

# Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; Councillor Donnelly, the Depute Provost; and Councillors Allan, Alphonse, Cooke, Copland, Cormie, Lesley Dunbar, Greig, Hutchison, John, Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

Town House,  
ABERDEEN 21 September 2017

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)** are requested to meet at the Town House reception at **9.30am on Thursday, 28 September 2017** for a site visit and will then reconvene after the site visit in **Committee Room 2 - Town House**.

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **B U S I N E S S**

#### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 1 Pinewood Zone F, Countesswells Road - erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure (Pages 3 - 24)

Planning Reference: 170243

The documents associated with this application can be viewed here:  
<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- 2 Hazledene Road/Countesswells Road Zone A - erection of care home and 4 dwellings - 170525 (Pages 25 - 44)

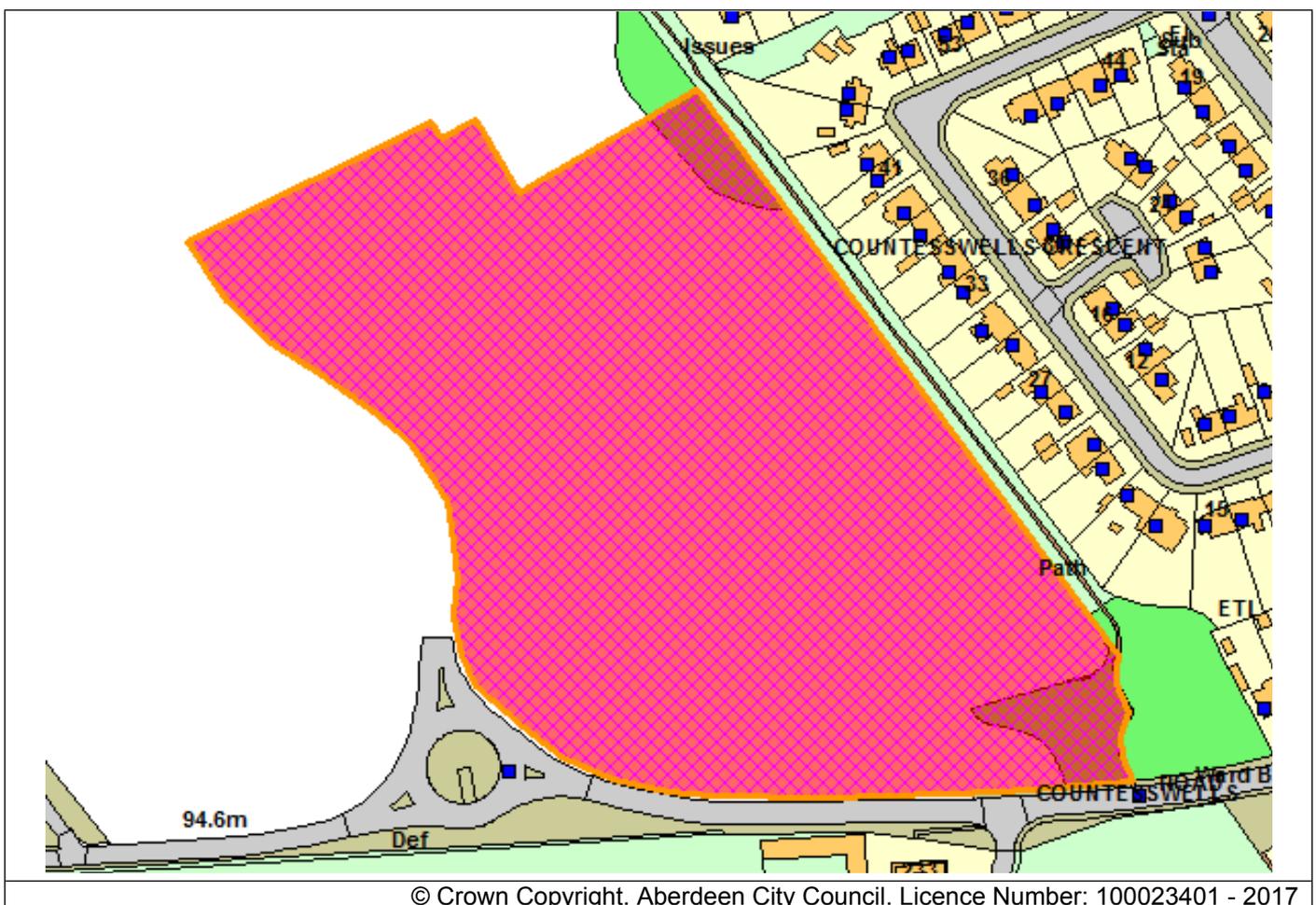
To access the Service Updates for this Committee please use the following link:  
<https://committees.aberdeency.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

Website Address: [www.aberdeency.gov.uk](http://www.aberdeency.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email [lymcbain@aberdeency.gov.uk](mailto:lymcbain@aberdeency.gov.uk)

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>

<b>Site Address:</b>	Pinewood Zone F, Countesswells Road, AB15 8AT,
<b>Application Description:</b>	Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block, with amenity space and associated infrastructure
<b>Application Reference:</b>	170243/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	10 March 2017
<b>Applicant:</b>	Dandara
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Jamie Leadbeater



## **UPDATE REPORT**

The application was reported to the PDMC on Thursday 20<sup>th</sup> July 2017, when a motion was passed to determine the application following a site visit. In the intervening period of time, members sought further information on a number of areas concerning the application which the Planning Service is now in a position to provide. The following paragraphs provide this information.

### **1) Are the existing trees lining the core path to the east of the site covered by a Tree Preservation Order (TPO)?**

Yes, as confirmed verbally by the case officer on the day on PDMC, the greatest proportion of these trees lining the core path are covered by a TPO. The trees not covered by the TPO are those which line the core path running from the edge of the south-east elevation of the 4 storey apartment block and Countesswell Road.

### **2) Drainage and water environment position for the site and wider surrounding area**

Since the date of the PDMC meeting in July, the Planning Service has liaised with colleagues in the Council's Flooding & Coastal Protection team and SEPA (Scottish Environment Protection Agency) to review their original positions on the application in light of concerns raised by local residents (through the public consultation process) and councillors at PDMC about changes to the wider water environment within and outwith the site. As a result the Council's Flooding & Coastal Protection Team identified a need for a Flood Risk Assessment (FRA) and updated Drainage Impact Assessment (DIA) because of the evidence on maps of a historical watercourse running west to east through the site, which the applicant made no mention of in their supporting submissions.

The planning case officer has undertaken a site visit with colleagues from Council's Flooding team, a SEPA representative (who has had historic dealings with the site) the applicant's drainage expert. The existing drainage infrastructure put in place by the applicant and the historical watercourse running through the site were inspected. As a result both the Council's flooding engineer and the SEPA representative concluded that the historic watercourse running through the site was minor in scale and that all evidence suggests the watercourse has an intermittent flow i.e. a good volume immediately following rainfall and a low volume/trickle flow 24 hours or more after rainfall. It was also accepted that development works further west of the Pinewood/Hazledene at Countesswells could well have resulted in a reduction in the water volume in the same watercourse further downstream to the east of the site. Finally it was accepted by SEPA and the Council's flooding engineer that the applicant has not carried out any work to date which could be confirmed as having had an undue adverse impact on the water environment within or outwith the Pinewood site. In arriving at this conclusion, it has been recognised that the natural composition of the underlying strata of the entire Pinewood/Hazledene site is complex which makes it impossible to attribute blame to the applicant for perceived changes to the water environment out with the development site, although it was not discounted that the implementation of the approved SuDS arrangement to date could have contributed to these changes. To this end, both the Council's Flooding

Engineer and SEPA maintain their original positions of not objecting to the proposed development. SEPA maintain their request for a condition requiring a Construction Environment Management Plan (CEMP), whilst the Council's Flooding Team have now requested the addition of a condition which seeks to control the diversion of existing land drains and installation of new land drains if unexpected natural groundwater springs are discovered during the construction process.

In conclusion, it is considered that, subject to the additional condition outlined above, the drainage and flooding issues related to the development can be satisfactorily managed and mitigated.

### **3) Affordable housing position and justification**

As reported to PDMC on 20<sup>th</sup> July 2017, no additional affordable housing requirements over and above the 10% off-site delivery secured under the terms of the overarching Planning Permission in Principle 072132 (A7/2178) approval have been sought under this application.

The applicant has submitted an 11 page 'Affordable Housing Position Statement' document (viability assessment) which put forward their case for why the Planning Authority should accept the above position. The headline reasons put forward by the applicant are as follows:

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- SPP (Scottish Planning Policy) states that local authorities are required to consider the need for specialist housing provision;
  - A precedent has already been set in Aberdeen that 'retirement housing' would not attract affordable housing contributions such as the development at Cults Parish Church (402-404 North Deeside Road);
  - Other authorities in Scotland such as Fife and Aberdeenshire Councils do not seek affordable housing contributions towards specialist housing;
  - A pre-application agreement was reached with the Council in August 2016 that should the application be submitted prior to the adoption of the current Aberdeen Local Development Plan 2017 (ALDP 2017) - when the Council's planning supplementary guidance policy position was to change in favour of seeking affordable housing contributions against specialist retirement units – then no affordable housing requirements would be sought against the proposed 63 retirement units for the Over 55s;
  - Dandara accept that the application was submitted after the current ALDP 2017 was adopted but put this delay down to continued pre-application design dialogue with the Council in the interest of ensuring a high quality development;
  - Current local economic climate i.e. fall in oil price and reduced capital expenditure, makes it economically unviable for Dandara to deliver affordable housing at a 25% level as required by policy;
  - If the level of developer obligations against the proposed 63 retirement units were to be set at 25%, then there would need to be significant changes to the

design of the 4 storey apartment building. Moreover, the delays associated with this re-design process and financial impact would mean the proposed scheme would not be delivered;

- Providers of retirement units (such as Dandara) assist in increasing the availability of 'affordable housing' within the mainstream housing market through encouraging people to downsize with the effect of increasing housing stock available in the mainstream housing market, with a view to lowering mainstream housing prices;
- Providing 25% affordable housing within the proposed Over 55 retirement apartment block would be impractical given the specialist retirement market have specific design needs;
- Given the proposed Over 55 retirement unit would make provision for residents to obtain private healthcare on-site, the factoring costs associated with delivering this level of care i.e. up to £472 for a 1 bedroom apartment and up to £632 per month for a 2 bedroom apartment, could not be financially sustained by RSLs or residents generally reliant on the state to cover the cost of their rent. On this basis, the overhead cost make it unlikely an RSL would wish to take on affordable housing units within the retirement apartment building;
- Due to tight financial margins being associated with retirement housing projects, neither the applicant nor another Over 55's specialist provider would consider proceeding/taking on the retirement building development if they were to be burdened by an affordable housing commuted sum contribution at the outset (the fee quoted by Developer Obligations being £ 866,250).

#### **4) Education contributions position**

No education contributions have been sought against this proposal, on the basis that no education contributions were sought to under the overarching Planning Permission in Principle (PPP) under application 072132 (A7/2178) which forms the basis for assessing all subsequent applications on the Pinewood/Hazledene site. There was sufficient capacity in the local primary and secondary schools at the time of determining the original PPP application which is why there were no contributions sought. Whilst this proposal would more than double the total number of residential units within the Zone F of the original PPP site, the increased in number of units arises solely from the proposed 63 apartments which are intended to serve the 'Over 55 market', an age range which is not expected to give rise to any dependency on local schools. The number of mainstream residential properties on the site remains the same as approved in the Planning Permission in Principle (PPP) application 072132 (A7/2178). To this end, the Planning Service considers it reasonable in this case not to seek any education contributions.

#### **RECOMMENDATION**

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## **Approve Conditionally, subject to completion of a Section 75 legal agreement**

### **APPLICATION BACKGROUND**

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#### **Site Description**

The site comprises a parcel of undeveloped land equating to 3.84 hectares which contains a sparse arrangement of mature trees to the north of Countesswells Road, and to the south-west of dwellinghouses on Countesswells Crescent. The existing trees are located primarily along the south-west side and south-eastern corner of the site. An over-head power line cuts across the site within the southern-most quarter of the site.

A core path lined with mature trees separates the north-east boundary of the site with the rear gardens of houses on the western side of Countesswells Crescent. The area of land to the north-west of the site is currently being developed for housing as part of Zone G within the wider Pinewood development, as is land to the west which forms Zone D. Vehicular access to the site is obtained from a newly formed roundabout off Countesswells Road to the south-east of the site.

#### **Relevant Planning History**

<u>Application Number</u>	<u>Proposal</u>	<u>Decision Date</u>
160593	POAN for major residential development comprising 100 – 250 homes, including retirement village, amenity space and associated infrastructure	Further consultation not required January 2017
131027	MSC for purification of Conditions 2, 3, 6, 7, 9 and 10 to consent granted under application 072132	Approved Conditionally - January 2014
131055	MSC for purification of Condition 12 (siting, design and external appearance of buildings and landscape) to consent granted under application 072132	Approved conditionally - December 2013.
072132	PPiP for residential development and Formation of access roundabout and access roads.	Approved with legal agreement (August 2010)

### **APPLICATION DESCRIPTION**

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#### **Description of Proposal**

Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block (for persons aged 55 and over), with amenity space and associated infrastructure.

#### Market Units

The market units would be developed within 2 apartment blocks (comprising 9 x 2 bedroom apartments in each) and 35 houses made-up from a mixture of semi-detached and detached houses each to be served with their own parking spaces and garden area to the front and enclosed rear garden area.

The apartment blocks would be 3 storeys in height and have flat roofs, finished in a combination of a white smooth render, horizontal timber cladding and further artificial cladding. Each apartment at first and second floor level would be served by a projecting balcony. Access to each apartment block would be obtained via communal ground floor entrance and would have its own associated communal amenity space and secure bicycle store, as well as dedicated communal parking area.

The houses would be made-up of 3 different house types: The Ash (8 units) - a 3 bedroom two storey house with pitched roof and projecting two storey front gable with associated open canopy porch with windows and doors throughout; The Rowan (17 units) - a 3 bedroom one and half storey house comprising front gable, single box dormer and open porch canopy on the front elevation and a large box dormer with photovoltaics on the front with doors and windows throughout; and, The Lime (10 units) – a 2 bedroom bungalow with two pitched adjoining pitched roof elements, creating front and rear gable, with windows and doors to be located throughout. In terms of external finishes, all house types would be finished in a smooth white render and artificial roof tiles. Windows, doors and cladding materials have yet to be specified.

#### Over 55 retirement block

The retirement block would comprise of 63 apartments within a 4 storey flat roof building set on a rectangular footprint. The development would be accompanied by an enclosed courtyard area in the middle and landscaped private gardens areas to ground floor units around the periphery. A dedicated communal car parking area would be provided for the units to the south of the apartment building.

In terms of design, first and second floor units would each be served by a projecting balcony area whilst top floor/penthouse units would be served by wrap-around balcony areas. The main exterior of the building would be finished in a combination of a white smooth render and horizontal timber cladding, whilst the top floor units would be fully clad in a synthetic grey material.

#### Open Space

Most open-space associated with the development would be located around the western and southern peripheral areas of the site which would contain a footpath network and a combination of existing mature trees and new trees. The footpath network would provide connections to Zone G of the wider Pinewood development to the north, a new bus stop just north of the existing roundabout off Countesswells Road, and across the southern boundary of the site to the existing footpath running along the north-east boundary. The Landscape Strategy provides greater detail on proposed furnishings etc.

#### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OMJTNWBZJG300>.

The following documents have been submitted in support of the application –

- Drainage Impact Assessment;
- Design & Access Statement;
- Ecology Report;
- Low & Zero Carbon Statement;
- Landscaping Plan;
- Planting Schedule;
- Pre-Application Consultation report;
- Residential Travel Pack;
- Refuse Plan;
- Supporting Statement;
- Transport Statement;
- Tree Survey.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because 1) there have been more than 5 valid objections submitted against the application, and 2) the local Community Council has objected.

### **CONSULTATIONS**

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**Craigiebuckler & Seafeld Community Council** – Object, on the basis of the following: 1) the density of the development is an adverse departure from the 2013 consent for the site; 2) the 4 storey apartment building would have an adverse visual impact on the skyline of the Hazlewood Estate; 3) the 4 storey building would have an adverse impact on the outlook and privacy of homes bordering the site; 4) applicant has shown no evidence of undertaking a hydrology survey to support the proposals; 5) No provision has been made for visitor parking and that this is likely to lead to cars being parked on neighbouring streets.

**Developer Obligations Team** – A Developer Obligations assessment has been issued to the applicant which sought delivery of affordable housing against the mainstream housing units as well as contributions towards healthcare and towards the upgrade of the adjacent Core Path, the terms of which the applicant has agreed to.

**ACC - Environmental Health** – No objection, but recommend conditions be attached seeking a Noise Impact Assessment to establish traffic noise mitigation measures for the development. The consultation response also clarifies that the traffic generated from the development is unlikely to give rise to a significant air

quality impacts across the wider city, including in defined Air Quality Management Areas (AQMAs).

**ACC - Flooding & Coastal Protection** – No objections and conditions considered necessary to apply to any subsequent consent.

**ACC - Housing Strategy & Performance** – The Supporting Statement has been reviewed. Affordable housing would be below the current expected rate, but this has been taken up with the applicant and an agreement has now been reached.

**Police Scotland** – No real concerns, however it is recommended the developer takes into account relevant guidance in which to design-out the potential for crime.

**ACC - Roads Development Management Team** – No objection, subject to a number of suspensive conditions. The conditions cover the following: 1) need to evidence a public transport operator agreement; 2) need to show how appropriate traffic-calming measures can be introduced within the development; 3) need to show how a temporary turning-circle could be provided for refuse vehicles and visitors prior to the internal road layout being connected to another phase of the wider development; 4) details of secure motorcycle and bicycle parking; and 5) need for a Residential Travel Plan to be issued to all new occupants following agreements with the Planning Service.

**Scottish Environment Protection Agency (SEPA)** – No objection, subject to one condition requiring the submission and approval of a Construction Environment Management Plan (CEMP) prior to commencement of development which details how the water environment will be protected during construction and how materials and waste will be managed on site.

**Scottish Water** – No response

**ACC - Waste Strategy Team** – No objection. Standard comments provided regarding provision in of bins for each unit and the associated costs to provide these which is to be burdened by the developer, plus guidance on how stores shall be arranged within the site to cater for the ease of bin collections by the Waste Service.

## **REPRESENTATIONS**

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A total of 11 letters of representation have been received, 1 of which was received outwith the period for public comment and 2 of the letters were received from the same postal address. As such, it is deemed in line with the Council's Scheme of Delegation that 9 valid representations have been received, all of which objected to the application. The material planning issues raised in the letters have been summarised as follows:

- The proposed 4 storey building (block c) would give rise to a loss of residential amenity to properties on Countesswells Crescent in terms of loss of daylight, privacy and creation of overshadowing;
- The site would be 'overdeveloped' by virtue of the increase in residential units compared to the previously approved scheme;

- The proposed 4 storey building would set a precedent for ‘high-rise’ development in the surrounding area;
- The proposed design of the houses and apartment blocks would not be visually appealing;
- The development would endanger the health of long-established trees lining the path to the north-east;
- Development could result in excess surface water migrating to the gardens spaces of properties along Countesswells Crescent; and,
- Countesswells Roads could not cope with the increase in traffic levels generated by the development which could give rise to road safety concerns.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

### **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy LR1: Land Release Policy
- Policy D1: Quality Placemaking By Design
- Policy D2: Landscape
- Policy I1: Infrastructure Delivery and Planning Obligations
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy H3: Density
- Policy H4: Housing Mix
- Policy H5: Affordable Housing
- Policy NE1: Green Space Network
- Policy NE4: Open Space Provision in New Development
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE9: Access and Informal Recreation
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low and Zero Carbon Buildings and Water Efficiency
- Policy CI1: Digital Infrastructure

### **Supplementary Guidance and Technical Advice Notes**

- Pinewood Hazeldene Planning Brief (Planning Advice)
- Affordable Housing (Supplementary Guidance)
- Open Space and Green Infrastructure (Supplementary Guidance)
- Flooding, Drainage and Water Quality (Supplementary Guidance)
- Low and Zero Carbon Buildings, and Water Efficiency (Supplementary Guidance)

### **Other Material Considerations**

- Planning history of site
- Current housing market conditions
- Designing Street guidance

## **EVALUATION**

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### **Principle of Development**

The application site is designated as a Residential Area on the ALDP 2017 Proposals Map, and prior to this the site was granted Planning Permission in Principle (PPP) in August 2010 for residential development under application P072132. This approval also covered Zones D, E and G within the wider Pinewood-Hazeldene residential development. Subsequent to the outline approval, a Matters Specified in Condition (MSC) application was approved for 54 units on the site under application P131055 which included a combination of detached and semi-detached housing units and some associated open-space. Taking all the above matters into consideration, the proposed development accords with the essence of Policy LR1 in the ALDP 2017 and therefore the principle of residential development on the site is considered acceptable.

### **Layout, Siting and Design**

In terms of layout and composition, consideration of policies H3 (Density) and H4 (Housing Mix) in the ALDP underpin the primary expectations of all new major housing developments across the city which can have a large influence on a site layout. The proposed development would include associated communal landscaped areas, the merits of which will be discussed later in the evaluation, as would the merits of the proposed internal road layout.

Policy H3 in the ALDP seeks to ensure that new housing developments would achieve a minimum density of 30 units per hectare, as well as having consideration for the site's characteristics and desire to achieve an attractive residential environment. The proposed development would just achieve the required minimum density, unlike the previously approved scheme for the site. As such, there is clearly merit in the current revised proposals in this respect.

Policy H4 in the ALDP states that housing developments larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, which reflects serves families and the requirements of different age groups. This policy goes on to state that this mix should include 1 and 2 bedroom units, offered in market and affordable units. This proposal does go some way to achieve the mix required by the policy. It makes provision for specifically designed apartments to cater for people aged 55 and over (older age group) and also offers a range of mainstream housing units from bungalows to detached two storey houses, which can cater for young couples, families with children and also possibly the less physically able. However, none of the units within the development would be 1 bedroom and affordable housing is to be provided off-site. As such, the proposal would not be fully compliant with Policy H4 in the local development plan. Should the application be approved, it would be necessary for the Planning Authority to maintain long-term control over who occupies the proposed 'retirement' units in Block C. It is thought this could be achieved by imposing a condition on requiring persons to be 55 years old or older to

ensure long-term provision for older people wishing to downsize from larger house types.

In general terms, the proposed individual house plots would be well proportioned to afford prospective residents their own dedicated amenity space. Timber fences of at least 1.8m in height would be erected in line with the Landscaping Strategy to define the rear curtilage of each unit, which should be in place prior to the occupation of a house unit to ensure that adequate privacy could be obtained. The location of parking spaces to the front of individual house units would be provided within the front curtilage and clustered communal parking would be afforded to all 3 apartment blocks. The arrangement for houses would be consistent with those found in other already implemented zones within the wider Pinewood-Hazeldene development and therefore would accord with the existing character of the area but it should be pointed out that this arrangement does not accord with the principles of Designing Street guidance, which will also be later touched on in the 'access, parking and connectivity' section of the evaluation. In terms of making provision for refuse collection, the Waste Service has been consulted on the application and presented no objection. The proposed Site Plan and associated Refuse Plan demonstrate that provision has been made to store waste for individual house types within the rear curtilage and provides a pathway primarily to the rear of each unit to enable presentation of waste bins on the internal road. Furthermore, the Refuse Plan outlines where communal waste storage facilities are proposed to be positioned within the curtilage of each apartment block. The siting of each would be within a proximity to the entrance doors of each block that aligns with Waste Service's expectations. The design details of the proposed communal bin stores however would need to be submitted for further consideration by the Planning Authority, which can be controlled through condition if the application is approved. In short, it is considered the proposed refuse layout would accord with the expectations of Policy R6 in the ALDP.

In terms of landscaping, the applicant has submitted a Landscaping Strategy with an associated Planting Schedule. The proposed strategy includes the retention of existing trees and re-building of traditional stone dyke along the south-western side of the site as well as planting a significant number of new trees around the southern and western periphery of the site, as well as planting 2 areas of bulbs within the two southern corners of the site nearest Countesswells Road. These elements of the strategy would sit in peripheral grassed areas which would also contain the proposed footpath network. Further into the development, new hedging would be provided to define open space between Block B and Block C (retirement block) to soften the visual appearance of the development and provide an appropriate balance of hard and soft landscaping within the development to the benefit of public visual amenity. Taking the composition of the proposed Landscaping Strategy and associated Planting Schedule into account, it is considered acceptable given it would suitably aid the development's visual integration within the semi-rural woodland setting of the wider Pinewood-Hazeldene development, which would be primarily viewed from Countesswells Road to the south of the site. Providing such proposals are implemented in full, which can be controlled through condition if the application is approved, then it would satisfy the relevant expectations of Policy D2 in the ALDP.

In terms of siting of buildings, Policy D1 and H1 within the ALDP the Site Plan and Site Section drawings demonstrate that the physical relationship between apartment blocks and the mainstream house types would avoid overlooking and privacy issues by virtue of separation distances and the orientation of balconies and windows in apartment blocks and the proposed houses. Furthermore, the Site Section drawing demonstrates that the separation and comparable heights between the different buildings on internal roads would present a positive variation to the streetscene which typifies a 'good housing' mix as expected under Policy H3. In terms of the amenity impact of the development on existing neighbouring sites, it is acknowledged that the greatest concern relating this development is the potential residential amenity impact of the 4 storey apartment retirement block (Block C) on properties on the south-western side of Countesswells Crescent. In terms of proximity, the apartment block would be sited at least a minimum of 38m from the nearest windows serving habitable rooms within the semi-detached houses on Countesswells Crescent. This distance would far exceed the standard 18m rule needed to design-out overlooking potential. Whilst the distance between windows in the apartment block and the nearest rear garden boundary pertaining to the nearest houses on Countesswells Crescent would be much shorter, between 18m and 20m, the existing intervening mature trees primarily should screen out any additional impact arising from the height of windows and balconies – even during winter months - in the apartment block. Subsequently, it is not envisaged that apartment Block C would give rise to any undue privacy impacts. In addition to this, Block C would not pose an undue overshadowing or loss of daylight impacts on the basis of the c. 40m separation distances between buildings plus the existing intervening trees are higher and therefore are more likely to have an impact in this respect. For the avoidance of doubt, it is not envisaged that the any other building with the proposed development pose an undue amenity concerns on other neighbouring sites.

In conclusion, the proposed site layout and siting of the development has been extensively reviewed at pre-application stage following dialogue between the Planning Service and the applicant, which has included the input of the Council's Urban Designer. The proposed layout reflects the final discussions between the two parties, and whilst it would not fully comply with policy and guidance, is considered acceptable on the basis that the merits outweigh the drawbacks.

In terms of the design of the proposed mainstream housing units, these are considered acceptable on the basis that their design, scale and layout would be coherent with the existing house types that have already been built by the applicant to the north of the site within the wider Pinewood-Hazeldene development. With regards to the proposed 3 apartment blocks, whilst there are not presently any buildings of this type in the local area, their contemporary form and appearance of would complement the design and appearance of the different house types within the rest of the site and the site's context as a semi-rural partly wooded setting. Whilst the proposed finishing materials are considered acceptable in principle, further details/samples are sought to ensure their quality ties in with other buildings in the wider development which could be controlled through condition. Overall, it is considered that the proposed design scheme would comply with the relevant expectations of Policy D1 in the ALDP.

### **Energy Efficiency, Water Efficiency and Digital Infrastructure**

Notwithstanding the merits of the house and apartment block designs, there is an expectation that all new permanent habitable buildings would meet modern energy and water efficiency standards to minimise long-term carbon usage and water extraction from the River Dee in order to comply with Policy R7 in the ALDP and its associated supplementary guidance. Whilst the applicant has submitted a supporting statement titled 'low and zero carbon' outlining their intention to ensure the proposed habitable buildings would meet the desired energy efficiency standards and indicated the possible mechanisms in which to achieve such levels, it would still be prudent to seek demonstration of the actual efficiency and techniques levels before the buildings are built to ensure the expectation of the policy is met. This can be controlled through condition if the application is approved.

In addition, it is expected under Policy CI1 in the ALDP that all residential units would have access to modern, high-speed communications infrastructure. Whilst it is anticipated the developer would ensure such infrastructure is in place prior to occupation of the proposed units, it would be prudent to apply a condition to any subsequent consent which seeks clarity from the applicant/developer what quality of digital infrastructure would be installed timeously to cater for modern living standards.

### **Access, Parking and Connectivity**

Policy T2 in the ALDP states that new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, which includes increasing local public transport services and making provision for access by bicycle and on foot. Policy T3 in the ALDP states that new development must be accessible by a range of transport modes with an emphasis on active and sustainable travel, specifically the internal layout of developments must seek to prioritise walking, cycling and public transport connectivity in line with the principles of Designing Streets guidance and the policy's associated supplementary guidance.

The proposed development would obtain vehicular access from a new road heading northwards from an existing roundabout to the south-east of the site. The proposed access road has already been approved as part of the planning for the development of other zones within the Pinewood-Hazeldene development. As touched upon in the previous section, the internal layout of the site would comprise an internal footpath network which is connected to the different areas of the development i.e. apartment blocks, houses and the Over 55 apartment complex, as well as new bus stop to the south-west and an existing core path to north-east.

The Roads Development Management Team (RDMT) has reviewed the proposed site arrangement and the submitted a Transport Assessment. They have posed no objection to the proposals in line with the above ALDP policies and the Designing Streets guidance, but have highlighted that the development would not comply with the principles of Designing Streets due to the fact that driveways are proposed to be located in front of the mainstream housing units instead of be positioned within private parking in small parking courtyards to the rear of the properties. In addition, the RDMT have recommended that 5 conditions be attached to any subsequent consent, the nature of which are all specified in the consultation comments above. The Planning Service has considered the merits of all such proposed conditions and

is of the view they should competently address the current shortfalls in the detail of the proposals to ensure the development would comply with the essence of policies T2 and T3 in the ALDP and their associated supplementary guidance.

In addition to the above, the proposal makes provision for 2 new connections to the existing Core Path network running along the north-east boundary of the site which has been welcomed by the Council's Environment Policy team. This should ensure the development promotes use of active travel and improved use of an existing Core Path and therefore would comply with the relevant aims of Policy NE9 in the ALDP. Whilst the existing footpath is in a poor state of repair, the applicant has agreed to make contributions in way of money towards the upgrade of the footpath on top of the Section 69 infrastructure payment they made in August 2013. These funds would be secured through a Section 75 legal agreement payment if the application is approved.

### **Drainage and the Water Environment**

The applicant has submitted a Drainage Assessment and Drainage Plan outlining their proposed SuDS provision which has been reviewed by the Council's Flooding & Coastal Protection team and SEPA, which neither consultee has objected to. SEPA has, however, sought use of a condition on any subsequent consent requiring the developer to provide a Construction Environment Management Plan (CEMP) for the Planning Authority's approval in consultation with SEPA to ensure clarity is provided on the applicant/developer intends to mitigate against damage to watercourses during the construction. The reasoning for this centres on their assertion that drainage works within the wider Pinewood/Hazeldene development to date have led to a reduction in the amount of water flowing in local watercourses. The applicant has already engaged in discussions with SEPA over how to address the issue, and the CEMP would provide further comfort that the proposed development would not have any greater impact. As such, it is considered competent to impose such a condition. Should any engineering operations need to be carried out as part of the development within a watercourse or disposing into a watercourse, then a separate CAR (Controlled Activities Regulations) license would need to be obtained from SEPA. This legal obligation can be relayed to the applicant through use of an informative on any subsequent consent.

It is acknowledged that local residents, primarily residing on Countesswells Crescent, have raised objections to the proposals on the basis of a similar issue touched on by SEPA, as well as raising the concern that gardens areas have become damper since works in the wider Pinewood-Hazeldene development has taken place. Whilst these concerns are recognised, no strong evidence provided to the Planning Service to date has verified that the on-going development in the area is directly the cause of changes to neighbour's garden areas. Furthermore, the nature of the concerns appear to be centred around ground water movement and not surface water disposition, which is a civil issue which would need to be addressed outwith the planning process with the applicant/developer direct.

### **Natural Environment**

The application site has already been primarily cleared following the applicant's intentions to implement their previous consents and prior to that the site was regularly maintained. As such, it is not considered the site has any significant

ecological sensitivities on review of the submitted Ecology Study also. The main natural constraints to the site are the mature trees existing within it and those overhanging the north-eastern side boundary. The coverage of trees within the south-east corner of the site forms part of the Green Space Network identified on the ALDP Proposals Map.

Policy NE5 in the ALDP has a presumption against the loss of trees or woodlands that contribute towards landscape character and local amenity, and therefore measures should be taken to mitigate against any damage being incurred to such natural assets. The applicant has submitted a Tree Survey, which includes identification of Root Protection Areas (RPAs) for each tree currently within the site and adjoining the site along the north-east boundary, which the Planning Service has considered in consultation with the Council's Environmental Policy Team. The footprint of all buildings would not encroach on Council-managed trees lining the Core Path to the north-east, but they would fall within the site. The Over 55 retirement block (Block C) would lie closest to these trees but by way of comparison the footprint of the development would be set further into the site than the previously approved development which could still technically be implemented if this application is not approved. The proposed means of mitigating against the risk of damage to such important trees of local amenity and landscape value during construction, is to impose standard conditions on any subsequent consent which ensures that protective fencing is erected prior to commencement of development and also to ensure that no fires are lit within 5m of such trees to avoid the risk of fire damage. Providing these conditions are adhered to, then the development would comply with the crux of the Policy NE5.

Policy NE1 in the ALDP makes a presumption against the loss of areas of the Green Space Network (GSN) as the policy aims to protect, promote and enhance of the value of the space for both use by local residents and wildlife. The proposed Site Plan shows that the footprint of buildings would not encroach onto the GSN and it would be incorporated into the open-space associated with the development which should ensure its long-term protection. As such, it is considered the proposal complies with the abovementioned policy.

The Environment Policy Team has raised some concerns about the impact of lights from construction work taking place during winter months could disturb bats roosting in trees along the north-east boundary of the site. Whilst the applicant has not expressly states that such lighting interventions would be used during the construction process, the Planning Service recognise that this scenario could arise given how short daylight hours would be during winter months and that bats can be become active during dark hours. Whilst the applicant/developer will acknowledge they have a statutory duty not to intentionally kill or harm bats, the Planning Service are of the view it would be prudent to impose some form of formal control over any lighting to mitigate against undue harm/disturbance to bats. It is therefore recommended this could be achieved through imposing a condition which seeks approval of an appropriate Lighting Strategy if the application is approved.

### **Affordable Housing**

Policy H5 in the ALDP 2017 states that housing developments of 5 or more units are expected to contribute no less than 25% of the total number of units as affordable

housing. The associated Supplementary Guidance on affordable housing sets-out the options of how developers can deliver the expected level of affordable housing with a preference being on-site delivery, but off-site delivery or by way of a 'commuted sum' is deemed acceptable also. The SG does go on to make provision for a reduction in the level of affordable housing expected where a developer can demonstrate that exceptional costs towards other elements of the development render it unviable at the normal expected level of 25%.

In the case of this proposal, the applicant is proposing to deliver 10% of the proposed market housing numbers (53 units) as affordable units off-site in line with the historic arrangement for a housing delivery across the wider Pinewood-Hazeldene development when consenting to the original Planning Permission in Principle applications. For the avoidance of doubt, the Planning Service has been of the view since August 2016 - when pre-application discussions commenced with the applicant - that the proposed Over 55/retirement flat units would not trigger an affordable housing assessment which the Developer Obligations Team are also comfortable with. In line with the provisions of the SG, the applicant has also undertaken a viability assessment which has been reviewed by the Planning Service to demonstrate that the proposed development would not be a financially viable proposition at 25% affordable housing given the terms of the land deal to purchase the site and current market conditions. As such, the Planning Service has agreed that the original 10% delivery level would be reasonable to accept in this case. Subsequently, whilst the current proposals does not strictly accord with Policy H5 in the current local development plan, the proposals would align with relevant provisions made in the SG for a lower level of affordable housing than what is prescribed in the policy.

### **Developer Obligations**

The Developer Obligations team has been consulted to determine the appropriate level of developer contributions for the proposed development. Heads of Terms have been agreed with the applicant for the delivery of affordable housing off-site, as well as payment of contributions towards healthcare and the upgrade of the Core Path running along the north-east boundary. It is envisaged these would be secured from one of, or a combination of, 'planning agreements'. The Heads of Terms take into account infrastructure payments already made by the applicant through a Section 69 agreement in August 2013 and the previously agreed arrangement for the delivery of affordable housing under application P070132, as well as financial viability of the site in the context of the land deal struck with the Council when acquiring the site. Providing a Section 75 legal agreement covering the above contributions can be agreed, signed by all relevant parties and registered with the Registers of Scotland then the proposal would be deemed compliant with aim of Policy I1 in the ALDP.

### **Heads of Terms of any Legal Agreement**

Heads of Terms have been agreed with the applicant to secure the delivery of affordable housing off-site in line with the terms of previously agreed legal arrangement associated with the planning consent granted under application P072132. The HoTs do include the contributions towards Healthcare (£46,675) and upgrade of the adjacent Core Path (£16,963), but these may yet be paid in an upfront Section 69 payment.

## **Matters Raised in Representations**

1. *The site would be 'overdeveloped' by virtue of the increase in residential units compared to the previously approved scheme*

The current proposals would increase the density of development for Zone F when compared to the previously approved scheme, the current level of development is considered acceptable on its own merits following extensive pre-application discussion between the Planning Service and the applicant, which included the input of the Council's Urban Designer.

2. *The proposed 4 storey building would set a precedent for 'high-rise' development in the surrounding area*

Whilst the proposed 4 storey development is considered acceptable in this particular case, it is not to say that other developments of a similar height and scale would be in other locations on surrounding sites. Each proposal is determined on its own merits.

3. *The proposed design of the houses and apartment blocks would not be visually appealing*

The proposed house types and apartments blocks are considered to be coherent with the character and appearance of already consented and implemented developments within the wider Pinewood-Hazeldene development and therefore are considered visually acceptable.

4. *The development would endanger the health of long-established trees lining the path to the north-east*

The proposed development would not be positioned any closer to the existing mature trees within the site than the previously approved housing scheme and therefore it is not considered the development would endanger the health of such trees providing appropriate tree protection measures are implemented during construction, which would be controlled by condition.

5. *Development could result in excess surface water migrating to the gardens spaces of properties along Countesswells Crescent*

The wider Pinewood-Hazledene development is currently served by a SuDS basin to accommodate excess surface water, which the proposed development would be connected to. Whilst it noted that local residents have raised concerns with their local councillor and the Craigiebuckler & Seafeld Community Council about changes in the water migration pattern within the surrounding area, no evidence has been provided to tie these changes and affects to this development. Notwithstanding this, the issue of groundwater migration is deemed civil matter. Both the Council's Flooding & Coastal Protection Team and SEPA have both been consulted on the proposals and have not raised any flooding concerns.

6. *Countesswells Roads could not cope with the increase in traffic levels generated by the development which could give rise to road safety concerns.*

As stated in the 'access and parking' section of the evaluation above, the Roads Development Team have been consulted and it is considered that the existing road infrastructure could cope with the expected level of vehicular traffic generated from it.

## **Conclusion**

In conclusion, the principle of residential development on the site is considered acceptable. Whilst the current proposals would significantly increase the density of development on the site compared to the previously approved housing scheme, it would enable the delivery of high quality mainstream market housing as well as specifically-designed accommodation to meet the needs of people aged 55 and over. The proposed development would not pose any undue amenity impacts on existing neighbouring properties and would provide good connections to the existing core path network as well as making provision for areas of public open-space. Whilst access to the development would primarily be made car there it the expectations that the residents could make use of a bus service and high-speed broadband connectivity in which to reduce the dependency on the use of private vehicles. The site has no significant nature conservation sensitivities and therefore the development would not give rise to any loss of protected habitat. Overall, it is considered that the development complies with most relevant policies in the Aberdeen Local Development Plan 2017, and where there lies some misalignment with policy, other material considerations dictate otherwise. The application is therefore recommended for approval, and if approved, it is recommended that the consent is not issued until the completion of an associated Section 75 legal agreement to secure payment of developer contributions and delivery of affordable housing off-site.

## **RECOMMENDATION**

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Approve Conditionally, subject to completion of a Section 75 legal agreement

## **REASON FOR RECOMMENDATION**

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In principle, the proposed use of the site is considered acceptable by virtue of its allocation on the ALDP 2017 Proposals Map. Furthermore, the proposed development would be of a density, layout and design which balances' the delivery of different house types to cater for a range of age groups with affording prospective residents a high quality of general residential amenity without unduly compromising the existing level of residential amenity afforded to neighbouring residents. The development would be suitably connected to the existing core path network and would be served by a suitable connection to the public road network, whilst also providing scope for a public transport operator to provide a service for residents. Whilst the level of affordable housing to be provided would not strictly comply with the expectations of Scottish Planning Policy and local planning policy, the applicant has sufficiently demonstrated why this would not be achievable in this instance. The proposed development would not have a significant adverse impact on the natural

environment. Overall, the proposed development would comply with the relevant provisions of policies: LR1, D1, D2, I1,T2,T3, H3, H5, NE1, NE5, NE6, NE9, R6, R7, C11 in the Aberdeen Local Development Plan 2017. In instances, specifically regarding housing mix and affordable housing, where the proposals are not strictly compliant with relevant ALDP policy other material considerations dictate otherwise. The proposal is therefore deemed acceptable.

## **CONDITIONS**

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- 1) Prior to occupation of the first unit, the applicant/developer shall submit a Residential Travel Plan to the Planning Authority for approval in consultation with the Roads Service, and once approved shall be issued to the new owners of each unit prior to their occupation.

Reason: To ensure occupants are made aware of the different ranges of transport available to accessing the development.

- 2) Prior to commencement of development, the applicant/developer shall provide evidence to the Planning Authority, for their approval, that they have reached an agreement with a public transport operator in which to provide a bus service from the bus stop shown on the approved Site Plan within a time period to be agreed with the Planning Authority after the first unit is occupied.

Reason: To ensure the development can be served by a sustainable means of transport.

- 3) Prior to commencement of development, the applicant/developer shall provide full details of traffic-calming measures to be implemented within the development to the Planning Authority for approval in consultation with the Roads Service. Once approved, the traffic-calming measures shall be implemented in a timescale to be agreed with the Planning Authority.

Reason: To ensure the development complies with Designing Streets guidance and minimizes the risk of road safety issues.

- 4) Prior to commencement of development, the applicant/developer shall submit details of how a temporary turning-circle could be provided allow to refuse vehicles and visitors to turn within the prior to the internal road layout is connected to the zone to the north of the site. Once approved, the turning circle shall be implemented until the internal road network is connected to the adjoining phase of development.

Reason: To ensure visiting vehicles have sufficient space in which to safely manoeuvre within the site in order to minimise road safety risk.

- 5) Prior to commencement of development, the applicant/developer shall provide full details/ samples of all external finishes to the hereby approved building including downpipes, roofing materials, doors, windows and balustrade for approval by the Planning Authority.

Reason: To ensure that the development would remain in-keeping with the character and appearance of the surrounding area/

- 6) Prior to occupation of the first unit, the applicant/developer shall provide full details of secure storage for motorcycles and bicycles within the site for the approval by the Planning Authority. Once approved, the secure storage facilities shall be implemented in full prior to occupation of the first unit.

Reason: To ensure occupants means of transport can be securely stored thus minimizing the opportunity for crime.

- 7) Prior to commencement of development, the applicant/developer shall provide full details of the energy efficiency rating of each individual habitable building within the development for approval by the Planning Authority. Once approved, the construction of each building should be carried out to ensure that the approved energy efficiency levels are achieved.

Reason: To ensure compliance with Policy R7 in the ALDP 2017 and its associated Supplementary Guidance.

- 8) Prior to commencement of development, the applicant/develop shall submit details of water-saving technologies and techniques to be incorporated into the design of each new building within the site for approval by the Planning Authority. Once approved, all water-savings measures shall be implemented in full prior to the occupation of each unit.

Reason: In order to minimise water abstraction from the River Dee and to comply with the requirements of Policy R7 in the ALDP 2017 and its associated supplementary guidance.

- 9) Prior to commencement of development, protective fencing shall be placed around the Root Protection Areas (RPAs) pertaining to each tree to be retained outlined in the 'Tree Survey Drawing' which accompanies the submitted Tree Survey and shall remain in-situ until all buildings work associated with the buildings closest to each fence has been completed.

Reason: To ensure that existing trees of high landscape character and amenity value are not damaged or removed during the construction phase of development.

- 10) No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the Root Protection Areas of each tree identified on the submitted 'Tree Survey Drawing' 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 trunk.

Reason: In order to ensure adequate protection for trees adjacent to the site during the construction of the development.

- 11) Prior to commencement of development, the applicant/developer shall submit details a Lighting Strategy which outlines where they intend to position lights within the site during the construction phase of development. Once approved, the Lighting Strategy shall strictly be adhered to throughout the course of construction to minimise disturbance to bats roosting in the area.

Reason: To ensure bats likely to be roosting within trees in the surrounding area are not unduly disturbed.

- 12) Prior to commencement of development, the applicant/developer shall submit a Construction Environment Management Plan (CEMP) for approval by the Planning Authority in consultation with SEPA which details how the existing water environment will be protected during construction and how materials and waste will be managed on site. Once approved, the CEMP shall be adhered to in full for the timeline set out in the approved document unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the construction phase of development does not give rise to any undue adverse impacts on the natural water environment.

- 13) Prior to occupation of the first unit, the developer shall implement the proposed SuDS scheme in full unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the development does not give rise to any undue localised flooding.

- 14) Prior to commencement of development, the applicant/developer shall submit a statement to the Planning Authority for approval, detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure. Thereafter each phase of development shall be supported by a detailed statement setting out how such measures have been designed into the built form and what standards of digital connectivity this will bring. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy C11 in the ALDP 2017 and Scottish Planning Policy.

- 15) That any person occupying any unit with the hereby approved 'Over 55 retirement' apartment block (Block C) on a temporary or permanent basis shall be of an age of 55 years old or over.

Reason: In the interests of maintaining control over who occupies this part of the development.

16) All hard and soft landscaping proposals shall be carried out in accordance with the approved Landscaping Strategy and Planting Schedule, which shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

#### **ADVISORY NOTES FOR APPLICANT**

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- 1) Any engineering works within the water environment will require authorisation from the Scottish Environment Protection Agency (SEPA) under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). SEPA are contactable on: 01224 266609.
- 2) Prior to making a connection to the public water supply and sewerage system, maintained by Scottish Water, the applicant/developer shall need to obtain the separate prior approval from Scottish Water in order to legally do this. Scottish Water is contactable on: 0800 389 778.
- 3) The applicant/developer should contact ACC Waste Service a minimum of 2 months prior to occupation of each unit.

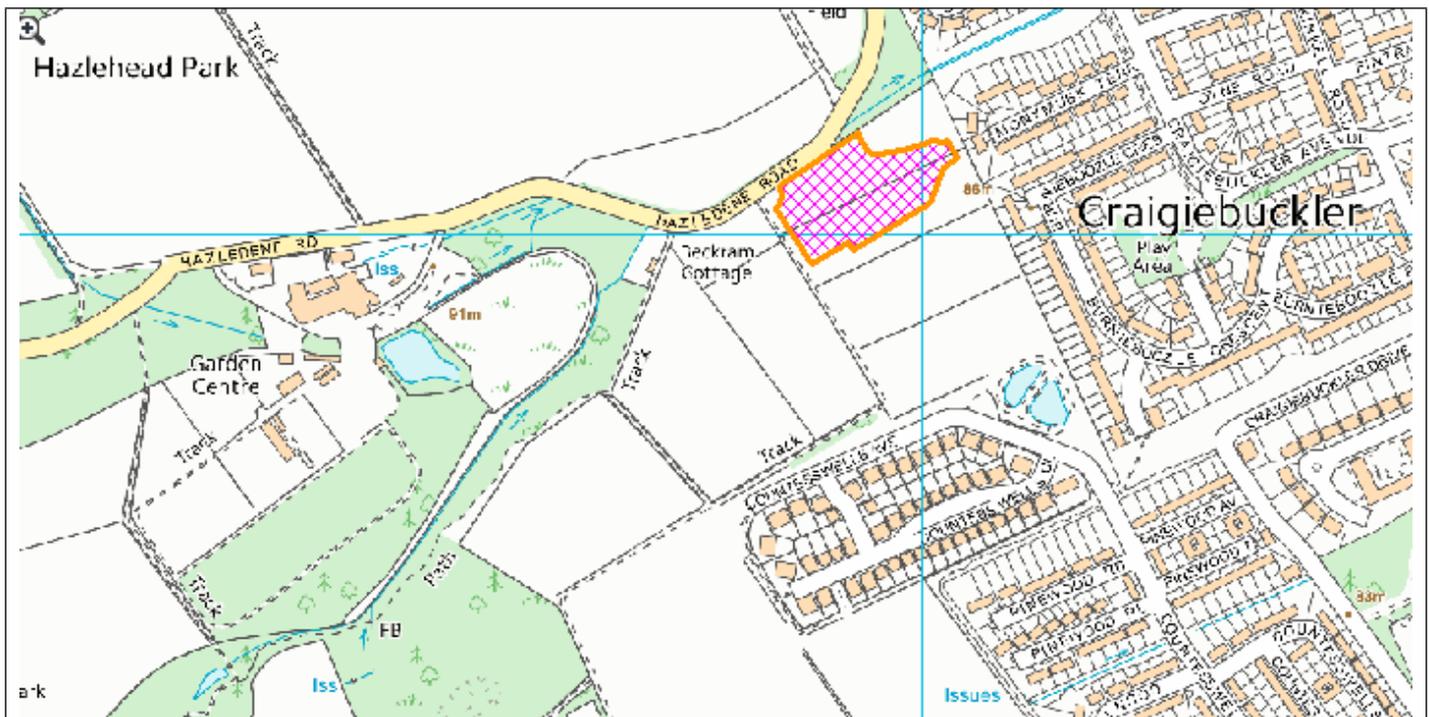


## Planning Development Management Committee

Report by Development Management Manager

21 September 2017

<b>Site Address:</b>	Zone A (site Between), Countesswells Road/Hazledene Road, Aberdeen,
<b>Application Description:</b>	Erection of care home and 4 dwellings
<b>Application Reference:</b>	170525/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	11 May 2017
<b>Applicant:</b>	Dandara
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Gavin Evans



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### RECOMMENDATION

Willingness to approve with conditions, subject to conclusion of a legal agreement securing the following developer obligations:

- Core Path Network (£18,079);
- Open Space (£8,894); and

- Healthcare (£49,746 to contribute towards a new health centre at Countesswells).
- Total £76,719

## APPLICATION BACKGROUND

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### Site Description

The application site forms a component part of the wider Hazledene development site, which is located between Hazledene Road, to the north, and the adjacent Pinewood development site, to the south. The Pinewood site is bounded by Countesswells Road to the south. Those two allocated development sites combine to form a wider development area, L-shaped in plan view, which sits directly to the west of the established residential areas of Countesswells and Craigiebuckler. Their combined site area is some 27 hectares, of which roughly 10.5ha is contained within the Pinewood site and 16.5ha within Hazledene. The current application concerns the north-eastern portion of the Hazledene site, which extends to 1.07ha and incorporates a frontage onto Hazledene Road.

### Relevant Planning History

Application Number	Proposal	Decision Date
<b>080831 (A8/0850)</b>	Planning Permission in Principle: Residential development comprising circa 250 plots	19.08.2010
<b>120029</b>	Approval of Matters Specified in Conditions attached to 080831	23.08.2012
<b>130994</b>	Approval of Matters Specified in Conditions attached to 080831	28.11.2013

## APPLICATION DESCRIPTION

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### Description of Proposal

This application proposes the construction of a residential care home comprising 81 bedrooms, along with associated car parking and landscaping, as well as 4no detached dwellinghouses.

The Care Home element of the proposal would be orientated to face onto Hazledene Road, and would benefit from a dedicated access, whilst the 4no dwellings would face eastwards, directly onto the residential access road. The Care Home would be constructed across three storeys, with a flat-roofed design, although it is noted that this roof design and the lower level of the building are such that it would not sit markedly higher than the ridge level of the neighbouring dwellings. Internally, the Care Home would include community facilities including residents' lounges, a library, cinema and gym, as well as nursing station and associated staff facilities.

### Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OPP0HBBZKPJ00>.

The following documents have been submitted in support of the application –

- Tree Survey
- Landscape Plan
- Transport Statement
- Design Statement
- Supporting Statement

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because:

- More than 5 representations have been received; and
- The local Craigiebuckler and Seafield Community Council has lodged an objection

### **CONSULTATIONS**

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**Archaeology Service (Aberdeenshire Council)** –Having reviewed the application, and taken into consideration the nature of the known archaeological sites within the wider landscape, **no comment** to make.

**Developer Obligations Team** – Necessary obligations are identified in relation to the Core Path Network (£18,079); Open Space (£8,894) and Healthcare (£49,746 to contribute towards a new health centre at Countesswells serving residents). Note that developments of this nature do not attract Education obligations, and that care homes are exempt from Affordable Housing obligations. Contributions towards community facilities will not be sought on the basis of the communal space provided on-site.

**ACC - Environmental Health** – No objection. Recommend the following measures:

1. That a scheme of Local Extract Ventilation is secured in order to ensure that any odour arising from cooking activities is subject to appropriate filtration, extraction and dispersal.
2. Recommend an advisory note recommending that hours of construction are restricted to 7am-7pm Mon-Fri and 8am-1pm Sat in order to avoid adverse impact on amenity.
3. Recommend an advisory note relating to measures to mitigate impact arising from dust during construction.

**North East Scotland Biological Records Centre** – No species of note highlighted by search.

**Police Scotland** – No objection. Note that the site is good from the perspective of crime prevention through design. Note that there is currently a very low level of crime in this area and conclude that Police Scotland has no concerns regarding the development from a policing perspective.

**ACC - Roads Development Management Team** – No objection provided the following matters are addressed:

1. The path running to the south of the Care Home is required to be 3m wide in order to correspond with the wider path network. This path must be a formal connection, surfaced appropriately, drained and lit. Further specification of this path can be secured and agreed prior to development through use of a condition.

2. A footpath within the site, providing a connection to the Care Home's main entrance from the newly constructed pedestrian footway on Hazledene Road, will be required. This can be secured by condition.
3. It is noted that adequate visibility has been demonstrated at the site access junction. It is recommended that a planning condition be used to ensure that visibility is maintained.
4. Parking provision is considered to be acceptable.
5. Swept-path analysis has been undertaken, demonstrating that the development can be adequately accessed by service vehicles. A slight over-run is identified, however this is considered to be permissible in this instance.

**Scottish Water** – No response.

**ACC - Waste Strategy Team** – No objection. Note that no garden waste will be provided for the Care Home as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor. Further detailed specification for bin storage areas will be required in order to ensure that provision is sufficient for the proposed development, but this can be secured prior to development commencing through use a planning condition.

**ACC Flooding and Coastal Protection Team** – Note submission of a Drainage Impact Assessment and express general satisfaction with its content. Further confirmation of how any cut-off land drains are to be dealt with was sought, and a further statement has been provided by the applicants, confirming that any land drainage encountered during excavations will be dealt with by diverting drains around excavations and directing flow to its outlet. Any groundwater spring that is discovered and cannot be controlled by existing land drains shall be captured and piped to the most appropriate watercourse.

**Craigiebuckler and Seafield Community Council** – Object to the application on the following grounds:

- The high water table and site drainage conditions are such that the site is not suited to residential development.
- Highlights that recent development has coincided with a dramatic reduction in the volume of flowing water in the burn feeding into Walker Dam, with corresponding silting up of ponds. It is contended that excavations to form the proposed care home will result in further silting of the Walker Dam.
- Highlights disproportionately large size of the care home, relative to the housing planned on adjacent land, and potentially overbearing presence.
- Notes potential adverse visual impact from properties on Monymusk Terrace.
- The Walker Dam is listed by Aberdeen City Council, as a local nature conservation site, noted for its charming mixture of landscaped areas and semi-natural habitats. The main feature is the large pond with a small burn and areas of wetland.
- Note concern that SEPA are not referenced in the supporting documents, given the importance of appropriate management of groundwater.
- Express concern that the northern SuDS pond is in poor condition and is not fit for its intended purpose as a flood prevention measure.
- The proposed care home will be visible from Hazlehead Park and will not blend in with the surrounding landscape.
- Concern expressed that works to form the access for the care home would damage the root systems of the mature beech trees along the Hazledene Road frontage.
- Parking provision will be woefully inadequate for such a large establishment.
- Concern that visitors and employees will have to park their vehicles in the nearby streets of Hazlewood, Burnieboozle , Craigiebuckler, Woodburn and Hazledene.

- Noise and disruption associated with construction traffic will cause disturbance and, given the nature of the use, this is likely to continue once the home is operational.
- Note no reference in the submissions to developer contributions towards increasing the capacity of the surrounding road network – note existing problems at Queens Road/Springfield Road junction
- Notes that traffic onto Queen's Road is required to turn left and then double-back at the roundabout., adding to the traffic congestion at Hazlehead roundabout.
- The local medical practice is at capacity, and the proposed care home would exacerbate that situation.

## **REPRESENTATIONS**

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A total of 14 representations have been received in relation to this application. These raise the following matters:

- Original Planning Permission in Principle (PPiP) plans included only minor access to Hazledene Road;
- No explanation for earlier decision to allow 50 homes accessed from hazledene Road, nor justification for this additional access;
- Location of site access is not safe (on a bend);
- Parking is insufficient for staff and residents and will result in overspill onto surrounding streets;
- Care Home is of excessive height;
- Visual impact when seen from Hazlehead Park, detracting from parkland character;
- Design of Care Home is not compatible and consistent with its surroundings;
- No indication of lifts or rooftop plant on drawings;
- Hazledene Road not suitable for increased traffic;
- Additional traffic would increase burden at the Hazlehead Roundabout;
- Verge at Hazeledene Road is understood to be ACC owned. If approved, Dandara should be obliged to pay a settlement for wayleave over a community asset;
- Overdevelopment;
- Noise – From ambulances, staff & visitors;
- Flooding and drainage problems – highlights problems with drainage across wider site;
- Does not comply with SPP para 271, which states support for development which 'provide safe and convenient opportunities for walking and cycling, both for active travel and recreation';
- Queries compliance with original development framework/masterplan given the degree of change from the approved scheme;
- Inadequate refuse provision;
- Queries inaccuracies on form;
- Accusation of greed in proposing both housing and care home together;
- Speculates about future proposals to connect through the site to new roundabout on Countesswells Road;
- Traffic Impact Assessment should be undertaken;
- Public open space is to be provided – queries who is responsible for maintaining open space and landscaping throughout the site;
- Fencing layout should be provided to ensure appropriate separations;
- Construction could result in silt polluting the burn, which flows into Walker Dam;
- Queries lack of SEPA involvement;
- Hazledene Road too narrow for emergency vehicles if cars are parked on it;
- Queries sewer capacity to accommodate development;
- Queries who will maintain the private section of Hazledene Road;

- Inconsistencies and inaccuracies in supporting statements are highlighted;
- Light pollution;
- Route to public transport on Craigiebuckler Avenue is muddy, loose surfaced and unlit – not suitable for residents/visitors to access bus facilities. No provision is made to upgrade this route. If accessing via hazledene Road, there is no footpath between the football pitch and junction with Craigiebuckler Avenue (wasn't this required as part of 130994? – may need to secure in connection with this consent also)
- Site should remain as part of the green belt;
- Conflict with Urban Green Space guidelines;
- States that this area is or was a conservation area;
- Loss of privacy to dwellings on Monymusk Terrace;

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

### **National Planning Policy and Guidance**

#### Scottish Planning Policy (SPP)

SPP sets out national planning policies for consideration in the assessment of development proposals. SPP highlights that the planning system should *'take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources'*.

#### Creating Places

Creating Places is the Scottish Government's policy statement on architecture and place.

#### Designing Streets

Designing Streets is the Scottish Government's policy and technical guidance on street design.

### **Aberdeen Local Development Plan (2017)**

- LR1 Land Release Policy
- LR2 Delivery of Mixed Use Communities
- D1 Quality Placemaking by Design
- D2 Landscape
- I1 Infrastructure Delivery and Planning Obligations
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- H1 Residential Areas
- H3 Density
- H4 Housing Mix
- NE1 Green Space Network
- NE5 Trees and Woodlands
- NE6 Flooding, Drainage and Water Quality
- NE8 Natural Heritage

- NE9 Access and Informal Recreation
- R6 Waste Management Requirements for New Development
- R7 Low and Zero Carbon Buildings and Water Efficiency

## Supplementary Guidance and Technical Advice Notes

Transport and Accessibility  
 Planning Obligations  
 Trees and Woodland  
 Flooding and Drainage  
 Resources for New Development

## Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2014)

## EVALUATION

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### Principle of Development

The principle of development on the Hazledene site has been established through its identification as an opportunity site in earlier iterations of the Aberdeen Local Development Plan, its residential zoning in the current Development Plan, and the granting of both Planning Permission in Principle (PPiP) and associated approvals in relation to matters specified in conditions (AMSC). On that basis, the proposal is consistent with the release of land for development through a plan-led process and is in line with the provisions of policies LR1 (Land Release Policy) and LR2 (Delivery of Mixed Use Communities).

This assessment will focus on the introduction of an alternative use and assess the implications of that in terms of both the relationship between the Care Home and neighbouring uses and the extent to which this introduction of the Care Home would affect the deliverability of the full residential allocation, along with any other material planning considerations identified.

### Zoning and introduction of Care Home use

The Hazledene site is zoned for residential purposes, with policy H1 of the LDP applicable. This zoning, along with the earlier approvals of both PPiP and AMSC, sets the context for consideration of the current proposal. Within such residential areas, the ALDP states that residential development will be acceptable in principle, provided *(i) it does not constitute over development; (ii) it does not have an unacceptable impact on the character and amenity of the surrounding area; (iii) it does not result in the loss of valuable and valued areas of open space, as defined in the Open Space Audit 2010; and (iv) it complies with Supplementary Guidance.*

Proposals for non-residential use will be refused unless either: **(i) they are considered complementary to residential use;** or **(ii) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.**

Whilst it is acknowledged that the Care Home would be a commercial enterprise with attendant staff and servicing requirements, its principal function is as a place of residence for persons in need of personal care or support. Such uses fall within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order (as amended). Scottish Government Circular 1/1998 notes that concerns are commonly expressed regarding the additional demands that may be placed upon essential services by such uses, however states that planning authorities must concentrate on land-use planning considerations when considering such applications, with a

focus on any impacts on amenity and the environment, rather than the services or facilities within Care Homes, which are separately regulated.

In general terms, therefore, the residential nature of the proposed use is similar to the residential use associated with flats and dwellings, but with the addition of a staff component which results in movements to and from the site as a place of employment. General hours of activity would not be vastly dissimilar from ordinary residential use, and the dedicated access from Hazledene Road is such that any disturbance arising from staff arrivals and departures would be negligible, and generally comparable with domestic uses in a predominantly residential area. Visitor access to the Care Home would be managed by on-site staff, and it is not envisaged that visits would take place at unsociable hours. In conclusion the proposed Care Home use is largely comparable to a mainstream flatted block in terms of its likely impacts. The provision of a dedicated access off Hazledene Road minimises the scope for disturbance from staff or visitor movements, and it is therefore considered that the use is acceptable in principle within a residential area.

The building is orientated to face Hazledene Road, but is set back from the road frontage, with car parking, landscaping and the northern SUDS basin within the intervening space. It is noted also that the building would sit within a hollow so as to better relate to the height of the adjacent dwellings. These factors are such that the wider visual impact of the Care Home element of the proposal would not be significant, and would not serve to detract from the character or amenity of this area.

It is noted that the earlier grants of planning permission at Hazledene did not include any Care Home, however there is nothing in those earlier permissions, nor the allocation and subsequent residential zoning of the site, that would preclude such a use in principle. Policy LR1 states a presumption against any development which would prejudice the full delivery of a residential development allocation. Whilst the proposed Care Home has resulted in the removal of 6no dwellings from the earlier approved layout, it is notable that Zone A is the lowest-density part of the Pinewood/Hazledene development, and also that the allocation of the Pinewood and Hazledene sites was made prior to the introduction of minimum density requirements, which form part of the current ALDP. As a result, the number of units allocated on these sites is actually lower than might be expected had it been first allocated under the current ALDP. As a result, it is considered that there is adequate capacity for any units removed through incorporation of the Care Home to be recouped through an increase in density on some other part of the wider development site, subject to a separate grant of planning permission. Furthermore, it is recognised that Care Home type uses provide another form of residential use, and contribute to meeting the City's full range of housing needs.

On this basis, it is concluded that the proposal demonstrates accordance with policy H1 (Residential Areas), and would be compatible with the neighbouring residential uses. The proposed development does not represent an over-development of the site, as sufficient provision has been made for landscaping, car parking and drainage facilities. The scale of the development, at three storeys, is greater than that of the neighbouring dwellings, but not incongruously so, and the greater height of the care home is mitigated by the site levels, existing tree cover and proposed additional landscaping. The proposal is therefore considered to represent development of an appropriate density, consistent with policy D3 (Density) of the ALDP. The introduction of an alternative form of residential use is considered to be of benefit in providing a greater mix of housing types, consistent with policy H4 (Housing Mix).

### **Access, Roads and Transportation matters**

The proposed Care Home would be served by a single dedicated vehicular access, directly onto Hazledene Road. The 4no dwellings that also form part of this application would be orientated to the west, fronting directly onto the residential access road serving the circa 50 homes previously

approved within Zone A. there remains no vehicular through access from Hazledene Road to the other development zones within Pinewood and Hazledene. The access serving the Care Home provides acceptable visibility to allow safe access, as demonstrated in drawings provided in support of the application. ACC's Roads Development Management Team recommends that a planning condition be used to ensure that the necessary visibility splays are kept free of any obstructions that would interfere with lines of sight.

The previous MSC approval, relating to Hazledene Zone A, included requirements for the upgrading of Hazledene Road between Queen's Road and the development frontage, including resurfacing, upgrading of existing off-street footpaths and provision of a pedestrian footway. These works have been subject to an approved Roads Construction Consent (RCC) and have progressed as can be seen in the images contained within the supporting Transport Assessment, allowing for pedestrian travel eastwards from the site access to connect with the wider network of pedestrian routes. These upgrades have already been adequately secured and need not be re-stated in any new grant of planning permission, however it will be necessary to utilise a condition to ensure that provision is made for a footpath within the development site, connecting the main entrance to the Care Home with the footway along the development frontage to Hazledene Road.

Following submission of a Transport Statement, the Council's Roads Development Management team is satisfied that the additional impact on the surrounding road network is minimal and will be acceptable. A total of 28 car parking spaces are to be provided to serve the Care Home element of the proposal, of which two would be accessible spaces and a further two would be for doctor's/limousine parking respectively. This provision is below the maximum level set by the Council's Transport and Accessibility SG, but is considered to be acceptable to meet the needs of the development in this instance.

It is noted that a Core Path follows the eastern edge of the development and provides a linkages to Countesswells Avenue and Craigiebuckler Avenue. The pedestrian infrastructure within the site would also connect with the network of paths in the wider Pinewood and Hazledene development, with a footpath skirting around the south of the Care Home to provide connection the new residential streets to the south and west, whilst also linking to the path around the northern SUDS basin and the adjacent Core Path. Bus services are available on Craigiebuckler Avenue and Pinewood Avenue, and it is notable also that the wider Pinewood/Hazledene development was designed with a central spine road, located just south of the Care Home, that is intended to accommodate bus services serving the new development. Taking these matters into account, it is considered that the site is adequately accessible to both vehicles and pedestrians, makes acceptable provision for on-site car parking, and can accommodate refuse as servicing vehicles to support the proposed use. On that basis, it is concluded that the proposal would accord with the requirements of policies T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) along with the associated Transport and Accessibility SG.

## **Design**

The Care Home presents a frontage to the development, facing onto Hazledene Road. This is welcomed as a positive relationship. Whilst concerns have been expressed in representations about the visual impact of the building when viewed from within the recreational parkland setting at Hazlehead, it is considered that the low-profile roof style, when combined with existing tree cover and additional new planting, are of benefit in mitigating any visual impact. It is noted also that the site levels would be such that the Care Home's overall height would be comparable to the ridge height of the neighbouring 2-storey dwellings within the site. The building is sufficiently set back from the Hazledene Road frontage that it would not be unduly prominent, with existing trees and new planting serving to soften views across the hardstanding formed to accommodate car parking. Visually, the front elevation of the building is broken up through the use of different materials, with

an overall impression of light and airy internal spaces. Colours and materials are of a similar palette to those of the new-build housing within the Pinewood and Hazledene development, which assists in providing a consistent theme between buildings that are otherwise of differing roof styles, uses and footprint. The consistent use of grey zinc-style roofs, light/white renders and areas of timber cladding will ensure that there is a clear relationship between these two components of the development, however it is noted that they will be orientated away from one another and will benefit from separate vehicular access points.

The specific needs of residents are key to the design of the spaces around the Care Home. Passive surveillance of the grounds is provided by the apartments overlooking key spaces, and a sense of security and enclosure is essential. The change in levels to the Care Home is of benefit in providing a sense of enclosure to the secure gardens to the south of the building, which will be laid out as formal gardens incorporating planted borders and a gentle slope up to the rear, behind the retaining wall. All pedestrian links would be overlooked, and connections to wider networks of footpaths are provided. It is considered that this represents a well-considered response to the site's context, the surrounding uses and built form, and the needs of the residents. The Care Home would sit well alongside the previously approved housing, utilising similar colours and materials, and making use of site levels to absorb the additional height of the building into the landscape so as to better integrate with its surroundings. It is therefore considered that the proposal demonstrates due consideration for its context and makes a positive contribution to its setting, as required by policy D1 (Quality Placemaking by Design). The proposal would not result in any adverse impact on the existing landscape setting, and makes use of existing landscape features, new earthworks and new landscape planting to better integrate development with the local landscape character, consistent with policy D2 (Landscape) of the ALDP.

### **Amenity**

The principle of the Care Home use has been previously addressed in this report. In terms of specific amenity impacts, it is noted that the use would involve the preparation of food for residents. There is insufficient detail to establish precisely what the associated impacts may be, however comments from the Council's Environmental Health Officers have set out the requirements should specified cooking operations be undertaken, and these can form the basis of conditions requiring submission and agreement of further information, including details of any necessary mitigation measures, prior to the use being commenced. This will ensure that any odours are adequately treated and dispersed, and existing residential amenity is protected. Concerns are expressed in representations about the potential for light pollution, however any lighting will be of a type consistent with the residential nature of the building, and it is recognised that there are separate powers that exist under Environmental Health legislation should there be any nuisance arising from light pollution.

### **Trees, landscaping and natural heritage**

The proposal would not result in any adverse impact on existing trees. The submitted tree survey identifies a total of 18 trees within the site and its immediate surrounds, of which 14 are mature beech, likely to be in excess of 100 years old. The remaining specimens include mature sycamore and willow. Recommendations are made for the removal of large overhanging stems to multistemmed Willow trees that are in poor condition and the removal of a single Beech which is subject to severe decay, however there are no removals required directly to facilitate the proposed development. Additional planting is proposed via a landscaping scheme, and appropriate conditions can regulate the implementation and specification of that landscaping. In this regard, the proposal is considered to accord with the provisions of policy NE5 (Trees and Woodlands) of the ALDP. There would be no adverse impact on the Green Space Network, with existing trees along the development frontage being retained where their condition allows. The provision of new planting along this development frontage will serve to enhance the network in this location,

consistent with policy NE1 (Green Space Network). The North East Scotland Biological Records Centre highlights no species of note that would be impacted by the development, ensuring compliance with policy NE8 (Natural Heritage).

### **Flooding, drainage and water quality**

A Drainage Impact Assessment (DIA) has been submitted in support of the proposal. This demonstrates appropriate means of drainage for the site, and has been accepted by the Council's Flooding and Coastal Protection Team, though it is considered necessary to use a planning condition to address concerns relating to the manner in which any land drainage discovered during construction will be dealt with. A supplementary statement to the DIA was provided, and the condition will require compliance with a fully detailed statement which expands on this. The siting of the development relative to the already constructed SuDS pond is such that it is used as a landscape feature as well as a functional piece of drainage infrastructure. The agreed Drainage Impact Assessment and supplementary statement relating to the treatment of any severed land drainage is sufficient to demonstrate accordance with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP. Measures to prevent pollution of the water environment during construction should also be detailed in a Construction Environment Management Plan, to be submitted to the planning authority and agreed in consultation with SEPA prior to commencement of works.

### **Low and Zero Carbon (LZC) Buildings**

No details of the manner in which the proposed new buildings would demonstrate accordance with the Council's policy and guidance on reducing carbon emissions have been provided, however such submissions can be secured via an appropriately worded condition should members resolve to grant planning permission. This approach can ensure compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance.

### **Water Efficiency**

Making efficient use of water is important for reasons of sustainability, climate change adaptation, and in protecting wildlife and natural resources. The Aberdeen City and Shire Strategic Development Plan 2014 encourages all new developments to use water-saving technology in order to avoid increasing the level of extraction from the River Dee. This requirement is incorporated into the Local Development Plan via policy R7 (Low and Zero Carbon Buildings and Water Efficiency) and the associated 'Resources for New Development) Supplementary Guidance.

### **Refuse and Recycling**

Swept-path analysis has been provided to demonstrate that refuse vehicles can access the site satisfactorily. The bin store serving the Care Home is close to the site access, allowing for easy collection.

### **Matters raised in representations & community council response**

In responding to the matters raised in representations, it is important to note that this assessment concerns the application currently presented. Earlier decisions relating to the initial allocation of the Pinewood and Hazledene sites for development; the use of Hazledene Road as the access for 50 dwellings within Zone A and others have been established by earlier decisions taken on the merits of those cases at the time. That a development is consented in one form does not preclude alternative proposals coming forward, and it is the planning authority's role to assess any such alternatives on their merits, with due regard for the provisions of the Development Plan and any other identified material considerations. The site has been allocated for development through a Local Development Plan, and therefore is no longer zoned as Green Belt, nor Urban Green Space. A Transport Statement was provided in support of the application, and it is noted also that

the previous grant of planning permission has established that the local road network was capable of supporting access to 50 homes along Hazledene Road, subject to upgrading works conditioned as part of that approval (ref. 130994). The Council's Roads Development Management Team have assessed the submitted Transport Statement, and note that acceptable vehicular visibility has been demonstrated from the proposed access, recommending that a condition is used to ensure that the relevant visibility splays are maintained. It is recognised that Hazledene Road in its original form would not have been suitable to access the site without improvement, however this was secured via a condition attached to the earlier grant of permission for residential development at Zone A. A similar condition may be utilised to preclude occupation of any buildings unless works for the improvement have been completed. The maintenance of adopted roads, including sections upgraded to adoptable standard to support development and subsequently adopted by Aberdeen City Council in its role as Roads Authority, is the responsibility of the local Roads Authority. Any remaining private sections of this road would be the responsibility of the respective owners, however for the absence of doubt Hazledene Road is to be brought up to adoptable standard from its frontage eastwards. Concerns regarding the level of parking provision are noted, and are addressed earlier in this report. As parking provision is considered to be sufficient to meet the needs of the proposed development, there is no expectation of significant overspill parking onto surrounding streets. Matters of scale, design, density and visual impact are also considered in the 'Design' and 'Amenity' sections of this report. It is understood that the road verge referred to forms part of the adopted road, and therefore works for access or improvement to the road would be subject to Roads Construction Consent processes.

Provision for refuse storage and collection is made within the site, and is considered to be satisfactory in principle. There is adequate space within the site for refuse vehicles to manoeuvre, and the detailed specifications of refuse stores can be secured by condition, for further agreement in consultation with the Council's Waste Strategy team. Consultation with the Council's Environmental Health team has raised no concerns regarding noise nuisance, beyond a recommendation that a noise assessment is undertaken in relation to any Local Extract Ventilation (LEV) system for agreement prior to installation. The levels of noise associated with a use of this type are not anticipated to represent any threat to residential amenity in the surrounding area, with staff and visitor movements likely to occur during times consistent with a predominantly residential area. Light pollution has not been highlighted as a concern in consultation with Environmental Health. Generally, the proposals involve lighting appropriate to a residential area, and it is not considered that there is any apparent threat to amenity.

Comments relating to the applicants' motives and speculative concerns expressed in relation to future vehicular connections through the site from Hazledene Road to the new roundabout on Countesswells Road are not material to consideration of this application, as they do not form part of the proposal before the planning authority.

The detail of boundary enclosures to the site can be secured for further agreement through use of a planning condition. Similarly, maintenance of landscaped areas throughout the site would be the responsibility of the landowner. The previous residential developments across Pinewood and Hazledene were approved subject to conditions requiring details of any arrangements for the management and maintenance of trees and landscaped areas, so it is appropriate to use such a condition to require submission of a revised scheme demonstrating detailed proposals.

The site does not lie within any designated Conservation Area. Subject to the necessary upgrading works to Hazledene Road, and the provision of the identified pedestrian links within the site to the wider pedestrian infrastructure, it is considered that the site presents opportunities for active travel and recreation, consistent with SPP. Comments received in relation to inaccuracies in the supporting statement with respect to bus services in the area appear to be based on a misunderstanding of the content – this present a comparison between a policy position and the reality of existing services. The existing path leading through trees to bus services on

Craigiebuckler Avenue is designated as a Core Path, and the contributions secured via developer obligations could be utilised for upgrading of that route in a manner sensitive to the surrounding trees and associated root protection areas.

In terms of the application form submitted, it is considered that no change of use is proposed as the proposal involves the construction of buildings for a specific purpose, within a specified use class, rather than representing a 'change of use' of land or buildings. The applicants' Planning Manager has signed the submitted form, and it is considered that this has clearly been done on behalf of the company.

Scottish Water have been consulted, but have not responded in relation to sewer capacity. Nevertheless, confirmation of existing capacity at the planning stage does not reserve that capacity for a particular development proposal, and there is a separate application process to be gone through with Scottish Water to secure connections. The current application does not require consultation with SEPA, and in such cases planning authorities are generally referred to SEPA's standing advice to planning authorities for smaller-scale proposals. The potential for pollution of local watercourses via discharge of silt during construction is noted, and it is therefore recommended that a Construction Environment Management Plan is prepared for agreement with the planning authority, in consultation with SEPA, prior to commencement of works. Historic and ongoing drainage concerns in relation to this site are noted, however the planning authority is obliged to consider the proposal before it. In this instance, the Council's Flooding and Coastal Protection Team have commented on the submitted Drainage Impact Assessment and have sought further confirmation in relation to the means of dealing with any land drainage discovered during excavations. A statement from Dandara in relation to this has been approved, and will form the basis of a condition attached to any consent granted. Subject to these controls, it is considered that the proposal demonstrates its compliance with policy NE6 (Flooding and Drainage).

Financial contributions towards healthcare provision, based on the impact of the development and proportionate to its scale, are noted in the summary of the Developer Obligations team's report. It is noted that the proposed elevations do not indicate any rooftop plant associated with the inclusion of a lift within the building. It will therefore be necessary for full details of any rooftop plant associated with the development to be submitted to and agreed in writing by the planning authority prior to commencement of any works.

#### **Heads of Terms of any Legal Agreement**

A legal agreement will be required to secure the financial contributions identified above, totalling £76,719.

#### **Time Limit Direction**

The standard time period of 3 years for implementation of consent is considered appropriate, therefore no time limit direction is warranted.

### **RECOMMENDATION**

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**Willingness to approve with conditions, subject to conclusion of a legal agreement securing the following developer obligations:**

- **Core Path Network (£18,079);**
- **Open Space (£8,894); and**
- **Healthcare (£49,746 to contribute towards a new health centre at Countesswells).**
- **Total £76,719**

## REASON FOR RECOMMENDATION

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The principle of development on this site is established through its allocation via the Local Development Plan and the earlier granting of planning permission. The introduction of a Care Home, which shares many characteristics of mainstream residential development, is considered to be complementary to residential use, and would not give rise to any significant conflict with, or nuisance to, the enjoyment of existing residential amenity, consistent with the provisions of policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP). Subject to the necessary upgrading of Hazledene Road, which is already underway in connection with the earlier residential consent, and connections to the wider path network in the area around the site, the development will be appropriately accessible via both motorised and sustainable means, consistent with policies T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation).

The design and scale of the buildings has been carefully considered to demonstrate compatibility with their surroundings. In particular, the Care Home takes advantage of changes in levels to minimise any obvious difference in scale relative to the surrounding housing. The siting of the buildings allows for the landscaped frontage of the site to largely remain, with proposals for landscaping around the building to enhance its setting, consistent with policies D1 (Quality Placemaking by Design) and D2 (Landscape) of the ALDP. Impacts on existing trees are limited, with no removals required directly to facilitate the development. Additional planting is also proposed, and it is considered that the scheme demonstrates compliance with policy NE5 (Trees and Woodlands).

A detailed Drainage Impact Assessment (DIA) has been provided in support of the proposal, however a further conditions is considered necessary to manage the approach to dealing with any land drainage discovered in the course of development. Subject to these controls, and the further submission of a Construction Environment Management Plan to address the potential for pollution and identify necessary mitigation and control measures, the proposal is considered to be consistent with policy NE6 (Flooding, Drainage and Water Quality).

Potential nuisance from cooking and associated extraction can be addressed through conditions, requiring implementation of an appropriate scheme of filtration and extraction, including consideration of noise arising from any such system prior to its implementation. Matters raised by the local Community Council and in representations from members of the public are addressed in the body of this report, but are not considered to warrant refusal of the application.

## CONDITIONS

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### 1. Finishes/Materials

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

### 2. Boundary Enclosures

that no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site, including extensive reuse of granite doughtings in boundary walls and appropriate proposals for the gating of paths to the rear of terraced properties, has been submitted to the planning authority and subsequently approved in writing. Thereafter no unit within a phase shall be occupied unless the boundaries for that phase have been provided in accordance with the agreed scheme, or such other drawings may subsequently be submitted and approved in writing by the planning authority - in order to ensure that boundary enclosures utilise doughted granite and are appropriate to the character of this site and the wider conservation area.

### **3. Refuse Scheme**

that no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within a given phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme – in order to preserve the amenity of the neighbourhood and in the interests of public health.

### **4. Footpath links**

That the residential care home hereby approved shall not be brought into use unless the following pedestrian routes have been laid out in full and made available for use:

- (a) A footpath within the site, providing a connection to the Care Home's main entrance from the newly constructed pedestrian footway on Hazledene Road. The details of this route must be submitted to and agreed in writing by the planning authority prior to works commencing; and
- (b) The path to the south of the care home, shown on drawing *A\_APL\_112-Rev L*, which shall be constructed to 3m width, surfaced and lit.

Reason: To ensure that adequate provision is made for safe pedestrian routes, and to promote sustainable travel, as required by policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

### **5. Visibility Splay**

That the residential care home hereby approved shall not be brought into use unless the visibility splay demonstrated on drawing *ABR\_HAZ\_001-Rev A* has been provided. Thereafter, the land falling within that visibility splay shall be kept clear of any obstacles (including buildings, structures, trees or shrubs) exceeding 1m in height – in the interests of ensuring appropriate visibility for vehicles at the site access.

### **6. Parking provision**

That the residential care home hereby approved shall not be brought into use unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving the building have been constructed, drained, laid-out and demarcated in accordance with drawing *A\_APL\_112-Rev L* 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 vehicles ancillary to the development hereby granted approval - in the interests of public safety and the free flow of traffic.

### **7. Local Extract Ventilation (LEV) system**

That no development pursuant to this grant of planning permission shall be undertaken unless (i) full details of proposed cooking activities; (ii) an assessment of the requirements for extract ventilation in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references); (iii) proposals for an appropriate system of Local Extract

Ventilation (LEV) system; and (iv) a noise assessment by a suitably qualified noise consultant have been submitted to and agreed in writing by the planning authority. Thereafter the buildings hereby approved shall not be occupied unless any LEV scheme and noise mitigation measures so agreed have been installed and are fully operational – in order to ensure that cooking fumes are adequately filtered and dispersed and that residential amenity is protected.

#### **8. Restriction to Care Home use**

Notwithstanding the terms of use class 11 (Assembly and Leisure), the Care Home building hereby approved shall be used only for this specified purpose and no other purpose within Class 10 (non-residential institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 without a further grant of planning permission – on the basis that the proposal has been assessed on this specific basis, with developer obligations established on the basis of the age demographic associated with such premises.

#### **9. Deliveries and Servicing**

That service deliveries and collections to the premises and the disposal of refuse to receptacles outwith the fabric of the building shall not take place outwith the hours of 0700 to 1900 Monday to Saturday and 1000 to 1900 on Sundays - in order to protect surrounding residents from noise disturbance at unreasonable hours.

#### **10. Upgrading of Hazledene Road to adoptable standard**

That no development shall be undertaken unless a finalised scheme of works necessary to bring Hazledene Road up to adoptable standard has been submitted to, and approved in writing by, the planning authority. Thereafter, no building within the site shall be occupied until works for the upgrading of Hazledene Road have been implemented in full, in accordance with the scheme so agreed - in order that the road improvement works necessary to provide appropriate access to the site have been carried out in advance of occupation.

#### **11. Landscaping – Management and Maintenance of Trees/Landscaped areas**

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

#### **12. Scheme of Tree Protection**

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

#### **13. Detailed Scheme of Landscaping**

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.

#### **14. Drainage**

That in the event that any land drainage is encountered during excavations these drains will be diverted round any excavations that block their original line and redirected to their original outlet. Any groundwater spring which becomes evident during construction which cannot be controlled by existing land drains shall be captured and piped to the most appropriate watercourse. – in the interests of ensuring adequate drainage for the site.

#### **15. Low and Zero Carbon Policy Compliance**

that none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' policy, as contained in the 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, 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.

#### **16. Construction Environment Management Plan**

No development shall be undertaken until such time as a site specific environmental management plan (EMP), incorporating detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter all work shall be carried out in accordance with the approved plan - in order to control pollution of air, land and water.

Note: full details of matters to be included in the EMP can be found on SEPA's website.

#### **Advisory Notes**

1. Recommend that hours of construction are restricted to 7am-7pm Mon-Fri and 8am-1pm Sat in order to avoid adverse impact on amenity.
2. Recommend that measures to mitigate impact arising from dust during construction are considered prior to commencement of works.

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## **Revised conditions for Hazledene Road/Countesswells Road Zone A – item 6.3 - 170525**

### **2. Boundary Enclosures**

That no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site has been submitted to the planning authority and subsequently approved in writing. Thereafter no building shall be occupied unless boundary enclosures have been provided in accordance with the agreed scheme, or such other drawing as may subsequently be submitted and approved in writing by the planning authority – in order to ensure appropriate distinction between public and private spaces, and to ensure that the enclosures are compatible with the character and appearance of the area.

### **7. Local Extract Ventilation (LEV) system**

That no building within the development hereby approved shall be occupied unless (A) the following information has been submitted to and agreed in writing by the planning authority, and (B) any LEV scheme and noise mitigation measures so agreed have been installed and are fully operational.

Required information:

- (i) full details of proposed cooking activities;
- (ii) an assessment of the requirements for extract ventilation in accordance with relevant guidance (for example: DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and associated references);
- (iii) proposals for an appropriate system of Local Extract Ventilation (LEV) system; and
- (iv) a noise assessment by a suitably qualified noise consultant have been submitted to and agreed in writing by the planning authority.

Reason: in order to ensure that cooking fumes are adequately filtered and dispersed and that residential amenity is protected.

### **12. Scheme of Tree Protection**

That no development shall take place unless the scheme for the protection of all trees to be retained during construction works – *Struan Dagleish Arboriculture, May 2017* - has been implemented in full - in order to ensure adequate protection for the trees on site during the construction of the development.

### **13. Implementation of the approved Landscaping Scheme**

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.

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