

Public Document Pack



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

Also (as local members) :- Councillors Malik and Malone (for item 1); and Councillors Cameron, Delaney and Ironside (for item 2).

Town House,
ABERDEEN, 28 April 2014

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)** are requested to meet in **THE TOWN HOUSE** on **FRIDAY, 2 MAY 2014 at 1.30 pm.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 1 Auchenfroee, 267 North Deeside Road, Milltimber, Proposed New Dwellinghouse within the Curtilage (Pages 1 - 34)

Reference No – 140148

Planning application documents can be viewed here –

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

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2 Visit to Kingswells Primary School in connection with - 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 35 - 82)

Reference No – 130288

Planning application documents can be viewed here –

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130288>

- Note: (One) The Planning Officials in attendance on the visits can be contacted by mobile phone, the number is :- 07802 323986.
(Two) The transport for the visits will depart the Town House from the Broad Street entrance at 1.30 pm prompt.

Should you require any further information about this agenda, please contact Martyn Orchard, tel. (52)3097 or email morchard@aberdeencity.gov.uk

Agenda Item 1

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 sub-division 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.

GEE

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	Sou	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 bedrooomed-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.

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.

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 54o, 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 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 Auchenfroe, 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		

Planning Development Management Committee

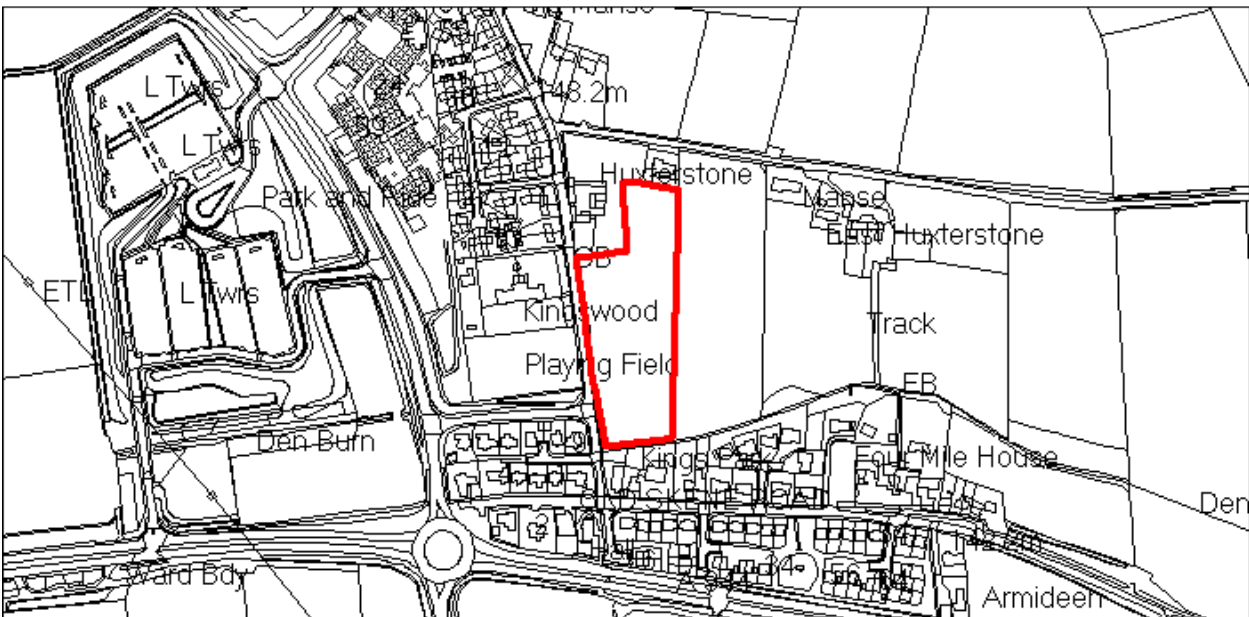
FAIRLEY ROAD (LAND TO EAST OF),
KINGSWELLS

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

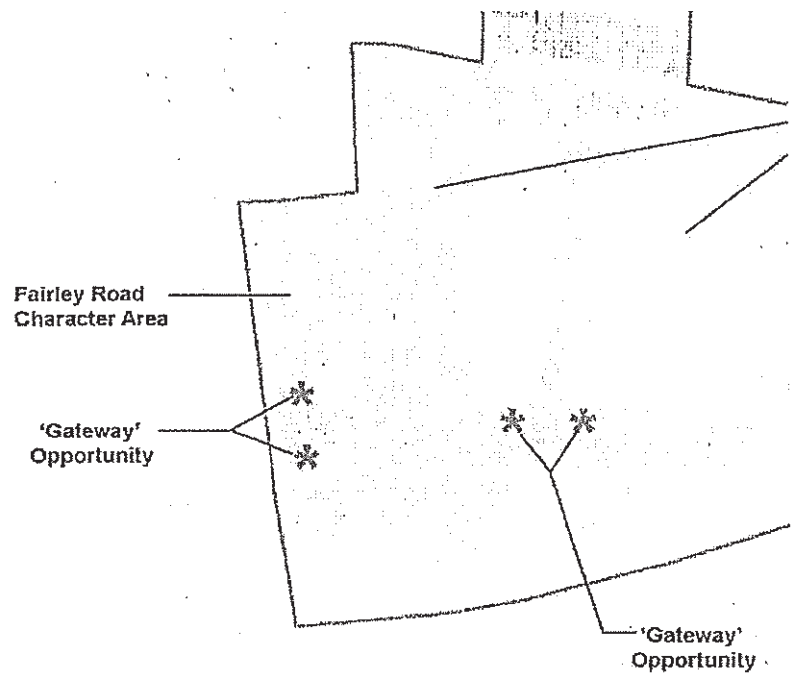


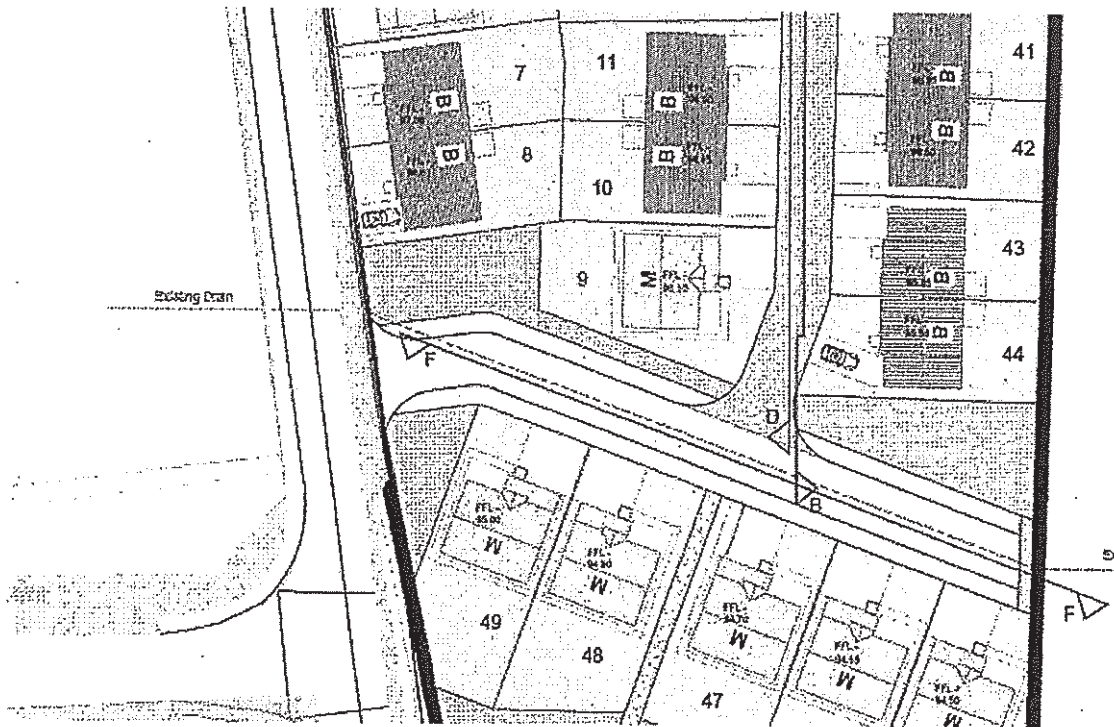
Figure 18: Character Areas

8. Home Zones

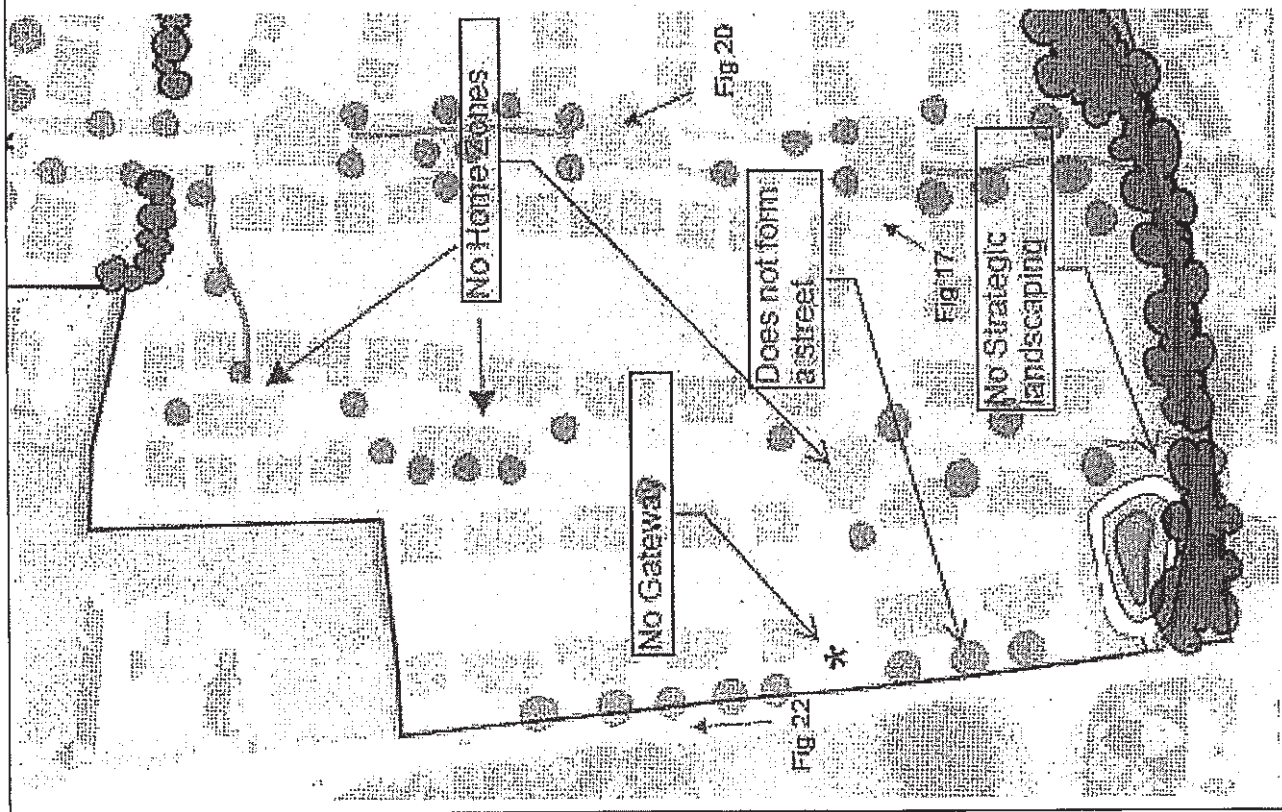
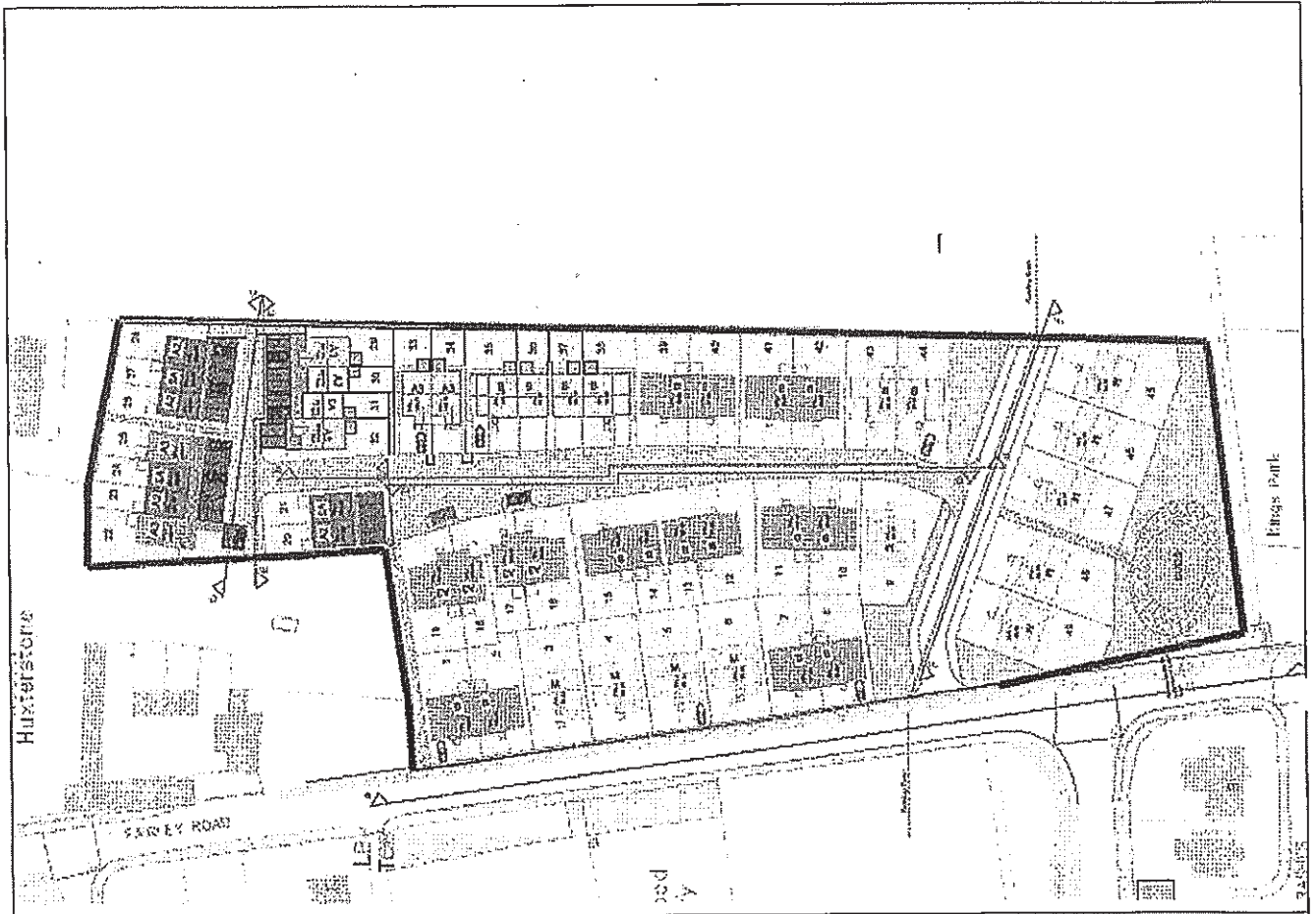
The Master plan calls for the roads within the development to incorporate home zones. The current application makes no allowance.

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.

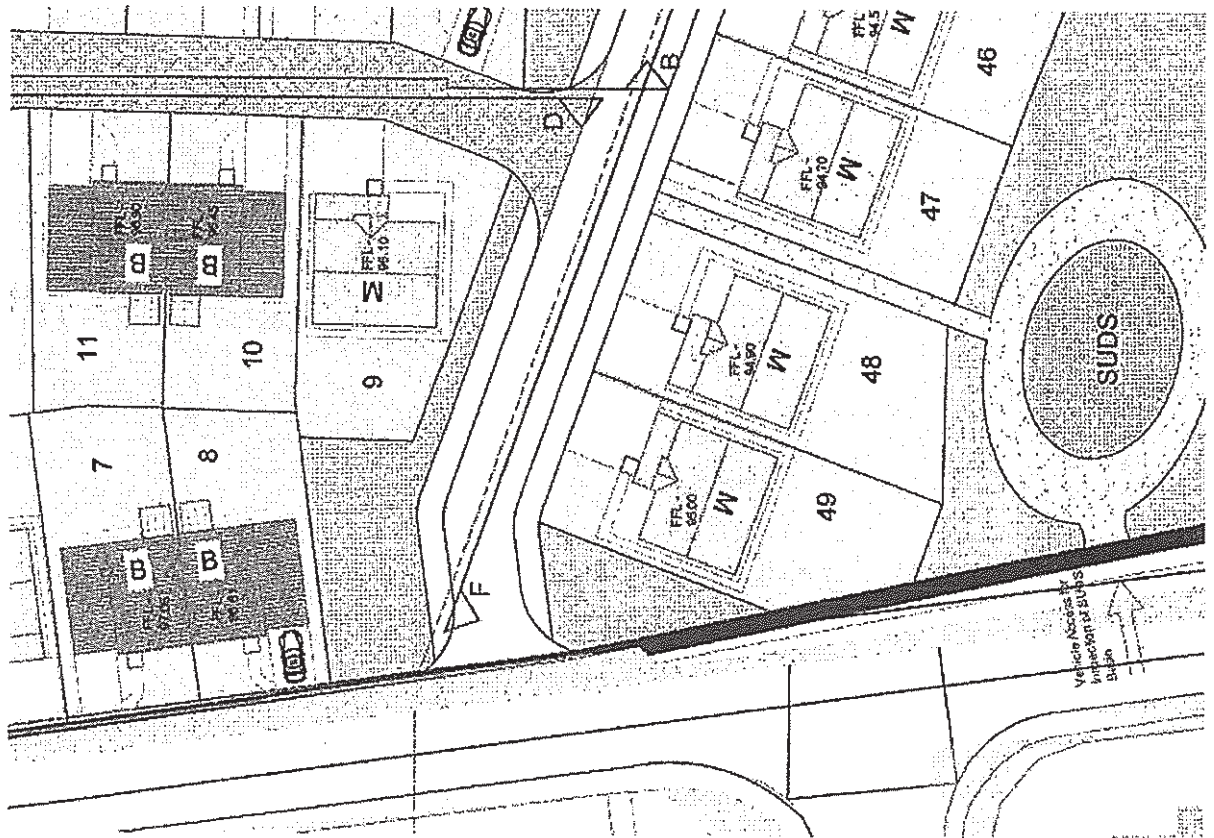
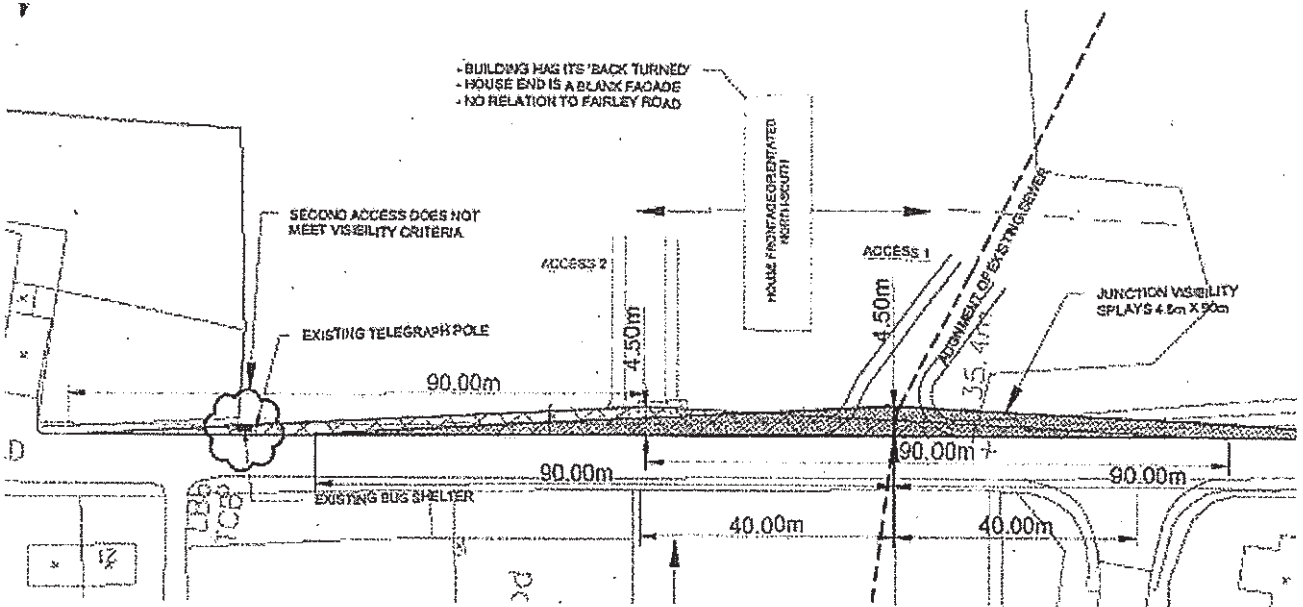
94412: West Huxterstone, Kingswells**Access Statement****1.1. Introduction**

- 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.

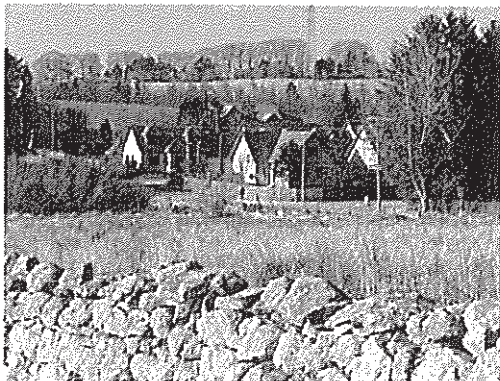
1. The Site Character-

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

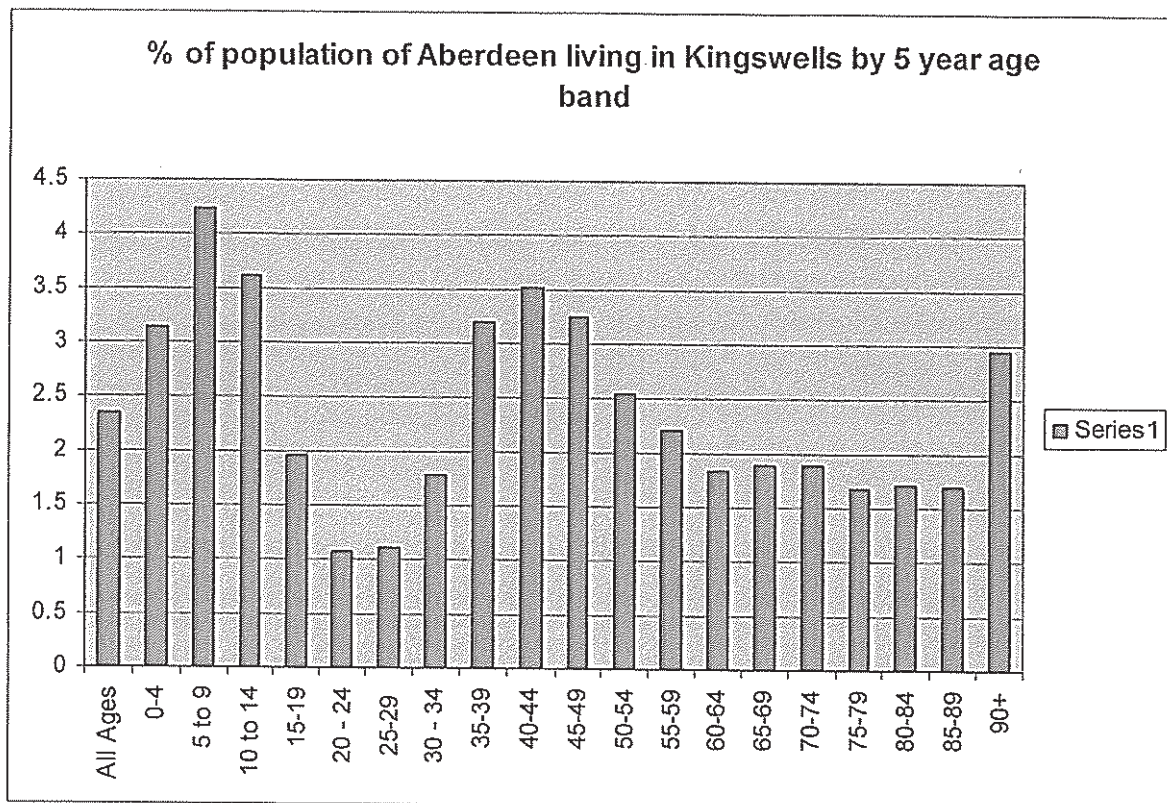
this is fully resolved. There is a secondary risk that our properties will not be able to be sold due to the impact on our property title deeds.

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

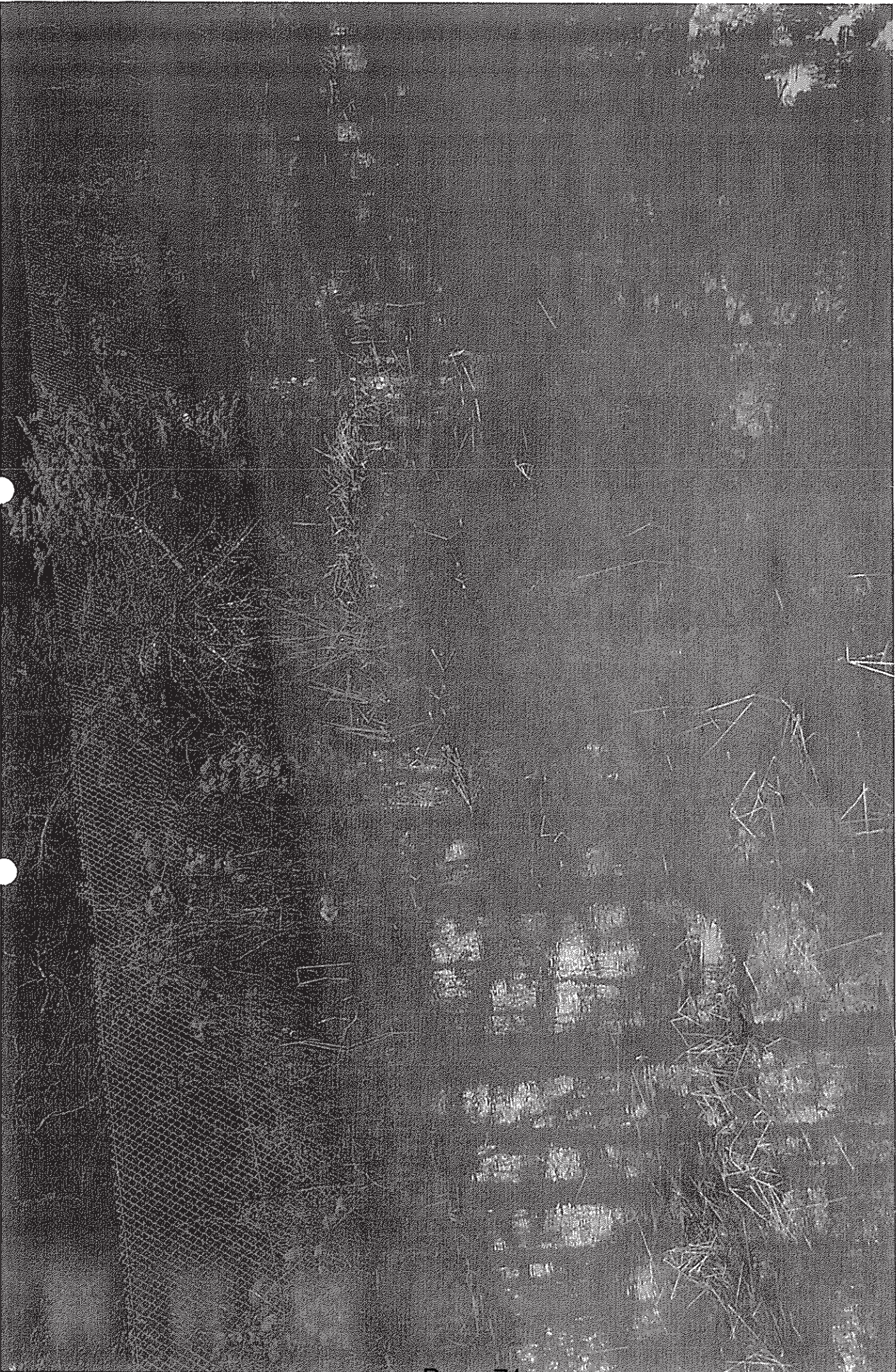
9 Whiterashes
Kingswells
AB15 8QE

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
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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]
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Mobile - [redacted]
www.[redacted] blocked: [redacted]

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BULLETIN REPORT

Name of Committee: **Planning Development Management**
Date of Meeting: **24 April 2014**
Title of Report: **Kingswells School – Information for Committee**
Lead Officer: **Euan Couperwhite**
Author of Report: **Euan Couperwhite**

1. SUMMARY OF PURPOSE OF REPORT

- 1.1 This report provides detail to Planning Development Management Committee on the accommodation available within Kingswells School in light of planning applications made to the Council by housing developers.

2 RECOMMENDATION(S)

- 2.1 It is recommended that the Committee note:
- (a) The fact that the increase in pupil numbers at Kingswells School is forecasted to increase before taking account of the Dandara development;
 - (b) That this increase and the impact on the school's capacity are temporary as the pupil roll is projected to return to 2013/14 levels by 2021/22;
 - (c) That accommodation within Kingswells School could be restructured to accommodate the required number of classes when the pupil roll reaches its peak in 2018/19;
 - (d) That should the school ever become unable to accommodate new children, the authority would require to provide education provision at the next nearest school;

3 FINANCIAL IMPLICATIONS

- 3.1 Capital costs may be incurred to restructure the internal school accommodation when the pupil roll increases to its maximum point. The aim of restructuring accommodation will be to create additional teaching spaces. Under the draft Developer Contribution guidance, the Council would receive a contribution of £23,000 for each additional child over the capacity of the school, which is generated as a result of a new housing development.

- 3.2 For Kingswells School it was previously estimated that 2.31 pupils, over the capacity of the school, will arrive at the school from the Dandara development and that the total developer contribution would be £53,130 (2.31 pupils x £23,000).
- 3.3 Additional revenue costs will be incurred if the school pupil roll increases as a result of new housing developments. This is due to the formulae used to allocate budgets to schools being based on the number of pupils attending the school.
- 3.4 The authority may also be required to transport pupils to school should they qualify for this provision on grounds of distance or safe walking routes. Further, if the school capacity is exceeded and the Council is unable to accommodate pupils in Kingswells School, then it would be obliged to provide education at an out of zone school and would be responsible for providing pupil transport.

4 OTHER IMPLICATIONS

- 4.1 The Education (Scotland) Act 1980, as amended, places an obligation on education authorities to secure adequate and efficient school education within the Council area.
- 4.2 The Children and Young People's (Scotland) Act 2014, which recently received Royal Assent, also places a duty on education authorities to provide 600 hours of early learning and childcare for children aged 3 and 4 years of age and children aged 2 years of age where they are or have been looked after by the authority since their second birthday. This will have a commensurate impact on the accommodation within the school.

5 BACKGROUND / MAIN ISSUES

5.1 Kingswells Primary School – Current Position and the Impact of Housing Developments

This planning capacity of a school is calculated by dividing the area of each classroom by the Council's space allocation per pupil (2m²). Using this methodology, Kingswells School therefore has a planning capacity of 450 pupils. The working capacity of a school takes into account the maximum class sizes of any stage in the school. Therefore for Primary 1 classes and any composite class the maximum class size and therefore the working capacity would be 25 pupils. For Primary 2 and 3 classes the working capacity is 30 pupils and for Primary 4 to 7 the working capacity is 33 pupils.

Within Aberdeen City Council, the optimum class and teacher configuration is calculated each year to deliver the most efficient and effective provision. Education, Culture and Sport Committee agreed at its meeting of 27 March 2014, that Kingswells School be capped to ensure that no more than 17 classes are accommodated within the school. In addition, it was agreed that

the school would keep 3 reserved spaces for P1 children who move into the school's zone during the academic session.

The school currently provides flexibility to accommodate 16 classrooms for primary aged pupils, 2 classrooms for the nursery class, 2 spaces for pupils with Additional Support Needs, a library and 2 General Purpose (GP) areas which are used to deliver areas of the curriculum such as ICT, drama and art.

Based on the annual pupil census data from September 2013, there are 441 primary aged pupils attending the school. Included within the total roll are 17 pupils who live out-with the school zone. There are 80 children who attend the nursery.

Draft roll projections, which require to be finalised, indicate that the roll for academic session 2014/15 will be 456 pupils, rising to 483 pupils in 2015/16 and peaking at 490 pupils in 2017/18, before reducing over the next 4-5 years.

In the current academic session the school operates a 16 class structure, as the pupil roll rises to 490 pupils in 2017/18, the school will require to operate 18 classes. To accommodate the additional pupils the school would be required to reduce the number of GP areas.

It is Council policy to locate nursery classes within primary school buildings as this ensures a better transition from nursery to primary school, as children will have knowledge of the school layout during their nursery education.

5.2 Education's Statutory Obligations

Committee will note from Section 4 of this report that the 1980 Act places an obligation on authorities to educate school aged children, while the Children and Young People's Act place an obligation to provide 600 hours of early learning and childcare for all 3 and 4 year olds and those 2 year olds who are or have been looked after since their second birthday.

The duty imposed by legislation does not mean that a child would be enrolled within their zoned school. For example, if a school was at maximum capacity there are options available to the authority such as:

- Accommodating pupils in additional classes through reducing the number of supplementary spaces. This option adversely impacts on all pupils attending the school as there would be reduced educational facilities available to deliver the full range of curricular activities; or
- Transporting the additional pupils to the next nearest school which has sufficient capacity. Such a decision would incur on-going revenue costs.

6 IMPACT OF THE CLOSURE OF HAMILTON SCHOOL AND WALDORF SCHOOL

There are 4 pupils from the Hamilton School who have received offers to attend Kingswells School in April and a further 3 who will attend from August 2014. All pupils live within the school zone.

The parents of one pupil who formerly attended Aberdeen Waldorf School have applied for a place at Kingswells School.

7 CONCLUSION

- 7.1 The number of pupils attending Kingswells School is projected to increase even before taking account of the Dandara development. This will present temporary capacity issues as following academic session 2017/18 the pupil roll is forecasted to steadily decline to the current levels.
- 7.2 Having reviewed the school accommodation, it is possible to accommodate additional children within Kingswells School as a result of housing developments; however further work is required to ensure that doing so would not result in the loss of General Purpose areas which would prove detrimental to the overall educational experience of all pupils at the school. A report to the Education, Culture and Sport Committee to increase the number of classes to 18 would also be required.
- 7.3 The alternative would be to zone children to the next nearest school, which not only increases the Council's transport costs but would result in the children affected being educated out-with their own community.

8 BACKGROUND PAPERS

None.

9 REPORT AUTHOR DETAILS

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Infrastructure and Asset Programme Manager

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✉ ecouperwhite@aberdeencity.gov.uk