through to 2200hrs.

As a local resident I strongly object to this application and would like this taken into consideration by the council. It is bad enough you feel a chip shop located between 2 schools is a good idea (I thought you were trying to improve our children's health), but I cannot believe you would endorse selling chip shop food for children's Sunday breakfast.

I hope you will reconsider and this proposal is halted.

Yours Faithfully

June Gray



From: webmaster@aberdeencity.gov.uk
Sent: 25 February 2014 15:30
To: PI
Subject: Planning Comment for 140133

Comment for Planning Application 140133

Name : Carolyn Vermaas
Address : 308 Queens Road
Aberdeen AB15 8DT

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I write to express objection to the proposed extending opening hours on a Sunday.

This is a quiet & attractive residential area and it is completely inappropriate for a chip shop to be situated here in the first place, let alone extend the opening hours.

It is surprising the Chip Shop was approved given it is in close proximity to 2 schools - a chip shop has an adverse health impact contradicting efforts towards healthy eating education.

The reason for my objection is that increased opening hours will in turn increase the vehicle traffic, noise, anti-social behaviour, cooking smells and litter commonly associated with a take-away establishment.

This is not acceptable especially on a Sunday, when residents should be able to relax in their houses & gardens without the aforementioned disturbances caused by a local takeaway.

Pensioners living near to the Chip Shop will likely suffer distress resulting from increased nuisance/ anti-social behaviour generated as a result of the extended opening hours.

In addition, for children playing outside there is a risk to safety with increased vehicle traffic flow during the day.

Finally the additional litter & smells generated will have an adverse effect on the attractiveness & character of our neighbourhood.

I hope common sense will prevail and the proposal to extend opening hours will be rejected.



From: edwin.keith [REDACTED]
Sent: 25 February 2014 17:49
To: PI
Subject: Planning ref.P140133

Gavin Clarkson

As a nearby householder I wish to object to the proposed change of opening hours on a Sunday. The current hours of 10am to 8pm seem quite adequate and the proposed extension will only attract Saturday late night revellers while the evening extension will probably result in youngsters using the premises as a place to hang about. In an established residential area this is not acceptable.

Edwin Keith
372 Queens Road
Aberdeen

Sent from Samsung tablet



From: webmaster@aberdeencity.gov.uk
Sent: 25 February 2014 18:32
To: PI
Subject: Planning Comment for 140133

Comment for Planning Application 140133

Name : Simpson
Address : 83 Hazlehead Crescent
Aberdeen
AB15 8EX

Telephone :

Email : [REDACTED]

type :

Comment : I am writing as a local resident to object to the above application I am greatly concerned that the proposal if it goes ahead will have a significant detrimental effect on the community with extra traffic and parking issues on a Sunday when a lot of family's visit also the noise, disruption and litter.

As a local resident this is a matter of great concern to me and my neighbours

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Agenda Item 2.8

Planning Development Management Committee

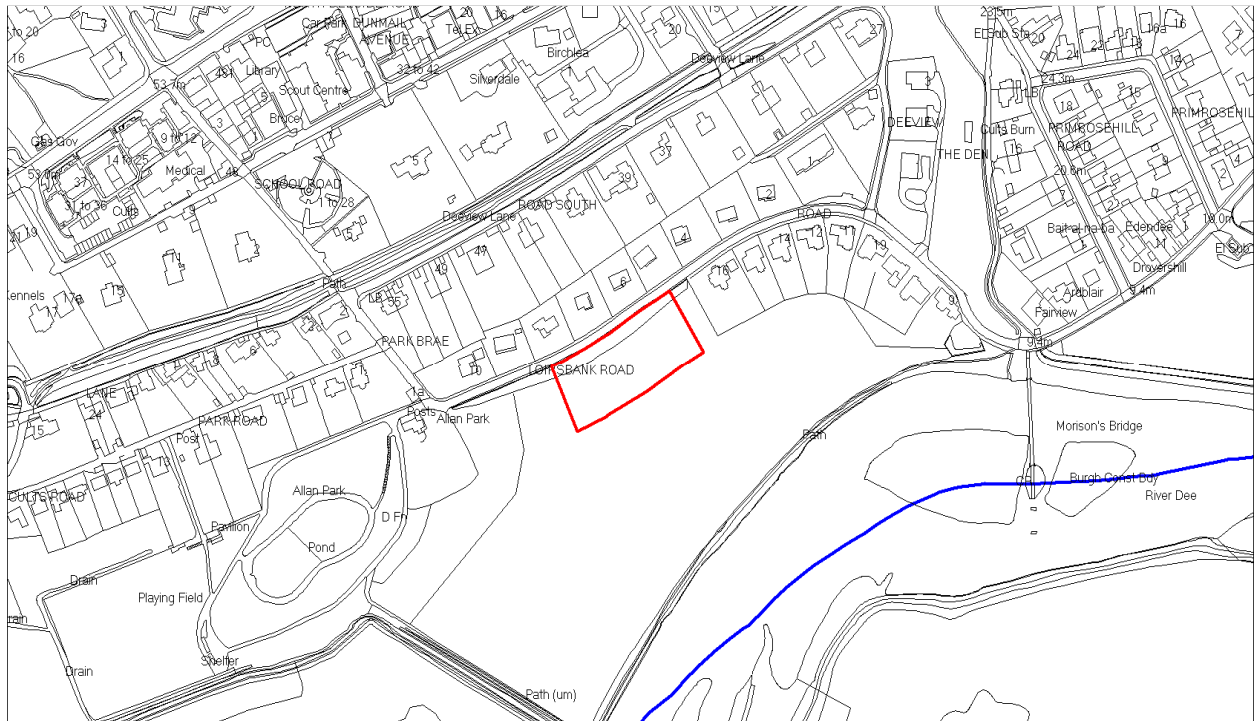
LAND TO SOUTH WEST, LOIRSBANK ROAD,
CULTS

ERECTION OF 4 NO.DETACHED DWELLINGS

For: Forbes Homes Ltd

Application Type : Detailed Planning Permission
Application Ref. : P111566
Application Date: 21/10/2011
Officer: Lucy Greene
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Can't notify neighbour(s)
Advertised on: 02/11/2011
Committee Date: 24 April 2014
Community Council : No comments



RECOMMENDATION: Refuse

DESCRIPTION

The application site consists of a part of the field that bounds Loirsbank Road and slopes steeply down from the road towards the south. The area of land in question is approximately 0.47 Ha being approximately an average of 48m in width and 100m in length. To the north of the site is Loirsbank Road, the site is directly opposite nos 6, 7, 8 and 9 Loirsbank Road; to the south is the remainder of the field, with the River Dee being approximately 100m to the south; to the east an area that was formerly part of the field is under development for 8 houses, a number of which are now occupied, the plot of the westerly most of which is close to the eastern edge of the application site, with a footpath in between. To the west of the site is an area of natural wildspace, containing trees.

The River Dee is a Special Area of Conservation (SAC), on the opposite side is a golf course and farm land.

RELEVANT HISTORY

An application (ref. 111153) for an agricultural access on the site of this current application was approved in December 2011.

An application for 8 houses on land to the immediate east (ref. 101384) was approved by Committee in August 2010, contrary to Officer recommendation, and these are currently under construction.

Two planning applications (references 091213 and 091214) were withdrawn in October 2009. These proposed 7no. and 6no. houses respectively.

PROPOSAL

The application proposal is for four houses. These would front onto Loirsbank Road with driveways accessed from the public road.

An application has also been submitted, and is on the agenda for this Committee for areas of compensatory flood storage (ref. 111697).

The four houses would consist of two each of two 5 bedroomed house types; the two central houses are larger, providing approximately 385m² of floor space over three levels, whilst the houses at either end would provide floorspace of approximately 335m².

Due to the fall in the land towards the south, these would be one and a half / two storeys in height on the Loirsbank Road elevation and two and a half / three storeys in height on the south elevation. The houses would be elevated in natural granite, timber linings and render with natural slate to the roofs and timber windows. The rear elevations contain a number of full height windows and each would feature balconies at the lower two levels, to take advantage of the southern aspect and views, whilst the front elevations are more typical of a modern house derived from traditional style.

The garden boundary enclosures would be post and wire fences with stretches of hedge, trees would be planted within the gardens and in the area immediately adjacent to the gardens to the south.

The submitted plans show a proposed tree belt and footpath within the area to the south of and outwith the application site.

Land raising would take place within the approximately 35m wide strip of land adjacent to Loirsbank Road, this would result in the 1 in 200 flood line (at 11.57m above ordnance datum(AOD)) being moved southward and the site being terraced. The 1 in 200 year flood line in the proposed scheme would lie within the rear garden. Upper gardens of approximately 8-10m in length would be created, there would then be banking down to the lower garden which would sit below the flood line. Gabion walls would be erected along the flood line and hedging planted on the north side of this. Steps would link the two garden levels.

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?111566>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there are twenty eight letters of representation. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team - This proposal would increase the traffic using the Loirsbank Road / Deeview Road South junction, where visibility has been improved by cutting back vegetation. However, the road markings need to be refreshed to clarify that the priority is on Deeview Road South. Traffic calming of Loirsbank Road would also be required. The four new houses proposed on Loirsbank Road will be more than 400m from bus facilities, the maximum distance stipulated in the Scottish Planning Policy (SPP). A new footway along the frontage of the four proposed properties is required, along with a footpath link to the proposed footpath adjacent to the river. Two car parking spaces will be required within the curtilage of each proposed house. SUDS are proposed however, further clarification is required with regards to the ground water level.

In conclusion, the Roads Section could support this application provided that conditions are imposed.

Environmental Health - No comments

Developer Contributions Team - Suitable contributions have been requested.

Enterprise, Planning & Infrastructure (Flooding) - object due to flood risk to gardens and changing the natural course of the river.

Scottish Environment Protection Agency - object in principle to the development, due to the location of the proposed residential development in the floodplain, it is considered that it does not comply with Scottish Planning Policy. It

is considered that there are no works that can be proposed to make the proposed location acceptable for residential development in terms of flood risk. SEPA note that the cornerstone of sustainable flood risk management is the avoidance of flood risk in the first place. It is noted that the application site lies within the 1 in 200 year flood envelope and may therefore be at medium to high risk of flooding. Photographic evidence is included of a flood event in the field, which would include part of the development site, which is on average an annual occurrence. The agricultural access proposed on part of the site was only considered as an exception to SPP as it was essential for agricultural purposes.

Significantly more landraising and compensatory storage would be required for this proposal. SPP states that medium to high risk areas are generally not suitable for additional development. With the history of frequent localised flooding at this site, the principle of landraising on this sparsely developed land for additional built development of housing is contrary to SPP and SEPA therefore objects in principle.

It is confirmed that the updated compensatory storage layout provides for a greater volume of flood water than before and technically compensates for the losses of storage due to the proposed landraising.

Scottish Natural Heritage - Advise that the development could have a likely significant effect on the features of interest of the River Dee SAC. Consequently it is recommended that any planning consent is subject to a condition relating to the prevention of pollution in the River Dee.

Community Council - No comments

REPRESENTATIONS

Twenty eight letters of letters of objection. The objections raised relate to the following matters –

1. That the site is green belt; that the site is under review to return to green belt and this is the best use for the site; the houses are not in the Aberdeen Local Development Plan and should therefore be rejected;
2. Flooding: the proposal goes against government policy on building on flood plains; proximity of houses to flood level;
3. The proposal involves building up the land with a massive amount of water displaced;
4. The flood risk assessment does not take into account land raising at the Aspire golf course, works on the land to the south of the River have caused more rapid flow and greater water displacement;
5. The flood compensation measures are extensive, yet their effectiveness is questionable; there is only 600mm clearance between the finished floor levels of the houses and the inundation level; the gardens and infiltration trenches would be below the inundation levels, rendering them useless during flooding;
6. That the houses currently under construction are completely wrong for the setting and size of site – a lovely area has been ruined;
7. Traffic problems would be exacerbated on narrow roads. Although the transport statement presents the situation as being traffic calmed, the increase in traffic would result in more danger especially for pedestrians and cyclists. As these are luxury family houses, there would be likely to be a number of large cars

- associated with them; the existing situation is that lorries get stuck in Loirsbank Road and cause damage as they reverse out;
8. Developer should be required to widen and repair the road if consent were to be given;
 9. That the existing houses on the north side of the road were designed with large expanses of glazing to take advantage of the view. The extent of glazing means that the occupiers of any future housing and the existing housing would have little privacy;
 10. Disruption and noise due to the need to move earth to the site;
 11. Proposed houses are too high and too close together;
 12. Parking for Allan Park is along Loirsbank Road and this is already very busy at weekends and evenings; the level of on-street parking, together with more houses and driveways could result in restricting access for emergency services;
 13. Additional houses are not required in the area, as houses of this price band remain unsold;
 14. Impact on wildlife habitat of development of corner of field;
 15. As the River Dee is a Special Area Of Conservation, the land should be protected;
 16. There is no farm access road on this application, and therefore no way for the farmer to access the field; and,
 17. Previous unauthorised works by the developer, including felling 30 trees and dumping of material on the site.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 204 includes a risk framework, this states that undeveloped medium to high risk area are generally not suitable for additional development.

Paragraph 159 describes the purpose of the green belt: directing planned growth to the most appropriate locations, to protect the quality, character, landscape setting and identity of towns; and, to give access to open space around towns.

Paragraph 163 describes certain types of development that may be appropriate in the green belt. These do not include mainstream residential development and associated works.

Aberdeen City and Shire Strategic Development Plan (2014)

Paragraph 4.11 states that:

Areas of Aberdeen and Aberdeenshire are already at risk from flooding, but increased risk comes about through changing and more unpredictable weather patterns and rising sea levels. Avoiding flood risk is an important measure to adapt to climate change. We will need to take account of the scale of these changes when we consider what new developments should be built and where they should be located.

Paragraph 4.31 states that:

The green belt around Aberdeen will continue to play a vital role in protecting the character and landscape setting of the City... It must guide development to appropriate places while protecting the most important areas. Accessible green

networks within and around Aberdeen and other major settlements will also be important to achieving a high quality environment.

Aberdeen Local Development Plan (ALDP)

Policy NE2 – Green Belt

Presumption against development other than in certain circumstances, none of which are relevant in this case.

Policy NE1 – Green Space Network (GSN)

Aims to protect, promote and enhance the wildlife, recreational, landscape and access value of the GSN. Proposals that would destroy or erode the character of the GSN would not be permitted.

Policy D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D2 – Design and Amenity

This policy states, *inter alia*, that individual houses shall be designed to make the most of opportunities for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.

Policy D3 – Sustainable and Active Travel

This policy aims to minimise travel by private car and highlights minimum distances to services set in the Transport and Accessibility Supplementary Guidance.

Policy D6 - Landscape – this policy aims to maintain Aberdeen’s unique landscape setting. Development must avoid adversely affecting landscape character; obstructing views of the City’s features when seen from publicly accessible vantage points such as roads and pathways.

Policy NE8 – Natural Heritage – No development permitted unless mitigation steps are taken to prevent adverse impacts on the River Dee SAC.

Policy NE6 – Flooding and Drainage

Development will not be permitted, *inter alia*, if it would either increase the risk of flooding, or be at risk of flooding itself. A flood risk assessment is required.

Supplementary Guidance

Transport and Accessibility Supplementary Guidance

Developments should be linked by the most direct, attractive, safe and secure pedestrian links possible to potential trip sources within 800 metres of the development. Public transport should be available within 400 metres of the origins and destinations of trips within the development.

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 – Green Belt

The proposal is for mainstream residential development and does not comply with green belt policy in the development plan, the principle of development is therefore unacceptable. There are no material considerations that would justify a decision other than in accordance with the development plan.

It should be noted that the housing demand is being met through the allocated sites within the ALDP and there is therefore no justification to allow this site to be developed.

Landscape and Context

The proposal would be highly visible from the River Dee paths and would add to the recent development to create built form with a high degree of visual impact. Equally, existing views from the public road of the River Dee valley would be blocked and interrupted and the proposal would be out of keeping with the green belt setting and contrary to Policy D6 – ‘Landscape’ in the ALDP and to Policy D1 – Architecture and Placemaking.

The proposal would also be contrary to SPP (in particular paragraph 159) as it would impact negatively upon the character and quality of the landscape setting of the built up area.

Flooding

The proposal involves land raising within the floodplain and the erection of houses. Compensatory flood storage areas would be excavated within the floodplain to accommodate the volume lost. Part of the gardens of the houses would remain within the 1 in 200 year flood plain and would be at risk of flooding. The proposal would not therefore comply with Policy NE6 – ‘Flooding and Drainage’ in the ALDP. However, it should be noted that solely in terms of area of size of garden ground, the area provided outwith the floodplain is sufficient.

In terms of the policy in SPP, as stated in the objection in principle from SEPA, the site lies within an area where there is currently a medium to high risk of flooding and this is a sparsely developed site, the proposal is therefore contrary to SPP. The EP&I Flooding Team also advise in favour of refusing the application due to the gardens being at flood risk and that the overall impact of the proposals would be to alter the course of the River Dee.

SPP states that there is sometimes a role for land raising, and this proposal would be linked to compensatory storage, would not impact detrimentally on flooding elsewhere, would not create a need for flood prevention measures elsewhere, would adjoin a developed area and be set back from the bank of the watercourse. However, paragraph 208 also states that major proposals for land raising should be promoted through the development plan, and (in paragraph 207) that proposals that would require new flood risk management measures should only be promoted through the development plan.

It is considered that the proposal is unacceptable in terms of policy in the ALDP and SPP.

Design and Amenity

The proposed houses would provide for an adequate level of amenity for residents in terms of privacy, sun and daylight, provision of outdoor space and outlook. There are two house types, although all four houses are of similar appearance, with similar massing, elevational treatment and use of materials. The proposed houses would appear to be part of the existing built up area, rather than part of the green belt as per the ALDP zoning, the gabion walls within the gardens are also an alien feature and these would form the boundary, in an elevated position, between the riverside green belt and the built area. The design of the houses would not be of the nature that would be likely to be acceptable within the green belt, although it is acknowledged that they would not be particularly out of keeping with some of the other houses in the nearby residential area. However, the issue of green belt and design are inextricably linked and the overall proposal is unacceptable in principle. Given the setting within the green belt, the houses are contrary to Policy D1 – Architecture and Placemaking.

Green Space Network (GSN)

In terms of the aims of the GSN the proposal would not break linkages between greenspaces and would not be contrary to ALDP policy in this regard.

Transportation and parking

The proposed houses would be acceptable in terms of parking. The Roads Projects Team are satisfied with access providing that traffic calming measures are implemented. The site remains more than 400m from public transport, with the route involving the crossing of the bridge over the Deeside Walkway, where there are no footways.

Natural Heritage

Any impact on the River Dee SAC would be capable of being mitigated by measure to prevent run off from entering the river. This matter could be the subject of condition on any consent granted.

Conclusion

The proposal is unacceptable in principle as it is contrary to the Policy NE1 – ‘Green Belt’ in the ALDP and policy on flooding in both ALDP and SPP. In terms of its landscape impact and design it also does not relate well to its context within the green belt and River Dee valley.

Should committee be minded to approve the application, then it would need to be notified to the Scottish Ministers, due to the objection from SEPA. It is also recommended that there be conditions attached, including in relation to materials, landscaping (including outwith the site), traffic measures in Loirsbank Road and the implementation of the compensatory storage within application 111697. It should be noted that application reference 111697 proposes compensatory flood storage areas that would be crucial to the implementation of this application for the four houses. It is recommended that committee do not approve this

application without the associated application for compensatory storage on adjacent land.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION:

1. That the proposal would consist of housing within an area subject to flooding and is therefore contrary to: Policy NE6 - Flooding and Drainage in the Aberdeen Local Development Plan 2012 and Scottish Planning Policy Risk Framework in relation to flooding.
2. That the proposal is contrary to Green Belt Policy NE2 in the Aberdeen Local Development Plan as it consists of 'main stream' houses within the green belt and does not fall within any of the categories of development that may be acceptable due to their locational requirements.
3. That the proposed houses due to their location, overall design and the cumulative effect when taken together with the houses on the neighbouring site, would be overly dominant within the setting and landscape and would be detrimental to the character of the green belt within the River Dee valley and to visual amenity within the surrounding area. The proposal would be, thereby, contrary to Policy D6 – Landscape, Policy D1 – Architecture and Placemaking

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 27/10/2011 18:01
Subject: Planning Comment for 111566

Comment for Planning Application 111566
Name : Dr Rosy Wood
Address : 41 Deeview Road South

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would like to lodge a formal objection to the proposed planning applications (ref 11156) to build 4 further houses on the Dee floodplain at Loirsbank Road, Cults Aberdeen.

The proposed development site is a rural floodplain which is regularly submerged and the proposal involves building up the land some 5-6m over datum and massive potential water displacement during peak flood. The opposite bank of the river Dee has already been tampered with during the last 10 yrs, causing more rapid flow and greater water displacement, and this further damage to the floodplain can only exacerbate the situation resulting in potential for increased flooding up and down stream.

Access roads are narrow and already full to capacity and would not be adequate for the extra cars likely to accrue from the current development of 8 houses and this additional development of a further 4. Traffic is often backed up at the single file bend on Loirsbank Road by the Den. This is an existing safety issue for pedestrians that would be further exacerbated by this proposed development and the additional traffic.

Building houses on a floodplain is not only foolhardy but increases the potential for environmental damage and seepage into the ecosystem of sewage and other pollutants. The existing utilities are already under strain. It is frankly amazing that the 8 houses already under construction were passed by planning despite the fact that the Aberdeen City Council have twice voted to revert this site to Green Belt. This area within the flood plain along Loirsbank Road should never been included in the Local Development Plan. Agreeing to a further 4 houses in this sensitive area would be fool hardy at best.

Some 30 trees were felled along the site the day after the original planning application was lodged, apparently without due process or permissions. The developer has also dumped landfill in the site against planning regulations. Both acts raise concerns that this is an unscrupulous developer, with little concern for the impact of this potential development on the rural landscape of this popular riverside walk. The outlook from the river back towards Cults will be further degraded given the elevation of the development above the existing floodplain.

Given the points above I strongly object on the grounds this is a potential environmentally degrading and foolhardy development scheme. I hope the planning department and elected members reject this application.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 30/10/2011 23:20
Subject: Planning Comment for 111566

Comment for Planning Application 111566

Name : Athol Strachan
Address : 1 Loirsbank Road
Cults
Aberdeen

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : The road appears to be inadequate at present with the current 8 houses being added. It is narrow and would be impassable by emergency services if vehicles were to be parked on the street. The plan allows for 2 cars in each driveway which, at the upper end of the Market, will not be enough. There appears to be no allowance for visitors. All of the original houses on Loirsbank have parking for many cars in their properties and do not have to rely on road parking to meet their needs.¶¶

In addition, I'm concerned about the lack of access to public transport from these properties. There is no footpath to the west of the site leading up to the main village. ¶¶ There is also an inadequate footpath, in my opinion, leading from the east side of Loirsbank as it is very narrow and would need to be widened if it were to be relied on as the main route to public transport.

I'm not sure of the status of Loirsbank Road, ¶¶ but I believe it to be unadopted but maintained by the council. I also think that it may be unsuitable for any additional traffic. I understand that it may have been a cul-de-sac in the past and this matter would need to be resolved before things moved forward. Perhaps the developer would need to repair, widen and address these issues as a condition of any consents given (although I sincerely hope that consent is never given for this).

The amenity to the locals living in Cults has already been affected adversely and many are still at a loss as to why the consent was ever granted after the initial recommendation not to grant consent (for the 8 houses being built). ¶¶ A walk along Loirsbank Road would display this loss of amenity; surely there will be no further erosion to what used to be an area of outstanding beauty.

I think a brand new look at the inadequate roads and pathways around this site should be undertaken before any decisions are made. ¶¶ I feel a visit to the area would be absolutely essential. ¶¶ Perhaps a route-and-branch review of the entire area may result in a long-term solution, perhaps being funded by the developer's profits.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 13/11/2011 17:58
Subject: Planning Comment for 111566

Comment for Planning Application 111566

Name : Robert Romani
Address : 7 Belvidere Road
Cults
AB15 9HP

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : I object to the proposal on the grounds that it intrudes and destroys a shelter for wildlife in the corner of the field, frequented by the local deer population. By allowing this creeping development to carry on more and more of the greenbelt is being eradicated.

Secondly it increases the number of dwellings on the site by 50%, increasing traffic problems in this area with dangerously narrow roads with narrow and missing footpaths. If two cars meet on Deevie Road South, one of the cars is often forced onto the pavement. I cannot see how this fits in with the statements made in the Transport statement submitted with this application by Fairhurst, presenting the situation as a perfect traffic calming example. Instead having more traffic only increases the danger for cyclists and pedestrians.

And as these are all luxury family homes a fleet of large 4x4 vehicles will undoubtedly be used to transport children to and from school and other activities.

As a previous application for more houses than currently approved was refused, I do not understand why this one should be allowed.

On days that cricket is being played in Allen Park a large number of cars are parked on the road adjacent to the proposed development. As this would potentially block driveways, these cars would then have to be parked elsewhere in a area where very little on-road parking is possible without obstructing traffic. In emergency situations this could restrict access for fire engines which can barely reach some of the housing in the area even if no vehicles at all are parked on the roads.

Kind Regards

Robert Romani

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 11/18/2011 10:48 am
Subject: Planning Comment for 111566

Comment for Planning Application 111566

Name : Adam Smith

Address : 49 Deeview Road South

Cults

Aberdeen

Telephone :

Email :

type :

Comment : I wish to object to this development on several fronts.

This area of land was zoned 'residential' under very dubious circumstances. It is currently being considered for rezoning as Green Belt and this application is clearly trying to beat this decision.

This was a local amenity enjoyed by visitors and residents for walking and nature walking, it is being trashed for greed pure and simple.

The current development was opposed by the Councils own roads department but this was ignored by the planning committee. There is a proposed large development planned for Friarsfield Road and this is the route that will be used for those working to the South of the city.

Loirsbank is used as parking for Allan Park and both the 'under construction' and proposed houses have no visitor parking other than on the road.

The style of the development is not sympathetic to the architecture or size of houses around them.

The roof line is intrusive and overpowering to the area around it.

Regarding the flooding aspect Fairhursts report states that flood water 'will over flow to the field to the South which is at a lower level than the development. No existing or proposed properties will be affected by the floods'. Even with 'compensatory storage' the water will affect the river bank further down the river be that RGU, Leggart Terrace or the bank in general. We have already seen this happen with the Aspire development on the other bank.

Why is a development being contemplated where 'parts of the rear gardens of all four plots will remain with the functional floodplain...subject to periodic inundation'. The ground is already being raised a considerable height and is reducing the size of the floodplain considerably and yet the gardens will be flooded several times every year but 'loss of storage volume is very small' but this is not going to impact on any 'existing or proposed properties'.

Paragraph 197 of Scottish Planning Policy advises that developments which increase the 'significant probability of flooding elsewhere should not be permitted'.

I reiterate this development should be refused because of Green Belt issues, road infrasture, sewage and the loss of a large area of flood plain.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 11/18/2011 10:46 am
Subject: Planning Comment for 111566

Comment for Planning Application 111566

Name : Alison Jermieson
Address : 50 Deeview Road South
Cults
Aberdeen
AB15 9NA

Telephone :

Email :

type :

Comment : I wish to object to this development on several fronts.

This area of land was zoned 'residential' under very dubious circumstances. It is currently being considered for rezoning as Green Belt and this application is clearly trying to beat this decision. This was a local amenity enjoyed by visitors and residents for walking and nature walking, it is being trashed for greed pure and simple.

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I reiterate this development should be refused because of Green Belt issues, road infrasture, sewage and the loss of a large area of flood plain.

From: "Richard Bush [REDACTED]"
To: "pi@aberdeencity.gov.uk " <pi@aberdeencity.gov.uk>
Date: 21/11/2011 13:44
Subject: Fw: Flood risk assessment loirisbank road.

Please note these comments submitted to Lucy green
Sent from my BlackBerry® wireless device

-----Original Message-----

From: [REDACTED]
Date: Mon, 21 Nov 2011 11:35:35
To: Lucy Greene<LGREENE@aberdeencity.gov.uk>
Reply-To: [REDACTED]
Subject: Flood risk assessment loirisbank road.

Dear Lucie

I have now reviewed the flood risk report you sent me and have the following comments. Can you please ensure that these are taken into consideration as I believe today is the deadline for submissions.

1. The allowance for global warming is inherently uncertain. The base study (ie the Aberdeen council sponsored study of 2004) from which it is drawn quotes a figure of 0-30 percent. 20 percent has been used both here and the base study. But in reality we have little or no idea what the actual figure should be. It could be very much more it could less or even negative. No-one really knows what level of climate change might affect the uk in the next 200 years nor what its effects on flooding might be. In this situation allowances should be conservative and therefore there is an argument to either choose 30 per cent or add a factor of safety or both.
2. Fairhurst have not mentioned the potential variation in hydraulic roughness in their model. This is a standard variable mentioned in the base report and in other studies. A figure of 20 percent increase would be reasonable and (based on other similar studies) would add about 0.5m to the flood height.
3. The fairhurst report mentions that more recent flood level analyses show that their data is conservative. Thus may be so but earlier recordings taken further upstream before the park recording station was established were higher. For example chaps flood risk study for the park housing development took these earlier data into consideration adding a greater weighting to this earlier data. So there could be much less conservatism in the fairhurst study than they suggest.
4. The original base report upon which the fairhurst study was based notes that the topographical data available in way of the reservoir (just downstream) lacks accuracy. The field in which development is proposed lies in the middle of several flood storage zones that might not have been that well defined to begin with and that may well change over time. For example any changes to aspire flood protection either now or in future could affect matters. And changes that have happened in the past could invalidate the historical record.
5. The field is just opposite an area of fluvial deposits ie the island to which the shakkin bridge runs. This island will affect the flow. If over two hundred years the vegetation on that island becomes more established and the island builds up there will be an increase of flooding in the field where the development is proposed. This is quite possible over time and in a changing climate.
6. The model that is used has been calibrated against events not as extreme as the 200 year design event. Flows for the extreme event could be very different to those used for model calibration.

Taken together these points raise reasonable doubt about the predicted 200 year flood level. Suggesting that the actual 200 year level could be at least 1m higher. This would in turn materially increase the risk of flooding.

It should be noted that the proposed houses are already very high and completely out of keeping with the rest of the area that has previously been planned sympathetically in respect of existing development and the lie of the land.

Development on this site is clearly badly compromised serves no public interest and should be opposed.

Regards

Richard bush
45 deevie road south.
Sent from my BlackBerry® wireless device

Aberdeen City Council,
Planning Department,
Planning and Sustainable Development,
Marischal College,
Broad Street,
Aberdeen AB10 1AB.

28 Beechill Gardens,
Aberdeen.
AB15 7QH.

4th November 2011.

Dear Sirs,

Having seen the advertisement in the "Press and Journal" for building application 111566 Loirsbank Road, I am registering my objection for the reasons listed below.

I spent much of my childhood in Cults and was appalled by the development already underway, to which I had no opportunity to object. The area is regarded as one of natural beauty and has been completely spoilt by the construction now underway.

The area is a notorious flood plain, and the latest project to build up on the flood area is ridiculous. I am very surprised that anyone would even wish to build there.

Traffic is a major problem because all roads are extremely narrow, twisting, and on steep approaches which become treacherous in winter.

It is also inexplicable why green belt status was removed from the area, was then reported in "The Milltimber Bieldside and Cults News" as reverting to green belt, but still the developer has applied for further building actually in the flood area.

Yours faithfully,

A solid black rectangular box used to redact the signature of Shena Pirie.

Shena Pirie,
28 Beechill Gardens,
Aberdeen.
AB15 7QH.

Planning Dept.
Aberdeen City Council

11, South Avenue,
Culter, Aberdeen, AB15 9LQ.
8. 11. 11.

Dear Sirs,

Application 111566

1. I wish to object to the above application because:

1. I understand that the area is Green Belt. This should not be built upon.

2. It is a flood plain. Anybody who lives in this area will have seen it flooded repeatedly.

3. The granting of permission for the present eight houses was inexcusable. The area had only recently had its Green Belt status confirmed. Both the Planning and Roads departments objected yet, on the casting vote of the Chairman, development was allowed. We now know that the Chairman was a criminal who should have been debarred from holding office.

I accept that it is too late to stop the current development but it is important that the original error is not compounded by allowing further development.

4. From Press reports it seems that the developer feels that he is beyond the law. He illegally cut down trees. He dumped soil along the length of the field but, when instructed to remove it, he simply ignored the order. Frankly, his actions are making a fool of Aberdeen City Council. Not only must he not be granted permission for further houses but he should be fined for tree felling and forced to comply with the order to remove the soil.

Yours faithfully,


From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 15/11/2011 08:26
Subject: Planning Comment for 111566

Comment for Planning Application 111566
Name : David Cant
Address : 7 Loirsbank Road, Aberdeen AB15 9NE

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : Further to my previous comments I would like to add the following argument against the development.

The existing houses on the north side of Loirsbank Road have been designed with large amounts of glass and large balconies facing south. Obviously this design is to maximise the views from the properties and it is not a design that would have been approved had there been properties on the other side of the road. The council approved this design, obviously assuming that there would be no further properties built on the south side of the road. If a row of housing is built on the south side then the design of properties on the north side becomes obsolete and the level of privacy on both sides of the road will be virtually zero because of the amount of glass on the front of the existing houses. I repeat that if housing were to exist on the south side then the existing design of north side would never be permitted.

Aberdeen City Council,
Planning Reception,
Planning & Sustainable Development,
Marischal College
Broad Street,
Aberdeen.
AB10 1AB.

5 Loirsbank Road,
Cults,
Aberdeen.
AB15 9NE.

23 10 2011.

Application Number 111566.

Dear Sirs,

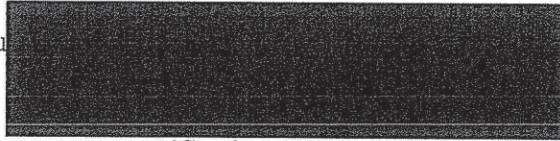
With reference to your communication of 31 10 2011. It is my definite conviction that the area referred to must return to Green Belt from where it should never have been removed. As you will understand I have very many documents concerning the matter, and I appreciate that to send any more than the minimum to you would aid no one. I have therefore reduced my comments as much as possible and have enclosed only two photographs supporting my remarks.

1. Most of the area is a natural flood plain, flooding as many as 5 times annually. I have lived here since 1967 when the house was built and have witnessed this. Several years ago I was informed by my insurers they were no longer prepared to provide cover, because my house was "on the flood plain," even although all the 9 homes built then are above the road and well above the houses now being built below the road. I did obtain insurance elsewhere but at increased cost.
2. No one protested initially when the current development was in the press as the location name was not given. The then C.E. for Aberdeen City admitted it might have been difficult for the man in the street to understand the system.
3. Both the City Planning Department and the City Traffic Department objected, and there were over many written objections from the public.
4. Despite always having been Green Belt, the Planning Committee chose, inexplicably, to ignore the opinions of both the Planning Department and the Traffic Department, and the then Planning Convener used his casting vote to allow the present development. He later resigned from this office.
5. The Developer, in August this year, requested permission for agricultural access to the flood field which is difficult to understand as he now wishes to build there also, necessitating a considerable intrusion into the flood area, and contravening all Government Directives about such projects as the base fill required will always have a very high water content quite apart from when routine floods occur. The entire area is permanently soggy as can be appreciated by walking on the field. This is evident even in very dry spells with the river at a very low level.
6. The Developer illegally removed all the trees along the south side of the road in August 2009 and has, this year, illegally dumped soil along the entire edge of the flood plain from the present development to its western end. He was informed by the Planning Department in May this year, that this was illegal and the soil must be removed. To date nothing has been moved and the this soil is becoming rapidly overgrown.
7. With the large volume of water amassing during floods there can be no satisfactory water management plan and this action will simply result in the

8. Sewage capacity is at a critical level already. Two weeks ago there was a visit by a water board official checking on the sewage system which runs through my garden. Some years ago an extra manhole over the pipe had to be sited in this garden to enable monitoring of sewage escaping because of overload then, resulting in raw sewage appearing in the garden.
9. As the City Council has once again voted to re establish Green Belt status, one can only hope that common sense will prevail and the original status will be confirmed..

Thank you for your attention.

Yours faithful

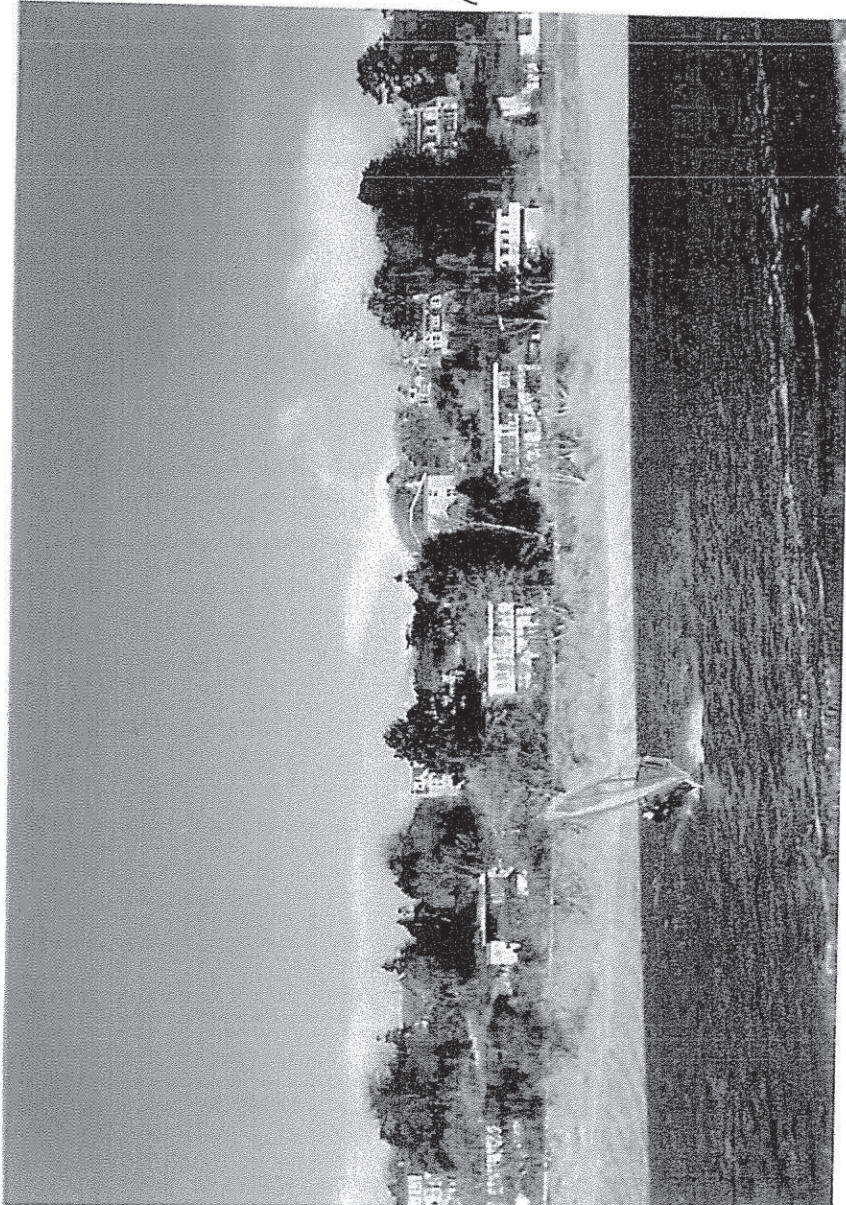
A large black rectangular redaction box covering the signature of Gordon H. Whyte.

(Gordon H. Whyte.)

NORTH

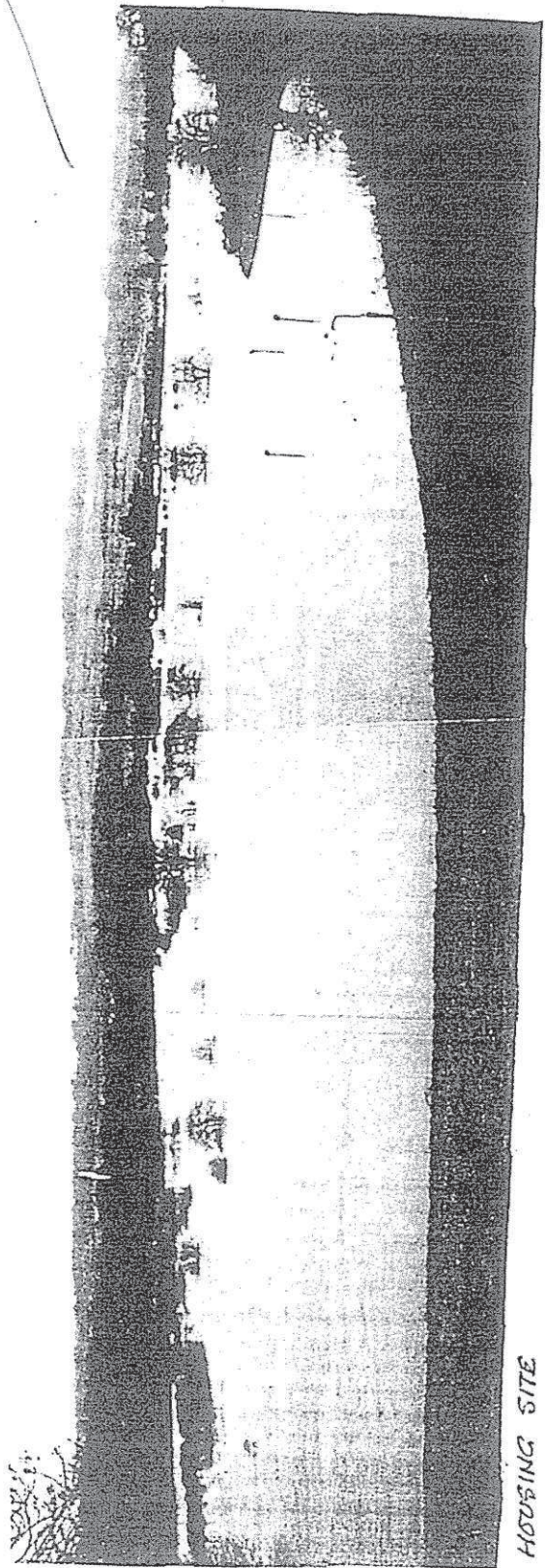


LOOKING
TO
AREA
WHERE
NEW
HOUSES
ARE
PROPOSED
FROM
NORTH
RIVER
BANK



LOOKING WEST ALONG LOIRSBANK ROAD

PROPOSED AREA WILL BE IN WATER.
THIS IS THE FREQUENT FLOOD LEVEL.



HOUSING SITE

Application Ref: 111566
for
Loirsbank Road (land at)
Cults
Aberdeen

20 Park Road
Cults
Aberdeen
AB15 9HR

18th November 2011

Aberdeen City Council
Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir or Madam:

Planning Application Ref: 111566

I refer to the above application for outline planning permission to build 4 more dwelling houses on land alongside Loirsbank Road in Cults. This follows the controversial approval to build 8 houses on this site (Planning Ref. no. 101384) and must represent a further attempt to gain approval to build on the remaining land. We had been assured the original approval would not succeed so I hope the council will demonstrate a responsible and honest approach to all the objections this application will attract. These are the objections I wish to raise.

1. The 4 dwelling houses are to be built on the Flood Plain! This is not at the margin of the area which floods, but the real flood plain where the water level can reach a depth of between 1 to 2 metres during an average flood. Each house will have to be placed on a substantial platform to remain clear of the water. The vast amounts of hardcore and very substantial foundations will alter the nature of the Flood Plain. The approval for the development of the Aspire Golf Club, on the opposite side of the river, was on the condition the Flood Plain was not altered in any way. Hopefully, S.E.P.A. will mount a robust objection and will repeat this condition. Building on a Flood Plain is against government policy, is highly irresponsible and causes enormous insurance problems when flooding occurs. And then there is the question of who pays for flood defences? In 2005 a considerable sum was allocated to provide flood defences at West Cults Farm: a development that was ill advised and, a misuse of public money.

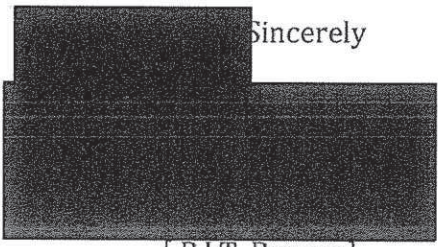
2. The Council has proposed that the land in question should revert back to Green Belt. If this development goes ahead there may be little point as there will be little to protect other than a small area of marshy field. This would also count as a total success for the developer. He acquired an area of Green Belt which is also happens to be a "Special Area of Conservation. The Green Belt status was removed in spite of appeals to the Scottish Office and the area becomes part of the 'Aberdeen Plan'. Planning permission for a development of 13 large houses is then turned down. This was followed by an application to build 8 large houses,

which was approved, and these are now being built. If the present application is approved 12 houses out of the original application for 13 will be built. And now, the Council is proposing to have the land in question returned to Green Belt status. It would appear there are no real obstacles to any planning application. Green Belt status, Special area of Conservation, Flood Plain rules, area of outstanding natural beauty, loss of amenity and recreational value, unsympathetic planning and poor design, substandard roads and poor access are the best reasons for refusing a planning application, yet, in this case they were not enough. The Westminster government hopes to introduce a new set of relaxed 'Planning Laws', to ease the restrictions. If the same rules apply in Scotland, Aberdeen has proved the present ones work well enough. If this application is approved one can only assume that in the end it is a waste of time to submit objections. Endless re-applications by the developer will eventually be approved however solid the objections.

3. The roads in this area are substandard and barely meet the needs of the present users. Having bumped over the 'humps' on Inchgarth Road and passed the old suspension bridge the road bends and almost obscures a 60 metre section that reduces to a single lane too narrow to include a pavement. From the other end of this section it is not possible to see traffic that has passed the suspension bridge and is about to enter the single lane. This leads to frequent holdups as one vehicle backs up or moves to a passing area that happens to be part of the present site access. It will most likely disappear when construction is complete. A priority system will not solve the problem. The roads in the vicinity of the development are narrow and without suitable parking or anywhere to turn. At two cars per household, 24 additional cars will make matters a lot worse. The area has always been difficult to access and there is no obvious solution.

4 This has to be a prime example of the over-development of a rural area whose conservation is of great importance to the people of Cults and to the Aberdeen population who value it as a recreational facility. It was an area of long-standing natural beauty beside the river Dee. The present development will spoil this aspect to a great degree: a further 4 houses will ruin it completely.

Sincerely



[P.]T. Benson]

MINUTE OF MEETING HELD IN TOWN COUNCIL OFFICE OF COUNCILLOR MARIE BOULTON ON TUESDAY 8 TH NOVEMBER 2011 TO DISCUSS THE PLANNING APPLICATIONS SUBMITTED BY FORBES HOMES LTD FOR LAND AT LOIRSBANK ROAD CULTS, ABERDEEN.

PRESENT :-

MARIE BOULTON - COUNCILLOR

LUCY GREENE - PLANNING DEPARTMENT

DIANE CANT and MALCOLM WEBSTER- LOIRSBANK ROAD RESIDENTS

The object of the meeting was to discuss the two latest applications for the field adjacent to Loirsbank Road affecting the residents and the general public amenity.

FORMATION OF AGRICULTURAL ACCESS INCLUDING FIELD GATES REF111153

- 1 An Archaeological survey has not been carried out as yet but has been requested by the Planning Authority.
- 2 The Drainage Impact assessment is not valid as the previous submission has been used and a new study is required.
- 3 Compensatory Flood Storage is classed as permitted development for agricultural applications and can be accommodated outwith the application site.
- 4 The new access is so contrived that it will form the basis of the further housing site ground build up and makes use of the illegal dumping of spoil from the present housing site which the Local Authority has asked to be removed.
- 5 The intrusion into the field to accommodate the access reduces the agricultural ground available for cultivation.
- 6 SEPA recommended a lower risk option not involving Compensatory Flood Storage but as yet the developer has not followed up this advice.
- 7 The proposed excavation of the land south of the present housing site for Compensatory Flood Storage, is in close proximity to the existing water main and Scottish Water have been asked to assess the implications of this on the required way leave.
- 8 The increased gradient of the above excavations will increase the erosion of the land by the flood waters.

The application could come to Committee at the only meeting in December. It was suggested that objections should be sent in letter form to each of the members in advance .

ERECTION OF 4 NO. DETACHED DWELLINGS WITH ASSOCIATED DOUBLE GARAGES REF 111566

- 1 The submission drawings show there to be only 600mm clearance from finished floor level of the houses to the anticipated inundation level of flood waters calculated by SEPA.
- 2 The foundations of the houses are under the anticipated flood level .
- 3 The infiltration trenches for disposal of rainwater are under the present flood level .
- 4 The restricted nature of Loirsbank Road and the lack of car parking for the Allan Park recreational activities will create problems for residents associated with this development.
- 5 The introduction of more housing and the inevitable increase in traffic associated with these 5 bedroom houses will increase the stress already being experienced in Cults at peak periods.
- 6 The Application Site for this housing development shows the boundary extended beyond Forbes Homes ownership as delineated on previous applications.
- 7 The fact that the applicant has submitted an application for housing on the same piece of ground as the agricultural access shows that he is not serious in replacing the access that he has cut off by his present housing development.
- 8 The precedent created by any successful outcome of this application has serious implications for the rest of the Dee Valley previously protected by the Countryside Commission and now under Scottish Natural Heritage.
- 9 The scale of the houses proposed is out of character with a rural setting of this nature and shows the lack of consideration of the developer for existing residents and the intrusion into the flood plain in this

11 NOV 2011

DM

LCG

lack of concern for the environment.

10 The Planning Department has asked Forbes Homes to put the agricultural access on the housing application submission drawings.

11 The major remodelling of the landscape involved in this application which will require a flood risk assessment must surely also require an Environmental Impact Assessment as although none of the separate applications achieve a 2 hectare requirement the overall development certainly does. However, the Compensatory Flood Storage for the housing will have to be within the application site which will bring the area within the 2 hectare limit requiring a public consultation and Environmental Impact Assessment.

12 The affect of this development on the Aspire Golf development across the Dee requires the Adjoining Authority to be notified where flooding from the application site will have an adverse effect on another.

13 Whilst views from residential houses is not a material consideration in Planning determination the Planning Department have recommended applicants to consider this point in terms of the scale of development and in the Den of Cults just along the road the houses were not only flat roofed but had to have a grass roof so not to destroy the view to the Dee. The public who at present walk along Loirsbank Road from the Allan Park enjoy a stunning view recognised by the Reporter at the previous enquiry into the Local Plan. A similar good mannered architectural solution should be recognised here.

There was a general recognition by all parties that the public consultation process was not being properly addressed by the Planning Committee, who have ignored best advice from their Planning Department and public concern and now we await the Reporters response to the motion to revert the undeveloped part of the original site to green belt.

We are also fighting a clever Developer using every possible strategy backed by Lawyers given the advantage of a flawed inclusion into the Local Plan encouraging a 10 house development on a flood plain against Government advice.

We can only hope that the Reporter sees through the developers profiteering and supports the Council motion or that we can convince the Planning Committee members that they take a closer look at the concerns voiced by the Community Council, the elected Local Councillors, and the City Council and vote to keep this special part of the Dee Valley landscape intact for future generations to enjoy.

Mrs Cant and Mr Webster thanked Marie Boulton and Lucy Greene for their support and it was agreed that we would be kept informed of developments by both parties.

THE MEETING CLOSED AT 12.40 PM

9, Loirsbank Road
Cults
Aberdeen
AB15 9NE

Aberdeen City Planning Department
pi@aberdeencity.gov.uk

Reference: Planning application 111566

21st November, 2011

To whom it may concern,

I wish to object to planning application 111566 for the building of 4 additional houses in Loirsbank Road.

My objections are based on the following reasons:

1. The land is zoned as green belt.

I am aware that the developer has applied to have this land removed from green belt and am concerned that he has obviously spent so much money formulating these plans in expectation of his request being granted. The land should never have been removed from Green Belt and there has been much previous discussion around this topic which I shall not repeat here.

2. The land proposed to build these houses is clearly on the existing flood plain.

The flooding study, commissioned by the developer, states that the majority of the proposed development lies within the 1 in 200 year flood mark. I have lived here for 20 years and in that time the flood plain has flooded bank to bank on at least 2 occasions and numerous other times to a height that would clearly encompass the gardens of the proposed developments at the very least. There are curious proposals to create additional flood plain 'storage'. These seem to involve excavating part of the mound at the western end of Loirsbank Road and digging a hole in the existing flood plain. I suggest that these proposals are merely to provide material which the developer will build an artificial bank on which to build houses and will do nothing to alleviate flooding in this part of the flood plain. If one digs a hole into the existing flood plain it will fill with water as the existing water table lies very close to the surface. This is evidenced each year when flooding occurs on this site. The field always floods from below before the banks overflow. Creating a large hole in this part of the field has the potential to make the river change course as this excavation site is close to the 'cut bank' of the river which is the eroding edge. A river will always take the path of least resistance when establishing flow. Historical parish boundaries and river outlines on OS maps illustrate that the river has historically meandered across the flood plain in this area.

The developer acknowledges that the gardens of these developments will flood. We cannot, as a country, condone continual building of property on flood plains that will subject owners to years of misery.

3. The land on which it is proposed that the houses are built does not currently exist.

Currently there is nothing but a steep bank with some illegally dumped top soil lying on it in an unstable position. The developer dumped this material some time ago when creating the worksite at the other end of the road. He has been officially asked to remove this and has declined to do so. His proposal is that he excavates other areas of the flood plain and uses this material to 'build' a development site on the edge of the field. This proposal is the subject of yet another planning application – details of which are not available yet to view on the website. In fact, the developer has made a number of planning applications over time under various guises that seek to establish this 'bank' as a viable place to construct houses, not least submitting a plan to establish a road and turning circle for a combine harvester, a vehicle that has never been used in this field. There is no mention in the planning proposal where the developers site hut and all associated building, containers, lorries turning, etc would be situated. See below in roads section for further comments.

4. The road network is unsuitable for further development.

The road network in this area is unsuitable for further development. This was noted by the Aberdeen city Traffic Department when they objected to the original development plan at the eastern end of Loirsbank Road. The developer has commissioned his own roads survey and has turned all the negatives (narrow roads, steep hills, tight bends, restricted visibility, etc) into a positive by saying that all of these measures act as traffic calming. I argue that the fact that cars regularly leave the road on the bend down from Deevie Road South and that I have personally attended to casualties from accidents when cars have failed to negotiate the steep bend at the bottom of Park Brae in poor weather cannot be dressed up as 'traffic calming measures'. Interestingly, in his move to get the land removed from Green Belt the developer suggested using Loirsbank Road as the main traffic conduit up to North Deeside Road because of the difficulties on the main road up to Deevie Road South. It appears that the developer twists the argument of unsuitable roads to suit the application in question.

The developer, in his grab to remove land from green belt, stated that the road was in private use and was not used by commuters or for recreation. Both of those measures are clearly wrong. The road has increased traffic use at either end of the day (traffic survey completed at time of original proposal) and is in use as the only means of parking for Cults Cricket Club through the season on at least 2 nights per week and one day at the weekend throughout the season.

The existing road surface of Loirsbank Road is so badly broken up in places that it resembles a track. Further development and movement of heavy trucks would render this surface impassable.

The developer has extended his current development site out onto the road at the eastern end of Loirsbank Road, rendering this a single track street for significant section of the road at the junction. This causes a hazardous situation when a vehicle enters Loirsbank Road from Deevie Road south and then meets a car head on travelling along Loirsbank Road. Because of the poor visibility at the corner it is extremely hazardous (and most times impossible because of traffic build up) to then have to reverse back out onto the main road. I have had to do this several times in the last week. There is no mention in the proposal where the developers traffic and associated offices would sit for this development. I have been regularly blocked into my road by developers lorries sitting on Loirsbank Road where the road has been reduced by the developer to single track. This can only get worse as the development moves further along the road.

In summary, I object strongly to this proposed development on the grounds that the land comprises part of the Green Belt; the land is situated on the flood plain; the elevated land on which it is proposed the houses be built does not exist; the developer proposes to create elevated land by excavating a hill next to the site and by creating a hole in the existing floodplain; the road network in the area is unsuitable.

I thank you for your time.

Regards

Sheila and John Woods

City of Aberdeen Planning Department	
Application number	1111566
RECEIVED	22 NOV 2011
City of Aberdeen Planning Department	LCE
Date	22/11/11

16 Park Road
Cults
Aberdeen
AB15 9HR

13th November 2011

Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam

Re: Planning Application No. 111566 regarding proposed development on land to South West Loirsbank Cults AB15 9NE.

I am writing to object most strongly regarding the above planning application. The current development by Forbes Homes met with strong objection by many residents of the general area of Loirsbank Road, and indeed it would seem as if some council employees were most surprised that permission was given to build at this site. If my memory is correct, the original application was for more houses than were finally allowed. It comes, therefore, as no surprise that a further application would come following the success of the last one.

I would wish to register my objection on the following grounds.

1. The positioning of the proposed houses on the flood plain is against government policy and my understanding is that there is only 600mm clearance between the finished floor level of the houses and the anticipated level of flood waters. The gardens would therefore regularly flood. I note in the accompanying documentation that the 200 year flood level is used as a guide. However, as we all know, past climatic events are no guide to the future and with ever more extreme weather events these anticipated levels could well be exceeded. I personally would not wish to purchase a house that may be potentially be subject to flooding.
2. The land that is under consideration is being proposed by the council as being reverted back to Green Belt and is officially recognised as a "Special Area of Conservation". For this reason alone the proposal should be rejected.
3. As anyone who has driven or cycled along Loirsbank Road will know, it is of substandard quality. Even if it were to be resurfaced it would still not be of a standard to be able to take much traffic. I note from the developers review on traffic they claim that the narrowness of this road and Deevie Road South are assets since the restrictions on visibility and the narrowness of the roads will slow the traffic down. I am of the view that this is a facile argument. The junction of Loirsbank Road and Deevie South is very dangerous due to very restricted visibility and to the steepness of the hill. The increase in traffic at peak hours would increase this. I note also that no mention has been made of the junction with Park Brae. No doubt for the obvious reason that increase in traffic in this area would increase the danger to pedestrians who, at the top of the road, do not have a pavement to escape onto. This has already become evident with the increase in construction workers traffic who have been using this route. No consideration has been made for the use of Loirsbank Road for those (particularly cricketers) who wish to park their vehicles

there. Lastly as one who cycles along Loirbank Road it is clear to me that there will be an increased risk with the potential of cars exiting from both sides of the road with restricted visibility.

4. My last point is that the proposed houses are all large executive dwellings designed to maximise profit for the developer. No consideration has been given to the existing residents of Loirbank Road with the change in outlook from their properties which will no doubt results in their devaluation. I expect that this is not a factor that planners are required to consider but feel that it is an important aspect.

In conclusion I would urge the planning department to reject this proposal and leave the development at Loirbank a its current level.



David G Cran (Dr)

45 Deeview Road South
Aberdeen AB15 9NA

9th October 2011

Dear Sirs,

Reference is made to the proposed Development at Loirsbank Road, Aberdeen AB15 9NE.

Aberdeen Planning Application No 11566.

A Development for the Few at the Cost of the Many ?

A select few may in the near future have the opportunity to purchase one of a further 4 proposed large executive houses overlooking the River Dee on Loirsbank Road in Cults. To qualify purchasers will need to be able pay some of the highest prices in the region (many times the average home value). The development doesn't feature any low cost housing.

In general I am in favour of the reform of the planning laws to expedite developments that are either in the strong public interest or at least neutral. Where this is the case the presumption should be for development. However, where there is no public interest and the development will have a strongly negative impact on the many (both local residents and others), it should be prevented. That is what planning law should be for.

Here 'the many' includes all those affected by the impact of building on the flood plain. I.e. all the businesses and home owners that are affected by severe flood events in the Dee Valley. The development requires earthworks that will impinge upon the flood plain. Flood predictions are inevitably based on very limited site specific historical data with some numerical modelling. The magnitude of individual spate events can vary greatly and are difficult to predict. In fact there is strong evidence to suggest that future flooding events will be much more severe than those of the past. The safety margin against flooding should therefore be substantial and in this case it is not. There clearly should be a zero tolerance of any impingement on the possible future flood plain.

'The many' includes those that enjoy the herons and other seabirds that use the flooded field as an amenity. The proximity of these large houses with their security lights and general activities will impact this wild life and further encroach upon their habitat.

It includes all those owners of properties close to the development and anyone in the local area that enjoys the amenity of the open fields and walks. The planning regulations are correctly based upon the assumption that no-one owns a view, but riversides are special places. It is the sheer scale of this development and placement in the local topography that makes it so objectionable to large numbers of local residents.

This can only be fully appreciated by visiting the site, but perhaps the attached photographs go some way to convey the situation. The houses are much, much larger and more densely packed than anything else in the vicinity. They are totally out of keeping with the lie of the land. They dwarf everything else around them and make an extended tunnel of what once was a pleasant open road.

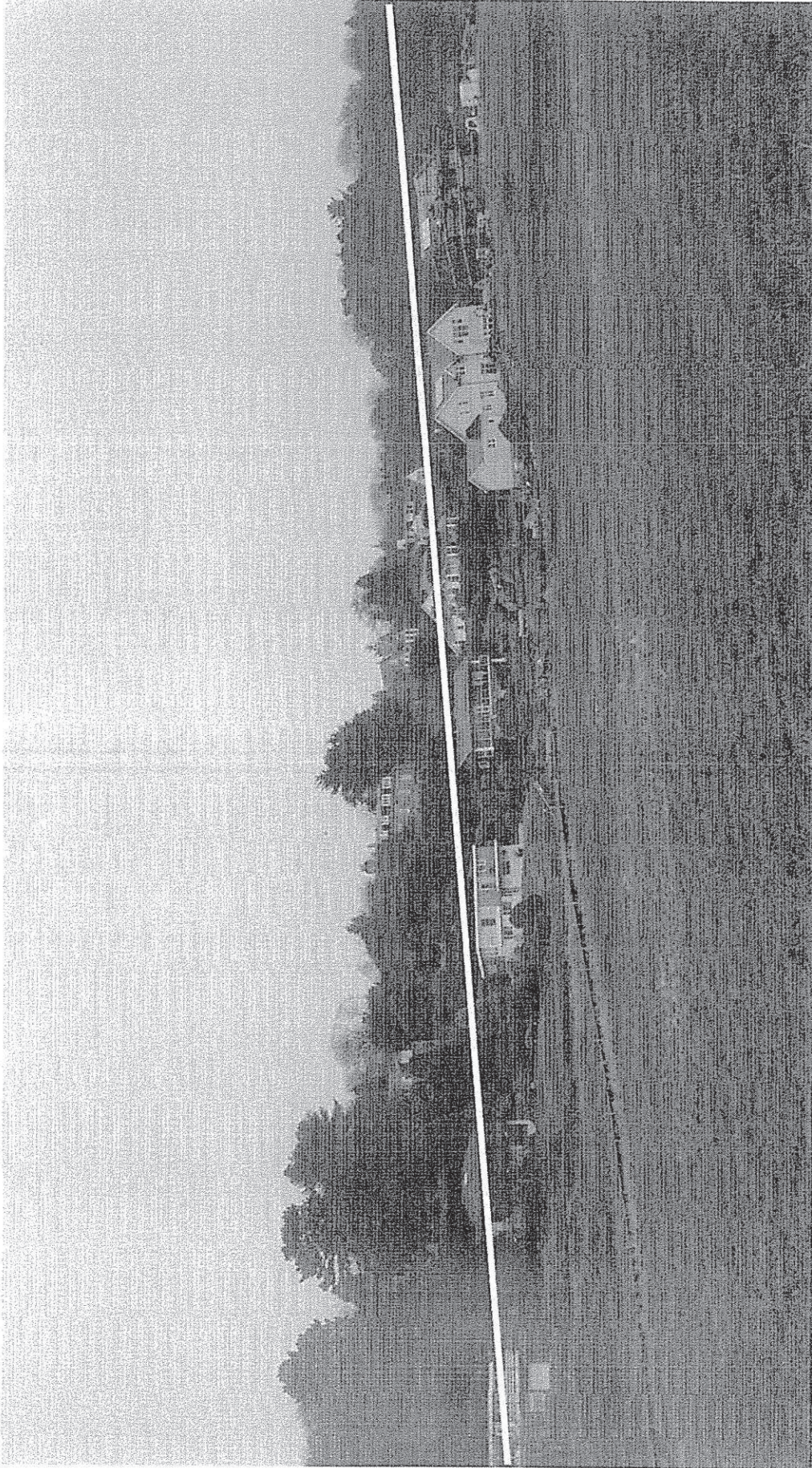
As can be seen from the photographs, all previous planning approvals have respected scale and topography of this special location. So what has happened here ? In simple terms the recommendations of the professional planning department have at key points been overridden by the elected members (councillors) on the planning committee. The developers have their legal representatives, but the elected members are the only representatives of the people. It is therefore remarkable that they have in the past chosen to approve a development with no discernible public interest in the teeth of such widespread local opposition.

I therefore very much hope that new administrations both at local and national level will acknowledge the errors of their predecessors and use the full extent of their statutory powers to prevent any further development. The legal representatives of the developers will argue both at planning applications and in respect of the local plan that past decisions should be binding, however it will be a clear abdication of responsibility for elected representatives to persist in what was clearly a poor decision from the outset.

It should never be too late for elected representatives to act for the people (both for current citizens and future generations). That is after all what they are elected to do. There are plenty of other sites in the vicinity that do not have anywhere near the impact of this development and in any case the shortage of housing in the region is not for houses of this scale. The developers will not be out of pocket following the construction of the houses that have already been approved, so its high time a decision was finally made in the interests of the people. Further development should be prevented or at the very least totally reduced in scale.

Yours faithfully

Richard Bush



Extended Roof lines block off everything thats already there – bad planning manners.

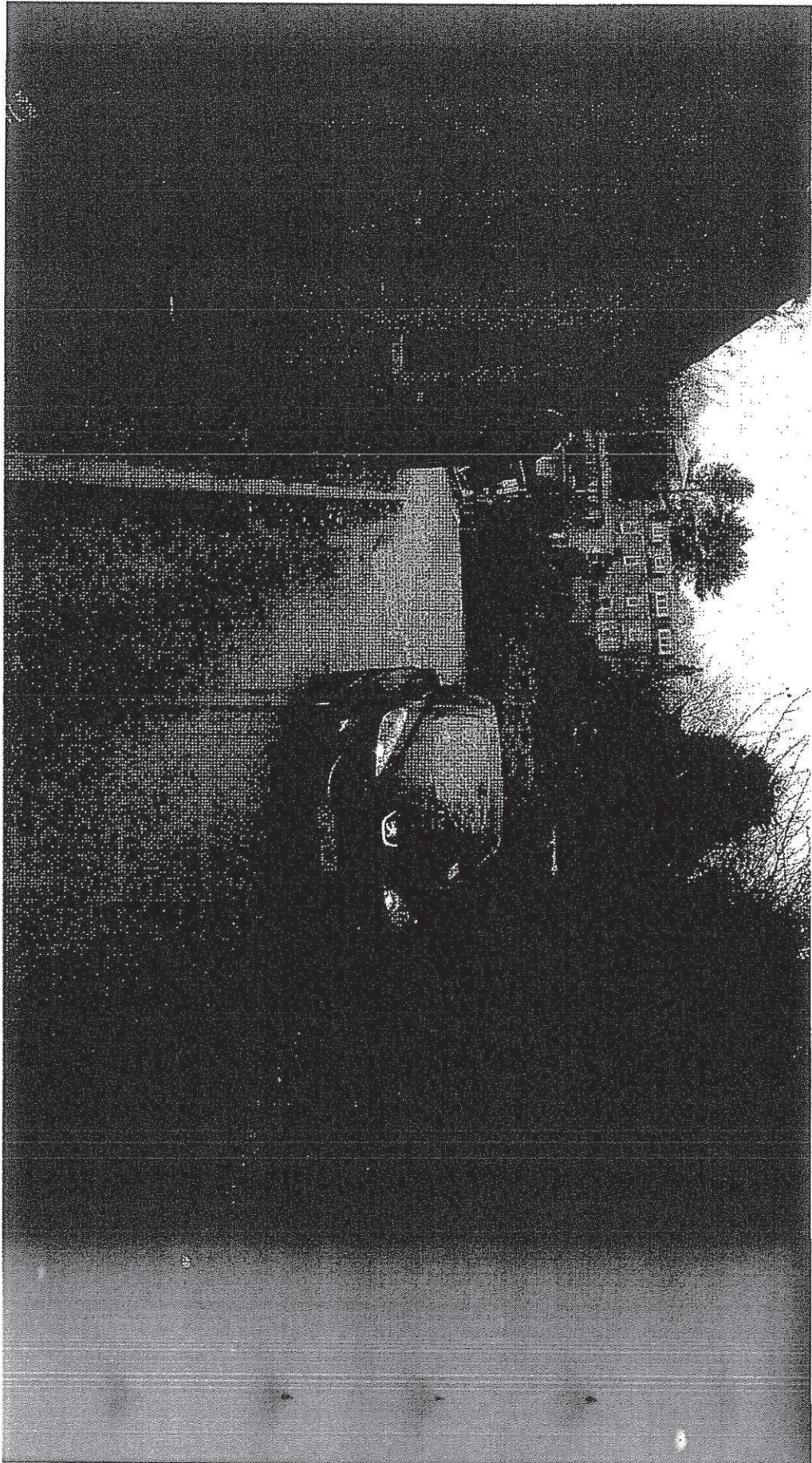
Houses dwarfing everything around them.





Past planning control – measured development consistent with the topography – new roof line shown (approximate). What can have happened here ?

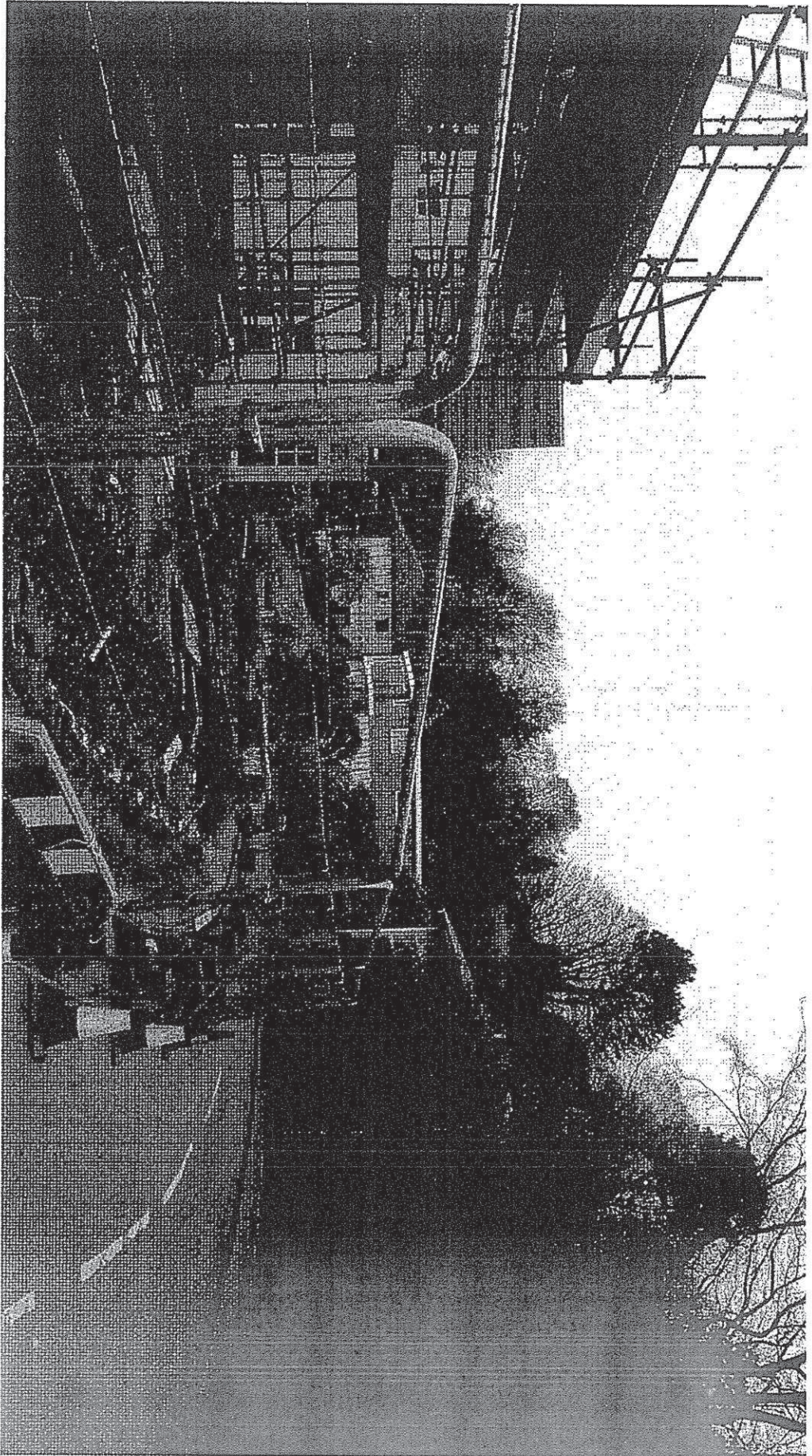
Restricted access road to site.





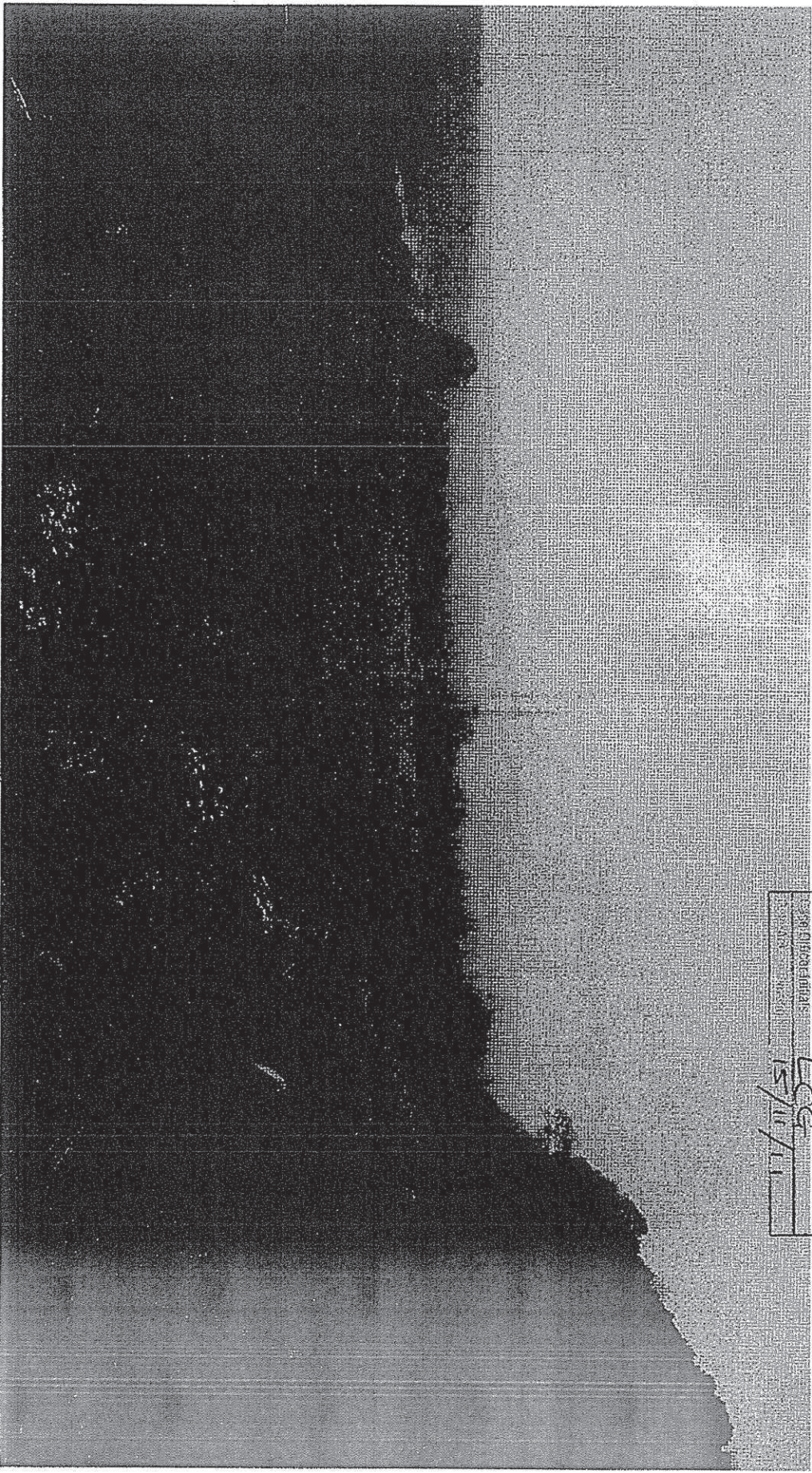
Scale at street level. These are some of the largest houses anywhere in the region. 4 more have been applied for. What possible public interest was served by the approval of this development by the peoples representatives against the technical advice of the planning department.

Enclosure of a once open and pleasant road.





An exclusive development.



Prior to development - what was there for the many - the remaining part of which should be preserved.

City Development Services Licensing and Review Department
Application #: 111566
RECEIVED 15 NOV 2011
15/11/11

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Planning Development Management Committee

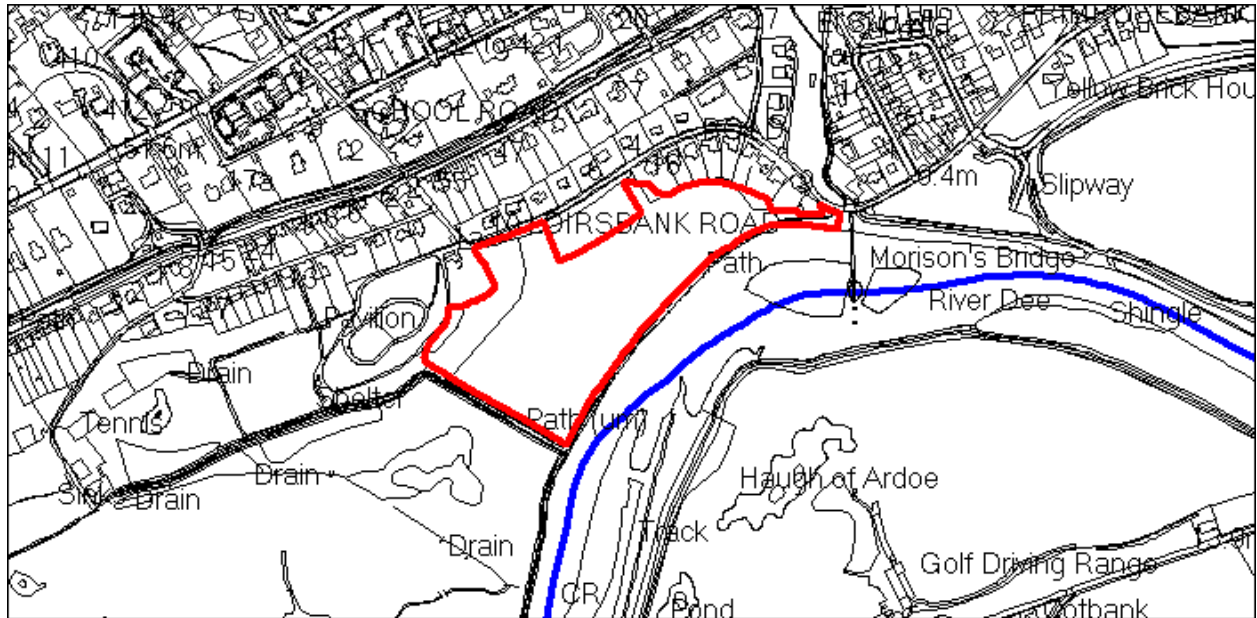
LOIRSBANK ROAD, (LAND TO SOUTH WEST)

EXCAVATION AND GROUND WORKS TO
FORM COMPENSATION STORAGE AREAS

For: Forbes Homes Ltd

Application Type : Detailed Planning Permission
Application Ref. : P111697
Application Date: 16/11/2011
Officer: Lucy Greene
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure
Advertised on: 29/02/2012
Committee Date: 24 April 2014
Community Council : No comments



RECOMMENDATION: Refuse

DESCRIPTION

The application site consists of two areas of the field that bounds Loirsbank Road and slopes steeply down from the road towards the south. The area of land in question is approximately 1.1 in total. The areas are as follows:

- An area of sloping ground at the north west corner of the field and abutting Loirsbank Road. Part of this area contains trees and shrubs of a variety of species and sizes. The area is irregular in shape, but measures approximately 90m by 90m.
- An area of sloping ground abutting the ends of gardens of the houses recently constructed on Loirsbank Road. This area is grassed, is irregular in shape and measures approximately 36m wide by 144m long.

To the south of the areas is the remainder of the field, with the River Dee being approximately to the south; to the east an area that was formerly part of the field is under development for 8 houses, a number of which are now occupied. To the west of the site is an area of natural wildspace, containing trees.

The River Dee is a Special Area of Conservation (SAC), on the opposite side is a golf course and farm land.

RELEVANT HISTORY

An application (ref. 111153) for an agricultural access on the site of this current application was approved in December 2011.

An application for 8 houses on land to the immediate east (ref. 101384) was approved by Committee in August 2010, contrary to Officer recommendation, and these are currently under construction.

Two planning applications (references 091213 and 091214) were withdrawn in October 2009. These proposed 7no. and 6no. houses respectively.

PROPOSAL

The application proposal is for the creation of two compensatory flood storage areas, these would consist of excavated areas in the two locations described above.

The compensatory flood storage is required in connection with the proposed development of four houses on the adjacent site, as per planning application reference 111566, also on the agenda for this committee.

The compensatory storage areas would involve excavation as follows:

- The north west area would be graded from the existing ground level at the south end of the site up to a maximum of approximately 3.5m of excavation in the north west corner, the adjacent ground would be re-graded to create an embankment down from road level to the edge of the storage area. The proposal within this area would involve the removal a

- number of self-seeded trees as well as shrubs and foliage that currently exist within the north west corner of the site.
- The north east area would be graded from the existing ground level at the south western side to a maximum of approximately 3.0m below existing levels on the north east side. A small embankment would be created between the flood area and the ground to the north east.

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?111697>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there are twelve letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection.

Environmental Health – No objection.

Enterprise, Planning & Infrastructure (Flooding) - Object due to lack of clarity about impact on floodplain of changing topography within the boundaries of the River Dee and that the proposal is contrary to SPP.

Education, Culture & Sport (Archaeology) – request attachment of a condition requiring an archaeological investigation to take place prior to development.

Scottish Environment Protection Agency (SEPA) - Object in principle to the development. It is confirmed that the updated compensatory storage layout provides for a greater volume of flood water than before and technically compensates for the losses of storage due to the proposed land raising.

Scottish Natural Heritage (SNH) – The proposal could have a significant effect on the River Dee SAC and any consent should be subject to a condition addressing pollution prevention measures. SNH would not object as long as the relevant condition was attached to any consent granted.

Community Council – No comments.

REPRESENTATIONS

Twelve letters of objection have been received. The objections raised relate to the following matters –

1. Flood water would be brought closer to Loirsbank Road and existing properties. The application site is part of the functioning flood plain. Manipulation of the river boundaries is likely to cause the river to swing across flood plain as has happened historically along the river. It should also be noted that SEPA have objected. There would be very little

- 'freeboard' between flood level and the ground floor of the houses, whilst parts of the garden would remain within the flood plain.
2. The information on flood risk assessment is carried out by the applicant's agent and SEPA are reliant on the accuracy and completeness of the information. There is reason to question the accuracy of this.
 3. The excavation is to create platform for development.
 4. The application site is green belt and do not comply with policies justifying development in the green belt.
 5. The proposed area of excavation may make surrounding land unstable, including nearby houses and the aqueduct. Use of heavy plant may cause structural damage to house, as is alleged to have happened with the erection of the eight existing houses.
 6. The excavation proposed may bring properties on the other side of Loirsbank Road into a flooding zone in terms of creating difficulties with insurance.
 7. The proposal is granted would set a precedent for development on flood plains and other sensitive areas.
 8. The proposal would be damaging to the environment and would adversely affect landscape character.
 9. Public safety on roads would become an even greater issue with four additional houses. Parking for Allan Park is often an issue for example, at times of cricket matches, and Loirsbank Road is used for parking.
 10. Disruption during building works.
 11. The proposal would block access to the field and golf club.
 12. The use of matting to stabilise land would effectively sterilise the land for agricultural use.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 204 includes a risk framework, this states that undeveloped medium to high risk area are generally not suitable for additional development.

Paragraph 159 describes the purpose of the green belt: directing planned growth to the most appropriate locations, to protect the quality, character, landscape setting and identity of towns; and, to give access to open space around towns.

Paragraph 163 describes certain types of development that may be appropriate in the green belt. These do not include mainstream residential development and associated works.

Aberdeen City and Shire Strategic Development Plan (2014)

Paragraph 4.11 states that:

Areas of Aberdeen and Aberdeenshire are already at risk from flooding, but increased risk comes about through changing and more unpredictable weather patterns and rising sea levels. Avoiding flood risk is an important measure to adapt to climate change. We will need to take account of the scale of these changes when we consider what new developments should be built and where they should be located.

Paragraph 4.31 states that:

The green belt around Aberdeen will continue to play a vital role in protecting the character and landscape setting of the City... It must guide development to appropriate places while protecting the most important areas. Accessible green networks within and around Aberdeen and other major settlements will also be important to achieving a high quality environment.

Aberdeen Local Development Plan

Policy NE2 – Green Belt

Presumption against development other than in certain circumstances, none of which are relevant in this case.

Policy NE1 – Green Space Network (GSN)

Aims to protect, promote and enhance the wildlife, recreational, landscape and access value of the GSN. Proposals that would destroy or erode the character of the GSN would not be permitted.

Policy NE5 – Trees and Woodland

Presumption against all activities that result in the loss of trees and woodland that contribute significantly, *inter alia*, to landscape character and local amenity.

Policy NE8 – Natural Heritage – No development permitted unless mitigation steps are taken to prevent adverse impacts on the River Dee SAC.

Policy NE6 – Flooding and Drainage

Development will not be permitted, *inter alia*, if it would either increase the risk of flooding, or be at risk of flooding itself. A flood risk assessment is required.

Policy D6 - Landscape

This policy aims to maintain Aberdeen's unique landscape setting. Development must avoid adversely affecting landscape character; obstructing views of the City's features when seen from publicly accessible vantage points such as roads and pathways.

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.

Green Belt and Green Space Network

The compensatory flood storage areas are required in connection with land raising in connection with the proposal to erect four houses on the area of land adjacent to Loirsbank Road and between the two storage areas. The storage areas are therefore essentially part of the residential development, despite being the subject of a separate planning application.

The storage areas do not therefore fall within any of the uses considered acceptable in terms of green belt policy and are contrary to development plan policy in this respect as well as to policy relating to green belt in the SPP. The proposal would have an insignificant impact upon the Green Space Network.

Flooding

It is acknowledged that the compensatory flood storage areas would, in technical terms, compensate for the volume of flood water storage lost by the land raising proposed by planning application 111566.

However, SEPA object in principle to this proposal on the basis of the unacceptability of residential development within an area of medium to high flood risk (as defined in SPP).

The Council's flooding advisor also objects to the proposal on similar grounds and on the basis of lack of clarity on the impact on the floodplain of changing topography of the boundaries of the River Dee.

As part of the wider residential development, the proposal does not comply with the policy in SPP.

Trees and Landscape

The proposal would result in the loss of part of an area of trees and shrubs. These appear to be self seeded and although not particularly large or high quality specimens on an individual basis, the area of woodland nevertheless contributes to the landscape setting of the built up area and to visual amenity, particularly when viewed from the riverside. The application for the four houses (reference 111566) does include a proposal for tree planting outwith either application site within the area to the south of the proposed houses and this could be the subject of condition on any consent granted. However, the trees would take many years to mature and would be in a different location, although in time they would also contribute to visual amenity.

There would be an overall negative impact of the development in terms of loss of trees and the contribution of trees and shrubs to the character of the landscape setting. However, taking into account replacement planting, and the fact that an area of woodland would remain, the impact is not considered sufficient to warrant refusal on this basis alone.

Conclusion

In conclusion, the proposed storage areas would be required in association with the residential development proposed in application reference 111566. The proposal does not therefore comply with policy relating to the green belt. In terms of flooding, although the volume of flood water would be accommodated, there are concerns relating impact on the course of the river and significantly, objections in principle to the overall proposal which does not comply with SPP.

Should committee be minded to approve the application, then it would need to be notified to the Scottish Ministers, due to the objection from SEPA. It is also recommended that there be conditions attached, including in relation to materials, landscaping (including outwith the site), and conditions required by statutory consultees. It should be noted that this application proposes compensatory flood storage areas that would be crucial to the implementation of the application for four houses, also on the agenda for this committee. It is recommended that

committee do not approve the application for the four houses without this associated application for compensatory storage on adjacent land. On the other hand, should application 111566 be refused, there would be no requirement for the flood storage area proposed under this application.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. That the proposal would not comply with the risk framework in Scottish Planning Policy in relation to flooding as it is required in association with residential development.
2. That the proposal is contrary to Green Belt Policy NE2 in the Aberdeen Local Development Plan as it does not fall within any of the categories of use that may be considered within the green belt and is required in association with proposed residential development.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 3/13/2012 10:15 pm
Subject: Planning Comment for 111697

Comment for Planning Application 111697

Name : Robert McKinney

Address : Lakhipara,

South Cookney,

Stonehaven,

AB39 3RX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I write to you again as Secretary of the North Kincardine Rural Community Council (NKRCC) in view of the recent change in circumstances for this application to re-state NKRCC's position on the matter which is unchanged from our original objection on 15.12.11. Please see details of our objection below.

"I write to you as Secretary of the North Kincardine Rural Community Council (NKRCC). NKRCC would like to take this opportunity to object to this application as it is proposed to take place on a functional flood plain. This is contrary to planning policy, even for a proposed development such as this. The reason for said policies is to protect the functionality of the flood plain which if built upon at all may result in the floodwater which would normally go onto a flood plain being displaced elsewhere. In this particular instance this creates a serious level of uncertainty as to where the floodwater would then go. Only last year the Aspire Golf Center (directly opposite this site on the south bank of the River Dee) suffered many thousands of pounds worth of damage due to the level of flooding; we would argue that this development may aggravate this sort of situation, in similar circumstances, in the future. Policy does not allow building on flood plains as it may interfere with a delicate natural balance which should be left alone.

I would be grateful if you would give this objection due consideration. Many thanks."

PI - Objectio g application 111697

From: S Woods Sheila [REDACTED]
To: PI PI <PI@aberdeencity.gov.uk>
Date: 12/21/2011 15:11
Subject: Objection to Planning application 111697
Attachments: Loirsbank flood plain storage objection

Dear Sirs,

Please receive my objection to the Planning Application 111697 for proposed excavation and ground works to form compensation storage areas in Loirsbank Road. My objections are listed in the attached document.

I thank you for your time

Regards

Sheila Woods

9, Loirsbank Road
Cults
Aberdeen
AB15 9NE

Aberdeen City Planning Department
pi@aberdeencity.gov.uk

Reference: Planning application 111697

21st December, 2011

To whom it may concern,

I wish to object to planning application 111697 for excavation and ground works to form compensation flood storage areas in Loirsbank Road.

My objections are based on the following reasons:

1. The land is zoned as green belt.

The land is currently zoned as green belt and, to my knowledge, has not been removed from greenbelt despite the persistent efforts of the developer.

2. The land proposed for this work is on the existing functional flood plain.

The proposal to create additional storage capacity for floodwaters on what is already a fully functional flood plain is fundamentally flawed and does not demonstrate hydro-geological knowledge of flood plains and water tables. The proposals to excavate a large hole in the field to create additional storage will likely create a new 'pond' in the field as the hole will fill from the bottom upwards given the proximity of the existing water table. In addition, such manipulation of the river boundaries is likely to cause the river to swing across the flood plan and establish a new 'cut bank' at that location. Historical swings in the meanders of the River Dee are clearly demonstrated in maps of the area.

It should also be noted that SEPA have strongly objected to the proposal to adjust the flood plain in an attempt to justify the building of houses on it.

3. The primary function of excavation works proposed is not to alleviate flooding in the area

The proposed excavation works are not primarily an attempt to create additional flood plain capacity. The proposed excavation works are a thinly disguised attempt to create enough material on site to build up a bank to create standing that does not currently exist for 4 houses that were the subject of a previous planning application (111566). This plan to create elevated land where none previously existed was referred to in planning applications submitted to the council in 2009. I have previously objected to the proposal to create an elevated strip of land on which to build houses.

4. The proposed area of excavation may make surrounding land unstable.

The proposed excavation works have the potential to create instability where they border onto existing roads and properties. A significant amount of excavation is proposed immediately beneath number 9 and number 10 Loirsbank Road. Deep excavation of steep hillsides in this area has caused significant stability problems and various other developers have had to engage in extensive piling work to stabilise the hillside. If that were to happen then it is possible, at the very least, that access to some of the houses in Loirsbank road would be cut off whilst repair works were to be carried out.

5. The proposed area of excavation would potentially move properties at the western end of Loirsbank Road into a flooding zone where insurance would be difficult to obtain

The proposed excavation works indicate that all elevated land in front of my property (which is currently

owned by the golf course) would be removed causing the river to flood right up to the edge of the road. The properties that are sited in the centre of Loirsbank Road currently have documented difficulties in obtaining home insurance because of this risk.

In summary, I object strongly to this proposed development on the grounds that the land comprises part of the Green Belt; the land is situated on a fully functional flood plain; the proposed works are an attempt to create land suitable for house building rather than to alleviate flooding on what is a river flood plain; the fact that the excavation works have the potential to cause soil instability when fill is removed and the resultant potential for river flooding to move to very close proximity properties at the western end of Loirsbank Road.

I thank you for your time.

Regards

Sheila and John Woods

Aberdeen City Council,
Planning Reception,
Planning & Sustainable Development,
Marischal College
Broad Street,
Aberdeen.
AB10 1AB.

5 Loirsbank Road,
Cults,
Aberdeen.
AB15 9NE.

26 11 2011.


Application Number 111697.

Dear Sirs,

With reference to your communication of 22 11 2011, I wish to register my protest for the following reasons

1. Most of the area is a natural flood plain which can flood several times annually. I have lived here since 1967 when this house was built and have witnessed floods most years since then. It seems ludicrous to build on part of the existing natural flood plain and then to have to construct compensatory areas for the displaced flood water. Please see the recently taken flood photograph sent separately.
2. This would certainly result in more flooding elsewhere.
3. When the original application for development was lodged, both the City Planning Department and the City Traffic Department objected, and there were many written objections from the public as this is a well known attractive area. Such work would irrevocably change the landscape.
4. Despite always having been Green Belt, the Planning Committee chose, inexplicably, to ignore the opinions of both the Planning Department and the Traffic Department. The then Planning Convener used his casting vote to allow the present development. He later resigned from this office.
5. The Developer, in August this year, requested permission for agricultural access to the flood field which is difficult to understand as he now wishes to build there also, necessitating a considerable intrusion into the flood area, and contravening all Government Directives about such projects as the base fill required will always have a very high water content quite apart from when routine floods occur. The entire area is permanently soggy as can be appreciated by walking on the field. This is evident even in very dry spells with the river at a very low level.
6. The Developer illegally removed all the trees along the south side of the road in August 2009 and has, this year, illegally dumped soil along the entire edge of the flood plain from the present development to its western end. He was informed by the Planning Department in May this year, that this was illegal and the soil must be removed. To date nothing has been moved and the this soil is becoming rapidly overgrown.
7. As the City Council voted to re establish Green Belt status, one can only hope that this decision will be upheld..

Yours faithfully


Gordon H. Whyte.

Aberdeen City Council,
Planning Reception,
Planning & Sustainable Development,
Marischal College
Broad Street,
Aberdeen.
AB10 1AB.

5 Loirsbank Road,
Cults,
Aberdeen.
AB15 9NE.

Duplicate

26 11 2011.

Application Number 111697.

Dear Sirs,

With reference to your communication of 22 11 2011, I wish to register my protest for the following reasons

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2. This would certainly result in more flooding elsewhere.
3. When the original application for development was lodged, both the City Planning Department and the City Traffic Department objected, and there were many written objections from the public as this is a well known attractive area. Such work would irrevocably change the landscape.
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5. The Developer, in August this year, requested permission for agricultural access to the flood field which is difficult to understand as he now wishes to build there also, necessitating a considerable intrusion into the flood area, and contravening all Government Directives about such projects as the base fill required will always have a very high water content quite apart from when routine floods occur. The entire area is permanently soggy as can be appreciated by walking on the field. This is evident even in very dry spells with the river at a very low level.
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7. As the City Council voted to re establish Green Belt status, one can only hope that this decision will be upheld..

Yours faithfully,

Gordon H. Whyte.

7 Loirsbank Road
Cults
Aberdeen
AB15 9NE
08.12.2011

**Ref: Planning Application 111697 by Forbes Homes Ltd
Excavation and Ground Works to form Compensatory Flood Storage**

Dear Sir/Madam

I am writing to object to the above planning application ref: 111697 on the following grounds;

This application is an inaccurate representation of the land it depicts. Currently, 4 houses do not exist on this piece of land. Indeed, this area of land is undeveloped, an active natural flood plain and a recognized "Special Area of Conservation". Therefore, there is absolutely no need for any compensatory flood measures to be put in place here and this application is not needed. Its approval would cause extensive, unnecessary damage to the environment and the function of this active flood plain.

Because of the lack of information within this application ref: 111697 and the confusion caused by the inaccuracy of its content, it is apparent that this application cannot be considered on its own and must be linked to the developers previous application ref; 111566 to build 4 houses in this same area.

Based on this I also have the following objections to this application ref: 111697:

1. This application goes against government policies of building on a Flood Plain and will incur an increased risk of flooding to adjoining land, properties and businesses. This is contrary to Scottish Planning Policy and PAN69.
2. It is proposed to achieve the flood compensation measures by cutting into a slope adjacent to an aqueduct and close to houses currently under construction. The extensive nature of the excavation work may compromise the integrity of the aqueduct and nearby housing, (a concern voiced by SEPA). So too, extensive excavation work to the west end of the site could compromise the integrity of the steep bank in that area and cause subsidence problems to the adjacent long standing property there. With little room for error before serious implications may result, the developer's calculations and resultant effects need to be checked by an independent expert.
3. Allowing this development to proceed would open the planning doors and set the precedent for other developers to build on the flood plain and exploit other sensitive areas of land for over development.
4. The land concerned is being proposed by the council to be reverted back to Green Belt in the next Aberdeen Local Development Plan and is officially recognized as a "Special Area of Conservation". This land should be protected, not developed on. The scale of the proposed work is excessive, extensive, and without precedent for any such 4 house development. The environmental destruction which would result from this development

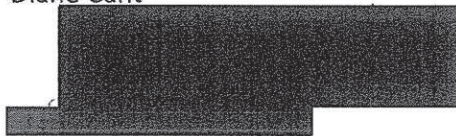
is out of proportion to what the developer is gaining and goes against the council's policy of "avoiding adversely affecting landscape character...."

5. The developer's plans indicate that there is only 600mm clearance from the finished floor level of the houses to the anticipated inundation level of flood waters and, that parts of the rear gardens of all 4 plots will still remain within the functional floodplain. Again, this does not meet with requirements of Scottish Planning Policy. So too, as SEPA can confirm, the developers calculations of flood levels and frequency are very conservative and inaccurate. There is plenty of photographic evidence to show that that this land floods extensively far more frequently than the developer suggests.
6. Public safety would become an even bigger issue. The current narrow, winding road system in this area is substandard and would become increasingly dangerous with the increased traffic resulting from this 4 house development, together with the 8 house development currently under construction. The developer underestimates the number of cars this development will bring and also underestimates the resultant increased danger for both pedestrians and drivers. So too, parking available to the public to gain access to Allan Park is already extremely limited in this area. Allan Park is well used for league cricket matches, by cricket clubs, footballers and the general public. Currently, cars can often be seen parking well along the length of Loirsbank Road. If this development was to go ahead, parking on Loirsbank Road would no longer be possible because of the driveways being on both sides of the road and because of the roads narrowness. Surrounding roads are already double yellow lined or unsuitable because of their width and winding nature. No provision has been made for the complete loss of parking spaces to the general public using Allan Park this development would incur.

I trust the council will carefully consider these important issues before making a decision on this application.

Yours sincerely,

Diane Cant



Development Management Team
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Ref: DSS/YST
Your Ref: 111697
Date: 9 March 2012

BY HAND

AND BY EMAIL: pi@aberdeencity.gov.uk

Dear Sirs

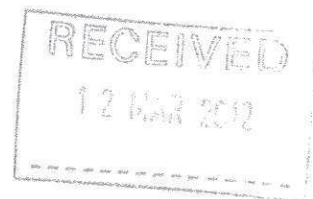
**Planning Application Reference: 111697
Excavation and ground works to form compensation storage areas at Loirsbank Road, Land to south west, Cults, Aberdeen**

We act for Mr and Mrs Cant, the owners of 7 Loirsbank Road, Cults, Aberdeen. Please find attached our clients' objection in respect of planning application reference 111697. A copy has also been emailed to pi@aberdeencity.gov.uk.

Yours faithfully



**David Scott
Partner - Ledingham Chalmers**



PLANNING APPLICATION REFERENCE: 111697

Excavation and ground works to form compensation storage areas at Land to South West of Loirsbank Road, Cults, Aberdeen

We act for Mr and Mrs Cant, owner occupiers of 7 Loirsbank Road, Cults, Aberdeen. Our clients object to the application which has been submitted by Forbes Homes Limited for the excavation and ground works to form compensation storage areas at Loirsbank Road.

Our clients have already submitted an objection to the Applicant's separate application for the erection of four houses on Loirsbank Road (P111566), which we understand will be determined at the same time as the above application.

The basis of the present application for the compensatory flood storage area is to compensate for the volume of flood water displaced by the land raising as a result of the proposed four-house development, and in order to avoid creating additional flooding further downstream. Therefore the applications are inextricably linked, although are to be dealt with by the planning authority as separate applications.

Our clients' objection is on the following basis:

- The application site falls within land designated in the Adopted Local Development Plan as Green Belt. The proposals do not comply with the policies justifying development in the Green Belt.
- The applicants have not demonstrated that the proposals for compensatory storage will truly compensate for the land-raising, in terms of volume of water.
- The concept that the proposed compensatory storage areas would "become part of the flood plain", is flawed. The proposed area for compensatory storage lies within the 1 in 200 (+20% climate change allowance) flood and already forms part of the functional flood plain.
- The proposals will create an unacceptably adverse impact on the landscape when viewed from the River Dee SAC.
- It is the responsibility of the planning authority is to have regard to the risk of flooding when determining the planning applications

Dealing with these issues in detail:

1. Planning Policy

1.1 Aberdeen City & Shire Structure Plan

1.1.1 In its section on 'Sustainable development and climate change' the structure plan states that account needs to be taken of flooding and possible changes to that due to climate change. One of the targets in this section is to avoid development on land which is at an unacceptable risk from river flooding.

1.2 Adopted Local Development Plan 2012

The Aberdeen City Local Plan was formally adopted on 29 February 2012. It therefore forms the principal development plan against which the application is to be considered. The following matters are relevant:-

- 1.2.1 **Zoning** - the area where the compensatory flood storage would be located, is zoned as green belt. The relevant policy in the Local Development Plan is Policy NE2. No development will be permitted in the green belt other than for a number of specific uses, including those essential for agriculture. The current proposals are not essential for agriculture, and therefore the application does not comply with the Plan's green belt policy. Development in the green belt should have regard to other policies in the plan including in relation to landscape and natural heritage.
- 1.2.2 **Landscape** – Landscape character is referred to in Policy D6 and is designed to protect elements of Aberdeen's unique landscape character. The Policy states that development will not be acceptable where it may have a significant adverse affect on the landscape character and elements which contribute to, or provide, a distinct 'sense of place'. The footpaths along the river Dee on both sides of the river provide this distinct sense of place, and by quarrying or digging into the embankments of the sloping flood plain, to simply creating a large hole to hold additional floodwater, caused by a housing development, leaves not only two large scars on the landscape, but loses the distinct character of the area from the river Dee footpaths. This is therefore contradictory to Policy D6.
- 1.2.3 **Flooding** – Policy NE6 is relevant 'Flooding and Drainage' – Development will not be permitted if, '*inter alia*' it would increase risk of flooding or be at risk of flooding. The proposed development of four houses is clearly at risk of flooding, and the Applicants accept that the flooding will extend into the rear gardens of the houses. The rear gardens constitute part of the "development" and therefore such proposals will not comply with Policy NE6.
- 1.2.4 **Natural Heritage** – Policy NE8 makes reference to natural heritage and specifically to the River Dee SAC. It requires supporting evidence to be submitted for any development that may have an adverse effect on a protected species, demonstrating the need for the development. The response from SNH as statutory consultees confirms the potential for an adverse impact on protected species, and yet the Applicant has not demonstrated the need for the housing development of the compensatory storage scheme.
- 1.3 **Scottish Planning Policy**
- 1.3.1 The basic premise of SPP in respect of development in areas susceptible to flooding is contained at para 197. "*Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted*"

- 1.3.2 SPP states in para 203, that *"built development should only take place on functional flood plains where it will not affect the ability of the flood plain to store and convey water, where the development will not be at risk of flooding and where the development will not increase the risk of flooding elsewhere"*. The lack of detailed information on the potential of the proposals to adequately mitigate the flood risk demonstrates that the requirements under SPP have not been met.
- 1.3.3 The risk framework states that in medium to high risk areas that are undeveloped, exceptions may arise if a location is essential for agriculture and an alternative lower risk location is not achievable. The current application has no agricultural element (unlike the previous application in respect of the access road).
- 1.3.4 Scottish Planning Policy states that medium to high risk areas are generally not suitable for additional development. Loss of floodplain storage must be minimised and this proposal does not minimise the loss.

2 Insufficient Evidence of Effectiveness of Compensatory Storage

- 2.1 The field identified for the proposed compensatory storage works is under water several times a year. Therefore this is not a theoretical consideration, but a very real scenario.
- 2.2 The 1 in 200 year (plus Climate Change) flood plain level of the site is 11.57m AOD, however anecdotal evidence is that the site floods far more frequently than that, below the level of 11.57m.
- 2.3 If the proposal is to be approved then the planning authority will have to be entirely satisfied that the result of the compensatory storage is fully compliant with the obligations imposed under Pan 67 and SPP.
- 2.4 Compensatory storage on a site within the existing flood plain does not provide the same level of compensation as would be the case if the compensatory storage was provided on a site outwith the existing flood plain. SEPA are clear that provision of compensation storage within the functional floodplain is not acceptable. There are no doubt a number of reasons behind their position:-
- 2.4.1 Porosity of the soil. The material being removed in order to provide the compensatory storage is generally more absorbent than the deeper rock or clay which would be exposed as a result. Therefore the capacity of the remaining landscape to absorb water is reduced as a result.
- 2.4.2 As the compensatory storage is situated within the flood plain, the absorption capacity will already be at 100% in the event of a flood event. By building on part of the flood plain, and providing compensatory storage within the existing flood plain, the absorption capacity of the lost land is not compensated by the "compensatory storage". Therefore a greater level of compensatory storage is required, beyond the amount of land taken out of the flood plain through landraising.
- 2.4.3 Compensatory storage within the flood plain only provide additional storage equivalent to the material excavated. There is no additional "vertical" storage

above this. There is a real risk of "double counting" if the Applicants seek to provide the compensatory storage within the existing flood plain.

- 2.5 The impact of any change to the flood plain would be significant. There are already 8 houses to the south of Loirsbank Road in the process of construction, and the Applicant has an application in the course of consideration for a further four houses to the south of Loirsbank Road. The evidence of our clients is that houses and their gardens are already at significant risk of flooding. The creation of "compensatory flood storage" within the existing flood plain will do very little to decrease the risk of flooding to these properties.

3 Accuracy of Flood Risk Data

- 3.1 Without commissioning their own reports, SEPA and any objectors to the proposed development are reliant on the accuracy and completeness of any information supplied by the applicant. There is no independent assessment of the flood risk or the impact of the proposed works.
- 3.2 The original base report on which the Applicant's Flood Risk Assessment (prepared by Fairhurst) was based notes that the topographical data available in respect of the reservoir (immediately downstream of the proposed development) lacks accuracy. The same may be true in respect of their data relating to the development site.
- 3.3 Our clients are concerned at the assessments made in respect of the proposed location of the two compensatory storage areas have been based on analysis of the east site only, with the same data being used for the western site. The soli type, depth, porosity and condition may be very different at the two locations, and therefore detailed analysis should have been carried out at both locations.
- 3.4 There is a significant risk that the compensatory storage facility located on the existing floodplain may lead to double counting of available storage. Only levels below the existing ground level line should be calculated.

4 Landscape

- 4.1 Compensatory flood storage would involve significant alteration of the landscape. The works would be visible from the River Dee and from south of the river. The resultant quarrying of the soil and rock would have a significant adverse impact on the landscape.
- 4.2 The River Dee is designated as Special Area of Conservation (SAC) and should be protected at all costs, both in terms of any silt or contaminants entering the river, and the impact on the SAC in terms of landscape impact as a result of the works.
- 4.3 The proposed storage is to be achieved by cutting into a slope adjacent to an existing aqueduct and close to the proposed and existing housing units. This leads to concerns that the slope next to the aqueduct may be compromised and the integrity of the aqueduct and proposed housing may also be compromised.

5 Previous Application

- 5.1 We are aware that the previous application by the applicants for an access track within the site, including compensatory storage, was approved by the Council in 2011 following the withdrawal of SEPA's objections to the proposals. That was entirely different scenario. The reason SEPA withdrew their objection was as a result of the wording in Scottish Planning Policy (SPP)
- 5.2 Scottish Planning Policy states that "*medium to high risk areas are generally not suitable for additional development. Exceptions may arise if a location is essential for agriculture and an alternative lower risk location is not achievable*"
- 5.3 The proposals are no longer agricultural in nature, and therefore the exception that enabled SEPA to withdraw their previous objection no longer applies.
- 5.4 This present proposals are also for a much greater area of land-raising and the volumes of compensatory storage indicated are significantly increased compared to the previous application.

6 Statutory Consultees

6.1 SNH

- 6.1.1 SNH previously submitted objections to the Applicant's application for four houses on Loirsbank Road, and have confirmed that their advice contained in their letter dated 29 November 2011 also applies to this proposal.
- 6.1.2 SNH's comments were based on the potential impacts to the River Dee Special Area of Conservation. Their opinion is that the proposed development could have a likely significant effect on the features of interest of the River Dee SAC, and there is a risk of pollution to the River Dee SAC.
- 6.1.3 Despite their suggestion that SNH's concerns could be dealt with by conditions attached to any consent issued, requiring the applicant to submit proposals on how they would deal with silt, sediment and other contaminants arising from the development, this is an unsatisfactory solution, as it does not take any account of the potential for additional flooding during the period the works are being carried out, and the release of sediments into the river as a result.

6.2 SEPA

- 6.2.1 SEPA will only consider landraising in a flood plain to be acceptable if it is linked to the provision and maintenance of compensatory flood water storage to replace the lost capacity.
- 6.2.2 The view of SEPA is that compensation flood storage is not acceptable where the proposed storage area lies within a functional floodplain. That is clearly the case here.
- 6.2.3 The Applicant's own Flood Risk Statement states that, after completion of the four houses on Loirsbank Road, parts of rear gardens of all four plots will still

remain within the functional floodplain of the River Dee and may be subject to periodic inundation.

- 6.2.4 SEPA have a duty to reduce overall flood risk and promote sustainable flood risk management. This application does not provide for sustainable flood risk management where the result will be regular inundation of the rear gardens of consented developments, as well as the potential inundation of the houses themselves.

7 Additional Comments

7.1 Traffic and Noise

- 7.1.1 The proposals are for considerable civil engineering works, which would inevitably amount to an increase in the level of noise arising from the construction process, and the commercial vehicles taking access to and from the site along Loirsbank Road.

7.2 Use of Matting

- 7.2.1 It is the suggestion that a three dimensional cellular matting type material (such as Enkamat) is used to ensure slope stability, and to prevent further erosion. While this may assist in the prevention of erosion, and allows Grass and landscaping to be planted on the Enkamat, it makes the land (and any topsoil placed on top of the Enkamat), unsuitable for agricultural purposes. Therefore the proposal will sterilise the agricultural nature of the land.

- 7.2.2 Although the stability of the land may not in itself be a planning consideration, any consent requiring works which would effectively prevent the land from being used for agricultural purposes would be a planning consideration. The Green Belt designation of the site, means that no development will be permitted in the green belt unless essential for agriculture. That is clearly not the case here.

8 Notification to Scottish Ministers

- 8.1 If SEPA sustain their objection to the application on the basis of flood risk (as they have in respect of the application for the four houses to the south of Loirsbank Road) and the planning authority proposes to grant planning permission contrary to SEPA's advice, then the application must be notified to the Scottish Ministers as per The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

- 8.2 This indicates the essential element of flood risk in determining the location of any development. Planning Authorities are not permitted to grant consent against the recommendations of SEPA without obtaining specific approval of the Scottish Ministers.

9 Engineering Works in the Water Environment

- 9.1 Any proposed development within the flood plain (including the compensatory flood storage) is likely to be a controlled activity under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. Due to the concerns raised regarding the impact of the proposed land-raising for the four houses,

and the impact on the floodplain storage as a result of the compensatory storage works, the proposals are unlikely to be acceptable under Controlled Activities Regulations.

10 Summary

- 10.1 The application should be determined in accordance with the development plan unless material considerations indicate otherwise. The application proposal is for compensatory flood storage which is required in respect of a residential development situated within an area which is designated as Green Belt in the Adopted Local Development Plan. The proposals have no agricultural purpose to enable the application to be considered on that basis. It is therefore not an acceptable development in terms of green belt policy.
- 10.2 The development of four houses south of Loirsbank Road will result in loss of floodplain storage which may increase flood risk elsewhere. The proposed compensation storage is not acceptable development as it lies within the functional floodplain.
- 10.3 The impact on the landscape when viewed from the River Dee SAC to the south of the proposed development is not acceptable, and is contrary to Local Development Plan Policy D6.

Against the above background we would therefore respectfully request that the proposed application 111697 is refused.

Ledingham Chalmers LLP
Agents for Mr and Mrs Cant

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 05/12/2011 20:33
Subject: Planning Comment for 111697

Comment for Planning Application 111697

Name : Rosemary Wood
Address : 41 Deevie Road South
AB15 9NA

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to the proposed flood storage plan and development of 4 houses on the basis that is a foolhardy and environmentally insensitive development.

The proposed development site is a rural floodplain which is regularly submerged and the proposal necessitates building up the land some 5-6m over datum to build the additional 4 houses. The flood storage plan provides insufficient information for me to assess the effectiveness of the proposed flood compensation sites, but it all looks sketchy, poorly thought out and environmentally insensitive.

The opposite bank of the river Dee has already been tampered with during the last 10 yrs, causing more rapid flow and greater water displacement, and this further damage to the floodplain can only exacerbate the situation resulting in potential for increased flooding up and down stream.

I hope the planning department and elected members reject this application.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 07/12/2011 14:38
Subject: Planning Comment for 111697

Comment for Planning Application 111697

Name : Alison Jermieson
Address : 50 Deeview Road South
Cults
Aberdeen
AB15 9NA

Telephone :

Email :

type :

Comment : This has to be one of the most badly thought out and worst presented planning applications ever. 'Fag packet' is overly flattering. There is no information given whatsoever. However why would bringing flood water closer to Loirsbank Road and existing properties be a good idea? This also blocks the existing access to the field and to the golf club.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 07/12/2011 14:41
Subject: Planning Comment for 111697

Comment for Planning Application 111697

Name : Adam Smith
Address : 49 Deeview Road South
Cults
Aberdeen
Ab15 9NA

Telephone :

Email :

type :

Comment : The information given is sketchy and impractical to say the least, how can anyone make an informed comment with no information? However how can bringing flood water closer to Loirsbank Road and existing properties be a good idea? I sincerely hope that the elected members vote against this and voice the feelings of the residents.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 02/03/2012 14:29
Subject: Planning Comment for 111697

Comment for Planning Application 111697
Name : Kathryn Wade
Address : 3 EarlsparK Avenue
Bielside
Aberdeen

Telephone :

Email :

type :

Comment : I object to this planning application as I do not believe that houses should be built on a well known flood plain - this area floods regularly. I also object on the basis that this is green belt land.

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 12/03/2012 12:07
Subject: Planning Comment for 111697

Comment for Planning Application 111697

Name : Derek Young
Address : 4 Loirsbank Road
Cults
Aberdeen
AB15 9NE

Telephone :

Email :

type :

Comment : With reference to the above, may I lodge objection to the application on the grounds that the works envisaged do not adequately address the issues they seek to address.

This applicant received, I would suggest controversially, consent for 8 dwellings along Loirsbank Road and is now seeking further development for 4 houses located on a flood plain and in an area of significant natural beauty.

On this occasion, hopefully the Planning Department will not support the application on an area already designated green belt

Regards

Derek Young

PI - Planning Application 111697 Loirsbank Road

From: "Derek Young, Young & Co" [REDACTED]
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Date: 01/12/2011 11:27
Subject: Planning Application 111697 Loirsbank Road
Attachments: IMG_1273.JPG

Please may I table the attached photograph of the area under consideration and register my objection to the application as it will irreparably destroy the character of the area

Derek Young
Young & Company
1 Queens Lane South
ABERDEEN
AB10 6XW

Tel: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]



[REDACTED]

Young & Company
Queens Lane South
Queens Cross
Aberdeen
AB10 6XW

CONFIDENTIALITY NOTICE

This message contains information which is confidential and may be legally privileged. It is intended to be read by the named recipient only. If you are not the intended recipient, you should not read, copy, disseminate or in any manner make use of the information contained herein, nor should you permit anyone else to do so. Please contact the sender immediately and delete the message. Thank you.

PI - Ref.111697

From: "The Old Mill Inn" [REDACTED]
To: <citydev@aberdeencity.gov.uk>
Date: 03/12/2011 10:11
Subject: Ref.111697
Attachments: Part.002

Dear sir, Re 4 new houses Flood Plain River Dee Loirsbank Road, Cults.

We would object to this development as it increases the risk to all other properties along the River Dee.

I am amazed developers are still trying to build on the flood plain when we have seen the disasters that occur.

Regards,

Mike French
Partner

The Old Mill Inn
South Deeside Road, Aberdeen. AB12 5FX
Phone: [REDACTED]
Email: [REDACTED]

From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 12/12/2011 3:14 pm
Subject: Planning Comment for 111697

Comment for Planning Application 111697

Name : David Cant
Address : 7 Loirsbank Road
Aberdeen
AB15 9NE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application for the following reasons.

1. Excavation in this area may cause subsidence to nearby property and would almost certainly cause some structural damage due to heavy plant operations causing severe vibrations. This already noticeable with Forbes Homes operating in this area.
2. This area is currently under review to be rightfully reinstated as green belt and as such no application of this kind should be approved. Add to that, the area is a flood plain and all such modification will affect the levels of flooding.
3. The proposed works will cause a lot of disruption, noise, pollution and does not provide any benefit to the community.

Planning Development Management Committee

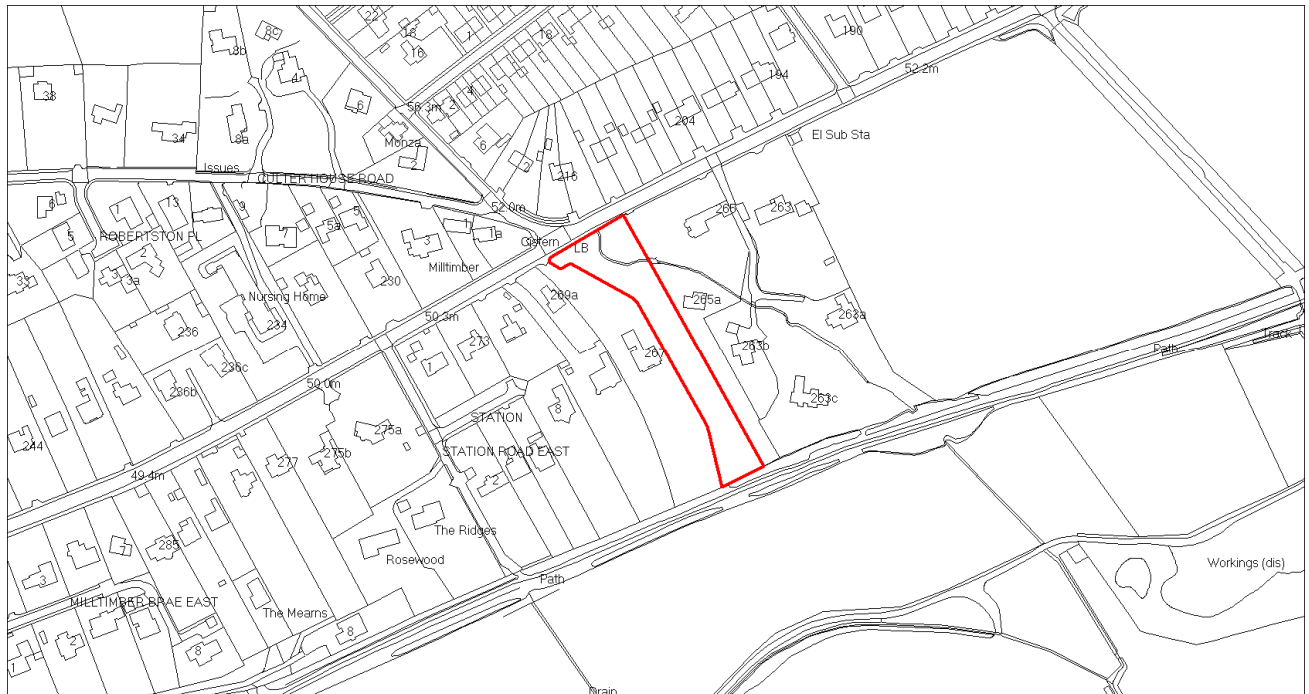
AUCHENFROE, 267 NORTH DEESIDE ROAD,
MILLTIMBER

PROPOSED NEW DWELLINGHOUSE WITHIN
THE CURTILAGE

For: Mr Frank Selbie

Application Type : Detailed Planning Permission
Application Ref. : P140148
Application Date: 10/02/2014
Officer: Gavin Evans
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Can't notify neighbour(s)
Advertised on: 26/02/2014
Committee Date: 24 April 2014
Community Council : No response received



RECOMMENDATION:

Refuse

DESCRIPTION

The application site, which extends to approximately 4500sq/0.45ha, is located on the southern side of North Deeside Road, Milltimber, near to its junction with Contlaw Road, and forms part of the extensive residential curtilage pertaining to number 267, also known as 'Auchenfroe'. To the south of the site is the disused Deeside railway line, now a popular public recreational route known as the Deeside Way, while to the east and west are the donor property and the residential plot of 265a North Deeside Road, respectively. Auchenfroe is currently accessed via North Deeside Road, with a driveway leading from the north-western corner of the plot to form a loop in front of the house. The area to the east of that driveway features a number of large mature trees, both deciduous and evergreen, which allow only occasional and partial glimpses of the existing house at Auchenfroe from North Deeside Road, even when deciduous trees are not in leaf. The boundary between Auchenfroe and 265B is defined by a beech hedge which, although deciduous, retains leaves in winter months to provide screening.

The surrounding area to the north, east and west is predominantly residential in character. To the south, beyond the Deeside Way, the land towards the River Dee is in agricultural use.

The application site is within a wider area covered by a Tree Preservation Order (TPO), which requires that works to any existing trees must be approved by the planning authority in advance.

RELEVANT HISTORY

Most recently, an application (ref.P120033) sought detailed planning permission for the construction of a single dwellinghouse on a different site from that currently proposed, within a plot to be formed using parts of the rear gardens of nos. 267/Auchenfroe and 265a North Deeside Road. That application was refused in accordance with officer recommendation at the Planning Development Management Sub-committee meeting of 19th July 2012. Reasons stated made reference to the proposed development's 'inappropriate siting and relationship with its surroundings' failing to demonstrate due regard for its context and the general settlement pattern of the surrounding area. The risk of setting an undesirable precedent was also cited as a reason for refusal. A subsequent planning appeal was dismissed in January 2013, with the reporter appointed by the Directorate for Planning and Environmental Appeals finding that the proposal did not accord with the provisions of the development plan (specifically Policies D1 and H1 of the Aberdeen Local Development Plan) and that no other material considerations warranted approval despite the provisions of the development plan.

An earlier application, seeking Outline Planning Permission for the construction of a new house on a site largely similar to that currently proposed was refused in August 2007 (ref.A6/1699), citing reasons of over-development, tree loss and

adverse impact on surrounding landscape and the residential character of the area. An associated appeal (ref. P/PPA/100/0388) was dismissed in January 2008, with the appointed reporter making reference to the uncharacteristically close spacing of the house to those immediately adjacent, and also concluding that the tree loss necessary at that time would result in an adverse impact on the landscape character of the area. This decision concluded that the proposal at that time would not accord with the provisions of the development plan, and that there were no material considerations which the reporter considered would warrant approval. It is noted that consideration of that proposal took place against a different development plan context, with the 1991 Aberdeen City District-Wide Local Plan still in force, and the 2008 Aberdeen Local Plan at Finalised stage.

PROPOSAL

This application seeks detailed planning permission for the construction of a single detached dwellinghouse in a new plot, to be formed via the sub-division of the existing plot at Auchenfroe, 267 North Deeside Road.

The proposed new dwelling would be sited approximately 68m back from the site frontage onto North Deeside Road, with its north-facing elevation broadly in line with that of Auchenfroe. It would be constructed across 2 storeys, incorporating a double-width integral garage and featuring twin gables on both front and rear elevations. Elevations would be finished with a combination of natural granite and smooth white render, while the roof would be finished in natural slate. Windows and doors would be formed with aluminium-clad timber frames.

The existing access point from North Deeside Road would be shared with Auchenfroe, however a separate driveway would branch off from around 5m along the existing drive to provide a segregated route to the new dwelling.

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?140148>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because it has attracted more than 5 letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection.

Environmental Health – No observations.

Enterprise, Planning & Infrastructure (Flooding) – Further information requested in relation to means of surface water drainage and the watercourse in the northern end of the site.

Education, Culture & Sport (Archaeology) – No response.

Community Council – No response.

REPRESENTATIONS

10 letters of representation have been received. Of these 6 expressed objections, with 4 in support of the proposal. These representations raise the following matters –

Support

1. General support for the application.
2. The proposal would provide further housing in the area without spoiling the its setting.
3. The proposal is in keeping with the area.

Objection

1. Adverse impact on privacy, amenity and sunlight to 265A, with overshadowing in the afternoons, and windows overlooking the property.
2. 'Borrowing amenity' from 265A.
3. Proposal is motivated by financial gain, to the detriment of local residents.
4. Excessive and disproportionate loss of protected trees (covered by a Tree Preservation Order).
5. Previous refusal(s), which made reference to removal of trees, are highlighted.
6. Visual impact arising from the presence of the new building and the loss of trees.
7. The proposed house would not fit comfortably within this plot, being uncharacteristically close to neighbouring houses.
8. The proposal is not consistent with the Council's criteria for residential development, relating to size, proximity to adjoining properties and impact on the amenity of those properties.
9. The style and size of the house is too big, particularly in terms of the plot width, being 'shoehorned' in to the available land.
10. Traffic on North Deeside Road would be increased, with a corresponding increase in the number of vehicles slowing to turn in at this access.
11. Highlights the amount of trees assessed as dead or dying, and suggests that better care and maintenance could have enabled their retention.
12. Notes that an existing burn running across the north of the site is not shown on all plans.
13. Materials used do not reflect the style of the houses on either side.
14. Notes conflict with policies D1, D2, NE5 and H1 of the Aberdeen Local Development Plan (ALDP).
15. Notes conflict with the Council's Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages'.

16. Highlights the arrangement of 265A, which has communal living space and bedrooms at first floor level, facing towards the proposed new house.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

SPP indicates that infill sites within existing settlements can often make a useful contribution to the supply of housing land. It further states that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The Individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

Aberdeen Local Development Plan

Policy T2: Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Maximum car 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 – States that to ensure high standards of design, new development must be designed with due consideration for its context, and should make a positive contribution to its setting. This policy applies not only to the external appearance of a development, but also to its siting in relation to existing buildings and the relationship between buildings and their surrounding spaces.

Policy D2: Design and Amenity

This policy outlines a series of criteria for new residential development, with the aim of ensuring an acceptable level of amenity for residents of new development and those residents of existing adjacent dwellings. These relate to such issues as privacy, the incorporation of both a street frontage and a private frontage, access to gardens/balconies/other amenity areas, restricting the over-dominance of car parking etc.

Policy D6: Landscape

Development will not be acceptable unless it avoids... significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct sense of place which points to being either in or around Aberdeen or a particular part of it.

Policy H1: Residential Areas

Within existing residential areas, proposals for new residential development will be acceptable in principle, provided it;

- does not constitute over-development;
- does not have an unacceptable impact on the character or amenity of the surrounding area;
- complies with supplementary guidance on curtilage splits (entitled '*The sub-division and redevelopment of residential curtilages*')

Policy H3: Density

The City Council will seek an appropriate density of development on all housing allocations and windfall sites.

Policy NE5: Trees and Woodlands

States that there is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measure should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Native trees and woodlands should be planted in new development.

Policy R7: Low and Zero Carbon Buildings

All new buildings must install low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15% below the level set by 2007 building standards.

Supplementary Guidance

The Council's supplementary planning guidance documents relating to 'The Sub-division and Redevelopment of Residential Curtilages' and 'Low and Zero Carbon Buildings' are of relevance to the assessment of this application.

Other Relevant Material Considerations

The matters raised in representations, where raising legitimate planning considerations, are material to the assessment of this application.

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.

Zoning

The application site lies within a predominantly residential area, which is reflected in its 'H1 Residential' zoning the Aberdeen Local Development Plan (ALDP),

where policy H1 shall apply. Within such areas, the principle of further residential development will be accepted, provided those criteria set out in policy H1 can be satisfied. These criteria are set out in the 'Planning Policy' section of this report, above.

The question of whether the proposal represents 'over-development' for the purposes of assessment against policy H1 will be addressed in the 'density' section of this report, below.

The proposal relates to the sub-division of an existing residential curtilage and so, for the purposes of assessment against policy H1 (Residential) of the ALDP, it is established that the proposal does not involve the loss of any open space as defined in the Aberdeen Open Space Audit 2010.

Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area. The area surrounding the application site is characterised by large detached residential properties, set within generous long curtilages, stretching back from North Deeside Road. It is understood that there has been significant change in the formerly very regular arrangement of properties over time. The earliest properties were set in plots which stretched from North Deeside Road to the edge of the Deeside Way (the former Deeside Railway line), and Auchenfroe is arguably the best-preserved example of that arrangement. Over time, a series of 'curtilage splits' has gradually eroded the size of the respective curtilages and somewhat altered the character of the area. Nevertheless, whilst the arrangement of plots has become less regular over time, the immediate context of the development site remains characterised by detached houses set within large plots in mature woodlands. Issues relating to the proposal's impact on character and amenity will be considered in turn, before a conclusion is reached later in this report.

Impact on amenity

The proposed new house would be sited in such a way as to present a clear 'public face' towards North Deeside Road, with a private face looking south onto extensive rear garden grounds. Provision for car parking and turning areas would not dominate the site. With respect to privacy, the proposed new dwelling initially included two east-facing bedroom windows at first-floor level, looking towards 265A North Deeside Road (at a distance of approx. 11.5m) and over the rear garden of that property. These have since been removed from the proposal. There remains a first-floor bedroom window in the western elevation, facing towards Auchenfroe, at a distance of approximately 12.5m from the eastern face of its northern wing. That elevation includes several windows which, according to the plans approved in 2008 for the construction of the extension to Auchenfroe, look out from an upper hallway, a bathroom and a bedroom respectively. The applicant's agent has confirmed that the northernmost window in that elevation relates to a bedroom. The distance between the respective bedroom windows is estimated at 15m, and whilst they are offset at an angle of around 35 degrees, the side elevations of the respective dwellings would directly face one another. The Council's adopted Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' recommends a minimum separation of

18m between the windows of existing and proposed habitable rooms. Reduced distances will apply where the elevations of buildings are offset at an angle to one another, however the guidance makes no allowance for windows being offset in directly facing elevations. As a result, the proposal is not fully compliant with the guidance relating to privacy in the Council's 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, however it is considered that there is a reasonable case that a shorter window-to-window distance may be appropriate given the 35 degree offset between the windows concerned.

The Council's Supplementary Guidance on this topic also states that windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In this case, any overlooking to private gardens has been addressed through the removal of windows in the east-facing elevation of the house. West-facing windows in the new house would overlook less-private areas of the plot, immediately in front of the house and including space for the parking of cars.

Garden grounds afforded to Auchenfroe and the new dwelling as a result of the proposed development would remain of an appropriate size, comfortably exceeding the minimum specifications set out in the Council's supplementary guidance.

The separation between the dwellings is considered sufficient to ensure that new and existing houses will be afforded good levels of daylight and sunlight, with no undue obstruction.

Density

As noted in the 'zoning' section of this report, the local area is characterised by detached dwellings set within large plots. The current plot of Auchenfroe, at 10,000sqm/1.0ha is amongst the largest in the immediate area, and the subdivision of the plot in the manner proposed would result in both Auchenfroe and the proposed new house benefitting from extensive plots of 0.45ha and 0.55ha respectively, which would remain favourably comparable in size to those seen in the surrounding area. On a straightforward assessment of the size of the resultant plots, and the proportion of those plots which would remain undeveloped, it is clear that the proposal does not represent overdevelopment for the purposes of assessment against policies H1(Residential Areas) and H3 (Density) of the Aberdeen Local Development Plan. It should be noted that consideration of the more complex relationship between the proposed new house, its associated curtilage and the surrounding buildings and spaces is given in later sections of this report.

Design/siting

The Council's adopted Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' sets out key considerations in the assessment of development proposals of this type. This document notes that the construction of new dwellings within established areas will affect the overall density and pattern of development in the surrounding area, and that the

acceptability of proposals will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features.

The frontage of the proposed dwelling is broadly in line with that of the adjacent Auchenfroe and, whilst there has been a degree of variation in siting due to incremental development of individual new houses, the proposal is considered to be appropriately sited with regards to the notional 'building line', such as it is.

The design of the proposed new house is clearly influenced by the proportions of the site which, though large, is very long and relatively narrow in relative terms. As a result, there are large areas of undeveloped space to the front and rear of the proposed house, but the new house would be very close to its boundaries on either side. Whilst there are several previous instances of residential plots being sub-divided in the surrounding area, and in those cases the siting of any new buildings has allowed for an appropriate separation between buildings, ensuring that the open low-density woodland character of the area could be retained.

The proposed new house would be positioned approximately 7.5m from 265A and 6m from Auchenfroe at its closest points. Currently, Auchenfroe is separated from its nearest neighbours by approximately 11.5m to the west and 30.5m to the east. Whilst properties at Station Road East are more closely sited, those properties are set within shorter, narrower plots, and are seen in a different context by being accessed off Station Road East. The close proximity of these three properties (Auchenfroe, the new house and 265A) would be uncharacteristic in this immediate context, and raises

Whilst there is no right to a 'view' as such, the general aspect afforded to a property is a relevant consideration, and it is considered that orientation of the existing house at 265A is such that the new house would be placed in a very prominent position, in close proximity to the mutual boundary. This would exacerbate the uncharacteristically close siting of these houses, as the south-western face of 265A is its most extensively glazed elevation.

It is apparent that a new house on this site would be unable to simultaneously respect the notional 'building line' formed by the positioning of houses within their respective plots whilst also maintaining an appropriate separation from those same neighbouring dwellings.

Separate from the siting of the house in relation to its surroundings is the design and finish of the house itself. The composition and styling of the proposed dwelling, which features double gables on both front and rear elevations, are reflective of Auchenfroe, which itself features a double gable arrangement on its south-facing elevation. The use of a natural slate roof and natural granite is used at ground floor level on front and rear elevations, and is also used to help break up the elongated side elevations. The use of natural slate would similarly mirror the finishing of Auchenfroe, and the style of the roof is consistent with those commonly seen in the surrounding area.

Trees/Landscape

The submitted tree survey identifies a total of 80 trees either within the application site or immediately adjacent. The accompanying report recommends the removal of a total of 33 trees, of which 19 (11 category-C and 8 category-B) would be removed to directly facilitate the development. 14 further trees are recommended for removal on the basis of their current condition, with many either dead or diseased. There are 8 category-A trees within the site, all of which would be retained. These trees are all covered by a Tree Preservation Order (TPO). For the avoidance of doubt, the effect of a TPO is to require any works to trees, including removals, to be first authorised by the planning authority.

As noted previously, the Auchenfroe site is well screened from North Deeside Road due to the existing tree cover, and those existing trees make a significant contribution to the local landscape character. That new driveway, though constructed using a 'no-dig' technique to minimise impact on tree root systems, would require the removal of a 7 existing trees, of which 6 are category-C and one is category-B. The Council's Environmental Planner advises that, even with the use of a no-dig methodology, the maturity of the trees affected is such that they are less resilient to the impact of development within their Root Protection Zones (RPZs).

Whilst replacement planting can be an option where tree loss is considered acceptable, a number of concerns have been raised by the Council's Environmental Planner in relation to the replacement planting proposed in this instance. It is understood that much of the proposed new planting to the north of the house would be heavily shaded by the remaining tree stock, likely leading to low establishment rates and poor quality growth where specimens do manage to establish themselves. The prevalence of Holly in replacement planting is not considered to be appropriate, as it would not adequately compensate for the loss of mature trees of varying species. It is noted also that proposed new planting to the south of the property would, as trees mature, restrict light levels internally, thereby leading to increased risk of their removal in future. Furthermore, the spacing of new trees to be planted to the south of the property would likely lead to thinning-out as specimens mature.

Taking these factors into account, it is clear that the proposed development would result in the loss of a substantial number of trees which, though not including any exceptional individual specimens, collectively make a significant contribution to local landscape character. The proposals for replacement planting would not adequately mitigate for the loss of these trees, and it is further noted that the retention of trees 724 (Wellingtonia, category A) & 725 (Western Hemlock, category A) in close proximity to the new house would be likely to increase the threat of their removal in future. It is acknowledged that much of the tree loss would take place on and around the site of the house itself, with removals towards the northern end of the site, and its frontage onto North Deeside Road, less severe, however the extent of tree loss remains unacceptable, particularly given the limited prospects of good quality replacement planting. Such extensive tree loss is not consistent with the aims of policy NE5

(Trees and Woodlands) of the Aberdeen Local Development Plan, however it is arguable that the impact on wider landscape character, as perceived from public areas at North Deeside Road and the Deeside Way, would not be 'significantly adversely affected' as set out in policy D6 (Landscape).

Access/Parking

Notwithstanding consideration of its impact on existing trees, which will be addressed elsewhere in this report, the proposal includes access being taken via the existing access point onto North Deeside Road, with a new driveway then branching off from the existing driveway to Auchenfroe. This arrangement has been accepted by colleagues in the Council's Roads Projects Team. Appropriate provision has been made for the parking of vehicles within the application site, in accordance with the Council's 'Transport and Accessibility' supplementary guidance. The proposal is considered to accord with the requirements of policy T2 (Managing the Transport Impact of Development) of the ALDP.

Drainage

The comments made by the Council's Flooding team are noted. Further discussion has established that a detailed scheme of Sustainable Urban Drainage to serve the site could be provided via condition in the event of approval.

Low and Zero Carbon Generating Technologies

The proposal makes no reference to the incorporation of Low and Zero Carbon Generating Technologies within the development. Policy R6 requires development to make such provision, however details of such arrangements are commonly obtained via the use of a condition attached to any consent. It is noted also that 'deemed compliance' with the Council's adopted supplementary guidance on Low and Zero Carbon Buildings can be achieved by exceeding CO2 reductions required by current building standards, whether that saving is achieved via LZC generating technologies or 'fabric first' solutions.

Matters raised in representations

Support for the proposal is noted. Issues relating to privacy, sunlight, amenity, impact on trees, and the relationship of the dwelling to its surroundings have been addressed in the respective sections of this report. The applicant's motivations in making a planning application are not relevant to the planning authority's consideration. Whilst previous instances of planning permission being refused are relevant, it is noted that one of these proposals related to a different site and the other was considered against a different development plan. In all cases, planning applications will be considered on their own merits, having due regard for the provisions of the development plan and any other material planning considerations. Earlier decisions, while relevant, will not preclude due consideration of a current proposal. Any increase on traffic along North Deeside Road as a result of a single dwellinghouse would be negligible, and the current access has been accepted as sufficient to serve an additional house in this location following due consideration by officers in the Council's Roads Projects Team. Points made regarding preventative works for the care and maintenance of trees potentially avoiding removal on health grounds are noted, however are

not relevant to this assessment, which is based on the condition of the trees and their value at the present time. It is noted that the burn across the northern part of the site was not shown on all drawings, however the watercourse was identified in submissions, and has been taken into account by the Council's Flooding team.

Summary

Whilst the development proposal is not without merit, and the design and finishing of the house in isolation is considered to be acceptable, it represents an uncharacteristically tight fit relative to the neighbouring buildings, and is not considered to be reflective of the pattern of development in the immediately surrounding area, which is characterised by detached dwellings, set in large plots and benefitting from proportionate separation from other buildings. The siting of the house and the formation of a new driveway would result in an unacceptable level of tree loss, and proposals for replacement planting would not compensate adequately for those trees to be removed. Whilst alternative access and driveway arrangements may reduce the likely impact in terms of trees to be removed, this would not address the central issue of the siting of a new house relative to its immediate neighbours and the established character and pattern of development in the surrounding area. Whilst not in strict compliance with the Council's supplementary guidance, any concern arising from the proximity of bedroom windows in the new house relative to those in Auchenfroe is mitigated by the angle at which the respective windows are offset. It is therefore concluded that the proposal fails to demonstrate accordance with the development plan in a number of areas, detailed in the 'reasons for recommendation', below. Matters raised in representations have been taken into account, and it is concluded that no matters have been raised that would warrant determination other than in accordance with the provisions of the development plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposal is considered to be contrary to the guidance set out in the Council's adopted 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so far as it relates to the appropriate siting of dwellings with due regard to any established pattern of development. By virtue of its siting uncharacteristically close to its own plot boundaries and adjacent dwellings, the proposal fails to demonstrate due regard for its context or make a positive contribution to its setting, and is therefore contrary to policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan and the relevant paragraph 82 of Scottish Planning Policy (SPP). The proposal would also, as a result of its failure to demonstrate accordance with the aforementioned supplementary guidance and its impact on the character of the surrounding area,

be contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

2. The proposal would result in the removal of a significant number of protected trees which, though generally not of particular quality individually, collectively contribute to landscape character and local amenity. The proposal is therefore considered to be contrary to the aims of policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 February 2014 10:19
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Karen Johnston
Address : 269A North Deeside Road,
Milltimber AB130HD

Telephone :

Email : [REDACTED]

type :

Comment : We are supportive of the proposed development, it appears to be in keeping with the area.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 February 2014 12:10
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Alasdair Cowie

Address : 194 North Deeside Road, Milltimber
AB13 0HJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I fully support this planing application as it make sense for the use of such a large section of land by the owners and provides further housing in the area without spoiling the setting or purpose of the area.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 February 2014 17:51
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : James Gilbert
Address : 269, North Deeside Road,
Milltimber,
ABERDEEN
AB13 0HD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We have no objections to this planning application.

J G

PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 February 2014 14:03
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Bobbie Lilley
Address : 214 North Deeside Road,
Milltimber, Aberdeen, AB13 0HJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have received a neighbour notification notice and I am supportive of this application.

Robert Vickers

9EE

From: webmaster@aberdeencity.gov.uk
Sent: 05 March 2014 11:29
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Hamish Milne
Address : 265 North Deeside Road
Milltimber
Aberdeen
AB13 0HD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to lodge objection to the application on the following grounds

1. That the proposed development is not consistent with the neighbourhood development criteria set by the council in terms of size, proximity and loss of amenity to adjoining properties.
2. The style and size of the proposed house is too big particularly in context of the width of the proposed feu.
3. The proposed new drive will radically change and result in loss of character and natural habitat of the existing garden and neighbourhood amenity.
4. If development approval is granted a better access solution including updated standards to sightline access and egress and less adverse impact on the existing habitat should be found.

CEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 March 2014 15:46
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148
Name : Arron Finnie
Address : 12 Devanha Gardens West
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would like to object to this application. I believe the proposed development is wholly inappropriate for the area. As someone who regularly visits the neighbouring house at 265a it is clear that the proposal will have a terrible effect on the privacy, amenity and indeed sunlight currently enjoyed by that property.

The proposed development will borrow a significant amount of amenity from the surrounding properties, with particular detriment to no. 265a. It seems extremely unreasonable that the owner of No. 267 should benefit financially, almost entirely at the expense of their neighbours who will be left with direct views of a large dwelling house only a few metres away. Indeed the living accommodation at 1st floor level at 265a looks directly onto the proposed dwelling.

The value, but more importantly desirability, of 265a will be effected significantly by this proposal and it just seems wrong that this could happen in order to benefit one party who will sell the plot for a significant profit if it gets planning.

9EE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 March 2014 21:01
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Angela Harmel

Address : 210 North Deeside Road, Milltimber

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to the proposed development for the following reasons:

1. The development would increase traffic on North Deeside Road & intensify the number of cars slowing down and turning off - pulling out onto the road.
2. The development would require the removal of several protected trees.
3. Approval of the development would profit the applicant but the resulting house will overshadow the neighbour to the east, particularly in the afternoon.
4. The kitchen and bedroom windows will overlook the property to the East.

GTE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 March 2014 20:04
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Steve Horton
Address : Woodburn House
263C North Deeside Road
Milltimber
Aberdeen
AB13 0HD

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : Objection to Proposed Development at 267 North Deeside Road, Milltimber Planning Application 140148

I have reviewed the documents associated with the proposed development and wish to formally notify Aberdeen City Council Planning Team that I object to it for the following reasons.

The proposed property is adjacent to the Deeside Railway Line. The railway line, described as the disused Deeside Railway line, is not disused; on the contrary, it is used now more than it ever was, now by walkers and cyclists, primarily recreational, people enjoying the open countryside. This development will effect their enjoyment of the environment for those walkers and cyclists, both during construction, and afterwards.

The entire site is covered by a tree preservation order. There are more than 100 protected trees on and around the site, including some prime mature specimen firs Noble and Douglas varieties, several of which it is proposed would be sacrificed for this development. The plans suggest that they will chop down more than thirty trees, of which I think eleven are assessed as being diseased or dead. I am amazed that the arboricultural planner would be of the opinion that the rules would allow such destruction for a planning application for a very large single dwelling new development.

I am disappointed to read that several of the trees in the curtilage are assessed as dead or dying, and wonder why these trees have not been properly maintained in the past. As homeowners, we all have the responsibility to look after trees on our land for the enjoyment of everyone who uses the local environment. I note the interesting language used to describe the way to mitigate the risk of future removal of trees that would shade the proposed new property though I do not understand it; I have to ask if the strategy is therefore to chop them down now;!

I note that the location plan in the design statement does not show the large burn that runs across the north of the curtilage, and in fact forms the northern boundary of my property. It is however shown in one of the other layout drawings, and the proposed development seems to presume that the burn need not be moved or piped, though it does regularly burst its banks and it floods; I am not sure if or how it would affect the proposed development, but on our land flooding has occurred three or more times this winter.

In my view, the house does not fit within the plot in an aesthetically pleasing way. It is jammed in between two already substantial houses, very severely affecting the house immediately to the east. The granite/harling combination will not fit well with the general area, and is quite different from the houses on either side. Despite what is written in the design statement, the house will be visible and prominent from the railway line and in particular from the South Deeside Road as well as Milltimber Brae and the bridge over the River Dee. In my view, the

new house and the loss of the trees will seriously detract from the special character of Milltimber seen by tourists, travellers and local people using these facilities.

The house is as I have said jammed into a relatively small space between two substantial houses. We have already had to deal with several applications on the land belonging to 267 North Deeside Road, we had hoped to new owners would have bought their property to enjoy its special character and location. This is perhaps the "least worst" proposal I have reviewed in the last fifteen years, but I do not understand why anything which would spoil this special place has to be built here at all. Unfortunately for the owners of 265A, if this proposed house is built, it will destroy their enjoyment of their property – access to light, removal of trees, light pollution, privacy, views over the river valley, overlooking windows, possibly noise and very significant loss of amenity.

I note the suggestion that this property due to its nature and scale will provide something not provided elsewhere in the local development plan. It will indeed – it provides another very large new house in the garden of a major house that is a local landmark, which requires several magnificent trees to be destroyed, severely impacting the amenity of its near neighbour.

P&SD Letters of Representation		
Application Number: 140148		
RECEIVED - 4 MAR 2014		
Ncr	Soj	MAp
Case Officer Initials: GEE		
Date Acknowledged: 6-3-14		

CHE

Bridgestone House
263B North Deeside Road
Milltimber
Aberdeen
AB13 OHD

4 February 2014

Dear Sirs

Planning Application 140148 - Objection to Proposed Development at 267 North Deeside Road, Milltimber, Aberdeen.

I would like to raise an objection to the above planning application for the following reasons.

The application makes reference to the removal of a significant number of trees. The entire site is covered by a tree preservation order. I am surprised that a single house planning application would merit or allow the removal of so many trees particularly those of the mature Douglas and Noble Furs. Any removal of trees would go against the purpose of having a tree preservation order. I would also mention that planning permission has already been refused for development in this area on the grounds of the impact of the removal of trees.

Further the view of the site and area from the South Deeside Road, Milltimber Brae and very possibly the old Deeside railway line will be changed as a result of the loss of this number of trees coupled with the erection of a new building.

I am of the view that the proposed house does not fit within the plot in an aesthetically pleasing manner, as it will be situated in between two already substantial houses, significantly affecting the house to the east and totally out of character with this area of Milltimber. This area of the city has been enjoyed by the local residents and the building of a new property in such a confined space would be detrimental to the ambience and enjoyment of the neighbourhood as a whole.

For these reason I feel that this application should be refused.

Yours faithfully

■

David Henderson

GEE

Mr & Mrs D. Walker
265a North Deeside Road
Milltimber
AB13 0HD
3 March 2014

Head of Planning & Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs,

Planning Application ref: 140148 for a Proposed Dwellinghouse within the Curtilage of Auchenfroe, 267 North Deeside Road, Milltimber

We strongly object to the above application to develop an additional dwellinghouse on a speculative basis within the curtilage of no. 267 North Deeside Road. The proposal shows a complete disregard for the amenity of our home, compromising our privacy, amenity and daylight through the proposal of a two-storey 5-6 bedroomed-dwellinghouse 7m to the south-west of our house – a density which is uncharacteristic for the area. This is in addition to the loss of 19 protected trees, of which 18 'appear sound and healthy'. The proposal is at odds with policies D1, D2, NE5 and H1 of the *Aberdeen Local Development Plan (2012)*, in addition to its supplementary guidance *The Subdivision and Redevelopment of Residential Curtilages*; compliance with which is a criterion for compliance with policy H1.

There have been several proposals for dwellinghouses on land within the curtilage of no. 267 North Deeside Road, all of which have been refused for the above reasons and subsequently dismissed at appeal, or have been withdrawn following advice to this effect; each one has considered development in this location to be overdevelopment which is uncharacteristic and damaging to the amenity of the neighbouring properties.

Application P120033: Erection of a dwellinghouse and garage at 265a/267 North Deeside Road

The two reasons for refusal of this application were:

1. The proposed development, by way of its inappropriate siting and relationship with its surroundings, fails to demonstrate due regard for its context and the general settlement pattern

of the surrounding area. It is considered that the proposal would be contrary to paragraph 82 of SPP, policies D1 (architecture and placemaking), and H1 (residential areas) of the Aberdeen Local Development Plan, and the City Council's supplementary planning guidance on the 'Sub-division and Re-development of Residential Curtilages'.

2. The proposed development, if approved, would risk further eroding the character of this area and setting an undesirable precedent for speculative development in areas characterised by detached dwellings located within large plots, leading to a cumulative erosion of character and amenity.

Application A6/1699: Erection of new dwellinghouse at 267 North Deeside Road, Milltimber

This application was an outline proposal which included a site plan for determination. The application was in an almost identical location to the proposal under consideration. Whilst considered under the policies of the Aberdeen Local Plan 1991 and Finalised Aberdeen Local Plan 2004, the principles behind the reason for refusal and subsequent dismissal of the appeal remain the same.

The reasons for refusal were, that the proposal, if implemented:

1. would be contrary to Policy R3 - Residential (Lower Deeside) of the adopted Aberdeen City District-Wide Local Plan (1991) and supplementary planning guidelines – Splitting of Residential Feus (1990) due to its detrimental impact on protected trees and residential amenity by way of over-development.
2. would be contrary to Policy 31 – Protecting Trees and Woodlands and Policy 36 – Residential Areas of the Finalised Aberdeen Local Plan (2004) due to the detrimental impact upon existing residential character and amenity and the loss of established trees that make a contribution to their setting.
3. would result in the loss of mature trees covered by Tree Preservation Order 57 to the detriment of the surrounding landscape and the residential character of the area.

The committee report determines the following in its evaluation of the proposal:

The proposal would detract from this established pattern by substantially reducing the setting of the existing house not only by its proximity (6 metres) but also by the loss of mature trees that are covered by a tree preservation order. Furthermore, the presence of a new property on this site would be within 12 metres of an existing dwelling to the east that is separated by no more than a small hedge. The implications of such siting could, subject to final design, be that the privacy of existing residents is compromised.

Relationship of new house to the existing dwelling and those immediately adjacent It is generally accepted that a separation distance of 18 metres between the windows of habitable rooms of separate properties is acceptable. Should this proposal be approved, there would be a separation

distance of 5 metres with Auchenfroe and 12 metres with 265a North Deeside Road, therefore there is a possibility that such separation cannot be achieved but this cannot be determined at this stage. Furthermore, 265a is orientated to be south-west facing, which is directly in line with the proposed dwelling. By replacing existing trees with a permanent building there is potential for there to be a detrimental impact upon 265a in the way of invasion of privacy and a loss of daylight exposure.

Density

The building form in Lower Deeside is generally detached properties contained within generous garden ground, although this form has not been followed strictly in the sites immediately adjacent to Auchenfroe. The proposal would benefit from sizeable garden ground to the front and rear but would be quite narrow, a situation that would be replicated for Auchenfroe. Therefore, the setting of the existing dwelling is somewhat compromised.

Precedent

Due to the generous nature of building plots in the Lower Deeside area, approval of this proposal could set an undesirable precedent and have consequences for the character of the Deeside villages and traffic generation. In addition, the potential precedent set for the loss of protected trees should be avoided in the interest of residential amenity and the character setting that Aberdeen enjoys from tree provision.

Application A5/1630: erection of dwellinghouse within garden area and new vehicular access to existing dwellinghouse at Auchenfroe (Site A) 267 NDR

This application was for a single dwellinghouse in a similar position to the one currently applied for; following advice from the planning department the application was withdrawn prior to determination in September 2009.

Aberdeen City Council Policy

The development proposal does not comply with *Aberdeen Local Development Plan* policies:

Policy D1: Architecture and Placemaking ensures high standards of design, new development must be designed with due consideration for its context, and should make a positive contribution to its setting. Factors such as siting, scale, massing, materials, orientation, details, the proportions of building elements, landscaping and boundary treatments, will be considered in assessing that contribution.

The committee report for planning application ref: P120033 notes that this policy applies not only to the external appearance of a development, but also to its siting in relation to existing buildings and the relationship between buildings and their surrounding spaces.

Policy **D2: Design and Amenity** outlines criteria for ensuring new residential development maintains and provides quality amenity for existing and future residents. These criteria include designing privacy into higher density housing and access to gardens and other amenity areas.

Policy **NE5: Trees and Woodlands** presumes against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Under policy **H1: Residential Areas**, a proposal(s) for new residential development within existing residential areas are acceptable where it: does not constitute over-development; does not have an unacceptable impact on the character or amenity of the surrounding area; complies with supplementary guidance on curtilage splits.

The Council's Supplementary Guidance on the **Sub-division of Residential Curtilages** notes that:

- New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting (para. 3.4.1).
- The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected (para. 3.4.2).
- To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists this can be reduced as specified (para. 3.4.3).
- Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings (para. 3.6.4).
- The width of a curtilage may allow for a dwelling to be built alongside an existing dwelling. The distance between proposed dwellings, and between proposed and existing dwellings should be similar to that predominating on the street (para. 3.6.4).

Discussion

The above supplementary guidance considers the aspects of amenity discussed in policy D1 and policy H1. Contrary to policy, the proposed house borrows a significant amount of amenity from

neighbouring properties both in terms of compromising privacy, loss of afternoon and evening sunlight and loss of amenity through the unduly close proximity of the property, which does not respect the character and amenity of the area which is acknowledged as characterised by large villas situated in substantial plots.

No. 265a is orientated south-west, with its communal living room and bedrooms on the first floor. The Design Statement mentions that there is a boundary hedge, however this is not of sufficient height to prevent overlooking into the living space within the property and into the garden from the first floor of the proposed property. Conversely, being on the first floor, the living room of 265a would directly overlook the garden, kitchen and bedrooms for the proposed property. The angle between the proposed house at 267 and 265a is 54° , the prescribed minimum 8m distance between windows at this angle is not met; furthermore the minimum distance required between 267 and the proposed dwellinghouse is 18m, with is not met.

As the living room is on the first floor, the afternoon and evening sunlight light into this well-used room is currently unimpeded and would be adversely affected by the proposed property.

In addition to its non-compliance with the minimum distance in respect of privacy, the proposed dwellinghouse does not comply with the density of surrounding development. Whilst it is on the same building line and the plot is a regular shape, the proposal is 6m to the east of no. 267 and 7m to the west of no. 265a. As a comparison, the distance between the distance between nos. 265a and 267 is 30m; between nos. 267 and 269 is 13m; and the distance between nos. 271 and 269 is 17m – all of which are double or triple the distances between neighbouring properties.

As regards the previous applications for the development of a dwellinghouse within the curtilage of 267, the proposed loss of 19 trees, 18 of which are reported as appearing sound and healthy, is nearly double that of A6/1699 in the same location, for which the loss of mature trees was a reason for refusal.

Whilst the position of the dwellinghouse applied for in the current application is in line with the traditional villa at no. 267 and has a north-south-orientated plot, the proposed house is a 2-storey 5/6 bedroomed house and continues to demonstrate a clear lack of regard for its surroundings. The previous concerns in relation to overdevelopment, size and position of the house in relation to neighbouring privacy and amenity are highly relevant issues.

Whilst A6/1699 was considered under the previous local plan, its reasons for refusal remain valid, particularly as the location of the proposed dwellinghouse is the same and the tree loss, proximity, sunlight and overlooking issues are greater. Whilst located further south, the reasons for refusal of P120033 are also applicable. The second reason in particular is applicable in its entirety, given that this is a speculative development proposal and does not accord with the character of the area, being "detached dwellings located within large plots", particularly due to the density, which results in the new proposal being 'shoehorned' into the site.

The proposal will adversely affect the distinctive character of the local area through uncharacteristic overdevelopment of the plot. The proposed house would be within 6m of no. 267 and within 7m of no. 265a – out of character with the building pattern in the area. No. 265a was built in the grounds of no. 265 over a decade ago, in the land between nos. 265 and 267. This proposal for further development in the gap between 265a and 267 will result in overdevelopment of the site.

The proposed dwellinghouse adversely affects neighbouring amenity through direct overlooking from the kitchen and bedroom windows on the east elevation, particularly as the main living room for no. 265a is on the first floor. With such a small distance between the properties, no. 265a will overlook the accommodation and private gardens related to the proposed house. The house is a substantial two-storey, 5-6 bedroomed property and will affect sunlight into the house and garden at no 265a in the afternoon and evening. The minimum distances to adjacent property set out in supplementary guidance are not met and the proposed dwellinghouse is a substantial size and would require the removal of 19 protected trees, 18 of which are recorded in the tree survey as appearing sound and healthy.

On the basis of the foregoing we object to planning application ref: 140148 for a proposed dwellinghouse within the curtilage of Auchenfroe, 267 North Deeside Road, Milltimber; and respectfully request that the application for planning permission is refused.

Yours Sincerely,

■

Mr & Mrs D. Walker

Cc. Cllr. M. Boulton
Cllr. A. Malone
Cllr. M.T. Malik

GEE

PI

From: webmaster@aberdeencity.gov.uk
Sent: 07 March 2014 13:54
To: PI
Subject: Planning Comment for 140148

Comment for Planning Application 140148

Name : Dean Walker
Address : 265a North Deeside Road
Milltimber

Telephone : [REDACTED]
Email : [REDACTED]
type :

Comment : Dear Sirs,

Planning Application ref: 140148 for a Proposed Dwellinghouse within the Curtilage of Auchenfroe, 267 North Deeside Road, Milltimber

We strongly object to the above application to develop an additional dwellinghouse on a speculative basis within the curtilage of no. 267 North Deeside Road. The proposal shows a complete disregard for the amenity of our home, compromising our privacy, amenity and daylight through the proposal of a two-storey 5-6 bed roomed-dwellinghouse 7m to the south-west of our house; a density which is uncharacteristic for the area. This is in addition to the loss of 19 protected trees, of which 18 appear sound and healthy;. The proposal is at odds with policies D1, D2, NE5 and H1 of the Aberdeen Local Development Plan (2012), in addition to its supplementary guidance The Subdivision and Redevelopment of Residential Curtilages; compliance with which is a criterion for compliance with policy H1.

There have been several proposals for dwellinghouses on land within the curtilage of no. 267 North Deeside Road, all of which have been refused for the above reasons and subsequently dismissed at appeal, or have been withdrawn following advice to this effect; each one has considered development in this location to be overdevelopment which is uncharacteristic and damaging to the amenity of the neighbouring properties.

Application P120033: Erection of a dwellinghouse and garage at 265a/267 North Deeside Road

The two reasons for refusal of this application were:

1. The proposed development, by way of its inappropriate siting and relationship with its surroundings, fails to demonstrate due regard for its context and the general settlement pattern of the surrounding area. It is considered that the proposal would be contrary to paragraph 82 of SPP, policies D1 (architecture and placemaking), and H1 (residential areas) of the Aberdeen Local Development Plan, and the City Council's supplementary planning guidance on the 'Sub-division and Re-development of Residential Curtilages'.
2. The proposed development, if approved, would risk further eroding the character of this area and setting an undesirable precedent for speculative development in areas characterised by detached dwellings located within large plots, leading to a cumulative erosion of character and amenity.

Application A6/1699: Erection of new dwellinghouse at 267 North Deeside Road, Milltimber This application was an outline proposal which included a site plan for determination. The application was in an almost identical location to the proposal under consideration. Whilst considered under the policies of the Aberdeen Local Plan 1991 and Finalised

Aberdeen Local Plan 2004, the principles behind the reason for refusal and subsequent dismissal of the appeal remain the same.

The reasons for refusal were, that the proposal, if implemented:

1. would be contrary to Policy R3 - Residential (Lower Deeside) of the adopted Aberdeen City District-Wide Local Plan (1991) and supplementary planning guidelines – Splitting of Residential Feus (1990) due to its detrimental impact on protected trees and residential amenity by way of over-development.
2. would be contrary to Policy 31 – Protecting Trees and Woodlands and Policy 36 – Residential Areas of the Finalised Aberdeen Local Plan (2004) due to the detrimental impact upon existing residential character and amenity and the loss of established trees that make a contribution to their setting.
3. would result in the loss of mature trees covered by Tree Preservation Order 57 to the detriment of the surrounding landscape and the residential character of the area.

The committee report determines the following in its evaluation of the proposal:

The proposal would detract from this established pattern by substantially reducing the setting of the existing house not only by its proximity (6 metres) but also by the loss of mature trees that are covered by a tree preservation order.

Furthermore, the presence of a new property on this site would be within 12 metres of an existing dwelling to the east that is separated by no more than a small hedge. The implications of such siting could, subject to final design, be that the privacy of existing residents is compromised.

Relationship of new house to the existing dwelling and those immediately adjacent It is generally accepted that a separation distance of 18 metres between the windows of habitable rooms of separate properties is acceptable. Should this proposal be approved, there would be a separation distance of 5 metres with Auchenfroe and 12 metres with 265a North Deeside Road, therefore there is a possibility that such separation cannot be achieved but this cannot be determined at this stage. Furthermore, 265a is orientated to be south-west facing, which is directly in line with the proposed dwelling. By replacing existing trees with a permanent building there is potential for there to be a detrimental impact upon 265a in the way of invasion of privacy and a loss of daylight exposure.

Density

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Precedent

Due to the generous nature of building plots in the Lower Deeside area, approval of this proposal could set an undesirable precedent and have consequences for the character of the Deeside villages and traffic generation. In addition, the potential precedent set for the loss of protected trees should be avoided in the interest of residential amenity and the character setting that Aberdeen enjoys from tree provision.

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Policy D1: Architecture and Placemaking ensures high standards of design, new development must be designed with due consideration for its context, and should make a positive contribution to its setting. Factors such as siting, scale, massing, materials, orientation, details, the proportions of building elements, landscaping and boundary treatments, will be considered in assessing that contribution.

The committee report for planning application ref: P120033 notes that this policy applies not only to the external appearance of a development, but also to its siting in relation to existing buildings and the relationship between buildings and their surrounding spaces.

P&SD Letters of Representation		
Application Number: 140148		
RECEIVED 08 MAR 2014		
Ngr	Sou ✓	MAp
Case Officer initials: GE		
Date Acknowledged: 14/03/14		

Policy D2: Design and Amenity outlines criteria for ensuring new residential development maintains and provides quality amenity for existing and future residents. These criteria include designing privacy into higher density housing and access to gardens and other amenity areas.

Policy NE5: Trees and Woodlands presumes against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

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• The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected (para. 3.4.2).

• To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists this can be reduced as specified (para. 3.4.3).

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Discussion

The above supplementary guidance considers the aspects of amenity discussed in policy D1 and policy H1. Contrary to policy, the proposed house borrows a significant amount of amenity from neighbouring properties both in terms of compromising privacy, loss of afternoon and evening sunlight and loss of amenity through the unduly close proximity of the property, which does not respect the character and amenity of the area which is acknowledged as characterised by large villas situated in substantial plots.

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As the living room is on the first floor, the afternoon and evening sunlight light into this well-used room is currently unimpeded and would be adversely affected by the proposed property.

In addition to its non-compliance with the minimum distance in respect of privacy, the proposed dwellinghouse does not comply with the density of surrounding development. Whilst it is on the same building line and the plot is a regular shape, the proposal is 6m to the east of no. 267 and 7m to the west of no. 265a. As a comparison, the distance between the distance between nos. 265a and 267 is 30m; between nos. 267 and 269 is 13m; and the distance between nos. 271 and 269 is 17m – all of which are double or triple the distances between neighbouring properties.

As regards the previous applications for the development of a dwellinghouse within the curtilage of 267, the proposed loss of 19 trees, 18 of which are reported as appearing sound and healthy, is nearly double that of A6/1699 in the same location, for which the loss of mature trees was a reason for refusal.

Whilst the position of the dwellinghouse applied for in the current application is in line with the traditional villa at no. 267 and has a north-south-orientated plot, the proposed house is a 2-storey 5/6 bed roomed house and continues to demonstrate a clear lack of regard for its surroundings. The previous concerns in relation to overdevelopment, size and position of the house in relation to neighbouring privacy and amenity are highly relevant issues.

Whilst A6/1699 was considered under the previous local plan, its reasons for refusal remain valid, particularly as the location of the proposed dwellinghouse is the same and the tree loss, proximity, sunlight and overlooking issues are greater. Whilst located further south, the reasons for refusal of P120033 are also applicable. The second reason in particular is applicable in its entirety, given that this is a speculative development proposal and does not accord with the character of the area, being detached dwellings located within large plots, particularly due to the density, which results in the new proposal being shoehorned into the site.

The proposal will adversely affect the distinctive character of the local area through uncharacteristic overdevelopment of the plot. The proposed house would be within 6m of no. 267 and within 7m of no. 265a; out of character with the building pattern in the area. No. 265a was built in the grounds of no. 265 over a decade ago, in the land between nos. 265 and 267. This proposal for further development in the gap between 265a and 267 will result in overdevelopment of the site.

The proposed dwellinghouse adversely affects neighbouring amenity through direct overlooking from the kitchen and bedroom windows on the east elevation, particularly as the main living room for no. 265a is on the first floor. With such a small distance between the properties, no. 265a will overlook the accommodation and private gardens related to the proposed house. The house is a substantial two-storey, 5-6 bed roomed property and will affect sunlight into the house and garden at no 265a in the afternoon and evening. The minimum distances to adjacent property set out in supplementary guidance are not met and the proposed dwellinghouse is a substantial size and would require the removal of 19 protected trees, 18 of which are recorded in the tree survey as appearing sound and healthy.

On the basis of the foregoing we object to planning application ref: 140148 for a proposed dwellinghouse within the curtilage of Auchenfrore, 267 North Deeside Road, Milltimber; and respectfully request that the application for planning permission is refused.

Yours Sincerely,

Mr & Mrs D. Walker

P&SD Letters of Representation		
Application Number: 140148		
RECEIVED 10 MAR 2014		
Nor	Sou	MAp
Case Officer Initials: GK		
Date Acknowledged: 10-3-14		

ABERDEEN CITY COUNCIL

COMMITTEE: Planning Development Management Committee

DATE: 24 April 2014

CORPORATE DIRECTOR: Gordon McIntosh

LEAD HEAD OF SERVICE: Margaret Bochel

TITLE OF REPORT: Tree Works at Friarsfield Road, Cults

REPORT NUMBER: EPI/14/107

1. PURPOSE OF REPORT

The report advises the Committee of an application for tree work that has been received for the removal of trees that are the subject of Tree Preservation Order Number 119. The proposed tree works include the removal of three (3) trees. The tree species are mainly conifers.

2. RECOMMENDATION(S)

It is recommended that the committee: -

- Refuse consent to remove three (3) trees identified for removal.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. SERVICE & COMMUNITY IMPACT

This report links to 'Aberdeen – The Smarter City' through the smarter environment (natural resources) policy 'We will provide a clean, safe and attractive streetscape and promote bio-diversity and nature conservation.'

5. OTHER IMPLICATIONS

The trees are protected by a Tree Preservation Order and this allows the Council to protect trees that contribute to environment quality. The trees currently provide

shelter, shade, stabilize soil, act as dust and pollution traps and provide valuable habitat for wildlife. The trees have a significant landscape value and can be easily viewed from the public road. The Tree Preservation Order allows for elected members, Community Councils and members of the public to have the opportunity to comment on work to protected trees. To date no objections or representations have been received. Protecting and maintaining the environment quality and amenity of local areas supports investment and economic competitiveness.

6. REPORT

The trees that are the subject of the application for tree work are visible from the main road and forms and contributes towards wider woodland network. The three (3) trees identified for removal as part of the application is to allow development. No supporting evidence has been included with the application to provide a reasonable justification for the tree works as requested. The main reason stated for the tree removal is because the owner would like to extend the house on the existing driveway and develop a car park by removing the trees. The other reasons provided to remove the trees are that they are outgrown providing risk to the property and are unattractive and look ugly.

On the whole the majority of the trees within the application site are set back off the road, within private property and the risk to public safety is minimal.

The lack of an appropriate assessment of the condition of the trees within the property does not provide sufficient justification for the proposed works. A detailed inspection of the site reveals that in fact these trees are very stable posing no risk to the property. Rather they provide a good habitat for wildlife and also contribute towards soil stabilization and helps in reducing flood risk through the process of infiltration under the current climate change scenarios.

There is not reasonable justification to remove the trees.

7. AUTHORISED SIGNATURE

Dr. Margaret Bochel, Head of Planning and Sustainable Development,
mbochel@aberdeencity.gov.uk, (01224) 523133

8. REPORT AUTHOR DETAILS

Aftab Majeed, Environmental Planner, amajeed@aberdeencity.gov.uk (01224) 523464

9. BACKGROUND PAPERS

Application for Tree Work from Mr. Murray McKay dated 9 January 2014.



APPLICATION for TREE WORK



1 Name and Address of Applicant

Name(s) WM MURRAY MCKAY
 Address 5 RICHMONDHILL PLACE
ABERDEEN
 Postcode AB15 5EN Tel. No.
 Fax No. Mobile
 E-mail

2 Location of Trees (if different to address above)

21 FRIARSFIELD ROAD, CULTS
ABERDEEN AB15 9LB

3 Owner (if different from applicant above)

Name(s)
 Address
 Postcode Tel. No.

If you are **not** the owner, please state your interest:
 Authorised Contractor/Site Agent, Neighbour (*Delete as appropriate)

Is the owner aware you are making this application: Yes No

4 Please provide details of the work to be carried out.

Tree No.*	Tree Species	Description of tree work(s)	Reason(s) for work
1.	Larch	REMOVAL	Various, see attached note
2.	Pine	--	
3.	Larch	--	

RECEIVED
14 JAN 2014

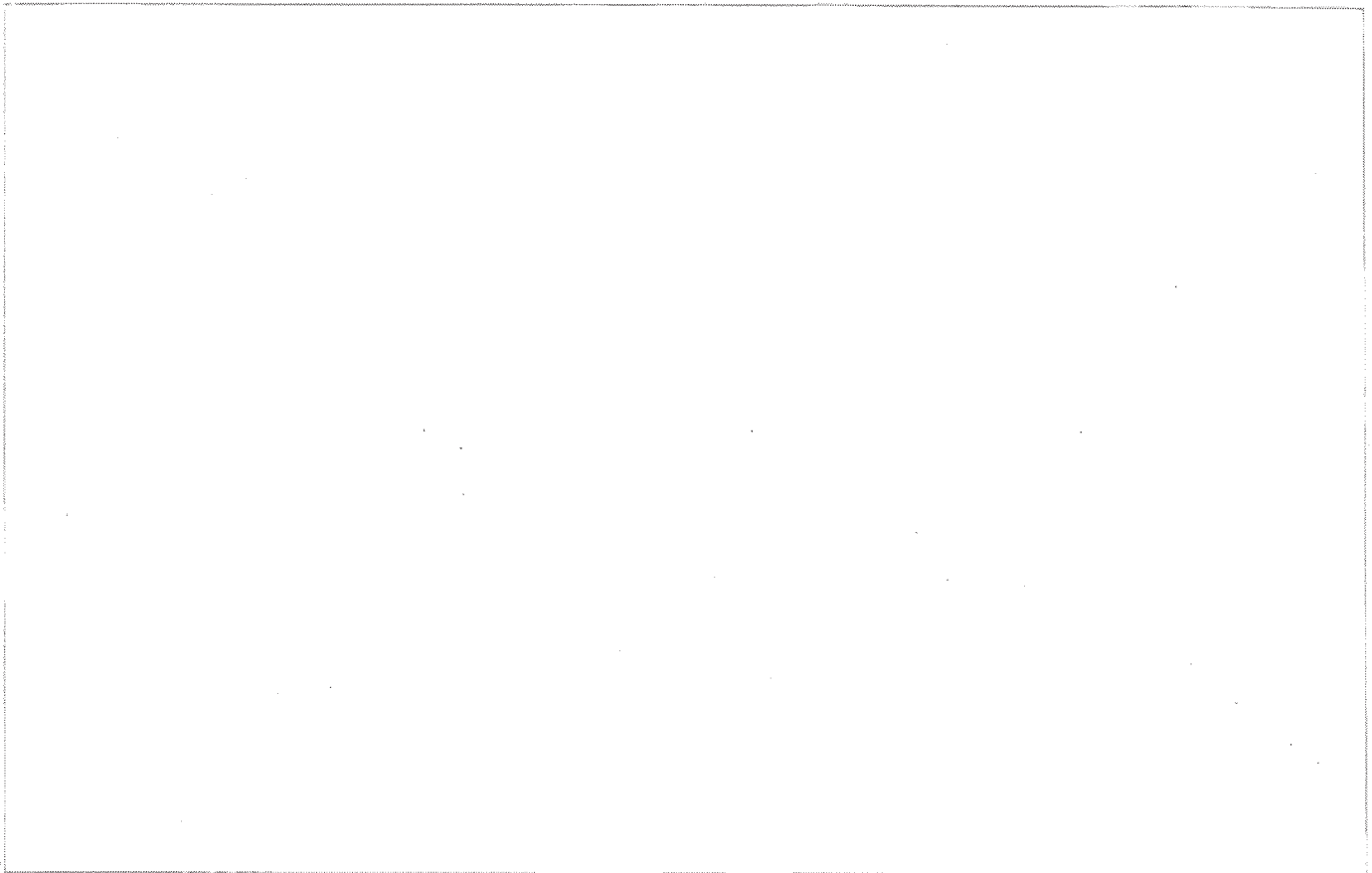
*Note: Tree number to be shown on plan overleaf.

See over >

5

Site Plan

Please provide a Site Plan showing **as accurately as possible** the position of the tree(s) in relation to any other trees on site, nearby buildings, walls, roads etc. This can be based on an O.S. plan of a suitable scale or, alternatively the space below can be used to sketch a plan. If this application is to carry out work to more than one tree, then each tree should be individually numbered on the plan to correspond with the numbering in the table overleaf.



Signature _____

Date

9/1/14

Completed form to be returned to:

**Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB**

**Telephone: 01224 523470
Fax: 01224 523180
E-Mail: pi@aberdeencity.gov.uk**

Data Protection Act 1998

For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Fire, Police, Scottish Natural Heritage, Historic Scotland) as required for the purposes of determining this application.

5 Richmondhill Place
Aberdeen AB15 5EN
9th Jan 2014

Subject - Application for Tree Work

The attached application for tree work refers to the removal of 3 fir trees in the front garden of 21 Friarsfield Road, Cults, Aberdeen.

The existing property has recently been purchased (Dec 13') & planning permission is in progress for a considerable extension to the existing dwelling house. Due to the small rear garden the only reasonable direction to extend the house is to the north towards Friarsfield road, the attached plan shows the existing house & the proposed extension.

The extension of the house reduces the existing parking area which is already very awkward & requires considerable manoeuvring to exit, additional parking is therefore a fundamental requirement for modern family living which often involves several cars.

More importantly, the existing driveway up to the road exit is on a considerable slope which has three issues :-

1. Exiting the site from a hill start is difficult, particularly as traffic travelling west tends to be very fast due to the drop from Jacobs Ladder. Friarsfield road is really quite busy particularly at rush hours as it is a secondary route between Cults & Aberdeen.

2. In winter when there is snow & ice it can be impossible to get up the driveway due to the gradient. The previous owner has advised that on several occasions, he had to leave the car parked on the pavement/road outside the property. This disrupts the traffic flow as there is not room for two way traffic to pass when a car is parked on the road even when half mounted on the pavement.

This road parking also applies to any visitors any time of the year as it is not possible to have 3 cars on the property without one having to reverse out, a dangerous manoeuvre.

A far safer & better option is to have the car parking area on the same level as the road enabling year round easy access & exit from the property.

The only sensible way of achieving this is to utilise the existing lawn area adjacent to the road on which the three trees currently reside. A large area is required to enable manoeuvring that would allow cars to enter & leave in a forward direction.

Finally there are two further issues with the trees which I believe promote the case for their removal :-

1. The trees are really too large for the site, they have outgrown the site &

present a substantial risk to the property, particularly with the high winds & storms that seem to be more common these days with climate change. The two adjacent properties are also within the fall zone so clearly they are also a threat to life should they fall

2. The trees are not rare or attractive, they have been substantially pruned in the past leaving them quite bare & frankly, ugly.

I hope this adequately explains the reasons for the removal of the trees, if further information is required then please contact me by e mail as I shall be in New Zealand till 10th April.

Murray McKay



ABERDEEN CITY COUNCIL

COMMITTEE:	Planning Development Management Committee
DATE:	24 April 2014
DIRECTOR:	Gordon McIntosh
LEAD HEAD OF SERVICE:	Margaret Bochel
TITLE OF REPORT:	Planning Digest
REPORT NUMBER :	EPI/14/116

1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from these appeal decisions.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

APPEAL UPHELD SUBJECT TO CONDITIONS

122 BROOMHILL ROAD, ABERDEEN

**DETAILED PLANNING PERMISSION FOR CHANGE OF USE OF VACANT CAR SHOWROOM TO CLASS 1 (SHOP), SHOPFRONT ALTERATIONS, AND OTHER EXTERNAL ALTERATIONS, ERECTION OF GATE/FENCE TO REAR AND OTHER ASSOCIATED WORKS, INCLUDING FOOTPATH AND PARKING IMPROVEMENTS.
APPLICATION REF: P130910**

Planning permission was refused by the Planning Development Management Committee in October 2013 in accordance with officer recommendation for the following reasons; 1) The proposal does not comply with Policy H1 (Residential Areas) as there would be conflict with neighbouring properties which would act as a nuisance to and impinge on the enjoyment of the existing residential amenity arising from the proposed servicing and delivery arrangements for the premises, in particular the noise disturbance therefrom in relation to loading /offloading, the movement of metal cages and also in relation to vehicular, 2) that the applicant has not demonstrated that suitable and appropriate servicing and delivery arrangements and facilities can be provided. This could therefore result in delivery vehicles stopping on the public road adjacent to the premises which would cause a road safety hazard and would interrupt the free flow of traffic.

The decision was appealed to the Scottish Government in December 2013. Following an unaccompanied site visit, the Reporter has allowed the appeal and granted planning permission subject to the following conditions:

- Deliveries to the premises shall only occur between the hours of 0900-1600 Monday to Friday and between the hours of 0900-1930 Saturday and Sunday. *[Reason: In order to protect residential amenity and in the interests of public safety, road safety and the free flow of traffic during peak hours.]*
- Deliveries to the premises shall only be to the rear of the building, from Pitstruan Terrace using the service yard as shown on drawing no. SK-003. *[Reason: In the interests of public safety, road safety and the free flow of traffic.]*
- Prior to the occupation of the building for the use hereby approved a delivery management plan describing matters to include the frequency of deliveries and the maximum size of vehicles to be used must be submitted to and approved in writing by the planning authority. *[Reason: Because deliveries to this property will need to be made along residential streets, the effective widths of which are restricted by parked vehicles, it is essential that deliveries to the premises are carried out using vehicles of an appropriate size and at appropriate times to cause the minimum of inconvenience to residents and other road users, in the interests of public safety and residential amenity.]*
- Prior to the occupation of the building for the use hereby approved provision must be made for a minimum of 2 long stay cycle parking spaces comprising Sheffield style stands within a secure compound or within the building itself. *[Reason: In the interests of sustainability and to encourage the use of cycles for travel to and from the site.]*
- Prior to the occupation of the building for the use hereby approved provision must be made within the application site for refuse storage and disposal in accordance with a scheme to be submitted to and approved in writing by the planning authority. *[Reason: In order to preserve the amenity of the neighbourhood and in the interests of public health.]*
- Prior to the occupation of the building for the use hereby approved on-street car parking and bollards must be provided in accordance with drawing no. SK-003 or any other drawing that has been submitted to and approved in writing by the planning authority. *[Reason: In the interests of public safety, road safety, free flow of traffic and residential amenity.]*
- Prior to the occupation of the building for the use hereby approved the fencing to the rear of the property must be provided in accordance with drawing no. SK-003

or any other drawing that has been submitted to and approved in writing by the planning authority. [*Reason: In the interests of public safety and residential amenity.*]

The Reporter noted that the determining issues in this appeal were (1) the principle of the proposed use in this location (2) residential amenity and (3) traffic and road safety. The Reporter concluded that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. Consideration was given to all the other matters raised, including effects on the appearance of the building and the potential for antisocial activity, but there are none which would lead the Reporter to alter their conclusions.

The appeal decision can be viewed at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=114830&T=20>

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

1 - We live in a Scotland that is the most attractive place for doing business in Europe;

2 - We realise our full economic potential with more and better employment opportunities for our people;

10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;

12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;

13 - We take pride in a strong, fair and inclusive national identity; and

15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

Margaret Bochel
Head of Planning and Sustainable Development
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01224 523133