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To: Councillor Milne, Convener; Councillor Finlayson; Vice Convener; and Councillors Boulton, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Stuart and Thomson.

Town House,
ABERDEEN 20 May 2015

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 28 MAY 2015 at 10.00 am.**

RODERICK MACBEATH
SENIOR DEMOCRATIC SERVICES MANAGER

BUSINESS

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

MINUTES OF PREVIOUS MEETINGS

- 1.1 **Minute of Meeting of the Planning Development Management Committee of 23 April 2015 - for approval (Pages 1 - 8)**

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

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Aruba, 5 Netherby Road, Cults - Proposed Replacement House. Demolition of Existing House and Erection of Replacement House with Annexe and Garage - 150101 (Pages 9 - 20)

Planning Reference – 150101

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150101>

Case Officer – Hannah Readman

- 2.2 Langdykes Road, Cove - Proposed Hydrogen Fuelling Station with on-site Hydrogen generation and Fuel Cells Systems - 141552 (Pages 21 - 42)

Planning Reference- 141552

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141552>

Case Officer – Jane Forbes

- 2.3 51 Rosebery Street, Aberdeen - Straightening of roof hip, extension to front dormer, creation of dormer to rear and building of utility room to rear - 150191 (Pages 43 - 60)

Planning Reference – 150191

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150191>

Case Officer – Ross McMahon

- 2.4 Loirston, Nigg - Application for Planning In Principle for a Proposed Residential Development of up to 1007 Houses, 8 Hectares of Employment Land including Commercial, Leisure and Office Uses, a Neighbourhood Centre comprising Retail and Commercial Uses, Community Facilities, A Primary School, Landscaping, Open Space and Recreational Facilities- 130892 (Pages 61 - 158)

Planning Reference – 130892

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=130892>

Case Officer – Gavin Evans

- 2.5 Loirston - Gypsy Traveller Site - 141441 (Pages 159 - 208)

Planning Reference – 141441

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141441>

Case Officer – Gavin Evans

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 Nether Anguston - Part conversion and part extension of farm steading to form residential dwellinghouses - 150329 (Pages 209 - 232)

Planning Reference- 150329

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150329>

Case Officer – Tommy Hart

OTHER REPORTS

- 4.1 Planning Enforcement Activity October 2014 - March 2015 - CHI/15/189 (Pages 233 - 260)

- 4.2 Enforcement Activity - Report to Follow

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Stephanie Dunsmuir on 01224 522503 or email sdunsmuir@aberdeencity.gov.uk

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 23 April 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney (substituting for Councillor Jean Morrison MBE), Corall, Cormie, Donnelly (substituting for Councillor Thomson from Article 4), Greig, Jaffrey, Lawrence, MacGregor (substituting for Councillor Dickson), Malik, Jennifer Stewart, Sandy Stuart and Thomson (for Articles 1 to 3 only).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3468&Ver=4>

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

AGENDA

1. The Convener advised that item 3.1 - 31 Hillside Road, Peterculter (150009) had been withdrawn from the agenda, and that Tree Preservation Order 195 within item 4.1 was to be deferred.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 19 MARCH 2015

2. The Committee had before it the minute of its previous meeting of 19 March 2015.

The Committee resolved:-

- (i) to approve the minute subject to the correction of Article 10 to reflect that the address was Gordon's Mills Road and not Gordon Mills Road; and
- (ii) to note the updates regarding enforcement in respect of the Chester Hotel, 59 - 63 Queens Road (140990), and progress with securing affordable housing units and traffic calming measures at Friarsfield Road/Kirk Brae, Land to the North, Cults (140272).

27 WHITEHALL TERRACE - 150159

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

That the Committee approve the application for planning permission for the extension of a fence on the south eastern boundary of the rear garden and the erection of a lean-to porch extension on the north eastern elevation of the studio building on a raised platform, subject to the following condition:-

(1) That no development shall take place unless samples of all external finishing materials to the porch hereby approved have 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.

The Convener moved, seconded by Councillor Sandy Stuart:-

That the application be approved in accordance with the recommendation contained within the report.

Councillor Jennifer Stewart moved as an amendment, seconded by Councillor Thomson:-

That the application be refused on the grounds that the proposal represented over development of the site, was not in keeping with the character of the surrounding area and would have a detrimental impact on the immediate neighbour.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Cooney, Corall, Lawrence, MacGregor, Malik and Sandy Stuart; for the amendment (7) - the Vice Convener; and Councillors Boulton, Cormie, Greig, Jaffrey, Jennifer Stewart and Thomson.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised his casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion.

227 UNION STREET - 150179

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

That the Committee approve unconditionally the application for the erection of a pavement café, consisting of two tables and eight chairs to be placed on the footway directly in front of the shop unit.

The Convener moved, seconded by Councillor Cormie:-

That the application be approved subject to the following condition:-

(1) That the outdoor seating area hereby granted planning permission shall not come into use unless provision has been made within the application site for litter disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

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

That the application be deferred pending consultation with the Disability Advisory Group Access Panel.

On a division, there voted:- for the motion (10) - the Convener; and Councillors Cooney, Corall, Cormie, Donnelly, Greig, Lawrence, Malik, Jennifer Stewart and Sandy Stuart; for the amendment (4) - the Vice Convener; and Councillors Boulton, Jaffrey and MacGregor.

The Committee resolved:-
to adopt the motion.

25 FARBURN TERRACE - 150052

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

That the Committee approve the application for planning permission for a change of use to part of the building from bed and breakfast to hot food takeaway (sui generis) subject to the following conditions:-

(1) That hot food shall not be sold from the premises outwith the hours of 16.00 and 22.00, Mondays to Sundays inclusive, and no delivery activities shall take place outwith the hours 08.00 to 18.00 Monday to Saturday and 12.00 (noon) to 18.00 on Sundays; (2) That unless otherwise agreed in writing by the planning authority, the use hereby granted planning permission shall not take place unless the approved scheme (stainless steel extract canopy [3600 x 1250 x 480mm]; 6 baffle filters [500 x 500 x 50mm] and vent-axia MFQ500 extract fan with speed control) of means of filtering, extracting and dispersing cooking fumes from the premises had been implemented in full and is ready for operation; (3) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; and (4) That the hot food take away hereby granted planning permission shall not come into use unless a scheme detailing cycle storage provision for at least two cycles has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

The Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report.

Councillor MacGregor moved as an amendment, seconded by Councillor Jaffrey:-

That the application be refused on the grounds that the proposal would result in an increase in traffic and would therefore have a detrimental impact on residential amenity.

On a division, there voted:- for the motion (11) - the Convener; and Councillors Boulton, Cooney, Corall, Cormie, Donnelly, Greig, Lawrence, Malik, Jennifer Stewart and Sandy Stuart; for the amendment (3) - the Vice Convener; and Councillors Jaffrey and MacGregor.

The Committee resolved:-
to adopt the motion.

2 STATION ROAD EAST, MILLTIMBER - 150128

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

That the Committee approve the application for planning permission for the erection of a new dwellinghouse and retrospective planning permission for the demolition of the previous dwellinghouse on the site, subject to the following conditions:-

- (1) That no development pursuant to the planning permission hereby approved shall be carried out unless details of the proposed new boundary wall on the east boundary has been submitted to and approved in writing by the planning authority. Thereafter, the wall shall be built in complete accordance with the approved details and be in place prior to the occupation of the new house; (2) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include the proposed areas of tree/shrub planting, including details of numbers (on a 2 for 1 basis), densities, locations, species, sizes and stage of maturity at planting to mitigate the loss of trees due to the development; and (3) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved.

INFORMATIVES

1. That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place:
- (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays;
 - (b) outwith the hours of 9.00am to 4.00pm Saturdays; or
 - (c) at any time on Sundays,
- except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery].

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to request that contact details for Scottish Water be provided to the objector who made reference to burst pipes in the lane.

44 BEDFORD ROAD - 141664

7. With reference to Article 11 of the minute of its meeting of 19 March 2015, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee express a willingness to approve the application for the erection of a three and a half storey serviced apartment development with associated car parking, but to withhold the issue of the consent document until the applicant had entered into a legal agreement to ensure that the development remained in single ownership and that no apartment may be occupied for more than 90 days by the same occupant, and subject to the following conditions:-

- (1) That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless

there has been submitted to and approved in writing by the planning authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety; (2) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (3) That the development hereby approved shall not be occupied unless the car, cycle and motorcycle parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated and the wall fronting Bedford Place lowered in accordance with drawing No. 015b of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval; (4) That the serviced apartments hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the planning authority and that the said scheme has been implemented; (5) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority; (6) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; (7) That the use hereby approved shall not be brought into use until such time as a sample Residential Travel Pack has been submitted to and agreed in writing by the planning authority, and thereafter prominently displayed for the benefit of occupants. For the avoidance of doubt, this should be site-specific and detail the sustainable transport options available to occupants of the development; (8) That no development pursuant to this grant of planning permission shall be undertaken unless street furniture on Bedford Place has been re-sited in accordance with a scheme which has been submitted and agreed in writing by the planning authority; (9) That prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed by the planning authority, in consultation with SEPA and Scottish Water. This shall include drainage calculations for a sensitivity test up to a 200 year return period. Thereafter, all work shall be carried out in accordance with the approved scheme; and (10) That the building hereby approved shall not be occupied unless a sign requiring reverse parking only has been erected at the rear of the on-site parking spaces provided in accordance with a scheme that has been submitted to, and approved in writing by, the planning authority.

The Committee resolved:-

to approve the recommendation.

LAND AT BROOKFIELD, MURTL DEN ROAD, MILLTIMBER - 141858

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

That the Committee **refuse** the application for planning permission in principle to demolish the existing property 'Brookfield' and the erection of three detached dwellinghouses on the site, on the following grounds:-

- (1) That the site lies within the Green Belt which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2, and could erode the character or function of the Green Space Network thus conflicting with Policy NE1 of the Aberdeen Local Development Plan 2012, Policies NE2 and NE1 of the Proposed Aberdeen Local Development Plan. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt policy; and
- (2) That the application is deficient in information in respect of a full summer bat survey, following the indication in the winter survey that bats may be present. As such it is therefore not possible to make a full assessment of the implications of the development on a protected species in order to ensure that the development would not be detrimental to that species. The proposal is therefore contrary to Policy NE8 Natural Heritage of the Aberdeen Local Development Plan 2012 and Policy NE8 of the Proposed Aberdeen Local Development Plan.

The Convener moved, seconded by Councillor Greig:-

That the application be refused in accordance with the recommendation contained within the report.

Councillor Donnelly moved as an amendment, seconded by Councillor Malik:-

That the application be approved on the basis that the impact on the Green Belt was negligible and due to the shortage of such housing, subject to appropriate conditions as suggested within the report.

On a division, there voted:- for the motion (7) - the Convener; and Councillors Cooney, Corall, Greig, Jaffrey, MacGregor, and Sandy Stuart; for the amendment (7) - the Vice Convener; and Councillors Boulton, Cormie, Donnelly, Lawrence, Malik and Jennifer Stewart.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised his casting vote in favour of the motion.

The Committee resolved:-
to adopt the motion.

THE BIELDSIDE INN, 37 NORTH DEESIDE ROAD - 150220

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

That the Committee **refuse** the application for planning permission for the erection of an extension to the existing balcony to the rear of the property, on the following grounds:-

- (1) Due to the unpredictable nature of how people communicate in a social setting, it would be difficult to control any noise generated by patrons using the extended balcony. This, in combination with its elevated and open nature, is likely to result in residential properties being adversely affected by noise and activity on the balcony to an unacceptable degree. The planning authority does not consider that sufficient control could be imposed by planning conditions to mitigate this impact to an acceptable degree. Therefore, the proposed development is not considered to be complementary to residential use and is contrary to Adopted Local Development Plan Policy H1 (Residential Areas), Proposed Local Development Plan Policy H1 (Residential Areas) and Supplementary Guidance: Harmony of Uses.

The Committee resolved:-

to approve the recommendation.

CONFIRMATION OF TREE PRESERVATION ORDERS - CHI/15/138

10. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought confirmation of various provisional Tree Preservation Orders made under delegated powers to provide long term protection for the relevant trees.

The report recommended:-

that the Committee -

- (a) confirm the making of Tree Preservation Orders 128, 155, 185, 203, 114 and 208 without modifications;
- (b) confirm Tree Preservation Order 187 with the modification that in the 'situation' section of the first Schedule of the Order, to amend date of recording of the relevant disposition from 'thirtieth day of August Nineteen Hundred and Forty Seven' to 'thirtieth day of October Nineteen Hundred and Forty Seven'; and
- (c) instruct the Head of Legal and Democratic Services to attend to the requisite procedures.

The Committee resolved:-

to approve the recommendations.

EXTENSIONS TO OLD ABERDEEN CONSERVATION AREA - CHI/15/173

11. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which outlined proposed extensions to the boundary of Old Aberdeen Conservation Area following public consultation.

The report recommended:-

that the Committee approve the extensions to the boundary of Old Aberdeen Conservation Area as shown in appendix 1 to the report, and instruct officers to comply with the statutory notifications required.

The Committee resolved:-

to approve the recommendation.

- **RAMSAY MILNE, Convener**

Planning Development Management Committee

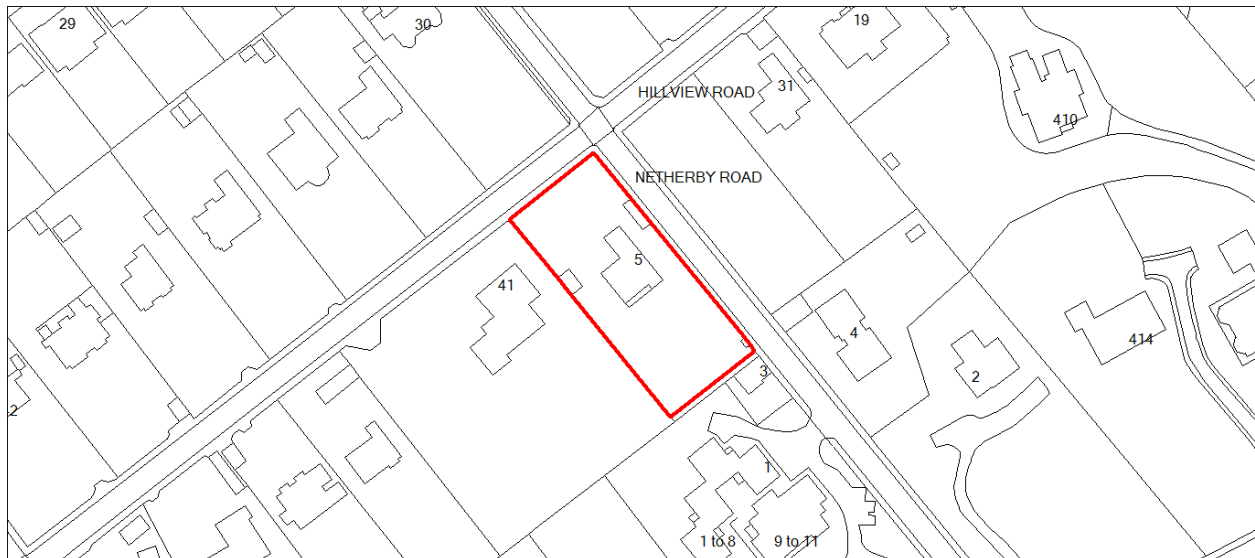
ARUBA, 5 NETHERBY ROAD, CULTS

PROPOSED REPLACEMENT HOUSE.
DEMOLITION OF EXISTING HOUSE &
ERECTION OF REPLACEMENT HOUSE WITH
ANNEXE AND GARAGE.

For: Mr Dennis Watt

Application Type : Detailed Planning Permission
Application Ref. : P150101
Application Date: 26/01/2015
Officer: Hannah Readman
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert :
Advertised on:
Committee Date: 28TH May 2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site relates to a 1772sqm corner plot within a residential area that is bound to the east by Netherby Road and bound to the north by Hillview Road. A traditional, detached dormer bungalow currently occupies the site that is accessed from Netherby Road. The site slopes southwards from Hillview Road, covering a change in level of approximately 5m and is concealed by a high granite boundary wall on all sides. A substantial plot with a large detached dwelling is located west of the application site whilst a small flatted development occupies land to the south. The surrounding area is characterised by detached residential dwellings on individual architectural designs with ample garden ground.

RELEVANT HISTORY

None.

PROPOSAL

Detailed planning permission is sought for the erection of a replacement house with an integral annex and a detached double bay garage to the south west corner of the site.

The detached, two storey plus attic replacement dwelling would measure 22m in width (including the annex), 15m in depth plus a porch at a depth of 0.9m for the main dwelling and a depth of 17.8m along the east elevation that contains the annex. The main dwelling would measure 6.2m to eaves height and 8.4m to ridge height. A proprietary glass cupola would be centrally located on the main dwelling, adding a further 1m in height to the tip. The single storey annex would be 2.5m to eaves height and 4.7m to ridge height. The main dwelling would be symmetrical in design, be accessed from the north elevation and feature a balcony above the porch. The south elevation would overlook the garden, feature a two storey, large bay window with pitched roof and ground floor access to the lawn via French doors and four steps down. Four rooflights, arranged in two pairs would feature on the south facing roof slope. The west elevation would feature a chimney, two single windows at ground floor level, a small circular window at first floor level and two rooflights. Proposed materials include a smooth white render finish to external walls, slate tiles and zinc flashings to the roof, a granite base course, granite trim and surrounds to all openings, upvc windows and aluminium rainwater goods throughout.

The proposed garage would measure 6.8m in width, 8.5m in depth, 3.3m to eaves height and 5.5m to ridge height. The principle elevation would face east and contain two single garage doors. An access door and window would be situated on the north elevation whilst the west and south elevations would be blank. The garage would be finished in a smooth white render with a slate roof. The existing vehicular access from Netherby Road would provide access to the proposed garage whilst a new vehicular access is sought off Hillview Road, approximately 10m west from its junction with Netherby Road to provide an additional access to the principle elevation.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150101>

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

- Design and Access Statement

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Roads Development Management Team has objected to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – The formation of a new access onto Hillview Road, whilst retaining the access from Netherby Road, would create an additional location on the road network where vehicular conflict would occur due to turning movements on and off the road. Recommend refusal of this application on road safety grounds;

Environmental Health – No observations;

Flooding – No observations;

Community Council – No objection but wish for the proposed new house to be in keeping with other houses in the area and that the proposed new driveway is situated a safe distance from the junction.

REPRESENTATIONS

One letter of objection has been received raising the following concerns:

- Proximity to neighbouring site
- Height of proposed dwelling
- Impact on privacy

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1 – Residential Areas

Within existing residential areas and within new residential developments, proposals for new residential development will be approved in principle if it:

1. does not constitute over development;
2. does not have an unacceptable impact on the character or amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space (open space is defined in the Aberdeen Open Space Audit 2010).

Policy D1 – Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D2 – Design and Amenity

In order to ensure the provision of appropriate levels of amenity a number of principles will be applied, including residential development having a public face to a street and a private face to an enclosed garden and having access to sitting out areas.

Policy R7 – Low and Zero Carbon Buildings

All new buildings, in meeting building regulation energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 30% below 2007 building standards. This percentage requirement will be increased as specified in supplementary guidance.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

H1 – Residential Areas (*H1 – Residential Areas*)

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

R8 – Low and Zero Carbon Buildings, and Water Efficiency (*R7 – Low and Zero Carbon Buildings*)

Supplementary Guidance

The Council’s supplementary guidance ‘The Sub-division and Redevelopment of Residential Curtilages’ and “Low and Zero Carbon Buildings” are relevant to the consideration and determination of this proposal.

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 the Development

The site falls within an area designed as residential in the Local Development Plan and as such Policy H1 is applicable. The proposal requires to be considered against a number of criteria against, the most relevance of which are; (1) the proposal does not constitute over development; and (2) the proposal does not have an unacceptable impact upon the character and amenity of the surrounding area. Subject to the proposal being satisfactory in terms these criteria, the principle of replacing the existing house is acceptable.

The surrounding area has an established development pattern of large detached dwellings sitting within substantial plots, many of which are characterised by modern replacement dwellings. Therefore, the addition of a replacement dwelling on this site would be in keeping with the immediate area subject to a satisfactory design and site coverage ratio.

Density and Pattern of Development

The construction of a new dwelling within an established area will potentially affect the overall density and pattern of development of the surrounding area, the acceptability of which 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. New dwellings must be designed to respect this relationship.

The application site, although addressed and accessed from Netherby Road, is primarily aligned with other sites along Hillview Road. Hillview Road is characterised by detached houses of a variety of styles and sizes, generally set well back from the road behind mature landscaping. The majority of houses are set within quite generous gardens. There is a degree of regularity to the pattern of development, especially on the north side of the road. Firstly in terms of site coverage, Hillview Road generally has approximate densities of around 8-18%. The application site is 27m wide and 65m long which is considered average for the street. However, the resultant site coverage of the replacement dwelling alone would be 18%. When including the garage, the site coverage would be 21% which would be higher than other properties. Notwithstanding, there would still be a substantial area of garden ground available and the house would have a sense of spacious grounds surrounding it. The position of the proposed house on the site would reflect the general pattern on Hillview Road whilst maintaining its presence on Netherby Road. It is therefore considered that the proposal would be in keeping with the prevailing character and pattern of development in the immediate area.

Design, Scale and Form of Development

Whilst the scale and massing of the proposed house would be greater than the existing and compared to the majority of houses on the street, the plot is of a sufficient size to accommodate a house of the size proposed, leaving adequate garden ground for the occupants. Given the variety of house styles and sizes in the locality, the proposal would not undermine the existing character.

Only the roof and dormer windows of the existing, well-designed, granite dwelling on the site are visible from Netherby or Hillview Road. The design of the new house would be of an equally high standard and incorporate the granite down-takings from the existing property on the basecourse and around openings. The replacement dwelling would be traditional in appearance in terms of its overall design, its detailing and its proportions. It is proposed to use smooth white render on all elevations of the house which would complement and frame the re-used granite. Many of the houses on Hillview Road comprise front elevations that are finished in render (usually white). The house would be prominent in the streetscape, arising from its corner location and its size, but it would not be detrimental to the character or amenity of the area. The initial design has been amended, from incorporating a two storey annex to incorporating a single storey annex in order to reduce the visual impact of the proposed dwelling on Netherby Road. The house would have a public face to a street and a large private rear

garden, the size of which exceeds the minimum specified in the supplementary guidance.

The proposed garage is of a modest scale and simple, functional design. It has been thoughtfully located towards the south west corner of the site and would be clearly subservient to the replacement dwelling yet connect with it through the use of matching materials. Therefore, the proposals accord with the aims of Policies D1 and D2 of the Adopted Local Development Plan.

No details have been provided in relation to the incorporation of low and zero carbon generating technologies, as required by Policy R7 and the associated supplementary guidance. However, this matter can be satisfactorily addressed through the application of a condition to the planning permission.

Visual Impact of the Development

The size and massing of the proposed house would undoubtedly have a visual impact on the streetscape, especially as it would be located 3.4m closer to a prominent corner than the existing house and would consist of an additional storey plus attic compared to the existing dwelling. A large amount of under building is also required in order to create a level platform on which the dwelling could be constructed. The most significant visual impact would be when viewed from the south, due mostly to the elevated position of the rear elevation of the house. In order to mitigate this impact, a laurel hedge is to be planted along the extent of the Netherby Road boundary wall (to be retained) which would reduce the visual impact of the house when viewed from the adjacent roads, in particular from Netherby Road that is primarily characterised by vegetation and boundary walls. The house would sit 2m from the west boundary, which is 6.2m closer than the existing dwelling. Further laurel hedging is proposed along this boundary wall in order to reduce the visual impact from the neighbouring site. Notwithstanding the increased dominance, it is considered that the visual impact of the proposal is acceptable and would not significantly affect the overall character of the area.

Access Arrangements and Parking

The addition of a new vehicular access from Hillview Road is proposed, in addition to the existing access from Netherby Road. There would be no connection between the two accesses on site due to the width of the proposed dwelling. The existing boundary wall along Hillview Road would be lowered to 900mm in height either side of a 3m wide driveway in order to facilitate adequate visibility at the access and also at the adjacent road junction. There would be parking for three cars and a generous turning area to the front of the house and parking for four vehicles (two in the garage and two at grade) to the rear of the property which satisfies the requirements of the Council's parking standards. The Roads Development Management Team have raised no concerns over the design of the proposed junction but have objected to the creation of an additional access due to road safety concerns that are raised through the addition of an extra location on the road network where vehicular conflict would occur. Whilst acknowledging these concerns, it is noted that the traffic flows along Hillview Road and Netherby Road are relatively low and given that the two access points are located approximately 75m apart and on different street frontages, the Roads

Development Management Team objection is not deemed a sufficient reason alone to recommend this application for refusal.

Impact on Residential Amenity

The supplementary guidance 'The Sub-division and Redevelopment of Residential Curtilages' states that as a general principle 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. 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.

The proposed house does not raise any significant residential amenity issues. Although significantly wider than the existing dwelling, it would be sufficiently distant from the neighbouring house to the west and orientated in a way to avoid any significant overlooking or loss of privacy for the adjacent residents. The windows have been thoughtfully positioned to overlook the large rear garden and both street frontages. The circular window situated at first floor level on the west elevation would not present issues of overlooking as the en-suite beyond is not considered to be a habitable room. There would be a nominal impact on daylight or sunlight reaching the neighbouring properties. The nearest property, which is 6m west of the boundary wall, would not be impacted upon significantly given the presence of mature planting and trees on the boundary and staggered positioning of each dwelling. The proposal therefore complies with Policy H1 and the supplementary guidance.

Matters Raised by the Community Council

Whilst the community council raised no objections to the proposal, they expressed interest in the replacement dwelling being of a considerate height and design that is in keeping with the other houses in the area. For the above reasons explained in this report, the proposed dwelling is considered acceptable and would not have an overbearing impact on adjacent properties. The new access has also been designed to meet Council Guidelines.

Relevant Planning Matters Raised in Written Representation

The issues raised in the letter of objection have been addressed within the detailed sections of the evaluation.

Proposed Aberdeen Local Development Plan

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

- these matters have been subject to public consultation through the Main Issues Report; and

- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues were raised.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The demolition of the existing house, its replacement with a larger house and the erection of a detached garage would not constitute over development and would not have an unacceptable impact on the character or amenity of the surrounding area. The density of the proposed house in relation to plot size is acceptable in comparison to other plots along Hillview Road, as is the size and height of the proposed house. Its position on the site reflects the pattern of development in the area and therefore is satisfactory. The proposed house and garage have been designed with due consideration for their context. The proposals do not raise any significant residential amenity or public safety issues. As such the proposal complies with Policies H1, D1 and D2 of the Aberdeen Local Development Plan and the Council's supplementary guidance 'The Sub-division and Redevelopment of Residential Curtilages'.

CONDITIONS

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

(1) That the dwellinghouse hereby granted planning permission shall not be occupied unless the proposed driveway has been formed in full accordance with the details shown on drawing no. 900 revision G - in the interests of public safety and road safety.

(2) That the dwellinghouse hereby granted planning permission shall not be occupied unless the laurel hedging shown on drawing no. 900 revision G has been planted in full accordance with the details shown on the said drawing. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the visual amenity of the area.

(3) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that

scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(4) That no development shall take place unless samples of all external finishing materials to the roof and walls of the development hereby approved have 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.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 February 2015 16:51
To: PI
Subject: Planning Comment for 150101

Comment for Planning Application 150101

Name : David Anstee
Address : 41 Hillview Road
Cults
Aberdeen
AB15 9HA

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : 1. I object to the position of the West wall of the proposed house on the plot. The West wall is considerably closer to the East Side of my Property than the existing house. The proposed house is considerably higher than that of the existing house and in addition has Velux roof lights.

I consider that the closer proximity and height of the proposed house with the addition of the roof lights will impact the privacy of my living areas on the East Side of my property which consist of 2 bedrooms and a Bathroom on the 1st floor and a Kitchen with velum windows, Bedroom and Bathroom on the ground floor. I trust the council will review this prior to granting Planning Consent for this Development.

2. I note that as part of the development it is intended to demolish the existing Garage. I have no objection to this, it is however built onto the party wall between the 2 properties. I assume that any damage to the wall as a result of this work will be repaired and made good

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Agenda Item 2.2

Planning Development Management Committee

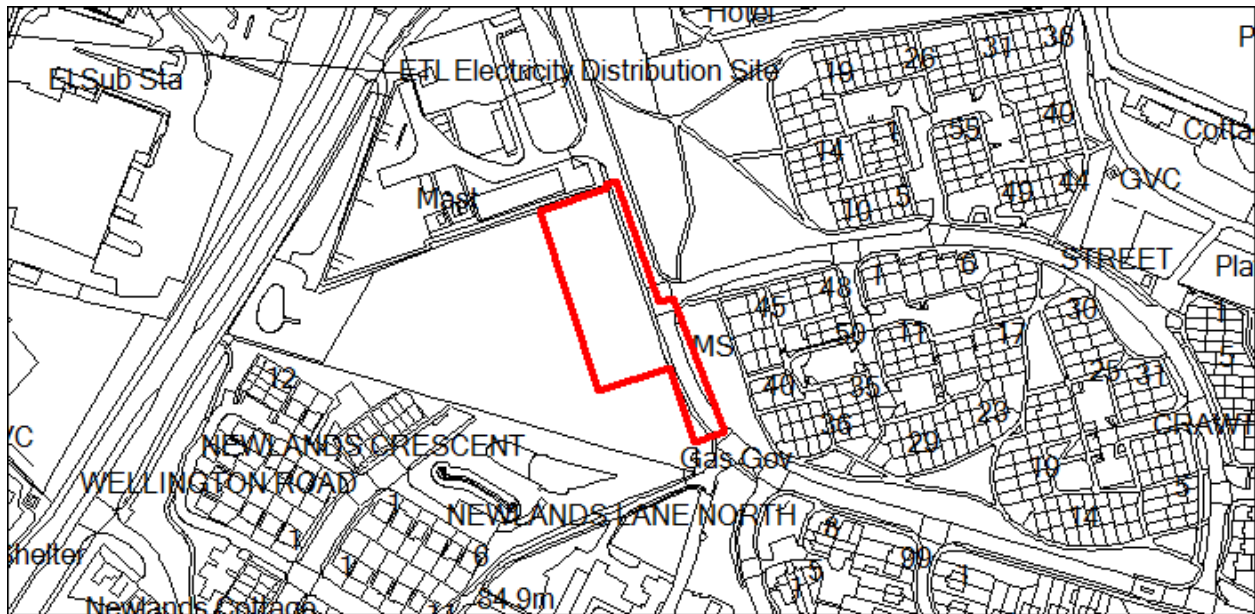
LANGDYKES ROAD, ABERDEEN

PROPOSED HYDROGEN FUELLING STATION
WITH ON SITE HYDROGEN GENERATION
AND FUEL CELLS SYSTEMS.

For: Aberdeen City Council, H,C&I

Application Type : Detailed Planning Permission
Application Ref. : P141552
Application Date: 18/11/2014
Officer: Jane Forbes
Ward : Kincorth/Nigg/Cove (N Cooney/C
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)
Advertised on: 11/12/2014
Committee Date: 28/05/2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site, which extends to some 3,061m², occupies an area of uncultivated field approximately 130 metres to the south of the Wellington Road and Langdykes Road junction, and comprises part of a wider area of land forming the northernmost point of the wider Cove Opportunity Site (OP 72). The site lies to the west of Langdykes Road, the main gateway route into Cove from the north, and opposite its junction with Strathburn Street, and is enclosed along the length of its eastern boundary by a 750mm high drystone dyke. Beyond the eastern boundary of the site, and at a distance of between 40 and 45 metres to the south/south-east are the residential properties of Seal Craig Gardens, whilst directly east, and at a distance of some 90 metres, are the properties of Craigmaroinn Gardens. To the north of the site, and within an area of 1.4ha, is an SSE electricity sub-station facility. Residential development is ongoing across the opportunity site (OP 72) which lies beyond the field area to the south and west. The nearest dwellings within the OP site are located on Newlands Crescent and Newlands Lane North, and lie at a minimum distance of some 85 to 100 metres respectively from the application site boundary.

RELEVANT HISTORY

The site forms part of a wider area identified in the Aberdeen Local Development Plan as an opportunity site (OP 72) for residential development, however, there is no specific planning history for the application site itself, which has had no previous use other than as agricultural land.

PROPOSAL

Full planning permission is sought for the construction of a hydrogen refuelling station, with hydrogen production facility on site, with the capacity to fuel an average of 16 cars or alternatively 4 buses (or a combination of both) in any 24 hour period. The proposal includes the following:

- Galvanised palisade fencing to a height of 2.5 metres to be erected around 3 elevations (north, south and west), thereby enclosing the operational equipment
- 2.26 to 2.55 metre high firewall in reinforced concrete to extend 18 metres along the eastern elevation of the operational area
- Double leaf access gates to a height of 2.5 metres incorporated within the fencing on the southern elevation
- 1 no. electrolyser contained within a 12m x 2.5m x 2.8m container
- 2 no. compressors installed within a 12m x 2.5m x 2.8m container
- Transformer and substation unit
- Hydrogen plant building to measure 11m x 8m, with pitched roof to a ridge height of 5.2m. This building would house a plant room and provide a demonstration area for educational purposes
- Vehicle refuelling bay to a width of 5 metres, and located adjacent to the eastern boundary of the site, with 1 no. hydrogen dispenser unit and a cantilevered canopy (approx 5.5m x 5m x 8m)

- Car parking provision for 5 vehicles, including 1 space for disabled users
- Landscaping to include 1 metre high bunding with tree and hedge planting

The hydrogen dispensing equipment would be located alongside a vehicle bay which would be accessed off a new road layout formed within the southern section of the application site. An initial junction would lead off Langdykes Road, and a subsequent junction beyond this providing access to the refuelling area which would lie parallel to Langdykes Road. The refuelling area would be at a distance of 6.5 metres from the public footpath along Langdykes Road and be partially enclosed by means of the existing 750mm high drystone dyke which would be retained along a length of some 45.5 metres along the eastern boundary of the site. The proposed electrolyser, compressors, chiller plant and storage cylinders would all lie within an area located centrally within the wider hydrogen refuelling station and be enclosed by means of a 2.5 metre high palisade fence and a 2.2 to 2.5 metre high reinforced concrete firewall. The proposed hydrogen plant building would lie immediately north of the operational area and would include an area for educational/demonstration purposes.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141552>

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

The following documents were submitted in support of the proposal:

- Planning Supporting Statement
- Drainage Impact Assessment
- Noise Impact Assessment

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there have been seven representations, one of which is from the Cove and Altens Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management - No objections. Advise that the proposed layout is generally acceptable and request that an informative is included as part of any consent, where the additional requirement for Roads Construction Consent should be highlighted.

Environmental Health – No observations following receipt and review of the noise impact assessment for the site. The assessment concluded that the impact of operational sound emissions from the facility upon the occupants of the neighbouring residential properties would be low, and that all road links within the

traffic study area would experience negligible increase in noise levels as a result of the development.

Communities, Housing and Infrastructure (Flooding) – No observations.

Community Council – Cove and Altens Community Council have objected to the proposal on the following grounds:

1. Inadequate notification of proposed development for local residents
2. Inappropriate use of site which has been allocated for residential development, and no indication of the land which would be made available as a result of this loss
3. Adverse impact on previously approved road layout
4. Increased traffic levels on already busy road network, leading to congestion
5. Concerns relating to securing appropriate drainage for the site and surrounding area
6. Potential safety hazard for existing residents and traffic on Langdykes Road
7. Safety concerns raised in relation to the proximity of the proposed hydrogen facility to an existing electricity sub-station
8. Overdevelopment of Cove already impacting on the area, with congested roads and lack of facilities

REPRESENTATIONS

Seven letters of objection have been received, including one from the Cove and Altens Community Council, as detailed above. The objections raised relate to the following matters:

1. Existing allocation of land for residential development
2. Proximity to residential properties
3. Surrounding road network already congested
4. Concerns relating to the safety of pedestrians/road users due to the change in road layout
5. Time period allocated for public consultation was inadequate
6. The proposed facility will be unmanned and this may lead to safety concerns should local youths attempt to access the site/tamper with the equipment
7. Insufficient consideration of alternative sites
8. Inadequate consideration given to potential noise generation
9. Impact on future road link between new development to south of application site and Langdykes Road

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – The principles of sustainable development are embedded in national planning policy. SPP highlights the important role which planning has in supporting the Scottish Government’s vision for a Scotland with a growing, low-carbon economy and outlines four planning outcomes which should support such a vision. It states that in order for planning to make a positive difference, development plans and new development needs to contribute to achieving these outcomes, with one of the four outcomes being that of creating a

low carbon place through reducing carbon emissions and adapting to climate change.

Aberdeen Local Development Plan

The site forms part of the wider opportunity site OP72 (30 hectares), which is identified in the Aberdeen Local Development Plan 2012 for residential development.

Policy H1 (Residential Areas) - The site is located within an area zoned as H1 (Residential Areas). This policy states that within existing residential areas, proposals for non-residential uses will be refused unless:

1. they are considered complementary to the residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

Policy D1 (Architecture and Placemaking) – In order to ensure high standards of design, this policy states that new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy R8 (Renewable and Low Carbon Energy Developments) – The development of renewable and low carbon energy schemes is supported and applications will be supported in principle if proposals:

1. do not cause significant harm to the local environment, including landscape character;
2. do not negatively impact on air quality;
3. do not negatively impact on tourism;
4. do not have a significant adverse impact on the amenity of dwelling houses.

Proposed Aberdeen Local Development Plan (2016)

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

H1 – Residential Areas (*H1 – Residential Areas*)

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

R8 – Renewable and Low Carbon Energy Developments (*R8 – Renewable and Low Carbon Energy Developments*)

The application site forms part of the wider opportunity site referred to as OP56 in the Proposed ALDP 2016.

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 Proposed Development

The Aberdeen Local Development Plan (ALDP) identifies the land comprising the application site as Policy H1 (Residential Areas). This policy can support development for non-residential uses if such development is considered to be complementary to the residential use, or it can be demonstrated that the use would not conflict with, or cause any nuisance to, the enjoyment of the existing residential amenity.

The proposed development would be located within an area of land allocated for residential development, forming part of OP72 (Cove), however, it is apparent that the site is somewhat constrained. Immediately to the north of the application site lies a relatively large electricity sub-station which extends to an area of some 1.4ha, to the west of the site is Wellington Road (A956) and to the east Langdykes Road. In addition to this there are two SUDS ponds within the eastern corner of the site adjacent to Wellington Road. The Masterplan for OP72 currently proposes an access road (Langdykes Avenue) coming across the site from the south to join up with Langdykes Road. Taking all this into account, along with the additional impact of having to introduce a buffer strip between the substation and SUDS ponds and any residential development, it is clear that the developable area of this part of the OP72 site would be considerably reduced. So whilst it may be feasible to deliver a level of residential development on the site, it would likely be more appropriate for this area of the site to be utilised for the delivery of playing pitches or open space, with housing to the south where the playing pitches were proposed. This would reduce the need for such a significant buffer strip around the sub station with the open space acting as the buffer. Further and importantly, the loss of a small part of the OP72 site for the proposed facility would have no effect on the housing supply numbers identified in the strategic development plan and carried forward into the local development plan.

It is also apparent that there is a clear transition between the character and type of land use within the area surrounding the application site, ranging from the residential properties located to the south and east of the site, to the nearby hotel and the aforementioned electric sub-station to the north, and beyond this, the significant presence of industrial and commercial property. On this basis there is a strong contextual justification for the proposed location of the refuelling facility, where it would lie adjacent to an existing electricity sub-station.

The proposed layout within the site was amended following discussion with Aberdeen City Council's Roads Development Management and Construction teams, and a junction and access road introduced which would enable the future delivery of the aforementioned link road to connect the existing residential development to the south, namely along Langdykes Avenue, with Langdykes Road and beyond. Taking the above into account, and in particular, given the context of the application site, it is considered that the general principle of the proposal would be acceptable, however further evaluation of the detail of the proposal is necessary in order to establish its likely impact on the wider area.

Visual Impact of the Development

The proposed development would lie immediately to the south of an electric sub-station, with the main operational area of the facility set back from Langdykes Road by a distance of some 10 metres. An existing drystone dyke would be retained along much of the boundary of the site with Langdykes Road, with the exception of the two openings formed for new road junctions. The refuelling area and vehicle access within the site would lie to the west of the dyke and be partially covered by an overhead canopy. Beyond this area and to the west would be the operational plant which would be enclosed on 3 sides by means of a palisade fence. The fence would be largely screened from Langdykes Road along the eastern elevation by means of an 18 metre long firewall in reinforced concrete rising to a height of between 2.2 and 2.5 metres, and to the west, by a hedge which would be planted between the fence and the outer boundary of the site. To the north of the operational plant would be the single storey, pitched roof building which would comprise a plant room and educational/demonstration area, whilst to the south of the refuelling area would be an area of landscaping, with 1 metre high bunding along part of the western boundary.

Whilst it is acknowledged that the centrally located operational area of the site would have an industrial appearance, this area is nevertheless relatively well screened from public viewpoints due to the degree and positioning of the aforementioned landscaping, bunding and wall enclosures. In addition to this, given the separation distance between the proposed facility and the surrounding residential properties, where the nearest dwelling would lie at a distance of some 40 metres from the site, it is considered that any visual impact would be of an acceptable level. It is worth noting that given the nature of the proposal which would see the introduction of a second hydrogen refuelling station within the city as part of Aberdeen City Council's aim of stimulating a hydrogen economy, that whilst the proposed development would have a degree of visual presence, such presence does serve to improve public awareness of the project itself.

Impact on Residential Character and Amenity

As highlighted above, given the purpose of the proposal, the design of the refuelling station is typically industrial in nature, and with this in mind, whilst the proposal may not actually contribute positively to its setting, it is nevertheless unlikely to have a negative impact, given the relatively modest scale of development being proposed, the context of the site within the surrounding area and its distance from residential properties. It is considered that the scale, design and materials of the proposed development are appropriate and unlikely to adversely affect the existing character and amenity of the wider area. A condition has been applied which will ensure details of the proposed finish for the plant/educational building and firewall are agreed prior to development commencing on site.

The proposed generation and refuelling station would serve to complement the existing facility at Kittybrewster, and provide additional capacity to expand the current initiative. The facility would have the capacity to fuel an average of 16 cars or alternatively 4 buses in any 24 hour period, and as such it is deemed unlikely to have anything but a minimal impact on existing traffic levels, and

would certainly not be considered likely to cause additional congestion on the surrounding road network.

Whilst there is the potential for the operation of an on-site hydrogen production and refuelling station to result in conflict with residential amenity due to noise generation, and this was a concern raised in several of the letters of representation received for this application, it should be noted the Council's Environmental Health Service has raised no concerns with this proposed development and were satisfied with the findings of the noise impact assessment submitted in support of the proposal which concluded that any impact from sound emissions on nearby residents would be low, and that road links within the traffic study area would experience negligible increase in noise levels as a result of the development.

Taking all of the above into account, it is considered that the proposal is sufficiently compliant with Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

Sustainable Development

The proposed development would serve to complement the existing hydrogen refuelling facility at Kittybrewster, and through the provision of additional capacity, this would support the successful delivery of the Aberdeen Hydrogen Project to which the Council has committed, both as leader of the Aberdeen Hydrogen Bus project and as participant in the HyTrEc (Hydrogen Transport Economy) transnational project. The proposed site would allow excellent access to major arterial routes to the north, south and east via the Souther Head roundabout and its operation would contribute to the council's aim of reducing emissions across the city. Taking the above into account, the proposal is deemed to be compliant with Policy R8 (Renewable and Low Carbon Energy Developments) and in the Aberdeen Local Development Plan, and would also accord fully with the principles of SPP, given that it would contribute to the promotion and development of an alternative energy source to fossil fuels with the potential to significantly reduce carbon emissions.

Other Matters Raised in Representations

- Concerns were raised relating to the lack of neighbour notification and general public consultation for this application. However, all neighbours within a radius of 20 metres of the site were notified of the proposed development and had a period of 21 days from 28 November 2014 to submit representation, as per the planning authority's statutory requirement. In addition to this, the application was also advertised in the local free press, thereby allowing a period of 14 days for any representation to be submitted with a deadline of 24 December 2014. Finally, the Council, as applicant, arranged for a public event to take place on 3 December 2014, following submission of the application. Given the nature of the proposal (local development), formal pre-application consultation was not a requirement, however the event was arranged in addition to the statutory neighbour and press notification in an attempt to provide local residents with the opportunity

to ask questions and gain a better understanding about the proposed development.

- The impact which the proposed facility would have on the road network was also raised as a concern, both in terms of additional traffic generation and the potential safety implications as a result of the change in road layout. As a statutory consultee, the Roads Development Management service reviewed the proposal and raised no concerns and commented that the proposed layout was generally acceptable. Furthermore, given that the proposal includes a new road junction onto Langdykes Road which will link with the new residential development to the south of the site, the layout was assessed and amendments made in order to address comments from the Roads Construction Consent team.
- A drainage impact assessment and associated drainage layout were submitted in support of the application. Neither the Roads Development Management team, nor the Flooding team raised any concerns in relation to the information submitted, and on that basis it is accepted that the proposed drainage arrangements are deemed acceptable for the site.
- Safety concerns were raised in relation to the implications of locating such a facility within proximity to residential properties, and with regards the potential risk of youngsters gaining access to the equipment on site. The supporting planning statement submitted with the application confirms that the facility, which would be operated by Aberdeen City Council, would fully adhere to all relevant safety regulations. Furthermore, a number of mechanical and electrical failsafe safety devices would be fitted to the equipment which would ensure its safe operation, and allow for automatic shutdown of plant should safety issues arise. The operational equipment would be securely enclosed within the site by means of a 2.2 to 2.5 metre high firewall and 2.5 metre high palisade fence, thereby ensuring the risk of unauthorised access to the site is minimised.
- Alternative sites across the south of the city were considered for the hydrogen generation and refuelling station, however these failed to meet all of the essential criteria necessary for the successful delivery of such a facility.

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies are reiterated in the proposed plan without any substantive changes.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

It is considered that the proposed development of a hydrogen production and refuelling facility on this site would have minimal impact on the existing amenity of the surrounding area where a range of residential, commercial and industrial uses currently co-exist. Taking into account the context of the area, it is considered that the scale and nature of the proposed development would be appropriate. The proposed development would be located adjacent to an electricity sub-station, but would be visible from residential properties within the surrounding area. Its location would allow for an appropriate separation distance between the boundary of the application site and the residential properties to the south and east, and with appropriate screening arrangements in place, its presence would not adversely affect the existing character and amenity of the area, nor result in any significant visual impact. The scale, design, materials and location of the proposed facility are considered appropriate and in-keeping with the setting, and a condition has been applied which would require the timeous implementation of the landscaping scheme submitted. Taking all of this into account, it is considered that the proposal would be suitably compliant with both Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking) of Aberdeen Local Development Plan. Finally, the proposal is considered to be compliant with both Scottish Planning Policy, in terms of supporting sustainable development, and with Policy R8 (Renewable and Low Carbon Energy Developments) of Aberdeen Local Development Plan, given that it relates to the development of a facility which would contribute towards the reduction in carbon emissions in the city through the use of a cleaner fuel source.

CONDITIONS

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

(1) that all planting, seeding and turfing comprised in the approved scheme of landscaping (Drawing Ref P/005) shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 141552-04 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(3) that no development shall take place unless a scheme detailing all external finishing materials to the canopy, firewall and hydrogen plant building which form part of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

INFORMATIVES

(1) Roads Construction Consent will be required under Section 21 of the Roads (Scotland) Act. Early contact with Colin Burnet, Senior Engineer (Tel 01224 522409) is advised to discuss this procedure.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 November 2014 16:11
To: PI
Subject: Planning Comment for 141552

Comment for Planning Application 141552

Name : Scott Lawrie
Address : 5 Cassie Close
Cove Bay
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : I believe a road to link the new Persimmon/Stewart Milne/Scotia Homes Development is due to run through the site of where this development is proposed. Directly across from Strathburn Street. Could someone clarify where this road will now be located if this goes ahead? Otherwise these new houses classed as Cove will effectively be cut off from the main part of Cove. I don't object to the idea as such, just the siting of it if it means the proposed road will be lost.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 December 2014 20:49
To: PI
Subject: Planning Comment for 141552

Comment for Planning Application 141552

Name : David skinner
Address : 19 Allison Close
Cove Bay
Aberdeen
AB12 3WG

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Having attended the meeting held at the Thistle Hotel today I have great concerns with this planning application as very little consideration has been giving to improving the already struggling infrastructure in the surrounding area.

At present Langdykes Road already suffers increasing tailbacks especially during peak times as the area is used as a "rat run" and the increase in traffic will cause more problems.

The entrance to the site requires vehicles coming from Wellington Road to cross the oncoming traffic. Whilst waiting for this traffic behind the waiting car will cause knock on queues on Wellington Road.

As the new school to area will be built behind Makro which will mean the area proposed for this application will already have the traffic (both vehicular and pedestrian) will be increasing.

Although I had the opportunity to attend the meeting at the Thistle Hotel I had to find out via alternative sources as Aberdeen City Council didn't see fit to inform me of this planned work despite me living 350m from the location of this site and the road being my main route in and out of Cove.

During the presentation it appears that not all avenues have been fully explored. There has been no traffic survey conducted on the site. The Aberdeen Gateway Business Quarter has not been considered even though it benefits from good access and is already an Industrial site, which the area in this planning application is not and would require this to be rezoned.

Although this application is currently going to service council vehicles with the occasional bus it was mentioned that this may expand to personal vehicles. If this does happen then it will only increase the traffic flow to the site and also the congestion in the area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 November 2014 13:21
To: PI
Subject: Planning Comment for 141552

Comment for Planning Application 141552

Name : Angela Buckley
Address : 2 Newlands Lane North
Cove Bay

Telephone :

Email : [REDACTED]

type :

Comment : I oppose this development. I stay in Newlands Lane North, directly opposite where this is planned to be built.

I am very concerned about noise levels. There is no mention of the actual levels other than 'less than the Kittybrewster site'. At night especially noise travels, and will travel directly to my house!!

As this is an area with lots of children I wish to know what safety measures are to be put in place. How is this going to be kept separate from the housing scheme, just fences?

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 November 2014 16:05
To: PI
Subject: Planning Comment for 141552

Comment for Planning Application 141552

Name : Mike Duncan

Address : 36Scylla Drive Cove

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : I object to this project on the following grounds When you read through the attached documentation it makes no mention of the actual noise levels just says that it will be less than the Kittybrewster plant so that is the first question that requires to be answered as noise especially at night can travel. What noise levels do you as a council feel are suitable The document states that the bus shelter is to be moved southwards that is towards Earnshugh Road and unless they put in a buslayby this will add to the congestion at the road junction Earnshugh and Langdykes They say they will leave existing trees what trees?

I say no to this project

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10 Langdykes Drive

Cove Bay

Aberdeen

AB12 3HW

9/12/14

Re Planning Application P141552 (Proposed Hydrogen production, storage and refuelling facility Langdykes Road, Cove Bay, Aberdeen

Dear Planning Department,

I wish to register my objection to this application on the following grounds.

1. The area proposed for this development is not zoned for industry. What is proposed is an Industrial activity and is therefore not suitable for this area. In particular the proposed development is much too close to residential properties.
2. The road immediately adjacent to the proposed development is already congested at peak times. The roads around Cove, esp Earnsheugh Road and Langdykes Road are used as rat runs for commuters from Portlethen, Stonehaven etc. Uncontrolled development in the past has created this problem and further developments which are in the pipeline will only make this problem worse.
3. Following on from the above, this is yet another development which is being foisted onto an already overcrowded road network. Planners never seem to take the capacity of the infrastructure into account when granting permission for new developments. There is obviously nothing any sensible person would recognise as a master plan in place for the way development is managed.
4. The siting of this proposal would mean that the bus stop on Langdykes Road and the pedestrian crossing would both have to be moved to a point nearer the junction of Langdykes Road and Earnsheugh Road. This is already a very busy junction and is likely to become more so in the future. Putting a crossing and a bus stop nearer to it would be a serious safety concern. Someone could be seriously injured or killed.
5. The consultation period for this proposal seems to be very short. There is a suspicion that this proposal is being rushed through. The consultation event at the Thistle Hotel on 3rd Dec was very poorly advertised. I recieved a flyer for this event on the previous Saturday when it was delivered by a city warden. I suspect this had something to do with complaints made to the Chief Exectutive of ACC about the lack of publicity for this event. It looks like ACC were trying to have as few people aware of this event as possible so that objections were

minimised. Consultation is in my opinion little more than a tick box exercise.

I am quite happy for the technology which this proposal is about to be developed. Indeed I am all for technological advances like this to be promoted and tested. Just don't put it right in the middle of an already over congested residential area. I am concerned at the cynical way that ACC seems to be trying to rush this through.

Yours Sincerely

A black rectangular redaction box covering the signature of Andrew Dalziel.

Andrew Dalziel

PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 November 2014 13:21
To: PI
Subject: Planning Comment for 141552

Comment for Planning Application 141552
Name : Angela Buckley
Address : 2 Newlands Lane North
Cove Bay

Telephone :

Email : [REDACTED]

type :

Comment : I oppose this development. I stay in Newlands Lane North, directly opposite where this is planned to be built.

I am very concerned about noise levels. There is no mention of the actual levels other than 'less than the Kittybrewster site'. At night especially noise travels, and will travel directly to my house!!

As this is an area with lots of children I wish to know what safety measures are to be put in place. How is this going to be kept separate from the housing scheme, just fences?

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 December 2014 23:33
To: PI
Subject: Planning Comment for 141552

Comment for Planning Application 141552

Name : Steve Birnie
Address : 2 Whitehills Way,
Cove Bay
Aberdeen
AB12 3UJ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sir/Madam

I have looked at this planing application (141552) and wish to object for the following reasons. Cove is a mainly residential area and this Hydrogen manufacturing plant seems to me to be an industrial process, it would also increase traffic on an already extremely busy stretch of road. I believe the hydrogen generated will initially be used only for council owned vehicles, I cant help but wonder why Cove was "chosen" for this plant given that there is no council depot or offices in the immediate area the nearest being the roads department depot and yard in Craigshaw and the building & amp; works yard in Kincorth both a significant distance away. If the City Council were looking for a strategic site for this plant would it not be better suited to the junction of the A90/AWPR or closer to or actually in an existing council yard. It also concerns me that a explosive gas being produced in the immediate vicinity of an high voltage electricity transmission line and substation is a risk not worth taking I'm also worried about the fact that the plant is unmanned and the potential for bored youths to gain access and tamper with the equipment with who knows what consequences. I am not against innovative uses of alternative forms of energy but I do wonder if this is the right location for this plant.

Yours sincerely
Steve Birnie

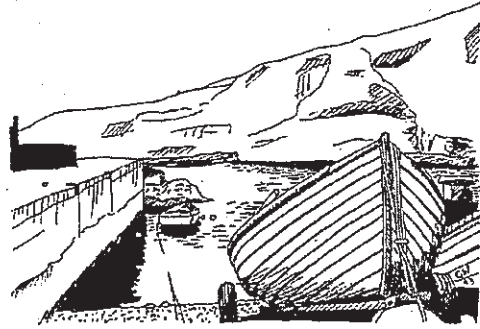
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COVE AND ALTENS COMMUNITY COUNCIL

Chair: Ms Michele McPartlin

info@cove-bay.com

Secretary: Ms Sue Porter



Website www.cove-bay.com

By email

Ms Jane Forbes
Planner (Development Management)
Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

17th December 2014

Dear Ms Forbes

Planning Application P141552
Proposed Hydrogen Fuelling Station with on-site hydrogen generation and fuel cells systems,
Langdykes Road, Cove Bay.

We are very disappointed that a development of this importance has gone in as a planning application in advance of any public consultation.

It is wrong that residents' first knowledge of this scheme was a report in the media.

We have already highlighted our concern in our letter to the Chief Executive of 27th November 2014 and attach a copy.

We wish to object to the planning application on the following grounds:-

- The land is currently designated for housing, particularly sheltered housing, for which there is a need in Cove.
- There is no indication of what land would be made available for the loss of this housing land.
- This proposed industrial development is totally in conflict with the existing housing designation.
- There have been various schemes for a road crossing the site linking into Strathburn Street. Indeed the current development has an unfinished road (Langdykes Avenue) which would appear to be intended to continue into and across the site towards a junction between the junction of Langdykes Road and Strathburn Street.
- Langdykes Road is the major route into Cove and is busy at all times particularly at the morning and evening rush hours and traffic is stacking beyond its junction with Earn's Heugh Road.
- We feel if this is a success it will lead to increased usage and more congestion.

- There are two bus stops currently located on either side of the road where the proposed development would be located and a public crossing point which would be affected by the development.
- We are concerned about the safety aspect of the proposed alterations to the existing road system including bus shelters due to their relocation and the danger from the blind corner.
- Traffic entering and leaving the development will cause problems for existing road users.
- Construction traffic would also pose considerable problems to the already congested road for the period of the works.
- We are concerned how this site and its surrounding area would be drained.
- We feel that this development is a potential hazard for existing residents and traffic on Langdykes Road.
- The refuelling of vehicles, the storage and manufacture of hydrogen in close proximity to the electric sub-station gives rise for concern.
- We are concerned that once again Cove is targeted and expected to accommodate development when it is already bursting at the seams with previously approved planning applications, congested roads and lack of facilities.

Yours sincerely,



Michele V McPartlin
Chair

Planning Development Management Committee

51 ROSEBERY STREET, ABERDEEN

STRAIGHTEN ROOF HIP, EXTEND FRONT DORMER, CREATE DORMER TO REAR AND BUILD UTILITY ROOM TO REAR.

For: Mr and Mrs R Bremner

Application Type : Detailed Planning Permission
Application Ref. : P150191
Application Date: 06/02/2015
Officer: Ross McMahon
Ward : Midsocket/Rosemount (B Cormie/J Laing/F Forsyth)

Advert :
Advertised on:
Committee Date: 28 May 2015
Community Council : No response



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site located on the west side of Rosebery Street extends to 414sq.m and is occupied by a 1.5 storey semi-detached dwellinghouse. A single garage is located to the rear (west) of the site and is accessed via a rear lane. The footprint of the existing dwelling results in a site coverage of approx. 27%. The dwelling is of a traditional design finished in granite and natural slate, and features an 8.8m tall granite chimney stack to its south elevation. The property has been previously extended by way of a single storey extension to the rear, and dormer to the front elevation. The site levels remain relatively flat throughout and the site is demarcated by a 1.2m stone wall to the south and west, and a 1m high fence to the north boundary shared with no. 53 Rosebery Street. To the south, two and half storey terraced dwellings form the remainder of the street on its west and east side. The site is identified as a Residential Area in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

Planning permission (application ref. 080100) was approved unconditionally under delegated powers in May 2006 for the erection of a single storey extension to the rear of the property.

Planning permission (application ref. 070901) was approved unconditionally under delegated powers in June 2007 for the formation of a dormer window to the front facing elevation of the property.

PROPOSAL

Planning permission is sought to straighten the existing hipped roof on its south side; to form a new single storey extension to the side/rear; to form a new box dormer to the rear and to extend an existing dormer on the front elevation of the property.

The extended hip-to-gable extension would alter the existing roof profile to the south, bringing the property within 750mm of the adjacent end terrace. The extended ridge would measure 4.8m in width, giving an overall dwelling width of 10.4m. A small section of extended walling is proposed to the front elevation, continuing the extended eaves by approx. 900mm. The altered roof would be finished in salvaged natural slate and second hand additional slates to its front, rear and side elevation.

A proposed extended dormer window to the front (east) elevation would form an overall width of 6.7m and would replicate the design and finish of the existing dormer. The extended dormer would be formed over the proposed hip-to-gable extension and would be finished in salvaged natural slate, felt flat roof membrane and white PVCu framed windows to match the existing materials.

A box dormer is proposed to the rear (west) elevation of the property and would be formed over the proposed hip-to gable extension. The dormer would predominately glazed and would measure 8.2m in width, 1.7m in height, 1.85m from the ridge, 0.9m from the eaves and 0.9m from the proposed gable extension. The dormer would be

finished in salvaged natural slate, felt flat roof membrane and white framed PVCu windows to match the existing dwelling materials.

It is also proposed to erect a single storey extension to the rear/side (south/west) elevation of the existing property to accommodate a new utility room. The extension would measure 3.68m in width, projecting 780mm beyond the south elevation of the property, and would project 2.1m from the rearmost part of the rear elevation. The extension would continue the roof pitch of the proposed gable extension and would be finished in salvaged slate, salvaged granite from the existing chimney, drydash render and PVCu framed windows and doors to match the existing dwelling materials.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150191>

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 the proposal has attracted 6 letters of objection through the neighbour notification process. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – No observations.

Community Council – No comments received.

REPRESENTATIONS

Six number of letters of objection have been received. The objections raised relate to the following matters –

1. Proposal is out keeping with the character of the area;
2. Overall size of proposal and impact on character of the existing dwelling;
3. Gable and front dormer extension would create an unbalanced and distorted effect on the semi-detached property to the detriment of the street;
4. Property encroaches adjacent terraced properties to the south;
5. Few properties on Rosebery Street have been altered in such a way;
6. Loss of the tall chimney stack would have a detrimental impact on the streetscape;
7. Proposed salvaged and new materials would not blend with existing building materials;
8. Overlooking and loss of privacy to properties to the west;

9. The rear and side projection of additional single storey extension falls out with the Council's limits on projections set out within Supplementary Guidance;
10. West facing elevation does not replicate what is in place at present;
11. The proposal would set a precedent within the street and surrounding area for similar extensions;
12. Rosebery street is flanked by two conservation areas (Rosemount/Westburn and Albyn Place/Rubislaw);
13. Inaccurate existing and proposed elevations;
14. Impact relating to on street parking provision.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 – Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character or amenity of the surrounding area; and
3. complies with Supplementary Guidance contained in the Householder Development Guide.

Supplementary Guidance

Householder Development Guide

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);

H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*).

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.

Design, Scale & Massing

The application site is located within an area zoned for residential use in the adopted Aberdeen Local Development Plan 2012, and relates to an existing dwellinghouse. The proposed extension is therefore acceptable in principle subject to an acceptable form and appearance. In determining what constitutes an acceptable form of extension, the aforementioned national and local planning policies and associated supplementary guidance will be of relevance.

The overall size, scale and projection of side extensions to the rear and side of semi-detached properties are determined on a site specific basis where they do not project along a common boundary. General principles expect that they should be architecturally compatible in design and scale with the original house and surrounding area, materials should be complementary and any development should not overwhelm or dominate the original form or appearance of the dwelling house.

The proposal would result in an increase in site coverage to 30%, which is considered to be acceptable within the context of the surrounding area. This is in line with the Council's aforementioned supplementary guidance on householder development, in that the proposal would not double the existing footprint of the original dwelling, and at least half of the rear garden ground would remain.

The Council's Supplementary Guidance: Householder Development Guide – in relation to hipped roof extensions – states that modifying one half of a hipped roof is likely to result in the roof having an unbalanced appearance. The guidance goes on to state that the practice of extending a hipped roof on one half of a pair of semi-detached houses to terminate a raised gable will not generally be acceptable unless the other half of the building had been altered in such a way; or such a proposal would not, as a result of the existing streetscape and character of the building therein, result in any adverse impact on the character or visual amenity of the wider area.

It is noted that no. 53 Rosebery Street – the adjoining semi-detached property – maintains its original hipped roof. Therefore, the principle of extending the roof to form a gable end the application site can only be considered to be acceptable provided that the extended property would not have an adverse impact on the character or visual amenity of the wider area, and in this regard the following points are noted.

Rosebery Street is characterised by a mixture of house types and styles in the form of detached, semi-detached and terraced properties which feature a variety of different roof styles, pitches and finishes. It is noted to the immediate south of the application site

marks the beginning of a long terrace of two-and-a-half storey dwellings, that are significantly taller than no. 51 Rosebery Street. The terraced properties are positioned as such that the south side of the application site is not readily viewable on approach from the south of Rosebery Street. In addition to this, the visual impact of forming a gable end set adjacent to another significantly larger gable end is considerably reduced when viewed from the north of the street. For the aforementioned reasons, it is not considered that altering the existing hipped roof would have an adverse impact on the overall character or visual amenity of the area given the dwellings surrounding context and as such is considered acceptable in this instance.

All elements of the proposal are considered to be subservient and secondary to the property by way of their size, scale and overall height in relation to the existing dwelling. The proposed rear/side extension is considered to integrate with and complement the existing building in terms of design, roof profile and materials used for the external finishes, and is acceptable within the context of the surrounding properties.

The proposed extended dormer to the front of the property, and the proposed box dormer to the rear are predominantly glazed – with windows located at the dormer extremities – and would be appropriately positioned on the altered roof slope i.e. they would sit below the existing ridge of the original dwelling and are set back an appropriate distance from the proposed gable, ridge and eaves level. The design of the proposed dormers blend with and complement the existing dwelling, and have been designed to reflect existing dormers to the front elevation of the property and other dormer windows featured on adjacent and surrounding properties. The proposed dormer is therefore considered to comply with the aforementioned supplementary guidance.

Residential Amenity Impact

Additionally, no development should result in a situation where amenity is 'borrowed' from an adjacent property. Since daylight is ambient, the calculation is applied to the nearest window serving a habitable room. Using the "45 degree rule" as set out in the British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', calculations indicate that all neighbouring properties are located sufficiently distant from the proposed extension to ensure no significant detrimental impact in terms of loss of daylight to habitable windows.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposed extension and its distance are important factors. Calculations indicate that due to the size, form and orientation of the proposal, there would not be any additional impact relating to overshadowing of private rear garden ground to surrounding properties.

A separation distance of 18m is typically considered as an acceptable minimum window to window distance for new development within residential areas. Facing properties to the rear (west) of the application site are situated some 40-45m away from the proposed ground and first floor windows. Given the actual separation distance between

facing properties to the west, and the level of screening between these properties, it is not considered that the proposed rear dormer or single storey extension would have any significant impact with regard to overlooking and subsequent loss of privacy.

Matters Raised in Representations

Objection points 1 to 11 relating to design, size, scale, materials, proximity to neighbouring properties, impact on the streetscape, impact on surrounding conservation areas and impact on residential amenity have been addressed in the evaluation section of this report. All elements of the proposal have been found to comply with the relevant policies set out in the Aberdeen Local Development Plan and associated Supplementary Guidance: Householder Development Guide.

Objection point 12 relates to the potential impact that proposed development would have on surrounding conservation areas. It should be noted that the application site is not situated within a conservation area and can only be assessed as such. The scale and nature of the proposal is not considered to impact on the character of the surrounding Rosemount/Westburn and Albyn Place/Rubislaw Conservation Areas.

Objection point 13 relates to inaccuracy within the submitted drawings – a site visit was conducted as part of the assessment which took into account all of the objections raised and assessed the impact of the proposal in context of surrounding properties and individual comments received from each. This site visit combined with the above assessment of the proposal has found the development acceptable and in accordance with relevant council policy and supplementary guidance.

Objection point 14 makes comment on the potential impact with regard to on street parking provision. The roads officer has considered the application and has no objection to the proposal and as such, is satisfied that there is sufficient off street parking provision – in addition to the property's current permit parking allowance – to accommodate the increase in bedrooms.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application.

Conclusion

To summarise, all elements of the proposal are considered to be secondary to the existing property by way of their size, scale and overall height. While elements of the proposal would be viewable from Rosebery Street, it is not considered that they would have a significant detrimental impact on the character of the streetscape or the wider area. For the aforementioned reasons, the proposal is considered to comply with the relevant policies and associated supplementary guidance contained within the adopted Aberdeen Local Development Plan 2012 and would therefore not set an undesirable precedent within the street. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the adopted local development plan and the proposal is acceptable in terms of both plans for the reasons already previously given.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposal complies with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide and Proposed Local Development Plan Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) in that the proposal has been designed to respect the scale of the existing dwelling, and in addition there would not be a significant detrimental impact on the existing visual or residential amenities of the area. Full consideration has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 08 March 2015 17:18
To: PI
Subject: Planning Comment for 150191

Comment for Planning Application 150191

Name : Sharon Reid
Address : 4 Camperdown Rd
Aberdeen
AB15 5NU

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I find the proposed changes not at all suitable to the architecture and character of the street and neighborhood. There are numerous new housing developments both in and around Aberdeen that meet the size and room number requests of these proposals. It would be better for the occupants to move to a new house rather than to destroy the original design, and the symmetry of the semi-detached architecture.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 07 March 2015 14:08
To: PI
Subject: Planning Comment for 150191

Comment for Planning Application 150191

Name : E Stalker

Address : 29 Camperdown Road

Aberdeen

AB15 5NW

Telephone :

Email : [REDACTED]

type :

Comment : I Object to this application due the size and building character change. Being as this is a semi-detached house that currently has balance nice symmetry with it's neighbour and also the surrounding houses it would be completely out of place in the street. 2ndly, the size of the proposed changes are huge. It would completely dwarf it's neighbour and be quite imposing at street level. It has gone from a sweet 3 bedroom house into a potential 6 bedroom gofiath. There would also be increase impact on parking in our area. Keep Aberdeen's neighbourhoods character filled and true to original designs making them great places to live. Rgds Emily

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 08 March 2015 13:22
To: PI
Subject: Planning Comment for 150191

Comment for Planning Application 150191

Name : Gordon Hardie
Address : 15Harcourt Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Completely out of character with other buildings in the street and the area and, therefore, unsightly.

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PI

P150191 - RMC

From: webmaster@aberdeencity.gov.uk
Sent: 05 March 2015 08:31
To: PI
Subject: Planning Comment for 150191

Comment for Planning Application 150191

Name : William John Macleod Fraser

Address : 28 Rosebury Street

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object as this will remove the character of Rosebery Street.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

P150191 - RMC

53 Rosebery Street
Aberdeen
AB15 5LN

Date: 19/02/2015

Ref. 150191

Dear Sir/Madam,

I wish to make an objection to the proposed alterations to 51 Rosebery Street as it is not in keeping with the character of the street and will look quite unsightly.

I feel the property will not fit with its surroundings as it presently does and will look oversized/modernized, bulbous and out of place from the front street view.

Makes a conventional three-bedroom property a six-bedroom property that brings further potential problems.

Mismatch of slates and granite to the front of the building and natural weathered finished will be very difficult to achieve, if not done properly will be rather unsightly. The size and mismatch to the areas/street aesthetics in current style will be disfigured.

Kind Regards



Angela McDermott

* Hard copy *

PI 50191 - RMC

Kreen

53 Rosebery Street

Aberdeen

AB15 5LN

Date: 19/02/2015

Objections to alterations to 51 Rosebery Street, Aberdeen, AB15 5LN
Application No. 150191

We feel it necessary to object to the proposed alterations at the aforementioned address for the following reasons: -

1. The front elevation symmetry of the two properties e.g. 51 and 53 Rosebery Street will be distorted.
2. Rosebery Street properties are largely unchanged and the character should not be compromised with a very visual and obvious addition, this development in its self represents a significant change to the character of the building.
3. Proposed gable addition is not in keeping.
4. The tall chimneystack on No.51 which sits adjacent to the Georgian house that is a prominent feature of this property will be removed.
5. Deforms the front perspective of what is a traditional semi detached granite Bisset bungalow.
6. Extending the double dormer window to effectively a triple dormer window is not in keeping and sets a precedent for other homeowners to pursue this unsightly addition.
7. Extending and straightening of the roof hip encroaches on No.49 Rosebery Street by 765mm, this again alters the visual appeal of these traditional dwellings. Normally in this area this style of property has a reasonable gap between dwellings in the order of around +2 meters, the proposed plan reduces this to less than 1 meter. This affects the relationship of the two buildings in how they share space.
8. Directly across the road from 51 Rosebery Street is very similar arrangement with a Georgian style dwelling dropping down to a Bisset style bungalow. Altering No. 51 as proposed here again upsets the symmetry and architectural balance of the street.
9. Slating the new portion of roof could result in a mismatch of slates which would be very unsightly.
10. On the front elevation to the left of the property, it is unlikely that granite of a perfect match could be sourced, here again the aesthetic appeal and character of the property is again compromised.

With the addition of extended double dormer windows to the rear of the property we have the following comments: -

1. Overlooks neighboring properties back garden at close proximity which compromises privacy, there is no screening that would mitigate this issue and it would be unsightly to try and implement something suitable and in keeping.
2. This property was extended at the rear approximately 8 years ago, at that time the property was extended from the rear wall by 4 meters, it is now proposed to extend the utility room out further again. The plan is not clear what this dimension is but it clearly exceeds the figures stated in the published guidance notes.

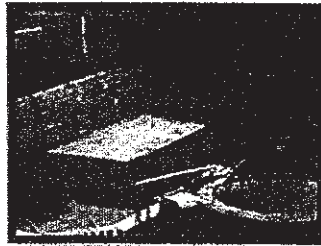
Kreen
53 Rosebery Street
Aberdeen
AB15 5LN
Date: 19/02/2015

Objections to alterations to 51 Rosebery Street, Aberdeen, AB15 5LN
Application No. 150191

3. The side elevation of the property also exceeds the 1 meter rule stated in the guidelines.

Other points that have been noted in this development: -

1. The west facing rear elevation does not replicate what is in place at present.
 - a. There are double patio doors and not three.
 - b. Either side of the patio doors there are two windows and not one as detailed.
2. The owners of No.51 Rosebery Street have already demolished part of the original granite rubble wall at the rear of the property to presumably gain access from the rear lane and raised the level of the original footprint of the recently demolished single wooden garage. We are not aware of any permissions being sought to progress this development and what impact this may have.



3. If permissions are granted for this development it will make this potentially a five bedroomed house. This in its self is not desirable with respect to increased occupancy, parking requirements and generation of additional waste etc, all of which is detrimental to other local residents.

For consideration - living in the neighboring property (No. 53 Rosebery Street) and having an appreciation of the local architecture we feel duty bound in custodians of these fine properties to maintain, preserve and restore the originality. From owning the property for approximately 8.5 years we have enhanced our property in the period character as follows to: -

- Reinstated the cast iron railings above the low granite wall to an original specification.
- Replaced the front door with a period hard wooden door with integral lead stained glass window in keeping with the lead stained glass at the front of the property and painted the door a period colour.
- Had built by a stonemason to the rear of the property a partition granite rubble wall in keeping with the surrounding walls at considerable more effort and expense than just a breeze block wall.
- Replaced the front single pain double glazed units that were not original to the property with a configuration that was sympathetic to the original units.

Basically back in 1935 when these houses were built the builders and developers of the time had an eye for what worked and to there testament the street has largely gone unchanged over the years.

Kreen
53 Rosebery Street
Aberdeen
AB15 5LN
Date: 19/02/2015

Objections to alterations to 51 Rosebery Street, Aberdeen, AB15 5LN
Application No. 150191

As responsible individuals in the planning department it is your duty to recognize these pertinent points and reject this application.



Conservation area – although Rosebery Street is not to my knowledge in a conservation area it is flanked by Rosemount and Westburn conservation area and Albyn and Rubislaw conservation area. I feel that with the many traditional and unchanged features in Rosebery Street and the surrounding area to grant permissions would be a gross dereliction of the planning departments duty.

It is also often the case in inner cities that people try and extend a property to a much greater size than it was initially intended.

It is not in keeping with any other extension locally and would present another precedent for prospective developers.

Yes things have changed in time but the fact is that these properties and street as a whole hold a certain charm and appeal to those that live in and around the area. It is a delicate balance that should not be compromised.

The proposed alterations in our mind step over the line and should be rejected by the planning department in the interests of the neighboring residents, visitors and for posterity.

Regards



Colin W. Dick and Family

PI

From: webmaster@aberdeencity.gov.uk
Sent: 19 February 2015 22:56
To: PI
Subject: Planning Comment for 150191

Comment for Planning Application 150191

Name : Colin William Dick
Address : 53 Rosebery Street
Aberdeen
AB15 5LN

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

We feel it necessary to object to the proposed alterations at the aforementioned address for the following reasons:-

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Regards

Colin W. Dick and Family

P&SD Letters of Representation		
Application Number: 150191		
RECEIVED 20 FEB 2015		
Nor	Sou	MAP <input checked="" type="checkbox"/>
Case Officer Initials: RMC		
Date Acknowledged: 23/02/2015		

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Planning Development Management Committee

LOIRSTON, NIGG

APPLICATION FOR PLANNING IN PRINCIPLE FOR A PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 1067 HOUSES, 8 HECTARES OF EMPLOYMENT LAND INCLUDING COMMERCIAL, LEISURE AND OFFICE USES, A NEIGHBOURHOOD CENTRE COMPRISING RETAIL AND COMMERCIAL USES, COMMUNITY FACILITIES, A PRIMARY SCHOOL, LANDSCAPING, OPEN SPACE AND RECREATIONAL FACILITIES.

For: Hermiston Securities Limited

Application Type : Planning Permission in Principle

Application Ref. : P130892

Application Date: 19/06/2013

Officer: Gavin Evans

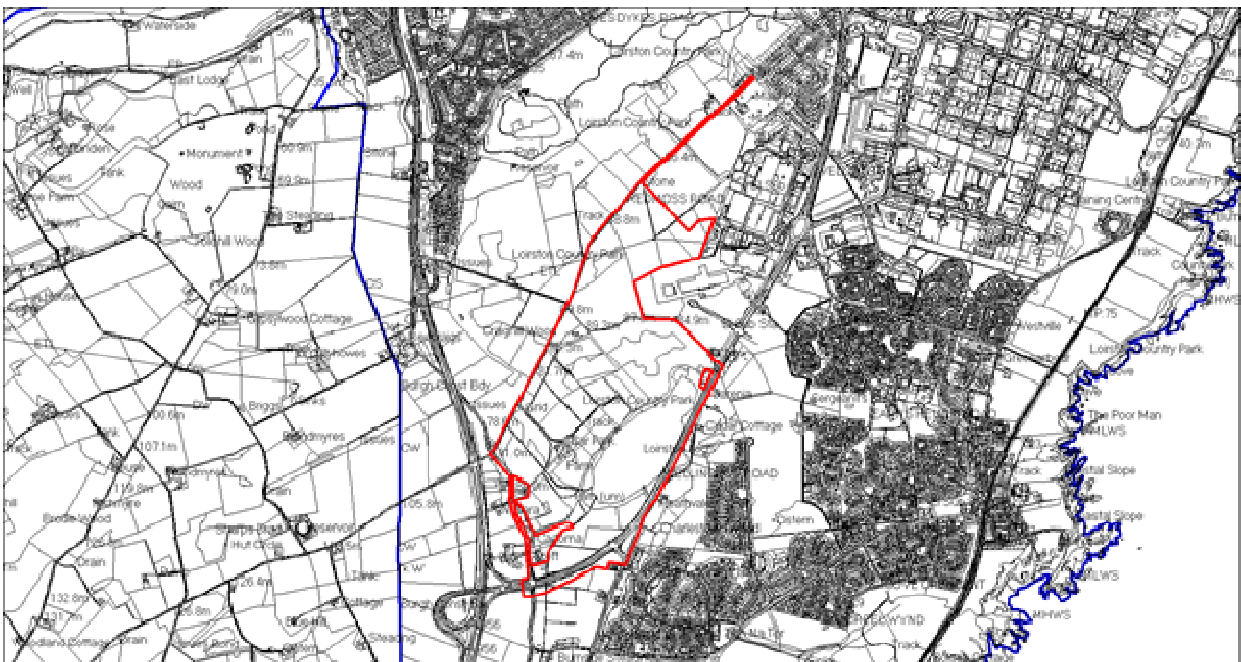
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)

Advertised on: 10/07/2013

Committee Date: 28 May 2015

Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to addressing the following matters:

- **Affordable Housing provision**
- **Developer contributions relating to: community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and Core Paths network**
- **Strategic Transport Fund contributions**
- **Contribution in lieu of mitigation of local roads network impact affecting Wellington Road**

DESCRIPTION

The application site extends to approximately 82 hectares and is located to the west of the existing residential area of Cove Bay, on the southern outskirts of Aberdeen. To the southeast the site is bounded by the A956 (Wellington Road), and to the west lies the A90 Trunk Road. Immediately to the west of the site lies agricultural land and Craighill Wood, which lie within the OP77 Opportunity Site boundary, but outwith the site boundary of this application. Beyond that, to the north of the site, lies Kincorth Hill, which is designated as both a Local Nature Reserve and a Local Nature Conservation Site. Beyond Kincorth Hill lies the existing residential area of Kincorth. To the south of the site lies Aberdeen Gateway Business Park. Bordering the site to the north-east is a small area of agricultural and recreational ground, and further to the north and north-east are the major industrial areas at Tullos, Altens, Wellington Road and Balmoral Park.

The site is generally fairly flat, sloping gently down towards Loirston Loch, but steepens upwards towards Kincorth Hill at the north end and Blue Hill to the south-west (outwith the site). There is an area of low-lying, marshy ground immediately to the west of the loch.

The main use of the site is as grazing land for cattle and sheep with some recreational uses. Field boundaries are marked by dry-stone walls and post and wire fences. There are a few houses on the site. At the southern end of Redmoss Road just north of the A956/A90 junction are two industrial premises: a sawmill and a haulage depot. There is a caravan site beside the A90 on the western edge of the site. Vegetation is mainly rough grassland and reeds. There are some broad leaved and coniferous trees, in the form of shelterbelt planting mostly beside the loch. There is an area of gorse on higher ground above the caravan site in the west of the site.

RELEVANT HISTORY

At the January 2014 meeting of the Planning Development Management Committee, members expressed a willingness to approve this application, subject to conditions and subject to the conclusion of a legal agreement securing affordable housing, developer contributions, and financial contributions towards both the Strategic Transport Fund and in lieu of works to the local road network.

The relevant committee report and an extract from the committee minute are included for Members' reference as part of today's agenda – please note that

members opted to add one further condition to those recommended in that January report, relating to mitigation measures to provide alternative habitat for a species of bird (Reed Bunting).

PROPOSAL

This report seeks members' approval to attach one additional condition to any consent issued, stipulating that a road connection must be made between the application site and the adjoining land (which also forms part of the OP77 opportunity site designation) at a time to be agreed with the planning authority as part of a future application for the approval of matters specified in conditions (AMSC).

A detailed description of the wider proposal and officers' assessment of its planning merits was contained within the report approved by Members in January 2014 – this is included in today's agenda papers for your reference, along with an excerpt from the committee minute, however it should be noted that the development proposal is entirely unchanged from that previously considered by Members. The purpose of this report is not to revisit the committee's earlier decision, but to seek Members' approval to add a further condition.

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/docs/planningdocuments.asp?appnumber=130892>

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

- Pre-application consultation report
- Supporting planning statement
- Framework plan
- Design and access statement, including phase 1 masterplan
- Full Environmental Impact Assessment (EIA), separated into chapters
- Transport Assessment
- Drainage and flood risk statement
- Tree survey

The adopted Loirston Development Framework can be viewed at the following address;

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=50452&SID=14394>

PRE-APPLICATION CONSULTATION

Pre-application consultation is detailed in the original report, attached.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because officers consider that there are sound planning reasons to attach a further condition in addition to those previously agreed by Members. As this condition did not form part of the report considered by Members in January 2014, it is necessary for the application to be referred back to this committee for further consideration.

CONSULTATIONS

Previous consultation responses are detailed in the earlier report to the January 2014 meeting of the Planning Development Management Committee (included in agenda papers).

REPRESENTATIONS

14 letters of representation were received. The objections raised in those representations were summarised and addressed in the earlier report, attached.

PLANNING POLICY

As summarised in the previous report.

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application there has been no material change in the applicable policy context. The land around Loirston Loch retains its opportunity site designations, and the Loirston Development Framework is expected to be taken forward as part of the proposed plan in due course. On that basis, it is considered that there has been no significant change to the decision-making framework, and it remains the case that there are no material considerations of sufficient weight to warrant determination other than in accordance with the Development Plan.

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.

As members may be aware, the land over which the Loirston Development Framework applies is in multiple ownerships. This application for Planning Permission in Principle does not extend to the entire framework area, and is limited to those areas over which Aberdeen City Council or Hermiston Securities (the Council's Joint Venture partner) have control.

In making an application for Planning Permission in Principle, Hermiston Securities and their agents, Optimised Environments, have had to take account of various uncertainties and changes in circumstances. Amongst these were uncertainties regarding the prospects and timescale for the construction of any new stadium for Aberdeen Football Club and ACC's own proposals for a new secondary school serving the south of the city catchment.

The envisaged phasing of the proposal put forward by the applicants therefore differed in some ways from the phasing outlined in the Loirston Development Framework. This issue was highlighted to Members in the previous report, and the reasons for a differing approach were accepted. Nevertheless, as there remain other parts of the Loirston Development Framework area which are not covered by this application for Planning Permission in Principle, any changes to the phasing of development and the timing of any associated connection being made to those remaining areas becomes crucial to ensuring their timely delivery and, by extension, the full delivery of the allocation. It is not the role of the planning authority to intervene in any commercial negotiations between the various landowners, nor to show favour to the interests of any one party. It is, however, reasonable for the planning authority to ensure that in granting any consent for part of the site it would not prejudice delivery of the full housing allocation, which contributes towards achieving the housing targets outlined via the Structure Plan (as was) and the Local Development Plan.

With this in mind, it is recommended that members reiterate their earlier decision, but with the addition of a further condition (Condition 34 below), which would have the effect of making explicit a requirement for a road network connection between the Planning Permission in Principle area and the southern section of Redmoss Road and requiring the submission of a timetable for the implementation of that connection. This will ensure that development of the wider Loirston Development Framework area is not compromised, and the allocation may be delivered in full. The additional condition is number 34 in the list below. The Council has used this approach previously where the development of a large allocation involves multiple landowners.

RECOMMENDATION: Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to addressing the following matters:

- **Affordable Housing provision**
- **Developer contributions relating to: community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and Core Paths network**

- **Strategic Transport Fund contributions**
- **Contribution in lieu of mitigation of local roads network impact affecting Wellington Road**

REASONS FOR RECOMMENDATION

The submissions demonstrate an appropriate form of development, consistent with the allocation of the OP77 site in the Aberdeen Local Development Plan (ALDP) and incorporating a mix of uses and mix of housing types. In doing so, the proposal accords with the terms of policies LR1 (Land Release Policy), LR2 (Mixed Use Communities) and Policy H4 (Housing Mix) of the ALDP. The density of the development and its building heights are consistent with the principles set out in the adopted Loirston Development Framework, and are considered to constitute an appropriate design approach on this site, in accordance with policy Policy H3 (Density) and Policy D1 (Architecture and Placemaking) of the ALDP.

Appropriate provision is made for vehicular and pedestrian access, with points of access identified and agreed in principle with the Council's Roads Projects Team. Impact on the local roads network is to be mitigated via an appropriate financial contribution in lieu of identified infrastructure improvements. An appropriate range and quality of public open space is proposed, and such spaces would be accessible via a network of internal routes, connecting to the existing Core Paths network in the surrounding area. Open Space incorporates existing areas designated within the Council's Green Space Network, and demonstrates due regard for the landscape character of the site, particularly in relation to the areas around Loirston Loch, the dominant landscape feature. Taking these matters into account, it is concluded that the proposal demonstrates its accordance with policies T2 (Managing the Transport Impact of Development), D3 (Sustainable and Active Travel), NE1 (Green Space Network), Policy NE4 (Open Space Provision in New Development), Policy NE9 (Access and Informal Recreation) and D6 (Landscape) of the ALDP. Existing trees on the site have been surveyed and it has been concluded that the majority of those present could reasonably be replaced via new landscaping, however detailed arboricultural impact assessment will be necessary to quantify the extent of any tree loss and to secure appropriate replacement planting, thereby ensuring that the aims of policy NE5 (Trees and Woodlands) can be achieved.

Matters relating to Flood Risk Assessment and Drainage Impact can be appropriately assessed via further submissions required by conditions attached to this grant of planning permission in principle, thereby satisfying the provisions of policy NE6 (Flooding and Drainage) of the ALDP. New retail development proposed is of an appropriate scale to support the new community, as required by policy RT5 (New Development Serving New Development Areas). Affordable Housing provision, contributions towards the Strategic Transport Fund and developer contributions in relation to address other impact arising directly from the development can be secured via an appropriate agreement, in accordance with policy I1 (Infrastructure Delivery and Developer Contributions) and policy H5

(Affordable Housing) of the ALDP. The provision of a Gypsy Traveller site is a requirement identified in policy H7 of the ALDP, and therefore it is necessary to provide such a site in order to comply with the terms of that policy. Further submissions will be necessary to further assess any proposed locations.

The submitted Environmental Statement is considered to be sufficient and to set out the likely environmental impacts of the development, demonstrating that these are not likely to be significantly adverse, and that appropriate mitigation is generally possible. The siting of buildings demonstrates due regard for the presence of the Local Nature Conservation Site surrounding the loch, and proposes environmental enhancements to encourage recreational use of the landscape asset. It is not considered that the encroachment of the southern access road onto the periphery of the LNCS would undermine that designation or affect any areas of intrinsic value. It is considered that the proposal demonstrates due regard for the provisions of policy NE8 (Natural Heritage) of the ALDP.

Environmental issues relating to air quality, noise and past contamination of adjacent land can be assessed further through submissions required by condition. Appropriate consideration of those submissions can ensure compliance with policies NE10 (Air Quality) and R2 (Degraded and Contaminated Land) of the ALDP. Similarly, further submissions demonstrating compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance will be secured via condition.

Further consideration of detailed street layouts will establish compliance with 'Designing Streets', and detailed design proposals will establish compliance with 'Designing Places' and 'Creating Places'. The principle of development on this site accords with Scottish Planning Policy's aspirations for new housing, demonstrating due regard for the surrounding landscape, topography, character and ecologies.

CONDITIONS

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

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No part of the employment element of the development shall be occupied until a Travel Plan, aimed at encouraging more sustainable means of travel, has

been submitted to and approved in writing by the Planning Authority in consultation with the Transport Scotland. The Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car - To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(3) Prior to the commencement of any works in any phase on site a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. The scheme shall detail 3 levels of SUDS treatment for any hardstanding, yard areas on sites proposed for Class 5 and 6 industrial uses, 2 levels of sustainable drainage SUDS treatment for all roads and other areas of hardstanding/carparking and 1 levels SUDS treatment for roof run off, and all work shall be carried out in accordance with the approved scheme.

Informative: The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason: to ensure adequate protection of the water environment from surface water run-off.

(4) The LNCS designation boundary shall be implemented in full throughout the construction, operation and decommissioning of the development. There shall be no development, machinery movement or operations within the buffer zone without the agreement of the Planning Authority in consultation with SEPA. The buffer zone shall be identified on the ground, and no development adjacent to the LNCS shall take place unless the LNCS boundary has been protected with appropriate protective fencing as shown in figure 2 of BS5837 or such alternative as may be agreed with the planning authority in writing.

Reason: In order to prevent potential unacceptable impacts on the water environment.

(5) No development shall take place within any phase until a detailed geo-environmental investigation has been undertaken to identify potential impacts on wetlands within 250m of Loirston Loch and an associated scheme of mitigation is submitted and approved by the planning authority in consultation with SEPA, once approved the agreed scheme shall be implemented in full.

Reason: In order to prevent potential unacceptable impacts on the water environment.

Informative: the detailed geo-environmental investigation, will be followed up by a conceptual hydrogeological model and associated risk

assessment which will inform the mitigation proposals.

(6) Prior to the commencement of any works on site that the location (NGR of source) of the Private Water Supplies serving Charleston Cottage; Moss-side Croft and Tillyhowes Banchory Devenick are identified, and should they fall within 100m of roads, tracks or trenches or within 250m of borrow pits or foundations as proposed within the development that a quantitative hydrogeological assessment and where appropriate scheme of mitigation is developed by the applicant and agreed with the Planning Authority in writing in consultation with SEPA, once approved the agreed scheme shall be implemented in full during operation of the site.

Reason: In the interests of protecting the water environment

(7) that no development shall be undertaken within any respective phase of the development until such time as a scheme detailing the incorporation of appropriate buffer strips around water courses within that phase has been formally submitted to, by way of an application for the Approval of Matters Specified in Conditions (AMSC), and approved in writing by, the planning authority - in order to protect and promote biodiversity and protect water quality.

(8) That no development shall commence within a given phase until site specific Construction Environmental Management Plan(s) have been submitted and approved in writing by the Planning Authority, via a formal application for MSC, in consultation with [SEPA, SNH or other agencies as appropriate] for that phase. All works on site must be undertaken in accordance with the approved CEMP(s) unless otherwise agreed in writing with the Planning Authority. The CEMP(s) must address the following issues:- • Surface water management • Site waste management • Watercourse engineering including crossings • Peat management • Pollution prevention and environmental management

Informative: It is recommended that the CEMP(s) is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

Reason: In order to minimise the impacts of necessary demolition/construction works on the environment.

(9) that no development shall commence within any of the respective phases until such time as details of waste management proposals for that phase of development, including arrangements for the segregation, storage, collection and management of residential, commercial and business waste, by way of an application for the Approval of Matters Specified in Conditions, have been submitted to, and approved in

writing by, the planning authority - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.

(10) That no works in connection with phases 1A, 1b, 1C and the site of the relocated primary school (site E9 and the adjacent site E1) shall take place unless a detailed Flood Risk Assessment (FRA) for that phase has been submitted and approved by the Planning Authority, via a formal application for MSC, in consultation with SEPA and, where necessary based on the findings of the FRA, appropriate mitigation measures and/or adaptations to the development layout has been made.

Reason: in order to avoid flood risk.

Advisory: The detailed FRA should be undertaken in line with SEPA's Technical Guidance on FRAs and in recognition of accepted standard design flow estimation methods, more detailed advice should be sought from SEPA prior to the preparation of any detailed Flood Risk Assessment. The FRA should assess the potential for both existing and proposed culverts and other relevant structures to increase flood risk. It is recommended that the 1 in 1000 year (0.1% annual probability) flood event is considered for the proposed primary school development due to the vulnerable nature of the proposal.

(11) that, unless the planning authority has given written approval for a variation, no development pursuant to any of the individual Phases of the development hereby approved (as detailed in the Phasing Strategy to be agreed in connection with Condition 1 of this consent) shall take place other than in full accordance with a detailed masterplan for that particular Phase that has been submitted to and approved in writing by the planning authority via a formal application for MSC. The masterplan(s) shall show in detail how all development within that phase will comply fully with the principles and criteria laid down by the approved Loirston Development Framework, Loirston Design and Access Statement and guidance in "Designing Streets" and "Designing Places" in terms of;

(i) block structure, (ii) access and connectivity (including street hierarchy and integration with the existing/future vehicular/pedestrian network and adjoining development), (iii) landscape framework (ensuring high quality integrated treatment of the public realm in compliance with the approved strategic landscape plan, tree protection, protection of wildlife, arrangements for the management and maintenance of open space, treatment of car parking and detail of local/district level open spaces and implementation of civic spaces), (iv) land use and density (including building heights and detailed typologies, density, details of any affordable housing provision and commercial space), (v) drainage (including provision for SUDS), (vi) character (including architectural treatment to provide

character areas responding to context, ensuring a high quality palette of materials, use of street trees and boundary treatments), (vii) ensuring implementation of the key structural elements including the connections to the A956, the Primary Street, Loirston Square, the new Primary School and Lochside and Gateway Open Space areas, (viii) protection of trees and protected species, (ix) the sequence of demolition, development and provision of key elements (eg open space, commercial elements, roads, footpaths, etc,) within each phase to ensure that development within the phase is implemented in a planned and co-ordinated manner; unless the planning authority has given written consent for a variation. - in the interests of ensuring that the adopted Development Framework and Design and Access Statement for the site and the Planning permission in principle is translated into the creation of a high quality sustainable mixed use community on the ground.

(12) No development shall take place within a given phase until the applicant has secured the implementation of a programme of archaeological work relating to that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority via a formal application for MSC. Any programme of archaeological work will include all necessary post-excavation and publication work.

(13) that no development pursuant to this planning permission in principle shall commence on site unless a scheme for the provision of a site for Gypsies and Travellers on the site or on the larger OP77 site, in accordance with Aberdeen City Council's adopted 'Gypsy and Traveller Sites' Supplementary Guidance has been submitted to and approved in writing by the planning authority, by means of approval of a formal Approval of Matters Specified in Conditions (AMSC) application or a formal Planning Application, including as a minimum the following details

- the location and area of land to be set aside for the site, number of pitches and means of pedestrian and vehicular access
 - a timescale for its delivery and
 - a mechanism to ensure that delivery will happen in this timescale,
- No more than 500 residential units on the application site shall be occupied unless any scheme for the provision of a Gypsy and Travellers site thereby approved by the planning authority has been implemented, unless the planning authority has given written approval for a variation
- in order to meet the requirements of Policy H7 of the Aberdeen Local Development Plan.

(14) That no individual development plot shall be occupied unless an access junction has been implemented and is fully operational to the finalised agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved

in writing for the purpose by the planning authority - in order to ensure that the development can be adequately accessed on first occupation.

(15) that no more than 300 houses on the application site shall be occupied unless a 2nd access junction has been implemented and is fully operational to the fully agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority - in order to ensure that the progression of development is accompanied by acceptable means of access.

(16) that no development pursuant to this planning permission shall take place within any given phase until such time as further formal application has been made detailing cycle routes and facilities within that phase of the proposed development, incorporating direct links to existing off-road paths and/or on-road links via suitable on and off road paths, providing direct routes to the access points for the site - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(17) that no development pursuant to any phase within this planning permission shall take place until such time as further formal application has been made identifying safe routes to schools within the proposed development - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(18) That no development within any phase shall be undertaken until such time as further details demonstrating a layout capable of accommodating a bus service, and incorporating proposals for the appropriate restriction of traffic on Redmoss Road to allow only walking, cycling and public transport, have been submitted to the planning authority via a formal application for MSC, and that such details have been approved by that authority and thereafter implemented in full - in order to promote sustainable travel, minimise travel by private car, and to ensure that the proposal does not contribute to congestion of the local roads network.

(19) that no development within any phase pursuant to this grant of planning permission in principle shall be undertaken until a scheme addressing any significant risks from contamination to the site from adjacent former land use (Charleston Landfill) has been submitted to and approved by the planning authority via a formal application for MSC.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a

suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include: a) an investigation to determine the nature and extent of contamination b) a site-specific risk assessment c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed d) verification protocols to demonstrate compliance with the remediation plan

(20) No development within any phase pursuant to this grant of Planning Permission in Principle shall take place unless an appropriate drainage impact assessment, including results and calculations of 1 in 10, 1 in 30 and 1 in 200 year sensitivity tests and a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network, has been submitted to the planning authority and subsequently approved via a formal application for MSC - in order to ensure that the proposal complies with policy NE6 (Flooding and Drainage) of the Aberdeen Local Development Plan.

(21) (22) That no development within any phase shall take place until a scheme addressing the following matters within that phase has been submitted to and approved by the planning authority via a formal application for MSC, and that thereafter any recommended mitigation measures have been fully implemented. Those requirements are;

(i) Taking cognisance of the Scottish Government's Planning Advice Note 1/2011, Planning and Noise, a scheme for protecting the proposed dwellings from road traffic noise shall be determined and agreed with the Environmental Health and Planning Services such that external noise levels do not exceed LAeq 16hr 55dB during the day time period 0700-2300 in any rear garden areas. The road traffic noise levels should be determined in accordance with the principals set out in "Calculation of Road Traffic Noise" (CRTN), DoT Welsh Office, HMSO, 1988.

(ii) The internal noise level, assessed with windows closed, within any dwelling shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 55dBA within outdoor living areas.

(iii) The internal noise level, assessed with windows closed, within any dwellings or noise sensitive building shall not exceed Noise Rating Curve 35 between the hours of 0700 and 2200 and Noise Rating Curve NR 25 at all other times to protect the occupants from fixed plant such as fans, chimneys, ventilation exhausts and inlets associated with existing industrial premises or associated with the completed development.

(iv) No development shall take place within any phase until the applicant undertakes a survey to determine the impact of noise, from business premises in the locality of that phase, on the development using the principles set out in British Standard BS 4142:1997 - Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or a method agreed by the Environmental Health and Planning Services. The survey shall be submitted to and approved by the Environmental Health and Planning Services via a formal application for MSC and shall identify 1) the maximum Rating Levels, and 2) the minimum Background Noise Level to which any part of the development will be exposed. If the maximum Rating Levels exceed those set out below then a scheme for protecting the proposed dwelling(s) from industrial noise shall be included as part of the noise survey with no dwelling being constructed at any location at which the Rating Levels cannot be met.

Open site/external* Easting, Northing)	Measurement Location		Site Standard Rating Level (LAr,Tr) dB
	Day / Night		
	393651,801909	45.1	

*These Rating Noise Levels are based on existing background noise levels at the proposed Loirston site presented in AECOM Noise and Vibration Assessment carried out for the Environmental Statement dated June 2013 for the proposed mixed use development (Section 11.1).

If it can be satisfactorily demonstrated that at a particular location the existing background noise level, excluding, existing industrial noise, is greater than LA90,T40.1 and LA90,T31.1 for the day and night time periods, respectively, then, with agreement with the local authority, these background noise levels could be used to derive Rating Levels that should not be exceeded (i.e., background noise level plus 5dB).

The assessment should take into consideration existing industrial noise / services noise and consented developments in the vicinity of the proposed development, which includes the proposed Balmoral Business Park.

Reason: In order to ensure that the proposed development is not exposed to excessive noise levels from the various sources in the surrounding area.

(22) That no development shall be undertaken within any phase unless the impact and significance of the Construction and Development Works within on air quality within that phase in the vicinity of sensitive receptors have been assessed and determined in accordance with the Institute of Air Quality Management: Guidance on the Assessment of

the Impact of Construction on Air Quality and the Determination of their Significance, December 2011 and Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites, and a Dust Management Plan, detailing the dust mitigation measures and controls, responsibilities and any proposed monitoring regime has been submitted to and approved by the planning authority via a formal application for MSC, in consultation with the Council's Environmental Health Service prior to the commencement of any demolition or construction works - in order to ensure that the impact of construction works on air quality are fully considered and that appropriate mitigation measures are in place prior to works commencing.

(23) that no development within any phase shall take place unless a further formal application for MSC, detailing a scheme for external lighting of pedestrian/cycle routes within that phase has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of public safety.

(24) That no development within any of the respective phases of the development granted planning permission in principle shall take place unless a scheme detailing cycle storage provision for development within that phase has been submitted to, and approved in writing by the planning authority by way of a formal application for MSC, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(25) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a strategic landscape masterplan for the entire site, which shall be in the form of a formal application for MSC and shall include appropriate Arboricultural Impact Assessments detailing all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area and to ensure compliance with policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan.

(26) that all planting, seeding and turfing comprised in the approved scheme of landscaping for any phase of the development shall be carried out in the first planting season following the completion of that phase of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in

the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(27) that no development within any phase shall take place unless any scheme for the protection of all trees to be retained on the site within that phase of construction works, approved by the planning authority in connection with condition 25, has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

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

(29) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(30) that no development pursuant to any given phase of the planning permission in principle hereby granted shall be undertaken until such time as the further approval of the planning authority has been sought and granted, via a formal application for MSC, in relation to the long-term management and maintenance of open space within that phase of the development - in order to ensure that provision is made for appropriate long-term care for areas of open space and in order to maintain the landscape amenity of the development.

(31) that no buildings within any respective phase of the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority via a formal application and subsequently approved by that authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(32) that no development within any respective phase of the development hereby approved shall be commenced unless full details of the design and external finishing of buildings contained within that phase, expanding upon the design elements of the phase-specific masterplan to be submitted and approved in connection with condition 11, has been submitted to and approved in writing by the planning authority by way of a formal application for MSC - in order to ensure that the external treatment, finishes and appearance of buildings with respective phases are detailed in full, and to ensure compliance with policy 1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

(33) That no development shall take place until a scheme of mitigation relating to the identified displacement of Reed Bunting has been submitted to and agreed in writing by the planning authority, and thereafter the agreed mitigation measures shall be implemented in accordance with a schedule agreed as part of that mitigation strategy, unless otherwise agreed in writing by the planning authority - in order to mitigate impact on the habitat value of the site and displacement of species.

(34) No development pursuant to this grant of Planning Permission in Principle shall be undertaken unless a scheme for the provision of a vehicular connection from the road network within the application site to Redmoss Road has been submitted to and approved by the planning authority as part of an application for Approval of Matters Specified in Conditions (AMSC). The Scheme shall require that the connection be designed to adoptable standard, in order that it will be fit for its required purpose. Thereafter, no development shall occur otherwise than in accordance with the agreed scheme - in order to ensure the delivery of key road infrastructure and the full OP77 allocation of the adopted Aberdeen Local Development Plan.

INFORMATIVES

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

ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows;

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

(i) the expiration of 10 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 1: that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

Planning Development Management Committee

LOIRSTON, NIGG

APPLICATION FOR PLANNING IN PRINCIPLE FOR A PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 1067 HOUSES, 8 HECTARES OF EMPLOYMENT LAND INCLUDING COMMERCIAL, LEISURE AND OFFICE USES, A NEIGHBOURHOOD CENTRE COMPRISING RETAIL AND COMMERCIAL USES, COMMUNITY FACILITIES, A PRIMARY SCHOOL, LANDSCAPING, OPEN SPACE AND RECREATIONAL FACILITIES.

For: Hermiston Securities Limited

Application Type : Planning Permission in Principle

Application Ref. : P130892

Application Date: 19/06/2013

Officer: Gavin Evans

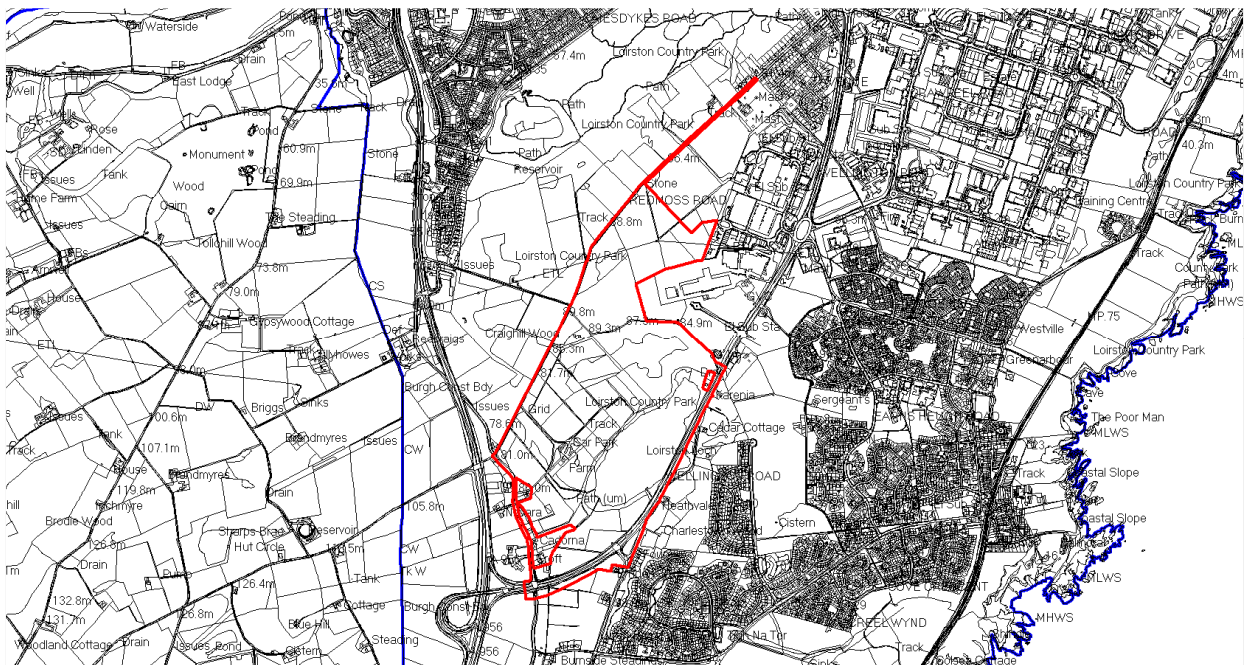
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)

Advertised on: 10/07/2013

Committee Date: 16 January 2014

Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to addressing the following matters:

- **Affordable Housing provision**
- **Developer contributions relating to: community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and Core Paths network**
- **Strategic Transport Fund contributions**
- **Contribution in lieu of mitigation of local roads network impact affecting Wellington Road**

DESCRIPTION

The application site extends to approximately 82 hectares and is located to the west of the existing residential area of Cove Bay, on the southern outskirts of Aberdeen. To the southeast the site is bounded by the A956 (Wellington Road), and to the west lies the A90 Trunk Road. Immediately to the west of the site lies agricultural land and Craighill Wood, which lie within the OP77 Opportunity Site boundary, but outwith the site boundary of this application. Beyond that, to the north of the site, lies Kincorth Hill, which is designated as both a Local Nature Reserve and a Local Nature Conservation Site. Beyond Kincorth Hill lies the existing residential area of Kincorth. To the south of the site lies Aberdeen Gateway Business Park. Bordering the site to the north-east is a small area of agricultural and recreational ground, and further to the north and north-east are the major industrial areas at Tullos, Altens, Wellington Road and Balmoral Park.

The site is generally fairly flat, sloping gently down towards Loirston Loch, but steepens upwards towards Kincorth Hill at the north end and Blue Hill to the south-west (outwith the site). There is an area of low-lying, marshy ground immediately to the west of the loch.

The main use of the site is as grazing land for cattle and sheep with some recreational uses. Field boundaries are marked by dry-stone walls and post and wire fences. There are a few houses on the site. At the southern end of Redmoss Road just north of the A956/A90 junction are two industrial premises: a sawmill and a haulage depot. There is a caravan site beside the A90 on the western edge of the site. Vegetation is mainly rough grassland and reeds. There are some broad leaved and coniferous trees, in the form of shelterbelt planting mostly beside the loch. There is an area of gorse on higher ground above the caravan site in the west of the site.

RELEVANT HISTORY

P101299 – New stadium for Aberdeen Football Club. Full Council, on 23rd February 2011, resolved to approve pending conclusion of legal agreement. That legal agreement is yet to be concluded. Scottish Ministers were notified on the basis that the proposal constituted a significant departure from ALDP (green belt policy 28) and the Council had an interest in part of the site (that within Calder Park).

P111193 – AFC training ground and new stadium for Cove Rangers FC. Approved conditionally at committee 12th Jan 2012

This site has been used as agricultural and recreational land throughout most of its history and has been subject to little construction, although various industrial and residential estates have grown up around it. The major development around the site occurred between 1974 and 1984. Tullos and Altens Industrial Estates expanded greatly, the A90 was converted from a single carriageway to a dual carriageway and the A956 (Wellington Road) also widened and new junctions added to connect with industrial units. The A956 was extended to connect with the A90 (T) at a new junction at the southern tip of the site and also dualled around 2010. The site is in the ownership of Hermiston Securities (the applicant) and Aberdeen City Council.

The proposed Aberdeen Football Club (AFC) stadium area and associated parking is located within the application site. The Council was minded to grant, subject to a legal agreement, planning consent for the proposals in February 2011 (Application Reference P101299). At this time the status of the AFC proposals is not known following the decision by the Council to take control of the land at Calder Park previously leased to Cove Rangers Football Club (CRFC) and the issue of a refusal of Landlord's Consent for the revised development proposals on the site.

The relocated Cove Rangers stadium and training facilities for Aberdeen FC are planned for Calder Park (Opportunity Site OP80 which lies immediately to the north of the application site. A detailed planning application (Reference P111193) for the above proposal was submitted jointly by CRFC and AFC in August 2011 and was approved by the Council's Development Management Sub Committee in January 2012. The Council subsequently took control of the land at Calder Park previously leased to CRFC and have issued a refusal of Landlord's Consent for the revised development proposals on the site, although there is an ongoing commitment to assist with the club relocation. The new administration have instructed a strategic review of the Council landholdings at Calder Park, giving consideration to the Leisure Asset and Pitch Strategy Audit currently being undertaken, the masterplanning of adjoining sites and other development opportunities with a report being brought back to a future meeting of this Committee on the outcome of these investigations in due course.

Related to the issue above, the Council propose to replace Torry Academy and Kincorth Academy with one single larger school on the Calder Park site to accommodate all existing secondary pupils and any pupils generated by the development proposed at Loirston. It is proposed that the new school will be delivered and ready for occupation by August 2016.

PROPOSAL

This application seeks Planning Permission in Principle (PPiP) for a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities at Loirston, Nigg, Aberdeen.

The development proposal seeks to provide a mix of house types at varying densities in a series of development blocks. The employment portion of the

development would be provided via a combination of smaller type business uses to the south of the site, employment provided through the football club proposals and the retail and commercial elements of the proposals. A hierarchy of open space provision is shown, with the most significant area of open space located at and around Loirston Loch being complemented by neighbourhood and local open space areas across the site.

Access into the site will be taken from two access points onto Wellington Road and these are located to the south of the site (by reformatting the existing Old Wellington Road signals) and at the location of the proposed stadium access. Additional opportunities exist from Redmoss Road, which is a possible bus only link which can be shared with pedestrians and cyclists. Access and connectivity has been designed to provide a clear structure of streets which have been designed in response to the existing site conditions and to ensure appropriate connections are forged with the existing network. A hierarchy of scaled streets has been defined, which have different parameters and deal with various pedestrian, cyclist and vehicle movements.

A Phase One Masterplan, extending to approximately 44ha and approximately 750 homes and employment areas within blocks A1-A9; B1-B5; D2-D11; and E5 & E6, along with associated roads, open space and landscaping, has been prepared for part of the application site. The Phase One Masterplan takes the principles set out in the Loirston Development Framework and develops these to provide detailed three dimensional guidance. It establishes parameters for each development block, examples of appropriate character and the function of key open spaces. The Phase One Masterplan area can accommodate around 750 homes and those employment areas identified in the Loirston Development Framework. The area covered by the Masterplan measures approximately 44 hectares. This includes areas which will not be developed but ensures that space for connections to the existing road network can be accommodated. The Masterplan is included as part of the Design and Access Statement submitted with the application. The guidance in the Masterplan will allow detailed designs for the Phase One Masterplan area to come forward as applications for matters specified in conditions on the granting of consent for the application. Further masterplans will require to be prepared and submitted to provide detailed design guidance for subsequent phases of the development in due course

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/docs/planningdocuments.asp?appnumber=130892>

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

- Pre-application consultation report
- Supporting planning statement
- Framework plan
- Design and access statement, including phase 1 masterplan

- Full Environmental Impact Assessment (EIA), separated into chapters
- Transport Assessment
- Drainage and flood risk statement
- Tree survey

The adopted Loirston Development Framework can be viewed at the following address;

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=50452&sID=14394>

PRE-APPLICATION CONSULTATION

The proposed development was the subject of pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved two joint presentations, held in June and August 2012, with the three community councils that represent the Loirston Area: Cove and Altens; Kincorth and Leggart; and Nigg. It also included a public consultation event held at the Altens Thistle Hotel, Cove in June 2012. These events allowed the applicants' representatives and their Design Team to explain the proposals and record any public comments. In order to avoid duplication and confusion the public consultation for both the Loirston Development Framework and the application for planning permission in principle were run in tandem as set down as good practice in the Council's Supplementary Guidance, "The Aberdeen Masterplanning Process". A report on the public consultation that was undertaken, and the findings arising from it, has been submitted as part of this application, in accordance with the relevant planning regulations. The report details the feedback that was received from the local community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions have been rejected.

The main issues raised concerned the increased traffic that would be generated by the development and the impact of the development proposals on Loirston Loch. The traffic issues, which generated the greatest level of concern, have been considered and mitigation measures identified and addressed through the Transport Assessment. Protection and enhancement of the Loirston Loch is paramount and the impact of the proposals on the loch has been mitigated through sensitive design that has been informed by the Development Framework and the Environmental Impact Assessment. The other issues raised through the public consultation have been addressed where possible through the Development Framework and the more detailed Phase One Masterplan submitted with the application. They will be considered further at the detailed design stage.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee for the following reasons:

- a total of 14 letters of representation have been received in relation to the application;
- the local Nigg Community Council, in whose area the application site lies, have expressed objection to the proposed development; and
- the proposed development has previously been subject to a formal decision by the planning authority that Environmental Impact Assessment should be undertaken.

Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection to the approval of the current PPIp application, subject to the following matters being adequately addressed through conditions attached to the consent and the use of a s75 legal agreement.

Walking and Cycling

Identifies a need for safe routes to schools to be identified by the applicant, and pedestrian/cyclist facilities to be incorporated into access junction designs. Cycling routes and facilities should be provided within the development. The internal layout of the development should be designed to link directly with existing shared off-road paths or on-road paths, providing direct routes to access points for the site. Aberdeen City Council parking guidelines are to be considered for cycle/motorcycle parking when considering flatted residential developments and any employment within the site.

Public Transport

It is understood that the applicants have entered into discussions with local public transport service providers, who have shown a willingness to provide services to the development. The exact locations of bus stops and timetable information is to be included in workplace and residential Travel Plans. Layouts must be provided to demonstrate that the internal road layout will be capable of accommodating a bus service. This should also include proposals for Redmoss Road, which is to be stopped up and given restricted access.

Development Vehicle Access

Access being taken via two signalised junctions on Wellington Road is acceptable. Note that access junctions and internal roads layout are to be designed to ACC standards, and will be subject to Roads Construction Consent.

Internal Layout

Note that the Transport Assessment provided in support of this application proposes an internal roads layout in accordance with 'Designing Streets'. Any layouts should take consideration of access and turning of service vehicles, showing swept-path analysis to demonstrate safe accessibility.

Local Road Network

Noted that trip generation, attraction and distribution figures for the development have been agreed through consultation with the ACC Roads Projects Team, and

that the two proposed access junctions onto Wellington Road are acceptable and operate within capacity in the opening year of the full development in 2023. Roads layouts will require to make provision for pedestrians.

Mitigation in relation to impact on Wellington Road will be in the form of an agreed contribution. That contribution can be secured as part of a legal agreement relating to the development.

Travel Plan

Note that a Residential Travel Plan and Employment Travel Plan are to be produced. These documents must be submitted to ACC for approval.

Drainage Impact Assessment

Notes submission of a Drainage Impact Assessment. Requests that this be updated to include results and calculations of 1 in 10, 1 in 30 and 1 in 200 year sensitivity tests.

A detailed drainage plan with proposed levels of treatment for surface water runoff will be required.

Strategic Transport Fund

Notes that the Transport Assessment acknowledges that STF contributions will be required, but the level of that contribution cannot be determined until the full detail of the development is known. A requirement for STF contributions, at a level to reflect the final proposal, can be secured through a s75 legal agreement.

Environmental Health – Express some concerns in relation to impacts arising from road traffic noise and industrial noise, however it is understood that mitigation may be possible and further consideration of any proposed mitigation measures can take place should appropriate conditions be attached to any grant of Planning Permission in Principle. It is further highlighted that additional traffic, in conjunction with other new development in the area, may contribute to a deterioration in air quality in the existing Wellington Road Air Quality Management Area (AQMA), and consequently it is recommended that the detailed design of the development incorporate measures to minimise vehicle use, for example through a network of public footpaths, cycle paths linked to existing cycle routes, and appropriate provision of public transport services. A condition is recommended in order to minimise adverse impact arising from construction site dust. It is also recommended that conditions are used to secure further submissions in relation to the investigation of environmental issues arising from potential for landfill gases migrating from the nearby Charleston site and the provision of appropriate facilities for the storage of household waste.

Road Traffic Noise

A substantial area of the site is exposed to day and night time noise levels assessed via the CRTN methodology above recommended levels (61% of the site for daytime and 66% for night time). Consequently levels likely are to exceed the WHO 'Community Noise' guideline values for Community Noise. Additionally the TAN of PAN 1/2011 predicted the Significance of Impact would be 'Major' in 12% of the site during the day and 5% of the site at night and 'Moderate' in a

further 14% and 6% of the site respectively. Mitigation measures such as bunds and barriers can reduce the area affected, however parts of the sites will still be exposed to traffic noise above recommended levels.

Road traffic impacts do not necessarily prevent development proceeding as the detailed design stage provides an opportunity to place the less sensitive noise sources closer to the roads which in turn can provide screening for the buildings/amenity spaces of higher sensitivity. Other mitigation measures may also be incorporated into the design of buildings (e.g. bedrooms/living spaces away from traffic, window design, mechanical ventilation) although this would not address amenity impact. However, the extent of the exceedance could impact on the developers' ability to include the proposed number/type of sensitive properties.

Industrial Noise

Identified sources of industrial noise were a diesel generator and noise from two chimney flues. Noise from the diesel generator was the dominant source during the day. The BS4142 noise assessment predicted the noise would cause a statutory nuisance and result in a 'Major Adverse' impact, however as it is located 1.5m above ground an acoustic barrier could be used to mitigate against the noise. Noise from the flues are more of an issue at night and are predicted to cause a statutory nuisance. Due to their height, mitigation in the form of a barrier is unlikely to be practicable. The noise may not prevent development, but site layout and the design of buildings would be essential to ensure the WHO standard is achieved and the noise does not create a nuisance. Again mitigation can include the location of sensitive buildings, internal layout, specification of windows etc but could again impact on the number/type of sensitive properties that can be incorporated in the development.

Developer Contributions Team – Notes the limited information available at PPiP stage, but highlights anticipated requirements arising from the proposal, for further negotiation and inclusion in an appropriate Section 75 legal agreement. These are as follows;

- Affordable Housing requirement, based on 25% of total 1067 units, would be 266 units. Identifies possible categories of Affordable Housing, but does not rule out the opportunity for new models for affordable housing delivery to be developed.
- Expectation of investment in community library, cultural facilities and services, potentially to co-located with the proposed new school. Identifies a desire that facilities are shared under one roof where possible, to maximise value for money and so services are located in one place. Potential for this to include a joint school and public library, with shared community and cultural spaces, flexible enough to cater for a range of activities. Need for engagement with ACC's education officers in preparation of the section 75 legal agreement.
- Identifies increased strain on community facilities provided by ACC, with the cumulative development impacting on local venues.

- Increased population will put pressure on existing playing field provision, indoor and outdoor sporting facilities and libraries, along with open space and outdoor recreation and the core path network. Potential Core Path network enhancements are identified, including provision for contributions towards the development of a link from Redmoss Road to Core Path 79, identified by ACC as an 'aspirational' core path route (ref AP3).
- Highlights that contributions towards the Strategic Transport Fund will be required, with the exact level of contribution based on final composition of the development.
- Identified healthcare requirements include the provision of an extension at Cove Bay Health Centre to support delivery of medical services to additional patients, the provision of an extension for 2 additional dentists' chairs at Cove Bay Health Centre, and the provision of a community pharmacy within the new settlement area (including land), to support additional patients.

Enterprise, Planning & Infrastructure (Flooding) –Notes existing flooding problems, both downstream of the development on the Tullos Burn and in the immediate vicinity of the development on the Loirston Burn, particularly relating to culvert capacity issues under Redmoss Road and in the immediate downstream of the culvert. The following further submissions will be required.

Full surface water drainage proposals for the development will be required, outlining in full detail the proposed method of discharging surface water. Any SUDS proposals should include design calculations and drawings for further approval of ACC, in consultation with the Flooding Team. It is recommended that all proposed SUDS facilities are designed to retain up to and including a 1 in 200 year storm event.

A full Drainage Impact Assessment for the development will be required, including proposed SUDS (as above) and a full investigation of all watercourses within the vicinity of the site and the impact which the development would have on the existing drainage network.

Given the scale of the development, a Flood Risk Assessment will be required, indicating any potential risk of flooding posed to existing communities by the proposed development. The FRA should include flood models of sufficient detail for any receiving watercourses into which it is proposed to discharge surface water.

Education, Culture & Sport (Archaeology) – recommend that a condition be attached to any consent, requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation approved by the planning authority.

Scottish Environment Protection Agency – request that a number of conditions be attached to any consent. If any of those conditions are not to be attached to a consent, SEPA's response is to be treated as a formal objection. In such circumstances, the application must be notified to Scottish Ministers. The matters that SEPA require to be addressed through the use of conditions are as follows;

Surface Water Drainage

Details of the surface water drainage arrangements for each phase must be approved and implemented in full prior to the commencement of development within that phase.

Groundwater Dependent Terrestrial Ecosystems (GWDTEs)

Request that a condition is attached, requiring the implementation of a buffer zone around the wetland areas in proximity to Loirston Loch. In addition, request that a planning condition is used to ensure that prior to commencement of development in any phase immediately adjacent to the Loch and the wetland areas surrounding it, that more detailed ground investigations and assessments are undertaken.

Impact on Groundwater

Request a condition in relation to identifying the source of nearby private water supplies and, depending on the proximity of the source to particular elements of the development, requires submission of further material relating to the potential impact on those water supplies.

Water Environment

Request a condition requiring that appropriate buffer strips around watercourses are built into the detailed design and layout, in accordance with ACC's adopted Supplementary Guidance on Buffer Strips.

Pollution Prevention and Environmental Management

SEPA welcome the principles set out in the Environmental Statement and the Draft Construction Environmental Management Plan (CEMP), and recommend that a condition be attached to any grant of Planning Permission in Principle, requiring the further submission of detailed site-specific Construction Environmental Management Plan(s), to be agreed with the planning authority in consultation with the relevant consultees, and to address a series of prescribed issues. SEPA's consultation response specifies a recommended wording.

Other points

SEPA also recommended that the advice of internal ACC environmental health staff be sought in relation to potential landfill gas migration from the nearby Charleston site and air quality issues arising from increased traffic volumes. SEPA generally concur with the conclusions of the submitted Drainage and Flood Risk Statement, and have no objection subject to a detailed drainage/flood risk assessment being undertaken and reviewed. The applicants' inclusion of a draft Construction Environment Management Plan.

Scottish Natural Heritage – States no objection to the development proposal. Content that, through the summary of environmental commitments in chapter 18, the construction Environmental Management Plan (CEMP) and the Construction Code of Practice (CoCP) of the Environmental Statement that the issues raised at scoping stage have been addressed.

Historic Scotland – No objection to the proposal. Note that at scoping stage Historic Scotland had noted that none of their statutory historic interests were

likely to be significantly impacted upon, that the supplied EIA confirms this to be the case and that Historic Scotland are content to agree with the findings of the EIA.

Scottish Water – No objection to the planning application.

Aberdeenshire Council – Following confirmation that the Transport Assessment had taken into account of major developments in the Aberdeenshire area, such as Elsick and Cairnrobin, Aberdeenshire have no further comment to make.

Transport Scotland – Advise that a condition should be attached to any permission the council may give, requiring an appropriate Travel Plan, aimed at encouraging more sustainable means of travel, be submitted to and approved in writing by the planning authority prior to the occupation of any part of the employment element of the development (full wording specified in consultation response).

JMP

JMP respond in their capacity as Terms Consultants to Transport Scotland's Trunk Roads and Bus Operations Directorate, and provided a response in relation to the submitted Environmental Statement. This concludes that Phase 1 of the development proposals would have no significant environmental impact on the trunk road network as a result of operational traffic. It is noted that the origin of construction traffic is yet to be determined, however it is accepted that the construction phase of the development proposals would not have a significant environmental impact on the trunk road network. JMP's response accepts that noise impact on the trunk road network and its adjacent receptors associated with traffic generated by the development will be negligible. Findings that air quality impact associated with traffic generated by the development would be negligible adjacent to the site access road are also accepted.

Police Scotland – Note that the application is for Planning Permission in Principle, and that Police Scotland would welcome the opportunity to comment further as the proposal becomes more detailed. Meantime, the following advice is offered;

Permeability

Careful consideration should be given as to the extent and appropriateness of pedestrian/cycle permeability. Increased footpaths through developments provide access and egress points for potential offenders and increased degree of anonymity. Vital that surveillance of these areas is maximised through appropriate lighting and landscaping, thus increasing the feeling of safety and creating a hostile environment for potential offenders. Ideally footpaths should direct pedestrians to the front of properties and through public areas where they are most likely to be seen. Footpaths which provide through routes through parking areas and to the rear of properties should be avoided where possible.

Parking

Where vehicles are not parked within the curtilage of a building the parking area should be afforded the highest level of natural surveillance possible. One way

this can be achieved is to ensure that as many buildings as possible overlook the area. Where this is residential buildings it is best practise to have the most frequently occupied rooms i.e. kitchens and/or living rooms, provide this surveillance. Good even lighting is essential and care should be taken to ensure that the landscaping does not interfere with sightlines.

Open Areas

There is a significant amount of green/public space. Such areas, including play spaces and seating areas, have the potential to generate crime; the fear of crime; and anti-social behaviour. They should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Consideration should be given to the creation of clearly defined boundaries between public and semi private space.

Lighting

Lighting is extremely important in a development such as this. The uniformity or spread of lighting is of utmost importance. Good quality white lighting with an even spread avoiding dark spots, provides the best colour rendering qualities and has been shown to decrease the fear of crime and create safe welcoming places.

Community Council – have objected to the application for the following reasons:

- Buildings throughout the development should be limited to a maximum height of three storeys;
- The residential density of any residential block should be limited to a maximum of 55 units per hectare;
- The number of residential units associated with the development should be reduced to the original intention of 1200 units;
- No buildings, roads, or car parking should encroach the Local Conservation Nature Site (LNCS) in any way;
- Concern that the existing right of way may be removed, to be replaced by a path that is merely “aspirational”;
- Core paths should be located within the green corridors, rather than the road network;
- There should be a direct and continuous green corridor link between the northern end of Loirston Loch LNCS and Kincorth Hill LNR;
- That Loirston Loch LNCS and Kincorth Hill LNR should be kept as natural as possible;
- That the 30m buffer zone around the Loch should be extended to 50m;
- That the Redmoss Road thoroughfare is too narrow; and is not considered appropriate as a bus thoroughfare;
- Roads closure measures / severe traffic calming measures should be provided to ensure that congestion at the junction of Redmoss Road and West Tullos Road is not further exacerbated;
- The existing interpretation centre should remain; and
- The provision for a Gypsy Traveller Site should be removed from the application;

REPRESENTATIONS

14 letters of representation have been received. The objections raised in those representations relate to the following matters –

Roads & Traffic

- Traffic is already congested at peak times. Proposed housing development will add to this.
- There is insufficient road infrastructure to cope with the development. Redmoss Road has the most dangerous access on to West Tullos Road and floods in periods of heavy rain near the Old Cove Road.
- Traffic Assessment states there will be no growth in traffic on A956 Wellington Road for period up to 2016. With three developments already underway, this will certainly add to traffic in this period and it is unrealistic to delay any traffic growth to 2016. This should be re-analysed.
- Traffic Impact Assessment and new access junction on Wellington Road (Northern Site Access) do not take account of the new stadium and wider development of the wider area. The stadium should be clearly shown as part of the overall development.
- Primary School would be dangerous and a great distance for pupils attending, especially with all the traffic associated.

Impact on Natural/Built Heritage

- Routes of roads and cycle paths should respect the Loirston Loch LNCS boundaries. It is unacceptable to for the application to state the “roads infrastructure cannot avoid part of the LNCS western boundary” and the LNCS designation should be fully respected.
- Wildlife seems to have been forgotten in this application.
- Buffer Zone for disturbance around lochside has in the past been quoted as 50 metres and thus 30 metres is not acceptable.
- Buffer shown in Redmoss Landscape is one tree width, which is too narrow to be an effective barrier.
- Loirston Recreational Area should be protected from development at all costs, given that it contains core paths, tree belts and drystone dykes including a consumption dyke (part of our heritage).
- Development would have a deleterious effect on indigenous and migratory wildlife and affect Kincorth Nature Reserve.
- Loss of trees in existing planted woodland in the area marked.
- No evidence that the drainage from the application site flows mainly into the Leggart Burn, which ultimately flows into the River Dee (an SAC). No evidence given as to the effects of the development on this.
- Development is contrary to policy of Local Development Plan by being a major development on an undeveloped site within green belt. Such development would conflict with other policies in the Structure Plan which are designed, for example, to ensure sustainable development and the quality of the environment.

Loss of Green Space/Recreational Land

- Loss of green space important to the local area and wider city.
- The site maintains the landscaping setting of the City.
- Area provides valuable recreational and educational resource in city.
- Overdevelopment – Loirston Loch is the only freshwater loch available to both public and wildlife in the city.
- Right of Way linking Wellington Road with Redmoss Road should be retained.
- Green corridors/Open spaces proposed will fail to allow biodiversity and linkage between Kincorth Hill Nature reserve and Loirston Loch LNCS.

Travellers Site

- Objections stated to the possibility of a new traveller halting site, based on past negative experiences of the travelling community, including security issues, parking issues, feeling of intimidation, littering and pollution of sites.
- Questions the need for a traveller site in the city, based on an understanding that travellers want to reside in countryside.
- A site outwith the application site more acceptable to all parties should be located and funded, thereby allowing this element of the proposal to be removed.

Character of Development

- Building heights of five storeys abutting Loirston Loch are out of character for the area.
- Density of housing proposed is disproportionately high for the whole OP77 development of 1500 homes and the current and planned rural setting of Loirston Loch.
- Existing structures are part of the culture of the area, with the Interpretation Centre having been part financed by the oil industry. A more definite and detailed alternative is needed in this application and should not wait until any future application.
- A scaled back plan, with more trees/landscaping would be more in keeping with the interests of Aberdeen City.

Impact on Stadium

- Application does not demonstrate how the development will connect and integrate with the new football stadium at Loirston.
- The redline boundary and the area set aside for the stadium site are not correct. The application and masterplan should reflect the boundaries of the stadium site as shown in application ref P101299.

Other Issues Raised

- Design and Access Statement provided with application contains a number of errors and incorrect information.
- Land floods where four storey blocks are proposed.
- Queries why new houses are to be built without upgrade to existing houses.

PLANNING POLICY

National Policy and Guidance

Creating Places (architecture and place policy statement)

Scotland's new policy statement on architecture and place sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy. The document contains an action plan that sets out the work that will be taken forward to achieve positive change.

The statement is in four parts:

1. The value of architecture and place,
2. Consolidation and ambition,
3. A strategy for architecture and place,
4. Resources, communications and monitoring.

Designing Places (design policy)

This planning policy statement was launched in 2001 and sets out government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives. Designing Places is a material consideration in decisions in planning applications and appeals. It also provides the basis for a series of Planning Advice Notes (PANs) dealing with more detailed aspects of design.

Designing Streets (policy statement for street design)

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

Scottish Planning Policy (SPP)

SPP is the statement of Scottish Government policy on land use planning, and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The general policy relating to sustainable development and subject policies relating to Open Space and Physical Activity, Landscape and Natural Heritage, Transport and Housing are all relevant material considerations.

Aberdeen City and Shire Structure Plan

The Structure Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

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

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

Aberdeen Local Development Plan

Policy LR1 (Land Release Policy)

Opportunity Site OP77 Loirston of which the application forms a major part has been zoned under Policy LR1 for 1100 homes for the period 2007-2016, for 11 hectares of employment land for the period 2016-2023 and for 400 homes for the period 2017-2023. Loirston is considered suitable for a new community stadium and a site has been identified to accommodate this, which is located within the application site.

LR2 (Mixed Use Communities)

Mixed use developments will be required to service employment land along with the associated phases of the housing development. This means that the road, water, gas and electricity infrastructure will need to be considered for the whole site.

Policy I1 (Infrastructure Delivery and Developer Contributions)

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

Policy T2 (Managing the Transport Impact of Development)

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 (Architecture and Placemaking)

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D2 (Design and Amenity)

In order to ensure the provision of appropriate levels of amenity certain principles will be applied, including: Privacy shall be designed into higher density housing.

Residential development shall have a public face to a street and a private face to an enclosed garden or court. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council. Individual houses within a development shall be designed to make the most of opportunities offered by the site for view and sunlight. Development proposals shall include measures to design out crime and design in safety. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Policy D3 (Sustainable and Active Travel)

New development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

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

Policy D6 (Landscape)

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

Policy H3 (Density)

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

Policy H4 (Housing Mix)

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

Policy H5 (Affordable Housing)

Housing developments of 5 or more units are required to contribute no less than 25% of the total units as affordable housing.

Policy H7 (Gypsy and Traveller Requirements for New Residential Development)

Opportunity Site OP77 Loirston of which the application forms a major part is required to make an on-site contribution to the provision of a site for gypsies and travellers. The contribution will be for a small site of 6 pitches with a net area of approximately 0.5 hectares.

Policy RT5 (New Development Serving New Development Areas)

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

NE1 (Green Space Network)

States that The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

Policy NE4 (Open Space Provision in New Development)

The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

Policy NE5 (Trees and Woodlands)

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

Policy NE6 (Flooding and Drainage)

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

NE8 (Natural Heritage)

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

2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance (including those identified in the UK and Local Biodiversity Action Plans) exists on the site.
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse affect on site integrity, except in situations of overriding public interest.
4. Natural heritage beyond the confines of designated sites should be protected and enhanced.
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken.
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats.
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea. Supplementary Guidance will be developed on buffer strips.

Policy NE9 (Access and Informal Recreation)

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

NE10 (Air Quality)

Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed (see Air Quality Supplementary Guidance).

R2 (Degraded and Contaminated Land)

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

Policy R7 (Low and Zero Carbon Buildings)

States that all new buildings, in order to meet with building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

The following Supplementary Guidance documents are of relevance to the assessment of this application:

- Loirston Development Framework
- Affordable Housing
- Air Quality
- Buffer Strips
- Gypsy and Traveller Sites
- LZC Buildings
- Infrastructure and Developer contributions manual
- Transport and Accessibility
- Trees and Woodlands

Other Relevant Material Considerations

It should be underlined that the Loirston Development Framework, noted above, sets out the key aspirations and principles specific to the development of this area, and that Development Framework was adopted by Aberdeen City Council as Supplementary Guidance to the Aberdeen Local Development Plan, giving the document the same status as the policies contained within the plan in the decision-making process. As such, members should consider carefully the relationship between the current proposal and the principles and vision set out in the Development Framework.

EVALUATION

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

Principle of Development

OP 77 (Loirston) is an Opportunity Site identified in the Aberdeen Local Development Plan for the provision of circa 1500 homes and 11ha of employment land across a total area of 119.2ha. The Local Development Plan sets out that the OP77 allocation is to be released across two Local Development Plan periods, with the second phase allocations being safeguarded for future

development and to be released for development in future by a review of the Local Development Plan. The OP77 Loirston allocation provides for 1100 homes within the first phase of the plan, with land for a further 400 homes being safeguarded for future development in the subsequent Local Development Plan period. The 11ha employment element of the OP77 Loirston allocation is not allocated to any specified plan phase, and may be provided in full in the current plan period. This application's proposal for the delivery of up to 1067 homes alongside 8ha of employment land, comprising commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities at Loirston is therefore consistent with the phasing set out in the ALDP as regards opportunity site OP77.

Policy LR1 states that housing and employment development on sites allocated in Phase 1 will be approved in principle within areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of that allocation will be refused. This stipulation requires consideration of whether the current application would jeopardise full provision of the total allocation of 1500 homes and 11ha of employment land. In considering this issue it is noted that a Development Framework, covering a wider area which includes, but is not limited to, the entire OP77 Loirston Opportunity Site designation, has been adopted as Supplementary Guidance to the ALDP. As adopted Supplementary Guidance, the Loirston Development Framework carries the same weight in decision-making as the policies contained within the plan itself. The likelihood is that, provided the development currently proposed maintains a strong relationship with the adopted Development Framework, the remainder of the allocation will not be prejudiced by this application coming forward for only part of the OP77 site. The relationship between this proposal and the adopted Development Framework will be addressed in detail later in this report.

As noted above, the current application site, which extends to 82ha, does not include all land covered by the OP77 Opportunity Site designation or by the Loirston Development Framework, which has been approved as Supplementary Guidance to the ALDP. This application relates only to those areas of land under the control of Hermiston Securities and their joint venture partners, Aberdeen City Council. The applicants contend that the current PPI boundary would not prejudice delivery of the full allocation across the wider site. The number of units for which Planning Permission in Principle is sought reflects that position, and does not give rise to any concern regarding under-provision or a failure to provide the full allocation across the wider OP77 opportunity site. The calculation of employment land provided across the site, which incorporates a combination of pure employment land adjacent to the southern access, the contribution made by the AFC and CRFC stadium proposals and retail-related uses in blocks E3 & E4, is consistent with that demonstrated in the approved Loirston Development Framework. It is therefore concluded that the principle of the proposed development is consistent with the allocation of the site in the Aberdeen Local Development Plan and with the land release set out in Policy LR1 (Land Release Policy) of the ALDP.

Vehicular Access

As noted in the 'description' section of this report, vehicular access into the site would be taken via two traffic signal junctions on the A956, one at the southern end of the site, and the other, described as the 'stadium junction' to the northern end of the site. An additional connection is made to Wellington Circle. Redmoss Road has been identified as potentially being suitable for the provision of a bus-only link, also providing access for pedestrians and cyclists and preventing its use as a through route for ordinary traffic.

A Transport Assessment, the scope of which had been agreed in advance with ACC, has been provided in support of the proposals. That assessment takes into account the existing accessibility of the site, current traffic levels and predictions of future traffic levels based on agreed growth factors, anticipated traffic flows from major committed developments in the area (Aberdeen Gateway/ Moss-side/Mains of Cairnrobin (OP69) the Balmoral Park development and the Cove residential development) and traffic generated by the proposed development itself. The Council's Roads Projects team are satisfied that figures for trip generation, attraction and distribution are as previously agreed, and that the two proposed access junctions onto Wellington Road are appropriate to serve the full development.

With the development being built in phases, it is envisaged that the initial stages of the development may be accessed via a single road junction. Colleagues in the Council's Roads Projects Team advise that a single junction has capacity to give access to up to 300 homes, after which point a second access junction will be necessary. On this basis, it will be necessary to attach an appropriately worded condition to any consent that may be granted, with the effect that no more than 300 units may be occupied until a second access junction is constructed and operational.

Detailed consideration of internal roads layouts, their accordancy with 'Designing Streets' principles, their suitability for the provision of bus services and accessibility to refuse service vehicles would be carried out on submission of detailed proposals at the 'Matters Specified in Conditions' stage.

Local roads mitigation

Mitigation in relation to impact on the local roads network affecting Wellington Road will be in the form of an agreed contribution. The level of that contribution is yet to be agreed, but can be secured as part of a legal agreement relating to the development.

Strategic Transport Fund

Development on this site is required to make financial contribution towards the Strategic Transport Fund (STF). The purpose of the STF is to address the cumulative impact of development upon the transport network by securing financial contributions towards strategic improvements. The level of contribution payable will be dependent on the composition of the development, and will be determined as the detailed design of the development evolves. Contributions can be secured as part of a section 75 legal agreement.

Travel Plans

Transport Scotland have stated in their consultation response that a condition should be attached to any permission, requiring submission of an appropriate travel plan, encouraging more sustainable means of travel. The Council's Roads Projects Team note the applicants' intention to provide a Residential Travel Plan and an employment Travel Plan, and note that no occupation of the site should occur until these have been agreed. An appropriately worded condition can secure provision of such travel plans through the formal process for approval in relation to matters specified in conditions.

Pedestrian/cycling accessibility

The proposal highlights the importance of creating a permeable network of footpaths and pedestrian routes through the development, allowing for direct connection to existing and proposed destinations. The submitted design statement and phase 1 masterplan indicates the existing core path 82 route being largely retained, but states that minor adjustment to the route may be necessary to best integrate with new streets and paths. Extensions to that core path route, allowing for connection to the A956 to the south and to the AP3 aspirational core path route to the north, are shown in the current submissions. The design statement highlights a requirement to upgrade the Core Path 82 route within the application site, whilst consultation with the Council's Developer Contributions team also highlights a requirement for developer contributions relating to increased usage of Core Path 79, which forms a loop around the nearby Kincorth Hill Local Nature Reserve and Nigg Way, and towards the formation of a new 'aspirational' core path route (AP3), which is envisaged as connecting Core Path 79 (Kincorth Hill) with Redmoss Road (and Core Path 82) before progressing eastwards across the current application site to connect with Core Path 80 (South Loirston). A section of the AP3 aspirational core path route is understood to include a recognised 'Right of Way'. The Phase 1 proposals do not propose the re-routing of this route, but suggest that the new on-street path network around the southern edge of the stadium site may provide a preferable route for existing users of the right of way, and may be considered as an appropriate alternative to the existing AP3 as regards the Council's Core Paths Network, on the basis that it better integrates with the new residential community whilst still connecting the same public places via a convenient route. It is noted, however, that the approved development framework does highlight that any scope for deviation of the right of way and AP3 routes will be explored through the detailed planning application process. Within Phase 1, provision for cycle routes is generally made via the street network. A 'recommended cycle route' along Redmoss Road is to be retained, with access along Redmoss Road envisaged as being restricted to buses, cyclists and pedestrians. The submitted TA identifies potential crossing points to allow for access to an existing dual-use path on the east side of Wellington Road. Contributions towards those crossing points and the Core Path improvements previously mentioned can be secured through the section 75 agreement.

It will be necessary for the new development to be appropriately accessible to public transport services, and it is understood from the submitted materials that the applicants are in discussion with operators, and that both First Bus and Stagecoach have expressed a willingness to consider routes through the Loirston

site. The internal road network has been designed with public transport services in mind, with the envisaged route being from Redmoss Road, along the 'Primary Street' and onto Wellington Road via the southern access junction. Indicative locations for bus stops are shown on the submissions. The submitted Transport Assessment highlights that both operators have made favourable comments in relation to the potential use of bus gates to enable the future use of Redmoss Road as a bus, pedestrian and cycle route. Taking these matters into account, it is concluded that the proposal would not compromise the integrity of any existing core paths or other access rights, and that enhancement of the Core Path network may be obtained via appropriate developer contributions being made as part of a section 75 agreement. Improved provision for public access and links to green space around the lochside for recreational purposes would be made. The proposal is therefore considered to demonstrate accordance with the aims of policy NE9 (Access and Informal Recreation) of the ALDP. The submitted framework and phase 1 masterplan demonstrate indicative roads layouts, while the Transport Assessment states that final roads layouts will be designed in accordance with Designing Streets. Detailed street layouts and compliance with 'Designing Streets' will be determined through the consideration of more detailed submissions, however at this stage the proposal is consistent with the broad aims of that policy document, demonstrating a permeable and coherent street layout and hierarchy, where provision is made for pedestrians and cyclists. Taking these matters into account, it is considered that the proposal demonstrates accordance with policy D3 (Sustainable and Active Travel) of the ALDP.

Taking account of the above, it is concluded that the proposal makes appropriate provision for sustainable travel and demonstrates that measures have been taken to minimise the traffic generated. A Transport Assessment has been provided to the satisfaction of the Roads Projects Team and Transport Scotland, and Travel Plans will be provided via further applications relating to matters specified in conditions. Consideration of such later detailed proposals will offer the opportunity to assess the level of car parking provision on-site. Taking these matters into account, it is concluded that the proposal satisfies the terms of policy T2 (Managing the Transport Impact of Development) so far as is practicable at the Planning Permission in Principle stage.

Form of development

The submissions made in support of this application demonstrate the formation of a new residential community, based on the principles set out in the Loirston Development Framework, adopted as Supplementary Guidance to the Aberdeen Local Development Plan. Whilst this application seeks Planning Permission in Principle for up to 1067 homes and associated commercial, leisure, office and community development, a Phase 1 Masterplan expands upon those general principles, providing guidance for subsequent applications for Matters Specified in Conditions. The area covered by that Phase 1 Masterplan is shown as accommodating approximately 750 homes and around 5 hectares of employment land. The submissions identify the potential of the site as a gateway to Aberdeen on approach from the south. The close proximity of the site to two arterial transport routes into the city and its open aspect contribute towards a highly prominent site, with scope to make a significant impression on visitors to the city. The presence of Loirston Loch and the adjacent Kincorth Hill nature reserve

provide an opportunity to embed new development within its landscape setting, with potential for attractive waterside development, benefiting from attractive and convenient green spaces.

The submitted Phase 1 Masterplan identifies a hierarchy of streets, demonstrates a mix of building types within each block, and identifies key corner blocks which by virtue of their prominence would require careful detailing. Existing dry stone walls would be retained within the development where practicable, contributing to the landscape character of the new development and helping to embed the development in its landscape setting.

The proposal seeks to foster a strong connection between the new development and its existing landscape. In addition to those existing green spaces, a network of new local and neighbourhood open spaces is proposed, accommodating a range of uses and accessible to residents across the settlement. Existing core path routes across the site would be retained and improved, whilst aspirational core path route AP3 is incorporated into the proposed layout plan, ensuring that the development provides for easy pedestrian access and recreational use. The principles of 'Designing Streets' have been adopted to help create safe and vibrant places, where the movement of pedestrians and cyclists is a priority. Whilst provision is made for vehicular and public transport movement through the development, motorised transport has not driven the place-making process, with the intended aim the creation of a well-connected sustainable place.

The submitted design statement identifies that key to the success and vibrancy of the new community is a core population, located within a 'dense urban heart'. In order to balance delivery of the allocated housing with appropriately sensitive treatment of the loch, flats, terraces and other higher-density forms of residential environment will contribute towards a dense urban core. As might be expected, the envisaged building types are different within the higher-density blocks, making use of terraced housing and buildings containing flats where lower-density development blocks more commonly feature detached and semi-detached housing. It should be noted that the precise number of dwellings and their detailed design are not for consideration at this stage, and will be established through further applications relating to the approval of matters specified in conditions (AMSC).

The higher-density blocks are situated along the core street frontages and the in area between the core street and the lochside. Flatted blocks to the north of the loch are generally aligned end-on so as to allow as many residents as possible to benefit from views of the loch and the surrounding green space. Non-residential uses within the phase 1 masterplan area are most concentrated around the southern site access, with blocks on either side of the 'entrance boulevard' incorporating business and hotel uses. Buildings are arranged so as to allow for views through to the Loch to be retained. As that route progresses into the site, non-residential uses feature with less frequency on its south-western side, including local retail use. A series of sections demonstrate that the general scale and height of blocks would not be excessive. The information provided at this stage is sufficient to conclude that due regard has been given to the provision of an appropriate mix of housing, as required by policy H4 (Housing Mix) of the ALDP, and that further detailed proposals can establish more precisely the composition of the housing units to be provided.

Loirston Loch is recognised as a valuable asset which gives the site its identity and character, and this is reflected in the arrangement of open space throughout the phase 1 masterplan area. The lochside area, which provides an appropriate buffer around the loch to both allow for recreational uses and maintain the ecological value of the water body, extends northwards into the site via a series of secondary/local green spaces. This results in a local network of green spaces throughout the site, incorporating existing minor watercourses and suds features as features of interest within these spaces. The phase 1 masterplan makes reference to the provision of an appropriate range of play spaces, accommodating different age groups, within these green spaces.

The development density proposed accords with that set out in the approved development framework, with higher-density urban blocks arranged around the urban core and along the lochside area, to provide a central 'heart' to the development and a focus for local retail/services, whilst also maximising opportunities for views of the loch and the surrounding landscape. The development numbers and density proposed are consistent with the LDP allocation, and will ensure that the full allocation is met, contributing towards meeting the housing growth targets set out in the structure plan. Taking these points into account, it is concluded that the proposal demonstrates an appropriate density for the site, as required by policy H3 (Density) of the ALDP.

Relationship with Loirston Development Framework

The current PPIp proposal incorporates some changes from the approved Loirston Development Framework. These include the re-siting of the proposed primary school to a location adjacent to ACC's preferred site for a new secondary school, the re-positioning of SUDS areas and other minor changes to street layouts and geometries. These are not fundamental to the coherence of the overall layout, and indeed the re-siting of the primary school site to allow scope for the sharing of resources with a possible secondary school on the adjacent site is welcomed. The first phase of development also differs in extent and composition to that identified as 'phase 1' in the adopted Development Framework. The applicants' submissions state that this will allow for the lochside area to be considered within a single phase; will ensure a more diverse mix of residential properties than might have been possible in the 'phase 1' identified in the development framework by now incorporating some lower density development blocks adjacent to Redmoss Road; will secure a consistent approach to development along Redmoss Road; and will allow further time to establish the status and phasing of AFC stadium proposals and allow for consultation on the preferred secondary school to be completed. The changes to the extent and composition of the first phase are not considered to be of concern, and the advantages of the lochside area being completed in a single phase are acknowledged. The changes made from the approved development framework are not considered to be fundamental, and the proposal retains a strong relationship with the approved framework as regards access, design principles, block density and building heights, accessibility etc. It is concluded that the proposal remains consistent with the principles set out in the approved Loirston Development Framework.

Gypsy Traveller site

The applicants' delivery statement notes that the locations identified in the

Development Framework as being potentially suitable for the provision of a gypsy traveller site have been considered in more detail as the Phase 1 Masteplanning process and preparation of submissions for the current PPIp application progressed. It is stated that the process highlighted difficulty in finding an appropriate site within the area covered by the Development Framework which would be acceptable to new and existing local residents. Based on that difficulty, the applicants' submission states that it may be more appropriate that a commuted sum is provided in order to contribute towards delivery of a site elsewhere. This approach is not consistent with the requirements of the ALDP, which identifies OP77 Loirston as one of five allocations which will be require to make contributions, in the form of a small site of six pitches, with a net area of approximately 0.5ha, for the provision of sites for Gypsies and Travellers. Policy H7 (Gypsy and Traveller Requirements for New Residential Developments) clearly sets out that Loirston is one of three sites where that provision must be made on-site. There is no compelling justification made for deviation from the ALDP's stated position, and on that basis it is concluded that the ALDP position should be maintained, and a condition attached to any grant of planning permission, requiring that the applicant come forward with a scheme for the provision of an appropriate site within the development site, for the further approval of the planning authority. Any such site should demonstrate accordance with the guidance set out in Aberdeen City Council's Gypsy and Traveller Sites Supplementary Guidance document. It is noted that the provision of such a site contributes towards the relevant affordable housing requirements, each 0.5ha site being equivalent to 15 affordable housing units. The use of a condition as described can ensure that the development is required to deliver a Gypsy Traveller site, and in doing so satisfy the terms of policy H7 (Gypsy Traveller Requirements for New Residential Development) of the ALDP.

Whilst members of the public have made objections relating to the provision of a traveller site, it should be highlighted that past negative experiences of the traveller community are not relevant to assessment of this proposal. The Local Development Plan identifies a requirement for a site in this location, and it is for the applicants to accommodate it within the proposed development. Fears regarding the behaviour of individuals using such a facility are not for the planning system, and anti-social behaviour or perceived unlawful activity is a matters for the appropriate authorities, as in any other context. Scottish Planning Policy (SPP) highlights that Gypsies and Travellers have specific housing needs, often requiring sites for caravans and mobile homes, and states that planning authorities should identify suitable locations for meeting the needs of Gypsy and Traveller communities. The Aberdeen Local Development Plan has identified suitable locations for such sites, among which OP77 Loirston is specifically identified as one, and the delivery of those sites is to be secured through the planning application process. To permit development of the identified sites without any appropriate provision would fail to address an identified need and potentially result in a situation where Gypsy and Traveller communities have to resort to the use of unauthorised sites, which can result in tensions with local communities and landowners. An appropriately sited and built-for purpose site can promote integration and cohesion with the surrounding residential community.

Affordable Housing

Policy H5 seeks a minimum of 25% of any development of 5 or more new residential units to be provided as affordable housing. In this instance, based on 1,067 units this would equate to 266 units. As noted previously, the provision of a Gypsy Traveller site of a prescribed size would contribute towards this total affordable housing requirement, with a site of 0.5ha being equivalent to 15 affordable units. Housing would expect a range of options to be considered for inclusion in a Section 75 legal agreement, the use of which would ensure that any obligation would transfer with the land should its ownership change. Final arrangements for affordable housing delivery will be arrived at through discussions with housing officers, with due regard for the phasing of the development, and it is noted that there is an expectation of on-site delivery in a development of this scale. The terms of any section 75 agreement need to ensure flexibility to allow for a range of affordable housing delivery options to be available.

Retail provision

The phase 1 masterplan identifies locations for retail uses serving the new community within blocks B3 & B4, to the south-west of the site, adjacent to the 'entrance boulevard'. In addition, blocks A7, E5 & E6 are identified as providing ground floor commercial uses, which is anticipated to incorporate additional local retailing provision. The incorporation of retail uses at an appropriate scale to serve the new community is consistent with the aims of policy RT5 (Retail Development serving New Development Areas) of the ALDP.

EIA

Environmental Impact Assessment (EIA) is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development. The proposed development is of a type listed in Schedule 2 to the 2011 EIA Regulations and, based on consideration of its likely effect on the environment, by virtue of factors such as its size, nature and location, the planning authority has adopted a formal opinion that EIA is required. In such cases, applications for planning permission must be accompanied by an Environmental Statement (ES) detailing, amongst other specified matters, a description of the aspects of the environment likely to be significantly affected by the development, including, population, fauna, flora, soil, water, air etc, and also by a 'non-technical summary' of the Environmental Statement.

The non-technical summary provided in connection with this application for Planning Permission in Principle reaches the following conclusions;

- **Geology & Soils:** Overall, the residual impacts on the solid geology and mineral reserves within the site have been assessed as 'neutral'. With the implementation of appropriate mitigation measures during the construction and operational phase, residual impacts relative to contamination are considered to be neutral as any pollutant linkages that may be identified will be broken. Adverse residual impacts to soils are considered to be large because of the potential loss of soil cover and peat.

- Land Use: Overall, the potential impacts on land use, utilities and infrastructure have been assessed as minor adverse. Particular attention shall be applied during the construction phase with regard to temporary land take, impacts on Loirston Loch and pedestrian and cycle routes as well as any mitigation measures necessary to reduce potential impacts during this phase. Potential for a local community moderate positive impact has been identified in the form of new enhanced public footpath and cycle network, landscaped open space and new public realm/ civic spaces.
- Hydrology, Drainage & Water Quality: On completion of the works to create the new SUDS pond in the northern area, the overall changes in morphology are assessed as beneficial (slight/ moderate) for the drain in the north. Impacts during the operational phase have been assessed as neutral for the surface water bodies, groundwater, private water supplies and flooding.
- Ecology, Nature Conservation & Biodiversity: The main species loss will be displacement of 8+ pairs of breeding reed bunting. No known protected mammal species or rare flora will be impacted. Mitigation opportunities are limited and concentrate on protecting the LNCS. The overall evaluation will see impacts lie in the significance range negligible-very major. The latter reflecting the loss of marshy grassland.
- Air Quality: It is concluded that the proposed development at Loirston will have a negligible impact on local air quality within the vicinity of development site but may have a slight adverse effect impact on air quality at some roadside properties on Wellington Road. Careful planning will be required to minimise dust and exhaust emissions during construction and to minimise car use by residents and workers living or working in the completed development.
- Noise & Vibration: Identifies the main sources as being road traffic and industrial noise arising from the adjacent Balmoral Park and Lomond House industrial estate area, located to the north-east of the application site. Mitigation is recommended within the relevant chapter of the ES, and it is noted that detailed construction noise impacts can be assessed once a method statement for construction is available at the detailed stage.
- Cultural Heritage: One listed building identified in the study area – Upper Kirkhill Lodge (cat B), described in its listing as a B-listed ‘March stone no.40 on the farm of Kirkhill, south of Newhills convelescent home and built into the dyke’. It is considered that the proposed development will result in direct impacts on one boundary stone and six consumption dykes.
- Landscape & Visual Effects: Overall, landscape and visual impacts for this development are limited in their extent, but significant adverse effects do occur at the development site and its immediate surroundings.
- Pedestrians, Cyclists & Community Effects: The majority of impacts on access and amenity, will occur during the construction phase (minor

adverse), however, it is considered that the proposal will have moderate positive effects on pedestrians, cyclists and community effects.

- **Traffic & Transport:** The assessment of the transport issues relevant for the proposed Loirston development has concluded that, with suitable mitigation and adherence to appropriate conditions eluded to in the TA, there would be no significant impacts on transport and traffic as a result of the proposals.
- **Disruption Due to Construction:** Construction traffic will be managed through a Construction Traffic Management Plan. No other significant construction impacts are envisaged provided appropriate mitigation is implemented.

Landscape / Green Space Network

The application site includes significant areas of land designated as Green Space Network in the Aberdeen Local Development Plan. Much of this is centred around the banks of Loirston Loch, with further areas towards the south-western end of the site. The layout proposed is largely as envisaged in the approved Loirston Development Framework, adopted as supplementary guidance to the ALDP. Areas of green space around the loch are to be maintained as part of a recognised 'buffer zone', based upon the boundary of the Local Nature Conservation Site around the lochside, with recreational use and appropriate interaction with the loch encouraged. That LNCS buffer includes the land designated as part of the Green Space Network around the loch edge. The southern site access encroaches upon the Green Space Network, as does development at either side of that access, however buildings would be set within landscaped grounds, and the site frontage onto Wellington Road and the route of the 'entrance boulevard' would be extensively landscaped, maintaining the character and function of this section of the Green Space Network. It is concluded that the proposal would promote and enhance the recreational and access value of the lochside portions of the Green Space Network. Appropriate buffer spaces are proposed to maintain existing wildlife habitats around the loch. The areas of Green Space Network at the south-western end of the site were, for the most part, formerly in agricultural use, and having been cultivated do not feature any particular features of interest. As such, it is considered that the development would not compromise the value of this area of the Green Space Network. Related to the Green Space Network is the landscape merit of the proposal. The existing landscape character of the site is largely defined by the loch and Kincorth Hill, with existing areas of shelterbelt planting and drystone walling related to the former agricultural use also contributing to that character. The shelter belt planting is largely functional, and could be readily replaced on development of the site. Central to the proposal is the enhancement of the lochside area, the incorporation of existing watercourses into new landscaped open space, and the retention of consumption dykes and drystone walls where possible. The realisation of Aspirational Core Path AP3, albeit on an altered but equally convenient route, would serve to provide for east-west access across the site and would make connections to the existing network of Core Paths, specifically Core Paths 79 and 82. Enhancements to the existing Core Path network within and around the application site will result in improved recreational

access to the Green Space Network around the lochside. It is concluded that the proposal would enhance the value of the existing Green Space Network, and that it would not result in any significant adverse impact on existing landscape character and the elements which contribute towards the site's distinct 'sense of place'. The proposal demonstrates accordance with the aims of policies NE1 (Green Space Network) and D6 (Landscape) of the ALDP.

Open Space provision

Consistent with the approved Development Framework, the proposal demonstrates an interconnected network of 'major', 'neighbourhood' and 'local' open spaces, linked via associated footpaths and cycle routes. The area around the loch edge is identified as 'major' open space, and ample open space is present due to buildings being set back from the loch edge and outside the LNCS boundary. The approved Loirston Development Framework was designed with reference to ACC's Open Space Supplementary Guidance, which sets out the type, quantity and quality of open space which should be provided by new developments. Key open spaces areas are identified within the development, and are classified according to both their scale and their intended use. Using the ACC guidance, an indicative population of 4350 persons is attributable to the OP77 allocation for 1500 homes. Loirston Loch provides the major open space for the site, and it meets the relevant accessibility standard set out in the ACC supplementary guidance. Multiple smaller neighbourhood open space areas, with a cumulative area exceeding 30ha, are provided, with an indicative site size of 2-5 hectares, whilst local open spaces of 0.4-2 hectares, cumulatively totalling approximately 6ha, are identified where there are landscape features to be retained and integrated into the development, such as consumption dykes or stone wall enclosures. Other local open spaces have been highlighted as appropriate locations for play zones. All residents are within 400m of a local open space, and many are considerably closer. The provision of open space is considered to be sufficient to satisfy the terms of policy NE4 (Open Space Provision) of the ALDP. The long-term maintenance of open space areas is highlighted as an issue requiring consideration at an early stage. In recognition of the long-term burden of landscape maintenance where open space is adopted by ACC, more natural low-maintenance approaches have been promoted. Further details of the ongoing maintenance arrangements for open space will be necessary, and it is appropriate to attach a condition to any grant of planning permission in principle requiring further submissions via formal applications.

Impact on Trees The submitted Tree Survey, which appears to incorporate the entire OP77 opportunity site, identifies shelterbelts, wooded areas and individual trees across the site. The survey highlights that any losses associated with the development could, in almost all cases, be readily compensated for with appropriate replacement planting, assuming that the planting undertaken was on a sufficient scale to compensate for losses, and that the species planted were suited to the specific site conditions. At present, the tree and woodland cover mostly takes the form of planted mixed broadleaf and conifer shelterbelts, approximately 20-30 years old. Areas of recent planting are also identified, along with areas of self-seeded, scattered trees and occasional standalone specimens. Within the PPIP boundary, only area 23b was identified as having particularly high ecological value which preferably should be retained. This area falls within

the Loch LNCS and has been identified for protection in its current form. The survey determined that any other areas which might have losses due to development could be reasonably compensated for in the longer term with appropriate replacement planting. Whilst it is understood that ACC has been responsible for new plantations connected with the 'tree for every citizen' initiative, the aims of that Council initiative are immaterial to the assessment of the planning merits of this proposal. The submitted tree survey establishes that, for the most part, existing tree cover is of a type that can be readily replaced or transplanted. Appropriate replacement planting can be secured as part of an overall landscaping scheme for the site.

The Council's Arboricultural Planner notes that further detailed proposals will establish the direct impact of the development upon trees and woodlands. It is acknowledged that the majority of areas of trees and woodland on the site are relatively young, but suggests that a number of areas of existing tree cover should be retained. Where trees and woodlands are proposed for removal there should be appropriate compensatory planting, either on-site or on nearby land as compensation for losses. Consideration should be given to off-site mitigation planting if there is not sufficient space on the site to successfully accommodate compensatory planting. An appropriately worded condition attached to any grant of Planning Permission in Principle can secure further submissions pertaining to arboricultural impact and replacement planting. It is suggested that hardy native species should be considered as part of any new planting scheme. Detailed consideration of arboricultural impact and proposals for new and replacement planting can ensure that the proposal is consistent with the aims of policy NE5 (Trees and Woodlands) of the ALDP.

Loirston Loch Local Nature Conservation Site

An area of land around the loch is locally designated as a Local Nature Conservation Site (LNCS). The boundary of the LNCS includes a built-in buffer, set in accordance with ACC's own supplementary guidance on Buffer Strips Adjacent to Water Bodies, which is intended to protect the water quality of the loch and also protect and enhance biodiversity.

All development blocks are set back from the LNCS boundary. It is noted that a section of road providing access from the southern junction passes through the Local Nature Conservation Site around Loirston Loch. It is also stated in the applicants' submissions that the configuration of the site is such that any access in this location will require to cross the two watercourses which feed and drain the Loch. The area within the LNCS through which the road passes has been surveyed by the appointed ecologist as being predominantly 'poor, semi-improved grassland' and the most sensitive areas of wetland immediately adjacent to the loch is avoided. Outwith the LNCS area the road passes through further "Poor semi-improved grassland" and "Woodland coniferous plantation", the latter of which has been identified for felling. On this basis, it can be concluded that the necessary encroachment on the western edge of the LNCS would affect areas of the least sensitivity within the LNCS boundary.

The northern access point, termed the 'stadium junction' utilises the same alignment to that which was proposed for the Aberdeen Football Club stadium proposal, and which was accepted at that time. That alignment avoids the LNCS boundary. Revisions to the the junction layout proposed within the AFC

application will be required to ensure that the road arrangement best serves the proposed development, however this is not anticipated to impact upon the LNCS.

A formally constructed path, suitable for cyclists and constructed in an appropriate surface material to sustain the anticipated intensity of use, would skirt around the edge of the LNCS boundary, offering enjoyment of the lochside area. That surfaced path would incorporate a small number of decking/boardwalk connections, offering accessible routes to the water's edge. This formal route would complement the existing informal core path route which sits closer to the loch edge. The presence of a surfaced path is likely to minimise impact on the immediate lochside area that might otherwise occur through a significant increase in usage. As much as is possible of the existing vegetation around the loch would be retained, with minimal intervention within around 30m of the loch. Beyond this point, landscaping and environmental improvements must be sympathetic to the existing habitats of the LNCS and have regard to any sensitive areas identified in the habitat survey. It is concluded that the approach taken demonstrates due regard for the natural environment and the LNCS designation, as required by policy NE8 (Natural Heritage) of the ALDP.

Noise

Given the presence of the busy A90 and A956 routes in close proximity to the site, it has been necessary for the applicant to consider the potential for noise disturbance arising from road traffic. In addition, the presence of industrial uses to the north of the application site warrants consideration of noise arising from those uses, and the development itself contribute to a change in the environment for residents of existing properties. Having considered the submissions made as part of the applicants' Environmental Statement, colleagues in the Council's Environmental Health team have highlighted scope for statutory noise nuisance to occur unless provision is made for appropriate mitigation. It will be necessary for the applicant to provide a scheme for ensuring that dwellings are protected from excessive noise disturbance arising from traffic noise. Similarly, a survey will be necessary to determine the impact of industrial noise arising from business premises. Appropriately worded conditions attached to any grant of planning permission in principle can secure the submission of such material, for the further consideration of the planning authority. The scope for statutory noise nuisance is source of some concern, and so it is essential that further regard is had for noise issues and appropriate mitigation where possible, to ensure that residential premises are protected from unreasonable noise levels.

Air Quality

Existing air quality levels are satisfactory in and around the development site, and it is considered unlikely that there would be any exceedance of national and EU air quality levels as a result of the development. Nevertheless, consultation with Environmental Health colleagues has highlighted the potential for additional traffic generated by the proposed development, in conjunction with other committed development in the area, to cumulatively contribute to a significant impact on the Wellington Road Air Quality Management Area (AQMA). Whilst the AWPR is predicted to reduce traffic flows along Wellington Road, concentrations of nitrogen dioxide and PM10 particulates are nevertheless likely to remain above target levels. Environmental Health colleagues therefore recommend that the

detailed design of the proposal incorporate measures to minimise vehicle use and promote sustainable travel, through provision of a network of public paths and cycle routes, including connections to such existing routes as may exist, and provision of appropriate public transport services. The submissions made demonstrate that dialogue is ongoing with public transport operators, with a view to services serving the new development. Layouts have been designed with this in mind, and are intended to incorporate designing streets principles for the provision of a network of pedestrian and cycle routes within the development. Further consideration of detailed designs at the 'matters specified in conditions' stage will allow the authority to ensure that appropriate measures are in place to promote sustainable means of travel and thereby reduce the impact of the development on air quality. These measures, in addition to being central to the creation of a desirable place which is permeable to sustainable means of travel and appropriately connected to existing routes, constitutes mitigation of potentially detrimental impact on air quality, as required by policy NE10 (Air Quality) of the ALDP. The Council's Environmental Health officers recommend the use of a condition to secure a dust management plan, detailing dust mitigation measures and controls and appropriate monitoring. It is considered that these issues are already covered under the over-arching banner of the requirement to provide a Construction Environment Management Plan for the development, as stipulated by SEPA.

Contamination

SEPA's consultation response recommends that, due to the proximity of the development site to the Charleston Landfill site, the Council's Environmental Health team be consulted with regards to potential contamination arising from the migration of landfill gases from that adjacent site. Environmental Health colleagues recommend that a condition be attached to any consent, requiring investigation of potential sources of contamination and proposing such mitigation measures as may be necessary. The use of such a condition will ensure that any potential risk relating to contamination is given due regard and addressed to the satisfaction of the planning authority, in consultation with Environmental Health officers. Taking this into account, the proposal demonstrates due regard for policy R2 (Degraded and Contaminated Land) of the ALDP.

Flooding and Drainage

The Council's Roads Projects team require that a detailed drainage plan be provided, detailing proposed levels of treatment for surface water runoff. It is also requested that a Drainage Impact Assessment be provided, incorporating results and calculations of an appropriate range of flood event sensitivity tests. The Council's Flood Prevention Team highlight these requirements, along with a requirement for a Flood Risk Assessment. The requirement for a FRA is echoed by SEPA. Appropriately worded conditions can secure the submission of appropriate further information to ensure compliance with policy NE6 (Flooding and Drainage) of the ALDP.

Legal Agreement

Aberdeen City Council is the owner of some 65 acres of this particular development site and may retain ownership of the same for some considerable time after any Planning Permission is granted. If the Planning Permission is granted subject to the developer and Aberdeen City Council entering into a

Section 75 Agreement then Aberdeen City Council will effectively be contracting with itself and this is open to challenge and possible reduction.

In previous cases where the Council entered into a Section 75 Agreement, the Council sold or transferred ownership of the land they owned shortly after Planning Permission was granted and the risk only applied for a short period of time. The normal situation would be for the Council to transfer ownership of their land to the developer shortly after Planning Permission is granted with an agreement in place to be paid their portion of the sale price achieved when the parcels are subsequently sold on. The Council's interests would be protected in such circumstances by way of a Standard Security over the land in question.

In this particular case the Council is not selling their land directly to the developer. The developer in this case will arrange for parcels of the land to be sold on by the Council at a later unspecified date but only after certain works have been completed by the developer. Therefore, the risk of there being a challenge to the validity of the Section 75 Agreement is for an unspecified period of time and outwith the control of the Council.

The right to challenge the Section 75 Agreement would be available to any party with an interest in the development which would include the developer and any subsequent owners of the land currently owned by Hermiston Securities Limited.

Matters raised by community Council

The response received from the local Community Council largely comprises a series of criteria which its members feel any development on the site should fulfil, rather than comments made specifically in relation to the merits of the current application. The principle of development at this scale is addressed in the 'principle of development' section of this report, and it should be noted that the allocation of the wider OP77 site for 1500 homes in the Aberdeen Local Development Plan has been established through development plan examination and adoption process, and is not open for reconsideration through assessment of this application.

Buildings heights and block densities shown within submissions are consistent with those detailed in the approved Loirston Development Framework, which has been adopted as Supplementary Guidance and therefore carries the same weight as the policies contained within the Local Development Plan in decision-making. It would not appear reasonable for the planning authority to resist a proposal on grounds of inappropriate height or density where the proposal accords with the authority's own adopted site-specific guidance in relation to those matters.

The relationship between the development and the Loirston Loch Local Nature Conservation Site is addressed in the 'Local Nature Conservation Site' section of this report, and it is further noted that the Loirston Development Framework approved as Supplementary Guidance identified a partial encroachment on the LNCS at its western edge to allow for access road infrastructure. Clearly, the presence of the loch significantly restricts the options available for the siting of a second site access point. It has been demonstrated that the area of LNCS to be encroached upon is of lesser ecological value than the areas immediately around

the lochside, which would not be affected. Whilst the road would cross over two existing watercourses, the selected alignment would minimise the extent of any bridging by crossing as close as possible to 90 degrees to the route of the watercourses. In addition the applicant states that environmental enhancements would be made to those watercourses. On this basis, it is concluded that the location of the second access junction and the partial encroachment of the road upon the LNCS boundary is acceptable, and would not compromise the integrity of the LNCS due to its remote location from the lochside and the areas of greatest sensitivity.

Phase 1 of the proposal does not involve the removal of a recognised right of way, but rather recognises an existing route has been identified by ACC as being an 'aspirational core path' route, meaning there is a long-term aspiration for a formal path route to be created. That 'aspirational core path' route largely follows the route of a right of way, however the approved Development Framework indicatively demonstrates how an alternative core path route, taking the path to the south of the stadium, around the edge of the new housing development and the lochside, might be accommodated, rather than the route following the existing right of way to the north of the stadium site, adjacent to industrial uses. On this basis, access rights would not be compromised, but rather an alternative arrangement is put forward for the alignment of the aspirational core path AP3. Any later proposal to deviate from the route of an existing Right of Way can be considered through the assessment of detailed proposals, and it is further noted that there are separate formal processes which relate to the deviation of an existing right of way.

The Community Council state that Core Paths should be located within green corridors rather than in the road network, however the purpose of core paths is to ensure good pedestrian accessibility, rather than to comprise a network of specifically rural/woodland pathways. The Council's Core Paths Plan itself states that a Core Path can take many forms, and may include tarmac surfaces and on-street routes.

The Community Council's response states that there should be a direct and continuous green corridor link between the northern end of Loirston Loch LNCS and Kincorth Hill LNR. The approved Development Framework does not require the provision of a continuous corridor of this nature, and it is noted also that the area covered by the current application site boundary is not conterminous with the Local Nature Reserve and does not extend beyond Redmoss Road. Nevertheless, it is noted that the approved Development Framework and the current submissions indicate that areas of 'local open space' and 'neighbourhood open space' would be present along much of on-street route between these two locations. By maintaining existing access routes and making provision for enhanced access via both the institution of aspirational core path routes and through a network of other pedestrian and recreational routes within the development site, it is considered that access to and around the Loirston Loch Local Nature Conservation Site and Kincorth Hill Local Nature Reserve would be maintained and enhanced. The value of the lochside area and the Kincorth Hill Local Nature Reserve are acknowledged by the applicants, and their sensitive treatment is essential to preserving that value. The Kincorth Hill LNR will be affected by the development only insofar as the applicants will make financial

contribution towards the enhancement of the existing core path route and institution of a hitherto 'aspirational' core path. The lochside area would retain its natural character, with no buildings present within the lochside LNCS boundary. As noted previously, where part of the access road cannot avoid the western edge of the LNCS, a sensitive approach will be taken. An existing informal core path route within the LNCS boundary would be retained, with a new surfaced route envisaged around the perimeter edges the LNCS boundary serving to distinguish between the semi-natural vegetation around the loch and the more formal landscaped areas closer to residential development. The LNCS boundary varies in depth, but at the northern side of the loch it is generally around 50m. The proposed layouts reflect this. The submitted stage 1 masterplan highlights that there will be minimal intervention and disturbance within around 30m of the Loch edge, beyond which there may be new sympathetic landscaping, of a type consistent with the LNCS designation.

Concerns regarding the suitability of Redmoss Road for bus access are noted, and it has been recognised that vehicular through access via Redmoss Road would not be desirable. It will be for the developer to demonstrate what measures might address this issue, and it has been suggested that some form of restricted access or 'bus-gate' may be acceptable, however details relating to the operation of any 'bus-gate' or other means of restricting access along this route have yet to be agreed and will be the subject of a further application, with an appropriate condition requiring further submissions. Appropriate measures should ensure that congestion at the junction of Redmoss Road and West Tullos Road are not exacerbated.

The potential relocation of the Council's Ranger Service from their current Lochinch Countryside Interpretation Centre base is not of direct relevance to the planning merits of this development proposal, and is primarily a decision for the Council as a landowner. Currently the Council has aspirations for residential development on a site which is allocated in the Local Development Plan as contributing towards housing targets. The applicants state a desire to investigate the potential for interpretation buildings relating to the Loch and Kincorth Hill within the 'Lochside' area, with the status and future of those buildings being established prior to preparation of detailed design proposals, however this is not a requirement of the development plan.

Opposition to the location of a gypsy traveller site within the development is noted, however this is an explicit on-site requirement stated in the Aberdeen Local Development Plan for the OP77 site. This matter is addressed further in the 'Gypsy Traveller site' section of this report

Matters raised in representations

Concerns raised in relation to roads network capacity, the scope for increased congestion, and the status of Redmoss Road have been previously addressed in the 'Vehicular Access' section of this report. The scope of the submitted Transport Assessment was agreed in advance with the Council's Roads Projects Team, and no concerns have been raised regarding the projections used for future traffic levels or the capacity of the stadium junction. It is noted also that residential peak traffic flows would differ from those generated by the stadium's use.

It is noted that the location of the new primary school has been changed from that shown in the adopted development framework, however this change has been made in light of the evolution of ACC's preferred option for a new secondary school, and would allow for the sharing of facilities and the efficient use of land. It will be necessary to ensure that the re-sited primary school remains readily accessible, and the Council's Roads Projects Team have highlighted that detailed proposals should include identification of safe routes to schools. At this 'in-principle' stage, it is not considered that the re-location of the primary school should be of concern, and indeed the sharing of facilities with the preferred secondary school site is welcomed as an efficient and rational use of the available land.

Matters relating to the impact of the proposal on the locally designated site around the lochside have been previously addressed in the 'Loirston Loch Local Nature Conservation Site' of this report, whilst due consideration has been given for local wildlife and habitats through the submission of an extensive Environmental Statement, which included ecological surveys covering habitats, trees, breeding and wintering birds, bats, otter, badger, red squirrel and higher plants. The Environmental Impact Assessment process concluded that there would be no direct impact on any designated nature conservation sites, that an appropriate buffer would be maintained around Loirston Loch, that no known protected mammal species or rare flora would be impacted, and that the most significant impact on species would be through the displacement of 8 or more pairs of breeding reed bunting, a nationally important species.

It has been previously highlighted in this report that the current application site is identified in the Local Development Plan for residential development. Its natural characteristics and the value of the Loch and its surrounding habitat are acknowledged, and this process aims to secure a high quality of development which embraces the character of the site and retains noteworthy landscape elements and habitats wherever possible. It is unreasonable to expect that a site allocated for housing development through the development plan process would be retained in its current form in perpetuity.

The removal of existing trees within the application site has been supported by the surveys carried out to ascertain the condition and landscape value of the existing tree cover. Whilst it is desirable to secure the retention of notable existing trees where possible, it is noted that the tree survey established that much of the existing tree cover could be readily replaced through appropriate new landscaping. This matter is addressed in detail in the 'Impact on Trees' and 'Landscape' sections of this report.

Drainage will be considered in greater detail through subsequent 'Matters Specified in Conditions' applications, and it is noted that colleagues in the Council's Roads Projects and Flood Prevention teams request further information to support assessment of drainage in due course. Nevertheless, at this PPIP stage, the submitted Environmental Statement concludes that impacts on the River Dee are assessed as being neutral.

The loss of existing green space is noted, though in the context of a site designated for residential development in the Aberdeen Local Development Plan.

Matters relating to landscape impact are addressed in greater detail in the 'Landscape' section of this report. The proposal is not considered to represent overdevelopment, as a notional allocation of 1500 homes across the wider OP77 site is made in the Aberdeen Local Development Plan. The number of units proposed is consistent with that wider allocation and the relevant content of the Loirston Development Framework, approved as Supplementary Guidance.

The existing value of the Loch as an educational and recreational resource is noted, and it is appropriate to secure an appropriate buffer around the lochside to secure its ecological, habitat and recreational value. Issues relating to the existing Right of Way are addressed in the 'Pedestrian/cycling accessibility' section of this report.

The adopted Loirston Development Framework highlights a desire to provide for green space network connections between the loch and Kincorth Hill. The re-routing of Aspirational Core Path AP3 to the south of the stadium site would allow for a formal connection from the north of Loirston Loch to Kincorth Hill, via the new residential area. A network of local and neighbourhood open spaces would run alongside this route and others, providing green space and recreational connections between the lochside and the Kincorth Hill Local Nature Reserve.

Matters relating to the provision of a Gypsy Traveller site are addressed in the 'Gypsy Traveller Site' section of this report.

Buildings heights and block densities shown within submissions are consistent with those detailed in the approved Loirston Development Framework, which has been adopted as Supplementary Guidance and therefore carries the same weight as the policies contained within the Local Development Plan in decision-making. It would not appear reasonable for the planning authority to resist a proposal on grounds of inappropriate height or density where the proposal accords with the authority's own adopted site-specific guidance in relation to those matters.

As this is an application for Planning Permission in Principle, specific details of the design of new buildings are not for consideration and would be provided at a later stage under an application to approve the matters specified in conditions.

The approved Loirston Development Framework sets aside an area of land for the AFC stadium, with the wider development planned around it, however the stadium arrangement differs from that which members expressed a willingness to approve. The framework states that this was to reflect more recent changes to the land deal between AFC and Hermiston Securities. It should be noted that, whilst the OP77 opportunity designation in the ALDP highlights 'potential to accommodate football or community stadium', the applicants are under no obligation to replicate the stadium proposal as previously considered by ACC, which is a separate application made by a different applicant. Given that the current proposal is consistent with the approved Development Framework in its consideration of the AFC stadium proposals, it is not considered that there is any policy conflict as regards the development plan.

Flooding and drainage matters relating to the application site must be fully

investigated and appropriate measures implemented before development may proceed. The use of appropriate conditions, and consultation with appropriate bodies such as SEPA and the Council's own Roads Projects and Flood Prevention teams will ensure that drainage issues are appropriately addressed before any development may go ahead.

This proposal relates to the development of an allocated housing site, and could not reasonably be expected to upgrade infrastructure services for the direct private benefit of third parties.

Duration of consent

The planning authority has powers to direct that the duration of consent granted may differ from the usual periods stated in legislation. In exercising those powers the planning authority is required to have regard to the provisions of the development plan, and to any other material considerations. In this instance, the scale of the housing allocation is of such a considerable scale that there is little realistic prospect that full details of the entire 1067 homes and the associated commercial and commercial development and other associated works will be in a position to be submitted to the planning authority within a period of 3 years from the grant of Planning Permission in Principle. The applicant has proposed that the planning authority utilise its available powers in this instance, to make allowance for the detail of each phase of the development to come forward independently, with the completion of each phase triggering a requirement to come forward with the details of the next phase within a predetermined period. In using its powers, the planning authority must have regard for the ALDP's aspirations to deliver the allocated housing and employment land allocations within a stated period, and to allow the consent to be prolonged excessively would risk compromising the full and timely delivery of those allocations within the relevant plan period. That said, the scale of the allocation is such that it is clear that there is reasonable justification to deviate from the usual periods, which would require full details of the entire development to come forward within a period of three years from approval of Planning Permission in Principle, and would also require that works be commenced on-site within two years thereafter. The planning authority may direct that an alternative time period shall apply, but in doing so shall have regard to the provisions of the development plan and any other material considerations. Given the scale of the allocation and the likely timescale for on-site delivery, it appears reasonable to allow for the development to progress on a phased basis, with full details of each respective phase being provided in turn, thereby allowing for works to commence on the first phase once full details of that first phase have been agreed with the planning authority, and ensuring that full details of, for example, buildings and landscaping in later phases need not prevent works progressing entirely. Whilst details of indicative phasing have been provided for a proportion of the site as part of the phase 1 masterplan, a phasing strategy for the entire site will be necessary in order to establish a phasing programme up-front, which can be used to regulate the pace at which further details are required.

Summary

The proposed development relates to a site zoned for residential and employment development in the Aberdeen Local Development Plan. The proposed development accords with the Local Development Plan allocation, and

is consistent with the principles set out in the Loirston Development Framework, adopted as Supplementary Guidance to the ALDP. Appropriate means of access has been agreed in principle with the Council's Roads Projects Team, and the development site would incorporate ample provision for sustainable travel through a rational street layout and provision of pedestrian and cycle routes, which in turn are connected to the existing Core Paths network. Appropriate details of internal roads and drainage can be obtained through conditions attached to this consent. Statutory consultees have set out a series of conditions to obtain further details relating to drainage, flood risk, water quality and mitigating the impact of construction works. An appropriate legal agreement can secure affordable housing provision and financial contributions in relation to education, healthcare, core paths, sports facilities and, in relation to roads, contributions in mitigation of impact on the local roads network and towards the Strategic Transport Fund. An extensive process of Environmental Impact Assessment has resulted in submission of an Environmental Statement. Consultation with the appropriate consultation bodies has resulted in no objections to the proposed development, subject to certain matters requiring further submissions being appropriately conditioned. Much of the detailed assessment will take place on submission of further information in connection with specified issues, however it is concluded that, in principle, the proposed development is consistent with the provisions of the Aberdeen Local Development Plan, and clearly develops upon the principles set out in the Loirston Development Framework. No material considerations have been identified which would warrant determination other than in accordance with the Development Plan, and therefore it is recommended that the application be approved subject to an appropriate legal agreement. The difficulties in ACC contracting with itself are noted, however there are no readily apparent alternatives in instances where ACC is to retain control over parts of the application site for a prolonged period in partnership with a private developer. On the basis that an appropriate legal agreement transferring with the land remains necessary, it is concluded that a section 75 represents the most appropriate option known to be available.

RECOMMENDATION

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement

REASONS FOR RECOMMENDATION

The submissions demonstrate an appropriate form of development, consistent with the allocation of the OP77 site in the Aberdeen Local Development Plan (ALDP) and incorporating a mix of uses and mix of housing types. In doing so, the proposal accords with the terms of policies LR1 (Land Release Policy), LR2 (Mixed Use Communities) and Policy H4 (Housing Mix) of the ALDP. The density of the development and its building heights are consistent with the principles set out in the adopted Loirston Development Framework, and are considered to constitute an appropriate design approach on this site, in accordance with policy Policy H3 (Density) and Policy D1 (Architecture and Placemaking) of the ALDP. Appropriate provision is made for vehicular and pedestrian access, with points of access identified and agreed in principle with the Council's Roads Projects Team. Impact on the local roads network is to be mitigated via an appropriate financial

contribution in lieu of identified infrastructure improvements. An appropriate range and quality of public open space is proposed, and such spaces would be accessible via a network of internal routes, connecting to the existing Core Paths network in the surrounding area. Open Space incorporates existing areas designated within the Council's Green Space Network, and demonstrates due regard for the landscape character of the site, particularly in relation to the areas around Loirston Loch, the dominant landscape feature. Taking these matters into account, it is concluded that the proposal demonstrates its accordance with policies T2 (Managing the Transport Impact of Development), D3 (Sustainable and Active Travel), NE1 (Green Space Network), Policy NE4 (Open Space Provision in New Development), Policy NE9 (Access and Informal Recreation) and D6 (Landscape) of the ALDP. Existing trees on the site have been surveyed and it has been concluded that the majority of those present could reasonably be replaced via new landscaping, however detailed arboricultural impact assessment will be necessary to quantify the extent of any tree loss and to secure appropriate replacement planting, thereby ensuring that the aims of policy NE5 (Trees and Woodlands) can be achieved.

Matters relating to Flood Risk Assessment and Drainage Impact can be appropriately assessed via further submissions required by conditions attached to this grant of planning permission in principle, thereby satisfying the provisions of policy NE6 (Flooding and Drainage) of the ALDP. New retail development proposed is of an appropriate scale to support the new community, as required by policy RT5 (New Development Serving New Development Areas). Affordable Housing provision, contributions towards the Strategic Transport Fund and developer contributions in relation to address other impact arising directly from the development can be secured via an appropriate agreement, in accordance with policy I1 (Infrastructure Delivery and Developer Contributions) and policy H5 (Affordable Housing) of the ALDP. The provision of a Gypsy Traveller site is a requirement identified in policy H7 of the ALDP, and therefore it is necessary to provide such a site in order to comply with the terms of that policy. Further submissions will be necessary to further assess any proposed locations.

The submitted Environmental Statement is considered to be sufficient and to set out the likely environmental impacts of the development, demonstrating that these are not likely to be significantly adverse, and that appropriate mitigation is generally possible. The siting of buildings demonstrates due regard for the presence of the Local Nature Conservation Site surrounding the loch, and proposes environmental enhancements to encourage recreational use of the landscape asset. It is not considered that the encroachment of the southern access road onto the periphery of the LNCS would undermine that designation or affect any areas of intrinsic value. It is considered that the proposal demonstrates due regard for the provisions of policy NE8 (Natural Heritage) of the ALDP.

Environmental issues relating to air quality, noise and past contamination of adjacent land can be assessed further through submissions required by condition. Appropriate consideration of those submissions can ensure compliance with policies NE10 (Air Quality) and R2 (Degraded and Contaminated Land) of the ALDP. Similarly, further submissions demonstrating compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance will be secured via condition.

Further consideration of detailed street layouts will establish compliance with 'Designing Streets', and detailed design proposals will establish compliance with 'Designing Places' and 'Creating Places'. The principle of development on this site accords with Scottish Planning Policy's aspirations for new housing, demonstrating due regard for the surrounding landscape, topography, character and ecologies.

CONDITIONS

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

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for 'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No part of the employment element of the development shall be occupied until a Travel Plan, aimed at encouraging more sustainable means of travel, has been submitted to and approved in writing by the Planning Authority in consultation with the Transport Scotland. The Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car - To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(3) Prior to the commencement of any works in any phase on site a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. The scheme shall detail 3 levels of SUDS treatment for any hardstanding, yard areas on sites proposed for Class 5 and 6 industrial uses, 2 levels of sustainable drainage SUDS treatment for all roads and other areas of hardstanding/carparking and 1 levels SUDS treatment for roof run off, and all work shall be carried out in accordance with the approved scheme.

Informative: The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason: to ensure adequate protection of the water environment from surface water run-off.

(4) The LNCS designation boundary shall be implemented in full throughout the construction, operation and decommissioning of the development. There shall be no development, machinery movement or operations within the buffer zone without the agreement of the Planning Authority in consultation with SEPA. The buffer zone shall be identified on the ground, and no development adjacent to the

LNCS shall take place unless the LNCS boundary has been protected with appropriate protective fencing as shown in figure 2 of BS5837 or such alternative as may be agreed with the planning authority in writing.

Reason: In order to prevent potential unacceptable impacts on the water environment.

(5) No development shall take place within any phase until a detailed geo-environmental investigation has been undertaken to identify potential impacts on wetlands within 250m of Loirston Loch and an associated scheme of mitigation is submitted and approved by the planning authority in consultation with SEPA, once approved the agreed scheme shall be implemented in full.

Reason: In order to prevent potential unacceptable impacts on the water environment.

Informative: the detailed geo-environmental investigation, will be followed up by a conceptual hydrogeological model and associated risk assessment which will inform the mitigation proposals.

(6) Prior to the commencement of any works on site that the location (NGR of source) of the Private Water Supplies serving Charleston Cottage; Moss-side Croft and Tillyhowes Banchory Devenick are identified, and should they fall within 100m of roads, tracks or trenches or within 250m of borrow pits or foundations as proposed within the development that a quantitative hydrogeological assessment and where appropriate scheme of mitigation is developed by the applicant and agreed with the Planning Authority in writing in consultation with SEPA, once approved the agreed scheme shall be implemented in full during operation of the site.

Reason: In the interests of protecting the water environment

(7) that no development shall be undertaken within any respective phase of the development until such time as a scheme detailing the incorporation of appropriate buffer strips around water courses within that phase has been formally submitted to, by way of an application for the Approval of Matters Specified in Conditions (AMSC), and approved in writing by, the planning authority - in order to protect and promote biodiversity and protect water quality.

(8) That no development shall commence within a given phase until site specific Construction Environmental Management Plan(s) have been submitted and approved in writing by the Planning Authority, via a formal application for MSC, in consultation with [SEPA, SNH or other agencies as appropriate] for that phase. All works on site must be undertaken in accordance with the approved CEMP(s) unless otherwise agreed in writing with the Planning Authority. The CEMP(s) must address the following issues:-

- Surface water management
- Site waste management
- Watercourse engineering including crossings
- Peat management
- Pollution prevention and environmental management

Informative: It is recommended that the CEMP(s) is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

Reason: In order to minimise the impacts of necessary demolition/construction works on the environment.

(9) that no development shall commence within any of the respective phases until such time as details of waste management proposals for that phase of development, including arrangements for the segregation, storage, collection and management of residential, commercial and business waste, by way of an application for the Approval of Matters Specified in Conditions, have been submitted to, and approved in writing by, the planning authority - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.

(10) That no works in connection with phases 1A, 1b, 1C and the site of the relocated primary school (site E9 and the adjacent site E1) shall take place unless a detailed Flood Risk Assessment (FRA) for that phase has been submitted and approved by the Planning Authority, via a formal application for MSC, in consultation with SEPA and, where necessary based on the findings of the FRA, appropriate mitigation measures and/or adaptations to the development layout has been made.

Reason: in order to avoid flood risk.

Advisory: The detailed FRA should be undertaken in line with SEPA's Technical Guidance on FRAs and in recognition of accepted standard design flow estimation methods, more detailed advice should be sought from SEPA prior to the preparation of any detailed Flood Risk Assessment. The FRA should assess the potential for both existing and proposed culverts and other relevant structures to increase flood risk. It is recommended that the 1 in 1000 year (0.1% annual probability) flood event is considered for the proposed primary school development due to the vulnerable nature of the proposal.

(11) that, unless the planning authority has given written approval for a variation, no development pursuant to any of the individual Phases of the development hereby approved (as detailed in the Phasing Strategy to be agreed in connection with Condition 1 of this consent) shall take place other than in full accordance with a detailed masterplan for that particular Phase that has been submitted to and approved in writing by the planning authority via a formal application for MSC. The masterplan(s) shall show in detail how all development within that phase will comply fully with the principles and criteria laid down by the approved Loirston Development Framework, Loirston Design and Access Statement and guidance in "Designing Streets" and "Designing Places" in terms of;

(i) block structure, (ii) access and connectivity (including street hierarchy and integration with the existing/future vehicular/pedestrian network and adjoining development), (iii) landscape framework (ensuring high quality integrated treatment of the public realm in compliance with the approved strategic

landscape plan, tree protection, protection of wildlife, arrangements for the management and maintenance of open space, treatment of car parking and detail of local/district level open spaces and implementation of civic spaces), (iv) land use and density (including building heights and detailed typologies, density, details of any affordable housing provision and commercial space), (v) drainage (including provision for SUDS), (vi) character (including architectural treatment to provide character areas responding to context, ensuring a high quality palette of materials, use of street trees and boundary treatments), (vii) ensuring implementation of the key structural elements including the connections to the A956, the Primary Street, Loirston Square, the new Primary School and Lochside and Gateway Open Space areas, (viii) protection of trees and protected species, (ix) the sequence of demolition, development and provision of key elements (eg open space, commercial elements, roads, footpaths, etc.) within each phase to ensure that development within the phase is implemented in a planned and co-ordinated manner; unless the planning authority has given written consent for a variation. - in the interests of ensuring that the adopted Development Framework and Design and Access Statement for the site and the Planning permission in principle is translated into the creation of a high quality sustainable mixed use community on the ground.

(12) No development shall take place within a given phase until the applicant has secured the implementation of a programme of archaeological work relating to that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority via a formal application for MSC. Any programme of archaeological work will include all necessary post-excavation and publication work.

(13) that no development pursuant to this planning permission in principle shall commence on site unless a scheme for the provision of a site for Gypsies and Travellers on the site or on the larger OP77 site, in accordance with Aberdeen City Council's adopted 'Gypsy and Traveller Sites' Supplementary Guidance has been submitted to and approved in writing by the planning authority, by means of approval of a formal Approval of Matters Specified in Conditions (AMSC) application or a formal Planning Application, including as a minimum the following Details

- the location and area of land to be set aside for the site, number of pitches and means of pedestrian and vehicular access
- a timescale for its delivery and
- a mechanism to ensure that delivery will happen in this timescale;

No more than 500 residential units on the application site shall be occupied unless any scheme for the provision of a Gypsy and Travellers site thereby approved by the planning authority has been implemented, unless the planning authority has given written approval for a variation - in order to meet the requirements of Policy H7 of the Aberdeen Local Development Plan.

(14) That no individual development plot shall be occupied unless an access junction has been implemented and is fully operational to the finalised agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority - in order to ensure that the development can be adequately accessed on first occupation.

(15) that no more than 300 houses on the application site shall be occupied unless a 2nd access junction has been implemented and is fully operational to the fully agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority - in order to ensure that the progression of development is accompanied by acceptable means of access.

(16) that no development pursuant to this planning permission shall take place within any given phase until such time as further formal application has been made detailing cycle routes and facilities within that phase of the proposed development, incorporating direct links to existing off-road paths and/or on-road links via suitable on and off road paths, providing direct routes to the access points for the site - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(17) that no development pursuant to any phase within this planning permission shall take place until such time as further formal application has been made identifying safe routes to schools within the proposed development - in order to promote sustainable travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(18) That no development within any phase shall be undertaken until such time as further details demonstrating a layout capable of accommodating a bus service, and incorporating proposals for the appropriate restriction of traffic on Redmoss Road to allow only walking, cycling and public transport, have been submitted to the planning authority via a formal application for MSC, and that such details have been approved by that authority and thereafter implemented in full - in order to promote sustainable travel, minimise travel by private car, and to ensure that the proposal does not contribute to congestion of the local roads network.

(19) that no development within any phase pursuant to this grant of planning permission in principle shall be undertaken until a scheme addressing any significant risks from contamination to the site from adjacent former land use (Charleston Landfill) has been submitted to and approved by the planning authority via a formal application for MSC.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include: a) an investigation to determine the nature and extent of contamination b) a site-specific risk assessment c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed d) verification protocols to demonstrate compliance with the remediation plan

(20) No development within any phase pursuant to this grant of Planning Permission in Principle shall take place unless an appropriate drainage impact assessment, including results and calculations of 1 in 10, 1 in 30 and 1 in 200

year sensitivity tests and a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network, has been submitted to the planning authority and subsequently approved via a formal application for MSC - in order to ensure that the proposal complies with policy NE6 (Flooding and Drainage) of the Aberdeen Local Development Plan.

(21) That no development within any phase shall take place until a scheme addressing the following matters within that phase has been submitted to and approved by the planning authority via a formal application for MSC, and that thereafter any recommended mitigation measures have been fully implemented. Those requirements are;

(i) Taking cognisance of the Scottish Government's Planning Advice Note 1/2011, Planning and Noise, a scheme for protecting the proposed dwellings from road traffic noise shall be determined and agreed with the Environmental Health and Planning Services such that external noise levels do not exceed LAeq 16hr 55dB during the day time period 0700-2300 in any rear garden areas. The road traffic noise levels should be determined in accordance with the principals set out in "Calculation of Road Traffic Noise" (CRTN), DoT Welsh Office, HMSO, 1988.

(ii) The internal noise level, assessed with windows closed, within any dwelling shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 55dBA within outdoor living areas.

(iii) The internal noise level, assessed with windows closed, within any dwellings or noise sensitive building shall not exceed Noise Rating Curve 35 between the hours of 0700 and 2200 and Noise Rating Curve NR 25 at all other times to protect the occupants from fixed plant such as fans, chimneys, ventilation exhausts and inlets associated with existing industrial premises or associated with the completed development.

(iv) No development shall take place within any phase until the applicant undertakes a survey to determine the impact of noise, from business premises in the locality of that phase, on the development using the principles set out in British Standard BS 4142:1997 – Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or a method agreed by the Environmental Health and Planning Services. The survey shall be submitted to and approved by the Environmental Health and Planning Services via a formal application for MSC and shall identify 1) the maximum Rating Levels, and 2) the minimum Background Noise Level to which any part of the development will be exposed. If the maximum Rating Levels exceed those set out below then a scheme for protecting the proposed dwelling(s) from industrial noise shall be included as part of the noise survey with no dwelling being constructed at any location at which the Rating Levels cannot be met.

Open site/external* Easting, Northing)	Measurement Location	Site Standard	
		Rating Level (LAr,Tr)	dB
		Day / Night	
393651,801909		45.1 / 36.1	

*These Rating Noise Levels are based on existing background noise levels at the proposed Loirston site presented in AECOM Noise and Vibration Assessment carried out for the Environmental Statement dated June 2013 for the proposed mixed use development (Section 11.1). If it can be satisfactorily demonstrated that at a particular location the existing background noise level, excluding, existing industrial noise, is greater than LA90,T40.1 and LA90,T31.1 for the day and night time periods, respectively, then, with agreement with the local authority, these background noise levels could be used to derive Rating Levels that should not be exceeded (i.e., background noise level plus 5dB).

The assessment should take into consideration existing industrial noise / services noise and consented developments in the vicinity of the proposed development, which includes the proposed Balmoral Business Park.

Reason: In order to ensure that the proposed development is not exposed to excessive noise levels from the various sources in the surrounding area.

(22) That no development shall be undertaken within any phase unless the impact and significance of the Construction and Development Works within on air quality within that phase in the vicinity of sensitive receptors have been assessed and determined in accordance with the Institute of Air Quality Management: Guidance on the Assessment of the Impact of Construction on Air Quality and the Determination of their Significance, December 2011 and Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites, and a Dust Management Plan, detailing the dust mitigation measures and controls, responsibilities and any proposed monitoring regime has been submitted to and approved by the planning authority via a formal application for MSC, in consultation with the Council's Environmental Health Service prior to the commencement of any demolition or construction works - in order to ensure that the impact of construction works on air quality are fully considered and that appropriate mitigation measures are in place prior to works commencing.

(23) that no development within any phase shall take place unless a further formal application for MSC, detailing a scheme for external lighting of pedestrian/cycle routes within that phase has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of public safety.

(24) That no development within any of the respective phases of the development granted planning permission in principle shall take place unless a scheme detailing cycle storage provision for development within that phase has been submitted to, and approved in writing by the planning authority by way of a formal application for MSC, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(25) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a strategic landscape masterplan for the entire site, which shall be in the form of a formal application for MSC and shall include appropriate Arboricultural Impact Assessments detailing all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area and to ensure compliance with policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan.

(26) that all planting, seeding and turfing comprised in the approved scheme of landscaping for any phase of the development shall be carried out in the first planting season following the completion of that phase of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(27) that no development within any phase shall take place unless any scheme for the protection of all trees to be retained on the site within that phase of construction works, approved by the planning authority in connection with condition 25, has been implemented – in order to ensure adequate protection for the trees on site during the construction of the development.

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

(29) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(30) that no development pursuant to any given phase of the planning permission in principle hereby granted shall be undertaken until such time as the further approval of the planning authority has been sought and granted, via a formal application for MSC, in relation to the long-term management and maintenance of open space within that phase of the development - in order to ensure that provision is made for appropriate long-term care for areas of open space and in order to maintain the landscape amenity of the development.

(31) that no buildings within any respective phase of the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority via a formal application and subsequently approved by that authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(32) that no development within any respective phase of the development hereby approved shall be commenced unless full details of the design and external finishing of buildings contained within that phase, expanding upon the design elements of the phase-specific masterplan to be submitted and approved in connection with condition 11, has been submitted to and approved in writing by the planning authority by way of a formal application for MSC – in order to ensure that the external treatment, finishes and appearance of buildings with respective phases are detailed in full, and to ensure compliance with policy 1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

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

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the allocation. The provisions of section 59(2) shall therefore be read as follows;

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

(i) the expiration of 10 years from the date of this grant of planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 1: that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the

development to which the permission relates is begun before that expiration - - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2: For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

NIGG COMMUNITY COUNCIL

ABERDEEN

Planning & Sustainable Development,
Enterprise, planning and Infrastructure,
Aberdeen City Council,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen.
AB10 1AB

Planning & Sustainable Development	
Mail ID	
RECEIVED	19 AUG 2013
REPLY	
Section	
	Officer

16th August 2013

Subject :- Planning Application in Principal-103892 130892
Hermiston Securities, Loirston, Nigg

Dear Sirs,

Nigg Community Council wish to respond to the above application.

Some of the points below were previously raised at various consultation events, and were included in our response to the "Loirston Framework" which preceded this application but continue to be of concern to the local community.

The documents submitted in support of the Application in Principal, contain several mistakes, oversights, conflicts and errors which deem this application incomplete and therefor should be rejected.

Matters of note :-

Design and Access Statement

- (pge 13) Conflict between "Flood Risk Statement" - Water Fluctuation Levels.
- (pge 21) Error, between map and actual area covered in the "Tree Survey and Tree Management Statement, June 2013.
- (pge 44) Misleading, to state "Roads Infrastructure cannot avoid part of the LNCS Western edge. Goes against ACC's "Nature Conservation Strategy 2010 - 2015"
- (pge 50) Error, Dev. Block G2 & G3 is not identified on associated map.
" Error, Density for Block A7, differs between pages 49 and 50.
- (pge 53) Oversight, Lack of info. regarding the adverse effect the drainage of the proposed development will have on the River Dee SACS.
- (pge 10) Mistake, not to specify / indicate projected completion date. Against ACC's Masterplan Process - "A Guide for Developers - July 2010, requiring a "Feasibility Appraisal"

Transport Assessment

- (pge 22) Mistake to state, that no increase in traffic flow is predicted between 2013 and 2016 despite three ongoing developments all of which adjoin the A956.

Cont.

Please reply to -

Mr. Alan Strachan
Chairman
Nigg Community Council
18, Redross Road,
Nigg, Aberdeen
AB12 3JN

Mr. James Brownhill
Vice Chairman
Nigg Community Council
The Lodge Charleston
Nigg, Aberdeen
AB12 3LL

Mrs. Jenny Gall
Secretary
Nigg Community Council
Lochinich Cottage, Charleston
Nigg, Aberdeen
AB12 3LL

Nigg Community Council considers, the Land Use and Density, appears to be more suited for an urban area, rather than a rural development and recommends:

Buildings throughout the Development, especially adjacent to Loirston Loch, should be limited to a maximum of 3 storeys.

The residential density for any development block should be limited to a maximum of 55 units per hectare. No development blocks should be in the higher residential density of 55-85 units per hectare category.

The number of residential units in the Loirston Development should be reduced to the original intention of 1200 units.

Nigg Community Council suggest, that the LNCS and its boundary, should be fully recognised and that no buildings, roads nor car parking should encroach the LNCS in any way.

We are concerned, that a fully protected footpath marked "Right of Way", is being replaced by a path that is, by name, merely "aspirational". We recommend, that full legal protection be given to any alternative to the Existing Right of Way, and that any such protected alternative be established before the Existing Right of Way is removed.

We recommend greater consideration be given to incorporating Core Paths with Green Corridors rather than the road network.

We call for an effective, direct and continuous Green Corridor link, between the northern end of the Loirston Loch LNCS and Kincorth Hill LNR. This would include a minimum of road crossings, obtained by making some roads cul-de-sacs, thus allowing the desired corridor links as uninterrupted as possible.

A greater commitment to keeping the Loirston Loch LNCS and Kincorth Hill LNR Green Corridors as "natural" as possible and devoid of wildlife-threatening features such as "play areas".

We feel the quoted 30 metre "Buffer Zone" around the Loch is too small and should be extended to 50 metres.

Redmoss Road, through the existing Redmoss Estate, is too narrow and should not be considered suitable as a bus thoroughfare.

Road closure or severe traffic calming measures, should be effected on Redmoss Road between the existing Redmoss estate and the Loirston Development to ensure that congestion at the junction of Redmoss Road and West Tullos Road is not further exacerbated.


Existing Interpretation Centre should remain.

As there is no legal requirement for a developer to provide an area suitable for a Gypsy / Travellers Temp Halting Site, the provision of a site in this application, should be removed.

Cont.

I trust that these comments from "Nigg Community Council", will be taken into account, and shows clear grounds as to why this application in principal, should be rejected at the next Planning Committee meeting.

Yours sincerely,

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes.

Alan Strachan (chair)

for and on behalf of Nigg Community Council

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 21 July 2013 08:02
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mrs Y. Trew
Address : 44C Baxter Street
Tory
Aberdeen

Telephone : CO [REDACTED]

Email : [REDACTED]

type :

Comment : My position regarding this development, is that I object to the development, in principle only because of the possible location of the traveller site location either adjacent to my families property and/or their neighbours.

The reason I object is that in the last six years they have had travellers park/reside outside or near to our family home on a number of occasions which were supervised by the council. On all occasions we have all felt:

a) Threatened and intimidated, as they have invaded our privacy and have located themselves very close to or immediately opposite our home and created a disturbance (in response to which we have had to call the police) and we have witnesses fights between rival families.

b) Insecure, as they as they had stolen items off our property, which have been found on their site when they vacated the site and left the rubbish behind them so we were concerned at leaving the property.

c) Disgusted, as they have left unacceptable levels of human excrement and refuse behind them. Which because of its location I have had to handle as the council would not remove it.

d) Disturbed and concerned about our families safety, as they passed our house on numerous occasions and at speed also conducted their business at all hours of the day and the night.

e) Inconvenienced as at the time they encamped near our house they parked so close to our front door and double parked that I had to move my own car from my front door.

f) Inconvenienced as when we were building the house the builder would not return to site until the travellers were removed.

g) Ignored by the police and public officials as we have tried to have the travellers moved on.

h) Victimised, as their rights seem to be put ahead of the fair minded silent majority of the community who have also rights.

i) Fear/Risk as we have had a gang of travellers intimidate us for a number of weeks and my elderly father-in-law and mother-in-law felt at risk every time they left the property. This fear was also felt by my elderly neighbours.

j) Resentment as we have tried to build and better our lives (and those of our family) in our family property and we are intending looking after my wife's father and mother in their old age and we have extended our property to facilitate this, however they feel insecure and un-happy at the thought of having to live next to traveller encampment and want them to be happy in their retirement and not afraid.

k) Concerned about our families safety, as they passed our house on numerous occasions at speed.

Lastly All travellers my father in - law has spoke to do not want to be normalised (in the polite sense), they are happy being / residing not in the city but farer away from urban areas and un-scrutinised in appears to defy logic the insistence of traveller sites within the city when they do not want to live a conventional existence.

Thanks and Best Regards

Mrs Y. Trew
44c Baxter Street,
Tory,
Aberdeen

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 14 July 2013 20:57
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mr D. Stewart
Address : Bloo Hoose
Charleston, Nigg
Aberdeen
AB123LL

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Letter Of Objection

Dear Sir or Madam,

Thanks for your letter of notification re application No 130892 dated 26/06/13.

My position regarding this development, is that I object to the development, in principle only because of the possible location of the traveller site location either adjacent to my property and/or my neighbours.

The reason I object is that in the last six years we have had travellers park/reside outside or near to our home on a number of occasions which were supervised by the council. On all occasions we have felt:

- a) Threatened and intimidated, as they have invaded our privacy and have located themselves very close to or immediately opposite our home and created a disturbance (in response to which we have had to call the police) and we have witnesses fights between rival families.
 - b) Insecure, as they as they had stolen items off our property, which have been found on their site when they vacated the site and left the rubbish behind them so we were concerned at leaving the property.
 - c) Disgusted, as they have left unacceptable levels of human excrement and refuse behind them. Which because of its location I have had to handle as the council would not remove it.
 - d) Disturbed and concerned about our families safety, as they passed our house on numerous occasions and at speed also conducted their business at all hours of the day and the night.
 - e) Inconvenienced as at the time they encamped near our house they parked so close to our front door and double parked that I had to move my own car from my front door.
 - f) Inconvenienced as when the we were building our house the builder would not return to site until the travellers were removed and this resulted in considerable extra expense to myself.
 - g) Ignored by the police and public officials as we have tried to have the travellers moved on.
 - h) Victimized, as their rights seem to be put ahead of the fair minded silent majority of the community who have also rights.
 - i) Fear/Risk as we have had a gang of travellers intimidate us for a number of weeks and my elderly father-in-law and mother-in-law felt at risk every time they left the property. This fear was also felt by my elderly neighbours.
 - j) Resentment as we have tried to build and better our lives (and those of our family) in our property and we are intending looking after my wife's father and mother in their old age and we have extended our property to facilitate this, however they feel insecure and un-happy at the thought of having to live next to traveller encampment and want them to be happy in their retirement and not afraid.
 - k) Concerned about our families safety, as they passed our house on numerous occasions at speed.
- Lastly All travellers I have spoke to do not want to be normalised (in the polite sense), they are happy being / residing not in the city but farer away from urban areas and unscrutinised in appears to defy logic the insistence of traveller sites within thje city when they do not want to live a conventional existence.

I would welcome the opportunity to put my view forward to the council if possible when the opportunity arises. I can be contacted at the address listed or alternatively on [REDACTED]

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 21 July 2013 07:59
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mr . H. Noble
Address : Co Bloo Hoose
Charleston,
Nigg
Aberdeen
AB123LL

Telephone : co [REDACTED]

Email : [REDACTED]

type :

Comment : My position regarding this development, is that I object to the development, in principle only because of the possible location of the traveller site location either adjacent to my son in laws property and/or their neighbours.

The reason I object is that in the last six year they have had travellers park/reside outside or near to our home on a number of occasions which were supervised by the council. On all occasions they/we have felt:

- a) Threatened and intimidated, as they have invaded our privacy and have located themselves very close to or immediately opposite our home and created a disturbance (in response to which we have had to call the police) and we have witnesses fights between rival families.
 - b) Insecure, as they as they had stolen items off our property, which have been found on their site when they vacated the site and left the rubbish behind them so we were concerned at leaving the property.
 - c) Disgusted, as they have left unacceptable levels of human excrement and refuse behind them. Which because of its location I have had to handle as the council would not remove it.
 - d) Disturbed, as they passed our house on numerous occasions and at speed also conducted their business at all hours of the day and the night.
 - e) Inconvenienced as at the time they encamped near our house they parked so close to our front door and double parked that I had to move my car from the front door.
 - f) Inconvenienced as when the builder was modifying their house the builder would not return to site until the travellers were removed and this resulted in considerable inconvenience to myself as we had to guard trhe house in this situation which was unsecure.
 - g) Ignored by the police and public officials as we all tried to have the travellers moved on.
 - h) Victimised, as their rights seem to be put ahead of the fair minded silent majority of the community who have also rights.
 - i) Fear/Risk as we have had a gang of travellers intimidate us for a number of weeks as I have a heart condition and feel at risk in the property. This fear was also felt by our friend Mrs Doris Troupe an elderly neighbour and other neighbours in the vicinity.
 - j) Resentment as our family have tried to build and better our lives (and those of our family in their property) and they are intending looking after us in our old age and they have extended their property to facilitate this, however we feel insecure and un-happy at the thought of having to live next to traveller encampment and want them to be happy in our retirement and not afraid.
 - k) Concerned about our families safety, as they passed the house on numerous occasions at speed.
- Lastly All travellers I have spoke to do not want to be normalised (in the polite sense), they are happy being / residing not in the city but farer away from urban areas and unscrutinised in appears to defy logic the insistence of traveller sites within thje city when they do not want to live a conventional existence.

Thanks and Best Regards

The Lodge
Charleston
Nigg
Aberdeen AB12 3LL

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

Date 15th July 2013

Planning Application 130892 Hermiston Securities, Loirston Nigg.

Dear Sirs

Having received a Neighbourhood Notification for the subject planning application in principle (PPIP) I would like to make the following representations:

Design and Access Statement - documentation errors and conflicts

- 1 Pg 19 Section 1.2.1, gives "development of the site will be completed over a xx period". The figure "xx" is not informative and should render the document incomplete
- 2 Maps on pages 3, 19, 31, 35, 47, 49 and elsewhere do not include a key for the orange-hatched, red-line bordered areas to the southwest corner of the site (large area) and to the north east end of Loirston Loch (small area).
- 3 Pg 21 Section 2.6.4. Tree and Woodland Survey (and source document Tree Survey and Tree Management Statement June 2013) Map of Areas Surveyed outlines in red the coverage areas of the various woodlands and shelter belts. Area 2b, as outlined on the Area map, is not representative of the actual full area of trees planted which in fact covers the rectangle bounded by Area 3, Area 4 and Area 2a and completely surrounds area 2c. This is a gross misinterpretation by the Tree Survey.
- 4 Pg 50 table 4.5.3 Development Block Requirements lists Block G2 & G3 but the associated map pg 49 shows no such numbered blocks.
- 5 Pg 50 table 4.5.3 Development Block Requirements lists Block A7 as "Medium" density but the associated map pg 49 colour codes Block A7 as dark orange "High" density.
- 6 Pg 49 Land Use and Density Map includes area G1 colour coded pink and given in the key as "existing residential and employment". This area is outwith the boundary of the subject PPIP and should not be referenced or keyed.
- 7 Pg 44 Section 4.3.16 Junction and Road Alignment with regard to Loirston Loch LNCS – Text and Habitat Survey Map used is out of date showing areas in the southwest corner of the LNCS as "SI" (plain and orange/purple stripes) equating to "Poor Semi Improved Grassland" whereas this area has been planted and exists as "Woodland Mixed Plantation". This information is in conflict with the very recent Tree Survey Document findings particularly area 2a.
- 8 Pg 13 Section 1.3.6 13 states Loirston Loch water level "can fluctuate by as much as 900m" (0.9 m) but this is in direct conflict with Section 4.7.2 pg 54 Flood Risk which gives "water level fluctuationto be of the order of 0.3m".
- 9 Pg 57 Section Masterplan – The Masterplan only covers developer-defined "Phase 1" which includes only 750 homes (rather than the 1067 homes of the PPIP.) The Masterplan for this PPIP is thus incomplete.
- 10 Pg 57 Section Masterplan – The Masterplan fails to provide and sort of time scale or dates, in accordance with Aberdeen City Council's document "*The Aberdeen Masterplan Process – A Guide for Developers – July 2010*" which requires a "*Feasibility Appraisal*" that includes "*when development will be delivered*". Thus the Masterplan is incomplete.

cont

Design and Access Statement – personal representations

- 11 Pg 36 Section 4.3.2 Core Paths, the existing established Right of Way also labelled as Aspirational Path 3 (AP3) linking Wellington Road (A956) to Redmoss Road is part of the historical cultural heritage of the site and should be retained for eternity. It should not be replaced by a path of lower protection as shown by the orange labelled "Proposed Alternative to Aspirational Core Path".
- 12 Pg 44 Section 4.3.16 Junction and Road Alignment with regard to Loirston Loch LNCS and Pg 75 5.12.5 Loirston Loch LNCS - LNCS boundaries have recently been assessed and defined and the LNCS area should be fully respected for what it is and should not be degraded by the inclusion of roads, road junctions and cycleways. It is unacceptable for the PPIP say the "roads infrastructure cannot avoid part of the LNCS western edge". The plan contravenes Aberdeen City Council's NATURE CONSERVATION STRATEGY 2010-2015 where the "overall aim" is *'To protect, preserve, enhance and promote Aberdeen City's natural heritage for the benefit of our biodiversity, citizens and visitors for current and future generations'*.
- 13 Pg 48, 49, 50 Land Use and Density – Building heights of five storeys abutting the Loirston Lochside is totally out of character for the wider, rural area in general where existing buildings within and for many miles around the PPIP area mainl are no more than two storeys high.
- 14 Pg 49, 50 Land Use and Density and Pg 4 Introduction and Structure – In this PPIP the building density of 1067 homes over 81.69 hectares (pg4) is disproportionally high for the whole OP77 development of 1500 homes.
- 15 Pg 50 Section 4.5 Land Use and Density – "Higher Density" of around "55-85 units./ hectare" are out of character with the current and planned rural setting of Loriston Loch LNCS
- 16 Pg 75 5.12.5 Design Principles bullet point four – the discussed "buffer zone" for disturbance around the lochside has in the past been quoted as 50metres and thus 30metres is not acceptable.
- 17 Pg 52 Section 4.5.10 Existing Structures (retention) – These buildings are part of the Cultural Heritage of the area, the Interpretation Centre has in the past been part financed by the oil industry and these three buildings should be retained. A more definite and detailed alternative is needed in the PPIP and should not wait till the "detailed proposals evolve".
- 18 Pgs 53, 54 Drainage and Document Drainage and Flood Risk Statement – No recognition is given that drainage from the PPIP area, mainly into the Leggart Burn, ultimately flows into the Special Area of Conservation (SAC) of the River Dee. No evidence is given as to the effects of the Loirston Development on this SAC.
- 19 Pg 73 Section 5.12 Key Open Spaces – The Green Corridors linking Loirston Loch LNCS with Kincorth Hill Nature Reserve are too narrow (L7, L10) , too cluttered (playground L5) or non continuous (L17) to achieve "integration (of the Loch/Hill) into the proposed Masterplan (section 5.12.2)". The corridors as shown will fail to allow biodiversity and linkage between the Hill and the Loirston Loch LNCS contravening Aberdeen City Council's NATURE CONSERVATION STRATEGY 2010-2015 where the "overall aim" is *'To protect, preserve, enhance and promote Aberdeen City's natural heritage for the benefit of our biodiversity, citizens and visitors for current and future generations'*.
- 20 Pg 92 Section 5.12 .20 L16Redmoss Landscape - Buffer, shown as only one planted tree width, is too narrow to be an effective barrier.
- 21 Pg 52 Section 4.5.7 Gypsy and Travellers Site – It is welcomed that integration of a permanent halting site or similar for Gypsy/Travellers into the area covered by this PPIP and a developing settled community has been recognised as difficult to locate. A site outwith the area and more acceptable to all parties should be located and funded. As such "Potential Gypsy/Traveller's sites should be removed from the PPIP (mainly map Pg 49 and Table page 50)

Transport Assessment

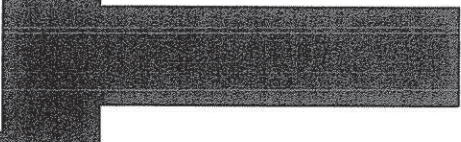
- 22 Page 22 Section 4, Aspirational Path 3 (AP3) linking Wellington Road (A956) to Redmoss Road is part of the historical cultural heritage of the site and should be retained for eternity. It should not be replaced by a path of lower or no protection.

cont


- 23 Page 42 Section 6.9, 6.10, 6.11, 6.16 and associated flow diagrams accounts for no growth/increase in A956 Wellington Road for the period 2013-2016 and yet (Section 6.13) recognises three Committed developments affecting the A956, development which are already underway and will certainly add to the A956 traffic flow during the period 2013-2016. It is unrealistic to delay any traffic growth to the year 2016. This traffic flow prediction should be re-analysed.

I look forward to your response to my representations above.

Yours faithfully



James Brownhill



Gavin Evans

130892

From: GEORGE URQUHART [REDACTED]
Sent: 31 July 2013 10:48
To: Gavin Evans
Subject: Re: Objection to planning application at Loirston Loch

Hi Gavin,
Appologies for the mistake, it is application P30892 that I meant
Thanks & regards
George Urquhart

From: Gavin Evans <GEvans@aberdeencity.gov.uk>
To: [REDACTED]
Sent: Wednesday, 31 July 2013, 9:35
Subject: Objection to planning application at Loirston Loch
Hello Mr Urquhart,

Thank you for your recent email regarding the above. I note that you refer to application 121437, which was an application for a formal 'Scoping Opinion' under the relevant Environmental Impact Assessment regulations, submitted in October of last year. It appears most likely that your desire is to make representation regarding the current planning application, reference P130892, and I would be grateful if you could confirm this by return, in order that I may instruct our admin team to treat your email as an objection to the current proposal. Without such confirmation, the matters raised will not be taken into account in the planning authority's assessment of the current proposal, so I would be grateful for your early response.

Thanks and regards,

Gavin

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. With this in mind we would appreciate it if you could take 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.

Gavin Evans
Senior Planner
(Development Management)

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

Email Gevans@aberdeencity.gov.uk
Direct Dial 01224 522871
Switchboard 08456 08 09 10

Robert Vickers

From: GEORGE URQUHART [REDACTED]
Sent: 19 July 2013 15:08
To: PI
Subject: Fw: Objection to Planning Application

----- Forwarded Message -----

From: GEORGE URQUHART [REDACTED]
To: "GEvans@aberdeencity.gov.uk" <GEvans@aberdeencity.gov.uk>
Sent: Friday, 19 July 2013, 14:11
Subject: Fw: Objection to Planning Application

Planning & Sustainable Development	
Mail ID	29649
RECEIVED	31 JUL 2013
REPLY	
Section	DM
Office	GLB

----- Forwarded Message -----

From: GEORGE URQUHART [REDACTED]
To: [REDACTED]
Sent: Friday, 19 July 2013, 14:06
Subject: Objection to Planning Application

OBJECTION TO APPLICATION BY HERMISTON SECURITIES FOR OVER 1500 HOUSES AT LORISTON LOCH

APPLICATON NUMBER 121437

When I was convenor of Arts & Recreation the City Council set up the Loiriston Recreation area to protect this district wildlife site of scientific interest. It is a Nature Conservancy area meeting all the criteria required as the councils's notice board on the site clearly states. it must be protected from development. At the heart of the L.R.A. is the Lochinch Interpretation Centre base to the Ranger Service who do such a wonderful job of teaching children about taking care of the environment. This facility was restored by volunteers from BP with large grants from the Countryside Project and others, it must be protected at all costs

Given the widespread development all pver this area it is vital this last green space is safe guarded for all Aberdeens's citizens. As a dog walker I have used the core public footpaths over 10,000 times in the last 12 years, as a former director of Scottish Rights of Way (now Scotways) I would maintain that the core public footpaths that criss cross tis area are essential part of the citizens right to roam. The tree belts are part of Woodlands in and about town; the drystane dykes including a consumption dyke part of our heritage. All in all I would respectfully request all elected members have a civic duty to save L.R.A from any development.

Moving on to Hermistons proposals, only someone who does not know this area would think of building ugly four storey blocks on land that floods on a regular basis, there is no road structure to begin to cope with this development. Redmoss Road has the worst most dangerous access on to West Tullos Road and floods in periods of heavy rain near the Old Cove Road.

For all the above I would request Councillors,(the City Council owning most of this land) reject this whole proposal

George Urquhart
10 Arbroath Way
Kincorth

Your Ref: 130892 - Gavin Evans
Our Ref: ABE/1056/00076/EFB/VB

Union Plaza
1 Union Wynd
Aberdeen
AB10 1DQ

T [REDACTED]
F [REDACTED]
E [REDACTED]
[REDACTED]

www.burnesspaul.com

Head of Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Aberdeen

**Burness Paull
& Williamson**

24 July 2013

Dear Madam

**ABERDEEN FOOTBALL CLUB
REPRESENTATIONS ON APPLICATION REFERENCE 130892, LOIRSTON, NIGG
HERMISTON SECURITIES LIMITED**

We are instructed by Aberdeen Football Club to submit representations on the application by Hermiston Securities Limited for planning permission in principle for a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities. The Council's website indicates that representations on the application are invited until 24 July, although we note that the deadline for representations on the Environmental Statement in support of the application was advertised as 30 July. This letter is submitted timeously and requires to be taken into account in determining the application.

As you are aware, the Council issued a willingness to approve the Club's application reference P101299 for a new stadium at Loirston, subject to completion of a s75 agreement. The draft agreement is with the Council, and has been since late summer 2012 when the Council took a decision as landlord not to grant consent for the proposed redevelopment by Cove Rangers of Calder Park. The Calder Park proposals are separate from the stadium application, but are connected in terms of providing training facilities and parking which could be used by the Club.

Aberdeen Edinburgh Glasgow

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VAT registration number GB 115 0905 48

Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm's registered office.

Loirston remains the Club's preferred location for the new stadium, particularly in light of the time, effort and cost which has been incurred in progressing the planning application for the site. The Club welcomes, therefore, the recognition of the proposed stadium in the Hermiston application layout plans, but they wish to draw your attention to the following issues:

- 1 The Hermiston application includes the stadium site within the redline of the application and within the proposed Masterplan. This is in accordance with the Local Development Plan and the Development Framework which identified the new stadium as an integral part of the land release. Indeed, it can be argued that it is the anchor for the residential, employment and community facilities. The Masterplan identifies the Civic Space (Loirston Square) to which reference is made in the s75 agreement for the stadium, but neither the application nor the Masterplan demonstrates clearly how the stadium will connect in practice with the wider development. The Masterplan does not show the principal and secondary accesses for the stadium, the internal access routes or the parking provision. Rather, the stadium detail is "coloured out" giving the impression that it is separate from the rest of the development. We feel it is vitally important to clearly show in the Masterplan how the new stadium integrates with the wider development. This should cover the stadium position, main and secondary access routes, car parking provision and landscaping and this detail should be clearly shown on the Masterplan.
- 2 The redline boundary and the area set aside for the stadium site is not correct. On page 18 of the Design & Access Statement there are two plans which show the redline of the application site reference P101299 and an amended redline boundary based on discussions between Hermiston Securities and the Club related to a revised parking layout which reallocated 3.23 acres of parking to Calder Park. Whilst discussions had taken place on this possible reallocation of car parking provision, nothing had been finally agreed and planning permission had not been granted by the Council for the change in the location of the parking. With the refusal of landlord's consent for the Cove Rangers development proposals on Calder Park site, it is assumed that the reallocation of parking will not be possible and the Hermiston application and Masterplan should reflect the boundaries of the stadium site as shown in application reference P101299. The stadium site should extend to 23.93 acres.
- 3 The information provided in the Traffic Impact Assessment with regard to the new access junction on Wellington Road (Northern Site Access), does not appear to take account of the requirements of the wider development and of the new stadium. The Club would expect this proposed new access junction to take cognizance of the new stadium main access requirements as part of the requirements for the overall development of the Masterplan area. This is in line with the comments made above, that the stadium should be clearly shown as part of the overall development. The Club has had lengthy dialogue with the Council Transportation team over the design of the access junction for the stadium site and the layout had been revised to meet the appropriate adoptable standards including drainage, lighting, bollards, etc.

The Design & Access Statement indicates that discussions are ongoing over the land deal required to enable the stadium site to proceed. The Club welcomes the applicant's willingness to progress matters, but advises that there has been no contact from Hermiston or the Council, as joint venture partners, since January 2013. The Executive Vice Chairman of the Club wrote to the Council earlier this month to seek clarification of the position on the stadium. This will hopefully lead to further dialogue. It is also hoped that discussions with the applicant will resume in light of the submission of the current application.

Kindly acknowledge safe receipt.

Yours sincerely

[REDACTED] *RP* [REDACTED]
Elaine Farquharson-Black
Partner
Planning Division
Burness Paull & Williamsons LLP

T: +44 (0) [REDACTED]

E: [REDACTED]

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 28 June 2013 12:47
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Mary Mckimmie

Address : Straloch

Charleston

Nigg

Aberdeen

AB12 3LN

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Has anyone looked into the affect this has on local people living in this area, it is unfair that we have lived here for over 25 years and no.upgrade to our roads or sewage works, we still have septic tanks in our back gardens, calor gas tanks etc.

The slip road past Optima factory is now used as a rat run by drivers trying to avoid the traffic lights, this is becoming dangerous for us to try and enter our house, as you cannot see when turning into the road that cars are coming at up the slip road.

why are all these new houses being build and no upgrade to the existing houses already in the area.

Mary McKimie

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2013 08:54
To: PI
Subject: Planning Comment for 130892

Comment for Planning Application 130892

Name : Michael Gordon
Address : 20 Lochinch Gardens
Cove#Aberdeen
AB12 3RG

Telephone [REDACTED]

Email [REDACTED]

type :

Comment : Whilst the area may be re-zoned, the site is, in my view, overdeveloped for the following reasons.

Loirston Loch is the only natural freshwater loch available to the public and wildlife within city.

The development would have a deleterious effect on indigenous and migratory wildlife and affect Kincorth Nature Reserve.

The area provides not only valuable recreational area but is also an important educational resource. It maintains the landscaping setting of the city.

Development of the area has been considered to be significantly contrary to Planning Policy of the Aberdeen Local Plan by virtue of being a major development on an undeveloped site within the Green Belt. Such development would conflict with other policies in the Structure Plan which are designed, for example, to ensure sustainable development and the quality of the environment.

A scaled back plan, retaining considerably more existing ground adjacent to the loch, and retaining more of the existing mature trees, would be more in keeping with the interests of Aberdeen City.

PI

From: Scott Gall [REDACTED]
Sent: 15 July 2013 20:54
To: PI
Subject: OP77 Loirston Development

Planning & Sustainable Development,
Enterprise, planning and Infrastructure,
Aberdeen City Council,

Planning Application 130892 Hermiston Securities, Loirston Nigg.

Dear Sirs

Having received a Neighbourhood Notification for the subject planning application in principle (PPIP) I would like to make the following representations regarding:

The area marked B 3 between the south west end of Loirston Loch and Old Stonehaven Road, this area is marked on the map as 'Loirston Country Park' and most of this area still is the 'Deer Park' complete with 'Fallow Deer' owned by Aberdeen City, about three years ago the deer park was planted with mixed woodland trees, except for a central patch of mature trees (same age as the surrounding shelter belt) and a diagonal strip underneath and beside the overhead electric power supply line which for safety was left unplanted.

These young trees are now well established with an average of approximately two meters height, where is the justification for the destruction of the deer park and this recently established plantation ?.

I also object to the width of the protected area surrounding the loch, I think there should be a wider clear area in order to leave approach access for migrating birds (geese etc.) that use the loch as a rest stop.

Currently there is no buildings / houses in this area over two floors high, and to plan for a new development with three, four, and five story buildings in a country lochside setting is not giving due regard to the natural beauty of this area, and should be reassessed.

Yours sincerely

Alfred Gall
Lochinch Cottage Nigg
Aberdeen
AB12 3LL

17.7.13

REF = 130 892

LOIRSTON Nigg

Rose Battage,
Nigg,
Aberdeen,
AB12 3LL

Dear Sir/Madam,

Sorry to see these plans are on the go again taking most of the green space. Important to me, my family, and I'm sure most folks living in this area, the walkers, joggers and cyclists too.

As for traffic there are so many vehicles at the present time here, especially at commuted times. I can't see how the roads would cope with any more for the quantity of houses alone averaging two cars possibly more per household without all the commercial vehicles.

As for the primary school it would be dangerous and a great distance for some pupils attending with all the traffic

at all.

The possibility of travelling folk, I
dread to think, we have had plenty
experience of their invasions, some of their
 rubbish still remains from their last
 visit. Unbelievable what they've got up to
 over the years.

Well I hope we will be left with
 the much needed green space and the
 country park so near the town. The
 wild life seems to be completely forgotten,
 the swims, the fishing that goes on,
 even the possibility of Potters etc. All
 these for people to enjoy a shame
 if we lose that.

Yours faithfully

[Redacted signature]

Mrs. D. Troup
Rose Cottage
Nigg
Aberdeen
AB12 3LL

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EXTRACT FROM THE MINUTE OF THE MEETING 16 JANUARY 2014

LOIRSTON, NIGG - 130892

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

That the Committee express a willingness to approve the application in respect of planning permission in principle for a proposed residential development of up to 1,067 houses, eight hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities, but to withhold the issue of the consent document until the applicant had entered into a legal agreement with the Council to address (1) affordable housing provision; (2) developer contributions relating to:- community library, cultural facilities and services, education, healthcare, indoor and outdoor sporting facilities, outdoor recreation and core paths network; (3) Strategic Transport Fund contributions; and (4) contribution in lieu of mitigation of local roads network impact affecting Wellington Road, and subject to the following conditions:-

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' (MSC) application; (2) That no part of the employment element of the development shall be occupied until a Travel Plan, aimed at encouraging more sustainable means of travel, has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. The Travel Plan will identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car; (3) That prior to the commencement of any works in any phase on site a detailed scheme for surface water drainage shall be submitted to and agreed by the planning authority, in consultation with SEPA. The scheme shall detail 3 levels of SUDS treatment for any hardstanding, yard areas on sites proposed for Class 5 and 6 industrial uses, 2 levels of sustainable drainage SUDS treatment for all roads and other areas of hardstanding/carparking and 1 levels SUDS treatment for roof run off, and all work shall be carried out in accordance with the approved scheme; (4) That the LNCS designation boundary shall be implemented in full throughout the construction, operation and decommissioning of the development. There shall be no development, machinery movement or operations within the buffer zone without the agreement of the planning authority in consultation with SEPA. The buffer zone shall be identified on the ground, and no development adjacent to the LNCS shall take place unless the LNCS boundary has been protected with appropriate protective fencing as shown in figure 2 of BS5837 or such alternative as may be agreed with the planning authority in writing; (5) That no development shall take place within any phase until a detailed geo-environmental investigation has been undertaken to identify potential impacts on wetlands within 250m of Loirston Loch and an associated scheme of mitigation is submitted to and approved by the planning authority in

consultation with SEPA, once approved the agreed scheme shall be implemented in full; (6) That prior to the commencement of any works on site that the location (NGR of source) of the private water supplies serving Charleston Cottage, Moss-side Croft and Tillyhowes Banchory Devenick are identified, and should they fall within 100m of roads, tracks or trenches or within 250m of borrow pits or foundations as proposed within the development that a quantitative hydrogeological assessment and where appropriate scheme of mitigation is developed by the applicant and agreed with the planning authority in writing in consultation with SEPA, once approved the agreed scheme shall be implemented in full during operation of the site; (7) That no development shall be undertaken within any respective phase of the development until such time as a scheme detailing the incorporation of appropriate buffer strips around water courses within that phase has been formally submitted to, by way of an application for the Approval of Matters Specified in Conditions (AMSC), and approved in writing by, the planning authority; (8) That no development shall commence within a given phase until site specific Construction Environmental Management Plan(s) (CEMP(s)) have been submitted to and approved in writing by the planning authority, via a formal application for MSC, in consultation with SEPA, SNH or other agencies as appropriate for that phase. All works on site must be undertaken in accordance with the approved CEMP(s) unless otherwise agreed in writing with the planning authority. The CEMP(s) must address the following issues:-

- Surface water management
- Site waste management
- Watercourse engineering including crossings
- Peat management
- Pollution prevention and environmental management

(9) That no development shall commence within any of the respective phases until such time as details of waste management proposals for that phase of development, including arrangements for the segregation, storage, collection and management of residential, commercial and business waste, by way of an application for the AMSC, have been submitted to, and approved in writing by, the planning authority; (10) That no works in connection with phases 1A, 1b, 1C and the site of the relocated primary school (site E9 and the adjacent site E1) shall take place unless a detailed Flood Risk Assessment (FRA) for that phase has been submitted to and approved by the planning authority, via a formal application for MSC, in consultation with SEPA and, where necessary based on the findings of the FRA, appropriate mitigation measures and/or adaptations to the development layout has been made; (11) That, unless the planning authority has given written approval for a variation, no development pursuant to any of the individual phases of the development hereby approved (as detailed in the Phasing Strategy to be agreed in connection with Condition 1 of this consent) shall take place other than in full accordance with a detailed masterplan for that particular phase that has been submitted to and approved in writing by the planning authority via a formal application for MSC. The masterplan(s) shall show in detail how all development within that phase will comply fully with the principles and criteria laid down by the approved Loirston Development Framework, Loirston Design and Access Statement and guidance in "Designing Streets" and "Designing Places" in terms of:- (i) block structure; (ii) access and connectivity (including

street hierarchy and integration with the existing/future vehicular/pedestrian network and adjoining development); (iii) landscape framework (ensuring high quality integrated treatment of the public realm in compliance with the approved strategic landscape plan, tree protection, protection of wildlife, arrangements for the management and maintenance of open space, treatment of car parking and detail of local/district level open spaces and implementation of civic spaces); (iv) land use and density (including building heights and detailed typologies, density, details of any affordable housing provision and commercial space); (v) drainage (including provision for SUDS); (vi) character (including architectural treatment to provide character areas responding to context, ensuring a high quality palette of materials, use of street trees and boundary treatments); (vii) ensuring implementation of the key structural elements including the connections to the A956, the Primary Street, Loirston Square, the new Primary School and Lochside and Gateway Open Space areas; (viii) protection of trees and protected species; and (ix) the sequence of demolition, development and provision of key elements (e.g. open space, commercial elements, roads, footpaths, etc.) within each phase to ensure that development within the phase is implemented in a planned and co-ordinated manner; unless the planning authority has given written consent for a variation; (12) That no development shall take place within a given phase until the applicant has secured the implementation of a programme of archaeological work relating to that phase in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority via a formal application for MSC. Any programme of archaeological work will include all necessary post-excavation and publication work; (13) That no development pursuant to this planning permission in principle shall commence on site unless a scheme for the provision of a site for Gypsies and Travellers on the site or on the larger OP77 site, in accordance with Aberdeen City Council's adopted 'Gypsy and Traveller Sites' Supplementary Guidance has been submitted to and approved in writing by the planning authority, by means of approval of a formal AMSC application or a formal planning application, including as a minimum the following details:-

- the location and area of land to be set aside for the site, number of pitches and means of pedestrian and vehicular access
- a timescale for its delivery
- a mechanism to ensure that delivery will happen in this timescale

No more than 500 residential units on the application site shall be occupied unless any scheme for the provision of a Gypsy and Travellers site thereby approved by the planning authority has been implemented, unless the planning authority has given written approval for a variation; (14) That no individual development plot shall be occupied unless an access junction has been implemented and is fully operational to the finalised agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority; (15) That no more than 300 houses on the application site shall be occupied unless a second access junction has been implemented and is fully operational to the fully agreed layout in accordance with drawing number TP058/SK/101 or TP058/SK/100 or such other drawing as may subsequently be approved in writing for the purpose by the planning authority;

(16) That no development pursuant to this planning permission shall take place within any given phase until such time as further formal application has been made detailing cycle routes and facilities within that phase of the proposed development, incorporating direct links to existing off-road paths and/or on-road links via suitable on and off road paths, providing direct routes to the access points for the site; (17) That no development pursuant to any phase within this planning permission shall take place until such time as further formal application has been made identifying safe routes to schools within the proposed development; (18) That no development within any phase shall be undertaken until such time as further details demonstrating a layout capable of accommodating a bus service, and incorporating proposals for the appropriate restriction of traffic on Redmoss Road to allow only walking, cycling and public transport, have been submitted to the planning authority via a formal application for MSC, and that such details have been approved by that authority and thereafter implemented in full; (19) That no development within any phase pursuant to this grant of planning permission in principle shall be undertaken until a scheme addressing any significant risks from contamination to the site from adjacent former land use (Charleston Landfill) has been submitted to and approved by the planning authority via a formal application for MSC. The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include: (a) an investigation to determine the nature and extent of contamination; (b) a site-specific risk assessment; (c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and (d) verification protocols to demonstrate compliance with the remediation plan; (20) That no development within any phase pursuant to this grant of planning permission in principle shall take place unless an appropriate drainage impact assessment, including results and calculations of 1 in 10, 1 in 30 and 1 in 200 year sensitivity tests and a full investigation and report of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network, has been submitted to the planning authority and subsequently approved via a formal application for MSC; (21) That no development within any phase shall take place until a scheme addressing the following matters within that phase has been submitted to and approved by the planning authority via a formal application for MSC, and that thereafter any recommended mitigation measures have been fully implemented. Those requirements are:-

- (i) Taking cognisance of the Scottish Government's Planning Advice Note 1/2011, Planning and Noise, a scheme for protecting the proposed dwellings from road traffic noise shall be determined and agreed with the Environmental Health and Planning Services such that external noise levels do not exceed LAeq 16hr 55dB during the day time period 0700-2300 in any rear garden areas. The road traffic noise levels should be determined in accordance with the principals set out in "Calculation of Road Traffic Noise" (CRTN), DoT Welsh Office, HMSO, 1988;

- (ii) The internal noise level, assessed with windows closed, within any dwelling shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 55dBA within outdoor living areas;
- (iii) The internal noise level, assessed with windows closed, within any dwellings or noise sensitive building shall not exceed Noise Rating Curve 35 between the hours of 0700 and 2200 and Noise Rating Curve NR 25 at all other times to protect the occupants from fixed plant such as fans, chimneys, ventilation exhausts and inlets associated with existing industrial premises or associated with the completed development;
- (iv) No development shall take place within any phase until the applicant undertakes a survey to determine the impact of noise, from business premises in the locality of that phase, on the development using the principles set out in British Standard BS 4142:1997 - Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or a method agreed by the Environmental Health and Planning Services. The survey shall be submitted to and approved by the Environmental Health and Planning Services via a formal application for MSC and shall identify (1) the maximum Rating Levels; and (2) the minimum Background Noise Level to which any part of the development will be exposed. If the maximum Rating Levels exceed those set out below then a scheme for protecting the proposed dwelling(s) from industrial noise shall be included as part of the noise survey with no dwelling being constructed at any location at which the Rating Levels cannot be met.

Open site/external*	Measurement Location Easting, Northing	Site Standard	
		Rating Level (LAr,Tr) dB	
		Day	Night
	393651,801909	45.1	36.1

*These Rating Noise Levels are based on existing background noise levels at the proposed Loirston site presented in AECOM Noise and Vibration Assessment carried out for the Environmental Statement dated June 2013 for the proposed mixed use development (Section 11.1). If it can be satisfactorily demonstrated that at a particular location the existing background noise level, excluding, existing industrial noise, is greater than LA90,T40.1 and LA90,T31.1 for the day and night time periods, respectively, then, with agreement with the local authority, these background noise levels could be used to derive Rating Levels that should not be exceeded (i.e. background noise level plus 5dB).

The assessment should take into consideration existing industrial noise/services noise and consented developments in the vicinity of the proposed development, which includes the proposed Balmoral Business Park;

(22) That no development shall be undertaken within any phase unless the impact and significance of the construction and development works on air quality within that phase in the vicinity of sensitive receptors have been assessed and determined in accordance with the Institute of Air Quality Management: Guidance on the Assessment of the Impact of Construction on

Air Quality and the Determination of their Significance, December 2011 and Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites, and a Dust Management Plan, detailing the dust mitigation measures and controls, responsibilities and any proposed monitoring regime has been submitted to and approved by the planning authority via a formal application for MSC, in consultation with the Council's Environmental Health Service prior to the commencement of any demolition or construction works; (23) That no development within any phase shall take place unless a further formal application for MSC, detailing a scheme for external lighting of pedestrian/cycle routes within that phase has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; (24) That no development within any of the respective phases of the development granted planning permission in principle shall take place unless a scheme detailing cycle storage provision for development within that phase has been submitted to, and approved in writing by the planning authority by way of a formal application for MSC, and thereafter implemented in full accordance with said scheme; (25) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a strategic landscape masterplan for the entire site, which shall be in the form of a formal application for MSC and shall include appropriate Arboricultural Impact Assessments detailing all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting; (26) That all planting, seeding and turfing comprised in the approved scheme of landscaping for any phase of the development shall be carried out in the first planting season following the completion of that phase of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (27) That no development within any phase shall take place unless any scheme for the protection of all trees to be retained on the site within that phase of construction works, approved by the planning authority in connection with condition 25, has been implemented; (28) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied; (29) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (30) That no development pursuant to any given phase of the planning permission in principle hereby granted shall be undertaken until such

time as the further approval of the planning authority has been sought and granted, via a formal application for MSC, in relation to the long-term management and maintenance of open space within that phase of the development; (31) That no buildings within any respective phase of the development hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to the planning authority via a formal application and subsequently approved by that authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; and (32) That no development within any respective phase of the development hereby approved shall be commenced unless full details of the design and external finishing of buildings contained within that phase, expanding upon the design elements of the phase-specific masterplan to be submitted and approved in connection with condition 11, has been submitted to and approved in writing by the planning authority by way of a formal application for MSC.

The Committee was advised by Mr Tom Rogers, Team Leader (Roads Projects), that the new junction referred to for the proposed football stadium would be built by the developer and would not form part of the contribution required for local roads mitigation, which was for improvements to Wellington Road, the southbound junction and an additional lane on the northbound carriageway.

The Committee resolved:-

to approve the recommendation subject to the addition of a suitable condition to provide a form of mitigation in terms of the displacement of the breeding reed bunting.

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Planning Development Management Committee

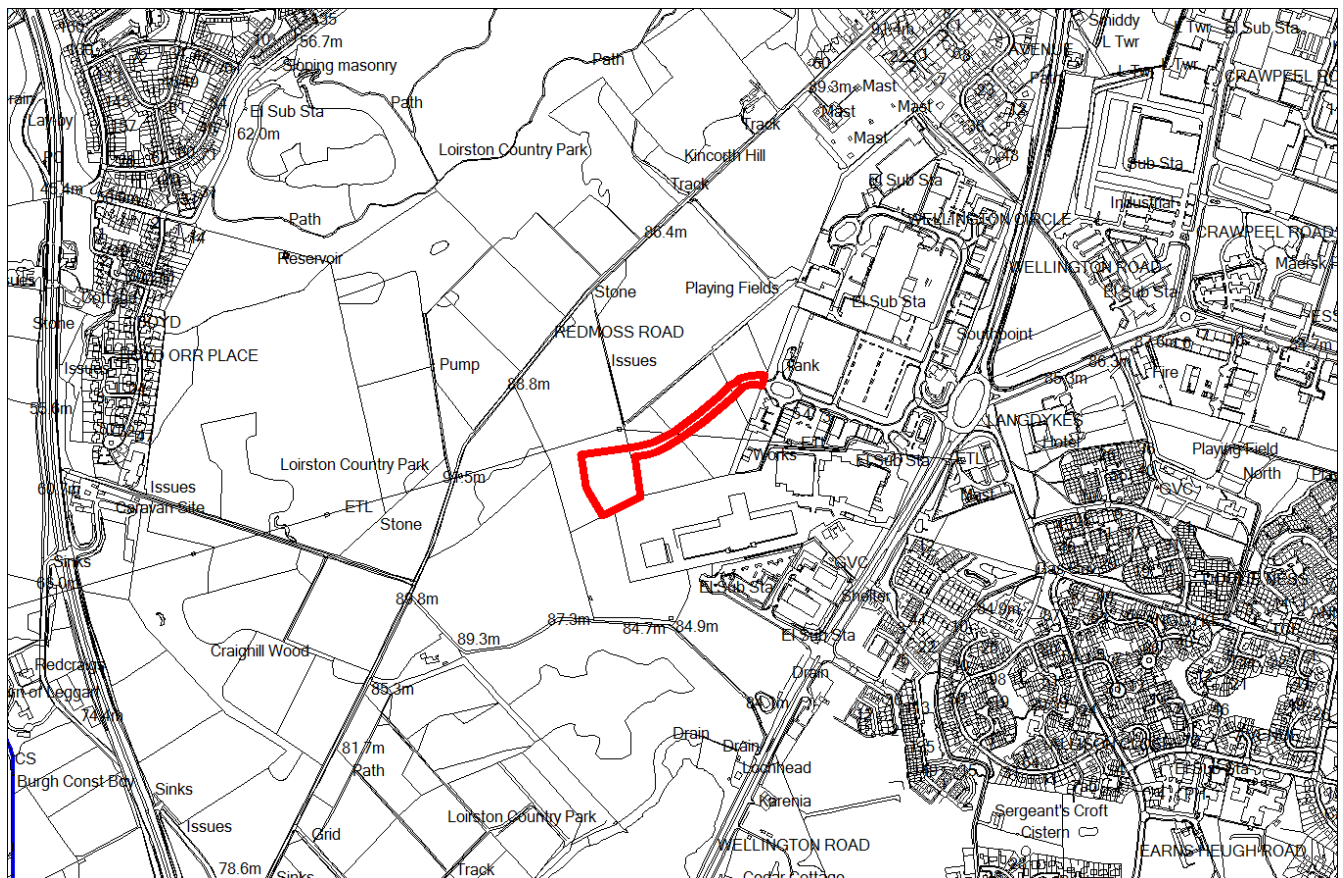
LOIRSTON, NIGG

FORMATION OF A GYPSY TRAVELLERS
TRANSIT SITE COMPRISING 6 PITCHES AND
SUPPORTING FACILITIES

For: Hermiston Securities Limited

Application Type : Detailed Planning Permission
Application Ref. : P141441
Application Date: 14/10/2014
Officer: Gavin Evans
Ward : Kincorth/Nigg/Cove (N Cooney/C
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)
Advertised on: 26/11/2014
Committee Date:
Community Council : Comments



RECOMMENDATION: Willingness to approve subject to conditions and subject to s75 requiring transfer of site ownership to Aberdeen City Council

DESCRIPTION

The application site measures some 1.2 hectares (0.5 hectares net) and is relatively flat, with a difference of 3m across the site. It was formerly in agricultural use but is currently rough grassland. Drystone dykes are present across part of the site. It is located at the north eastern end of a wider area covered by the Loirston Development Framework, which sets out principles for future development in this part of the city. That Framework identifies land to the west of the site for residential development and the land to north for a new primary school.

The site adjoins the south-western corner of the OP80 (Calder Park) Opportunity Site. A new secondary school is also proposed to be built on Calder Park to serve the south of the city.

RELEVANT HISTORY

P101299 – New stadium for Aberdeen Football Club. Full Council, on 23rd February 2011, resolved to approve pending conclusion of legal agreement. That legal agreement is yet to be concluded.

P111193 – AFC training ground and new stadium for Cove Rangers FC. Approved conditionally at committee 12th Jan 2012

P130892 – An application for planning in principle (PPiP) for a “*proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities*”. That application was referred to the Planning Development Management Committee on 16th Jan 2014, where members resolved to approve the application subject to the conclusion of a s75 agreement. That agreement has not yet been concluded, so consent has not been issued.

PROPOSAL

This application seeks detailed planning permission for the formation of a Gypsy & Traveller transit site within the Loirston Development Framework area. The proposal would involve access being taken into the site from the roundabout on Wellington Circle, to the north. The site would also be connected to the wider Loirston road network to the south in due course.

Transit sites are permanent developments which are only used temporarily by their residents, usually when they are en-route between more long-term locations. They provide more basic amenities than permanent sites.

The proposed transit site would involve 6 pitches, each measuring approximately 13m by 15m, arranged around a central play area/open space. An internal road would encircle that central open space, allowing for both direct access to each

pitch and ease in manoeuvring larger vehicles, with no requirement for excessive reversing.

The pitches themselves would incorporate hard surfacing sufficient to accommodate 2 standard parking bays of 2.5m by 5m and a travelling trailer of up to 3m by 8m. Each pitch would have a water standpipe, and incorporate 3m on either side of hard surfaced areas to provide a degree of separation between adjoining pitches. Individual pitches would be enclosed by screen fencing of 1.8m.

The layout indicates a location for the potential provision of a separate office/security block, adjacent to the site access. Similarly, an indicative location is shown for the provision of a toilet block or for the siting of portable toilets. Landscaping along the site's road frontage would provide a degree of screening and enclosure.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141441>

These include the following:

- Layout plans;
- Planning Supporting Statement; and
- Design Statement.

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 more than 5 letters of objection have been received and the local Community Council has stated its objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team – No objection. Details of the connection to be formed to Wellington Circle and visibility at the access point into the site have been provided and are acceptable. Note that the site would be well located relative to schools and community facilities proposed as part of the wider development. It is noted that the site would occupy part of the land previously shown as providing access to AFC's proposed football stadium, however it has been demonstrated that alternative means of access to the stadium site would be possible.

The applicant should be aware that details of how and when this road can connect into the wider Loirston development, outwith the red line boundary for the current application, will have to be discussed and agreed through Matters Specified in Conditions applications for the wider Loirston site (Planning Permission in Principle Application 130892).

Environmental Health – No observations.

Developer Contributions Team – n/a

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Education, Culture & Sport (Archaeology) – Recommend that a condition be attached to any consent, requiring submission of a written scheme of investigation and the carrying out of any recommended works prior to commencement of development.

Community Council – Nigg Community Council has stated its objection to the application on the following grounds:

- The site is considered to be too close to the new housing development at Loirston;
- The site is considered to be too close to the sites identified for new primary and secondary schools;
- Wellington Circle is not considered to be suitable to give access to the site for vehicles and trailers.

In addition, allowing a traveller site in this location is considered to contradict an earlier ACC decision to abandon a site at Howes Road for this purpose on the basis that it would be too close to an existing school and new housing development.

REPRESENTATIONS

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

1. Past negative experiences of travellers – mess, perceived health risks;
2. Too close to school and homes / should be in a more remote location;
3. Travellers don't want it and won't use it;
4. Crime rates will rise;
5. Would adversely affect property prices;
6. No consideration given to residents in surrounding areas;
7. Travellers using the site would likely 'cause trouble and shout abuse at children going to school';
8. Concerns over cost to taxpayer in formation of the site and necessary clean-up operations thereafter;
9. Incorrect planning procedure – this proposal should be an amendment to the stadium application, rather than a new application. Blue line implies applicants' ownership of site;

10. Application is premature given ongoing uncertainty regarding proposals for new AFC stadium and new secondary school;
11. The surrounding area has accommodated much development with no upgrading of roads/community facilities;
12. Site is too small to accommodate the volume of travellers observed at recent unauthorised encampments;
13. Conflict between this proposal and AFC stadium proposal
14. Lack of adequate facilities for users of the transit site;
15. Lack of information on the management of the site;
16. Sites A or B (from Loirston Development Framework) would be preferred, avoiding conflict with AFC proposal and subsequent conflict between the site and match-day traffic;
17. Approval of this proposal would contradict earlier ACC decision not to proceed with Howes Road site on the basis of it being too close to schools;
18. Existing facilities are too far away from the proposed traveller site (1.7km) – outwith recommended distances for walking and would involve crossing over Wellington Road. Future facilities also remote from site;
19. Conflict with policy H6 – specifically information on site management should form part of an application;
20. Site C is not considered to be the most appropriate of the options identified in the Loirston Development Framework;
21. It has not been demonstrated that the landscaping has had regard to the design, layout and landscaping of Balmoral Park;
22. Bus services more than 800m away from the site. Future improvements noted, however timescales for delivery may be significant, leaving the transit site isolated from amenities;

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

SPP is the statement of Scottish Government policy on land use planning, and includes both the Government's core principles for the operation of the planning system and concise subject-based planning policies. Principal policies relating to sustainable development and placemaking are relevant to assessment of this proposal, along with subject policies relating to Enabling Delivery of New Homes; Valuing the Natural Environment; and Promoting Sustainable Transport and Active Travel.

In its section on 'Specialist Housing Provision and Other Specific Needs', SPP sets out that that Housing Need and Demand Assessment will evidence need for sites for Gypsy/Travellers. Development Plans should then address any need identified, taking into account the mobile lifestyles of these groups. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of

the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

Aberdeen City and Shire Strategic Development Plan (SDP)

In its section on Sustainable Mixed Communities, the SDP expresses its objective to *“make sure that new development meets the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to.”*

As regards Gypsy and Traveller groups, section 4.36 of the SDP states that *“It is important that new development meets the needs of the whole community, including the specific needs of Gypsies / Travellers.”*

Aberdeen Local Development Plan

Policy LR1 (Land Release Policy)

Opportunity Site OP77: Loirston of which this application forms a part has been zoned under Policy LR1 for 1100 homes for the period 2007-2016, for 11 hectares of employment land for the period 2016-2023 and for 400 homes for the period 2017-2023. Loirston is considered suitable for a new community stadium and a site has been identified to accommodate this.

3.48 Gypsies and Travellers are a distinct ethnic group. The lack of suitable, secure accommodation underpins many of the inequalities that Gypsy and Traveller communities experience. It also often leads to Gypsies and Travellers using public and private land to set up unauthorised encampments. Establishing new permanent and transit sites can help to alleviate some of the problems Gypsies and Travellers face. In January 2008, Craigforth Consultancy & Research was commissioned by Aberdeen City, Aberdeenshire and Moray Councils to carry out an Accommodation Needs Assessment of Gypsies and Travellers in the Grampian area. For Aberdeen the report recommended a reduction in the size of the existing site at Clinterty and the development of another smaller site. In addition, it recommended the development of 1-2 small informal sites, and the provision of privately developed sites. Policy H6 and H7 and Supplementary Guidance will seek to deliver new permanent or transit sites solely for the use of Gypsies and Travellers.

3.49 The five Masterplan Zones identified in Policy H7 with the potential to create 1,500 or more houses are each expected to contribute towards the provision of these sites for Gypsies and Travellers. Of these five Masterplan Zones, we have identified three which we consider most appropriate for on-site provision, although all five will have to contribute towards the requirement. The three preferred sites offer opportunities for sites to be distributed to the north, west and south of the City, thereby offering a choice of locations. Where on-site provision is not made, a financial contribution will be required.

Policy H6: Gypsy and Traveller Caravan Sites

Sites for Gypsies and Travellers should provide a residential environment and follow the same principle as mainstream housing developments. Applications for permanent or transit sites for Gypsies and Travellers will be supported in principle if:

1. Access to local services and schools can be provided.
2. The development can be made compatible with the character and appearance of the surrounding area.
3. The development makes provision for essential infrastructure such as water, sewage disposal and electricity. Provision of electricity and heat through sustainable means will be encouraged.
4. It can be demonstrated that the site will be properly managed.

Policy H7: Gypsy and Traveller Requirements for New Residential Developments

Sites listed below are required, as a part of the 25% affordable housing contribution, to make contributions towards the provision of sites for Gypsies and Travellers. The contribution will be for small sites of six pitches, with a net area of approximately 0.5ha.

- Grandhome
- Newhills Expansion (Craibstone, Rowett South and Greenferns Landward)
- Countesswells
- Greenferns
- Loirston

Within Grandhome, the Newhills Expansion and Loirston sites, the provision must be provided on-site. Further guidance on the delivery of sites for Gypsies and Travellers is contained within Supplementary Guidance.

Policy T2 (Managing the Transport Impact of Development)

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 (Architecture and Placemaking)

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D6 (Landscape)

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

Supplementary Guidance

Gypsy and Traveller Sites SG

This document provides guidance on the required specification for Gypsy & Traveller sites. This includes the following relevant points:

- The road to and from the site must be of sufficient quality and size to enable access onto and off the site by heavy vehicles such as trailers.
- There must be a clear barrier around the emergency stopping place to discourage unauthorised expansion of the site.
- Each pitch should provide space for: One towing caravan; One parking space; Easy manoeuvrability
- It is essential that the following services and facilities are provided: A cold water supply to be provided for the use of site residents which may be by use of water standpipe; Portable toilets must be provided for the use of residents; Refuse disposal facilities must be provided; Drainage infrastructure; Appropriate lighting to enable safe movement, but minimise light pollution
- Landscaping should be used to reduce the visual and noise impact from any adjacent uses and ensure that the site is inconspicuous and does not detract from the amenity of adjacent businesses.

Loirston Development Framework SG

Section 5.5.7 'Gypsy and Travellers' site' states as follows:

“Several potential sites have been identified within OP77 for a potential Gypsy and Travellers' site of around 0.5 hectares, following guidance contained within ACC's Gypsy and Travellers' Site Supplementary Guidance, 2010. The potential sites have been identified with the following criteria:

- *They have an existing access;*
- *They can accommodate appropriate screening and landscape buffers to provide privacy and security whilst integrating the site into the surrounding landscape; and*
- *They are less than 800m from the core of the settlement.*

These sites will be considered in more detail in conjunction with ACC and local residents as the masterplanning process progresses Such a site could be either transit or permanent, with detailed aspects of design, location, delivery and

phasing to be agreed with ACC through the Phase 1 masterplanning process.”

Proposed Aberdeen Local Development Plan

Policies H6 and H7 are restated in the proposed ALDP without change, meaning that the requirement for on-site delivery of a Gypsy & Traveller site within the Loirston Development Framework area will remain applicable.

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 use

Local and national policy recognises that Gypsies and Travellers have specific housing needs, and those needs have been identified through an assessment of housing needs and demand. The Loirston Development Framework area includes opportunity site OP77, which the Aberdeen Local Development Plan (ALDP) identifies as one of three allocated sites where provision for a Gypsy Traveller site must be made on-site, rather than through any commuted sum. Policy H7 (Gypsy and Traveller Requirements for New Residential Developments) highlights that provision must be made for a small site of six pitches, with a net area of approximately 0.5ha, and that the provision of such a site will contribute towards the affordable housing requirements, with each 0.5ha site being equivalent to 15 affordable housing units.

Having included requirements for the delivery of new sites through the Local Development Plan, the need for a site and the general principle of a site being located within the OP77 site are well established. As the principle of this development in this location is supported by the ALDP, assessment of this application should principally focus on the specifics of this particular proposal.

Relationship with wider PPiP application

As outlined above, committee's decision to express a willingness to approve the wider application for Planning Permission in Principle across the Loirston Development Framework site was subject to the conclusion of both a s75 planning agreement and the imposition of various conditions. One of those conditions required that the applicant submit details of how a Gypsy & Traveller site would be provided, either via an application for the approval of matters specified in conditions (AMSC) or a standalone application for detailed planning permission. No development pursuant to the PPiP may be undertaken until any such details have been agreed. The applicants have opted to pursue the latter option, which allows for a standalone application to come forward in advance of the s75 agreement being concluded to release the PPiP consent.

The condition agreed by committee and to be placed on any PPiP consent states that any application should include details of the transit site itself, arrangements for access, timescale for delivery, and a mechanism to ensure that delivery would

happen in the envisaged timescale. It further stipulates that no more than 500 units within the PPIp site shall be occupied unless any agreed scheme has been implemented.

This application includes details of the transit site itself and arrangements for access. A timescale for delivery is not explicitly set out, however it is noted that the condition itself stipulates that the site must be delivered prior to the occupation of the 500th home within the PPIp area, so further details are arguably not required. Similarly, the mechanism to ensure delivery of the site will happen within the envisaged timescale has not been detailed, but the planning authority's enforcement of that condition can ensure that no further works could continue beyond the occupation of the 500th home unless the agreed provision had been made.

Relationship with Loirston Development Framework

The Loirston Development Framework (LDF), which has been adopted by the Council as supplementary guidance to the Local Development Plan, identified 5 potential options (A-E) for the location of a Traveller Site. The application put forward for PPIp did not specify a preferred site, citing difficulties in finding a site which would be acceptable to both new and existing local residents and suggesting that payment of a commuted sum may be a more suitable approach. This was rejected as being contrary to the aims of the ALDP and the associated Loirston Development Framework, and led to officers recommending that any approval be conditioned to require delivery of a site. This recommendation was accepted by Committee, where members expressed a willingness to approve the PPIp application, subject to (including others) a condition requiring on-site delivery of a Gypsy Traveller site. The site currently under consideration is 'site C', as shown in the LDF.

The LDF stated that the Council's Gypsy and Traveller Sites supplementary guidance informed the selection of those 5 potential sites, and that each would benefit from the following characteristics:

- They have an existing access;
- They can accommodate appropriate screening and landscape buffers to provide privacy and security whilst integrating the site into the surrounding landscape; and
- They are less than 800m from the core of the settlement.

As the site currently proposed was among those identified through the LDF, this application is considered to be consistent with the LDF in principle. Accordingly, the particular details of the proposal will determine its acceptability.

Location and Accessibility

The supporting statement submitted alongside this proposal highlights the merits of site C over other potential locations identified in the Loirston Development Framework as follows:

- *'This site is in the ownership of the applicants and Aberdeen City Council;*
- *The site is conveniently located for the proposed new primary and secondary schools at Loirston and the recreational and community facilities that will be available at the schools;*
- *The site is conveniently located for a proposed bus route to serve the Loirston development and for health service provision within the proposed High Street;*
- *The site can easily be accessed from Wellington Road via Wellington Circle and is already familiar to travellers who have pitched at Calder Park previously'*

Locating any Gypsy Traveller site within easy reach of schools and other community facilities is consistent with the stated aims of policy H6 (Gypsy and Traveller Caravan Sites) of the ALDP. Such siting is also consistent with the aims of policy T2 (Managing Transport Impact of Development), as it would minimise vehicle trips associated with accessing local schools and community facilities. As the current proposal relates to a site previously identified as one of 5 potential options in the Loirston Development Framework, there is no fundamental conflict with that supplementary guidance document.

The road accessing the site would form part of the road network serving the wider Development Framework Area, and would be sufficient to meet the needs of the Gypsy Traveller site. Each pitch is of appropriate dimensions to satisfy the specifications set out in the relevant Gypsy and Traveller Sites supplementary guidance, and pitches arranged in a manner which allows for ease of access and manoeuvrability.

In terms of its relationship with adjacent land uses, the Gypsy Traveller site would be sited to the west of land to be used as car parking for the AFC stadium proposal. To the south lies Balmoral Park, a business and industrial park, and to the west would be medium-density residential development as part of the wider development of the OP77 Loirston site. Its boundaries would be well enclosed, allowing for privacy and a degree of buffering from any noise arising from the adjacent business/industrial uses. Taking account of the enclosed and screened nature of the site, it is not considered that there is any fundamental conflict between the proposed transit site and the surrounding land uses.

The proposed site lies approximately 1.4km from the existing Cove community centre; 1.2km from existing shops; and 1.7km from the existing primary school at Cove. These distances are generally within the 1600m desirable for pedestrian accessibility, with the primary school exceeding that distance. Nevertheless, it is recognised that the longer term development of the Loirston Development Framework area would provide shops, community facilities and schools much closer to the site. Furthermore, the delivery of the traveller site is required prior to occupation of the 500th unit within the PPIp area, so it may be the case that the period when occupants are reliant on existing facilities at Cove would be limited. Taking account of these points, it is concluded that the proposed site would be suitably accessible to existing community facilities, and that its relationship to

such facilities within the LDF area would be improved as that development progresses.

Football Stadium

There is a degree of overlap between this proposal for a Gypsy Traveller site and AFC's proposal for a new stadium at Loirston. The boundary of the Gypsy Traveller site would incorporate land which has been identified in the AFC proposal as providing a road access to the north-western corner of the stadium, via Wellington Circle, with an associated lay-by parking for coaches.

Members will be aware that the planning authority's role involves balancing competing interests, with a view to making a decision based on the wider public interest. In this case, there is conflict between the AFC proposal (which Council resolved to approve subject to conclusion of a s75 agreement, still outstanding) and this proposal. It would not be considered reasonable to oblige any developer to work exclusively around another scheme which has not yet been consented, never mind implemented. Nevertheless, it is recognised that both the ALDP (through its OP77 allocation) and Strategic Development Plan identify the potential for a new community stadium in this location. The SDP refers to this being a *'regionally important facility which will bring economic, social and cultural benefits'*.

It is clear that the Development Plan recognises a wider public interest in the delivery of a new community stadium, and it is reasonable to ensure that any subsequent consent would not preclude the possibility of a stadium being delivered at Loirston.

It is noted that the approved Loirston Development Framework, which is supplementary guidance to the ALDP and carries the same weight as its policies in decision-making, demonstrated some areas of conflict with the AFC proposals which would potentially require reconfiguration of car parking, but nevertheless would not prejudice delivery of a stadium in principle.

The Local Development Plan identifies the potential for a new community stadium within the OP77 Loirston site. Whilst the conflict between these two proposals may give rise to difficulties for AFC in implementing the scheme which has been proposed to Council, it appears that there would be scope for alternative access arrangements by simply branching off towards the stadium from the Wellington Circle access at a different point. On that basis, it does not appear that this proposal would jeopardise the delivery of a stadium on this site, but merely that it would require access arrangements to be revisited. It is therefore not considered that the current proposal for a Gypsy Traveller Site would jeopardise the delivery of the envisaged OP77 and OP80 allocations in the ALDP.

Design and layout of site

The layout of the site allows for appropriate enclosure, removing scope for extension of the site boundaries, and incorporates appropriate landscaping around its edges, which can assist in providing privacy for users of the site,

acting as a barrier to noise and ensuring that the site is both inconspicuous and integrated into the surrounding landscape. The internal arrangement demonstrates due regard for the specifications set out in the Council's relevant supplementary guidance, with pitches arranged of the requisite size and capacity arranged around a central open/play space which benefits from passive surveillance. Individual pitches would have access to water standpipes, as stipulated by the relevant supplementary guidance. Office and toilet facilities are shown indicatively on the submitted plans, however final details of these facilities will be required prior to any works commencing. Landscaping has been used to provide a degree of buffering along site boundaries, assisting to reduce visual and noise impact from adjacent uses. Taking these matters into account, it is considered that the proposal would demonstrate due regard for its context and make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the ALDP, and that it would accord with the specifications for such facilities which are set out in the Council's Gypsy and Traveller Sites supplementary guidance.

Trees and landscaping

There are no existing trees within the site, however landscaping is proposed around its boundaries, with larger specimen trees incorporated along its road frontage. Further details of these landscaping proposals will be required, including details of species, volume of planting, size of specimens at time of planting, etc. That information can be secured through the use of a planning condition. This new planting will be of benefit in providing privacy and screening to the site, whilst also acting as a buffer between pitches and the industrial uses at Balmoral Park, to the south.

It is noted that the Loirston Development Framework identified drystone dykes at site C as providing an interesting boundary feature. The submitted layout plan indicates boundary walls along the northern edge of the site, however little additional detail is provided. It would be beneficial for existing drystone dykes to be retained and/or re-sited where possible, so it is recommended that a condition be used to secure details of a scheme for the retention/reuse of existing boundary walls in the new proposal prior to commencement of any works on the transit site.

Taking these points into account, it is considered that the proposal demonstrates accordance with policy D6 (Landscape) and the Council's Gypsy and Traveller Sites supplementary guidance.

Drainage

Details of surface water drainage have not been provided as part of this application, however these can be secured through the use of an appropriately worded condition, attached to any grant of planning permission.

Archaeology

It has been recommended that a condition be attached to secure a written scheme of archaeological investigation, along with any works recommended as a result such investigation. The wider area subject to an application for Planning

Permission in Principle would require a condition to this effect, and therefore investigation of this site would be included as part of any wider investigation. It is technically possible for the applicants to implement this consent in advance of commencing works on the PPIp, however there is not considered to be any realistic prospect of this happening, particularly given the Council's ownership of land at Loirston and role as joint venture partner. On that basis, a condition attached to this consent would be unnecessary, simply resulting in duplication.

Matters Raised by Local Nigg Community Council

The points raised by the local Community Council are addressed as follows:

- *The site is considered to be too close to the new housing development at Loirston;*

This suggests that traveller sites should be remote from existing residential communities, however that would not be consistent with the Council's supplementary guidance or the provisions of policy H6 (Gypsy and Traveller Caravan Sites), which encourage integration of such sites with local communities.

- *The site is considered to be too close to the sites identified for new primary and secondary schools; - this suggests that traveller sites should be remote from schools and educational establishments – that is not consistent with Policy H6, which requires that sites are accessible to local services and schools*

This suggests that traveller sites should be remote from existing residential communities, however that would not be consistent with the Council's supplementary guidance or the provisions of policy H6 (Gypsy and Traveller Caravan Sites), which require that sites are accessible to local schools and services.

- *Wellington Circle is not considered to be suitable to give access to the site for vehicles and trailers.*

No details are given as to why Wellington Circle would not be suitable for providing access to the proposed Gypsy Traveller transit site. As the site would provide 6 pitches, the level of traffic generated directly by the proposal would be minimal. Colleagues in the Council's Roads Development Management Team have raised no concerns in relation to this access being used to serve the development.

- *In addition, allowing a traveller site in this location is considered to contradict an earlier ACC decision to abandon a site at Howes Road for this purpose on the basis that it would be too close to an existing school and new housing development.*

The planning authority is obliged to consider this application on its own merits. It should be noted that no planning application was ever lodged for a site at Howes Road, with that site being identified by the Council and subsequently recognised in the LDP Main Issues Report for consideration as a potential allocation in the Proposed Local Development Plan. Regardless of the Council's decision to reconsider inclusion of that site in the Proposed Plan, this proposal must be assessed against the provisions of the current Development Plan and any other material considerations, of which the Proposed Plan is one. The current Local Development Plan requires provision of a Gypsy Traveller site within the Loirston Area, and this requirement is restated in the Proposed Plan. Consequently, the Howes Road site is of limited relevance in considering this proposal.

Matters raised in written representations

Many of the representations received make reference to problems associated with unauthorised traveller encampments. Such concerns are not material to assessment of this proposal, as they make assumptions about anti-social behaviour. It should be noted also that anti-social behaviour associated with unauthorised encampments can be in part attributed to a failure to make adequate provision for sites to meet the needs of the Gypsy Traveller community. Authorised sites can ensure that Gypsy Travellers have places to go which have the necessary facilities, reducing the likelihood of unauthorised encampments and the associated tensions with local communities.

Concerns relating to the proximity of the site to schools and housing have been addressed previously in response to the Community Council's response, above. The perception that the Gypsy/Traveller community does not want sites such as that proposed and will not make use of it is noted, however this report has established that national policy requires the planning authority to identify any requirement for sites through an assessment of housing needs and demand. An assessment has identified a shortage of sites, which has led to the Local Development Plan's requirements in policies H6 and H7. This proposal is therefore consistent with the ALDP and is addressing a recognised shortage in sites for the Gypsy Traveller community.

Statements that crime rates would rise in the local area or that Travellers using the site would *'cause trouble and shout abuse at children going to school'* are not material to determination of this application, and are considered to be potentially discriminatory. It is well established that any perceived impact on property values is not a material planning consideration. Consideration has been given to the relationship between this site and surrounding land uses, but it must be recognised that opposition in the local community in itself, without good reason based on material planning considerations, would not outweigh the requirements of the Development Plan that a site be provided within OP77.

The applicants have intimated that the site would be laid out and its ownership transferred to the Council thereafter as part of the Joint Venture partnership for the development between Hermitson Securities and ACC. Thereafter, ongoing costs are a matter for the Council, and are not directly relevant to assessment of

this application, whose focus is to ensure that an appropriate management regime is in place.

As regards perceived procedural errors, this proposal has been submitted by a different applicant to the AFC stadium proposal, and it is quite legitimate for different parties to seek planning permission for the development of the same land, irrespective of its ownership. The applicants have submitted the necessary certification, which is understood to be correct.

It is recognised that there is a degree of uncertainty regarding timescales and prospects for implementation of the AFC stadium proposal, however the planning authority has a duty to determine this application. As noted previously in relation to the AFC proposals, it recognised that the degree of overlap between these proposals may require a redesign of car parking and/or access arrangements, but this would not appear to prejudice the potential for delivery of a stadium within the OP77 site, but rather presents difficulties for the current stadium proposal. On that basis, it is not considered that the degree of conflict between these two proposals would warrant refusal of this application.

Comments relating to a perceived lack of improvements in local community facilities and roads network are noted, however it should be borne in mind that any developer contributions or improvements to the local roads network must be related in 'scale and kind' to the impact of a given proposal, which in this case is for a Gypsy Traveller site comprising 6 pitches. The capacity of the proposed site is consistent with the requirements of the ALDP, which did not intend that one single site would meet the identified housing needs of the Gypsy Traveller community.

A lack of information on the future management of the transit site is noted, however this can be secured through the use of a planning conditions. The degree of tension with the requirements of policy H6 is considered to be minor, with no consent being capable of implementation until a scheme for future management has been agreed formally with the planning authority.

It is noted that some respondents express a preference for other sites among those identified in the Loirston Development Framework (sites A-E), however the planning authority's role is to determine this proposal on its own merits, rather than to decide which of those sites (or any other alternative) is best. Conflict with match-day traffic is unlikely to be significant, given the site's capacity extends to only 6 pitches.

Comments relating to the Council's decision not to take forward a site at Howes Road as part of the Proposed Local Development Plan are noted, and have been addressed in the response to the Community Council's response, above.

It is recognised that the 1700m separating the site from community facilities at Cove would exceed the 1600m recommended in Planning Advice Note 75 (Planning for Transport), however this is not considered to be excessive. It is noted also that the delivery of the traveller site is required prior to the occupation

of the 500th house within the PPIP area, so there is a reasonable expectation that the transit site would not be laid out immediately, and that there may be more convenient access to local facilities within the Loirston Development Framework by that point, but if not in due course thereafter. Considering this transit site in the context of the wider development proposal, local facilities would be located within the required distances on delivery of the wider development. Similarly, existing bus services lie just outwith the recommended 800m, however it is anticipated that the location of the transit site close to a route into the wider Loirston Development Framework area is such that it would be well located in relation to future bus routes serving the development.

Matters relating to the landscaping of the site and its relationship to its surroundings have been addressed previously in this report. Concerns relating to the sufficiency of the facilities on the transit site can be addressed through conditions, requiring further information on proposals for sewage disposal, portable toilets and on-site office facilities.

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, there is no material change in the applicable policy context. Delivery of a site for use by Gypsy & Traveller communities remains a requirement for the OP77 Loirston site, and existing policies H6 and H7 are reiterated in the proposed plan.

Summary

The principle of a traveller site within the OP77 Loirston site is well established. The need for Gypsy Traveller sites generally in Aberdeen was identified through an accommodation needs assessment for the Grampian area. This general need for sites translated into a requirement for three specific development allocations, Loirston among them, to make on-site provision for one site each. That requirement was subsequently recognised in the Loirston Development Framework, adopted as Supplementary Guidance to the Local Development Plan. Thereafter, this Committee's decision to grant Planning Permission in Principle (subject to conclusion of s75) was conditional on a Gypsy Traveller site being provided on-site.

The current application represents the next logical step in that process. The proposed site would be located within reach of existing schools and local facilities, and would be conveniently located in relation to new schools and facilities as development progresses across the wider Loirston Development Framework area. The site incorporates the necessary facilities to serve its occupants, and further details of site management and utilities can be secured through the use of conditions.

The proposal, though involving an overlapping of boundaries with the AFC stadium proposal, would not preclude the possibility of a community stadium being delivered within the OP77 site. The site would be adequately screened and enclosed to ensure privacy for occupants and minimise conflict with adjacent land uses. Taking these matters into account, it is considered that the proposal is consistent with the allocation of the OP77 Loirston site and its associated requirement for the on-site delivery of a site for use by the Gypsy and Traveller community. The siting, design and landscaping of the site is consistent with the guidance contained in the Council's Gypsy and Traveller Sites supplementary guidance. The proposal is therefore considered to accord with the provisions of the Development Plan, and no matters raised in representations or other material considerations are considered to be of sufficient weight to warrant determination other than in accordance with the Plan. It is therefore recommended that this proposal be approved subject to the conditions detailed below and subject to a s75 agreement relating to the transfer of the site to ACC.

RECOMMENDATION

Willingness to approve subject to conditions and subject to s75 requiring transfer of site ownership to Aberdeen City Council

REASONS FOR RECOMMENDATION

The proposed development is consistent with Scottish Planning Policy (SPP), the Aberdeen and Aberdeenshire Strategic Development Plan and the Aberdeen Local Development Plan (ALDP), in that it relates to addressing an identified housing need. The proposed transit site satisfies the requirements of policy H7 (Gypsy and Traveller Requirements for New Residential Developments) and is consistent with the zoning of the OP77 (Loirston) opportunity site and the associated policy LR1 (Land Release).

Areas of conflict with a separate proposal for a community stadium at Loirston are noted, however those conflicts are not considered to be sufficient to preclude the possibility of a stadium being delivered within the OP77 site, but rather are areas of localised conflict which could readily be addressed through reconfiguration of access and parking arrangements. The selection of a site previously identified in the Loirston Development Framework ensures that this proposal remains consistent with that supplementary guidance.

The site will be readily accessible within the context of the wider Loirston Development Framework area, however should it come forward in advance of school and community facilities within that area, it is within reasonable distance of existing facilities at Cove in the short term. The proposal is therefore considered to accord with the aims of policy T2 (Managing the Transport Impact of Development).

The site is designed to meet the requirements of its occupants, but will nevertheless be well enclosed and screened to ensure that there is appropriate security and privacy within the site, whilst minimising the potential for conflict between the site and adjacent land uses. Its landscaped frontage is consistent with the character and appearance of the wider Loirston Development Framework area, and would present a pleasant frontage to the site, consistent with the aims of policies D1 (Architecture and Placemaking) and D6 (Landscape) of the ALDP.

Taking account of the site's accessibility to local services and facilities; its compatibility with the character and appearance of the surrounding area; its provision for essential utilities, consistent with a transit site; and the requirement that the developer agree details of ongoing management prior to commencement; the proposal is considered to be largely in accordance with the provisions of policy H6 (Gypsy and Traveller Caravan sites) and the associated 'Gypsy and Traveller Sites' supplementary guidance.

The proposal is therefore considered to accord with the provisions of the Development Plan. No material considerations, including matters raised in representations and potential changes to policy context through the Proposed Plan, are considered to be of sufficient weight to warrant determination other than in accordance with the Development Plan.

CONDITIONS

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

(1) Prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - to ensure adequate protection of the water environment from surface water runoff.

(2) that no part of the development hereby approved shall be undertaken unless there has been submitted to and approved in writing by the Planning Authority a detailed scheme of site and plot boundary enclosures for the development. No part of the site shall be brought into use unless the said scheme has been implemented in its entirety - in order to ensure that the site is appropriately

enclosed and makes use of existing topographical features, such as dry stone dykes, where possible.

(3) That no part of the site shall be occupied for the approved use unless details of external lighting have been submitted to, and approved in writing by, the planning authority. Thereafter, the site shall not be brought into use unless the details as agreed have been implemented - in order to ensure that the site is appropriately lit to ensure safe movement but minimise light pollution, as required by the Council's 'Gypsy and Traveller Sites' supplementary guidance.

(4) That no development pursuant to this grant of planning permission shall be undertaken unless proposals for ongoing site management have been submitted to, and approved in writing by, the planning authority. Any such proposals should include the following;

- Details of any on-site management, including proposals for any office/security accommodation and staffing thereof, both when the site is occupied and when not in active use;
- Arrangements for sewage disposal and on-site toilet facilities;
- Details of a local first point of contact ('site manager');

Thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - in order to ensure that the development is supported by appropriate long-term management.

(5) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(6) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(7) That no unit within the development hereby granted planning permission shall be occupied unless provision has been made within the application site for

refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

Dr. M. Bochel
Aberdeen City Council
Enterprise Planning & Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen

Date:- 4th January 2015

Ref. **Planning Application 141441**
Formation of a Gypsy Travellers transit Site, comprising 6
pitches and supporting facilities.

Dear Dr. Bochel,

Nigg Community Council wish to object to the above application on the
following grounds :-

- A) The proposed site, is too close to the new housing development
at Loirston, which currently has planning permission in principle.
- B) The proposed site, is too close to the site which ACC has identified
suitable for a new Primary school and Academy.
- C) The use of Wellington Circle for access to the proposed site, would
be unsuitable for vehicles and trailers.

In addition to the above, the grant of permission for this application
would go against a previous ACC planning and council decision, when,
after accepting a recommendation from the "Gypsy Travellers
Stakeholder Group", a site at "Howes Road", was identified and deemed
acceptable by both the planning department and elected members, as
being suitable for a Gypsy Travellers Halting Site.

That site has subsequently been deemed unsuitable and the acceptance
withdrawn, as the proposed site was considered too close to an existing
school and back to back with a proposed new housing development.

12 JAN 2015

Please reply to

Mr. Alan Strachan
Chairman
Nigg Community Council
18, Redmoss Road,
Nigg, Aberdeen
AB12 3JN
Telephone 01224 897638

Mr. James Brownhill
Vice Chairman
Nigg Community Council
The Lodge, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone 01224 897273

Mrs. Jenny Gall
Secretary
Nigg Community Council
Lochinch Cottage, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone 01224 897511

The situation at Loirston is exactly the same.

The proposed halting site is located directly across the street from the proposed new Loirston housing development and proposed new Primary school and Academy.

In considering the above, "Nigg Community Council", respectfully request, that this Planning application, should be "**REFUSED**".

We await your reply with interest

Yours faithfully



Alan Strachan chair
(for and on behalf of Nigg CC)

cc. Cllr's / N. Cooney / C. McCaig / A. Finlayson

Comment for Planning Application 141441

Name : Alan Strachan

Address : 18, Redmoss Road,

Nigg,

Aberdeen

AB12 3JN

Telephone : 01224 897638

Email : XXXXXXXXXXXXXXXXXXXXXXXX

type :

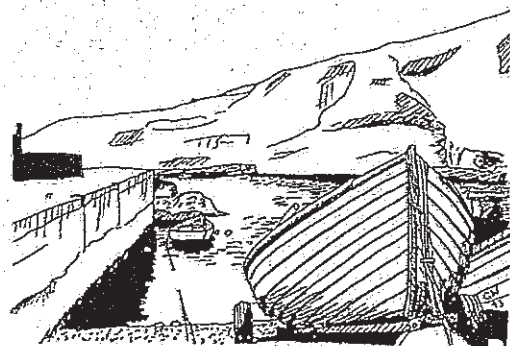
Comment : Sirs, as chair of Nigg Community Council I wish to intimate our strong objection to the above application.

Please be advised that the application will not be discussed until our next Community Council meeting on 13th November following which a more detailed objection will be submitted.

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COVE AND ALTENS COMMUNITY COUNCIL

Chair: Ms Michele McPartlin



Secretary: Ms Sue Porter
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Website www.cove-bay.com

Mr Gavin Evans
Planner (Development Management)
Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
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Marischal College
Broad Street
Aberdeen
AB10 1AB

11th March 2015

Dear Mr Evans

Planning Application P141441

Formation of a Gypsy Travellers Transit Site comprising 6 pitches and supporting facilities, Loirston Nigg

Cove and Altens Community Council wishes to object to the planning application on the following grounds:-

- The proposed Transit Site is not suitably placed. It is a known fact that Travellers' like to be at a distance from the settled community and that the settled community does not wish Travellers to be sited near to them.
- Have Gypsy/Travellers been consulted on the suitability of this site?
- The site bounds directly with proposed new low-cost homes.
- There is a lack of clarity on who is responsible for running and maintaining the site and details re proposed length of stay.
- The amount of pitches does not satisfy the requirements of the Gypsy / Traveller community and runs the risk of overflow to the adjacent area.
- The site is in close proximity to and would appear to share the access road to the new proposed Secondary School at Calder Park.
- We believe the proposed site at Howes Road was rejected due to the close proximity to the school there which sets a precedent.

Yours sincerely,

Gary Allanach
Planning Officer

18 MAR 2015

Your Ref: 141441
Our Ref: CLA/1063/00140/EFB/TGGH/VB

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The logo for Burness Paull, featuring the company name in a bold, sans-serif font with a diagonal slash through the 'B'.

24 November 2014

Dear Sirs

**JOHN CLARK (HOLDINGS) LIMITED
OBJECTION TO PLANNING APPLICATION REFERENCE 141441
FORMATION OF GYPSY/TRAVELLER TRANSIT SITE ON LAND AT LOIRSTON,
NIGG, ABERDEEN**

We are instructed by John Clark (Holdings) Ltd to object to the above application for the formation of a gypsy/traveller transit site, comprising 6 pitches and supporting facilities on land at Loirston, Nigg, Aberdeen. The application site is to be accessed via Wellington Road and the roundabout on Wellington Circle.

Our clients became aware of the application by way of an article published in the Evening Express on 31 October 2014. The deadline for representations on the application is 25 November 2014. This letter of objection is therefore timeous.

John Clark (Holdings) Ltd is the main holding company for the John Clark Motor Group which is a family run and owned business which has 21 motor dealerships across Scotland, employing over 1050 members of staff. John Clark Motor Group dealerships showcase the latest range of new cars and stock a wide range of approved used cars. Our clients operate 8 dealerships from 8 sites in Aberdeen and have recently opened a new Nissan/Mini dealership on Wellington Road within the Balmoral Park site (consent reference P130477). They have a current application for planning permission for an Audi dealership also within the Balmoral Park (application reference P141512).

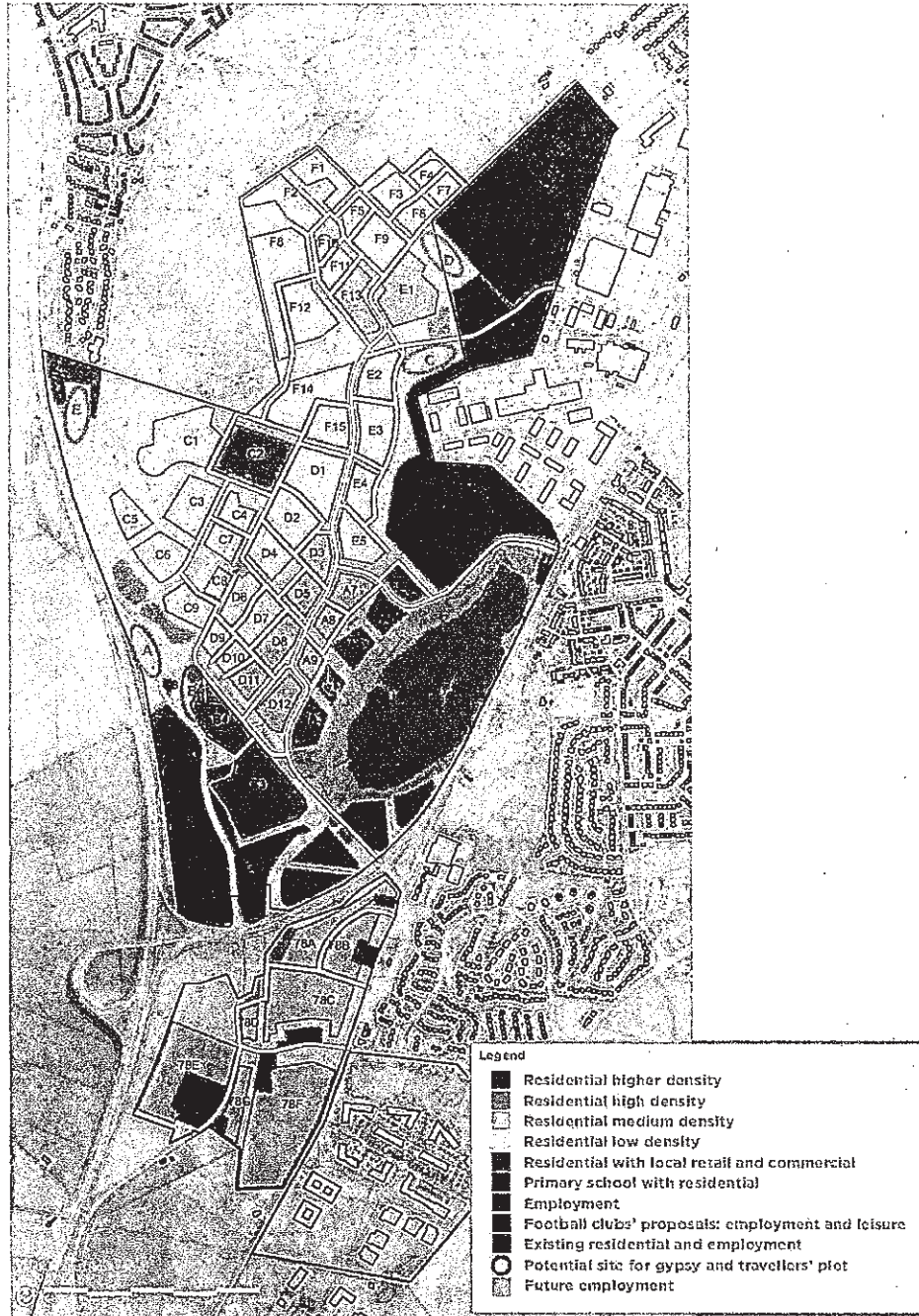
Aberdeen Edinburgh Glasgow

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Registered office: 50 Lothian Road, Festival Square, Edinburgh EH3 9WJ
Burness Paull is a registered trade mark of Burness Paull LLP
VAT registration number GB 115 0905 48

Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm's registered office.

Our clients object to the application for the gypsy/traveller site on the basis that it is not the most appropriate location within the OP77 site at Loirston.

The Loirston Development Framework, which was adopted by the Council in November 2012, pursuant to the Development Plan, identified 5 possible locations for the gypsy/traveller halting site as shown in blue oval shapes on the plan below, which sites are labelled A to E.



Our clients acknowledge that the terms of Policy H7 of the ALDP require the OP77 allocation to accommodate a 6 pitch site of approximately 0.5 hectares for a temporary halting site for gypsy/travellers. However, the location of the gypsy/traveller site requires to be considered in accordance with other policies in the Development Plan including Policy H6 and its related Supplementary Guidance which contains the detailed guidance on the delivery of gypsy/traveller sites.

Our clients believe that the application site (Site C on the above Framework) is not the most appropriate location for a gypsy/traveller site for the following reasons:-

1. Policy H6 indicates that sites for gypsies and travellers will be approved in principle if access to local services and schools can be provided.

The Design Statement suggests that existing facilities in Altens are generally 1.7 kilometres away and drawing reference 110295_Ph1_GT_003 purportedly indicates the distances to the nearest school, community centre and shops. These are all outwith the recommended distance for walking and would involve pedestrians crossing over Wellington Road, which is a major commuter route in and out of Aberdeen. A safe and convenient route to existing retail facilities from the application site is not provided.

Although community facilities and retail uses are proposed as part of the development of site OP77, the application site would be remote from these. The local retail centre identified in the Framework is to be provided in the south of the OP77 site. The Phase I Masterplan, produced in the context of application reference P130892, does not show any community facilities near the application site, apart from a possible secondary school. It is not known what community facilities are to be provided within the replacement secondary school.

Approving the application would run counter to a recent Council decision in respect of a permanent gypsy/traveller site at Howes Road, Bucksburn. The Howes Road site was rejected for inclusion in the Proposed Local Development Plan due to the proximity of the site to Heathryburn School and as it was adjacent to a school for children with special needs, which is to replace the Raeden Centre.

Our clients submit that this application should be refused given the proximity of the application site to the site for the replacement Kincorth and Torry Academies.

When compared with the other sites considered in the Framework, such as sites B and A to the south of the Loirston Framework area, the application fails to meet the first criterion of Policy H6.

2. The site layout plan submitted with the application shows the pitches surrounded by “*parkland specimen trees*” to the north and “*screening tree mix*” on the remaining sides of the site. Low maintenance mown lawn and woodland under storey planting are shown by the site access. It is not clear, however, how deep these areas of planting are to be nor whether this is in keeping with the character and appearance of the proposed development. In particular it is not clear if the landscaping proposed has had any regard to the design, layout and landscaping of Balmoral Park. The Council has required a very high standard of landscaping as part of our clients’ developments, but that approach does not appear to have been followed here. In our client’s submission criterion 2 of Policy H6 has not been satisfied.
3. The application is not supported by any proposals for sustainable energy infrastructure. Whilst the plans show water stand pipes, it is not clear how electricity and heat are to be provided to the site. The plans have a “*potential*” location for a toilet block but it is not clear if this will be adequate to deal with sewage disposal from the site. Criterion 3 of Policy H6 has not been met.
4. There is no information in the application on how the site will be managed. The layout plan simply identifies a potential location for an office/security block, but there is no further detail as to who will manage the site or man the office/security block. It is suggested that the requirement for this office/security accommodation to be provided is to be determined through the planning application process.

Our clients are aware of historic unauthorised gypsy/traveller encampments near Calder Park and the Balmoral Park industrial areas which have led to damage to property. Management of a gypsy/traveller site is key to providing confidence to surrounding land users.

The lack of this information makes the application contrary to criterion 4 of Policy H6, which requires information to demonstrate that the site will be properly managed to form part of an application.

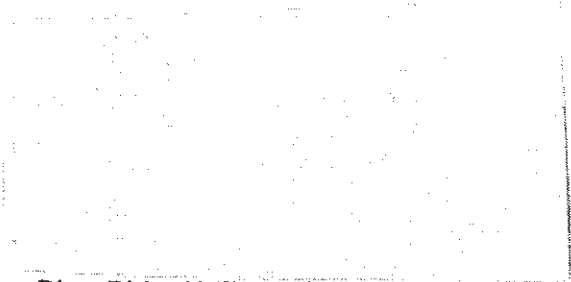
Conclusion

There are a lack of existing and proposed facilities for users of the gypsy/traveller site to access and locating the site nearby schools runs counter to a previous decision of the Council at Howes Road. It is not clear if the landscaping proposed has had any regard to the design, layout and landscaping of Balmoral Park and the very high design requirements of that adjacent area. The application is not supported by any proposals for sustainable energy infrastructure and there is no information in the application on how the site will be managed.

In light of the above, our clients believe that the application does not accord with Policy H6 of the adopted ALDP and the related Supplementary Guidance.

We trust that the points raised in this letter will be taken into account before determining the application in due course. Our clients reserve the right to expand on the points mentioned herein should further information be submitted by the applicant.

Yours faithfully



Direct Dial: +44 (0)1224 618538

Email: Theresa.Hunt@burnesspaull.com

Dr M Bochel
Head of Planning & Sustainable Development
Aberdeen City Council
Marischal College, Broad Street
Aberdeen AB10 1AB

21 November 2014

Our Ref: JF/IL

Email: ian.livingstone@ryden.co.uk

Dear Dr Bochel

**OBJECTION TO DETAILED PLANNING APPLICATION REFERENCE 141441 -
FORMATION OF A GYPSY TRAVELLERS TRANSIT SITE COMPRISING 6
PITCHES AND SUPPORTING FACILITIES ON LAND AT LOIRSTON, NIGG**

Edinburgh
0131 225 6612

Glasgow
0141 204 3838

Leeds
0113 243 6777

Dundee
01382 227900

Inverness
01463 717202

I write on behalf of Balmoral Park, part of Balmoral Group Holdings Ltd., who are in receipt of a Neighbour Notification in respect of an application submitted by Hermiston Securities, for the above development. I have reviewed the application and wish to strongly object on their behalf to the proposed development.

The Balmoral Group, established in 1980, offer a range of specialisms in the fields of engineering and manufacturing and are a major employer in Aberdeen. The company are based at Balmoral Park and share a boundary with the development site of the proposed gypsy traveller site at Loirston. The company objects to the proposal on the following grounds:-

1. Balmoral Group have previously had experienced difficulties with the presence of gypsy travellers in the area. These were well documented during a 5 month period from November 2012 when a group of gypsy travellers were encamped on a piece of land close to their premises at Calder Park. As a result, the company incurred additional costs as they were forced into increasing their levels of security personnel on site over the festive period to prevent loss or damage to their property. Despite having full time security in place, there was damage done to fencing and evidence of fouling etc. This was reported to the police.

During this time, several meetings were held between concerned local businesses, Community Council members, local Councillors and Aberdeen City Council in an attempt to resolve the issue. An agreement was reached between Aberdeen City Council and the gypsy travellers which sought to limit the time period which the group could remain on site before being legally obliged to leave. This agreement was blatantly disregarded by the travellers, who consistently had vastly over the agreed number of vans present on site and refused to move on after the expiry of the agreed time period. On their eventual departure, a mess was left on site, with rubbish and other items discarded, affecting the quality and appearance of the area. This was ultimately cleared by Aberdeen City Council, at the cost of tax payers and business rate payers.

Balmoral Group do not wish to be faced again with potential nuisance which is likely to arise through the location of the gypsy traveller site at the proposed location, which lies immediately adjacent to their premises.

2. Balmoral Group are based at Balmoral Park which lies south of Wellington Circle and west of Wellington Road, adjoining the proposed site at Loirston. It is part of Balmoral Business Park which is a prime new business location on the south side of Aberdeen. It is nearly completed and boasts Grade A office and business space at a highly accessible and well connected site. The area is accessed from the A956 Wellington Road which adjoins the A90, approximately 1.3km to the south west. On its completion, a major junction on the nearby AWPR will enhance the connectivity of the site further. It is contended that the approval of a gypsy traveller site at a location in close proximity to Balmoral Business Park is incompatible and has the potential to deter inward investment.
3. The development at the proposed location would be considered unsustainable in the context of Scottish Planning Policy (SPP), approved in June 2014. The provisions of this piece of national planning policy encourage local authorities to direct *'the right development to the right location'*. In the context of this application, this is simply not the case. The development will not be compatible or harmonious with its adjoining and surrounding land uses and the nature of the proposal possesses the potential to adversely affect the amenity of local people, businesses and the vitality of the local economy. This is due to the possible disruption, damage and loss to local businesses as previously experienced by Balmoral Group at their current location.

Furthermore, the proposal is in conflict with the objectives of the Aberdeen City & Shire Strategic Development Plan (SDP) (2014) which aims to promote economic growth and sustainable business development in appropriate locations. As such, the development of the gypsy traveller site at the proposed location is contrary to the strategic development aims for the North East as it possesses the potential to deter valuable business investment at Balmoral Business Park.

4. It is recognised that the provisions of extant Aberdeen Local Development Plan (LDP), approved in February 2012, require a gypsy traveller site to be incorporated within the allocated residential led development at Loirston under Policy 1 Land Release. However, it is firmly refuted that the proposed site represents the optimal location for its development on an allocated site area of circa 177 hectares.

The approved Loirston Development Framework has identified 5 potential gypsy traveller sites within the development area. Section 5.5.7 of this document states that these sites will be '*... considered in more detail in conjunction with ACC and local residents as the masterplanning process progresses*'. Within the Supporting Planning Statement accompanying the application, paragraph 1.3 acknowledges the contentious nature of traveller sites and states the intention to '*... hold a joint meeting with the three community councils in the area following submission of the application to inform them about the proposals*'. It would have been preferable if consultation with residents, businesses and community councils could have been undertaken prior to submission. This is considered to be in conflict with the provision of extant Aberdeen City Council Supplementary Guidance on the Masterplanning Process.

Of the options mooted in the Development Framework, it is considered that 'Site A', as illustrated on page 49 of the Loirston Development Framework represents a more appropriate location for a gypsy traveller site. This is due to its proximity to areas of open space, access and retail provision, as well as integrating and connecting appropriately within the context of the greater Loirston development area.

5. It is disputed that the selected location at 'Site C' is the most appropriate location for the gypsy traveller site. In the context of the extant Development Framework for Loirston, such land use at the proposed location would be incompatible with adjoining uses. The area to the north, at Calder Park, currently occupied by playing fields has been earmarked for the provision of a new primary and secondary school. The location of the gypsy traveller site

in close proximity to these educational facilities does not provide an ideal environment for pupils. Furthermore, parents of those students falling within the catchment for the schools may raise concern over the presence of the gypsy traveller site and attempt to have their children enrolled at an alternative school, increasing the need for private car journeys, contrary to the provisions of the SDP.

6. In the context of PAN 75 Planning for Transport and Circular 01/2006 for Gypsy and Traveller and Caravan Sites, alternative sites suggested by the Development Framework are considered to be more suitable. As mentioned previously, Site A is more appropriately located with regards to the wider Loirston development than the selected Site C. Site A lies in close proximity to proposed retail and commercial land uses, as well as leisure proposals and open space. It is comfortably within 1600m of a comprehensive range of amenities and facilities as advised by PAN 75, and is readily accessible, lying adjacent to the A90 to the west and an existing access road immediately east. The site also falls within 800m of Wellington Road to the south, where bus stops enable travel in both directions, in accordance with the Government planning advice note.
7. Locating a gypsy traveller site in close proximity to a potential community asset such as Aberdeen Football Club should not be considered as viable or appropriate. The presence of the site and its visual appearance holds the potential to deter supporters and visitors. We also envisage potential friction developing with supporters who will need to pass the proposed site on match days. In this context, it cannot be considered appropriate to locate such a site in the vicinity of a major sporting facility.
8. In terms of extant Aberdeen Local Development Plan (LDP) policy, the application is found to be contrary to point 1 of Policy H6 – Gypsy and Traveller Caravan Sites in that the development cannot be made compatible with the character and appearance of the surrounding area. This is due to the reasons discussed above regarding the existing and proposed nature of adjacent business, residential and educational land uses and the likely detrimental impact that the gypsy and traveller site will impose on the vitality and amenity of these. Furthermore, the applicant has not stated site management provisions post development and consequently has failed to demonstrate compliance with point 4 of Policy H6.

9. From section 4.1 of the Supporting Planning Statement site ownership appears to have been key to site selection. However, only one of the 5 option sites is not in the control of the applicant. Also, the fact that travellers have previously encamped in a similar location cannot be considered valid justification for the chosen site, especially when businesses, such as the Balmoral Group, experienced loss and damage to their premises as a result of this. If anything, this should be used as a justification for the site's location elsewhere in the Framework area. It cannot be denied that the chosen location is conveniently located to the proposed new schools situated directly north of the site; however, it is questionable if this will provide a suitable educational environment for the pupils attending these schools. As previously highlighted, the nearest bus stops to the site are located in excess of 800m away. Provisions are made within the proposed wider development at Loirston to improve service to the site in terms of public transport and health care, however the timescales and delivery of these are currently unknown which may result in the site's residents being isolated from essential services.

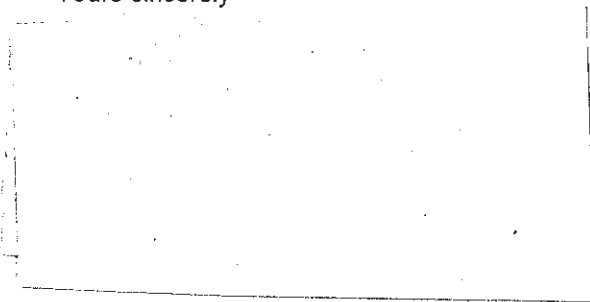
To conclude, the proposal to form a gypsy traveller transit site at this location is unsustainable in terms of SPP and will have detrimental effect upon the amenity and vitality of its existing and proposed surrounds, ultimately posing a threat to future investment into the area. Difficulties with gypsy travellers within Aberdeen have been well documented in the local press over the past 2 years, with community assets and recreational facilities affected as a result. Incidents have occurred at Aberdeen Sports Village and Aberdeen Wanderers' Rugby Fields during 2013, with gypsy travellers encamping on privately owned land. Further similar occurrences were experienced at Nigg and Balnagask Golf Clubs in early 2014. The gypsy traveller community also occupied land at Royal Aberdeen Golf Club in May 2014 prior to the club hosting the Scottish Open. This was considered a real threat to the success of the tournament.

The application, if approved at the proposed location, would have a detrimental effect on the visual and environmental aspects of the proposed wider development at Loirston due to its incompatibility with adjoining land uses and has the potential to threaten the success and delivery of the wider scheme.

The application fails to comply with the extant Aberdeen Local Development Plan in the context of Policy H6 and relevant supplementary guidance on the Masterplanning Process and Gypsy and Traveller Sites. The applicant has failed to follow the prescribed procedure in the selection of the site as laid out in the extant Development Framework for Loirston and has given little consideration to the merits and suitability of the 4 alternative sites, ultimately choosing the current location based on a number of untenable and unsubstantiated criteria.

It is respectfully requested that the proposal is refused.

Yours sincerely



cc: JS Milne, Chairman & Managing Director, Balmoral Holdings Group.

Your Ref: 141441
Our Ref: ABE/1056/00109/EFB/TGGH/VB

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1 Union Wynd
Aberdeen
AB10 1DQ

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Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
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Broad Street
Aberdeen
AB10 1AB

The logo for Burness Paull, featuring the company name in a bold, sans-serif font with a diagonal slash through the letter 'B'.

25 November 2014

Dear Sirs

**ABERDEEN FOOTBALL CLUB
OBJECTION TO PLANNING APPLICATION REFERENCE 141441
FORMATION OF GYPSY/TRAVELLER TRANSIT SITE ON LAND AT LOIRSTON,
NIGG, ABERDEEN**

We are instructed by Aberdeen Football Club to object to the above application for the formation of a gypsy/traveller transit site, comprising 6 pitches and supporting facilities on land at Loirston, Nigg, Aberdeen.

Our clients became aware of the application by way of an article published in the Evening Express on 31 October 2014. The deadline for representations on the application is 25 November 2014. This letter of objection is therefore timeous.

Our clients wish to object to the application on the following grounds:

1. Conflict with the Club's proposals for a new community stadium at Loirston;
2. Lack of facilities for users of the transit site; and
3. Lack of information on the management of the site, with consequential concerns with impacts on the surrounding area.

Aberdeen Edinburgh Glasgow

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VAT registration number GB 115 0905 48

Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm's registered office.

The application requires to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Our clients wish to object to the application.

We will deal with each point of objection in turn.

1. Conflict with stadium proposal

On 23 February 2011, the Council granted the Club a willingness to approve application reference P101299 for a new 21,000 capacity sports and leisure stadium, including associated car parking, access arrangements and landscaping at Loirston. The proposal would allow the Club to relocate from Pittodrie Stadium. The terms of a legal agreement securing the funding and implementation of several transport related measures, planning gain, and the extension of a public plaza in the event of the adjacent land (Loirston) being developed as a new community have been agreed, but the agreement has yet to be signed due to landownership issues.

The proposal for a new stadium is of strategic importance and as such is identified in the Strategic Development Plan 2014 as one of the projects, listed in Schedule 2, which will help achieve the vision for the North-East and which will bring economic, social and cultural benefits. The site at Loirston was selected in conjunction with the Council and after considerable public consultation.

The proposed stadium was central to the allocation of the wider Loirston development opportunity OP77 and is identified in the approved Loirston Development Framework.

Notwithstanding this background, the current application for the gypsy/traveller transit site is located on land which it is intended would form part of the access and bus drop-off/parking area for the new community stadium. The Supporting Planning Statement goes on to state that:

"The status of the AFC proposals is not known following the decision by the Council to take control of the land at Calder Park previously leased to Cove Rangers and the issue of a refusal of Landlord's Consent for the revised development proposals on the site. For the purposes of the revised Development Framework, the AFC scheme which was minded to grant was slightly altered for functional reasons and to better integrate the stadium parking areas into the development. Due to the continuing uncertainty over the status of the AFC proposals, the gypsy and traveller site area is partly located on land identified for parking (see Gypsy and Traveller Site: Design Statement)".

A similar statement is contained in the Design Statement at section 2.1.

The Club is disappointed by these comments. The Club remains committed to developing the new stadium and is working with the Council to progress with the project. Approving the gypsy/traveller development on part of the car parking and bus/drop off area for the stadium will

prejudice delivery of the stadium, contrary to the stated aims of both the Strategic Development Plan and the Local Development Plan.

The applicant appears, at paragraph 4.1 of the Supporting Planning Statement, to disregard a potential location for the gypsy/traveller site due to the impact which it would have on the design and layout of the proposed secondary school to the north. The same approach should be followed in respect of the impact on the community stadium.

Given that the stadium was approved by the Council before the OP77 site was identified in the 2012 Local Development Plan, and was central to the mixed use allocation, it would appear perverse for the Council to approve development as part of the OP77 allocation which would prevent the stadium development from going ahead.

The Development Framework identifies other potential locations for a gypsy/traveller transit site and our clients submit that options A or B would be preferable. As well as not impacting directly on the land required from the stadium, these locations would avoid unnecessary conflict between football supporters/ traffic associated with use of the stadium, and users of the gypsy/traveller site.

2. Lack of facilities for users of the transit site

In addition to the impact which the proposed gypsy/traveller site will have on our clients' proposals for a new community stadium, our clients also believe that the application site is generally not an appropriate site having regard to the other sites put forward in the Framework and when measured against the requirements of Policy H6 and the related Supplementary Guidance

Approving this application would run counter to a recent decision by the Council to avoid locating gypsy/travellers sites next to schools. A site at Howes Road, Bucksburn was rejected for inclusion in the Proposed Local Development Plan due to the proximity of the site to Heathryburn School and to a school for children with special needs, which is to replace the Raeden Centre.

Our clients submit that this application should be refused given its proximity to the site for the replacement Kincorth and Torry Academies and to the new primary school to be located on the OP77 site further west.

The Design Statement suggests that existing facilities in Altens are generally 1.7 kilometres away and drawing reference 110295_Ph1_GT_003 purportedly indicates the distances to the nearest school, community centre and shops. This is outwith the recommended distance for walking and would involve pedestrians crossing over Wellington Road, which is a major commuter route in and out of Aberdeen.

Although community facilities and retail uses are proposed as part of the development of site OP77, the application site is in fact also remote from these facilities.

When compared with the other sites considered in the Framework, such as sites B and A to the south of the Framework area, the application fails to meet the first criterion of Policy H6.

3. Lack of information on management of site

There is no information in the application on how the site will be managed. The layout plan simply identifies a potential location for an office/security block, but there is no further detail as to who will manage the site or man the office/security block. It is suggested that the requirement for this office/security accommodation to be provided is to be determined through the planning application process. This appears to be contrary to Policy H6 Criterion 4, which requires information to demonstrate that the site will be properly managed to form part of an application.

Conclusion

Approving this application would prejudice the delivery of Aberdeen Football Club's new community stadium at Loirston. This is the Council's preferred location for the stadium. The stadium is of strategic importance to the region.

When measured against the requirements contained in Policy H6 of the adopted ALDP and related Supplementary Guidance, it is clear that the application site fails to meet some of the criteria.

The Development Framework identifies other potential locations for a gypsy/traveller transit site, such as options A or B, which would not impact directly on the land required from the stadium and would avoid unnecessary conflict between football supporters/traffic and users of the gypsy/traveller site.

We trust that the points raised in this letter will be taken into account before determining the application in due course.

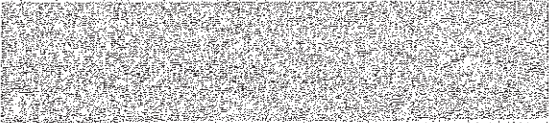
Email: Theresa.Hunt@burnesspaul.com

PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 November 2014 15:02
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : Steve Birnie
Address : 2 Whitehills Way
Cove Bay
Aberdeen
AB12 3UJ



Comment : I wish to place on record my objection to this planning application. I would be concerned that this proposed site is far too close to the proposed Secondary school that is also intended to be built in close proximity to this location and would be on the walking route to the secondary school for children from Cove. surely it would be better to defer this planning application until it becomes clear what is happening with the school and Stadium and nearby housing plans so that the local community can see the bigger picture.


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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 November 2014 10:29
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : Rod McFarlane
Address : 18 Creel Drive
Cove
ABERDEEN
AB12 3BU



type:
Comment : Why???? Why would we provide a facility that the travellers don't want and will not use. The site already provided is not used so why would anyone think this one will. Why can't this land be used to provide facilities for people who actually live in the area and pay their taxes?

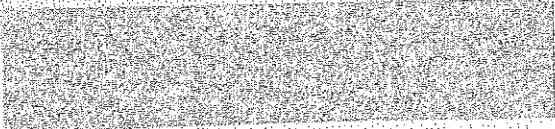
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PI

From: webmaster@aberdeencity.gov.uk
Sent: 28 October 2014 13:10
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : Scott Lawrie
Address : 5 Cassie Close
Cove Bay
Aberdeen



Comment : I wish to object to the above application for a Gypsy/Travellers halting site.
This is not an appropriate area for such site. This should be moved away from local housing areas and placed in a less built up area.

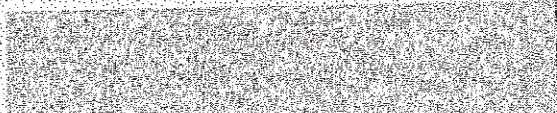
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PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 November 2014 07:56
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : michael gordon
Address : 20
LOCHINCH GARDENS COVE


Comment : The application contains a substantial part of a separate planning application ref: 101299.
I object to this application on the grounds that procedure is not being followed as this should be deemed an amendment, not a new application.

The  is a blue line on the application plan, inferring ownership of the entire site.
Again, I object to the application on the grounds that procedure is not being followed.
There is insufficient detail on the drawings to determine the application

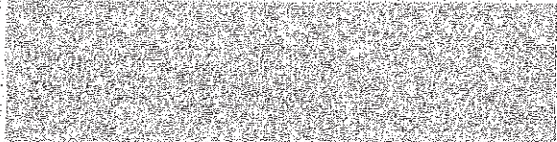
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PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 November 2014 11:21
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : David More
Address : 41 Shieldhill Gardens
Altens



Comment : I understand the need of the requirement for a gypsy/traveller site at Loiriston Development and the needs of the site to be near and accessible to schools. However I feel I have to object to this planning application on the basis that it is situated so close to the proposed new secondary school. Within reasonable distance is acceptable but directly next to a school will ultimately lead to anti social issues between school pupils and travellers, therefore that is the reason that I object to the application.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 November 2014 16:09
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : Michelle Robb

Address : 3 Newlands Lane North

Cove

Aberdeen

Comment : Given the rapid increase in the size of Cove and the amount of development which is only proposed at this current time in this area I believe that it would be beneficial for this decision to be delayed until there are certain other planning permissions and actual building started. It seems at this current time there is a lot of uncertainty still in regards to Aberdeen FC moving to the area and the position of the travellers site may impact on their existing plans. As it currently stands a primary and secondary school are planned but at this point not 100% confirmed. Cove is already struggling to cope in regards to Education, Medical and Leisure facilities and therefore it should be priority to finalise these crucial amenities prior to allowing further housing and a travelling site.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 November 2014 10:46
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : Caron Lennox
Address : 26 Todhead gardens
Altens
Aberdeen
AB12 3JE


Type :

Comment : I object to the above planning for a gypsy travellers site at Calder park.

My objections are as followed-

1, isn't there already a proposal for a new academy for cove/Kincorth/Torry children?

2, A new football ground for Cove Rangers FC?

Who would be paying for this travellers site & who would pay & be responsible for the cost of cleaning up the mess that the travellers make / leave behind?

Why do you think that it's a good idea to put a travellers site so close to a community (people who pay there council tax for there amenities)?

The site @ Clinterty didn't work so why use tax payers money once again to fund another site when it could be better spent elsewhere?

I really don't think that it is a good mix with the above two proposals.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 03 December 2014 20:46
To: PI
Subject: Planning Comment for 141441

Comment for Planning Application 141441

Name : Michele Binnie
Address : 5 Whitehills Rise
Cove
Aberdeen
AB12 3UH

type :

Comment : I object to the proposed new travelling site as it will be next to new academy that is to be built and also new sports facility that will be used by all ages, young children to adults, the site is to close to both of these sites. The area has seen a large number of new residential and industrial developments within the area with absolutely no upgrading of the already over crowded roads and also no new community facilities being added to sustain all of the new residents and increased traffic in the area.

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Planning Development Management Committee

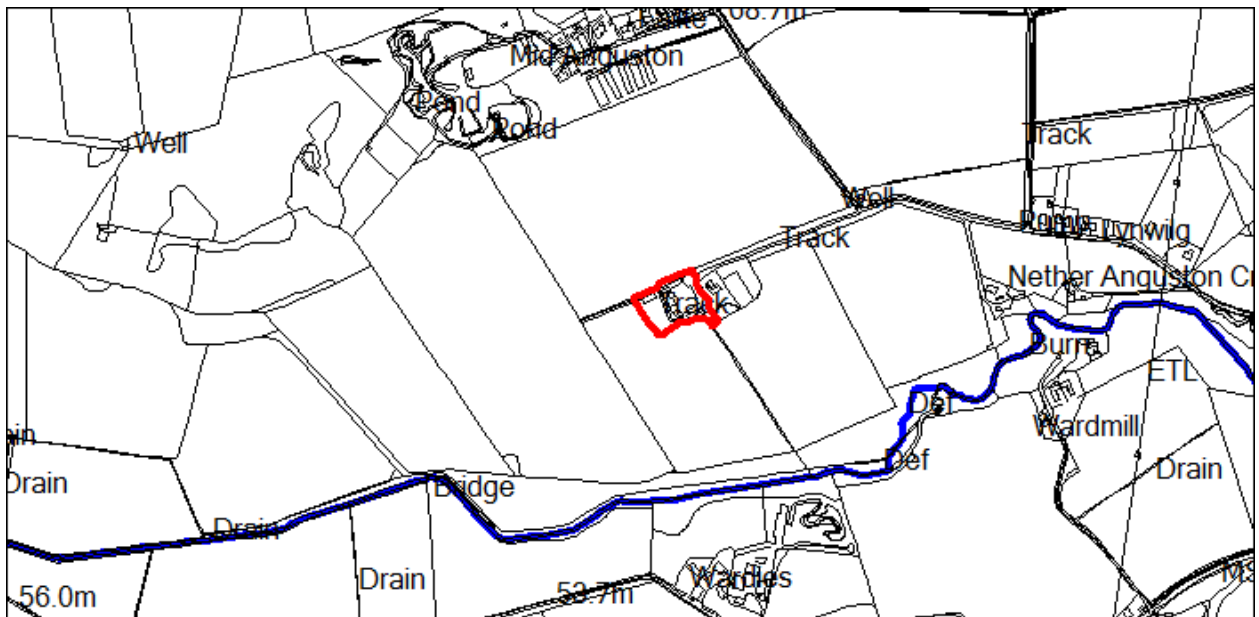
NETHER ANGUSTON, ABERDEEN

PART CONVERSION AND PART EXTENSION
OF FARM STEADING TO FORM RESIDENTIAL
DWELLING HOUSES.

For: Mrs G Gordon

Application Type : Detailed Planning Permission
Application Ref. : P150329
Application Date: 05/03/2015
Officer: Tommy Hart
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure
Advertised on: 01/04/2015
Committee Date: 18/05/2015
Community Council : Comments



RECOMMENDATION: Refuse

DESCRIPTION

The application property is a redundant farm steading at Nether Anguston which is within a site of around 6750sqm, some 2.2km to the west of Peterculter. The previous use of the building was for keeping cattle. The building has been substantially altered over the years in respect to walls having been removed and a cattle court installed to cover the inner yard area. By virtue of the alterations to the building, all that remains of the original buildings are the barn in the north west corner, the bothy in the north east corner the large garage building along the southern boundary, 2no timber garages and the 'L-shape' east and south wings of the original steading.

There is an existing free-standing natural stone and timber garage beyond the south wing which is single-storey in height and measures around 25.5m in length and 4.5m in width, with a small off-shoot of around 4m x 3m. That building measures around 3.5m to the ridge and 2-2.5m to eaves. Adjacent to that building is a single timber garage. A natural stone bothy lies in the north east corner of the site.

Very little land is available to the north, south and east of the building within the application site due to the location of the building in comparison to the site boundary. To the west there is a fairly substantial area of agricultural scrubland of around 2500sqm. There is a slight slope from north to south throughout the application site with the land to the immediate west of the buildings lying at a higher level than the rest of the site which historically allowed access to the hayloft within the southern leg of the building. Outwith the application site to the north, west, south and south east, the land is in agricultural use.

To the immediate east of the application site lies Nether Anguston farmhouse, a 2-storey B-Listed building flanked on all sides by mature trees.

The site is accessed via a narrow minor road which meanders from south east to northwest past the application site and eventually joins the B9119 at Garlogie. North Deeside Road lies around 900m to the south east of the site.

RELEVANT HISTORY

Planning ref P141451 for conversion of existing steading to residential and the erection of a new domestic dwelling was withdrawn before the application was presented to the Planning Committee with a recommendation of refusal.

PROPOSAL

Detailed planning permission is sought for the creation of four residential dwellings. The application is broadly in two parts; 1. Conversion of the east and south wings to provide 2no dwellings, and, 2. New-build extension of the barn and south wing to provide 2no dwellings. Conversion of the bothy to garaging is

also proposed. In addition, it is proposed to construct three new garages (2no being free-standing and one being attached to the east wing).

New-build and conversions

By virtue of the proposals, Units Two and Three are considered to be steading conversions whilst Units One and Four are considered new build houses in the Green Belt.

Unit One

This unit comprises the conversion of the existing barn and substantially extending it to form a 4-bed 2-storey (in part) dwelling. The barn would comprise the master bedroom and would have 4no conservation style rooflights inserted into the slate roof. Part of the south wall of the barn would be re-built. No other alterations are proposed to the original barn. The remainder of the proposed dwelling, which would be new-build extension, would be of a similar form of the previous steading building with new walls proposed to the west gable, north and south elevations. Two existing openings, on the north and east elevation, are proposed to remain. Along the north elevation, the new wall would include 7no 'suburban-designed' casement windows and a set of bi-fold doors, as well as 4no conservation style rooflights within the new slated roof. Along the south elevation there are 6no conservation style rooflights proposed within the new slated roof, 5no windows and one door opening proposed within the new-build wall. The small gable-end which is adjacent to Unit Two would be built up in natural stone. The new extension would be some 8m wide x 38m long. To reiterate, apart from the conversion of the barn, this unit is essentially a new build house in the Green Belt.

Unit Two

The east wing would be converted into a 2-storey dwelling with four bedrooms. There are a number of high level windows (9no) which be utilised and slapped down to form windows and doors suitable for modern day living. Two existing doors would be half in-filled to form windows and there would be one new opening proposed within the courtyard area. Eleven conservation style rooflights are proposed. Part of the proposal for this unit is to construct a double garage, finished in vertical cedar linings to external walls and slate to the roof, which would be attached to the building on the eastern elevation.

Unit Three

This unit is contained within the majority of the southern wing of the existing steading building and conversion is proposed to form a 2-storey 4-bedroom dwelling. In terms of openings, the following are proposed; 10no conservation style rooflights and a glazed link above the existing centrally located ground floor opening; 3no new openings; 2no existing door openings in-filled for form windows; 1no opening filled in; 9no high level and 4no ground floor level openings retained; 1no window opening enlarged to form larger bi-fold door opening. In addition, the existing eastern gable opening is proposed to be filled in with natural stone. Lastly, an extension is proposed on the southern side of that

part of the steading which is in two parts. An 11m wide x 6m deep glazed link with shallow pitch zinc roofing panel covered roof would adjoin the steading and attached to that would be a rectangular shaped single-storey building around 6m x 20m in size which that replace the existing building at the southern end of the site. That building would sit in a similar position to the existing garage building but be would be smaller in footprint. It would be finished with vertical cedar cladding and a smooth render to the external walls (colour to be confirmed), would have a monopitch roof finished in zinc roofing panels and would benefit from large glazed openings on the south, east and west elevations. In the north east corner of the application site, adjacent to the bothy, a new double garage is proposed which would have a slate finish to the roof and timber linings to the external walls.

Unit Four

Part of the existing south leg of the steading would be utilised for the ground and first floor bedrooms. The existing 'hayloft' entrance at first floor level would be retained and be glazed, as well as the existing openings being retained on the ground floor south side. A total of six conservation style rooflights are proposed. The remainder of the new house would be new-build extension. The main section would be some 7m x 20m in size, constructed of natural stone with slate roof. , An addition to that extension is proposed at the northeast corner, which would measure around 9m x 7m, be single-storey with a flat roof covered in zinc roofing panels, be finished externally with vertical cedar cladding and a smooth render, and have a large glazed panel facing south. Adjacent to the extension would be a double garage finished with slate roof and timber linings to the external walls. To reiterate, apart from the conversion of the small section of existing steading, this unit is essentially a new build house in the Green Belt.

The plans suggest each of the units would be afforded their own private garden space, with units 2 – 4 having south facing gardens and unit 1 having a north facing garden although no specific details have been presented at this time in relation to this.

In addition to the double garages shown with each plot, there are eight car parking spaces proposed within the central courtyard area in close proximity to the entrances of the dwellings.

In terms of drainage from the site, the plans show two stages (silt trap and a v filter trench), and in addition to that part of the runoff water will be infiltrated into the ground. This will connect into an existing watercourse (The Gormack Burn) which is a tributary of the River Dee Special Area of Conservation [SAC]).

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150329>

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

- Building Inspection Report
- Design Statement
- Bat survey

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 5 objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – the amount of car parking spaces proposed is acceptable. The access road is sub-standard leading up to the site and thus requires upgrading. Due to the location, there would be little chance of access via public transport and hence there are concerns. Concerns are also raised in respect to pedestrian/cyclist safety given the nature of the rural roads leading to the site. A revised plan is required to show adequate turning facility for emergency vehicles and cars. There are no details about refuse collection. A Drainage Impact Assessment in line with SUDS principles is required to be submitted.

Environmental Health (Contaminated Land) – no objections to the proposal. Although the service does not believe the potential for risk is sufficient to justify the attachment of conditions, the applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.

Communities, Housing and Infrastructure (Flooding) – there are no concerns regarding the impact of the drainage from the site on the River Dee. The treatment proposed has two stages (silt trap and a very long filter trench), and in addition to that part of the runoff water will be infiltrated into the ground.

Communities, Housing and Infrastructure (Waste Services) – no objections to the proposal. Options have been presented to the developer with regards to waste collection provision but this is a separate process from the planning approval.

Scottish Natural Heritage (SNH) - it is unlikely that the proposal will have a significant effect on any qualifying interests, and an appropriate assessment is therefore not required, provided the SUDS and level of wastewater treatment are adequate to avoid pollution of the adjacent watercourse. Provided the design of the SUDS and wastewater treatment is in accordance with current guidance, we

are content that they will be suitable to avoid pollution - these aspects will be regulated by SEPA.

Scottish Environment Protection Agency - It is noted that the reason for consultation with this application is discharge to a watercourse and SEPA do not comment on this for this scale of development. It is for the Planning Authority to consider this matter and to also advise the applicant that this must be addressed at the regulatory stage, if appropriate.

Community Council – concerns have been raised which can be summarised as; 1. The access road between the site and North Deeside Road is not up to the required standards; 2. The increase in traffic for this development when added to that of the riding school application (150110) would be considerable; 3. Concerns over the surface water drainage into the Gormack Burn which is part of the River Dee Special Area of Conservation catchment.

REPRESENTATIONS

Seven letters of objection have been received. The objections raised relate to the following matters –

- Too much timber is proposed which is inappropriate for a building of this type;
- Concerns regarding the access road and the increase in traffic which the development will bring.

In addition nine letters of support have also been received which are appended to the end of the report. It is worth noting that the majority of the letters of support come from people living outwith the locality of the application site, including Cults, Milltimber, Elrick and within Aberdeen City: Great Western Road, Devanha Gardens South, North Deeside Road and Springfield Road.

PLANNING POLICY

Scottish Planning Policy

The purpose of green belt designation in the development plan is to:

- Direct planned growth to the most appropriate locations and support regeneration;
- Protect and enhance the character, landscape setting and identity of settlements; and
- Protect and give access to open space.

Aberdeen Local Development Plan

Policy D1: Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy NE2: Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Buildings in the Green Belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the Green Belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed.

Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the Green Belt provided; a) the original building remains visually dominant, b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and, c) the siting of the extension relates well to the setting of the original building.

Supplementary Guidance

The Council's supplementary guidance (SG) *The Conversion of Steadings and Other Non-residential Vernacular Buildings in the Countryside* is a relevant material consideration.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised below;

- Policy D1 – Quality Placemaking by Design
- Policy NE2 – Green Belt

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 development

Whilst SPP seeks to ensure that within Green Belts development protects and enhances the character and landscape setting of town and cities, it doesn't provide sufficient detail in order to determine a planning application. Aberdeen Local Development Plan Policy NE2 (Green Belt) sets out the Council's position relative to development within the Green Belt, which is consistent with and

supports the principles and objectives expressed in SPP. Similarly, that Policy and the SG on 'steading conversions' provides clarity in that the principle of converting and extending traditional buildings to residential use is acceptable so long as certain criteria are met, which will be discussed in more detail below. The SG outlines basic principles that ensure the sensitive conservation and creative conversion of redundant vernacular agricultural buildings to other uses. Importantly, it is the conversion of largely intact and structurally sound traditional buildings, which are of historic or architectural interest, that is permitted by Policy NE2, not the substantial re-building or extension of such buildings.

Conversion

A structural survey submitted with the application confirms that the existing steading, namely the east and south wings, are suitable for conversion. Likewise, the existing barn in the northwest corner of the cattle court and the bothy are also suitable for conversion and so in that respect only there is no conflict with the SG.

Alterations associated with conversion

In converting traditional steading and buildings for residential use, the temptation often arises to incorporate standardised domestic features, which result in very modest vernacular buildings becoming suburban in appearance. In doing so, their original character and setting can be compromised. The best conversions reinforce the original architectural qualities of a building. The SG states "*original characteristics of a steading that is to be converted for residential or other use, should be retained, and consideration given to the reinstatement of significant or attractive features that have previously been removed. Alterations should be the minimum necessary to allow the building to function adequately in its new use, and should not disguise its original purpose.*" Importantly, a founding principle in adapting buildings of historic character is that, within practical limits, the user should adapt the use of the building to suit its form, rather than adapt the building to suit the use, which can lead to major and harmful transformation.

In terms of window and door openings, the SG seeks to limit any new openings and make the most of existing openings. It also states that the accumulation of domestic scale windows should be avoided in order to ensure they do not detrimentally affect the appearance and character of the steading. The proposed rooflights, whilst conservation style, are laid in a regular pattern which goes against the principles of the SG. Further, although the new windows are finished in timber, these take the form of domestic style casement windows and in that respect are incompatible with the traditional form of the steading and thus do not conform to the SG. Lastly, the proposed alterations to the existing openings go against the spirit of the SG and thus there is conflict.

New build extensions

Accommodation should largely be created within the existing envelope of the building. Alterations to the external envelope should be kept to a minimum. Any non-original infilled courtyards or steel-framed or concrete block-work structures

cannot be retained as part of any newly created dwelling. The SG states only *“modest extensions will be permitted to allow small steadings to satisfy present day expectations of standards of accommodation.”* Large extensions will not be permitted.

The garage extension to Unit Two is modest in scale and is finished externally in materials which complement the existing steading building and the location within the Green Belt. The original building would remain dominant and the dimensions are comparable to the existing building so in that respect there is no conflict with the SG or Policy NE2.

As for the large extension to the south of Unit Three, there is a clear conflict with the SG and Policy NE2. The footprint of that extension is around 180sqm which is approximately 6sqm more than the footprint of the part of the steading to which it would be attached, thus doubling the size of the building. Further, the width of the T-shaped extension totals 12m, whereas the gable width of the existing building is only 6m. Lastly, because of the location and size of the extension, the southern leg of the steading would no longer remain visually dominant and the siting of the extension does not relate well to the setting of the original building. That being the case, the extension to Unit Three does not comply with Policy NE2 or the SG.

The plans show the remainder of the south wing of the steading, which has a footprint of around 78sqm, being extended to the north by around 200sqm meaning that new house would be around three times the size of the original structure. Similarly, there is a proposal to convert the existing barn and extend it by some 270sqm to realise a total footprint of around 350sqm to create a new north wing. By virtue of the extensions, the original barn and steading would not remain visually dominant and the footprint of these extensions are far in excess of the original buildings. Indeed, the original retained structures would be overwhelmed by the very large and dominant extensions. Further, the dimensions of the proposed extensions are such that they would be wider than the barn and steading. In that respect, the extensions conflict with Policy NE2 and the SG.

It is clear that the rationale behind extending the barn and steading (Units One and Four) is to provide two new dwellinghouses in the Green Belt. Policy NE2 does not allow for new housing in the Green Belt unless it meets the essential criteria. No agricultural justification has been provided for what are essentially new-build houses and thus there is no reason for departing from the Development Plan and in that case there is clear conflict with Policy NE2 in respect to the new housing in the Green Belt.

Design, massing and visual impact of development

In terms of design, it is considered that the extensions which form part of the application have not been designed with due consideration for their context. Although aesthetically the new steading wings may provide a nod to what previously existed on site, this cannot be separated from the scale and massing

of the proposed extensions which are clearly not acceptable in this situation. The new double garages are considered to be acceptable in terms of visual aesthetic and material finish.

As outlined above, it is considered that the scale and massing of the proposed extensions are such that they cannot be considered to be subservient to the original steading and would lead to confusion as to which parts of the building are original and which are more recent. The aggregate footprint of the extensions are substantially more than the original building footprint and the width of some of the extensions are greater than the existing steading. By original footprint this is taken to be the part of the steading which is capable of being converted and not any historic leg of the steading which is no longer in existence.

In relation to visual impact, it is considered that given the location of the property, the topography and existing buildings/landscaping, the visual impact of the new extensions and new build garages would not have any significant detrimental impact on the wider Green Belt. However, in terms of localised impact, it is clear that there would be a significant detrimental impact.

Setting, Boundary Enclosures and Extend of Curtilage

The SG states that *“the space around the outside of buildings can make a major contribution towards the setting and character of most agricultural buildings... [and] ... careful consideration should be given to arrange spaces to give the building a setting appropriate to its rural setting.”* The plans suggest a general arrangement of gardens which is suburban in nature although their size would be considered commensurate with the respective dwelling. That said there are no specific details on boundary enclosures which gives rise to concern that the whole application site, which includes an area of 2500sqm to the west of the steading would be included in the curtilage of Unit Four and thus be unusually large in the context of its setting. Further, approval of the application for residential purposes would mean this vacant land would become residential in nature and thus there would need to be restrictions in place via condition, relative to use and boundary enclosures, should permission be granted to ensure that land remains in agricultural use. However, the lack of information relative to this reason is sufficient to be potentially contrary to the SG and therefore form part of the recommendation of refusal.

Access/parking

The plans submitted show an appropriate level of car parking provision for the development and is therefore acceptable. In terms of access, the Roads engineer had indicated that the un-adopted access track is sub-standard and thus requires upgrading. Due to the site location, access via public transport would be difficult and thus not in line with the Council’s aspirations on ‘green travel’. Concerns were also raised regarding pedestrian/cyclist safety given the nature of the rural roads leading to the site. A revised plan was requested to show adequate turning facility for emergency vehicles and cars but no plan was submitted. There are no details about refuse collection although this could be dealt with via planning

condition should the application be approved. It is understood that discussions are taking place with Roads officers to deal with their comments but no amendments have been submitted to date.

Drainage/Flooding/Water pollution

Plans and calculations were submitted in support of the application that show the surface water drainage connecting into the Gormack Burn via two levels of treatment as well as infiltration of some of the run-off water into the ground. Comments received from SNH, and the Council's Flooding, Roads and Environmental Policy teams indicate that there are no issues in relation to the drainage of the site towards, or indeed pollution of, the Gormack Burn. There is no need to undertake an appropriate assessment under the Habitats Directive.

Relevant matters raised by community council

1. This point has been dealt with in the access/parking section above;
2. The roads engineer did not raise any concerns with regard to the increase in traffic given that this application is for four houses and is unrelated to the application for the riding school;
3. This point has been dealt with in the drainage/flooding/water pollution section above.

Relevant matters raised in letters of objection

In respect to the use of timber on the development, this material is considered to complement the natural stone of the steading building and in that respect the principle of using timber is acceptable.

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies listed below are of relevance;

- Policy D1 – Quality Placemaking by Design
- Policy NE2 – Green Belt

These policies substantively reiterate policies in the adopted local plan. For the same reasons that there is no conflict with the current local plan Policy D1, there is no conflict with Policy D1 of the proposed Plan. Likewise, for the same reason the application conflicts with Policy NE2 of the adopted local plan, there is conflict with Policy NE2 of the proposed Plan.

Summary

The principle of adapting a steading for residential use is supported by Local Policy and Guidance subject to certain criteria being met as providing a useful and diverse addition to the City's housing stock. The restoration of a traditional steading that is currently unused would undoubtedly improve the overall amenity of this part of the Green Belt. It is clear that the building which is present differs from the original steading building. Notwithstanding, the application for conversion and new build extension must be evaluated on the current situation.

Alterations to steading buildings should be the minimum necessary to allow the building to function adequately, not the minimum required by the applicant for personal need. In this instance, as a consequential result of the significant floor-space proposed; substantial extensions and alterations are proposed, adapting the building to suit the use rather than adapting the use of the building to suit its form. The proposed extensions and alterations would not be considered visually subordinate to; nor would they retain the identity and character of the building that currently exists. The result would be a steading largely dominated by the new extensions, disguising its original use and character, with confusion as to what was original and what is new

The proposal represents a departure from the Development Plan, in that there has been no justification provided which would allow deviation from Green Belt Policy for the new-build extensions which are, in reality, two new build houses in the Green Belt. Likewise, the proposed new build extensions are of a scale that they dominate the existing steading building and, in part, have not been designed to match the dimensions of the existing steading. Further, with respect to the conversion aspect, the amount of openings and design of windows and doors are not considered to be consistent with the aspirations of the SG and in that respect there is conflict.

Conclusion

The submitted plans show a proposal to convert two wings of the existing dwelling into residential use. The plans for Unit Two, subject to some minor alterations relative to openings, would be considered to accord with the SG and Policy NE2. The conversion of Unit Three is not considered acceptable on the basis of the proposed openings and also the substantial extension which would dwarf the original building. In respect to Units One and Four, given the lack of

original structure in place, these 'extensions' are effectively new build houses in the Green Belt and as such cannot be supported.

Should Members be minded to approve the application, it is recommended that any such approval includes planning conditions relative to; cycle parking, removal of permitted development rights; clarification of external finishing materials and samples; further detailed plans showing location of all rainwater pipes and any flues; detailed site and plot boundary plans specifically to ensure the land to the west is retained as agricultural plan showing turning area for refuse/emergency vehicles; colours of windows/doors; a plan showing upgrades to the access track in line with Roads officer comments.

An informative may also be necessary in respect to construction hours and contaminated land.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1) Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) states that new development in the Green Belt must meet the specific criteria set out in the policy, being that there is a presumption against most kinds of development with only limited exceptions. No information has been provided to justify the inclusion of two new build houses in the Green Belt. The proposal therefore does not comply with Policy NE2 (Green Belt) of the ALDP. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt Policy and the character and amenity of the Green Belt, when sufficient land has been identified for housing through the development plan.

2) That although the principle of converting and extending a steading to provide residential accommodation is supported, in this particular instance the proposed development would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance *The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside*, in that it would result in inappropriate extensions and alterations that would, by way of scale and form, individually and collectively dominate and disguise the original steading and its character, to the detriment of the visual amenity and character of the green belt and landscape setting of the City.

3) That the garden spaces around the buildings proposed within the application site are such that they have not been carefully considered to respect their rural setting. The curtilage that is suggested in the plans would not be appropriate for the type and scale of buildings, specifically Unit Four as it would be unusually large. Therefore the plans do not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance

The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

92 Malcolm Road,
Peterculter,
Aberdeenshire,
AB14 0XB.

25 March 2015.

Mr Tommy Hart,
Enterprise, Planning and Infrastructure,
Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Dear Mr Hart,

**Planning Application P150329: Nether Anguston Farm, Peterculter, Aberdeenshire,
AB14 0PN
Conversion of Existing Farm Steading to Residential Dwelling Houses.**

The members of Culter Community Council (CCC) Planning Sub Group have discussed this planning application and have asked me to make the following comments.

Whilst having no objection to the application as it is presented we do have concerns on two fronts.

The first of these is the current state of the unclassified road between the A93 North Deeside Road and Nether Anguston Farm. The road is narrow with deep ditches in some places and it can be difficult for two cars to pass each other safely. There are no pavements and very few places where pedestrians can step on to the verge to get away from traffic.

Taken on its own merits this development will contribute a modest increase in vehicular traffic. However, we would wish the matter of the road to be examined in conjunction with Planning Application P150110 (The Formation of Riding School with Associated Buildings, Car Parking and Landscaping at Nether Anguston Farm) which has the potential to considerably increase the amount of vehicular and pedestrian traffic on the road.

Added to this we note that within the Proposed Aberdeen Local Development Plan at OP108 that it is proposed that there is the opportunity for six houses on a site at Mid Anguston. This site borders Nether Anguston Farm and will again lead to an increase in traffic on the road. There is no alternative route to any of these proposed developments.

Our second concern relates to drainage from the site. We note that rainwater from this site is to drain into the same system as the Riding School and then into the Gormack Burn. In addition, within the Local Development Plan relating to the possible development at Mid Anguston it states that "Drainage Impact Assessment required to consider protection of nearby Gormack Burn part of the River Dee SAC catchment..."

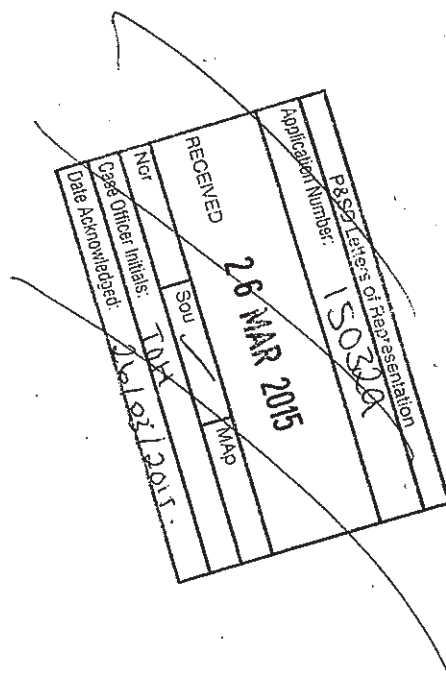
25 MAR 2015

A fish ladder has recently been installed further downstream to allow migrating salmon into the system of streams and ditches in the Anguston area and beyond (including the Gormack Burn) to spawn. It is essential therefore that the Gormack is given every protection from pollution.

Development within the Green Belt is a serious and contentious matter and it is our belief that these three developments need to be considered together in order that a proper assessment of the local infrastructure can be carried out to protect the quality of life of residents, the safety of visitors, the habitat and the Green Belt itself.

Yours sincerely,

Brian Yule



PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 March 2015 18:13
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Fraser Gordon

Address : Fermoy

Dalhehity

Baillieswells Road

Bielside

Aberdeen

AB15 9BQ

Telephone :

Email : [REDACTED]

type :

Comment : Dear Sirs,

We write to offer our support to the proposal to convert the farm steadings at Nether Anguston. It is a high-quality design, demonstrating the use of locally-sourced materials, and respects the character of the original building. Essentially, the design reinstates what was originally there and creates a development which, we believe, fully fits the policy principles in the Local Development and would enhance the area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 27 March 2015 20:27
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Kirsten Horne
Address: 7 Devanha Gardens South
Aberdeen
AB11 7UG

Telephone :

Email : [REDACTED]

type :

Comment : Dear Sirs,

We write to offer our support to the proposal to convert the farm steadings at Nether Anguston. The design demonstrates the use of high-quality materials. The use of modern timber and glass respects and differentiates the new from the old to good effect.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 26 March 2015 21:51
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Laura Hamilton
Address : 20 Broadstraik Drive
Elrick
AB32 6JG

Telephone :

Email [REDACTED]

type :

Comment : I think that the proposed application should be granted as it is clear from the planning permission for the site that it is an appropriate choice for the current building.

The overall design is good and is quite clearly a suitable choice to make the existing steading buildings into residential properties. The location is an ideal opportunity for families to live in a rural area with close access to the local community.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 March 2015 21:34
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Rebecca Stevenson

Address : 4 St Devenick's Terrace

Cults

Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : I write to offer my support of the development of nether anguston farm steadings. I believe the plans are in keeping with planning policy and the plans would suit the surrounding area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 27 March 2015 10:47
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Mr Richard McKnight

Address: Oldfold Farm, Milltimber, AB13 0HQ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to support to current application 150329.

My first reason is that this is the only suitable type of development- residential, which would be sympathetic and preserve the current building.

The size of the development is sensible for the size of the plot and the area in which is situated.

The materials and the plans appear to be high spec, which would enhance the current building and bring it back to life, with a modern purpose and would preserve the green belt rather than leaving the building to decay.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 March 2015 11:00
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Barbara Ward
Address : 402 Great Western Road
Aberdeen
AB10 6NR

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : Dear Planners.

This planning application is part of the development of the location to turn it into a viable riding school and accommodation is really important for this.

For that reason alone, as an avid rider who has come to this sport later in life, I would be putting my voice behind supporting it.

However having seen the drawings and the location, I have to say that the treatment being proposed for the steading is really attractive. I am firmly in support of giving old buildings like this new life and I particularly like the way the design incorporates Timber and glass to beautiful effect.

I truly believe that this plan will give new life to an old building, that it is appropriate to the site and to the area and that as a residential building, it will be a wonderful home to staff at the school in a perfect location for a long time to come.

Please support this application and this business, With our oil industry in jeopardy, we need new sustainable opportunities for our children and this business will breath fresh air into the lives of many many people.

With best regards
Barbara Ward

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 08 March 2015 18:24
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : George McClive
Address : Tigh U'r,
Mid Anguston

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This development is inappropriate to this area as it will increase traffic on what is already a dangerous road due to it's narrowness & poor repair. These buildings have been farm outbuildings which has never brought additional traffic on to Anguston road & planning permission should be denied.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 March 2015 10:58
To: PI
Subject: Planning Comment for 150329

Comment for Planning Application 150329

Name : Maureen Arpe
Address : Forest Lodge
Wood of Muiresk
Turriff
Aberdeenshire
AB53 4HD

Telephone :

Email : 

type :

Comment : Dear Sirs,

We write to object to the proposed submission to convert redundant farm steadings at Nether Anguston.

We believe that there is too much timber being used on the elevations and that it isn't appropriate on a building of this type.

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COMMITTEE Planning Development Management Committee

DATE 28th May 2015

DIRECTOR: Pete Leonard

TITLE OF REPORT: Planning Enforcement Activity – October 2014 to March 2015

REPORT NUMBER CHI/15/189

1. PURPOSE OF REPORT

- 1.1 To inform Members of the planning enforcement work that has been undertaken by the Planning and Sustainable Development Service from 1st October 2014 to 31st March 2015

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific implications for revenue and capital budgets, priority based budgeting, or state aid arising from consideration of this report. Some cost may be incurred if direct action to secure compliance with an enforcement notice is necessary. This can generally be accommodated within existing budgets, actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

4. OTHER IMPLICATIONS

- 4.1 Normal Health & Safety at Work considerations apply. If successful enforcement is not carried out, there may be implications for health and safety in relation to specific unauthorised works. Scottish Ministers attach great importance to effective enforcement as a means of sustaining public confidence in the planning system. The long term credibility of the planning service is dependent on effective enforcement activity. Effective enforcement should result in greater protection for the environment. There would be no direct impact on any of the Council's property functions, unless breaches of planning control have occurred on land within the ownership of the Council. In such cases, the use of planning enforcement action against the Council as owner is not considered appropriate, and use of alternative powers by the Council as landowner is sought to resolve such breaches.

5. REPORT

- 5.1 This report provides an annual update for the Planning Development Management Committee of the enforcement work that has been pursued by the Development Management Section. The previous report, which was presented to the Development Management Sub-Committee in November 2014 , advised of the enforcement work that had been pursued by the Development Management Section for the 12 months up to 30th September 2014.
- 5.2 This report identifies all cases which have been investigated in the period from 1st October 2014 to 31st March 2015 with a view to determining whether or not a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved and updates those cases that were under investigation prior to October 2014 and those that have required formal enforcement action. The attached spreadsheets provide a summary of each complaint / breach and an update of the current status and any related action.
- 5.3 It is evident that a number of cases have been resolved through negotiation and discussion, without recourse to formal enforcement action. In a number of circumstances, particularly where householders are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.
- 5.4 A total of 99 new cases have been investigated since the last report. The majority (63) have been resolved without recourse to formal action by the approval of a retrospective planning application, by informal negotiation, or were found not to constitute a breach of planning control. The remainder (36 cases) are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant disamenity or threat to public safety. A proportionate approach will be taken in such decision making. Two enforcement notices have been served during the current reporting period.
- 5.5 It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature and are frequently householder related cases (approximately half of all complaints). As these cases often do not relate to properties in conservation areas or involve protected trees, and often do not raise issues of public amenity or public safety concern, they are likely to be of lower priority in terms of consideration of possible enforcement action. However, these cases can give rise to very strong feelings between those affected, often taking up a good deal of officers' time in investigating / resolving a dispute.

- 5.6 The commitment of the Scottish Government to ensuring sustainable economic development places increased emphasis on considering the economic implications of enforcement activity. Factors such as employment retention and creation are therefore of increased weight in considering whether, in any given situation, it is expedient to take enforcement activity. There is also increased need to ensure that burdens imposed on developers in terms of planning conditions and planning obligations / legal agreements are proportionate and reasonable.
- 5.7 The following table provides a summary of the enforcement caseload since the previous report and divides the cases into new and those included in the previous report.

<i>New Cases – 1st October 2014 to 31st March 2015</i>	<i>Cases resolved</i>	<i>63</i>
<i>New Cases - 1st October 2014 to 31st March 2015</i>	<i>Under investigation or being negotiated</i>	<i>36</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>23</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>33</i>
<i>Enforcement Notices served</i>		<i>2</i>
<i>Enforcement Notices in process of being prepared</i>		<i>2</i>

- 5.8 An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was adopted by the Council in June 2009 and revised May 2013 . This helps to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service. Enforcement activity, including reporting, reflects the recommendations made within the Charter. A particular emerging issue which may be addressed in a future review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action.

6. SERVICE & COMMUNITY IMPACT

- 6.1 Corporate - The enforcement of planning control links to the Council's core value that "Aberdeen City Council will strive to enhance the high quality of life within the City" and corporate objectives that "Aberdeen City Council will continually review, update and enforce the Aberdeen Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment." The report relates to the Single Outcome Agreement 12 "we value and enjoy our built and natural environment and protect it and enhance it for future generations."
- 6.2 Public - The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement

action. There is no requirement for Equalities or Human Rights Impact Assessment in this case.

7. BACKGROUND PAPERS

Relevant planning appeal decisions / letters issued within the relevant period and referred to above are available at the following weblinks :-

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=114998>

(Former Water Works, Standing Stones, Dyce – Gypsy /Traveller Pitches)

The Council's Planning Enforcement Charter, which is referred to in section 5 above, is available in Council libraries and published on the Council's website at the following address:-

http://www.aberdeencity.gov.uk/web/files/sl_Planning/plan_enforce_charter.pdf

8. REPORT AUTHOR DETAILS

Kristian Smith, Team Leader – Development Management
Tel: (01224) 522393
Email: krismith@aberdeencity.gov.uk

Current Ward Index and Councillors

<u>Ward Number</u>	<u>Ward Name</u>	<u>Councillors</u>
1	Dyce/Bucksburn/Danestone	Barney Crockett Graeme Lawrence Neil MacGregor Gill Samarai
2	Bridge of Don	Muriel Jaffrey John Reynolds Willie Young Sandy Stuart
3	Kingswells/Sheddocksley/Summerhill	David John Cameron Steve Delaney Len Ironside CBE
4	Northfield/Mastrick North	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Woodside/Stockethill	George Adam Lesley Dunbar
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Jim Noble Ramsay Milne
7	Midstocket/Rosemount	Jenny Laing Bill Cormie Fraser Forsyth
8	George Street/Harbour	Andrew May Jean Morrison MBE Nathan Morrison
9	Lower Deeside	Marie Boulton Aileen Malone M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig Ross Thomson John Munro Corall
11	Airyhall/Broomhill/Garthdee	Ian Yuill Angela Taylor Gordon Scott Townson
12	Torry/Ferryhill	Yvonne Allan Graham Robert Dickson Alan Donnelly James Kiddie
13	Kincorth/Nigg/Cove	Neil Cooney Andrew William Finlayson

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Registered Enforcement Cases - October 2014 to March 2015

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Whitestripes Avenue Bridge of Don	1	Erection of two additional telephone equipment cabinets in proximity to telecom mast.	The erection of the equipment cabinets are a permitted development and not a breach of planning control. No further action
Quarrybrae, Tyrebagger Clinterty	1	Erection of house not in accordance with planning permission (P120579).	House not being erected in accordance with approval (P120579). Applicant has submitted new planning application (P141907) December 2014 which was approved February 2015.
103 Fairview Manor	1	Business operating from residential property	Following meeting with householder further correspondence with householder requesting additional details of business activities taking place from house.
Howes Road Newton Garage Bucksburn	1	Formation of surfaced storage area.	Letter sent to adjacent business requesting information concerning formation of storage area and advising of requirement for planning permission. Ownership of land currently trying to be determined.
Howes Road Newton Grange Bucksburn	1	Formation of surfaced storage area.	Letter sent requesting information concerning formation of storage area and advising of requirement for planning permission. Met with owner of land and he has indicated intention to submit planning application.
25 Farburn Terrace Dyce	1	Formation of a dormer window on roof of guest house.	No record of planning permission having been sought or granted for dormer. Agent has submitted retrospective planning application (P15532) and awaiting determination.
10 Cottown of Balgownie	2	Window frames and door to listed building painted bright pink	Following contact with agent for owner of property window frames and door repainted white as requested. No further action
Dubford Road	2	Formation of bus access road to development and formation of bus gate.	Details of bus gate and access road part of section 75 agreement (P120722) sent to local councillor. No action necessary at present but situation being monitored..

2 Lee Crescent North	2	Car wash business use operating from house.	After meeting with householder car washing appears to have ceased from property. No evidence of business requiring planning permission taking place.
The Parkway (IMES)	2	Erection of advertising banners.	Letter sent requesting removal of banners.
The Parkway (Imajica)	2	Erection of advertising banner	Letter sent requesting removal of banner.
The Parkway (SYOP)	2	Erection of advertising banner.	Letter sent requesting removal of banner.
The Parkway (Pmac)	2	Erection of advertising banner.	Letter sent requesting removal of banner.
The Parkway (Bilfinger Salamis)	2	Erection of recruitment banners.	Banner has been removed from site.
The Parkway (GE Oil and Gas)	2	Erection of recruitment banner.	Banner has been removed from site.
The Parkway (Fleming Buildbase)	2	Erection of advertising banners on road verge.	banners have been removed from road verge.
The Parkway (SIG Construction)	2	Erection of advertising banners.	Banners have been removed from site.
The Parkway (Carpet & Flooring)	2	Erection of advertising banners.	Banners have been removed from site.
Scotstown Road Corsehill Farm	2	Use of field for caring of dogs.	Letter sent to dog walker requesting details of activities. Following meeting with dogwalker it was considered that activities associated with dog walking did not amount to a material change of use of the land.
3 Ashwood Grange	2	Erection of a timber fence at front/side of house.	Householder has submitted a planning application (P150346) March 2015 and awaiting determination.
Links Road Bridge of Don	2	Untidy overgrown area beside overflow car park for golf club.	Letter sent to golf club concern overgrown area of land and requesting action to tidy and asked to provide landscaping in terms of the approved drawings for the overflow car park. Golf Club have cut down weeds and tidied up area.
Sheilhill Road Bridge of Don Walker Technical Resources	2	Erection of security lights.	Erection of security light on building permitted development not requiring the submission of a planning application. No further action.
1 Seaview Road	2	Removal of wall and formation of hard standing.	The formation of hard standing and removal of wall is a permitted development. No further action.
Eday Walk Summerhill (Aberdeen Curl)	3	New mobile telecom mast erected on roadside without planning permission.	Planning permission granted for new mast November 2012. Inspection confirmed that mast erected conforms with approved plans (Ref.121301) No further action.

3 Gairsay Drive Summerhill	3	Alleged that unauthorised works have been carried out to both the front & rear of the without consent.	Site inspected - no evidence of unauthorised works seen to rear of property. Shed erected behind hedge at front of flat appears to have been in-situ for some considerable time & is now immune to formal action. No further action to be taken.
23 Windford Road	3	Erection of structure/cover in front garden to cover car.	Structure has now been removed. No further action
33 Sheddocksley Road	3	Car repair business from house.	No evidence of car repairs taking place from house.
19 Auchlea Place	3	Car repairs and parking of vehicles.	Letter sent to householder requesting a meeting to clarify situation. No evidence that a material change of use requiring planning permission has taken place situation being monitored.
53 Concraig Park Kingswells	3	Alterations to front elevation with new windows installed replacing garage door.	Agent has been contacted and has indicated intention to submit planning application.
Bellfield View, Kingswood Drive Kingswells	3	Trees planted as part of landscaping scheme damaged, dead or missing at new housing development.	Stewart Milne have been asked to replace damaged and dead trees in accordance with condition attached to planning permission. Stewart Milne have indicated that damaged/dead trees will be replaced.
Cairdhillock Kingswells	3	Infilling of land	Following correspondence with McIntosh Plant infilling of land has ceased and they have submitted a retrospective planning application P150315 for works that have taken place which is awaiting determination.
5 Greenfern Avenue	3	Formation of driveway at front of house.	No excavation or infill of ground of more than 500mm, formation of hard standing is a permitted development. Works done over 4 years ago. No further action.
2 Corndavon Terrace	4	Business use operating from house.	After meeting householder it was determined that no material change of use has occurred at property.
Cattofield Place (Malcolm Allan Housebuilders)	5	Bin/Cycle store not being built in accordance with approved plans.	Revised details of Bin/Cycle store have been submitted and have been approved as a non material variation to the planning permission.
2 A Barron Street	5	Erection of shed at rear of flatted property.	Letter sent to householder advising of requirement for planning permission.
Pittodrie Street Pittodrie Stadium	6	Planning permission P130047 for temporary office expired.	Agents for club advised of requirement to renew approval that has expired. Planning application P141568 submitted October 2014 and approved January 2015.

College Bounds Crombie Hall of Residence	6	Internal alterations to "The Bishops Table" restaurant part of listed building.	Planning contravention notice served on University requesting information on the alterations. The University have submitted a retrospective application for listed building consent P150392 and this is awaiting determination.
Don Street Old Aberdeen HillHead Centre, Keith Park	6	Alterations to floodlights around sports pitches	University have been asked if work has been done to alter floodlights recently. No alterations requiring planning permission have taken place to the floodlights.
64 Ashgrove Road	6	Siting of container units and chemical toilet on open grassed area.	Compound is of a temporary nature and used as secure storage whilst refurbishment works are taking place in adjacent flatted properties. Permitted development.
1 Belvidere Street	7	Front garden area of property in Conservation Area being used for unauthorised car parking.	Random site monitoring over 3 month period found no apparent evidence of front garden being used for unauthorised parking of cars. No further action to be taken at this time.
7 Crimon Place	7	Unauthorised satellite dish on front elevation of listed building	No response to letter issued February 2015 asking for dish to be relocated - Letter issued April 2015 advising that formal action is possible if dish is not relocated as requested.
10 Crimon Place	7	Unauthorised satellite dish on front elevation of listed building	Letter issued February 2015 asking for dish to be suitably relocated complied with. Resolved.
Jack's Brae [public car park]	7	Alleged that extensive car repairs (possibly business related) are being carried out within public car park area.	Site monitoring conducted over three month period revealed no evidence to substantiate allegations. No further action.
Richmond Walk Rosemount	7	Unauthorised window replacement to flatted properties within Conservation Area.	Window replacement carried out as part of programmed improvement works authorised by City Council. No further action to be taken.
80 Rosemount Viaduct	7	Possible unauthorised sales of 'hot food' from Class 1 (Retail) shop.	Proprietor asked to restrict hot food sales from shop premises. Premises to be randomly monitored re. compliance.
63 Summer Street (Wood Group ODL)	7	Smoking shelter erected within rear car park area without planning consent.	Letter issued to business responsible for erecting shelter Feb. 2015 asking for an application to be lodged seeking required retrospective consent. - confirmation received April 2015 that shelter is to be removed. To be monitored for compliance.

150 Union Street (Eclectic Fizz)	7	Installation of unauthorised signage within main entrance doorway.	Letter issued December 14 & Feb. 15 asking for signage to be removed - discussions currently on-going with owner re. suitable replacement signage.
208 Union Street [Starbucks]	7	Erection of timber bin store enclosure to L/Building without consent	Letter issued to shop management March 2015 asking for the removal of the timber bin store.
420-424 Union Street	7	New shopfront fascia signage erected without planning consent.	Letter to be issued to shop owners asking for fascia signage to be replaced.
13 Hadden Street The Market Arms	8	Removal of clock from listed building.	Following correspondence with agent the clock was not part of the original fittings to the listed building and appears to have been erected during a refurbishment of the premises during the nineties. No record of consent for erection of clock. No requirement to re-erect clock during latest refurbishment.
47 Constitution Street	8	Preparation taking place to demolish house without consent from planning.	Building warrant approval for demolition of building has been approved. Demolition notification application (P150060) submitted January 2015 for demolition and approved February 2015.
24-28 Belmont Street	8	Erection of extract duct and equipment at rear of property.	The erection of duct and equipment would not require planning permission and would be a permitted development. No further action.
10/11 Castle Street	8	Use of property as a solicitors office and erection of fascia sign.	Previous use of the property was as a shop and use as office requires planning permission for a change of use of the property. The reuse of an existing signboard from another building fixed over existing fascia of listed building not acceptable. Letter sent to occupier advising of planning issues.
Causewayend Former School	8	Concern about removal of boundary wall not in accordance with planning permission.	Agent contacted and has indicated that wall is not to be removed. Top of wall damaged when attached structure removed and will be repaired during development of the site. No breach of planning control.
Baillieswells Road Bielside	9	Large 'referendum banner' still on display in garage forecourt outwith time permitted for campaign adverts.	Request issued November 2014 asking for banner to be taken down complied with. Resolved.

14 Cairn Gardens Cults	9	Alleged that large outbuilding to rear of property is used for 'business related purposes' without consent.	Investigation & detailed site meeting/inspection found no evidence to support allegation of unauthorised business use operating from property. No further action to be taken.
Loirsbank Road Cults	9	Alleged unauthorised ground excavation/engineering works being carried out on site in preparation for further housing development.	Site visit established that works in progress relate to the formation of an 'agricultural access' granted approval in 2012 (Ref.111153) and do not relate to any works for further housing development on the site. No further action at this time.
Murtle Den Road Milltimber ["Brookfield"]	9	Alleged unauthorised car sales business operating from residential property.	On-site meeting held with property owner February 2015 appeared to confirm that the 'business related activities' carried out at the property are ancillary to its residential use. Letter issued April 2015 advising same, and stating that the 'business related activity' should not be intensified, & that no vehicles associated with the operation should be parked or kept within the curtilage of the property. To be monitored for compliance.
1 North Craigton Road Peterculter	9	Set out & positioning of replacement house foundations not in accordance with approved plans (Ref.131816)	Formal request for the front elevation foundations to be relocated in accordance with the approved plans complied with. Resolved.
North Deeside Road (opposite International School)	9	Non-compliance with plans re. Position of new footpath through development site (Ref.141260)	Relocation of the footpath currently being negotiated with the applicant.
North Deeside Road Cults 'Wellwood'	9	Possible unauthorised ground excavation works & ground water seeping onto adjacent car park area.	Works appear to be associated with connection of new piping to existing sewage services the extent of which does not require formal consent - land now reinstated to former condition Issue of ground water seepage onto car park area referred to Roads Section to investigate.
469 North Deeside Road Cults [Cromer Dene]	9	Breach of planning condition re. erection of tree protection measures prior to commencement of building works. (Ref.131266)	Request for approved tree protection measures to be put in place within 3 working days complied with. Resolved.
124 North Deeside Road Peterculter [former Police Station site]	9	Fencing & landscaping installed along South site boundary causing visibility issues for vehicles exiting School Road junction.	Letter issued January 2015 asking for hedge & fencing to be relocated to improve visibility for drivers stopping at junction complied with. Resolved

124 North Deeside Road Peterculter [former Police Station site]	9	Tall lighting columns erected within front car park area of new flats without planning consent.	Tall lighting columns to car park area included within planning approval for flatted development. Site inspection confirmed that position & height of new lights comply with approved plans (Ref.111196) No further action.
'Ronene', North Linn Steadings Peterculter	9	Alleged commercial car repairs operating from residential property without consent.	Investigation found no apparent evidence to substantiate allegation of unauthorised business use - No further action at this time.
Pittengullies Brae Peterculter (Bancon Development)	9	Foundation levels & 'finished' height of new houses to be built on site queried.	Site visit carried out November 14 found that only preliminary site excavation and re-grading works were in progress and therefore too early to establish accurate foundation/height levels. To be looked into at a later date.
19 South Avenue Cults	9	Breach of Condition re. submission of landscaping scheme prior to commencement of development (Ref.141049)	Letter issued March 2015 asking for detailed landscaping scheme to be submitted. - confirmation received from applicant that a landscaping plan is to be lodged in due course. To be monitored for compliance.
27 Woodlands Terrace Cults	9	Alleged "change of use" of residential property to serviced apartment.	Investigation revealed no apparent evidence to substantiate 'change of use' allegation. No further action at this time.
18 Anderson Drive	10	Replacement windows and front door screen not as approved. (Ref.131531)	Discrepancies discussed in detail with Conservation Section - window/door material & design changes not expedient to enforce - No further action to be taken.
Chattan Place (lane off)	10	Construction of new garage & store not in accordance with approved plans (Ref.A3/1110)	Applicant requested March 2015 to amend garage structure (reduce height) to comply with approved plans. Applicant may opt to lodge a new application seeking consent to retain structure 'as built'. Site to be monitored meantime.
16 Harlaw Road	10	Car-vaiting business operating from residential property without consent.	Site meeting/inspection conducted November 2014 appears to confirm that extent of car valeting activity at property is low key & ancillary to the current residential use. Owner advised that while current level of activity may be acceptable, any significant intensification may be considered to be unauthorised. No further action at this time.

Hazlehead Crescent (Hazlehead Chip Shop)	10	Breach of Condition re. pick-up of litter on land adjacent to shop premises (Ref.111106).	Condition set with approval relates to provision of litter bins/disposal within application site & not to adjacent areas of land which are outwith applicants control. Environment Services have advised complainant that local based operative will monitor & pick-up litter when encountered.
Hazlehead Crescent (Hazlehead Chip Shop)	10	External lighting & internal sign erected without planning consent.	External strip lighting not deemed to be development - proprietor asked to remove or to submit a formal application for internal neon window sign. Internal neon sign now removed. No further action.
7 Kings Gate	10	Large unauthorised summer house structure erected to rear of property without consent	Letter issued March 2015 asking for large structure to be removed.
Rosewell Gardens (Hanover Housing)	10	New additional lighting columns erected within parking area without consent.	Erection of new lighting columns to car park area requires planning permission - Hanover Housing formally asked to submit an application seeking the required consent.
7 St. Swithin Street	10	Boundary wall & garage of property in Conservation Area demolished without planning permission.	Site inspection established that works in progress relate to planning permission for demolition & extensive renovation/alteration works to the property approved in August 2014 [Ref.140409] Works appear to be in accordance with approved plans. No further action.
39 St. Swithin Street (Café Cognito)	10	Decking & additional seating area erected on pavement area at front of premises without consent.	Letter issued to shop proprietor April 2015 asking for a formal application to be submitted seeking retrospective planning consent.
273 Union Grove	10	Flatted outbuilding allegedly used as separate residence.	Letter issued to flat owners March 2015 asking for detailed information on use of outbuildings
22 Woodburn Crescent	10	New rear extension built without planning consent.	Site visit/inspection confirmed that new rear extension complies with 'permitted development' guidelines - Building Warrant obtained - no further action to be taken.
Countesswells Road [Airyhall Community Centre]	11	Advertisement banners erected to site boundary fencing without planning consent.	Letter issued March 2015 to Community Centre asking for banners to be removed.
62 Countesswells Road	11	Screening fence erected on mutual boundary wall without planning consent.	Inspection established screening fence is not subject to formal planning consent. No further action.

Garthdee Farm Garthdee Road (Den of Pitfodels development)	11	Site excavation works encroaching into adjacent flatted properties.	Site inspection confirmed that the extensive site excavation works are confined to within the development site & do not encroach into adjacent properties. No further action.
Granville Place (lock-up garages on rear lane)	11	Alleged unauthorised business use operating from lock-up garages in rear lane.	Investigation found no apparent evidence to substantiate allegation of unauthorised business use - No further action at this time.
435 Great Western Road (Fourways Guest House)	11	Several advert signboards erected to front, side, & rear of property without consent.	Advert signboards removed from property late January 2015 - no further action to be taken.
44 Morningside Gardens	11	Large timber structure erected within rear garden area without planning consent.	Slight alteration made to height of timber structure to comply with permitted development guidelines. Resolved.
10 St. Johns Terrace	11	Replacement house construction not in accordance with approved plans (Ref.131628)	Site inspection confirmed that house construction is not in accordance with the approved plans. Letter issued to agents April 2015 asking them to confirm their intentions for resolving the issues.
Balnagask Rd/Old Church Rd Torry	12	Query re. compliance with approved plans regarding 'finished' pavement width. (Ref.090529)	Extensive building works still in progress, however, inspection appears to confirm that the pavement widths upon completion of new flats will be no less than the original. No further action required.
157 Bon Accord Street	12	Unauthorised demolition & building works to rear garden area of property in a Conservation Area.	Request for a formal application to be submitted seeking retrospective consent complied with. Application submitted December 2014 (Ref.141770) approved unconditionally February 2015. Resolved.
Flat 28a Crown Street (New Century House)	12	Window transom & mullion stonework of Cat (B) Listed Building painted over without consent.	Investigation established that window transom & mullions are made/covered in timber & have been painted white for many years. Agreed with Conservation that window should remain painted white & that no further action is necessary.
119 Kirkhill Road Torry	12	Large timber structure erected to rear of property without P.P.	Initial inspection confirmed that structure required formal consent, however, following extensive alterations, a further inspection confirmed that the structure now conforms with 'permitted development' guidelines. Resolved.

125 Oscar Road Torry	12	Unauthorised decking area constructed within rear garden area encroaching into adjoining property.	Letter sent March 2015 requesting the submission of a formal application seeking retrospective consent for decking. Owner has been in touch to confirm his intention to submit an application.
13 South Crown Street	12	Fencing/structure erected within front garden area of Listed Building without consent.	Letter issued April 2015 asking for fencing to be removed or for an application to be submitted seeking retrospective consent.
333 Union Street [Soul Bar]	12	Large unauthorised banner erected on gable wall of adjacent building.	Letter issued March 2015 asking for banner to be removed.
10d Whinhill Road Ferryhill	12	Windows of flat in Conservation Area painted over without consent.	Established that as windows pertaining to flat were re-painted at least 6 or 7 years ago, the owner cannot be insisted upon to paint them to match adjacent flats. No further action to be taken.
166 Cairngorm Drive Kincorth	13	Alleged unauthorised works carried out within rear communal garden area of flatted property.	Site visit determined that the various garden related works works/alterations carried out are not subject to planning consent. No further action.
Craigshaw Crescent West Tullos [Specialist Cars, Volkswagon]	13	Vehicles 'for sale' parked & displayed on road verge without consent.	Letter issued to dealership March 2015 requesting them to stop displaying & parking vehicles on road verge. To be monitored.
Craigshaw Drive West Tullos [Mercedes-Benz UK Ltd.]	13	Non-compliance with plans re. formation of additional car parking spaces (Ref.131746)	Letter issued March 2015 asking for compliance with approved plans & reinstatement of soft landscaping - Met with Estates Manager for Dealership early April 2015 to discuss 'planning related issues' - verbal confirmation received that the Dealership will be lodging a new application seeking consent for works carried out "as is" - Letter issued 13th April advising that formal enforcement action is likely if new application is not submitted by 8th May 2015.
Craigshaw Street West Tullos	13	Large steel structure extension being built without planning consent.	Extension granted planning consent August 2014 (Ref.140419) Request for alterations to be made to structure to comply with approved plans complied with. Resolved.
Wellington Road West Tullos [John Clark BMW]	13	Vehicles 'for sale' parked & displayed on road verge without consent.	Letter issued to dealership March 2015 requesting them to stop displaying & parking vehicles on road verge. To be monitored.

Resolved Cases From Previous Report - November 2014

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Burnside Road Dyce	1	Road crossings not implemented in accordance with condition attached to planning permission.	Road crossings have now been installed in accordance with planning permission.
Old Smiddy, Ellon Road Murcar (Gennyhire)	1	Use of road for storage and unloading/loading and cleaning of vehicles	The occasional use of road for storage, loading and unloading of vehicles is not considered to be a material change of use. The parking of vehicles and loading and unloading of vehicles on public road would not be a matter that would be controlled through planning legislation and is primarily a traffic management issue. No action to be taken at present but situation being monitored.
18 Hopetoun Avenue Bucksburn	1	Erection of raised timber decking at rear of house.	No planning application submitted following requests to householder to submit an application. It is considered that breach of planning control is minor and that planning approval would have been granted if an application had been submitted.
23 Fairview Manor Danestone	1	Erection of new wall at side of house adjacent to road.	Retrospective planning application submitted (P141388) September 2014 and approved October 2014.
Prime Four Kingswells	1	Tipping of large amounts of soil close to consumption dyke.	Letter sent to agent concerning tipping of soil. Situation being monitored. No action necessary at present.
Church Lane Bucksburn	1	Use of domestic garages for commercial purposes	Evidence required to ascertain if breach of planning control has occurred. Situation being monitored and complainant has indicated that he will provide evidence of unauthorised use. Monitoring of situation has not provided any evidence of any commercial use occurring at premises.
9 Glashieburn Avenue	2	Erection of new fence at front of house.	It is considered that as fence is acceptable in terms of planning policy and would have received planning permission if an application had been submitted.

3 Balgownie Gardens Bridge of Don	2	Use of former workshop outbuilding as dwelling	Following correspondence and meeting with owner of property the online advertising has been removed from the various holiday websites. The owner has also stopped letting out the building as holiday accommodation. The building will only be used for the householders own personal use in association with the dwelling house.
2 Middleton Close Bridge of Don	2	Extension not being built in accordance with approval (P130059).	Site inspection confirmed several minor discrepancies with approved plans. It is considered that discrepancies are minor and are acceptable and it was determined that no further action is taken.
7 Midmar Crescent Kingswells	3	Erection/repositioning of timber fence.	Fence is considered to be acceptable in term of planning policy and that no further action be taken.
48 Concraig Gardens Kingswells	3	Erection of summerhouse in rear garden of house.	Summerhouse subject to planning permission due to a Condition set with the original housing development which removed certain 'permitted development' rights. Request for application to be submitted seeking required retrospective consent complied. Application lodged September 2014 (P141335) and approved November 2014.
10 Carron Place	4	Car repairs being carried out from residential property without consent.	Following correspondence and meeting with householder it is considered car repairs taking place are personal and it is considered that no change of use requiring planning permission has taken place.
97 High Street St Machar Bar Old Aberdeen	6	Erection of shelter and fencing at rear of bar	Despite requesting planning application from occupier of public house no planning application submitted. It is considered because the shelter and fence are acceptable in terms of planning policy and would likely receive planning permission if application was submitted and it is likely that the shelter and fence have been on location for 4 years that no further action is taken.
Chaplains Court 20 The Chanonry Old Aberdeen	6	Burglar alarm box erected in prominent location on gable wall of listed building.	Burglar alarm box has now been relocated to a less prominent location at the rear of the property which is considered to be acceptable to our conservation planners and that no further action be taken.

1 St Machar Road (Bilfinger UK LTD)	6	Use of site and erection of site hoarding.	Use of site appears to be within same use class as previous occupier. Hoarding over 2.0 metres in height planning permission required, also staff accommodation units have been provided on site that require consent. Letter sent to occupier advising of requirement for planning permission.
Lane at the rear of 31 Westburn Crescent	7	Erection of small timber fence in rear lane within conservation area.	Fence erected considered to be a minor breach of planning control and is felt to be acceptable and that no further action is taken.
Oakhill Grange Mid Stocket Road	7	Shrubs/tree planted around new electricity sub-station in poor condition & not in accordance with approved scheme. (Ref.120126)	Inspection of site March 2015 appears to indicate that the shrubs/tree planted are in a reasonable condition. No further action at this time.
1 Belvidere Street	7	Side extension roof construction not built in accordance with approved plans. (Ref.110757)	Request for construction to be altered and roofing felt to be removed from adjacent boundary wall complied with. Resolved.
52 The Green	8	Erection of canopy over outdoor café seating area.	Retrospective planning application submitted (P141504) October 2014, and approved November 2014.
Countesswells House North, Bieldside	9	Soil importation/landscaping works carried out within garden area of property without consent.	Formal request issued June 2014 asking for an application to be submitted seeking retrospective consent for works carried out complied with - application approved unconditionally December 2014. Resolved.
30 Morningfield Road	10	Driveway construction not being built in accordance with approved plans. (Ref.101003)	Request for new planning application to be submitted seeking consent for changes to original approval complied with. Application submitted September 2014 (Ref.141481) approved conditionally January 2015. Resolved.
13 Newlands Crescent	11	Large structure/shed erected within rear garden area of property without consent.	Inspection from neighbouring property confirmed that large structure/shed conforms with permitted development guidelines and does not require formal consent. No further action.
"Silvan" Communications 215 Union Street	12	Unauthorised illuminated fascia signage erected on shopfront	Shop proprietor formally requested September 2014 amend shopfront signage - signage amended as requested January 2015. Resolved.

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Outstanding Cases From Previous Report - November 2014

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Craibstone Golf Club Craibstone	1	Erection of new building adjacent to golf club buildings.	Planning application submitted for new building (P130589) April 2013. Planning application subsequently withdrawn by applicant. Planning contravention notice being prepared to be served on land owner.
Wynford Farm Kingswells	1	Works taking place to extend car park for farm shop/café & play barn (P090706).	Retrospective planning application (P120696) submitted May 2012 and awaiting determination.
1 Newton Terrace Bucksburn	1	Erection of building/extension in yard of industrial building and formation of surfaced area opposite premises.	Letter sent to occupier advising of the requirement for planning permission for the new building and surfaced area and they have indicated that they will be submitting a planning application for the works. Retrospective planning application submitted (P141005) July 2014 and awaiting determination.
Mugiemoss Road Ashgrove Motor Body Co	1	Siting of container units and roofed structure.	Requirement for planning permission. Letter sent to occupant of unit.
161-165 Bankhead Road	1	Formation of residential accommodation.	Owner advised of the requirement for planning permission. Meeting with owner of property and indicated that planning application would be submitted.
58 Market Street Stoneywood	1	Erection of outbuilding and use as residential accommodation.	Planning contravention notice sent to owner of property but no response received. Formal enforcement action is being considered to resolve situation
Burnside Drive Dyce (Former Zara restaurant)	1	Erection of 2.4 metre high hoarding along boundary.	Manager of land has been contacted advising of requirement for planning permission for the hoarding and requesting action to rectify planning breach.
Meikle Clinterty Tyrebagger	1	Use of agricultural buildings for mixed business uses	Planning contravention notice sent to owner of property. Meeting took place with owner and their agent and response received to questions in PCN. Response to planning contravention notice currently being considered.

2 Ashwood Circle Bridge of Don	2	Erection of timber building at side of house and manicure business being operated from property.	Level of activity associated with nail business considered to be ancillary to the house and not a material change of use. Retrospective planning application (P140733) submitted and refused consent October 2014. A second planning application (P141385) for an extension was submitted and approved February 2015. Householders intention is to remove the summerhouse once the extension has been built. It is expected that extension will built constructed soon.
19 Newburgh Circle Bridge of Don	2	Public amenity ground incorporated into garden ground of property amenity land into garden ground of house.	Planning application seeking required consent submitted November 2014 and refused consent February 2015. No boundary fence or wall has been erected . Only works done was some planting along the boundary with pavement.
Howes Road (Enermech Ltd) Bucksburn	3	Erection of security fencing and gates.	New planning application for altered fencing submitted (P120667) May 2012 and awaiting determination.
Howes Road Bucksburn (Enermech)	3	Large movement of soil within site forming new levels/landscaped area.	Retrospective planning application submitted April 2014 (P140343) and refused June 2014.
6 Stocket Parade	4	Formation of driveway at front of flatted property.	Retrospective planning application (P141553) submitted November 2014 and awaiting determination.
27 Middlefield Terrace	5	Erection of garage to flatted property.	Householder advised of requirement to apply for planning permission for new garage and has indicated that an appropriate planning application is to be submitted.
Tillydrone Road (River Don Footpath)	6	New raised walkway on bank of River Don not built in Accordance with planning permission (A7/0075)	Planning application P140258 submitted February 2014 for environmental improvement works including reinstatement of footpath. Application awaiting determination.
20-22 Don Street Old Aberdeen	6	Repairs to listed building have not been done to an acceptable standard.	Letters sent to householders requesting for pointing used to be replaced with lime mortar.
Forresterhill Road Aberdeen Royal Infirmary	7	Temporary Mosque in hospital grounds. Planning permission A2/1670 expired no renewal submitted.	NHS Grampian made aware of lack of renewal of planning permission for Mosque. Despite contacting agent on number of occasions no planning application has been submitted.

21-23 Market Street City Centre	8	Various lighting fixtures/alterations to frontage of building.	Enforcement notices for unauthorised fixtures served June 2010, but not fully complied with. Applications for installation of external light fittings submitted July 2010 & March 2011 (P101218, P101219 & P110352) have been refused. Agent advised of suitable alterations to lights. Owner has declined to implement this.
39 King's Crescent	8	Alteration to wall adjacent to southern boundary and erection of new front entrance gates, erection of decking and alteration to ground at rear of house.	Retrospective planning application (P120204) submitted February 2012 for alterations to rear garden and approved December 2014. Letter has been sent to applicant and agent advising of requirements of complying with outstanding conditions attached to planning permissions. Failure to comply with conditions will result in formal enforcement action being initiated.
47-53 Market Street (Gamola Golf)	8	Unauthorised advertising projecting banners.	Enforcement Notice served October 2012 requiring removal of banners by the end of December 2012. Notice not fully complied with. Quotation for cost of works for the removal of unauthorised signage has been requested from Quantity Surveyor section of Housing and Environment.
50 Market Street	8	Erection of new illuminated fascia sign.	Enforcement Notice served February 2013, requiring removal of sign by June 2013. Quotation for cost of works for the removal of unauthorised signage has been requested from Quantity Surveyor section of Housing and Environment.
St Margaret's Chapel Spital	8	Works taking place to vacant chapel which is a Category A Listed Building.	Site inspected to determine the extent of works and to determine if a breach of planning has occurred. Conservation planner in communication with owner of property.
46 Union Street (CEX)	8	Erection of internal security shutter (Union Street frontage on Listed Building	Retrospective applications P130247 & P130248 submitted March 2013 and awaiting determination.
33 Union Street	8	Erection of fascia and projecting signs. Applications for advert consent and listed building consent refused.	Following advice of legal section enforcement notice reserved on owners and occupiers. Applicant has submitted an appeal against enforcement notice which is awaiting determination.

15 Union Street The Athenaeum	8	Installation of strip lights on listed building and painting of roof pediments without consent..	Letter sent to agent advising of requirement for consent., requesting details of painting of pediment and removal of lighting. Retrospective application for listed building consent submitted (P140666) and has been refused consent December 2014. Agent has indicated intention to appeal decision. Formal enforcement action currently being considered.
15 Union Street The Athenaeum	8	Illuminated signboards erected to entrance doorway without consent.	No response has been received from owner/occupier of premises. Formal enforcement action is being considered.
31-32 Castle Street Carlton Bar	8	Unauthorised fascia sign.	Letter sent to owner requesting removal of unauthorised sign. No response from applicant formal enforcement action to rectify situation to be initiated.
132 King Street (land to rear of)	8	Erection of temporary unit for use as office accommodation.	Letter issued to owner(s) advising them of the requirement to seek formal planning permission for the unit.
North Lasts Manor (North Lasts Farm) Peterculter	9	Unauthorised business & commercial use/activities operating from large shed & extension the permitted planning use of which is for agricultural purposes.	Presence of fabrication workshop operating from large shed & office extension confirmed - Report seeking authority to initiate formal Enforcement Action to be presented to Planning Committee in due course.
25-29 Queens Road	10	Unauthorised demolition & extensive ground engineering works carried out to rear of property without planning consent.	Formal request issued February 2014 instructing that no further works should be carried out on site, except the removal of several trees for reasons of Health & Safety. Application lodged June 2014 for construction of 18 serviced apartments refused & appeal dismissed (Ref.140896) Permission granted March 2015 for remediation works application (Ref.141878) - new application lodged March 2015 for provision of office accommodation still pending (Ref.150491)
189 Union Street [Shapla Indian Restaurant]	12	Unauthorised signage erected to front elevation & around entrance doorway of Cat. (B) Listed Building.	Formal letter issued Jan. 2014 asking for unauthorised signage to be removed not complied with - Formal Enforcement Notice served May 2014 asking for signage to be removed by end of September 2014 - application seeking to erect alternative signage lodged March 2015 (Ref.150393) decision pending. Direct action may have to be considered to resolve issue if signage proposals are refused.

36 Bon Accord Street	12	Unauthorised 'change of use' & signage erected to Cat.(C) Listed Building without consent.	Letter issued September 2014 asking for formal applications to be lodged seeking retrospective advertisement & 'change of use' consents. Alternative signage proposals under negotiation with appointed Architects.
104-106 Bon Accord Street	12	Unauthorised advert hoardings erected across entire shopfront elevation without consent.	Formal letter issued August 2014 asking for the advert hoardings to be removed & alternative signage erected - Application seeking consent for existing signage lodged & refused February 2015 - Alternative signage proposals to be negotiated. Formal enforcement action may have to be initiated if alternative signage proposals cannot be agreed.

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COMMITTEE REPORT CHECKLIST

Name of Committee:	Planning Development Management	
Date of Committee:	28 th May 2015	
Title of Report:	Planning Enforcement Activity – October 2014 to March 2015	
Report Number:	CHI/15/189	
Report Author:	Kristian Smith, Team Leader	
Directorate:	CH&I	
Date(s) report considered by CMT (if appropriate):	N/A	
Is report “exempt” under the Access to Information Act? Please also specify paragraph numbers opposite. Guidance can be found at: http://thezone/cg/DemocraticServices/ct_exempinfo.asp	No	
Equalities Impact Assessment attached: (also to be submitted to Sandra Bruce sandrab@aberdeencity.gov.uk) Please note that parts 1, 2 and 8 of the revised form should be completed and submitted to Sandra Bruce, even if an assessment is not needed. This explains why an assessment is not required. For more details, visit http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp or contact Sandra Bruce directly.	Yes/No (not necessary) If no, please state the date when the EHRIA form submitted to Sandra Bruce. 18/05/15	
Privacy Impact Assessment carried out: Please refer to http://thezone/cg/LegalServices/cg_access_to_information.asp for further advice on PIAs.	Yes/No (not necessary)	
Number of attachments submitted with the report		
Report Consultation – Required in terms of Standing Orders Please read the guidance on the Zone: http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp		
	Date of Issue	Date of Response
Elected Members:		
Convener		
Vice Convener		
Council Leader		
Convener of Finance, Policy and Resources		
Local Members (if applicable):		

Officers:		
Craig Innes, Monitoring Officer		
Steve Whyte, Section 95 Officer		
Head of Service, Office of Chief Executive		
Legal and Democratic Services (separate from consultation with Monitoring Officer)		
Finance (separate from consultation with s.95 officer)		
Clerk		
Other officers:		
Trade Unions (where applicable):		
External (where applicable):		