

Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

Town House,
ABERDEEN, 24 October 2018

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 1 NOVEMBER 2018 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

1.1 Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

3.1 Members are requested to intimate any declarations of interest (Pages 7 - 8)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 20 September 2018 - for approval (Pages 9 - 26)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 27 September 2018 - for approval (Pages 27 - 30)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 31 - 32)

GENERAL BUSINESS

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Land at Culter House Road - Erection of five detached dwellings with associated infrastructure & landscaping - 181220 (Pages 33 - 44)

Planning Reference – 181220

All documents associated with this application can be found [here](#)

Planning Officer: Gavin Clark

- 6.2 1 Queens Lane South - Change of use of first floor from Class 4 (Business) to Class 11 (Assembly and Leisure) - 181469 (Pages 45 - 50)

Planning Reference – 181469

All documents associated with this application can be found [here](#).

Planning Officer: Dineke Brasier

- 6.3 2 Park Brae - Erection of timber screen fencing and addition of security features - 181248 (Pages 51 - 56)

Planning Reference – 181248

All documents associated with this application can be found [here](#).

Planning Officer: Roy Brown

- 6.4 Boyne Villa - Erection of storage shed - 181545 (Pages 57 - 64)
Planning Reference – 181545

All documents associated with this application can be found [here](#)

Planning Officer: Lucy Greene

OTHER REPORTS

- 7.1 Confirmation of Tree Preservation Order Number 255/2018 Malcolm Road - PLA/18/177 (Pages 65 - 70)

DATE OF NEXT MEETING

- 8.1 Date of Next Meeting

Members are asked to note the date of the next meeting is scheduled for 10.00am on Thursday 6 December 2018.

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

Please note that Daniel Lewis will be in Committee Room 2 from 9.30am for Members to view plans and ask any questions.

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

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MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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Agenda Item 3.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by...
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 20 September 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; the Depute Provost Councillor Donnelly (as substitute for the Vice Convener, Councillor Jennifer Stewart); and Councillors Allan, Cooke, Copland, Cormie, Lesley Dunbar (as substitute for Councillor Malik), Greig and Avril MacKenzie.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6267&Ver=4>

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

DETERMINATION OF URGENT BUSINESS

1. The Convener had determined that the following item of business, City Living Study – Developer Contributions, be considered as a matter of urgency in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973:-

The Committee resolved:-

to concur with the Convener.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 16 AUGUST 2018

2. The Committee had before it the minute of the previous meeting of 16 August 2018, for approval.

The Committee resolved:-

to approve the minute agreed as a correct record.

COMMITTEE PLANNER

3. The Committee had before it a planner of future Committee business.

The Committee resolved:-

to note the information contained in the Committee report planner.

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LAND ADJACENT TO VETERINARY HOSPITAL, KINGSWELLS - 181336

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That a public hearing be held in regard to the application for the erection of three class 3 (food and drink) units including two with drive-thru facilities, at land adjacent to the Veterinary Hospital, Kingswells, Aberdeen.

The Committee heard from the Convener who advised that the purpose of the report was for Members to decide whether a Public Hearing should be held, given the number of objections received and that the application is considered to be a departure from the Local Development Plan.

The Committee resolved:-

to agree that a public hearing be held in regard to the application, and that the application be brought back to the Planning Development Management Committee for determination at a future date. The date of the hearing would be agreed and an appointment sent to members of the Planning Development Management Committee in due course.

22 KINALDIE CRESCENT - 171196

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the subdivision of residential curtilage and erection of residential dwellinghouse and associated works, including demolition of the existing garage, at 22 Kinaldie Crescent, Aberdeen, be approved subject to the following conditions:-

Conditions

Boundary enclosures

1. The dwelling hereby approved shall not be occupied unless the site boundaries have been enclosed in complete accordance with a scheme submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood.

LZC compliance

2. The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance.

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Drainage scheme

3. No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme (which shall include provision for the use of permeable surface materials and harvesting of rainwater) - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

Car Parking

4. The dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

Tree Protection and Supervision

5. No development shall take place unless the planning authority has approved in writing a scheme for the supervision of the arboricultural protection measures and works that have been approved by the planning authority for the construction phase of the development. Thereafter, development shall be undertaken in full accordance with the agreed scheme. Such a scheme shall include the timing and method of site supervision and record keeping. Supervision shall be carried out by a qualified arboriculturalist approved in writing by the planning authority but instructed by the applicant - in order to ensure adequate protection for the trees on site during the construction of the development.

No activity within RPAs

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

Additional Tree Work

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

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The Committee resolved:-

to approve the application conditionally.

GREY MILL BUILDING, BROADFORD WORKS - 180535

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the substantial demolition of the Grey Mill building, including the South Mill, Old Mill and stair tower, and the temporary stabilisation of the remaining southern gable, at Broadford Works, Aberdeen, be approved subject to the following conditions:-

Conditions

1. That the demolition shall not take place unless there has been submitted to, and agreed in writing by, the planning authority:
 - a. a signed binding contract for the works to implement the restoration of buildings within phase 1A and 2, as shown on the approved phasing plan, or such other as may be subsequently agreed, and construction of the replacement building incorporating the retained gable (all in accordance with Application Ref. 180531/LBC and 180537/LBC and/or such other listed building consent applications as may be subsequently approved); and,
 - b. a detailed construction programme for at least the first six months of works including phases 1A, 1B and 2, based on the phasing plan approved application 180530/MS, or such other plan as subsequently approved.

No demolition works shall take place unless the works preceding demolition, in the construction programme, or other such programme as may be subsequently agreed, have been fully completed – in the interests of ensuring that the demolition of the GM will result in the implementation of a project that will result in the restoration of the principal areas on this listed site.

2. No demolition shall take place until a scheme of archaeological investigation has been submitted for the approval in writing by the planning authority. Thereafter all works shall be undertaken in accordance with the approved scheme including the provision of post-excavation and publication work. The scheme shall also set out the procedures for dealing with archaeological features discovered during the development of the site - in the interests of protecting items of historical importance as may exist within the application site.

3. No demolition hereby approved shall take place prior to a photographic survey of the relevant listed building being undertaken and submitted, along with an appropriately scaled survey drawing of the relevant building, to and approved by the planning authority. All elevations, both internal and external, together with the setting of the buildings, and any unusual feature/s, shall be photographed and clearly annotated on a

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plan, unless otherwise agreed in writing by the planning authority. Photographs, which should be digital on cd, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record - in order to ensure a historic record of the buildings.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

4 Historic Environment Scotland's [Threatened Building Survey](#) Team should be notified and given three months to record the grey mill prior to the commencement of works - to ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment.

5. That demolition shall not take place unless there has been submitted to and approved in writing by, the planning authority a scheme for the salvage and reuse of dressed granite and granite blocks as well as cast iron features capable of salvage. The work shall be carried out in accordance with such a scheme and these materials shall be retained for re-use on the site – in the interests of retaining building fabric of historic architectural interest.

6. That the south gable of the Grey Mill South shall be retained on site in accordance with the approved details, or such others as may be subsequently approved. No works shall take place to the fabric of the gable, other than in accordance with the approved details, or others as may be subsequently approved – in the interests of preserving the fabric of the retained gable.

7. No granite cleaning to the retained gable shall take place until a stage two cleaning report in line with the Council's Stone Cleaning Supplementary Guidance and TAN 9 has been submitted to and approved by the planning authority – in the interests of retaining the character of the listed retained gable.

8. No demolition shall take place unless there has been submitted to and approved by the planning authority, a scheme of dust suppression measures to minimise potential contamination and disturbance to nearby property. Thereafter such scheme shall be implemented as part of the works unless otherwise agreed by the planning authority - in order to minimise amenity impacts on adjacent properties during demolition works.

The Committee resolved:-

to approve the application conditionally.

FORMER MILL OF DYCE QUARRY AND BLOCKWORKS YARD, PITMEDDEN ROAD - 180693

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

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That the application for the change of use of the former blockworks to allow storage of heavy goods, vehicles and plant, with associated office, service facilities and yard space, at the former Mill of Dyce Quarry and Blockworks Yard, Pitmedden Road, Aberdeen, be approved conditionally.

Councillor Avril MacKenzie, as local member, requested that a site visit take place prior to consideration and determination of the application.

The Committee resolved:-

to defer the application for a site visit on 27 September 2018, before determination.

60 QUEEN'S ROAD - 180788

8. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the change of use from residential flats to office, erection of single-storey extension and two-storey extension to the rear, formation of car parking to the front and rear, replacement external door, alterations to the front and rear boundary walls including installation of railings and gates, erection of bin store, provision of external air conditioning unit and associated landscaping, at 60 Queens Road, Aberdeen, be approved conditionally.

Conditions

(1) that no development shall take place unless samples of all external finishing materials to the roof and walls of the development hereby approved have been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: to ensure that the visual amenity of the area is maintained.

(2) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. A_200 Rev D 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 parking of cars ancillary to the development and use thereby granted approval.

Reason:- to ensure that public safety and the free flow of traffic is not compromised.

(3) that the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing number A_200

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Rev D, or such other drawing as may subsequently be submitted and approved in writing by the planning authority, have been provided.

Reason: - in the interests of encouraging more sustainable modes of travel.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping as shown on drawing No's. A700 Rev A and A701 Rev A, or such other drawing as may subsequently be submitted and approved in writing by the planning authority, shall be carried out no later than the first planting season following 1st occupation of the development and any trees or plants which within a period of 5 years from the 1st occupation 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.

Reason:- in the interests of maintaining the amenity of the area.

(5) that prior to occupation, an appropriate noise assessment is undertaken by a suitably qualified noise consultant to predict likely noise impact associated with plant equipment (i.e. air conditioning units) on neighbouring properties and any necessary control measures. The assessment should (a) be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note; (b) identify whether noise mitigation measures are required to reduce noise from the noise sources to an acceptable level, in order to reasonably protect the amenity of the occupants of the existing neighbouring properties; (c) the methodology for the noise assessment should be submitted and agreed in writing with ACC Environmental Health officers in advance of the assessment.

Reason:- in the interests of maintaining the amenity of the area.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application conditionally.

154 MIDSTOCKET ROAD - 181378

9. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the erection of a first floor extension above existing single storey extension to the rear, be approved unconditionally.

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The Committee resolved:-

to approve the application unconditionally.

LAND AT MAIDENCRAIG, NORTH & SOUTH OF A944 - 180383

10. The Committee had before it a report by the Chief Officer Strategic Place Planning, **which recommended:-**

That the application for the variation of conditions 6 (eastern access details) and 7 (central and western access details) and 8 (A944 junction improvements, including the A944/Stronsay Drive junction) of Planning Permission in Principle for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure to allow for an altered junction layout for the development, at land at Maidencraig, be approved conditionally with a legal agreement.

Conditions

- (01) that no individual phase of the development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that individual phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; unless the planning authority has given written approval for a variation; these matters being details of the:
- a) means of access and car parking, cycle parking and motorcycle parking;
 - b) siting, design and external appearance of the building(s);
 - c) hard and soft landscaping of the site;
 - d) tree survey to show details of all existing trees, and those to be removed, retained and planted, which a scheme for protection of those to be retained on site during construction works;
 - e) site and plot boundaries and enclosures;
 - f) arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase; and
 - g) low zero carbon equipment or carbon reduction measures to meet the requirements of the Council's Supplementary Guidance: Resources for New Development.

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

- (02) that, the details and phasing of the development shall follow the general principles established in the Maidencraig Masterplan dated April 2013. (as amended by the revised masterplan drawing submitted with planning application 180383/S42 - Drawing Ref: 180383-01). In particular the areas

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identified as Phases 3a and 4, as indicated on page 54, 'Section 5.1 Phasing' of this document, will show evidence that the location, design and construction of the new housing have taken account of the need to protect residents from potential noise nuisance arising from the proximity to Albion Kennels – to ensure that the agreed design principles and phasing are followed through to the detailed stages of the development, and to protect the amenity of residents.

- (03) that all planting, seeding and turfing, comprised in any scheme of landscaping approved under Condition (1) attached to this grant of planning permission in principle, 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.
- (04) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including design, geometry, capacity, distribution, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation – in the interests of road safety.
- (05) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of the second and third development (central) junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signaling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation – in the interests of road safety.

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- (06) That, (a) upon completion of the 185th residential unit to south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017), the development junction (as required by condition 5) (signalised T-junction for access to the south) should be completed; (b) upon completion of the 117th residential unit to the north, of Lang Stracht (Opportunity Site OP 32 as identified in the Aberdeen Local Development Plan 2017 the development junction (signalised T-junction for access to the north, should be completed; and (c) upon completion of both of these junctions, the eastern junction shall revert to a left-in, left-out arrangement (as required by Condition 4) - in the interests of road safety; and to ensure the development site can adequately function.
- (07) That no more than 219 dwellings to the south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017) and 216 dwellings to the north of Lang Stracht (Opportunity Site OP32 as identified in the Aberdeen Local Development Plan 2017) can be completed before the eastern access, as required by Condition 4, reverts to a left-in left-out arrangement - in the interests of road safety; and to ensure the development site can adequately function.
- (08) That prior to the commencement of development on any further phase of development, details of the emergency access to the south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017), shall be submitted to, and approved in writing by the Planning Authority. Thereafter these details shall be implemented in their entirety on completion of the 100th house within this phase of the development site and shall remain in place until such time as the junction required by Conditions 5 and 6 has been completed - in the interests of road safety; and to ensure the development site can adequately function.
- (09) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plan – in the interests of road safety.

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- (10) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing all elements required to implement and enforce a Prohibition of Driving Order on Core Path 29, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include all physical infrastructure alterations, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the Prohibition of Driving Order has been fully implemented in accordance with the approved plans – in the interests of road safety.
- (11) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing a proposed management plan to deal with all access issues through the entire length of the insert road set back to the south of A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include provision for emergency access, prohibition orders, all physical infrastructure improvements, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the management plan has been fully implemented in accordance with the approved plans – in the interests of road safety.
- (12) that, no more than 182 residential units shall be occupied until the Aberdeen Western Peripheral Route (AWPR) has been constructed – in the interests of road safety and the free flow of traffic.
- (13) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the design and construction of culverts linking the north and south developments beneath the A944 has been submitted to, by means of a formal application for approval of matters specified in condition and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the culvert scheme has been fully implemented in accordance with the approved plans – to mitigate the potential risk of flooding which the development poses to the existing communities.

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- (14) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed plan identifying appropriate exclusion zone boundaries for the main and subsidiary badger setts, as identified in the Badger Protection Plan, dated June 2013, submitted under planning application reference P130265, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no construction works pursuant to the planning permission in principle hereby approved shall take place within any exclusion zone as identified in the above plan – to ensure protection of wildlife habitats within the site.
- (15) That, notwithstanding the details contained within the Badger Protection Plan, dated June 2013, submitted under planning application reference P130265, no development pursuant to the planning permission in principle hereby approved shall take place unless a Pre-construction Survey has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. The survey will be undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the whole development site and shall include an up to date assessment of badger activity on the development site. It shall also highlight whether any badgers' setts exclusions are required, and if so, consider alternative sets and potential locations, having regard for restrictions arising from the breeding season – to ensure protection of wildlife habitats within the site.
- (16) that no development pursuant to the planning permission in principle hereby approved shall take place unless a Nature Conservation Management Plan, that incorporates the Local Nature Reserve and the Green Space Network, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority – in the interests of retaining and increasing the wildlife of the remaining habitats.
- (17) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a full site waste management plan for the processing of construction and demolition waste for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans – to ensure that waste on the site is managed in a sustainable manner.
- (18) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed

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scheme showing the precise location, layout and construction method of adequate pedestrian and cycle connectivity from that individual phase to the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans - in the interests of promoting sustainable connections outwith the site.

- (19) that, (a) no development within the area identified as Phase 1B as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, pursuant to the planning permission in principle hereby approved, shall take place unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the eastern side of the development, north of the A944, to the existing residential area to the east, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans - in the interests of promoting sustainable connections outwith the site.
- (20) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a fully detailed SUDS scheme, to comply with the Drainage Impact Assessment, reference B9204, dated 05/09/2013, submitted under planning application reference P130265, for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans – in the interests of protection of the water environment.
- (21) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless the implementation of a programme of archaeological work (to include all necessary post-excavation and publication work) has been secured for that individual phase in accordance with a written scheme of investigation that has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by, the planning authority; (b) no work shall be carried out within that individual phase unless the programme of archaeological work has been fully implemented in accordance with the approved plans – in the interests of protecting the historic heritage of the City.

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- (22) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme in respect of that individual phase, showing suitable dust suppression measures to be incorporated within the procedures for demolition and construction, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include the provision of dust suppression equipment during periods of dry weather, and measures to prevent the potential for mud and/or other debris from vehicular traffic being deposited on the A944 public highway adjacent to the site; (b) no work shall be carried out within that individual phase unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved – in order to prevent dust arising on site giving rise to nuisance and to prevent the risk of environmental pollution.
- (23) that no individual employment based development pursuant to the planning permission in principle hereby approved shall be occupied unless a detailed Green Transport Plan for that individual development, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in order to encourage more sustainable forms of travel to the development.
- (24) that no individual residential property on any individual phase of the development pursuant to the planning permission in principle hereby approved shall be occupied unless a comprehensive Residential Travel Pack for that individual phase has been: (a) submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) subsequently provided to occupants of each residential property to be occupied. The Pack will set out proposals for reducing dependency on the private car, including information on external connectivity to key facilities, and will provide, in consultation with local schools and the planning authority, information on safer routes to schools - in the interests of promoting sustainable transportation.

In terms of Standing Order 15.1, Councillor Delaney spoke in regard to the application as a local ward member and he addressed in the Committee in the following terms.

Councillor Delaney made reference to a map that was part of the application and explained that the masterplan that was established for the area was very positive. However, he had serious concerns about the proposed application and the new junction layout. He stated that the left in and left out junction would exacerbate the traffic problems in the area especially at peak times and highlighted a safety concern, should residents attempt to turn right into the development. Councillor Delaney highlighted that the new Counteswells development as well as the AWPR traffic would all have an

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impact on the area and the new proposed junction would add to the problems in the area.

Gavin Clark, Senior Planner, spoke in furtherance of the application and answered various questions from members. Neale Burrows, Engineer, and Mark Wilkie, Team Leader, also provided answers to roads related queries.

The Committee resolved:-

to approve the application conditionally with a legal agreement.

SITE AT MAIDENCRAIG - 181453

11. The Committee had before it a report by the Chief Officer - Strategic Place Planning, **which recommended:-**

That the modification of the legal agreement in regard to the planning obligation of planning permission in principle 130265 for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure at Maidencraig, Aberdeen, 181453, be approved.

The Committee resolved:-

to approve the modification of the legal agreement.

MATTER OF URGENCY

The Convener accepted the following report as a matter of urgency in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 in order to allow planning decisions to be made timely.

CITY LIVING STUDY - DEVELOPER CONTRIBUTIONS

12. The Committee had before it a report by the Chief Officer – Corporate Landlord, which provided information on a proposed moratorium on developer obligations.

The report recommended:-

that the Committee approves the introduction of a two-year waiver on developer obligations in respect of affordable housing (from 20 September 2018 to 31 December 2020) as outlined within the report.

The Convener, seconded by the Depute Provost, Councillor Donnelly, moved:-

That the Committee approve the recommendation contained within the report.

Councillor Cooke, seconded by Councillor Copland, moved as an amendment:-

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That the Committee take no action.

On a division, there voted:- for the motion (6) – the Convener, the Depute Provost Councillor Donnelly and Councillors Allan, Lesley Dunbar, Greig and Avril MacKenzie; for the amendment (2) – Councillors Cooke and Copland; declined to vote (1) Councillor Cormie.

The Committee resolved:-

to adopt the motion.

- **COUNCILLOR MARIE BOULTON, Convener.**

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 27 September 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; and Councillors Cooke, Copland, Cormie, Donnelly, the Depute Provost (as substitute for the Vice Convener Councillor Jennifer Stewart, Greig and Avril MacKenzie).

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=6227&Ver=4>

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

FORMER MILL OF DYCE QUARRY AND BLOCKWORKS YARD, PITMEDDEN ROAD - 180693

1. With reference to article 7 of the Planning Development Management Committee of 20 September 2018, whereby it had been agreed to visit the site before determining the application, the Committee had before it a report by Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for the change of use of the former blockworks to allow storage of heavy goods vehicles and plant, with associated office, service facilities and yard space, at the former Mill of Dyce Quarry and Blockworks Yard, be approved subject to the following conditions:-

Conditions

1. Landscaping

All soft landscaping proposals shall be carried out in accordance with the approved landscaping plan (ref. MOD-1808-LS, dated 21/8/18) and shall be completed during the planting season immediately following the commencement of the hereby approved use, or such other date as may be 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.

Reason - To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape, preserve the setting of nearby heritage assets and enhance the visual amenity and biodiversity value of the green space network.

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2. Limit of extent of class 6 use

Notwithstanding the extent of the red line boundary of the site hereby approved, the extent of class 6 use hereby approved shall be limited to the existing hardstanding area within the former quarry floor (as indicated on drawing ref. 124964/001 rev D). No storage of materials or other development / associated use (e.g. use as car / vehicle parking) shall take place on the hardstanding area at the southern part of the site, or on the sloped edges of the quarry, which is that land indicated to be laid out as soft landscaping and thereafter preserved as open space free from development in accordance with the approved landscape plan (ref. MOD-1808-LS, dated 21/08/18).

Reason – To ensure that the environmental improvement benefits of the proposal are delivered in the long term and in order to prevent the creation of a road safety hazard due to traffic movement at a potentially hazardous junction.

3. Road Access Works

The use hereby approved shall not take place unless all improvement works to the site access and junction with Pitmedden road, as identified on hereby approved drawing ref. 124964-1010 (dated 21/08/18), have been implemented in full, unless the planning authority has given prior written approval for a variation.

Reason - In the interests of road safety and the free flow of traffic.

4. Noise Attenuation

The use hereby approved shall not take place unless all noise attenuation measures identified by the approved noise impact assessment (ref. R18.9964/3/AF, dated 19/07/18) have been implemented in full, unless the planning authority has given prior written approval for a variation. No active use of the site for class 6 or other ancillary purposes shall take place outwith the hours from 7am until 7pm on any day, unless the planning authority has given prior written approval for a variation of these operating hours. For the avoidance of doubt, no deliveries to / from the site, or movement of plant / machinery / vehicles stored on site / associated servicing / maintenance within the site shall take place outwith the above specified hours.

Reason - In order to prevent any adverse impacts on the amenity of residents in the surrounding area.

5. SUDS

The use hereby approved shall not take place unless the recommendations of the submitted Drainage Statement issue 4 (dated July 18) have been implemented in full, unless alternative measures are agreed in writing by the planning authority.

Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

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The Committee heard from Robert Forbes, who spoke in furtherance of the application and answered various questions from members. Scott Lynch, Senior Engineer, also answered various questions in regard to road issues.

The Committee resolved:-

to approve the application conditionally.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			01 November 2018						
4	TPO 255 - 2018 - Malcolm Road	There was a previous committee instruction to bring back a report on TPO 248 and 249. These have been combined and will now be TPO 255.		Kevin Wright	Strategic Place Planning	Place	1		
5	Land at Culter House Road	to approve conditionally / legal agreement		Gavin Clark	Strategic Place Planning	Place	1		
6	1 Queen's Lane	to approve conditionally		Dineke Brasier	Strategic Place Planning	Place	1		
7	2 Park Brae	to approve conditionally		Roy Brown	Strategic Place Planning	Place	1		
8	Boyne Villa	to approve conditionally		Lucy Greene	Strategic Place Planning	Place	1		
9	245 Union Grove	to approve or refuse the application.		Sepi Hajjoltani	Strategic Place Planning	Place	1	D	Will now be reported in December
10	Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1	D	Will now be reported in December
11	Wellheads Dyce	to approve or refuse the application		Matthew Easton	Strategic Place Planning	Place	1	D	Will now be reported in January 2019 at the earliest
12			6 December 2018						
13	Former Davidsons Mill/Mugiemoss Road	to approve or refuse the application		Dineke Brasier	Strategic Place Planning	Place	1		
14			24 January 2019						
15									
16									
17			21 February 2019						
18	1 Western Road	to approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
19									
20			21 March 2019						
21									
22									
23			18 April 2019						
24	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.4		
25									
26	AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)								
27									
28									
29									
30									

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
31			May 2019 Onwards						
32									

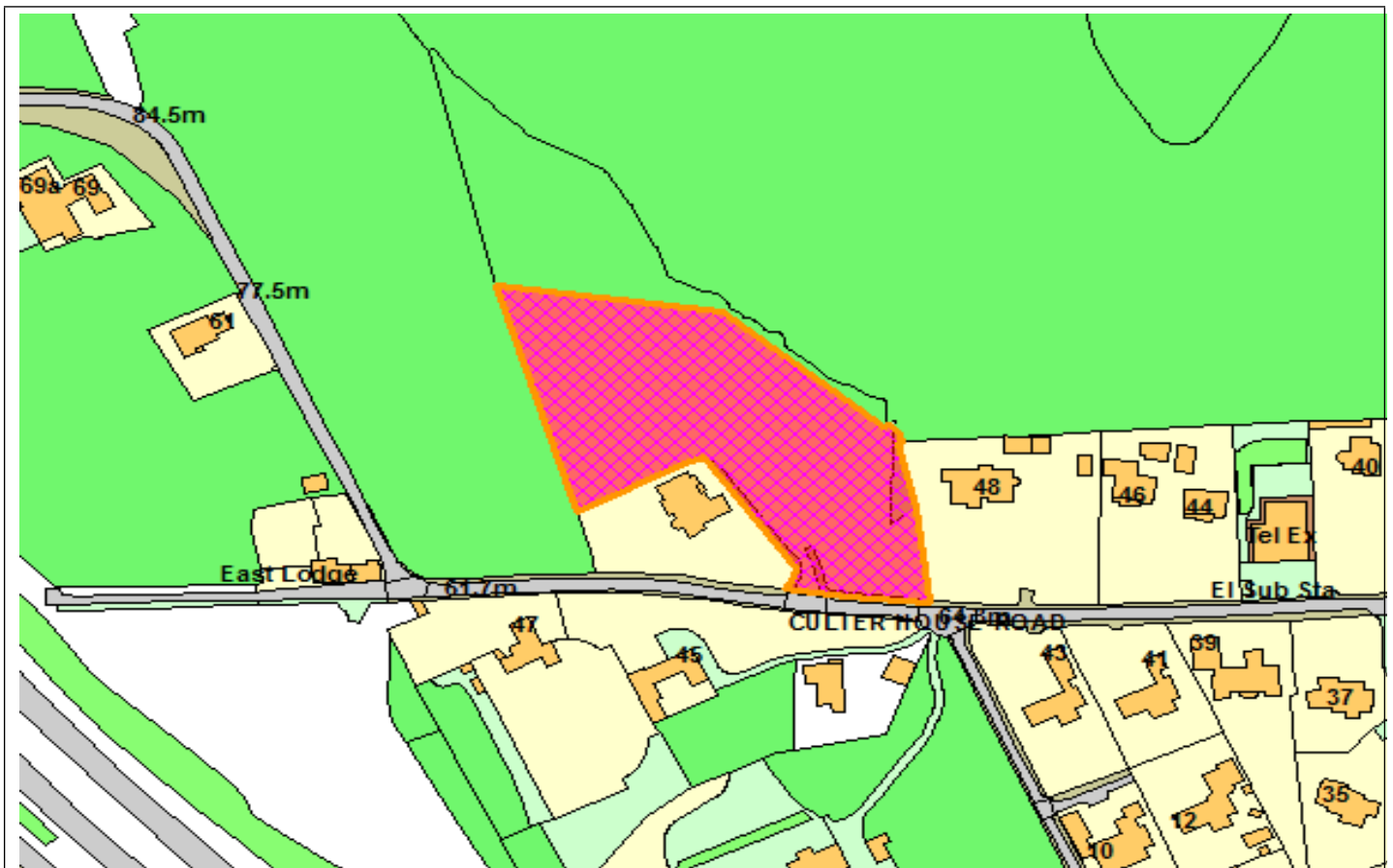


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1st November 2018

Site Address:	Land at Culter House Road, Milltimber, Aberdeen.
Application Description:	Erection of five detached dwellings with associated infrastructure and landscaping
Application Ref:	181220/DPP
Application Type	Detailed Planning Permission
Application Date:	16 July 2018
Applicant:	Snowdrop Developments Ltd and Churchill Homes Ltd.
Ward:	Lower Deeside
Community Council	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site is an allocated development site (Opportunity Site OP46 in the Aberdeen Local Development Plan) located on the northern side of Culter House Road (where one dwelling has been completed on site) to the immediate west of the settlement of Milltimber. The site, which excludes the completed house, is bounded by plantations of Norway Spruce to the north and west and a small burn separates it from the garden ground of a large detached dwellinghouse to the immediate east. Culter House Road runs along the southern boundary which is lined by a belt of mature broadleaved trees. There is a scattering of other broadleaved trees (mostly birch) around the east and north edges of the site.

Relevant Planning History

Planning permission (Ref: P131558) was approved under delegated powers in October 2014 for the erection of five dwellings and associated garden grounds. This permission has been partially implemented and one property on the site has been built and is occupied; the rest of the site has been scraped for development with other associated works (such as the site access) installed.

APPLICATION DESCRIPTION

Description of Proposal

The erection of five detached dwellinghouses of varying architectural design. One of these properties would face onto Culter House Road, whereas the other four houses would be arranged around a shared access road at varying angles to that road. The access would be taken from Culter House Road to the south (this access and turning head has already been formed). Landscaping is proposed throughout the site, with fencing around its perimeter and a footpath provided in the eastern side of the site giving access into the woodland located to the rear.

The proposal has been amended since its original submission, altering the design and location of a some of the dwellinghouses, with further information also submitted to address concerns raised in letters of representations and by consultees.

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=PBRAXDBZFM600>.

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

Technical Addendum: August 2018: looks at flood risk associated with the site and provides an introduction to the proposal, details of existing flood risk, the development proposals, construction, maintenance and ownership and an overall conclusion.

Environmental Survey: September 2018: provides details of the application site, tree management and protection, methodologies and details of protected species. There are also a number of appendices to the proposal including site photos and a list of species.

Design and Access Statement: July 2018: provides a background to the proposals, details of site history, design proposals, a policy assessment and overall conclusion.

Drainage Impact Assessment: July 2018: provides an introduction to the proposals, details of existing site conditions, the development/ foul drainage/ surface water proposals, an assessment

of flood risk, future maintenance details and details of construction. It is noted that the technical addendum submitted above partly superseded this document. Drainage calculations were also submitted in support of the application.

Technical Addendum – Flood Risk Assessment: August 2018: provides details of the site, detailed the existing flood risk, development proposals, details of construction, maintenance and ownership and an overall conclusion.

Updated Environmental Survey: 6th September 2018: provides an overall detail of the site, including tree management and protection, vegetation details and details of a number of protected species.

Updated Tree Survey: 5th September 2018: provides an introduction, details o the site and overall tree management and tree protection details.

It is also noted that the applicants submitted a bat survey, phase 1 habitat survey, tree protection plan and tree survey that were submitted at the time of the previous application (Ref: 131558).

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has been subject to 6 or more timeous letters of objection. Subsequently, the proposal falls out with the Council’s Scheme of Delegation.

CONSULTATIONS

ACC - Flooding and Coastal Protection – no objection to the proposed development following the submission of a Technical Addendum looking at a number of flood risk aspects. This matter will be discussed in greater detail in the evaluation section of this report.

ACC - Housing – no objection.

ACC - Waste Strategy Team – advises of the waste requirements for the proposed development.

Developer Obligations Team – noted contributions have been secured for this site by means of a S69 Legal Agreement under Planning Ref: 131558, which will be applied to the current application.

ACC - Roads Development Management Team – following the submission of further information they have no objection to the application. Their response will be discussed in greater detail in the below evaluation.

Cults, Bieldside and Milltimber Community Council – offer support for the application and agree with the proposal to build 5 homes and create a public footpath to the adjacent woodland. The comments also request the provision of a path from the site allowing access to the top of Bellenden Walk.

REPRESENTATIONS

11 written objections have been received. The matters raised can be summarised as follows:-

1. A number of roads concerns were raised, including weight restrictions on Culter House Road, traffic calming measures, additional vehicular movements on Culter House Road and visibility issues;

2. A number of concerns were raised with regards to drainage – the scheme is different to that of the previous application, insufficient information has been submitted to address drainage concerns, increased drainage impacts due to AWPR works, drainage impacts in the surrounding area (including on to Bellenden Walk), inadequate storm water system, and the proposal has an inadequate culvert. The objectors considered that the developer has failed to consider drainage to the degree which is required;
3. Concerns were raised with regards to the need for and the installation of a footpath into the community woodland;
4. Concerns highlighted with regards to a number of developments under construction or recently completed on Culter House Road, and the current proposal being different to what was previously approved, concerns were also raised with regards to further future developments on Culter House Road;
5. The proposal is inconsistent with the site's allocation and existing development on site in terms of design and scale;
6. The proposal does not evidence carbon reduction measures;
7. The proposal will have a negative impact on the character and appearance of the surrounding area;
8. The application does not provide adequate protection for trees or protected species;
9. Inaccuracies in the submitted drawings, with regards to the amount of parking shown;
10. Concerns about the location of the proposed bin storage area, and the impact that this would have on residential amenity;

MATERIAL CONSIDERATIONS

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)

- OP46: Culter House Road;
- Policy D1: Quality Placemaking by Design;
- Policy D2: Landscape;
- Policy LR1: Land Release Policy;
- Policy I1: Infrastructure Delivery & Planning Obligations;
- Policy T2: Managing the Transport Impact of Development;
- Policy H1: Residential Areas;
- Policy H5: Affordable Housing;
- Policy NE4: Open Space Provision in New Development;
- Policy NE5: Trees and Woodland;
- Policy NE6: Flooding, Drainage & Water Quality;
- Policy NE8: Natural Heritage;
- Policy NE9: Access and Informal Recreation;
- Policy R6: Waste Management Requirements for New Development;
- Policy R7: Low & Zero Carbon Buildings & Water Efficiency and
- Policy CI1: Digital Infrastructure.

Supplementary Guidance (SG)

- Landscape;
- Planning Obligations;
- Affordable Housing;

- Transport and Accessibility;
- Natural Heritage;
- Trees and Woodlands;
- Flooding, Drainage and Water Quality; and
- Green Space Network and Open Space and Resources for New Development

EVALUATION

Principle of Development

The site is located within opportunity site (OP46 - Culter House Road), which advises of an opportunity for the development of five homes, it is also located within an area zoned as “land release” which advises that housing development on sites allocated in Phase 1 will be approved in principle within areas designated for housing. Since the time of the original planning permission for five homes was approved, the site has also been zoned as a “residential area” (Policy H1), which states that proposals for new development will be approved in principle provided it does not constitute over development, does not have an adverse impact on the character and appearance of the surrounding area, does not result in the loss of a valued or valuable area of open space and complies with any associated Supplementary Guidance.

Whilst it is acknowledged that the proposal would bring the development above the current allocation (of five houses), what also needs to be considered is whether the additional dwelling would result in over development of the site or have an adverse impact on the character and appearance of the surrounding area. Compliance with Policy H1 will be discussed in the below evaluation.

Design and Amenity Matters

The application site boundary extends to approximately 8250sqm and would include five separate plots with varying orientations, all with houses generally positioned centrally within the plot, with generous areas of garden ground to the front and rear. The northern side of Culter House Road is characterised by large dwellinghouses set within larger plots and includes three storey modern properties along with older 1½ and 2 storey properties. The southern side of Culter House Road is more densely populated, generally with detached houses. Whilst the layout of the development differs from the prevailing character of the north side of Culter House Road, the general arrangement would not be detrimental to that character and is similar to the approach taken in the previously approved scheme.

As development has commenced on site (under the planning permission granted in 2014), with one dwelling (58 Culter House Road) completed, the character and amenity of this part of Culter House Road has already been altered and undergone a degree of change. Whilst the new homes would be visible from the sites entrance on Culter House Road, the impact of these would not be overly negative, and the properties would be partially obscured by the existing tree belt, which runs along the frontage of the site. The character of the surrounding area is varied, with several modern additions along with properties of a more traditional design. It is also acknowledged that the character of the area is likely to change further, given that the adjacent site to the west (OP113) Culter House Road) is allocated for 8 dwellings (with a planning application currently pending consideration). The design of the properties would not be out of context given the changing character

The scale of the dwellings also needs to be assessed, although each property would be slightly different in terms of its overall design (handed house types/ garages/ differing frontages); the scale and height would be broadly similar. The properties would have a height of approximately 9.5m (which is less than the 10.7m of those previously approved). Whilst it is noted that some of the properties would sit at a higher level (due to the sloping nature of the site); the layout of the

properties, along with the landscaping proposed would ensure that the impact of the proposed properties on the character and appearance of the surrounding area would be minimal. The size and scale of the properties would complement other houses in the locality and would be in keeping with the context of the area. The scale of each of the properties is appropriate and would have an acceptable impact on the character of the surrounding area.

As stated above, the surrounding area includes properties of a mixed architectural design. The materials proposed, which include granite, render (finalised colouring of which is to be controlled via an appropriately worded condition) and a slate roof. The design of the properties is appropriate for their context and would have a minimal additional visual impact on their surrounding context; and not impacting on the amenity of the surrounding area to an unacceptable degree. As a result of the above, the proposal is considered to comply with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP.

Impact on Landscape/ Density/ Privacy

The proposal requires to be assessed against Policy H3 (Density), which advises that all developments must meet a minimum density of 30 dwellings per hectare, have consideration for the sites characteristics and create an attractive residential environment. The proposal relates to five dwellinghouses on a site exceeding 1 hectare. Notwithstanding the above, it is worth noting that in establishing whether a proposed density of development is appropriate and may be considered acceptable for a specific site, the minimum levels sought through Policy H3 (i.e 30 units per hectare) cannot be applied in isolation. There is a clear need for the level of proposed development on a site to be considered within the context of the surrounding area and its characteristics and matters such as the relationship between buildings and the level of open space provision on site are also relevant considerations in establishing this. Given the low density character of Culter House Road the overall density of this development is acceptable.

In terms of existing properties in the surrounding area, the proposal would have no impact in terms of privacy/overlooking on any existing properties, would not overshadow any neighbouring properties and would have no impact in terms of loss of daylight or sun light. In terms of the impact each new property would have on the others proposed within the site, it is acknowledged that their positioning and orientation may have a degree of overlooking/ loss of privacy, but this would not be to a level that would warrant refusal of planning permission.

The levels of landscaping and sizes of the gardens associated with each dwellinghouse are appropriate and would ensure that each dwelling would have plot coverage complementary to the character and appearance of the surrounding area. The lack of boundary treatments to the front would also help create an attractive and open aspect to the front of the house. Finalised details of all boundary treatments are to be controlled via condition.

Roads and Access

The proposal has been assessed by officers in Roads Development Management (RDM) who consider the site to be easily accessible by a means of transportation measures (walking, cycling and public transport). The nearest bus stops are located on North Deeside Road, approximately 320 metres from the application site boundary (accessed via Bellenden Walk). Each property would also require three parking spaces, and the submitted site plan indicate that these could be adequately provided. Further information has also been submitted with regards to swept path analysis for both refuse vehicles and domestic cars to the satisfaction of officers in RDM. As a result, the proposal would comply with the general aims of Policies T2 and T3 of the ALDP as well as the associated SG.

Natural Heritage

The applicants have submitted an ecological survey in support of the application, which looked at several matters including details of invasive species, bats, badgers, red squirrels and existing

vegetation. It is acknowledged that the site has previously been scraped for development; the report concludes that the habitats present on site do not represent an important ecological resource, there is no evidence of any protected species within the site, and there are no invasive species present within the site. The findings of this report are accepted.

Due to the nature of development proposed and its proximity to an adjacent burn, which acts as a tributary to the River Dee Special Area of Conservation (SAC), it is necessary to consider whether a Habitats Regulation Assessment (HRA) requires to be undertaken to establish if the proposal would have any adverse impact on the qualifying ecological interests of the SAC. An initial HRA screening was undertaken by the planning authority which concluded that any impact from development works on site could be adequately mitigated through the submission of a Construction Environment Management Plan (CEMP); which can be requested as a condition to this planning consent.

As a result of the above, and subject to conditions, the proposal would not conflict with the general principles of Policy NE8: Natural Heritage or its associated SG.

Tree Protection

As the 2014 planning permission has commenced, it remains live and thus can be fully implemented. The consented plot locations along with those proposed are all within similar locations within the site. Since the approval of this application in October 2014 the Council has adopted stricter SG and Policies with regards to the impact that developments may have on trees and woodland.

The Council's SG *Trees and Woodland* provides more specific advice on how to assess the impact of developments on trees and woodlands, and what is needed in the form of supporting documentation from the applicant to address potential concerns. Section 8.4.2 of the guidance makes specific reference to the term 'Zone of Influence' (ZOI) which is generally considered to be the distance between the base of a tree to the mature height of it. Dwellinghouses should not be sited within the ZOI from each tree which is likely to be affected. In addition, the SG outlines that the footprint of dwellinghouses should not fall within the Root Protection Areas (RPAs) of trees as construction works would likely compromise the structural integrity of a tree resulting in it most likely needing to be removed unduly on safety grounds.

In this regard, it is acknowledged that there would be a partial conflict with policy, in that a number of the proposed dwellinghouses and their associated garden grounds would be located within the ZOI's and RPA's of a number of the mature trees within the surrounding area; it would be difficult to develop this site in accordance with the above policy, given the number of mature trees in the surrounding area. Given the existing permission that is in place on the site it is considered appropriate to grant permission for the current application, despite being in conflict with the aforementioned policy in regard to ZOI's.

The applicants have submitted a Tree Survey and Tree Protection Plan in support of the application, which provide details of the existing tree stock both within and outwith the site. This document in its present format is not considered to be adequate, as it does not demonstrate that there would be no damage to tree stock outwith the site, but close to the boundaries, as a result of the proposed development; the same could be said with regards to the mitigation measures being implemented to ensure that trees are protected during development on the site. Notwithstanding the above, it is considered that adequate tree protection measures could be provided during construction on site, and an appropriately worded planning condition will be inserted onto the consent document ensuring that these are provided prior to any further works taking place within the development site.

Whilst it is noted that there would be conflict with certain elements of Policy NE5 and its associated SG with regards to ZOI material considerations – specifically the existing consent on site – have allowed for a departure from policy in this instance. All other aspects of the policy are considered to have been adequately addressed or can be controlled via appropriately worded planning conditions.

Open Space Provision

Policy NE4 states that “*public or communal space should be provided in all residential developments*”. In this case, no public/ communal space would be provided within the application site boundary, providing a conflict with policy. To compensate for this the applicants are required to provide a communal footpath in the eastern section of the site, which would provide an access into the woodland located to the rear, which is seen as an acceptable compromise in this instance, in addition to other factors such as the rural location of the site, and the generous plot sizes and private garden areas that are to be provided with each residential plot a departure from this element of policy can therefore be justified.

Policy NE9 states that “*new development should not compromise the integrity of existing or potential recreational opportunities generating access rights to land or water, core paths, or other rights of way*”. The proposal would provide direct access to the woodland to the rear, which connects on to an aspirational core path (AP4) – which connects to Contlaw Road to the east and further on to Culter House Road to its west and would not impact on the existing access to said aspirational core path, which is located to the east of the site. The proposed development would therefore not conflict with the terms of this policy.

A landscaping plan has been submitted that shows extensive planting within each plot, with trees ranging from 1.3–1.6m in height, shrubbery and beech hedging. Implementation of these landscaping features are to be controlled via an appropriately worded planning condition.

Developer Obligations

The proposal has been assessed by the Developer Obligations Team, who advised that contributions have been secured for this site by means of a s69 Legal Agreement under Planning Ref: 131558, which will be applied to the current application; however, an updated agreement will be required to ensure that these contributions are carried over to the current application. Subject to the above, the proposal would comply with Policies I1 and H5 OF the ALDP, as well as its associated SG.

Flooding/ Drainage

It is noted that several comments have been received from neighbours highlighting concerns with regards to flooding and drainage concerns both within the site, and within the surrounding area. In this regard, a further Flooding Assessment was requested (in addition to the submitted Drainage Impact Assessment and associated Drainage Calculations). This report looked at a number of matters including details of the site, detailed the existing flood risk, development proposals, details of construction, maintenance and ownership and an overall conclusion which advised that the development is supported by a sustainable drainage system which limits surface water run-off to green field rates and therefore complies with Local Authority requirements. Scottish Water has also granted technical approvals for the foul and surface water sewers. This information is considered acceptable by the Council’s Flooding Team. Subsequently, the proposal would comply with the general principles of Policy NE6 and its associated SG.

Waste Management Requirements

Further information has been submitted providing swept path analysis for refuse vehicles and a plan showing the location of where the bins are to be picked up for the four properties to the north (off the unadopted area of the road). The proposal has been assessed by officers in Waste Management and Roads Development Management, who have raised no objection to the

proposed development; advising that the site can be adequately serviced with waste facilities provided within the curtilage of the site. Amenity impacts (as raised in letters of representation) have been discussed elsewhere. Subsequently, the proposal would accord with Policy R6 and its associated SG: Resources for New Development of the ALDP.

Low/ Zero Carbon Developments

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 of the ALDP.

Digital Infrastructure

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The application site is located on a residential street, and a review of the BT website indicates that the area has access to high-speed broadband facilities. Subsequently, the proposal would comply with Policy CI1 of the ALDP.

Matters Raised in Letters of Representation

1. The proposal has been assessed by officers to RDM who consider the site arrangements and access arrangements to be acceptable. The traffic calming measures, which were a requirement of the residential development opposite at Edgehill House are not therefore considered to be relevant to the determination of this application. It should also be noted that traffic movements will likely have reduced on Culter House Road since the road was closed as a thru road due to the AWPR;
2. The applicants submitted a supporting "flooding statement" following the submission of the application to address comments raised by officers in the Flooding team. This information was acceptable and has been addressed in the above section "Flooding/ Drainage";
3. The need for a footpath has been discussed in the above section "Open Space Provision";
4. Each application needs to be considered in its own merits. This development is acceptable, and essentially allows for one further dwellinghouse to be built on site;
5. Design and Amenity matters, as well as matters relating to the principle of development have been discussed in the above evaluation;
6. This matter has been discussed above, with further information required, and to be controlled via condition 2.
7. This matter has been discussed in the above evaluation, within the above "design and amenity" section;
8. Tree Protection measures have been discussed in the above evaluation;
9. The proposal has been amended since the original submission, with appropriate levels of parking provided within the curtilage of each site. Officers in RDM are content with the parking facilities within the curtilage of each plot;
10. The reference to bin storage areas in the written objections is arguably a mis-representation of the situation. A location is shown on the layout drawings where bins would be left by residents for emptying on waste collection days. It is reasonable to expect that residents would keep their bins within their own properties on non-collection days and, as such, the identified area is not a storage area. The area identified for this purpose is considered to be acceptable and will allow refuse vehicles to access in the site in an efficient manner. It is considered that the siting of such facilities would not impact on residential amenity to an unacceptable degree. Its location is acceptable to relevant consultees.

In relation to the matters raised by the Community Council; their comments are noted and a footpath from the site's entrance to the top of Bellenden Walk (on the northern side of Culter House Road) has been provided previously.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

Whilst it is acknowledged that the allocation in the Aberdeen Local Development Plan (OP 46 – Culter House Road) allows for five dwellinghouses on the site with the proposed development resulting in a total of six on the allocated site, it is considered that the development would not result in over development of the site, would not have an unacceptable impact on the character or amenity of the surrounding area, would not result in the loss of a valued area of open space, and would comply with relevant Supplementary Guidance, thus in compliance with Policy H1 (Residential Areas). The development has also been designed with due consideration for its context, and would not adversely impact on the surrounding area in accordance with Policies D1 (Quality Placemaking by Design) and D2 (Landscape). An appropriate density of development would be provided, along with appropriate levels of landscaping and other associated infrastructure.

All technical issues with the application have been resolved, and subject to a number of appropriate conditions, the proposal would comply with Policies T2: Managing the Transport Impact of Development, H5: Affordable Housing, NE4: Open Space Provision in New Development, NE6: Flooding, Drainage & Water Quality, NE9: Access and Informal Recreation, R6: Waste Management Requirements for New Development, R7: Low & Zero Carbon Buildings & Water Efficiency and CI1: Digital Infrastructure.

Natural heritage issues have been adequately resolved, with supporting information indicating that there would be no adverse impact on protected species, therefore the proposal is also considered to comply with Policy NE8: Natural Heritage. Appropriate tree protection measures and landscaping would also be provided,

Overall, whilst the development conflicts with Policy NE5: Trees and Woodland and its associated Supplementary Guidance: Trees and Woodland, due to the proposed houses being within the Zone of Influence of the trees within and adjacent to the site, material considerations have allowed a departure in this instance. The proposal is considered to comply with all other relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance, and in this instance, there are no material planning considerations that would warrant refusal of consent in this instance.

CONDITIONS

1. No works in connection with the development hereby approved shall commence unless a sample and specifications of the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details. Reason: In the interests of the appearance of the development and the visual amenities of the area.
2. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a. Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and

- b. Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Resources for New Development.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter. Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Resources for New Development.

3. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.
 - a. Risk assessment of potentially damaging construction activities;
 - b. Identification of "biodiversity protection zones";
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d. The location and timing of sensitive works to avoid harm to biodiversity features
 - e. The times during construction when specialist ecologists need to be present on site to oversee works;
 - f. Responsible persons and lines of communication;
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - h. Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP. Reason: In the interests of protecting the biodiversity of the environment.

4. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained. Reason: To ensure the implementation and management 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.
5. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a. The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);

- b. The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
- c. The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
- d. An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
- e. A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed. Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

6. that the development hereby granted planning permission shall not be occupied unless all drainage works detailed within the Drainage Impact Assessment (Cameron + Ross – July 2018 Ref: A/02279) and the Technical Addendum – Flooding Assessment (Cameron + Ross – August 2018 – Our Ref: 181220-01) or such other plan or document as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.
7. that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

ADVISORY NOTES FOR APPLICANT

1. Each new house will each be provided with: 1 x 180 litre wheeled bin for general waste, 1 x 240 litre co-mingled recycling bin for recycling, 1 x 240 litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

General points: All the waste containers must be presented on the kerbside only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside. No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292. Further information can be found in the Waste Supplementary Guidance available at: <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&SID=14394>.

Developers must contact Aberdeen City Council a minimum of two months before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

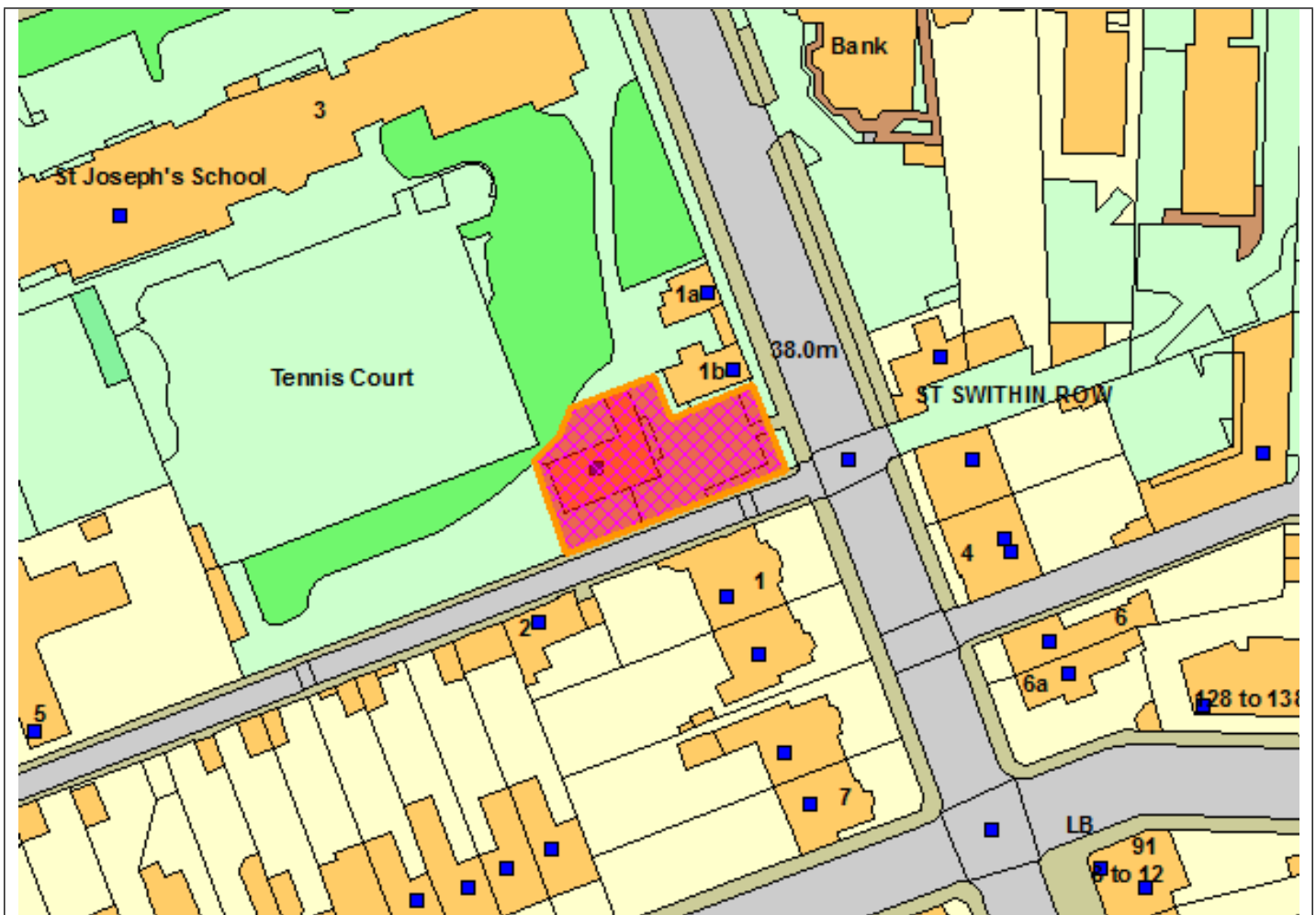


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 November 2018

Site Address:	1 Queen's Lane South, Aberdeen, AB10 6XW,
Application Description:	Change of use of first floor from Class 4 (Business) to Class 11 (Assembly and Leisure)
Application Ref:	181469/DPP
Application Type	Detailed Planning Permission
Application Date:	16 August 2018
Applicant:	Fit&Skin Studio Limited
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Queen's Cross And Harlaw
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

A two storey granite building with a slated pitched roof, and car park (7 spaces) located on the north side of the junction of Queen's Lane South and St Swithin Street. The building has a rectangular plan with a narrow flat roof projection to the north/ side. It has a distinctive east (St Swithin Street) facing round window on the first floor, with otherwise sash and case timber windows. Vehicular access is off Queen's Lane South and the private car park is shared between the occupants of the ground and first floor. Between the building and St Swithin St (roughly NE) are buildings associated to St Joseph's School/ Church, which occupies the area to the north.

The site is within the Albyn Place/ Rubislaw Conservation Area and West End Office Area as identified in the 2017 Aberdeen Local Development Plan.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the first floor from offices to a private health studio (class 11). The facility would be appointment only, and accommodate no more than 6 clients at any time slot.

There are no external alterations proposed.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDJKSRBZGMA00> .

Reason for Referral to Committee

The application has attracted seven objections, and is recommended for approval. It therefore falls outside the scheme of delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Advise that the location is within a controlled parking zone, thus managing against indiscriminate parking; and that cycle parking should be provided.

ACC - Environmental Health – No objections, subject to the following conditions:

- Limit the use of the building to that of a private health studio only; and
- Limit the use of amplified and non-amplified music other than that used as background music.

REPRESENTATIONS

Seven objections have been received, summarised as follows:

1. Proposal would cause disruption and change character of area;
2. Proposal would cause further traffic problems on top of those existing in relation to St Josephs School;
3. Poor visibility from Queen's Lane South onto St Swithin Street;
4. Insufficient parking available;
5. Proposal would cause inconvenience and disruption to the ground floor occupants; and
6. Impact on amenity due to noise.

MATERIAL CONSIDERATIONS

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)

- B3: West End Office Area
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- D1: Quality Placemaking by Design
- D4: Historic Environment

Supplementary Guidance and Technical Advice Notes

- Supplementary Guidance on Transport and Accessibility

EVALUATION

Principle of Development

The site is located within the West End Office Area, and policy B3 (West End Office Area) applies. B3 mainly centres on changes of use to offices or protection of residential amenity. However, it does not include a clause in relation to the protection of office accommodation in these areas. As such, subject to no unacceptable impact on residential amenity and compliance with all other relevant policies, the principle of the proposed change of use to a private health studio would be acceptable.

Impact on character and appearance of the surrounding area

Being within a Conservation Area, only development that preserves or enhances the historic environment will be accepted. In this case, the proposal would not include any external alterations to the building. As such, it would have a neutral impact on the character and appearance of the surrounding area, thus complying with policy D4.

Impact on amenity

The nearest residential properties are to the south, across Queen's Lane South, and on the corner of Queen's Lane South and St Swithin Street at a distance of 12m. The main potential impact on residential amenity would be in relation to noise resulting from the proposed use. In this regard Environmental Health (EH) colleagues recommended the use of a condition setting out that no amplified or non-amplified music, other than for the use of background music, would be acceptable, and that this music should be inaudible at the façade of the nearest residential properties. Based on this advice, it is considered that the proposal would not have an adverse impact on the residential amenity of neighbouring properties – subject to compliance with a suitably worded condition.

The ground floor of the premises is occupied as offices. Objections have been raised by the occupant, based on potential disruption and inconvenience due to a significant increase in noise. In this regard the applicant confirms that activities would not involve group lessons or noise associated to the dropping of weights, etc. Furthermore, the proposed use would be of a limited scale, with no more than 6 clients attending a time slot. As such, it is considered that the proposal would not likely result in a significant detrimental impact on the amenity of the office business on the ground floor, to warrant the refusal of planning permission. Balancing the advice of EH and the business model proposed, it is not considered that a formal Noise Assessment is required, thus there is no conflict with policy T5.

Parking and access

The site is located within the 'Outer City Zone', and a maximum parking standard of 1 space per 22m² gross floor area (gfa) is permissible. The first floor gfa is c.135m², equating to a maximum of 6 spaces. The on-site car park sees seven shared spaces. The first floor would have sole use of four spaces, two below the maximum permissible. However, the location is reasonably sustainable, within 125m of Queen's Road - a major public transport route between the city centre and the west, with bus stops within 200m. Furthermore, the surrounding streets are within a controlled parking zone, thus managing parking behaviours. Two Sheffield cycle stands will also be installed, providing short stay parking for four bikes.

Matters raised in letters of objection included: poor visibility at the junction of Queen's Lane South with St Swithin Street; and the potential impact an increase in traffic would have on pedestrian safety, especially in relation to children walking to the nearby St Joseph's School. Colleagues in Roads Development Management have considered the application in relation to road safety and consider that any potential increase in traffic would be negligible and not have a significant impact on the use of this junction or pedestrian safety.

As such, taking consideration of the above, the proposal is considered not to have an unacceptable impact on local highway conditions, so as to comply with policies T2 and T3.

Matters raised in letters of objection:

All issues raised are discussed above and are not considered to warrant refusal of the application.

Time Period for Determination

The application was validated on 16th August, and the Scottish Government target two month determination date is 15th October. Due to the application needing to be determined at Planning Development Management Committee, an extension to the determination date has been agreed to 5th November 2018.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Subject to conditions, the proposed change of use is not considered to have an unacceptable detrimental impact on the amenity of nearby neighbouring properties, or the office business on the ground floor of the building. It would not have an unacceptable impact on the character and appearance of the surrounding area, especially in relation to its position within the Albyn Place/ Rubislaw Conservation Area, nor on local highway conditions. The proposal complies with policies B3 (West End Office Area), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), T5 (Noise), D1 (Quality Placemaking by Design), and D4 (Historic

Environment) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Transport and Accessibility.

CONDITIONS

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall not be used for any of the following purposes within Use Class 11, without an express grant of planning permission from the Planning Authority:

- Cinema;
- Concert Hall;
- Bingo Hall;
- Casino; or
- Dance Hall or Night Club

Reason: The uses noted above pose the risk of causing additional and unacceptable harm to residential amenity than other uses in Class 11, thus an express grant of planning permission for those uses would allow the Planning Authority to consider the implications of any subsequent change of use on the amenity of the area.

2. That no amplified or non-amplified music shall be used within the fabric of the main building other than that used as background music, which must be inaudible at the façade of the nearest residential properties.

Reason: To preserve the existing residential amenity of surrounding properties.

3. That prior to the use hereby approved commencing, the cycle stands as shown on approved drawing Ref: 1392/P/000/XX/004/A shall have been provided and made available for use.

Reason: To promote sustainable transport methods.

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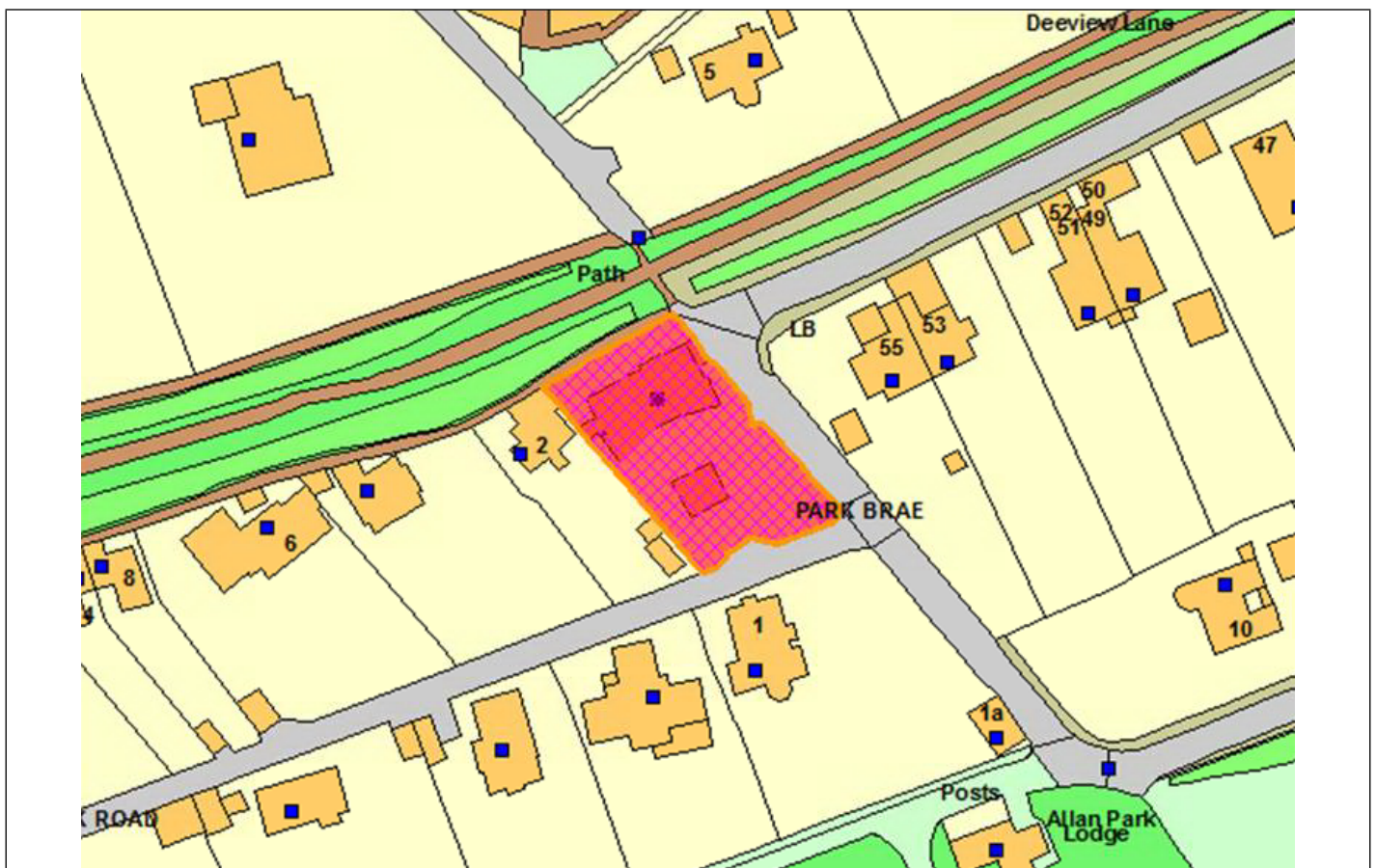


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 November 2018

Site Address:	2 Park Brae, Cults, Aberdeen, AB15 9LS
Application Description:	Erection of timber screen fencing to front, side and rear (behind granite wall) and addition of security features within site
Application Ref:	181248/DPP
Application Type	Detailed Planning Permission
Application Date:	17 July 2018
Applicant:	Mr Robin Porter
Ward:	Lower Deeside
Community Council	Cults, Bieldside And Milltimber
Case Officer:	Roy Brown



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises a modern detached dwelling and its front and rear curtilage in a residential area in Cults. The dwelling has a southeast facing principal elevation and is located in the northwest of the site. The site slopes significantly from northwest to southeast and is bounded by Park Road to the southeast, Park Brae to the northeast, a public footpath and the Deeside Way to the northwest, and 2 Park Road to the southwest. Each boundary of the site has a granite boundary wall and the southeast boundary has gate piers and a gate. Metal security fixtures have recently been installed on the northwest and southwest boundary walls.

Relevant Planning History

An enforcement case was opened on the 28th May 2018 concerning the unauthorised installation of metal security fixtures which increase in the height of the northwest and southwest boundary walls.

Planning permission was granted in November 2013 (Ref: P130937) to form a raised driveway in the north of the site, which accesses and is level with Park Brae, and has since been completed.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of timber fencing on metal brackets fixed to the inside of and which would rise to 600mm above the southeast, northeast and northwest granite boundary walls; the addition of a metal security fixture on the southwest wall of the existing raised driveway; and granite gate piers and a timber-clad gate on the southeast boundary.

The application has been amended since submission so that the existing metal security fixtures on top of the northwest and southwest boundary walls are no longer included in the application.

The revised plans indicate a metal security fixture fixed to the inside and below the top of the southwest boundary wall. This would be within the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and would not require planning permission. It is therefore not included in this application.

The grant of planning permission and completion of the development would rectify the unauthorised metal security fixture on the northwest boundary.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PC011WBZ00D00>.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of six or more timeous written representation (following notification) that express objection or concern about the proposal. In this instance, 9 objections have been received.

CONSULTATIONS

Police Scotland – No objection - This site is less than a mile from the Cults Police office. The general Cults policing area has a low level of crime. From a very general policing perspective the proposal will cause no concern to Police Scotland. From a crime prevention perspective in relation to domestic properties they would not recommend anti-scaling measures which involve spiked rotating balls as this is normally recommended for high risk commercial properties. The use of razor wire or barbed wire as a form of protection on a domestic property is not recommended. Domestic properties are recommended to have a secure boundary of approximately 1.8 metres all the way round by way of a fence and/or wall. This can be further protected by means of defensive planting. The correct use of security lighting, CCTV and an alarm system are also encouraged where appropriate.

Aberdeen City Council Environmental Health – No response

Aberdeen City Council Roads Development Management – No objection – As the visibility splay in front of the property is to remain unchanged, as is the level of parking, there are no roads concerns with this application.

REPRESENTATIONS

Nine written objections have been received following the initial neighbour notification. Neighbour notification was carried out again after the submission of the revised plans (Drawings 18/11/02 A and 18/11/03 A). No further letters of representation were received. The matters raised can be summarised as follows:

- The metal security fixtures are not appropriate in a domestic setting, irrespective of personal circumstances. The 'vanguard' metal security fixture is out of character with the residential context, adjacent to the well-used historic Deeside Way, a low crime area and detracts from the street scene due to their inappropriate visual impact. Reference is made to the proposal not according the Supplementary Guidance: 'the Householder Development Guide'.
- Because of its negative visual impact it has an adverse impact on the amenity of neighbouring dwellings.
- The negative impact on the ambience which the public derives from the Deeside Way.
- The metal security fixtures are dangerous for people walking along the footpath to the rear and any workers in the adjacent properties.
- The negative impact on pedestrian visibility when walking from the rear footpath onto Park Brae.
- The proposal is unnecessary and disproportionate to any security threat in the area. No other residential property in Cults has such a measure. The existing CCTV and alarm system should be considered sufficient for this purpose.
- The proposal brings with it the associations of a high crime area.
- The impact on house prices.
- The CCTV and 'razor wire' breaches "Scottish Government registration Class 3D and 3E".

MATERIAL CONSIDERATIONS

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 (ALDP) 2017

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Supplementary Guidance (SG)

The Householder Development Guide

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 – Residential Areas of the ALDP and the proposal relates to householder development. Householder developments will comply with this policy in principle provided it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area, and complies with the Supplementary Guidance. Given this proposal would not enlarge the dwelling and would have no impact on the intensity of the use on the site, it would not constitute overdevelopment. The other issues are assessed in the below evaluation.

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The Householder Development Guide states that *'in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.'*

In this instance, the proposed fencing would rise 600mm above the granite boundary walls to which it would be fixed. This would result in the boundary enclosures being between 1.9m and 2.2m in height at road level, which would be consistent with boundary enclosures in the area. The existing granite boundary walls would remain the dominant features of these boundary enclosures and the proposed design, scale and materials would be suitable in its residential setting adjacent to the Deeside Way which is characterised by high granite boundary enclosures. The scale and visual impact of the increased height of the boundary enclosure would be diminished by the significant slope of site, particularly from the north. Whilst the metal brackets and inside of the northeast boundary fence would be visible to the south of the site, they would have negligible impact on the visual amenity of the area. The proposed granite gate piers and timber finished gate would complement the materials, design and scale of the existing detached dwelling and would be similar in both design and scale to what presently exists.

Given the proposed metal security fixture on the raised patio would be screened from public areas by the boundary walls and fencing, the raised driveway and the dwelling and the materials used would reflect the existing metal balustrade on the raised driveway and on the raised areas throughout the curtilage, the metal security fixture would have negligible impact on the architectural integrity of the original dwelling and the character and amenity of the surrounding area.

The design and scale of the proposal would thus comply with the Supplementary Guidance: The Householder Development Guide, and Policies D1 and H1 of the ALDP.

Residential Amenity

The Householder Development Guide states that *'proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings*. The proposed fencing, gate, gate piers and metal security fixture would have negligible adverse impact on residential amenity in terms of privacy, sunlight and background daylight and would not be overbearing to the neighbouring properties in accordance with Policies H1 and D1 of the ALDP, and the Supplementary Guidance.

The Matters Raised in the Letters of Representation

The matters raised in the letters of representation have been addressed through the revised plans, in the above evaluation and through an appropriately worded condition requiring remedial works.

The application is assessed against the relevant policies of the Local Development Plan and the Supplementary Guidance rather than considering the need for such a development.

The impact on the visibility splay of pedestrians onto Park Brae would be negligible. Roads Development Management has stated that the visibility splays would remain unchanged and have not expressed any road safety concerns.

The potential impact to property prices and the potential safety risk posed by the development is not a material planning consideration for which the Planning Authority has powers of intervention. It is therefore not included in this assessment.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed fencing, metal security fixture, gate and gate piers would not adversely affect the architectural integrity of the original dwelling and would not adversely affect the character and amenity of the surrounding area in terms of their scale and design. The proposal would therefore comply with policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan, and the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant refusal in this instance.

CONDITIONS

- 1) That no works relating to the approved northwest boundary fence shall take place unless the existing unauthorised metal security fixture on the northwest boundary has been removed in its entirety. Reason: To prevent the unauthorised metal security fixture being incorporated into this approved development and in the interests of visual and residential amenity.

ADVISORY NOTES FOR APPLICANT

Police Scotland has stated that the developer should liaise with the Police Scotland Architectural Liaison Officer service at each stage of the development, for the purpose of designing out crime

using the principles of Crime Prevention through Environmental Design (CEPTED). They can be contacted via:

Constable A9504 Jim Watson
Architectural Liaison Officer

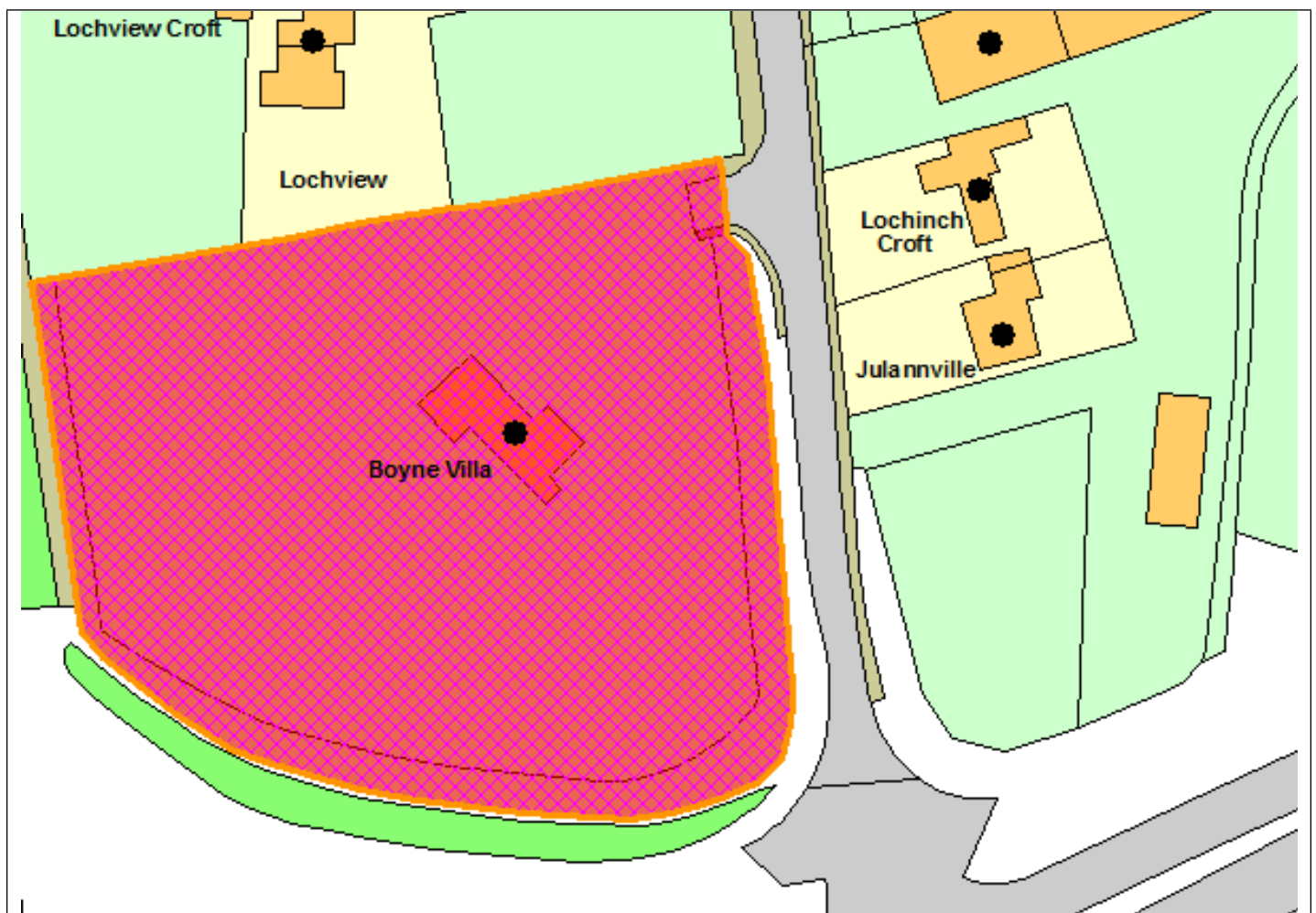


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 1 November 2018

Site Address:	Boyne Villa, Old Stonehaven Road, Aberdeen, AB12 3LL
Application Description:	Installation of modular building with associated works
Application Ref:	181545/DPP
Application Type	Detailed Planning Permission
Application Date:	3 September 2018
Applicant:	CF Jennings Ltd
Ward:	Kincorth/Nigg/Cove
Community Council:	Nigg
Case Officer:	Lucy Greene



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The application site consists of a transportation depot that has operated for the last approximately two years. There is a single storey detached former house that is used as the office, with the remainder of the yard being largely laid to hard surface; there is a recently erected length of fence approximately 30m in length parallel to the central part of the northern boundary. The area in question is a total of 1.15 hectares in size. The plot is located at the junction of Old Stonehaven Road and Wellington Road, and bounds the junction of the A90 (Aberdeen Western Peripheral Route), with Wellington Road. Both junctions are being replaced as part of the AWPR. Access into Boyne Villa is taken from the north eastern corner of the site via Old Stonehaven Road, which runs along the eastern site boundary. Running alongside the site boundary on Old Stonehaven Road, is a drainage ditch. The AWPR works to the south of the site have resulted in the A90 slip road being removed, with the new road being significantly further away from the application site boundary and the intervening area is to be planted with a 'woodland mix' of trees, as well as large specimen trees being planted around the junction of Wellington Road and Old Stonehaven Road. Both these areas of planting are on higher ground than the application site.

Relevant Planning History

Application Number	Proposal	Decision Date
161164/DPP	Erection of storage shed with associated car parking	17.02.2017
Breach of Condition Notice – dated 20 th July 2018, served in respect of non-compliance with condition 1 of the above permission, relating to landscape planting. Notice requires compliance by 31 st October 2018.		
161093/S42	Variation of Condition 1 (transport depot on completion of AWPR) of P151878 to completion of depot with revised safety measures	Approved 21.09.2016
151878	Change of use from residential to transport depot office and storage/parking of vehicles.	Approved 26.04.2016

APPLICATION DESCRIPTION

Description of Proposal

The proposal is for the erection of a large industrial style shed of 24m by 24m, it would be approximately 6.5m to eaves height, and just under 10m to the roof ridge. The shed would be faced in steel sheeting coloured in dark blue. Located within the south east corner of the site, the shed would be approximately 9m further from the east site boundary, than the previously approved shed (unbuilt) and an open concrete surfaced wash bay (15m by 5m) would be laid out to the east side of the new shed.

There would be some changes to the remainder of the site:

- A 30.75m length of 1.8m high timber fence has been erected next to the north boundary, to the south of the adjacent garden ground associated with the house 'Lochview', this fence is shown on the submitted plans, although it does require planning permission. To the yard side of this would be 1.7m wide planted border, containing a variety of shrubs.
- Between the above-mentioned fence and the site entrance would be planted a privet hedge, with strip of grass.
- On the bank along the southern boundary of the site would be planted a wild flower seed mix.
- The existing open filter trench would remain along the eastern edge of the site, whilst the previously proposed SUDS basin would not be provided.
- 28 car parking spaces adjacent to the entrance on the east side of the site. There would be no change to the HGV spaces and the remainder of the site would remain as exists.

The main differences between the proposed scheme and that approved under application 161164 (partially implemented) are:

1. Previously proposed shed was 24m by 18m, by 8.7m to ridge, and located approximately 9m closer to the eastern site boundary, together with wash bay.
2. The previous permission includes 22 car parking spaces, to the north of the office building, whilst the current proposal is for 28no. spaces to the east of the office building.
3. Instead of the landscape planting of trees and shrubs adjacent to the north boundary as per the permission granted, there is now a fence, with hedge and shrub planting proposed. Along the southern site boundary, wild flower seeding is now proposed, instead of the planting of leylandii.
4. Drainage scheme now proposes a filter drain, instead of SUDS basin as per the approved scheme.

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=PE9ZPHBZ01700>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there is an objection from the Community Council and the application is recommended for approval.

CONSULTATIONS

ACC - Roads Development Management Team – although six additional spaces equates to more than the parking standard for the additional floorspace of the larger shed proposed under this application, taking into account the attributes of the particular use proposed and the outer city location, the parking provision is adequately covered and there are no concerns from the Roads Team.

ACC - Flooding And Coastal Protection – Proposals for surface water drainage are adequate, including the levels of treatment provided.

Nigg Community Council – object on the following grounds:

1. Proposal includes a pit, suggesting that part of the site would be used as a vehicle workshop. There are no details on how the pit would be drained or spillages handled.

2. Application shows lack of screening and loss of amenity to neighbouring properties.
3. Position of bins would be detrimental in terms of visual amenity and odours, to neighbours;
4. Conditions on previous consent have not been fulfilled.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

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)

LR1: Land Release Policy
D1: Quality Placemaking by Design
D2: Landscape
T2: Managing the Transport Impact of Development
NE6: Flooding, Drainage & Water Quality
OP59: Loirston

Supplementary Guidance and Technical Advice Notes

EVALUATION

Principle of Development

The principle of the use on this site was established by the previous applications, including application reference 161164. This current application proposes a larger shed than the previous application and an alternative layout of the car parking and landscaping of the site, with the differences between the two applications being described in detail above.

The ALDP 2017 allocates the wider area, within which this site lies at the south western extremity, for 1500 homes and 11ha employment land. With the use having been already established, the zoning policy is of no further relevance, other than as an indicator of future uses within the wider area – these being relevant in terms visual amenity and landscaping. The proposal accords with policies LR1 and OP59.

The issues for consideration are the impact of the larger shed and different site layout in visual terms and any changes to the functioning of the site in terms of vehicle movements and drainage.

Visual Amenity and Landscaping

There is a mix of uses surrounding the application site: residential (houses), including two houses with garden and land bordering the northern site boundary and two houses to the east, the FedEx depot, (which is almost opposite the application site) and small scale workshops. The area is affected by the proximity of the A92 Charleston Junction and Wellington Road. Between the application site and the proposed homes, the Loirston Development Framework indicates there would be areas of landscaping and trees, within the wider area.

The construction of the new Charleston junction of the AWPR with the A92 and Wellington Road would involve the creation of a new area of landscaping (indicated on plans as being woodland) to

the south and west of the application site. The proposed shed is located to the south eastern corner of the site, with truck parking unaltered by this proposal, along the southern boundary. The application site sits at a lower level than the surrounding roads. The existing Wellington Road (A956) is at a level approximately 5m above the floor level of the shed, whilst the Old Stonehaven Road gradually rises from the site entrance at the north east corner of the site, up to the level of Wellington Road. The existing trees (along the Old Stonehaven Road site boundary) are relatively small species. Given that there will be a large area of mixed woodland to the south of the site, and that this is at a level raised above the site, the site would be completely screened from public roads to the south, and the wild flower seeding on the bank is acceptable as an alternative to the previously proposed leylandii planting.

The submitted plans show the recently erected 30.75m length of fence, with proposed planting of shrubs and a length of hedge along the northern site boundary. This is in the location where the previous application showed the planting of trees and shrubs. It is considered that erection of the fence has resulted in the screening of the site in terms of the impact on the residential properties to the north, and together with the hedge and shrub planting, the proposal is acceptable in its impact on the residents.

The greatest visual impact from the shed would be felt along Old Stonehaven Road in the longer term, as this is close to the proposed location of the shed. The currently proposed shed is further from the site boundary than the already approved shed, although it is approximately 1.3m higher at the ridge, and 6m more in depth. The shed would be set at a lower level than the road, which slopes down from a higher level to the south where it joins Wellington Road, to the site entrance. This helps to reduce the visual impact of the shed and, it is considered acceptable in the context of the shed that already has permission, the nearby junction of the AWPR with Wellington Road, and its considerable area of tree planting, the existing trees along the west side of Old Stonehaven Road on the site boundary and the relative levels of the roads and the site at this point. The shed would only be visible within the local area and is of similar industrial type appearance to the small shed that was previously approved, which is considered appropriate on this site.

Along the east side of the site the previous application includes the proposal to lay a swale, with yard area adjacent to that. It is possible that tree roots would be damaged by this process and it is therefore proposed to attach conditions (similar to those attached to the previous consent) requiring replacement tree planting if the existing small trees should die or be damaged. In addition, with these measures in place and taking into account the context of the site, it is considered that the proposal accords with Policy D1 on Placemaking and although there are some tensions with Policy D2, as the landscaping would not fully screen the shed and HGVs, given the site context, the proposed landscaping is acceptable.

Parking and Transport

Parking provision is to the satisfaction of the Roads Development Management Team. The site is not readily accessible by public transport and walking, the parking is considered acceptable, as it based on the actual numbers of drivers, office staff and a small number of visitors, with a reduction below these numbers as the previously approved Green Travel Plan includes encouragement of car sharing. Visibility splays and pedestrian access were dealt with under the previous application and remain unchanged, having been conditioned on the previous application for the transport depot use. The proposal complies with Policy T2.

The drainage impact assessment is acceptable to the Flooding Team and a condition is attached to ensure that the sustainable urban drainage (SUDS) measures are put in place. The proposal complies with Policy NE6.

Matters Raised in Objection

1. *Proposal includes a pit, suggesting that part of the site would be used as a vehicle workshop. There are no details on how the pit would be drained or spillages handled.*

The applicant has confirmed that the pit within one of the bays in the shed would be used to improve the facilities for the regular inspection of vehicles, that is required as part of the licensing. Servicing would not be carried out on site. It is worth noting that the pit could be added within the shed, without the need for planning permission. Details of drainage and oil interceptors are the subject of a condition.

2. *Application shows lack of screening and loss of amenity to neighbouring properties.*
Plans have subsequently been revised and show the recently erected fencing and hedging that result in screening and measures to mitigate any loss of amenity to neighbours.
3. *Position of bins would be detrimental in terms of visual amenity and odours, to neighbours;*
The refuse bin storage location has been amended so that it is adjacent to the office, this location is sufficiently far from neighbours for there to be no impact.
4. *Conditions on previous consent have not been fulfilled.*
It is correct that conditions on the previous consent have been breached due to the landscape planting not having been carried out. A Breach of Condition Notice was served in July, as noted above, and comes into effect on 31st October 2018.

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

With existing trees, landscaping proposed as part of the Aberdeen Western Peripheral Route, and the relative levels, the proposed shed is acceptable in its visual impact on the surrounding area and the revised yard layout is acceptable in terms of parking and vehicle movement provisions as well as the measures proposed to deal with surface water. The proposal therefore accords with Aberdeen Local Development Plan 2017 policies LR1: Land Release Policy and OP59: Loirston; policies D1: Quality Placemaking by Design and although there are some tensions with Policy D2: Landscape, the proposal is acceptable within its context.

CONDITIONS

(1) That all planting, seeding and turfing comprised in the approved scheme of landscaping (shown on plan nos. P18-043_003 REV B and P18-043_004, or on such plans as shall be subsequently approved) shall be carried out in full by 31st December 2018, with the exception of the seeding which shall be carried out by 30th April 2019, all or as otherwise agreed in writing with the Planning Authority – in the interests of amenity of the area.

(2) That any trees, plants, or seeding including those existing trees along the east elevation of the site (area TG2 in the site plan attached to application 161164/DPP), which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, or in the case of seeding, does not successfully self-seed, shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or existing, 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.

(3) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a scheme for the protection of all trees to be retained on the site during construction works, and this shall be implemented and measures shall remain in place for

the duration of the works - in order to ensure adequate protection for the trees on site during the construction of the development.

(4) That no external lighting shall be installed on site other than in accordance with a scheme and details that have been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of residential amenity and road safety.

(5) That no development shall take place unless a scheme of all drainage works as shown on the approved plans, or such other as is subsequently submitted to and approved in writing by the Planning Authority, has been installed in complete accordance with the said scheme and thereafter no part of the development shall be brought into use unless the drainage is in place and fully operational- in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(6) Vehicle parking and turning areas shall not be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(7) That prior to shed being brought into use details shall be submitted to and approved in writing by the Planning Authority of measures for the prevention of pollution including in association with the drainage and spillages occurring from the inspection pit in the shed. The pit shall not be used unless such measures are in place and fully operational – in the interests of the prevention of pollution.

ADVISORY NOTES FOR APPLICANT

No construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	1 November 2018
REPORT TITLE	Confirmation of Tree Preservation Order Number 255/2018 Malcolm Road
REPORT NUMBER	PLA/18/177
CHIEF OFFICER	Gale Beattie
REPORT AUTHOR	Kevin Wright
TERMS OF REFERENCE	15

1 PURPOSE OF REPORT

- 1.1 To request the confirmation of provisional Tree Preservation Order entitled 255/2018 Malcolm Road made by the Chief Officer Strategic Place Planning under delegated powers. The provisional order currently provides temporary protection for the trees identified within the order but requires to be confirmed by the Planning Development Management Committee to provide long term protection.

2 RECOMMENDATION

- 2.1 It is recommended that Committee confirms the making of Tree Preservation Order 255/2018 Malcolm Road and instructs the Chief Officer - Governance to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

3 BACKGROUND

- 3.1 The Town and Country Planning (Scotland) Act 1997 places a duty on the planning authority to ensure that adequate provision is made for the preservation of trees. Where the planning authority considers it to be expedient in the interests of amenity they may make provision for the preservation of trees or woodlands by serving a Tree Preservation Order (TPO).
- 3.2 A TPO gives statutory protection to trees and woodlands that are considered to contribute to amenity or are of cultural and/or historical significance. Protecting trees has the further benefit of contributing to the Council's policies on improving our natural environment, improving citizen wellbeing and combating climate change.

- 3.3 The process of applying for work to protected trees allows for Council officers, Elected Members, Community Councils and members of the public an opportunity to comment on proposed works.
- 3.4 Tree Preservation Order number 255/2018 Malcolm Road was served as a provisional order on 3rd July 2018. The reasons for serving the order are noted in section 3.5 below.
- 3.5 This tree preservation order is being made in the interests of amenity to make provision for the preservation of trees and woodlands. The land on the northeast side of Malcolm Road contains trees which are considered to make significant contributions to the amenity and landscape of the area. They present important landscape features which have positive impacts in providing landscaped backdrops and context to the area, including proposed developments bounding the site.
- 3.6 In addition, the site is included in the Scottish Ancient Woodland Inventory (AWi), prepared by Scottish Natural Heritage. This site was designated as such on the basis that it is 'Long Established of Plantation Origin - known to have been wooded since the 1870s.
- 3.7 Scottish Planning Policy identifies Ancient Woodland as an important and irreplaceable national resource that should be protected and enhanced. The Scottish Government's policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or Plantations on ancient woodland sites.
- 3.8 The group of trees to the southwest on the opposite side of Malcolm Road are considered to complement the larger woodland to the northeast and are considered to contribute to the overall amenity and landscape of the local area.
- 3.9 The serving of a Tree Preservation Order will allow Aberdeen City Council to consider all future tree work proposals and prevent works that are considered to be unsympathetic. In addition the order will ensure future tree cover in this area of Aberdeen.
- 3.10 No representations have been received in conjunction with the serving of the order.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no immediate financial implications. The costs associated with the serving of the provisional TPO and confirming the TPO will be met within existing budgets.

5 LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6 MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	n/a		
Legal	The Town and Country Planning (Scotland) Act and the Scottish Governments Policy on Control of Woodland Removal places a duty on the Council to consider the preservation of trees and woodlands in order to safeguard the multiple benefits that trees and woodlands provide. The risk is associated with not undertaking our duties as required/expected.	Low	The risk can be mitigated by giving due consideration to the appropriateness of confirming the Tree Preservation order.
Employee	n/a		
Customer	n/a		
Environment	See comments under legal risk.	Low	The risk can be mitigated by giving due consideration to the appropriateness of confirming the Tree Preservation order.
Technology	n/a		
Reputational	See comments under legal risk.	Low	The risk can be mitigated by giving due consideration to the appropriateness of confirming the Tree Preservation order.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	The proposal is unlikely to significantly contribute or result in a negative impact on the economy of

	Aberdeen.
Prosperous People	The proposal is unlikely to have any significant impact on people with protected characteristics or any negative impact on the delivery of the Councils Equality outcomes.
Prosperous Place	The proposal will have a positive impact on the environment. The proposal seeks to safeguard public amenity and seeks to ensure suitable future management of the trees included within the order. Trees and woodlands deliver multiple benefits. In addition to their contribution to amenity they play a significant role in improving air quality, assist in mitigating climate change, provide health benefits and help improve social wellbeing. They are an integral habitat feature and directly and indirectly support a wide range of wildlife.
Enabling Technology	The proposal will not advance technology for the improvement of public services.

8 IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable.

9 BACKGROUND PAPERS

- Town and Country Planning (Scotland) Act 1997, Part VII Special Controls, Chapter I Trees
- The Scottish Governments Policy on Control of Woodland Removal

10 APPENDICES

TPO255/2018 Site Plan

11 REPORT AUTHOR CONTACT DETAILS

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This is the map referred to in the City of Aberdeen Tree Preservation Order No.255 Malcolm Road, Aberdeen (2018)

Signature

Scale approx 1:2500



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