

Public Document Pack



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

Town House,
ABERDEEN 21 May 2019

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 30 MAY 2019 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

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 18 April 2019 - for approval (Pages 9 - 18)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 19 - 20)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Erection of 118 affordable residential units (72 flats set over 3/4/5 storeys and 46 houses) with associated landscaping, parking and infrastructure - 19 North Anderson Drive (Pages 21 - 40)

Planning Reference – 182101

All documents associated with this application can be found at the following link and enter the number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Gavin Clark

- 6.2 Formation of new access and driveway with gate, wall and pillars through an existing boundary wall; closing up an existing drive opening; with all associated landscaping works - Inchgarth House Aberdeen (Pages 41 - 50)

Planning Reference – 182093/DPP

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Robert Forbes

- 6.3 Partial demolition and alteration of existing boundary wall and formation of new gated vehicle access - Inchgarth House (Pages 51 - 56)

Planning Reference – 182141/LBC

All documents associated with this application can be found at the following link and enter the number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Robert Forbes

- 6.4 Erection of 2 storey dwellinghouse within garden ground and alterations to boundary wall - 4 Westfield Terrace Aberdeen (Pages 57 - 66)

Planning Reference – 182030

All documents associated with this application can be found at the following link and enter the number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Nicholas Lawrence

- 6.5 Residential development comprising of 216 units (across zones A, B, C, D and E) with associated access, landscaping and infrastructure - Land To South Of Hazledene Road, Aberdeen (Pages 67 - 86)

Planning Reference – 182053/DPP

All documents associated with this application can be found at the following link and enter the number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Gavin Evans

- 6.6 Erection of 2 storey gable extension - 12 Woodlands Walk (Pages 87 - 94)

Planning Reference – 190606/DPP

All documents associated with this application can be found at the following link and enter the number above:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/>

Planning Officer: Jane Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Change of use from class 1 (shops) to hot food takeaway (sui generis) and installation of ventilation duct - 16 Sclattie Park (Pages 95 - 100)

Planning Reference – 190532

All documents associated with this application can be found at the following link <https://publicaccess.aberdeencity.gov.uk/online-applications/> and enter the number above:-

Planning Officer: Robert Forbes

7.2 Subdivision of existing feu and erection of 3 storey dwelling - 325 Holburn Street (Pages 101 - 110)

Planning Reference – 190623

All documents associated with this application can be found at the following link <https://publicaccess.aberdeencity.gov.uk/online-applications/> and enter the number above:-

Planning Officer: Jane Forbes

OTHER REPORTS

8.1 Committee Effectiveness Report - GOV/19/285 (Pages 111 - 126)

DATE OF NEXT MEETING

9.1 27 June 2019 - 10am

To access the Service Updates for this Committee please click [here](#)

Website Address: www.aberdeencity.gov.uk

Please note that Daniel Lewis, Development Management Manager, 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, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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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DECLARATIONS OF INTEREST

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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 18 April 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

The agenda and reports associated with this minute can be found [here](#).

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 21 MARCH 2019

1. The Committee had before it the minute of the previous meeting of 21 March 2019, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

Councillor Cormie queried when the May Baird Avenue application would be reported to Committee. In response Daniel Lewis, Development Manager advised that this was scheduled to come to the May meeting.

The Committee resolved:-

to note the information contained within the Committee business planner.

REPLACEMENT OF FRONT DOOR OF PROPERTY (RETROSPECTIVELY) - 66 TILLYDRONE AVENUE

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

That the retrospective application for the replacement of a front door to the property of 66 Tillydrone Avenue, 190233/DPP, be approved unconditionally.

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

The Committee resolved:-

to approve the application unconditionally.

APPROVAL OF MATTERS SPECIFIED IN CONDITION 23 (JUNCTION LAYOUT) - LAND AT ROWETT SOUTH JUNCTION BETWEEN FORRIT BRAE AND A96

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

That the application for the approval of matters specified in condition 23 (junction layout) of Planning Permission in Principle ref 140844, to prevent right turn movement from the A96 into Forrit Brae or from Forrit Brae onto the A96 eastbound, 190281/MSC, be approved unconditionally.

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

The Committee resolved:-

to approve the application unconditionally.

ALTERATIONS TO FACADE - ABERDEEN RAILWAY STATION

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

That the application for alterations to the façade at Aberdeen Railway Station, 190374/PNR, be granted prior approval.

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

The Committee resolved:-

to grant prior approval.

ERECTION OF THREE CLASS 3 (FOOD AND DRINK) UNITS INCLUDING TWO DRIVE-THRU FACILITIES - LAND ADJACENT TO VETERINARY HOSPITAL KINGSWELLS

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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That the application for the erection of three class 3 (food and drink) units, including two with drive-thru facilities, at the land adjacent to the Veterinary hospital, Kingswells Aberdeen, 181336/DPP, be refused.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the application and answered various questions from members. Scott Lynch, Senior Engineer, also answered questions in regard to the roads. It was noted that in relation to the parking spaces on site, the report should state 97 standard spaces. Mr Easton also highlighted that 488 letters of representations were received, of which 237 objected and 251 were in support.

The Convener, seconded by Councillor Cooke, moved:-

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

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

That there be a willingness to approve the application conditionally subject to a legal agreement. It was considered that the proposed development complies with Policy B2 (Specialist Employment Areas) as it would service the nearby Prime Four Business Park employees. The proposed development also complies with Policies D1 (Quality Placemaking by Design), R6 (Waste Management Requirements for New Developments) and NE6 (Flooding, Drainage and Water Quality). The proposed development would also have a positive economic impact on the city and surrounding areas and would add to the limited local amenities for residents, outweighing adopted policy on the location of such uses.

On a division, there voted:- for the motion (4) – the Convener and Councillors Cooke, Copland and Greig; for the amendment (5) – Councillors Allan, Cormie, MacKenzie, Malik and Jennifer Stewart.

The Committee resolved:-

to adopt the amendment and therefore approve the application with the following conditions.

Conditions

1. ARCHAEOLOGICAL WRITTEN SCHEME OF INVESTIGATION

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written

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scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason – To safeguard and record the archaeological potential of the area.

2. TREE PROTECTION

No development shall take place unless a further revised scheme showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority. Thereafter no development shall take place unless the approved scheme has been implemented.

Reason – to ensure adequate protection for the trees on site during the construction of the development.

3. BIRD HAZARD MANAGEMENT PLAN

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The submitted plan shall include details of –

- Management of any flat/shallow pitched roofs (pitch less than 15°) on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’
- Arrangements for the collection (including litter bins) and storage of putrescible waste
- Signs deterring people from feeding the birds

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

Reason – To manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport

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4. ECOLOGY SURVEY RECOMMENDATIONS

Development shall take place in accordance with the recommendations contained within section 4.3 – 4.6 of the Ecology Survey produced by Direct Ecology and dated 20 December 2018 (Version 2).

Reason – to in order to mitigate the impact of development on species and habitats.

5. LANDSCAPING

No development shall take place unless a further revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. The scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new [trees, shrubs, hedges, grassed areas and water features] - Delete as appropriate.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
- (v) An indication of existing trees, shrubs and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development 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 help integrate the development into the local landscape.

6. EXTERNAL LIGHTING

No development shall take place unless a scheme of all external lighting for the development has been submitted to and approved in writing by the planning authority. Thereafter lighting should be installed in accordance with the approved scheme.

The use of low-level, low intensity lighting is recommended, and the use of white green spectrum lighting should be avoided due to its impact upon foraging bats. Lighting should be avoided to the north of unit 1 where it would illuminate the tree line.

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Reason – in order to minimise artificial lighting and its potential impact on bats.

7. COOKING EXTRACTION SYSTEM

No unit shall be occupied unless a scheme showing the proposed means of filtering, extracting and dispersing cooking fumes for that unit has been submitted to and approved in writing by the planning authority.

Thereafter no unit shall be occupied unless the said scheme has been implemented in full and is ready for operation

Reason – in order to protect surrounding residential properties from cooking odours.

8. PROVISION OF ACCESS ROAD AND PARKING

No unit shall be occupied unless

- (i) the access road between that the unit and the A944 has been provided and available for use; and
- (ii) the car, motorcycle, and bicycle parking and electric vehicle charging points associated with that unit have been provided and are available for use in accordance with Fitzgerald Associates drawing 100[2] (Rev.G) or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars, motorcycles and bicycles ancillary to the development and use thereby granted approval.

Reason – in the interests of public safety and the free flow of traffic.

9. STAFF TRAVEL PLANS

No unit shall be occupied unless a unit specific travel plan has been submitted to and approved in writing by the planning authority. The travel plan shall outline sustainable measures to deter the use of the private car by staff, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets. Thereafter each member of staff shall be provided with a copy of the travel plan at the start of their employment.

Reason – to encourage more sustainable forms of travel to the development.

10. PROTECTED SPECIES SURVEYS

Unless development commences prior to 31 January 2020 a revised protected species survey shall be submitted to and approved in writing by the planning authority.

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Thereafter the measures identified in the survey shall be implemented during the construction and operation of the development.

Reason – in order to avoid harming protected species.

11. MODIFICATION OF SITE JUNCTION AND A944

No unit shall be occupied unless the junction between the site and the A944 has been modified (including the closure of the central reservation) in accordance with Fitzgerald Associates drawing 100[2] (Rev.G).

Reason – in order to ensure the safety of road users.

12. DRAINAGE

No unit shall be occupied unless the drainage works associated with that unit and detailed on Ramsay & Chalmers drawing 100 (Rev.D) or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in accordance with the approved details

Reason – To safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

13. WASTE STORAGE

No unit shall be occupied unless the waste storage area associated with that unit has been provided and is available for use.

Reason – to preserve the amenity of the neighbourhood and in the interests of public health.

ENFORCEMENT REPORT - 18 HOME FARM GARDENS - PLA/19/241

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed members of a breach of planning control which comprised the unauthorised erection of timber decking along the rear boundary with associated steps and handrails at 18 Home Farm Gardens, Bridge of Don, Aberdeen.

The report recommended:-

That the Committee –

- (a) authorise the serving of an Enforcement Notice upon the owner of the property, to rectify the breach of planning control; and
- (b) to agree that the breach should be remedied by the removal of the unauthorised timber decking with associated steps and handrails along the rear boundary.

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The Committee resolved:-

to approve the recommendations as contained within the report.

ENFORCEMENT REPORT - INCHGARTH HOUSE - PLA/19/242

8. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed members in respect of a breach of planning control comprising the formation of an unauthorised chimney to the north-west gable at Inchgarth House, Inchgarth Road and sought authorisation to commence enforcement action, and if necessary, redress in the Courts as deemed appropriate.

The report recommended:-

that the Committee –

- (a) authorise the serving of an Enforcement Notice upon the owner/occupier of the property, to rectify the breach of planning control; and
- (b) agree that the breach should be remedied by the removal of the unauthorised chimney on the north-west elevation of the application property, or other scheme agreed in writing by the Planning Authority.

The Committee resolved:-

to approve the recommendations as contained within the report.

TREE PRESERVATION ORDER 256 - PLA/19/233

9. With reference to article 7 of the minute of the meeting of 15 February 2018, the Committee had before it a report by the Chief Officer – Strategic Place Planning, which requested the confirmation with modifications of provisional Tree Preservation Order 256/2018 Malcolm Road. The provisional order currently provided temporary protection for the trees identified within the order but required to be confirmed by the Committee to provide long term protection.

The report recommended:-

that the Committee confirm the making of Tree Preservation Order 256/2018 Malcolm Road and instruct 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.

The Committee resolved:-

to approve the recommendation as contained within the report.

DATE OF NEXT MEETING - THURSDAY 23 MAY 2019 AT 10AM.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

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10. It was noted that the next meeting of the Committee had been changed due to the European Election and would now be held on Thursday 30 May at 10am with a meeting of the Pre Application Forum at 3pm on the same day.

The Committee resolved:-

to note the change in date for the next Planning Development Management Committee

- **Councillor Marie Boulton - Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
18 April 2019

	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	30 May 2019								
4	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.5		
5	19 North Anderson Drive	To approve or refuse the application.		Gavin Clark	Strategic Place Planning	Place	1		
6	Inchgarth House	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
7	Inchgarth House	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
8	16 Scattie Park	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
9	4 Westfield Terrace	To approve or refuse the application.		Nicholas Lawrence	Strategic Place Planning	Place	1		
10	Pinewood Hazledene	to approve or refuse the application.		Gavin Evans	Straegic Place Planning	Place	1		
11	325 Holburn Street	To approve or refuse the application.		Jane Forbes	Strategic Place Planning	Place	1		
12	12 Woodlands Walk	To approve or refuse the application.		Jane Forbes	Strategic Place Planning	Place	1		
13	27 June 2019								
14	Shielhill Road Mundurno	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1	D	Delayed at request of applicant to allow for submission of supporting information.
15	May Baird Avenue	To approve or refuse the application.		Lucy Greene	Straegic Place Planning	Place	1		
16	15 August 2019								
17									
18	19 September 2019								
19									
20	31 October 2019								
21									

	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									
22			05 December 2019						
23									
24	AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)								
25									
26									
27									

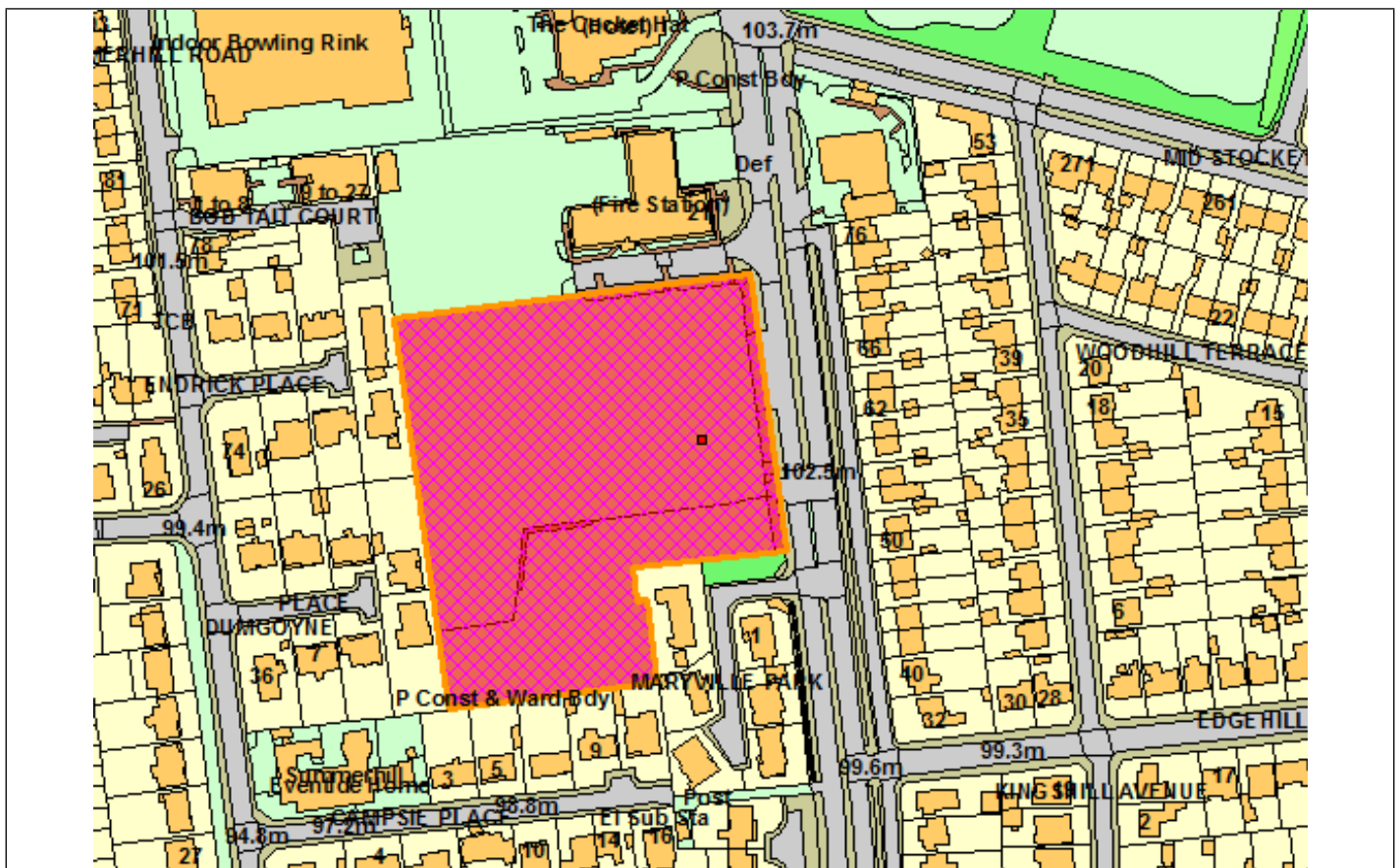


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30th May 2019

Site Address:	19 North Anderson Drive, Aberdeen, AB15 6TP.
Application Description:	Erection of 118 affordable residential units (72 flats set over 3/4/5 storeys and 46 houses) with associated landscaping, parking and infrastructure
Application Ref:	182101/DPP
Application Type	Detailed Planning Permission
Application Date:	18 December 2018
Applicant:	Sanctuary Scotland Housing Association Ltd
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Mastrick, Sheddocksley and Summerhill
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally & Subject to Legal Agreement

APPLICATION BACKGROUND

Site Description

Approximately 1.78 hectares and encompassing the majority of the former Scottish Fire and Rescue Service's (SFRS) site at North Anderson Drive. Excluded is the operational fire station and SFRS workshop at 21 North Anderson Drive, all immediately to the north.

The site has been cleared and is predominantly level (between 102.7mAOD in the south and 104mAOD in the north-east), with some mounds of demolition rubble from previous buildings.

To the east, across North Anderson Drive, are traditional granite built semi-detached dwellings; whilst to the south and west are similar detached dwellings located on Maryville Park, Campsie Place, Dumgoyne Place and Endrick Place.

Relevant Planning History

A Proposal of Application Notice (PoAN) (Ref: 171355/PAN) was submitted on the 11th November 2017, advising of: a major residential development of approximately 125 affordable units, with associated landscaping, car parking and infrastructure. The Planning Service advised on the consultations required on the 21st November 2017.

In June 2016 the Planning Development Management Committee (PDMC) agreed a willingness to approve planning permission in principle (Ref: 151969) for: a residential development of up to 90 units, with associated access, infrastructure and landscaping. This application was subsequently withdrawn in November 2017, prior to conclusion of the legal agreement, thus no planning permission was issued.

Planning permission (Ref: 181798/DPP) was approved retrospectively in November 2018 for the erection of timber hoardings around the site, primarily associated to containment for demolition.

Planning permission (Ref: 99/1338) was refused in June 2001 for the erection of a Tesco superstore, car park, service yard, associated roads, recycling point, landscaping and alterations to North Anderson Drive. A subsequent appeal was dismissed in May 2002.

Pre-Application Consultation

The proposed development was subject to pre-application consultation on the 25th January 2018 between the applicant and the local community, as required for applications falling within the category of major developments, as defined in the "Hierarchy of Development" Regulations. The consultation involved a public exhibition at Best Western Summerhill Hotel, where display boards set out proposals and members of the project team were available to answer questions. The event was publicised in advance in the local press. Consultation was also undertaken with a number of neighbours, Local Councillors and the local Community Council (Mastrick, Sheddocksley and Summerhill).

A Pre-Application Consultation Report accompanies the application, this details the consultation undertaken and how the comments received have been incorporated into the proposals.

APPLICATION DESCRIPTION

Description of Proposal

The development of 118 affordable residential units, comprising: 46 houses and 72 flats, the latter across two blocks. The above number would include eight assisted living flats, with the rest of the development socially rented houses/ flats. Block 1 is set over 4 storeys and has an east-west orientation, with a maximum height of 13.7m; whereas Block 2, which is predominantly north-south

facing and set over 3, 4 and 5 storeys and has a maximum height of 16.9m. The flats are in the eastern section of the site, primarily fronting onto North Anderson Drive. The houses are to the west, back from North Anderson Drive. The properties would be of various sizes, 1-3 bed, as detailed below.

Unit Size	Number of Units	Percentages of Total
1 Bed Apartment	33	29%
2 Bed Apartment	39	32%
2 Bed Houses	5	4.2%
3 Bed Houses	41	34.8%

Hard and soft landscaped areas would be provided, including grassed areas of open space, seating areas; play equipment and shrubs /trees. This sees a focal 'community green' in the north-western part. Parking, cycle parking and communal waste storage facilities would also be provided throughout.

A variety of building finishing materials are proposed, including brick; PVCu windows; and dry-dash render. Boundary treatments would include 1.8m high acoustic/ timber fencing, 1.8m high brickwork walls and a 0.9m high granite wall.

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=PJPVRFBZJQD00>.

- *Flood Risk Assessment & Drainage Strategy: December 2018* - provides details of the proposed development along with a flood risk assessment, SUDS designs, foul drainage details and an overall conclusion.
- *Pre-Application Consultation Report: November 2018* – provides, amongst other things, details of the development, levels of consultation undertaken, a summary of consultee views and also details of alterations made to the proposal as a result of the consultations.
- *Supplementary Site Investigation Report: November 2018* – provides details of the site, an appraisal of existing information, a conceptual site model, geotechnical considerations, chemical contamination information, gas emissions, water supply and an overall summary/ conclusion. An updated document was submitted in May 2019 to address initial comments received from colleagues in Contaminated Land.
- *Noise Impact Assessment: March 2019* – provides details of the noise survey undertaken, along with predictions, external noise levels and sound insulation recommendations.
- *Transport Statement: March 2019* – provides details of the development proposals, local and national transport policy, accessibility, vehicular accessibility and an overall summary/ conclusion. An updated document was received in May 2019 with revised information regarding the safe routes to school element of the proposal.
- *Tree Survey: March 2019* – introduces the proposal, details of the site, a method statement and details of proposed tree management/ protection.
- *Design and Access Statement: April 2019* – provides details of the site, design development, the proposed development and consultee comments and how they have been addressed.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee as the proposal constitutes a “Major” development, subsequently the proposal falls out with the Council’s Scheme of Delegation.

CONSULTATIONS

ACC - Education – No objection, contribution required. Advise that the site is zoned to Fernielea School and Hazlehead Academy; that there is sufficient capacity at Fernielea School, however the pupil roll at Hazlehead Academy is expected to exceed its capacity from 2021, and additional pupils generated by this development would add further pressure on space at the school, a contribution (£13,175) would thus be required to assist in reconfiguring the building, to provide the additional space.

Developer Obligations Team – No objection, advise of the following required contributions: secondary education (£13,175), community facilities (£175,536), sport and recreation (£75,648), core path network (£35,712) and healthcare (£55,392). The total amount being £355,463 and secured via Legal Agreement.

Transport Scotland (TS) – Advise that as of 1st April 2019, North Anderson Drive ceased to be a trunk road and TS therefore no longer require to be consulted.

ACC - Flooding and Coastal Protection – No objection. Note the applicants intended use of filter trench's in the SUDS scheme. Strongly recommend the use of permeable materials where suitable in the design, to prevent an increase in the surface water runoff.

Also sought confirmation that: no water would flow out of the site at the 1/200 years event, plus climate change, and that no property (within or out the site) would be at flood risk; and that the run off at the 1/200 years event does not exceed the pre-development run off. These confirmations were received from the applicant on the 25th April 2019.

ACC - Waste Strategy Team – provided comment on the proposal and sought clarification on swept path for refuse vehicles and details of collection points for a number of the flats. They also advised of the waste requirements for the development.

ACC - Roads Development Management Team – No objection. The detailed response is discussed below.

ACC - Environmental Health – No objection. The detailed response is discussed below. Overall air quality and noise issues can be controlled by planning conditions.

ACC - Housing – No objection. Are supportive of the application, which is included in the Strategic Infrastructure Housing Plan (SHIP) Advise that funding has been approved for this project, which provides additional social housing, with some fully wheelchair accessible and suitable for people with learning difficulties.

Police Scotland – No objection. Advise that the general layout appears good from a Crime Prevention Through Environmental Design (CEPTED) perspective. Make some recommendations with regards to the use of materials, boundary treatments, landscaping and footpaths. An informative will be added suggesting that the applicants liaise with the Police Scotland Architectural Liaison Officer and advising the applicant to achieve Secured by Design.

Scottish Environment Protection Agency – No objection, in terms of flood risk. Request conditions requiring the submission of: a construction environment management plan (CEMP); and a scheme of green measures that are to be implemented on site, and would welcome the use of any non-contaminated material on site and the reduction of construction waste in accordance with the waste hierarchy of reduce, reuse and recycle. Also provide general comment on contaminated land and advise of other regulatory requirements.

Scottish Water – No objection.

ACC - Contaminated Land Team – No objection. The detailed response is discussed below.

Mastrick, Sheddocksley and Summerhill Community Council – No response received.

REPRESENTATIONS

5 objections have been received, 2 at the time of the original submission (in December 2018) and a further 3 following re-notification associated to the revised proposals (on 26th March 2019). These latter submissions were from new objectors, although supplementary comments were received from one of the original representees. The matters raised are as follows:

Initial Submission:

1. Access Issues – the left in/ left out arrangement from Anderson Drive, and the possibility/ issues of cars making U-turns into Maryville Park. The increased volume of traffic into Maryville Park is not acceptable;
2. The five-storey high flats are not in keeping with the surrounding area;
3. The proposal should have a minimum of one parking space per flat;
4. Requested details of boundary treatments;
5. Whether the existing telegraph pole on site would be moved; and

Revised Proposal:

6. The removal of mature trees from within the areas designated as Plots 34, 35 and 36;
7. The proposed footpaths to the rear of Plots 32 and 36 would create a security and noise risk for neighbouring properties;
8. Concerns about the amendments that have been undertaken to Plots 32 to 36, noting that the original layout would be more acceptable, and there would now be concerns with overlooking and loss of privacy (in particular from the proposed flats).

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth,

maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Buildings & Water Efficiency
- CI1: Digital Infrastructure

Supplementary Guidance (SG)

- Landscape
- Sub-Division and Re-Development of Residential Curtilages
- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Air Quality
- Noise
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

Other Material Considerations

- Local Planning Advice: Fire Station Site, North Anderson Drive Planning Brief

EVALUATION

Principle of Development

The site is within an area zoned as residential, under Policy H1 of the ALDP. As the proposal relates to residential development it in principle could be approved, if it does not: constitute over development; adversely affect the character or amenity of the surrounding area; and it complies with any relevant Supplementary Guide. These detailed issues set out in H1 are assessed below.

It should also be noted that Local Planning Advice relates to the site (North Anderson Drive Planning Brief). This dates from January 2013 (and also covers the additional SFRS area to the north). The brief indicates 4-6 storey properties fronting onto Anderson Drive and then terraced housing, with areas of amenity space. The layout, as proposed, would generally follow the relevant principles of this document.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the nature of the proposal, being a brownfield development that is generally compliant with the policies of the ALDP; it is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Layout and Design

Policy D1 states that all development must ensure high standards of design and have a strong and distinctive sense of place, which is a result of: context appraisal, detailed planning, quality architecture, craftsmanship and materials. Also well considered landscaping and a range of transportation opportunities ensuring connectivity are required, compatible with the scale and character of the development.

The density is considered high, twice the guideline minimum within Policy H3 (Density), at 60 units per hectare. This case minimum would equate to 53.4 units. However, the context of the site allows for a significant proportion of flats and a generally higher density than the policy guideline. Such higher densities are common in certain contexts, such as the city centre where there are a high level of public amenities and good public transport links. In this case, the site is located next to a mixed-use area and designated centre, as well as on a primary transportation route, which sees access to bus routes linking to the city centre within 400m of its boundary. It is also within 150m of a similar scaled flatted development to the north. For the above reasoning, the density of development is considered appropriate.

The proposal includes a mixture of thirty-three 1-bed and thirty-nine 2-bed apartments, five 2-bed and forty-one 3-bed houses. Colleagues in Housing are supportive of this application, which is included in the SHIP. Indeed, funding has already been approved for this project, which sees some fully wheelchair accessible properties made suitable for people with learning difficulties. The general layout and mixture of property types is appropriate and comprises 100% affordable housing. The proposal would therefore comply with the general principles of Policies H4 and H5 of the ALDP, as well as its associated SG.

Generally, it is desirable that residential units benefit from a dual aspect, i.e. have windows which face out from two separate elevations/in different directions. This is due to the recognition that the provision of more than one aspect can result in multiple benefits for internal amenity. These benefits include: greater internal natural light and the ability to achieve through ventilation, by opening windows on two elevations, thus helping to minimise overheating and bringing benefits from solar gain. The proposals see the majority of properties having a dual aspect, although sixteen (22.2% of the units) would be single aspect.

In terms of Block 1, four of these flats would face North Anderson Drive only; whereas the other four would face onto the access road and informal play area (11.1% of the flats in total). Whilst this isn't an ideal situation, given the small number of flats concerned and the landscaped buffer (5-7m wide) between the block and North Anderson Drive and the outlook onto the informal play area and mature trees for the others, this arrangement is accepted in this instance.

Eight of the flats in Block 2 are single aspect, five would face North Anderson Drive and three would face into the development. This would equate to 11.1% of the overall development. As previously indicated, it is often accepted that a small proportion of units within a large flatted development will invariably be single aspect, due to the characteristics of the site dictating such and to make best use of space. Although again not ideal and limits resident's amenity the number of single aspects flats within this block also allows for optimising the use of the land and level of social housing which can be provided.

The flatted blocks vary from three to five storeys, with a maximum height of around 16.9m, the north-east corner onto North Anderson Drive. This massing and layout is considered acceptable in terms of how it would sit within the context of the surroundings. Whilst it is acknowledged that there are a number of single and one and a half storey properties located locally, and the site sits at the top of a rise; there are nearby blocks of flats fronting North Anderson Drive of 5 to 6 storeys 150m to the north on (Midsocket View); although it is noted that these buildings sit further down from the brow of the rise. Despite this it is not considered that the proposals would look significantly out of context. The nearest residential properties to the two proposed flatted blocks are located either to the east across North Anderson Drive (45m away), or to the south on Maryville Park (55m away) which is beyond the access road and an area of proposed open space, then separated by a number of mature trees that are to be retained. To the north there is the fire station, Crocket Hat (a restaurant/ public house), hotel and the flats previously mentioned. The proposed buildings would therefore not be overbearing on surrounding uses or cause any issues with privacy or overshadowing.

The flatted buildings would be relatively simple in design and use of materials, with various colours of brick and metal seam cladding providing a contemporary finish to the building that would make an acceptable addition to their context. The enlarged windows and Parisian style balconies would also help break up a number of the elevations and provide natural light for residents.

In terms of the proposed dwellings; these would all generally sit within the site, behind the flats and some distance (circa 50m) from North Anderson Drive. All would be two storey, similarly scaled to those residential properties to which they sit closest, finished in a dry dash render with elements of facing brick (in some gables and to porches) and a tiled roof. These materials (which would be finalised via condition) are appropriate and common within residential developments throughout the city. The design is relatively simple, and the materials considered appropriate for their setting.

It is noted that a number of objections relate to the revised design and re-orientation of the plots. These changes were requested by planning officers, in order to achieve an acceptable layout. Whilst there may now be properties closer now than previously, there would be in excess of 18m window-to-window separation as required within Supplementary Guidance (approximately 27m to the properties on Campsie Place). The properties on the western side of the site would see their rear elevations face the side elevations and garden grounds of properties on Dumgoyne Place and Endrick Place, no significant overlooking would result and clearance of approximately 14m would be achieved.

As mentioned above, the original layout has been extensively re-designed, to ensure that each potential occupier would have appropriate levels of amenity space. In this regard each property would have at least 9m deep rear gardens; with areas of open space around each block of flats,

with a significant communal area in the north-west of the site, and a play park located close in the south-east entrance. There would also be tree planting undertaken (discussed below). The layout of the site is considered to be appropriate and would ensure that there would be no unacceptably adverse impact on residential amenity, either existing or proposed.

In summary the buildings would sit comfortably within their surroundings, in terms of their general scale and the proposal would be seen to comply with the general principles of Policies D1 and H1 of the ALDP.

Roads

Parking: In terms of car parking standards, most of the development would be rented social housing, where the 'outer city' location recommends 0.8 spaces per unit. Taking out the assisted living accommodation this would equate to 87 spaces for the 109 standard social housing units. In addition, 4 parking spaces would be required for the 8 assisted living units, bringing the total parking figure equal to 91 spaces.

The proposal sees 84 physical spaces: 78 mainstream spaces; 4 'disabled' (the latter which complies with ACC standards); and 2 car club spaces.

Guidance advises that a car club space can equate to 17 physical spaces, reflecting the alternative option to private car ownership. As such, the proposal is for 84 physical spaces, enhanced by the equivalent of 32 via the car club spaces, thus an equivalent total of 116 spaces. This is in excess of the guidance figure of 91, but is not seen as excessive, in terms of physical spaces, or being too heavily reliant upon car club. The layout has also been altered to design out any hard edges to lessen the possibility of indiscriminate parking within the curtilage of the site.

All parking bays dimensions comply with ACC standards, and the internal loop road within the development would be adopted. The submitted drawings/ information also indicate that bicycle storage for 44 bicycles would be provided (in two bike stores); this accords ACC standards, as do the number of short stay cycle parking spaces. 8 motorcycle parking spaces are proposed, an inconsequential shortfall of 1 space.

Car Club: Two car club cars, two active electric charge point spaces (sockets installed powered up and ready for action), and two passive electric charge point spaces (cabling and power capacity there to add to extra sockets later) would be provided. This has been agreed with the applicants and the delivery of the vehicles would be controlled in the legal agreement; with implementation of the required structures controlled via condition.

Vehicular Access: The proposed access would be via a left-in / left-out priority junction with A92 North Anderson Drive. The existing gap in the central reservation opposite the site is to be closed off prior to the development commencing. It is noted that objecting comments were received from neighbours, who had concern that occupants would use Maryville Park as a u-turning area to access the development. Colleagues in RDM are content with the access arrangement that would see occupants use either the roundabout to the south or the junction to the north to take these manoeuvres. Colleagues in RDM have raised no objection to this element of the proposal

Local Road Network: The applicants have undertaken a Safe Routes to School assessment to Fernielea School, Holy Family Roman Catholic School, Mile End School and Muirhead School. This development site would fall within Fernielea School catchment area. The proposed residential site is located within an acceptable walking distance of numerous schools which can all be accessed safely for the existing adopted road network. The walking routes have adequate crossing facilities, street lighting and are all overlooked and safe. As such the site is well located.

Walking and Cycling: The site is nearby to established footways, with pedestrian road crossing points in close proximity. The nearest core path (Core Path 27) is located within 650m, which provides links to Hazlehead Park and a number of other core paths. There is a recommended on-road cycle route that passes the site, linking to the wider cycle network. There is also a shared use cycle path on A944 Lang Stracht, which provides connectivity to Westhill and Kingswells. The proposal is therefore considered acceptable in this regard.

Public Transport: There is good public transport connectivity, with bus stops on two roads within 400m of the site, both which are served regularly and provide connections to Kingswells, Westhill and the City Centre. First Bus Service 23 connects to the City Centre and operates every 10 minutes during most of the day and every 30 minutes on a Sunday. Although the A92 Anderson Drive / B944 Lang Stracht traffic signal-controlled junction currently does not have a pedestrian phase (which the financial contribution proposed partially going to an upgrade of this junction). There are also bus stops available within 5-7 minutes' walk accessing bus links to Inverurie and Oldmeldrum (opposite Woodhill House to the north). The site is therefore considered well served by bus routes, and therefore acceptable in this regard.

Other Roads Matters: A Travel Plan is required, which should have: an overarching aim, realistic modal sharing targets, and a series of measures to obtain these targets set out in an action plan. The information highlighted by the applicants in terms of what the Travel Plan should contain is sufficient and its submission can be conditioned.

In terms of mitigation works, the signalised junction of the A92 Anderson Drive/ B944 Lang Stracht Aberdeen, Anderson Drive is a two-lane dual carriageway road with a 40mph speed limit in force and traffic using the B944 has 30mph speed limit. Both B944 Lang Stracht and Westburn Road are two lane urban distributor roads which radiate from the city centre westwards. This junction operates well for vehicles but has inadequate safe facilities for pedestrians and cyclists. Currently, there are drop kerbs to help pedestrians to cross the side roads. The Council is developing a post AWPR scheme to provide a pedestrian phase within the traffic signal configuration and refreshing the advance stop lines for cyclists. Mitigation measures are therefore required; the applicants have agreed a contribution of £23,600 towards these upgrade works, and this has been accepted by colleagues in RDM and will be subject to control in the legal agreement.

As a result of the above, the proposal is considered to comply with Policies T2 and T3 of the ALDP, along with its associated Supplementary Guidance.

Open Space and Trees

On-Site Open Space: Policy NE4 (Open Space Provision in New Development) and associated SG of the LDP requires at least 2.8ha per 1,000 people of “*meaningful*” and “*useful*” open space in new residential development. For a development of the size proposed, this equates to 0.65 hectares of such space. However, on brownfield sites the requirement may be relaxed if developers can satisfy the Council that there are exceptional development costs associated with the site. In this case no such exceptional costs have been identified with the site already having been cleared. Whilst there are small amounts of contamination on site; this matter is not considered significant.

The submitted site plan indicates that approximately 0.31 hectares of open space would be provided. The main area would be a ‘community green’ in the north-east part, which would be bound by a number of trees. Other areas would be located adjacent to the blocks of flats and to the south of the main entrance to the site, where an informal play area is also proposed. In this instance, given the layout of the site, and the standard within the areas of open space proposed, it is considered that the amount of internal open space proposed is acceptable, despite being less than the 0.65 hectares required by policy – given that there are other areas of open space within close proximity. Private enclosed gardens, all at least 9m deep would be provided for all dwellings.

There are 30 trees within the application site. All but 3 would be lost. Of those lost 3 are for health and safety reasons, and the other 24 in order to facilitate the development. However, none are significant in terms of their value (and are not protected by a TPO) and their loss would be mitigated by significant tree planting across the development. Submitted plans indicate that 60 trees would be planted, a mixture of Rowan, Red Maple, White Birch, Tibetan Cherry, Lime and Hornbeam. This replacement planting would be more than the required 1 for 2, and the proposal would not offend the general principles of Policy NE5 (Trees and Woodland). It is also noted that areas of shrubs are proposed within the site boundary to complement the above tree planting. Implementation of these works will be controlled via an appropriately worded planning condition.

In terms of Tree Protection, submitted information indicates that the development would be out with zone of influence (ZOI) for the mature trees outwith the site (nearest Maryville Park). The same is indicated for trees 540-542 which are to be retained. An appropriate condition will be inserted to ensure that adequate tree protection measures are provided during development.

Accessibility to Public Open Space: In terms of the proximity of existing public open space, the location is slightly outwith the threshold distance for major open space (standard is 1.5km, whereas the nearest – Hazlehead Park is 1.7km away); local open space standards see an area of open space adjacent to the site (at Midstocket), on the opposite side of North Anderson Drive at its junction with Midstocket Road. Given the proximity of these spaces, and the marginal failure to comply with access to major areas of open space, it is considered that the site is acceptable. No improvements to open space have been identified through the developer obligations process; although an improvement to the core path network and the provision of a play area within the site has been agreed and will form part of the associated legal agreement.

Open space would surround the blocks of flats, with the areas including benches and drying areas provided. All enclosed areas of open space would be overlooked, as would pedestrian routes which are placed along desire lines and generally set within the areas of open soft landscaping, all providing natural surveillance and reducing the opportunity for crime. Car parking spaces would be grouped together so that larger areas of open space can be provided closer to the flats.

The “informal play area”, to the south of the access road, could have some road safety concerns. A condition will therefore be added to the consent to ensure that an appropriate boundary treatment (likely to be a 1m high wall/fence/hedge) is provided, prior to the play area coming into use.

To summarise, although the quantity and quality of the open space which is proposed on site falls short of that expected by Policy NE4 and its associated SG; the areas within the site are considered to be of an acceptable quality; and there is readily available local public open space nearby such that, on balance, the open space provision within the site is considered to be sufficient.

Waste Management

Policy R6 requires that all new development should have sufficient space for the storage of general waste, recyclable materials and composite wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials.

Communal bin stores are to be provided for the flats; with the waste team also indicating what will be provided to each dwellinghouse. It is also noted that the cottage flats (Plots 26-31) will be provided with general rather than communal bins, this is accepted. The arrangements has been considered by the Councils Waste Management Service and found to be acceptable. The proposal

would therefore comply with Policy R6: Waste Management Requirements for New Development and its associated SG. An informative will be added advising of the waste requirements for the development.

Flooding, Drainage and Water Quality

Policy NE6 makes provisions to avoid flooding and ensure that surface water and foul drainage are dealt with satisfactorily. In this regard, the submitted Flood Risk Assessment and Drainage Strategy report, concludes that the development is not at risk of flooding on any SEPA flood maps, and that the SUDS strategy, treatment and components have been selected in order to comply with relevant guidance. Attenuation for the surface water, to restrict the forward flow from the development, is provided via a proprietary storage system and oversized pipes. Foul drainage is proposed to be adopted by Scottish Water, with final connection proposed to existing infrastructure.

The applicants have also stated that the submitted calculations show that no flooding occurs from the system up to the 200 year event plus climate change, and they are therefore of the opinion that no water would flow out of the proposed plot at the 1/200 year event plus climate change, and that no property (within or outwith the plot) would be at flood risk. They also confirmed that the run off at the 1/200 years event would not exceed the pre-development run off. The drainage proposals have been reviewed by the Council's Flooding Team and found to be acceptable. Scottish Water have also raised no objection to the proposal. The development is therefore considered to comply with NE6: Flooding, Drainage & Water Quality and its associated SG.

Contaminated Land

Given the former use of the site as a Fire Station, a site investigation report was requested. The report noted that small elements of contamination were found on site and localised remediation would be appropriate within the "at risk" areas. Environmental testing would also be required for any materials imported on to the site, to ensure they are suitable for use and of a non-contaminating nature.

The report was assessed by colleagues in Environmental Health – Contaminated Land, who were in general agreement with the conclusions and recommendations as they relate to the identified contaminants of concern. However, given the site's long history of use for firefighter training, EH advised that the list of chemicals of concern (COC) should have included perfluorooctane sulfonate (PFOS) – a chemical in aqueous film forming foams used to fight fires involving flammable liquids. This chemical is most likely to be present within the vicinity of the tower / water collection tank and possibly the chemical store(s). Testing was requested to be targeted at these areas.

A Supplementary Site Investigation Report was submitted in April 2019 to address the above comments. Colleagues in Contaminated Land are generally in agreement with the report's conclusions and recommendations, but suggest that remedial action is undertaken, which would include the provision of a capping layer in gardens (600 mm 'clean' topsoil/subsoil) and landscaped areas (300 mm 'clean' topsoil/subsoil with basal geo-textile 'no dig' membrane). They have requested the submission of a validation report to confirm that the above action has been carried out. The submission of this document can be controlled via an appropriately worded planning condition.

Subject to the above, it is considered that the proposal would comply with Policy R2.

Developer Obligations

The applicants have agreed contributions towards secondary education (£13,175), community facilities (£175,536), sport and recreation (£75,648), core path network (£35,712) and healthcare (£55,392). The total amount due in this regard, which would be contained in a Legal Agreement, is £355,463. The legal agreement will also include a clause that all units are to be "affordable".

A contribution of £23,600 has also been agreed with colleagues in Roads Development Management, towards improvements on the Lang Stracht/ North Anderson Drive. In addition, the applicants have agreed to provide two car club vehicles and associated infrastructure (this contribution was discussed above in the section “other roads matters”). Subject to the above, the proposal would comply with Policy I1 and its associated SG.

Noise

In terms of noise, the submitted Noise Impact Assessment (NIA) has also been reviewed, and its contents are acceptable, and would ensure that an appropriate level of amenity could be achieved. Specifically, several acoustic barriers are proposed for the garden of the properties, which was found to align with those detailed in Figure 8 ‘Noise barrier locations’ contained within the revised NIA. Additionally, the plan advises some of the acoustic timber fencing is to be replaced with brickwork walls, which again will help lessen noise issues in gardens. These details are shown on Drawing No: PL (00)033 Rev D. Compliance with the above will be controlled via an appropriately worded planning condition. A facade sound insulation assessment as detailed within section 8.1 of the NIA is also required, again controlled via condition.

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of site/ground preparation works, and construction works an informative will be added to the consent in relation to hours of construction. However, any noise complaints could be investigated by Environmental Health.

Subject to the above, it is considered that the proposal would generally comply with Policy T5 and its associated SG.

Air Quality

In terms of air quality, the proposal has been reviewed by Environmental Health colleagues, who conclude that it is unlikely the nitrogen dioxide and particulate matter objectives would be exceeded at the proposed property facades on Anderson Drive. Therefore there are no objections or recommendations in relation to exposure of residents to vehicle pollutants.

They also note that it is unlikely that traffic from the development will result in any significant increases of nitrogen dioxide and particulate matter which would have a substantial impact on the Air Quality Management Area (AQMA) and the wider network. Additionally, the Aberdeen Western Peripheral Route completion in early 2019 is considered to reduce vehicle numbers and type using Anderson Drive, thus lowering pollution levels on the above AQMA.

They also advise that the development should be designed to minimise emissions and meet the requirements of the Air Quality Management Plan. It is considered that a number of the measures proposed, including the reduced parking, EV points and car club would help to achieve this aim.

It is considered that the proposal would comply with the general aims of Policy T4 and its associated SG.

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 and its associated SG.

Digital Infrastructure

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within an urban location, which currently has access to said infrastructure. The proposal would therefore comply with Policy CI1 of the ALDP.

Matters Raised in Representations

1. The proposal has been assessed by colleagues in RDM, who consider the access arrangements to the site to be acceptable;
2. The height of the building has been discussed above, and has been concluded as appropriate for its setting;
3. The parking arrangements have been assessed by colleagues in RDM, and the parking proposed meets the associated Supplementary Guidance for such a development;
4. Details of boundary treatments have been provided, and are shown on Drawing No: PL(00)033 REV E, which would include a mixture of 1.8m high timber fencing (along the boundaries); acoustic timber fencing and brickwork and granite walls;
5. The potential re-location of the telegraph pole would be a civil matter between the relevant parties;
6. The removal of the trees on the southern boundary whilst unfortunate, it is considered necessary to accommodate the scheme – with significant replacement planting (on a one for two basis) controlled via condition. It is not considered that the loss of these trees would have an adverse visual impact on the surrounding area;
7. The layout of the scheme is considered acceptable – with the footpaths highlighted considered to be appropriate and a requirement to allow rear access to these properties;
8. It is noted that the amendments as submitted would see properties closer to adjacent dwellings than that in the originally submitted scheme – window-to-window distances would, however, be acceptable within the amendments and would not cause overlooking to any extent that would warrant refusal. This matter has also been discussed above.

Heads of Terms of any Legal Agreement/ Extension of Time

A legal agreement would be required to secure the payment of developer obligations outlined earlier in the report. A Processing Agreement has also been agreed until the 30th August 2019 to allow for the above to take place. This was also required due to the amendments requested by the Planning Authority, and to address comments received from several consultees.

RECOMMENDATION

Approve Conditionally & Subject to Legal Agreement

REASON FOR RECOMMENDATION

Given the character of the surrounding area, it is considered that this residential development could be satisfactorily accommodated within the site without negatively impacting on the character and appearance of the surrounding area; it would not result in the loss of open space nor constitute over development of the site. Thus, is considered in accordance with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

The proposal is considered to have been designed with due consideration for its context, utilising a palette of materials that would respect the character and appearance of the surrounding residential area; thereby complying with Policy D1 (Quality Placemaking by Design) and D2 (Landscape).

With regards to the requirements of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) the proposal has adequate links to the surrounding

urban environment and services, and appropriate contributions have been agreed with regards to surrounding junction improvements. Overall the site is considered to have a good level of accessibility and in combination with the high level of cycle parking proposed, results in an adequate level of parking and provision of car club cars.

A sufficient mix of unit sizes and types is proposed and therefore it is considered that the aims of Policy H4 (Housing Mix) are met. With regards to Policy H3 (Density) despite the density being high, there is considered to be an appropriate level of external amenities in the surrounding area, as well as good public transport links to the city centre; which allows for the high number of units and efficient use of the land and the delivery of social housing. The aspects of the flats (where a number are single aspect) is also considered to be appropriate for this layout.

Although the quantity and quality of the open space proposed within the site falls short of that expected by Policy NE4 (Open Space Provision in New Development) the presence of accessible public open elsewhere in the locality and the quality of space within the scheme means that, on balance, the open space provision is considered acceptable. Whilst trees would be removed within the site, appropriate replacement planting and shrubs would be provided ensuring no significant conflict with Policy NE5 (Trees and Woodland).

Suitable developer obligations would be sought to offset the impact of the development on the relevant community infrastructure, to accord with Policy I1, and the development would be considered to comply with Policy H5 (Affordable Housing) as it is entirely proposed as social housing.

Technical matters relating to drainage Policies NE6 (Flooding and Drainage), T4 (Noise), T5 (Air Quality), R2 (Degraded and Contaminated Land), R6 (Waste Management Requirements for New Development), R7 (Low & Zero Carbon Buildings & Water Efficiency) and CI1 (Digital Infrastructure) have been addressed satisfactorily or would be, subject of conditions. The proposal is therefore considered to comply with the relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance. There are no material planning considerations that would warrant refusal of consent in this instance.

CONDITIONS

(01) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) shall commence on site until a site-specific Construction Environmental Management Plan(s) has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management including construction phase SUDS; and (ii) site waste management including details of re-use on-site and off-site disposal of demolition materials. Thereafter development shall be undertaken in accordance with the approved CEMP. Reason - In order to minimise the impacts of necessary demolition / construction works on the environment.

(02) SCHEDULE OF GREEN MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a schedule of green measures have been submitted to the Planning Authority. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full.

Reason: to ensure adequate protection of the water environment and contribute to and enhance the natural environment in accordance with Scottish Planning Policy.

(03) LOW AND ZERO CARBON BUILDINGS

No development associated with any particular flatted block or residential dwelling shall take place 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. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full. Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance: Resources for New Development.

(04) EXTERNAL FINISHING MATERIALS

No development, beyond foundation level, shall take place on any hereby approved building unless a scheme detailing all external finishing materials to the roof and walls of such building has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be finished in accordance with the approved scheme. Reason - In the interests of visual amenity.

(05) LANDSCAPING

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (as shown on Drawings No: 423.03.01D, 423.03.02D and 423.03.03D) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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

(06) PLAY AREA

No residential unit shall be occupied unless (i) details of the proposed play area; (ii) details of the boundary treatments for the proposed play area and (iii) a phasing plan for their provision, have been submitted to and approved in writing by the Planning Authority. In designing the scheme reference should be made to Part 8 of the Council's Open Space Supplementary Guidance. Reason - In order to ensure satisfactory provision of play facilities.

(07) ACOUSTIC FENCING

Prior to the occupation of any dwellinghouse or flat, the proposed acoustic fencing, and all other boundary treatments relating any residential unit, as shown on Drawing No: PL (00)033 REV E shall be implemented in their entirety and retained in perpetuity. For avoidance of doubt, the noise barriers must meet with the following specifications: (i) they must be solid and imperforate; (ii) they must have a superficial weight of $\geq 10 \text{ kg/m}^2$ (iii) there must be no gap between the bottom of the barrier and the ground; (iv) there must be no gap where it extends out from the external facade of a dwelling whose garden it is screening; (v) they must be $\geq 1.8 \text{ m}$ in height; and the barrier locations shall be as shown in Figure 8 in the Sandy Brown report, 18340-R01-C, issued on 20 March 2019. Reason – In order to achieve an appropriate level of residential amenity.

(08) PROVISION OF ACCESS ROAD AND CAR PARKING

Prior to the occupation of any dwellinghouse or flat, the car parking areas hereby granted planning permission shall be constructed, drained, laid-out and demarcated in accordance with drawing No. PL (00)003 REV E of the plans hereby approved, or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(09) CAR CLUB PARKING SPACES

Prior to the occupation of any dwellinghouse or flat, a scheme showing the location of two 'car club only' parking spaces shall be submitted to and approved in writing by the Planning Authority. Thereafter, unless otherwise agreed in writing with the planning authority, prior to completion of the last flatted property within the development (i) the car club only parking spaces shall be constructed and available for use and any associated signs or road markings implemented, in accordance with a phasing plan if necessary; and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only. Reason - In order to encourage modal shift away from the private car.

(10) CYCLE PARKING

No flatted property shall be occupied unless: (i) the residents cycle store within that block has been constructed and is available for use, and (ii) a scheme of short-stay cycle parking for that block, showing the location and design of cycle stands for visitors, has been submitted to and approved in writing by the Planning Authority and such approved scheme has been implemented. Reason - In order to encourage more sustainable modes of transport.

(11) RESIDENTIAL TRAVEL PACK

No flatted property shall be occupied unless a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the Planning Authority. Thereafter the pack shall be provided to each property on occupation. Reason - In order to encourage use of more sustainable modes of transport.

(12) ELECTRIC VEHICLE CHARGING POINTS

No flatted property shall be occupied unless: (i) details of the type and location of electric vehicle charging points and bays; (ii) markings and signage to identify the bays; (iii) a phasing plan for their provision; and (iv) the charging points and bays shall be provided in accordance with the agreed phasing plan. Information in relation to items (i, ii and iii) shall be submitted to and approved in writing by the Planning Authority. Reason - In order to provide for and encourage the use of electric vehicles.

(13) TREE PROTECTION

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

(14) TREES – STORAGE OF MATERIALS

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

(15) DRAINAGE

No unit within the hereby approved development shall be occupied unless all drainage works detailed in the approved Flood Risk Assessment and Strategy Report (Ref: J4005 – November 2018, V1) produced by Bayne Stevenson Associates Ltd or such other plan/ 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. Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(16) WASTE STORAGE PROVISION

No flatted block shall be occupied unless the waste storage area for that particular block has been provided in accordance with drawings PL(00)003 REV E and PL(00)035 REV C or such other drawing as may be approved in writing by the Planning Authority. Reason - In order to ensure suitable waste storage facilities are available for residents and to protect public health.

(17) DUST MANAGEMENT PLAN

No development (including site stripping or service provision) within any particular phase or block shall take place unless a Dust Management Plan for the construction phase of development has been submitted to and approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan. Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

(18) SOUND INSULATION ASSESSMENT

Prior to the commencement of development, a sound insulation assessment, as detailed within section 8.1 of the submitted Noise Impact Assessment, shall be submitted to, and approved in writing by the Planning Authority. Reason – In order to achieve an appropriate level of residential amenity.

(19) VALIDATION REPORT

Prior to the commencement of development, a validation report, confirming the provision of a capping layer in gardens (600 mm 'clean' topsoil/subsoil) and landscaped areas (300 mm 'clean' topsoil/subsoil with basal geo-textile 'no dig' membrane) shall be submitted to, and approved in writing by the Planning Authority. For avoidance of doubt, the validation report for the capping layer should include: (i) a chain of custody documentation for imported soils, including details of source; (ii) chemical analysis data demonstrating suitability for use, (iii) receipt (purchase/delivery) for geo-textile 'no dig' membrane; and (iv) pre/post placement survey levels to confirm soil depth. Reason: reason: in order to ensure that the site is fit for human occupation.

ADVISORY NOTES FOR APPLICANT

(01) CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

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

The CEMP should also demonstrate that the proposals adhere to the Guidance for Pollution Prevention (GPPs) Notes, the Guidance on the Construction of SUDS (CIRCA C768) and the CAR Practical Guide for the CAR General Binding Rules (GBR's) 10 and 11. Reference to the NetRegs website for guidance on waste management. All waste, including demolition waste, should be managed in accordance with the waste hierarchy to reduce, re-use and recycle.

(02) SCHEDULE OF GREEN MEASURES

The level of information as required by Condition 2 could include the sustainable management of green space, creation of habitats linked to the SUDS, rainwater harvesting/ sustainable water measures, environmental education through the use of interpretive boards to highlight for example what the SUDS features are and the benefits they deliver, use of native plant species in landscaping, active travel and path connecting the development to public transport routes and electric car charging points etc. SEPA would also recommend the reuse of any non-contaminated material on site from demolition activities and the reduction of waste during the construction phase in accordance with the waste hierarchy of reduce, reuse and recycle.

(03) HOURS OF CONSTRUCTION

Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

(04) WASTE MANAGEMENT REQUIREMENTS

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 and 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well) Bin store for block 1 (x32 flats) will be provided with: 4 x 1280l general waste container; 4 x 1280l co-mingled recycling container and 1 x food waste container for each bin store (each flat will receive a kitchen caddy, bioliners and associated information) Bin store for block 2 (x34 flats) will be provided with: 4 x 1280l general waste container; 4 x 1280l co-mingled recycling container and 1 x food waste container for each bin store (each flat will receive a kitchen caddy, bioliners and associated information)

The following costs will be charged to the developer: Each 180l and 240l bin costs £35.00; Each 660l bin costs £283.60; Each 1280l bin costs £413.60 and Each food waste container costs

£514.49. No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

(05) POLICE SCOTLAND LIAISON

It is recommended that the developer liaise with Police Scotland Architectural Liaison Officer at each stage of development, for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED). Police Scotland would also encourage the applicant to attain the "Secured by Design) award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

(06) CAR CLUB BAYS

The developer would also have to line and sign the bays. This would require the following to be done: Bays lined for "Car Club Only"; each bay signed with a numbered "Car Club Permit Holders Only" sign on a pole. These are numbered so we can supply the number for the bay when implemented and a bus timetable holder provided on the pole (which the car club use for putting promotional materials into. These should be Display area 740 x 260mm" with Allen key locks.

In terms of a specification for the points themselves we'd ask that the posts are "Smart". Able to link up to the "Charge your car" network; each socket is capable of putting out a minimum of 7kW and 32A of power; each socket is Mennekes Type 2 and occupiers can choose to offer the charging infrastructure for free or to charge for usage. In any case, charge points should be capable of pay-as-you go transactions;

Also to be considered charge points should be located prominently with appropriate bay markings and signage in place; We line ours with "EV" and each bay has an "Electric vehicle recharging point only" sign at it; once the development is complete, the site occupier will be responsible for operating, managing and maintaining the charge points; clear instructions should be provided as to how to use the units; and units accessible to members of the public should be added to the National Charge point Registry.

(07) AIR QUALITY ACTION PLAN

The development should be designed to minimise emissions and meet the requirements of the Air Quality Management Plan with the aim of no adverse impact on the AQMA and surrounding area in order to protect the health of residents in these areas.

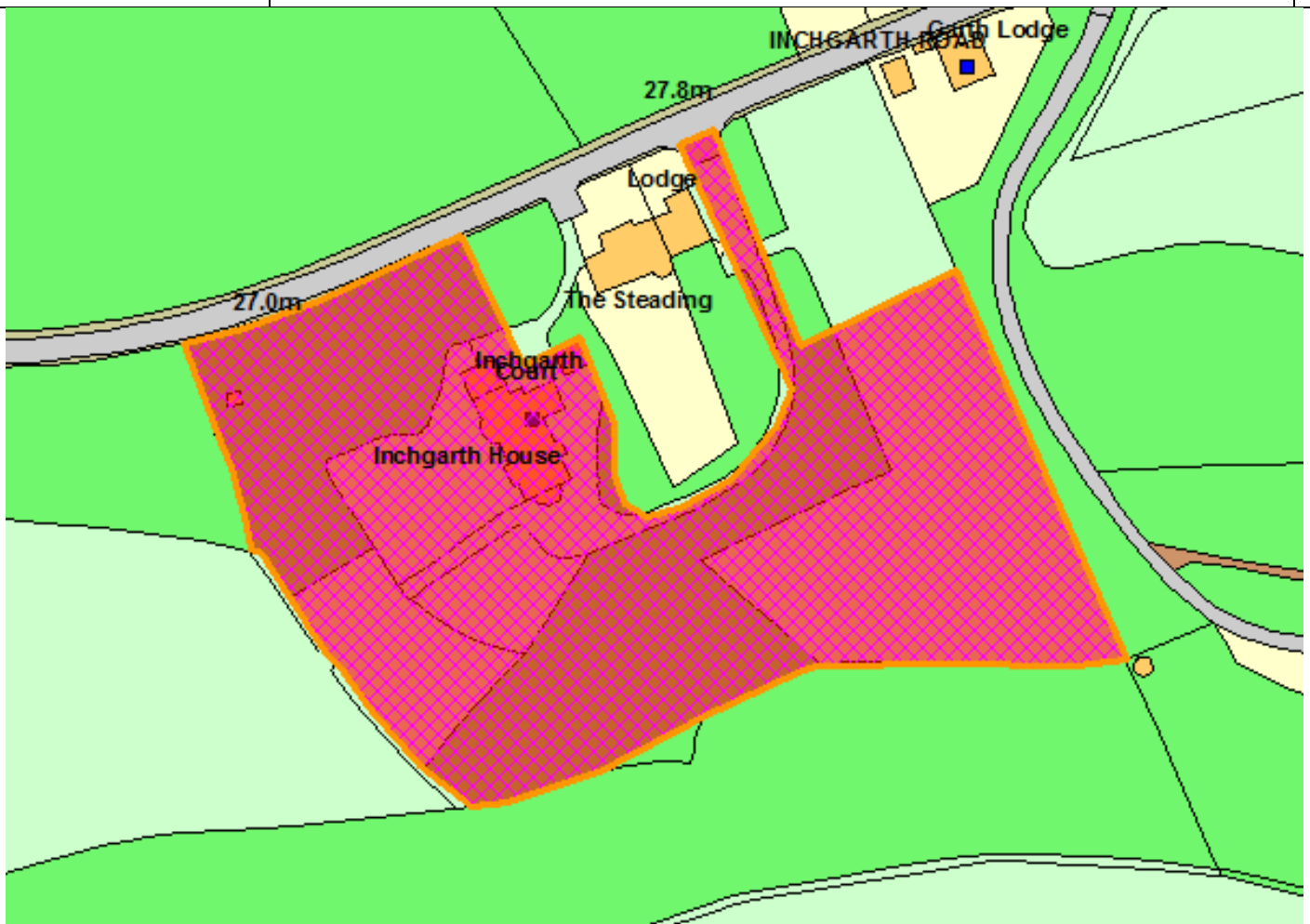


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 May 2019

Site Address:	Inchgarth House, Inchgarth Road, Aberdeen, AB15 9NX
Application Description:	Formation of new access and driveway with gate, wall and pillars through an existing boundary wall; closing up an existing drive opening; with all associated landscaping works
Application Ref:	182093/DPP
Application Type	Detailed Planning Permission
Application Date:	13 December 2018
Applicant:	Mr Ian Dunbar
Ward:	Lower Deeside
Community Council:	Garthdee
Case Officer:	Robert Forbes



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

This approximately 2 hectare site is located to the south of Inchgarth Road within Pitfodels Conservation Area. It comprises the category 'C' listed Inchgarth House, and extensive surrounding garden ground, including established trees. Access to the site is taken from Inchgarth Road to the east of the house via a driveway which curves around to the south end of the building. Extensive ground and building works have recently taken place on site. The existing northern boundary wall is about 1.8m high and of granite construction. The entrance is defined by granite gate piers but the entrance gates have been removed.

Relevant Planning History

Application Number	Proposal	Decision Date
111285	Extensive tree management works including removal of an overgrown cypress hedge and approximately 140 trees. Part of the tree works includes the removal of trees to allow for the straightening of the driveway.	21.10.2011 Status: Approved
111557	Demolish existing garage and porch, erect new store, garage block and colonade, convert house and 2 flats back to one house, re-furbish all windows	26.01.2012 Status: Approved
150523	Partial demolition, alteration and extension	03.07.2015 Status: Approved
170115/DPP	Formation of new access and driveway with gate, wall, pillars and landscaping	25.05.2017 Status: Withdrawn
170610/LBC	Complete demolition of the Steading and Lodge to allow reinstatement of Inchgarth House and surrounding landscape	26.04.2018 Status: Approved
170921/DPP	Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping	01.02.2018 Status: Refused. (decision upheld at LRB – 07.06.18)
171540/DPP	Erection of two storey detached garage and associated access and landscaping	03.04.2018 Status: Approved
180608/DPP	Erection of a single storey storage building and formation of associated access and landscaping	28.05.2018 Status: Approved
180610/TPO	Works to 2 Protected Trees; T1 - Wych Elm - Remove to base as overhanging road & in poor condition T2 - Oak - Remove to base as overhanging road & in poor condition	10.09.2018 Status: Approved
181684/TPO	Works to 6 Protected Trees as per schedule of works	01.11.2018 Status: Approved
182141/LBC	Partial demolition and alteration of existing boundary wall and formation of	

	new gated vehicle access	Status: Pending
190038/DPP	Installation of a temporary security gate at the existing entrance (retrospective)	16.01.2019 Status: Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for formation of a new access and driveway with gate, wall, pillars and associated landscaping. The proposal includes demolition of part of the boundary wall (approximately 12m in length) at the North West corner of the application site and removal of 17 trees to create the new access to the site from Inchgarth Road. Part of the works, including part of the groundworks for formation of the driveway and removal of a number of trees, have already taken place, such that the proposal could be considered as part-retrospective.

The new gated access would be 5.2m wide and would have 1.8m high walls and pillars. The metal gates would be 1.6m high. The recessed entrance to the south of Inchgarth Road would be surfaced with granite setts. The tarred driveway would be 3-3.5m wide with granite sett edging. Landscaping proposal includes hedging, woodland / tree plantation, and extensive grass areas.

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=PJO0WQBZJOX00>.

Heritage Statement; Access Appraisal; Road Safety audit report; Tree Survey; Tree Removal Plan; Badger / Squirrel Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because It has attracted 8 objections, which exceeds the threshold figure specified in the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection subject to the driveway being internally drained. Note that a road safety audit has been carried out and the visibility splays at the proposed access are acceptable.

ACC - Flooding and Coastal Protection – No objection. Recommend use of permeable surfacing materials in the design.

Garthdee Community Council – No response received.

REPRESENTATIONS

8 objections have been received raising the following matter -

Road safety concerns regarding the existing / proposed access and the existing road;
Alleged ownership notification irregularity;
Concern regarding the visual impact of blocking up the existing wall;
Concerns regarding tree loss which has taken place / further tree removal;
Need for replacement landscaping;

Alleged contravention of policy D4 due to opening up the boundary wall.

A neutral letter has been received requesting submission of an ecological survey and advising of the need to consider the impact on protected species prior to determination.

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.

The Conservation (Natural Habitats) Regulations 1994, as amended, require that before deciding to give permission for a project, an appropriate assessment of the implication for the European site may be required to be undertaken by the competent authority (e.g. Aberdeen City Council).

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development and emphasises the need to protect heritage assets.

Historic Environment Policy for Scotland (HEPS). HEP 4 is of particular relevance in setting out principles for managing change;

Historic Environment Scotland (HES) managing change guidance regarding boundaries and setting.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The SDP is now beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

D1: Quality Placemaking by Design

D2: Landscape

D4: Historic Environment

D5: Our Granite Heritage

NE2: Green Belt

NE5: Trees and Woodland

NE6: Flooding, Drainage & Water Quality

NE8: Natural Heritage

Supplementary Guidance and Technical Advice Notes

- Landscape
- Flooding and Drainage
- Transport and Accessibility
- Trees and Woodlands

Other Material Considerations

- Conservation Area Character Appraisal – Pitfodels

EVALUATION

Principle of Development

Although the site is located within the greenbelt, policy NE2 allows for development associated with existing activities (e.g. an existing residential use) subject to a number of criteria being met. The development is small in scale, within the boundary of the existing activity / ancillary to it, and the intensity of activity is not increased. Therefore, there is no conflict with NE2 policy. In order to help safeguard the continued and long-term residential use of Inchgarth House, which is a desirable objective in terms of policies D4 and D5 and HEPS, it is recognised that provision of a safe vehicular access route to the house via Inchgarth Road is desirable. The proposal accords with this aspiration, by reducing the risk that the house becomes unoccupied because of the existing unsatisfactory access arrangements, and therefore accords with the SPP presumption in favour of development which contributes to sustainable development, by helping to retain the active use of the property and protection of heritage assets.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Road Safety

The supporting information (a Stage 1 Road Safety Audit prepared by Roads Safety Consultants) provided by the applicant demonstrates that, whilst there have been no recorded accidents over the last 5 years, there are safety concerns associated with use of the existing access, in particular due to the limited visibility for vehicles exiting the site and the relatively high speed of vehicles on this section of Inchgarth Road. The Road Safety Audit states *“this exposes drivers to a risk of a serious side impact collision”*. This is supported by some of the objections, who refer to encountering near misses whilst travelling on Inchgarth Road. The proposed new entrance / exit location on Inchgarth Road would provide significantly enhanced visibility for drivers exiting the property and is thus considered to represent an improvement on the existing situation in terms of road safety risk. ACC Roads officers have no objection to the proposal on road safety grounds and are satisfied that the proposed visibility splays at the junction would be appropriate. A condition can be imposed to ensure that the existing site access is stopped off in the interest of road safety (in order to prevent its use as an egress / access) and in order to ensure that the safety benefits of the proposal are delivered.

Conservation Area / Heritage Impact

The site is located within a conservation area and is within the curtilage of a listed building. Pitfodels Conservation Area is characterised by large detached villas set in spacious landscaped garden plots with generous tree planting, as is recognised by the Conservation Area Character Appraisal. The proposal does not result in any reduction in the extent of or subdivision of the site and would retain its sense of grandeur.

Historic evidence shows that the primary access to Inchgarth House was via a sweeping driveway located to the east of Inchgarth Lodge. However its position has no formal architectural relationship with the setting of the house (e.g. in the manner of a symmetrical approach to / alignment with a neoclassical mansion as referred to in HES guidance on boundaries). Whilst the retention of this access as the principal approach route to the house is desirable from a conservation perspective, this would appear to conflict with road safety objectives and the potential for upgrade of visibility at this access is constrained by the existing boundary wall and trees. The proposed access route / position would enable the principal elevations of the house to be better appreciated on approaching the entrance. It would be sufficiently distant from the house, be of appropriate design and with intervening tree planting, such that the setting of the house would not be adversely impacted to any significant extent. In order to recognise the historical interest and importance of the existing access route, the proposal has been amended to show the physical retention of the existing access (albeit it would be closed as a useable driveway) and can be secured by condition.

The introduction of the new access would result in localised demolition of the boundary wall but the overall sense of enclosure and setting of the listed building would not be prejudiced by these works. Furthermore, the boundary wall has recently been altered by the applicant, by implementation of planning permission (171540/DPP), to reinforce the sense of enclosure of the site. The proposal has been amended in order to reduce the extent of demolition proposed in order to retain as much as possible of the historic granite boundary wall. In addition, extensive tree planting is proposed within the grounds in order re-establish a sense of enclosure and privacy.

It is desirable to avoid the loss of mature trees and encourage replacement tree planting in order to preserve the setting of the listed building and enhance the character and the landscape quality of the wider conservation area. Many of the trees affected by the works (e.g. the conifer trees adjacent to the boundary) are of limited amenity and landscape value and their removal is justified on woodland management grounds, irrespective of whether the new access is formed. Whilst some loss of more historic deciduous trees (primarily beech) would take place to form the access, and these trees do have some amenity / landscape value, many of these trees are in relatively poor condition, so that their survival, even in the short / medium term is questionable. Significant replacement planting is proposed which should help to restore the character of the conservation area in the longer term.

The proposal differs substantively from that which was previously refused in that the extent of dunting of the boundary wall would be less, the drive would be narrower, the existing access gate piers would be retained and considerable replacement tree planting within the grounds is proposed. The design of the proposed new access, as amended, is considered to be appropriately detailed such that it would respect the setting of the building, accord with the objectives of ADLP policies D1 and D2.

Overall, the works would have a neutral effect on the character of the conservation area, the setting of the listed building and satisfy the objectives of HEPS, ADLP policies D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage.

Tree Impact

It is noted that the trees on the site have statutory protection by reason of their location within a conservation area and the entire site is covered by the classification of ancient woodland. In Scotland, ancient woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. Once destroyed, they cannot be recreated. Woodland in this location is evident on the Roy Military Survey of Scotland 1747-55, although this predates the construction of Inchgarth House and significant tree removal has since occurred. The trees and landscape structure of Pitfodels is one of the primary reasons for its designation as a conservation area and are important in understanding the historical development of the area. Therefore, its erosion

should be avoided, although it is recognised that the tree cover at the site has been modified by planting of alien conifer species and significant tree removal at the site was consented by ACC in 2011 (under ref 111285) and has partly taken place, although it is unclear how many trees were removed within that consent period. Although there is no legislation specifically protecting ancient woodland, Scottish Planning Policy identifies it 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, amongst other types of woodland.

In terms of ALDP policy NE5 there is a presumption against all activities and development that will result in the loss or damage to trees and woodlands that contribute to nature conservation, local landscape character, local amenity and climate change adaptation and mitigation. The proposal would result in loss of approximately 17 deciduous trees to form the access, the majority of which are identified as poor specimens, with the remainder dead and only 3 fair specimens identified (2 Wych Elm and 1 Beech). Whilst these trees do have some amenity / landscape value, many are in relatively poor condition, so that their survival, even in the short / medium term is questionable. It is significant that the tree survey report identifies that Dutch Elm disease is present in the local area, with trees on the site having recently been affected. Therefore, irrespective of the proposal, the long-term survival of the remaining 2 elm trees on the site is unlikely. The works would also result in the partial removal of a group of immature Leyland cypress. These conifer trees are considered to be of no heritage / amenity value and their removal is desirable on the grounds of woodland management (i.e. to avoid outcompeting the deciduous trees of amenity value on the site). It can therefore be concluded that the proposed access would result in limited loss of trees of limited amenity value.

Although the proposal involves the loss of approximately 17 semi mature trees, which does not accord with the objective of policy NE5, many of these trees are poor specimens or dead. It is considered that the impact of this loss can be substantively mitigated by the extensive replacement planting proposed within the grounds. Details of this have been provided and implementation can be secured by condition, in the interest of compliance with ALDP policies NE5 and D2.

Wildlife / Ecological Impact

The surveys / reports which have been submitted indicate that there would be no direct adverse impact on protected mammal species (i.e. bats / badgers / red squirrels) as a result of the works. A condition can be imposed to ensure that, during construction, indirect risks are minimised in the interest of compliance with ALDP policy NE8. In the longer term, the replacement native tree planting which is proposed within the site would provide a valuable wildlife habitat.

Habitat Regulations Appraisal

In terms of the Conservation (Natural Habitats) Regulations 1994, it is recognised that the site lies within the catchment of the River Dee Special Area of Conservation (the SAC) and the works involve a limited degree of construction activity. As the works constitute a project which is not directly related to the management of the designated site, Appropriate Assessment may therefore be required to be undertaken by ACC as competent authority. However, it is first required to screen the proposal in relation to the requirement for such an assessment. Given the authorised use of the site as a house, the significant distance between the site and the river edge, the limited scale of the proposed construction works and the absence of water courses / features within the site, it would not be necessary to require submission of ecological survey of the relevant designated species (i.e. otters, Atlantic Salmon and freshwater pearl mussel). The qualifying interests of the SAC (i.e. otters, Atlantic Salmon and freshwater pearl mussel) would not be directly impacted by the construction works as suitable habitat for these species is not present on the site. There would be no risk of indirect impact as there is sufficient vegetated buffer area intervening which would minimise the risk of impacts due to any potential pollution incident (e.g.

sedimentation of the river / its tributaries or hydrocarbon contamination due to oil spillage). The risk of pollution resulting from use of the driveway by vehicles already exists as the use of the house is authorised and it currently has a driveway. There is no potential for the project to have any adverse impact on other designated European protected species or sites.

It is recognised that there are considerable development pressures along the river Dee catchment, with numerous housing development sites (projects) under construction or proposed, such that there is potential for those other projects, in combination, to have potential effects on the SAC. However, those projects are of substantively larger scale than the project which is the subject of this consideration, such that they are of limited direct relevance to consideration of the “in combination” effects of the project under consideration.

It can therefore be concluded that the project will not in itself, or in combination with other projects, adversely affect the integrity of the site and appropriate assessment is not required. Planning permission may therefore be granted as it would not have likely significant effects on the designated site, or any other designated site.

Flood risk / Drainage / Water Quality

The site is not in itself at risk of flooding, but surface water drainage is towards the River Dee, which has a high degree of ecological sensitivity, as recognised above, there is no increased risk of adverse impact on its ecology / water quality. Whilst the creation of the new drive would increase the extent of hard surfacing on site and therefore result in a limited increased rate of surface water discharge, the limited scale of the proposed work is such that neither a flood risk assessment nor a drainage impact assessment is reasonably required to be submitted. Given the extensive undeveloped areas within the site, the development is unlikely to pose an increased risk of flooding elsewhere or risk to water quality within the River Dee. Although not specifically requested by ACC Flooding Team, it would be possible to require the imposition of a condition requiring use of SUDS measures / porous surfacing on site in order to demonstrate compliance with ALDP policy NE6. It is also considered appropriate to attach advisory notes relating to minimisation of the risk of pollution to groundwater during construction works / use of the driveway by vehicles through reference to relevant SEPA guidance.

Cumulative Impact / Precedent

Given the unusually large scale of the plot, which contrasts with the prevailing norm on Inchgarth Road, where smaller detached house plots of more modern origin predominate, and given the unique circumstances justifying the proposed new access and related tree removal (i.e. a specific and identified safety issue and the safety benefits of the new access) it is considered that approval of this proposal would not establish an undesirable precedent for other similar proposals.

Other Concerns Raised in Objections

The dispute in relation to land ownership at the western boundary of the site is not a material planning consideration of relevance to determination of the application. This matter has been raised with the applicant in accordance with ACC protocol relating to such disputes and no further action is required.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed new entrance / exit location represents a significant improvement on the existing situation in terms of road safety risk. The proposal differs substantively from that which was

previously refused in that the extent of dountaking of the boundary wall would be less, the existing gate piers would be retained, the drive is of reduced width and considerable replacement tree planting within the grounds is now proposed. The design of the proposed new access, as amended, is considered to be appropriately detailed such that it would respect the setting of the building, accord with the objectives of Aberdeen Local Development Plan 2017 (ADLP) policies D1: Quality Placemaking by Design and D2: Landscape. Although the proposal involves the loss of approximately 17 mature trees, which does not accord with the objective of policy NE5: Trees and Woodland, many of these trees are poor specimens or are dead. It is considered that the impact of this loss can be substantively mitigated by the extensive replacement planting proposed within the grounds and this can be secured by condition, in the interest of compliance with ALDP policies NE5: Trees and Woodland and D2: Landscape.

Overall, the works would have a neutral effect on the character of the conservation area, the setting of the listed building and satisfy the objectives of Historic Environment Policy for Scotland, ADLP policies D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage.

CONDITIONS

01. Badger Protection Plan - No development shall take place pursuant to this permission unless a scheme for the protection of badgers has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of measures required during construction works in order to prevent injury to foraging badgers. The agreed measures shall be implemented in full for the duration of construction work on site. **Reason** – In order to avoid potential adverse impact on protected species during construction works.
02. Tree protection measures - No development shall take place pursuant to this permission unless a scheme for the protection of all trees to be retained on the site during construction works, including temporary protective fencing, has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented. **Reason** - In order to ensure adequate protection for the trees on site during the construction of the development.
03. Tree planting / landscape scheme - All soft landscaping / tree planting proposals shall be carried out in accordance with the approved scheme (drawing 437-12-10e, -11, -12, -13) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. **Reason** - To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the character of the conservation area and setting of the listed building is preserved / enhanced.
04. SUDS / permeable surfacing - No development shall take place pursuant to this permission 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 the driveway shall not remain on site unless the required drainage

measures / permeable surfacing has been installed in complete accordance with the said scheme. **Reason** - in order to safeguard water qualities in nearby watercourses and to ensure that the development can be adequately drained.

05. Drive width / construction / surface details – Notwithstanding the site layout plan hereby approved (drawing 603 rev C), the section of the driveway located to the south of the proposed entrance gates shall be restricted to a maximum width of 3m overall (i.e. including the granite sett edging) for a continuous distance of 55m, unless otherwise agreed in writing with the planning authority. No development shall take place unless details of the precise surfacing material / finish of the driveway have been submitted to and agreed in writing by the planning authority. Development shall be undertaken in complete accordance with such details as may be so approved. **Reason** – In order to preserve the character and setting of the listed building and the character of the conservation area.

06. Detail of Gates / Pillars - No development shall take place pursuant to this permission unless construction details of the proposed gate piers / granite pillars including 1:10 detail elevations and coping stones have been submitted to and agreed in writing by the planning authority. Development shall be undertaken in complete accordance with such details as may be so approved.

Reason – In order to preserve the character and setting of the listed building and the character of the conservation area.

07. Stopping up Existing Access – The proposed access hereby approved shall not be used unless the existing vehicle access has been stopped off to vehicle traffic in accordance with a scheme which shall have been submitted to and approved in writing by the planning authority.

Reason – In order to preserve the character and appearance of the listed building and in the interest of road / traffic safety.

ADVISORY NOTES FOR APPLICANT

The applicant / developer is advised to have regard to SEPA standing advice regarding surface water drainage in formulating SUDS proposals for the development :-

<https://www.sepa.org.uk/environment/land/planning/advice-for-developers/#guidance>

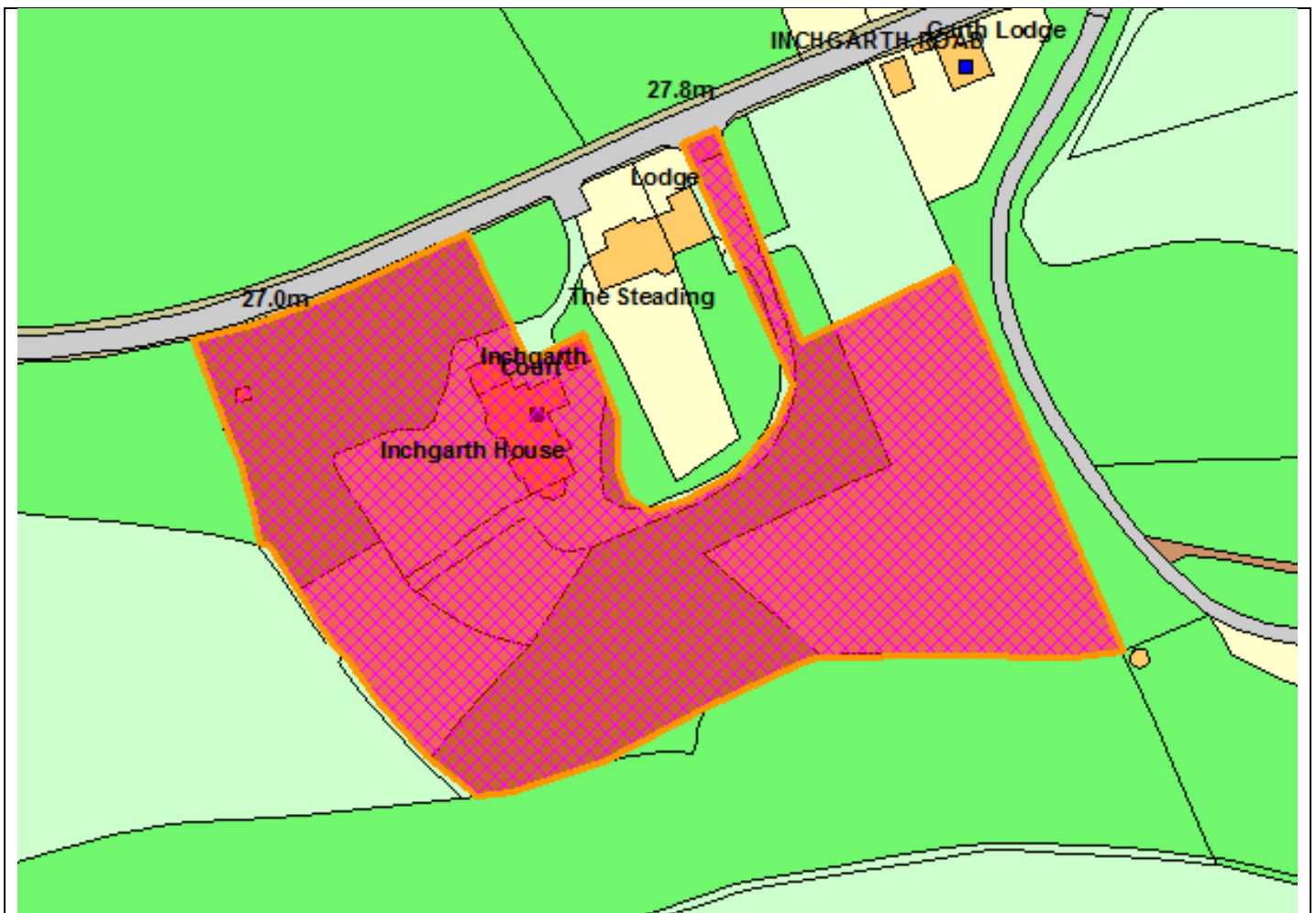
Due to the potential risk of diffuse urban water pollution resulting from the works, the applicant is advised to visit the following weblink and contact SEPA regarding the potential need for consent from SEPA under the Water Environment (Controlled Activities) (Scotland) (Regulations 2011):-

<https://www.sepa.org.uk/regulations/water/diffuse-pollution/>

<https://www.sepa.org.uk/regulations/water/diffuse-pollution/diffuse-pollution-in-the-urban-environment/>

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 30 May 2019</p>

Site Address:	Inchgarth House, Inchgarth Road, Aberdeen, AB15 9NX
Application Description:	Partial demolition and alteration of existing boundary wall and formation of new gated vehicle access
Application Ref:	182141/LBC
Application Type	Listed Building Consent
Application Date:	20 December 2018
Applicant:	Kirkwood Homes Ltd
Ward:	Lower Deeside
Community Council:	Garthdee
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

This 2 hectare site is located to the south of Inchgarth Road within Pitfodels Conservation Area. It comprises the category 'C' listed Inchgarth House, and extensive surrounding garden ground land, including established trees. Access to the site is taken from Inchgarth Road to the east of the house via a driveway which curves around the south end of the building. Extensive ground and building works have recently taken place on site and the curtilage has recently been altered by the demolition of adjacent houses and formation of a detached garage to the north east of the house. The existing northern boundary wall is about 1.8m high and of granite construction. The entrance is defined by granite gate piers but the entrance gates have been removed.

Relevant Planning History

Application Number	Proposal	Decision Date
111285	Extensive tree management works including removal of an overgrown cypress hedge and approximately 140 trees. Part of the tree works includes the removal of trees to allow for the straightening of the driveway.	21.10.2011 Status: Approved
111556	Demolish existing garage and porch, erect new store, garage block and colonade, convert house and 2 flats back to one house, refurbish all windows.	27.01.2012 Status: Approved
150524	Partial demolition, alteration and extension	07.07.2015 Status: Approved
170115/DPP	Formation of new access and driveway with gate, wall, pillars and landscaping	25.05.2017 Status: Withdrawn
170610/LBC	Complete demolition of the Steading and Lodge to allow reinstatement of Inchgarth House and surrounding landscape	26.04.2018 Status: Approved
170921/DPP	Formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping	01.02.2018 Status: Refused (decision upheld at LRB – 07.06.18)
170939/LBC	Installation of lift and infill of door on south east elevation (retrospective)	27.10.2017 Status: Approved
171540/DPP	Erection of two storey detached garage and associated access and landscaping	03.04.2018 Status: Approved
180608/DPP	Erection of a single storey storage building and formation of associated access and landscaping	28.05.2018 Status: Approved
180610/TPO	Works to 2 Protected Trees; T1 - Wych Elm - Remove to base as overhanging road & in poor condition	10.09.2018 Status: Approved

	T2 - Oak - Remove to base as overhanging road & in poor condition	
181684/TPO	Works to 6 Protected Trees as per schedule of works	01.11.2018 Status: Approved
182093/DPP	Formation of new access and driveway with gate, wall and pillars through an existing boundary wall; closing up an existing drive opening; associated landscaping works	Status: Pending
190039/LBC	Installation of a temporary security gate at the existing entrance (retrospective)	16.01.2019 Status: Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

Listed building consent is sought for formation of a new access with gate, wall, pillars and associated landscaping. The proposal includes demolition of part of the boundary wall (approximately 12m in length) at the north west corner of the application site and removal of 17 trees to create the new access to the site from Inchgarth Road (the tree removal does not require listed building consent).

The new gated access would be 5.2m wide and would have 1.8m high walls and pillars. The metal gates would be 1.6m high. The recessed entrance to the south of Inchgarth Road would be surfaced with granite setts. The tarred driveway would be 3-3.5m wide with granite sett edging. Landscaping proposal includes hedging, woodland / tree plantation, and extensive grass areas.

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=PJZTW8BZJWC00>.

Heritage Statement; Access Appraisal; Road Safety audit report; Tree Survey; Tree Removal Plan; Badger / Squirrel Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because It has attracted 9 objections, which exceeds the threshold figure specified in the Council's Scheme of Delegation.

CONSULTATIONS

Historic Environment Scotland – No comments. Advise that the application should be determined in accordance with national and local policy on listed building consent, together with related guidance.

Garthdee Community Council – No response received.

REPRESENTATIONS

9 objections have been received including from the Architectural Heritage Society of Scotland and a neighbouring Community Council raising the following matters -

Road safety concerns regarding the existing / proposed access and the existing road;
Alleged ownership notification irregularity;
Concern regarding the visual impact of blocking up the existing wall;
Concerns regarding tree loss which has taken place / further tree removal;
Need for replacement landscaping;
Alleged contravention of policy D4 due to opening up the boundary wall.

Cults, Bieldside and Milltimber Community Council support the proposed new access in principle due to its safety benefit but request that ACC reduce the speed limit from 40mph to 30 mph along Inchgarth Road.

A neutral letter has been received requesting submission of an ecological survey and advising of the need to consider the impact on protected species prior to determination.

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) emphasises the need to protect heritage assets. Paragraph 137 states that the planning system should enable its positive change, informed by a clear understanding of the importance of the heritage asset. Change should be sensitively managed to minimise adverse impacts and ensure future use of the heritage asset.

Historic Environment Policy for Scotland (HEPS).

Historic Environment Scotland (HES) managing change guidance regarding boundaries and setting.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

D1: Quality Placemaking by Design

D4: Historic Environment

D5: Our Granite Heritage

Supplementary Guidance and Technical Advice Notes

Landscape

Other Material Considerations

Conservation Area Character Appraisal – Pitfodells

EVALUATION

Principle of Development

It is recognised that, although Inchgarth House currently has a vehicle access from Inchgarth Road, the owner does not consider this to be safe and therefore seeks its relocation. The proposal raises no strategic or regional matters such that SDP is not of particular relevance in this case. The acceptability of the work in terms of policies D4 and D5, SPP and HEPS is largely dependent on the detailed conservation impact of the proposed works, which is considered below.

Conservation Area / Heritage Impact

The site is located within a conservation area and is within the curtilage of a listed building. Pitfodells Conservation Area is characterised by large detached villas set in spacious landscaped garden plots with generous tree planting, as is recognised by the Conservation Area Character Appraisal. The proposal does not result in any reduction in the extent of or subdivision of the site and would retain its sense of grandeur.

Historic evidence shows that the primary access to Inchgarth House was via a sweeping driveway located to the east of Inchgarth Lodge. Whilst the retention of this access as the principal approach route to the house is desirable from a conservation perspective, this would appear to conflict with road safety objectives and the potential for upgrade of visibility at this access is constrained by the existing boundary wall and trees. In order to recognise the historical interest and importance of the existing access route, the proposal has been amended to show the physical retention of the existing access (albeit it would be closed as a useable driveway) and this can be secured by condition. The introduction of the new access would result in localised demolition of the boundary wall but the overall sense of enclosure and setting of the listed building would not be prejudiced by these works and the majority of the boundary wall would remain. Furthermore, the boundary wall has recently been altered by the applicant, by implementation of planning permission 171540/DPP, to reinforce the sense of enclosure of the site. The quality of materials and design now proposed, which incorporates use of salvaged natural granite, would be similar to this recent intervention. The proposal has been amended in order to reduce the extent of demolition proposed in order to retain as much as possible of the historic boundary wall.

The proposal differs substantively from the planning permission that which was previously refused (ref 171540/DPP) in that the extent of dountaking of the boundary wall would be less. The design of the proposed new access, as amended, is considered to be appropriately detailed such that it would respect the setting of the building, would relate well to the design, form and materials of the historic boundary wall and would accord with the objectives of ADLP policies D1, D4 and D5. Overall, the works would have a neutral effect on the character of the conservation area and setting of the listed building.

Other Concerns Raised in Objections

The dispute in relation to land ownership at the western boundary of the site is not a material planning consideration of relevance to determination of this application. The potential for reduction of the speed limit on Inchgarth Road is not a material consideration in determination of this application. The concerns in relation to ecological impact / tree impact and landscaping are addressed in relation to consideration of the related application for planning permission (ref. 182093/ DPP) which is due to be determined by PDMC.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal differs substantively from that which was previously refused in that the extent of duntaking of the boundary wall would be less and the detailed design of the access / gateway feature would better match that which exists. The design of the proposed new access, as amended, is considered to be of appropriate quality such that it would respect / preserve the setting of the listed building.

Overall, the works would have a neutral effect on the character and the setting of the listed building and would satisfy the objectives of Historic Environment Policy for Scotland, Scottish Planning Policy and Aberdeen City Local Development Plan policies D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage.

CONDITIONS

01. Detail of Gates / Pillars

No works shall take place pursuant to this consent unless construction details of the proposed metal gates, granite pillars and granite coping stones associated with the access works have been submitted to and agreed in writing by the planning authority. The works shall be undertaken in complete accordance with such details as may be so approved.

Reason – In order to preserve the character and appearance of the listed building

02. Existing Access – The proposed access hereby approved shall not be used unless the existing vehicle access has been stopped off to vehicle traffic in accordance with a scheme which shall have been submitted to and approved in writing by the planning authority.

Reason – In order to preserve the character and appearance of the listed building.

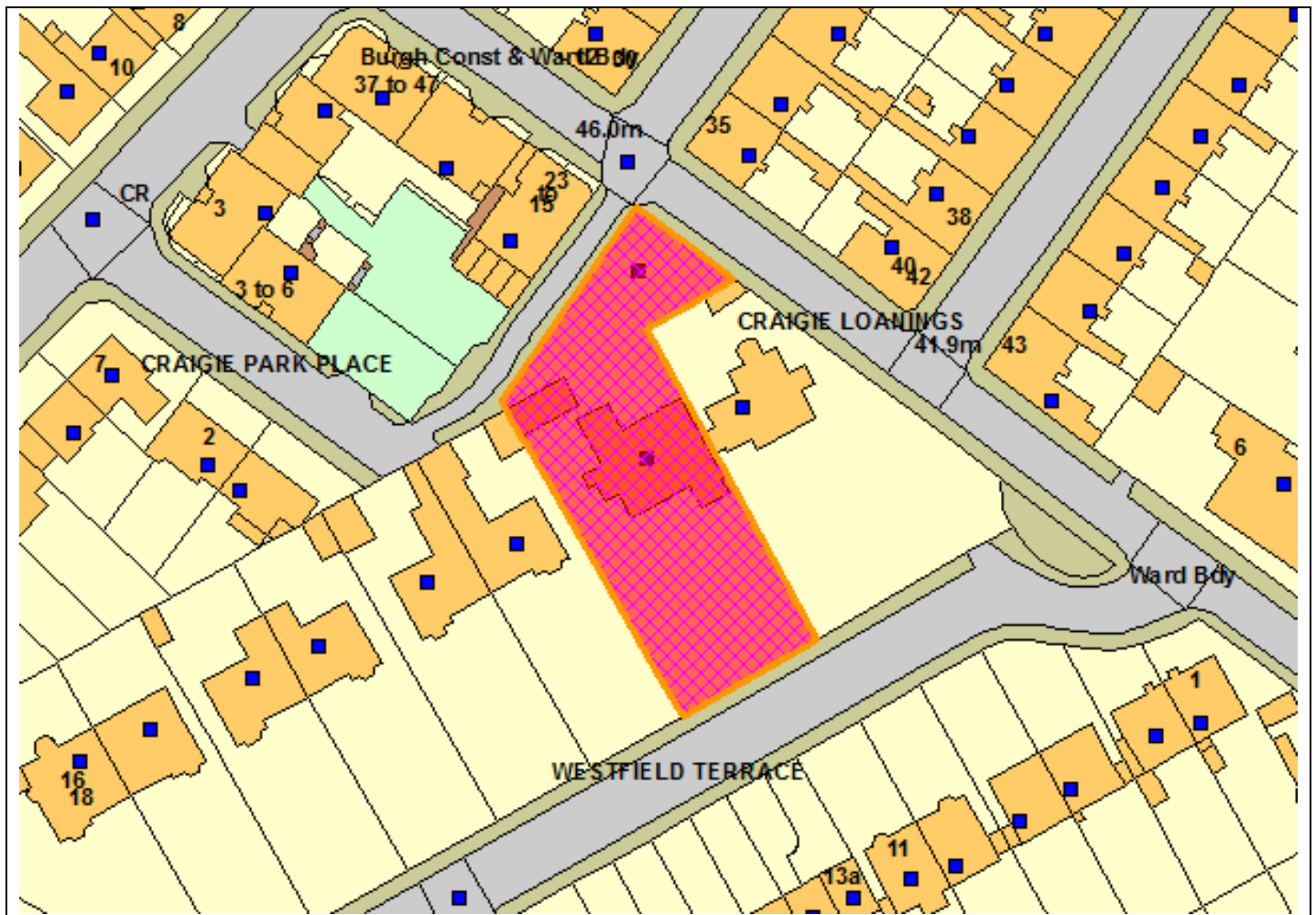


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30th May 2019

Site Address:	4 Westfield Terrace, Aberdeen, AB25 2RU,
Application Description:	Erection of 2 storey dwellinghouse within garden ground and alterations to boundary wall
Application Ref:	182030/DPP
Application Type	Detailed Planning Permission
Application Date:	3 December 2018
Applicant:	Mr & Mrs Tom Mason
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Nicholas Lawrence



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The Site is roughly a triangular parcel of land totalling some 400m² in area and forms the southern aspect of the garden to number 4 Westfield Terrace and is enclosed by stonewalls on the north-east and north-west boundaries, and by a stone retaining wall and garage along the south-east boundary.

The Site is uncultivated and contains a number of shrubs and trees and there is evidence of blocked up entrances within the wall fronting Craige Loanings and the private driveway from Craige Park Place. In respect of topography, the site is slightly higher (approximately 1.75 metres) than the adjacent properties on Westfield Terrace. The adjacent 3 storey flats at Craige Park Place (developed in the mid-eighties) are again higher as levels continue to rise up towards Rosemount Place at the crest of the hill.

With regard to the immediate and wider environs, the north-west side of Westfield Terrace comprises 8 detached and semi-detached late 19th century dwellings set well back in generous landscaped gardens with mature trees. The character of Craige Loanings to the north-east of the site is defined by 3 storey granite terraced houses and tenements. There is little development on the application site side of the street, except for a bungalow on an infill plot at No. 1 and the modern 2 and 3 storey flats to the north of the Site.

Within the site boundaries are a total of 17 individual trees. These trees are between 5 – 16m in height; with an average of approximately 8.5 metres. The remaining boundary to the south is formed by a 1.2 metre high granite rubble wall towards 2 Westfield Terrace, while the boundary to No. 4 is partially open, and part 1 metre high vertically boarded fence, while the remainder is formed by the rear wall of the garage/outbuilding of 4 Westfield Terrace.

In terms of designations the site is within a residential area as shown on the Proposals Map to the Aberdeen Local Development Plan 2017 (ALDP), to which policy H1 attaches; as well as forming part of the Rosemont and Westburn Conservation Area that is covered by ALDP policy D4.

Relevant Planning History

Application Number	Proposal	Decision
131777	Erection of 2 storey dwellinghouse within garden ground and alterations to boundary wall	Allowed at Appeal 29.10.2014
130228	Carry out various tree works including the removal of six trees and the pruning of seven trees within the garden of the property. The tree removals are to prevent the further damage to a wall. Species include Sycamore, Holly, Norway Maple, Lime, Horse Chestnut, Cherry and Birch.	Permitted 04.04.2013
101611	All tree work for increased light and space in garden. Remove 1 Cherry and 1 Sycamore. Crown thin by 20% 6 Cherry, 2 Norway Maple, 3 Lime, 1 Horse Chestnut and 1 Sycamore. Tidy up 1 Copper Beech to remove branch stubs from previous pruning.	Permitted 11.11.2010

BACKGROUND AND PROPOSED DEVELOPMENT

Background

Planning permission was granted at appeal on the 29th of October 2014 for the erection of a two storey dwelling on the Site together with alterations to the boundary wall to create vehicular and pedestrian accesses. Whilst the condition precedent conditions were discharged in 2017, development was not commenced and the permission subsequently lapsed.

The current application, save further tree information and revised parking arrangements, is an identical submission to that allowed at appeal. It is on the basis of the allowed appealed scheme that the Applicants are seeking to secure planning permission for the same development form.

Proposed Development

In brief, planning permission, is sought as with the 2013 application, for the erection of a dwelling providing accommodation across two levels, together with parking/turning area and amenity space. At ground level, the accommodation incorporates kitchen/dining room, two bedrooms and bathroom. The upper level comprises a master bedroom, lounge and associated balcony to the rear.

Externally the dwelling would be finished with granite to the frontage, and return quoins to the side elevations. Granite would also be used on the balcony edge screens. Other elevations would utilise a white 'k' render, while a small area would also utilise dark grey lead cladding. The balcony itself would be formed by a glass balustrade. It is proposed that the roof would be formed in slate, while windows and doors would be powder coated aluminium. A chimney is also proposed on the north west facing roof plane.

The dwelling house would have its own driveway accessed off Craigie Park Place (a one way street in the section towards Craigie Loanings), in a position that was previously the subject of an opening, and has since been built up in a combination of granite rubble, brick, and blockwork. A total of 7 no. trees have been identified as requiring removal to allow development (consistent with the appealed scheme). Additional planting is shown to the north west boundary along Craigie Park Place to provide a screen between the application site, and the adjacent flatted properties. Pedestrian access to the site would be formed through a new slapping onto the footway at Craigie Loanings. It would include new granite piers, and a dark grey painted timber gate.

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=PJ06JQBZJD700>.

- Design Statement
- Tree Report
- Tree Protection and Monitoring Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Proposal has been the subject of 11 representations of objection; is being recommended for approval and has been the subject of formal objection from the Roads Authority; and one of the Applicants is a sitting Councillor. Accordingly, the Application falls outside the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Flooding and Coastal Protection – no comments or objections

ACC - Roads Development Management Team – whilst accepting that there is adequate off-street parking the Roads Development Management Team objects as the proposed visibility splay of 2.0 x 17.0m is not acceptable to their standards - the proposed access should provide adequate visibility of at least 2.5 x 22.0m.

ACC - Waste Strategy Team – no comment

Queen's Cross and Harlaw Community Council – no response

REPRESENTATIONS

11 representations have been received all of which object to the proposed development. The objection can be summarised as follows, the proposed development:

- would create an increase in the volume of traffic on Craigie Park and Craigie Park Place;
- would damage walls would damage trees
- would have an access road that is a private road;
- would cause a loss of light to neighbouring properties;
- is a 2 storey dwelling which has too much glass / would harm character of area;
- creates the wrong access to the dwelling;
- would create an increased burden on parking; and
- would be detrimental to road safety.

PLANNING POLICY FRAMEWORK AND 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.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (PLBCAA) requires that in the exercise of its planning functions that local planning authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

National Planning Policy and Guidance

- 3rd National Planning Framework
- Scottish Planning Policy
- Historic Environment Policy for Scotland – 1st May 2019

- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent – 25th April 2019
- Planning Advice Note 71 Conservation Area Management
- Planning Advice Note 74 Housing Quality

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan 2017 (ALDP)

- D1 Quality Placemaking by Design
- H1 Residential Areas
- D4 Historic Environment
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- NE5 Trees and Woodlands
- NE6 Flooding Drainage and Water Quality
- R6 Waste Management Requirements for New Development

Supplementary Guidance

- Transport and Accessibility
- The Sub-division and Redevelopment of Residential Curtilages

Other documentation

- Draft Rosemont and Westburn Conservation Area Character Appraisal (the Appraisal)

Appeal Decision Letter of October 2014

It is considered that the Decision Notice of the Reporter in 2014 carries significant weight in the decision-making process. In terms of considering how to assess the developmental impact upon the character and appearance of a conservation area the position adopted by the Reporter in 2014 has not changed.

A copy of the Decision Notice is appended to this Report as Document 1.

EVALUATION

MAIN ISSUES

Having regard to the aforementioned policies of the ALDP and government guidance, together with the appeal decision it is considered that; the main issues in determining this matter are; firstly, the principle of the proposed development; secondly, the impact upon the character and appearance of the area; thirdly, the impact upon trees; and fourthly, parking and roads.

Principle of the Proposed Development

Policy H1 of the ALDP in respect of residential areas is constructed positively by permitting in principle development where, in part, it does not constitute overdevelopment, does not harm the character, appearance or amenity of the area, and complies with relevant Supplementary Guidance.

The consideration of the developmental impact upon the character and appearance of the area within policy H1 follows the advice on Conservation Areas set out within ALDP policy D4, paragraph 143 of Scottish Planning Policy (SPP) and paragraphs 4 and 12 of Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (the Interim Guidance).

Therefore, the principle of the proposal is acceptable subject to the requirements of ALDP policies H1 and D4, other relevant policies of the ALDP and national guidance. The 2014 Decision Notice supports the principle of the proposed development.

Impact upon the Character and Appearance of the Area

The character of any area is more than the visual flow of the type of buildings and their associated materials; it also embraces the juxtapositions of buildings, their setting and the spaces they create. Any development ranging from the adaptation through to new build of whatever scale should not be considered in isolation and must be informed by the immediate and wider context.

The site falls within character area A of the Appraisal. The Reporter described the character of the area in the Decision Notice at paragraph 4 as follows:

“The north-west side of Westfield Terrace comprises 8 detached and semi-detached late 19th century houses set well back in generous landscaped gardens with mature trees, that together make a valuable contribution to the character of this part of the Westburn and Rosemount Conservation Area. However, the appeal site fronts Craigie Loanings, where the character is defined by the 3 storey granite terraced houses and tenements in the streets off the northeast side of the road. There is little development on the appeal site side of the street, except for a recent bungalow on an infill plot at No.1 and the modern 2 and 3 storey flats adjacent to the appeal site to the north.”

then comments at paragraph 11:

The Rosemount and Westburn Conservation Area covers a wide area of the city’s growth area during the late 19th century, and comprises a variety of housing types from grand mansions and large villas to detached, semi-detached and terraced houses and blocks of tenements, coupled with open spaces and parks...The character of Craigie Loanings onto which the appeal site fronts from which it can be seen that, even though it lies adjacent to the rear of 2 & 4 Westfield Terrace, the proposed house would be more closely related to

the rather featureless modern flats at Craigie Park Place and facing the higher density dwellings in Wallfield Place opposite.

In turn, the purpose of design is to consider its context (i.e. character and appearance of the area) and respond accordingly. This is not to imply that one of the aims of design should necessarily be to 'fit in'; at its worst, this can be little more than an excuse for mediocrity. Difference and variety can be virtues in new proposals as much as sameness and conformity; and of course, different contexts can themselves be more, or less, uniform in their nature. The design of any building or group of buildings should look to establish its own character and add another layer of positive interest to the area within which it will sit. In turn, at both the local and national level policy and guidance is not prescriptive on design.

The question of overdevelopment; the site coverage equates to some 27%, which compares favourably with the 33% in the Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance. It is therefore considered that the proposed development does not constitute over-development.

On the matter of height; there are dwellings in the immediate and wider area that are two and three storey in height and therefore the scale of the proposed dwelling would not be out of character with the residential form of the area. With regard to elements of the design; whilst the proposed dwelling is contemporary in form the detailing carries elements from the surrounding areas (e.g. use of granite and slate & incorporation of a chimney) and the fenestration is a modern interpretation of glazing arrangements to living room and hallway areas.

Allowing for the existing built form, and the scale, design and composition of the proposal, it is considered that such a development will add another layer of interest to the area without harming its character or appearance. The scheme thereby complies with policies D1, D4, and H1, of the ALDP together with national guidance

Effect upon Trees

Whilst ALDP policy NE5 establishes a presumption against the loss of, or damage to trees that contribute to the character and amenity of the area, the policy does permit compensatory planting where there is loss of trees to enable development to proceed.

The Applicant submitted a Tree Report to reflect the elapsed time since the appeal decision setting out the protection measures to trees and area for landscaping. It is considered that a planning condition addressing landscaping, including new tree planting, will ensure that the loss of trees will have no adverse impact on the character of the area. Thereby, complying with ALDP policy NE5.

Parking and Road Issues

The Transport and Accessibility Supplementary Guidance sets out maximum parking standards against geographical areas of the City, and in this context the proposal meets the standards.

The Roads Development Management Team (RDMT) are seeking a visibility splay of 2.50 metres by 22.00 metres in accordance with the Design Manual for Roads and Bridges. However, the Applicant is only able to achieve 2.00 metres by 17.00 metres that corresponds to that considered as acceptable within the appealed scheme. Notwithstanding this fact, the RDMT have objected to the adequacy of the visibility splay.

Having due regard to the weight to be attached to the appeal decision, it is considered that the visibility is adequate and can be achieved by way of an appropriately worded planning condition.

Representations were submitted regarding the use of the private road to gain access to the site. The arrangements regarding access rights are not a material consideration.

It is therefore considered, that subject to appropriately worded planning conditions, the parking and access arrangements are in accordance with the provisions of the ALDP and other material considerations.

OTHER ISSUES

Amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their accommodation. This position is reflected within ALDP policy D1 and Scottish Planning Policy.

It is accepted that in any urban environment there will be a degree of overlooking, and this tends to be oblique and the protection of amenity can be addressed through design solutions. The roof pitch of 25° should not result in an unacceptable loss of sunlight or daylight in the neighbouring ground floor flats. There would also be an angle of 65° between the new dwelling and the back of 4 Westfield Terrace, which provides a separation of 13.5 metres, which is not considered to harm residential amenity. Side screening on the 1st floor balcony, would minimise any direct overlooking.

As the proposed development replicates the scheme allowed at appeal it is considered that the proposed dwelling would not harm the residential amenity afforded to neighbouring residences or occupiers of the proposed dwelling.

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The proposed development, incorporating associated works, by reason of its design, siting, scale, mass and form would not harm the character and appearance of the area; amenity afforded occupiers of the proposed dwelling or that associated with neighbouring properties; pedestrian and road safety. The proposed development therefore accords with policies D1 (Quality Placemaking by Design); H1 (Residential Areas); D4 (Historic Environment); T2 (Managing the Transport Impact of Development); T3 (Sustainable and Active Travel); NE5 (Trees and Woodlands); NE6 (Flooding Drainage and Water Quality); and R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan 2017; Supplementary Guidance (Transport and Accessibility and The Sub-division and Redevelopment of Residential Curtilages) to the Aberdeen Local Development Plan 2017; together with national guidance within Scottish Planning Policy; Historic Environment Policy for Scotland of 1st May 2019; Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent issued 25th April 2019; and Planning Advice Note 71 (Conservation Area Management).

CONDITIONS

1.

No development shall commence until full details and samples of all the external materials to be used in the development, hereby permitted, have been submitted to and approved in writing by the planning authority, and the works shall be carried out using only those approved materials.

Reason: in the interests of visual amenity of the area and to comply with policies D1 and D4 of the Aberdeen Local Development Plan 2017

2.

Before commencing the construction of the dwellinghouse, hereby permitted, the new vehicular access from Craigie Park Place shall be formed, together with a visibility splay of 2 metres x 17 metres from its centre line in a south-westerly direction and, once formed, the visibility splay shall be kept free of any obstruction for as long as the access remains.

Reason: in the interests of pedestrian and highway safety

3. The dwellinghouse, hereby permitted, shall not be occupied until the car parking areas shown on Drawing No. 100 Rev A have been laid out, constructed and drained unless otherwise approved in writing by the planning authority, and the approved car parking areas shall thereafter be used only for that purpose.

Reason: in the interests of public safety and the free flow of traffic

4.

No development shall commence until a scheme for 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. The dwellinghouse, hereby permitted, shall not be occupied until the works have been carried out and completed strictly in accordance with that approved scheme.

Reason: to ensure that the development is adequately drained and to safeguard water quality in adjacent water courses and to comply with policy NE6 of the Aberdeen Local Development Plan 2017

5.

No development shall commence until a detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all existing trees to be retained on the land, with details of their protection during construction, any that are to be felled and proposed areas of tree/shrub planting specifying numbers, species, locations and sizes.

Reason: for the protection of existing trees and in the interests of the amenity of the area, to safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017.

6.

All planting, seeding and turfing in the approved landscaping scheme shall be carried out in the first planting season following the completion of the development and, within a period of 5 years from that date, any trees or plants which die, are removed or seriously damaged or diseased shall

be replaced in the next planting season with others of the same species and sizes, unless the planning authority give prior written approval to any variations. †

Reason: in the interests of the amenity of the area to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

7. The dwellinghouse, hereby permitted, shall not be occupied until a method statement, showing the management proposals for the care and maintenance of all trees and planting, including the timing of works and inspections, has been submitted to and approved in writing by the planning authority. Any works shall be carried out strictly in accordance with the approved method statement, unless the planning authority give prior written approval to any variations.

Reason: to preserve the character and visual amenity of the area and to ensure the maintenance of the trees and to enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

8.

The dwellinghouse, hereby permitted, shall not be occupied until provision has been made on the site for refuse storage and collection in accordance with a scheme submitted to and approved in writing by the planning authority.

Reason: in the interests of public health and to preserve the amenity of the neighbourhood and to comply with policies D1 and R9 of the Aberdeen Local Development Plan 2017

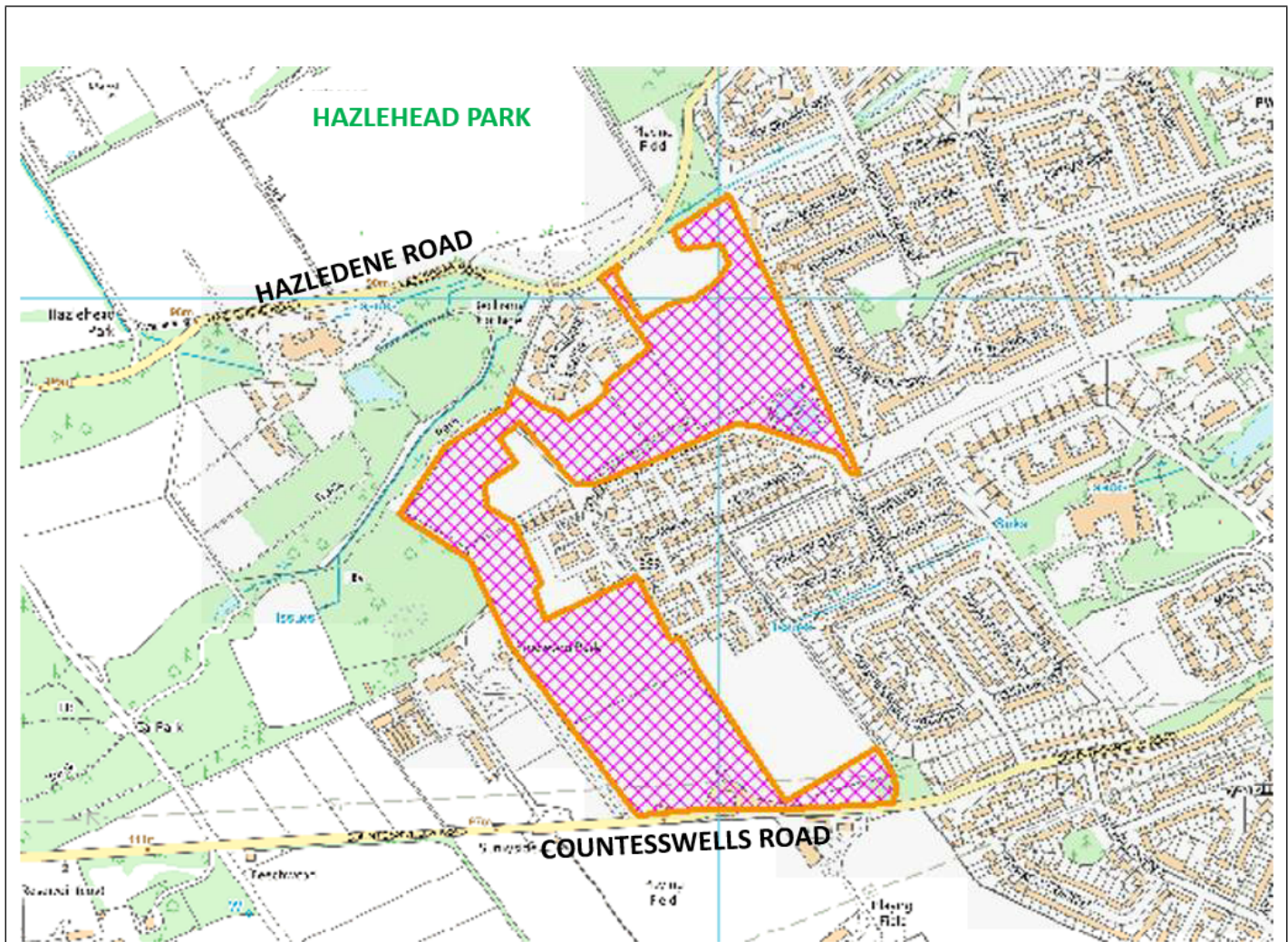


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30th May 2019

Site Address:	Land To South Of Hazledene Road, Aberdeen, AB15 8LD,
Application Description:	Residential development comprising of 216 units (across zones A, B, C, D and E) with associated access, landscaping and infrastructure
Application Ref:	182053/DPP
Application Type	Detailed Planning Permission
Application Date:	6 December 2018
Applicant:	Dandara
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Craigiebuckler And Seafield
Case Officer:	Gavin Evans



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

14.4ha located towards the western edge of the city's urban area and incorporating parts of a wider 'Pinewood and Hazledene' site, between Countesswells Road (to the south) and Hazledene Road (to the north). There are various pockets of completed and ongoing development (first approved in 2010) across this larger Pinewood and Hazledene site, which were allocated for development in both the 2008 Local Plan and the subsequent 2012 Local Development Plan. Following the granting of planning permission and commencement of works, this wider approved area is identified as a residential zoning in the current 2017 Aberdeen Local Development Plan.

Relevant Planning History

Application Number	Proposal	Decision Date
A7/2178 (072132)	PPiP Pinewood (150 homes)	19.08.10
A8/0530 (080831)	PPiP Hazledene (200 homes)	19.08.10
120029	MSC for Hazledene	10.04.14
120952	MSC for Pinewood	10.04.14
120371	Sales-related advertisements	21.05.12
130994	MSC for Hazledene Zone A layout	17.12.13
131037	MSC for Hazledene (internal roads & traffic calming)	09.12.13
130820	MSC for Hazledene Zone H layout	17.12.13
130983	MSC for Hazledene – landscaping, open space, dry-stone walls	09.12.13
170525/DPP	Erection of care home and 4 dwellings	06.12.17
170243/DPP	Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block (Zone F, Pinewood)	22.08.18
180224/PAN	Proposal of Application Notice	02.03.18

APPLICATION DESCRIPTION

Description of Proposal

This application proposes the construction of 216 dwellings within the Pinewood and Hazledene development. It specifically concerns development within Zones A – E of that wider scheme, which includes much of the western part, as well as the remaining undeveloped portion of Zone A.

The proposal sees a range of house types, including 2, 3, 4 and 5 bedroom dwellings and a small number of 2-bedroom flats.

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=PJ82ERBZJGW00>.

These include:

- Pre-Application Consultation (PAC) report
- Supporting Statement
- Street elevations/visualisations
- Design Statement
- Pre-Application Consultation Report
- Drainage Assessment and drainage plans
- Flood Risk Assessment
- Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP)
- Landscaping plans and planting schedule

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the following factors preclude determination under delegated powers:

- It is a 'Major' development;
- The local Craigiebuckler and Seafield Community Council has objected; and
- The 13 objections exceeds the relevant threshold (6 or more);

CONSULTATIONS

ACC - Developer Obligations – No objection. Notes that affordable housing provision will be made on the basis of: 10% of the initial 149 units (14.9) approved for the application site and delivered off-site (to reflect the terms of the existing consent); and 25% of the additional 67 units (16.75) now proposed. The overall provision would see the equivalent of 14.9 units delivered off-site; plus 16 on-site; and the remaining 0.75 unit requirement paid as a commuted sum of £63,750. Additionally developer contributions are identified towards: Primary Education (£39,525); Secondary Education (£13,175); Core Path Network (£24,924); Open Space (£12,261); and Healthcare (£68,579). Both affordable housing and developer contributions will be secured by an appropriate legal agreement/planning obligation.

ACC - Environmental Health – No objection. Advise that local air quality is good; that increased traffic flows on the local network will result in an imperceptible increase in the concentration of PM10, PM2.5 and NO2; and there is thus no risk of exceedance of national air quality objectives locally. Wider air quality impacts are likely to be dispersed, and the AWPR is anticipated to reduce vehicle numbers using Anderson Drive, thus lowering pollution levels on that Air Quality Management Area. Recommend conditions to address the following matters:

Noise

No significant change to noise levels is considered likely at existing residential properties in the vicinity. Mitigation is likely to be required to ensure that new properties closest to existing main roads achieve appropriate noise levels. A condition requiring submission of a scheme of noise mitigation measures and related noise impact assessment is required.

Dust

A detailed Dust Management Plan should be submitted and agreed by the planning authority, in consultation with Environmental Health officers, prior to works commencing.

In addition, it is recommended that appropriate working hours are highlighted to the developer via an advisory note.

ACC - Flooding And Coastal Protection – No objection. Note the detention ponds as the primary means of surface water drainage. Recommend that permeable materials are also considered where practicable in construction, along with options for rainwater harvesting, in order to reduce the effects of surface water runoff.

ACC - Housing – No objection. Welcome the mix of house types and emphasis on smaller dwellings (compared to earlier consent).

ACC – Education - The site is within the catchment area for Hazlehead Primary School and Hazlehead Academy. The 2017 School Roll Forecasts (SRF) indicate that both schools are currently operating within capacity, however both are forecast to go over capacity by 2021. The additional 67 units will place significant pressure on the schools, therefore mitigation is required by means of reconfiguration works to allow for increased capacity. Factoring the proposed units into the SRF, will equate to a maximum over capacity of 15 pupils at Hazlehead Primary and 5 pupils at Hazlehead Academy. These pupil numbers are then used as the basis for calculating developer contributions, which are identified earlier in this report.

Police Scotland – No objection. Conclude the general layout is good from a Crime Prevention through Environmental Design (CEPTED) perspective. Note the presence of rear lanes to some properties, and recommend that consideration be given to gating these, so as to restrict access by non-residents.

ACC - Roads Development Management Team – No objection. Issues relating to the nature and detailed design of traffic calming measures have been identified, however these would not alter the roads layout and can be addressed through the Roads Construction Consent (RCC) process.

North East Scotland Biological Records Centre – Data search found no records of bats or badgers within 100m of the site.

Scottish Environment Protection Agency (SEPA) – No objection. Notes ACC role, as Flood Prevention Authority, in commenting on any issues relating to surface water issues and Sustainable Urban Drainage Systems (SUDS). Note also that a Controlled Activities Regulations (CAR) construction site licence (via SEPA) will be required for management of surface water runoff from the construction site.

Scottish Water – No objection. Note that there is currently sufficient capacity at Invercarnie Water Treatment Works and at the Nigg Waste Water Treatment Works to accommodate the proposed development.

ACC - Waste Strategy Team – No objection. Highlighted areas of the development which required provision of collection points to be provided, this has since been addressed through revised plans.

Craigiebuckler And Seafield Community Council – Object for the following reasons:

- Density, layout and form of the development is not consistent with its surroundings;
- Contend that the developer's ability to sell properties is not a matter for the planning system;
- Raise concerns regarding additional traffic accessing Hazledene Road, which features narrow sections, sharp bends and no pavements in some parts;
- Increased risk to pupils crossing Hazledene Road to attend Hazlehead Primary and Hazlehead Academy;

- Questions the ability of Hazlehead roundabout to accommodate additional vehicles, which are directed there by the 'no right turn' at the junction of Queen's Rd/Hazledene Rd;
- Pollution/air quality concerns relating to additional traffic;
- Impact on the junction of Countesswells Rd/Springfield Rd;
- Increased risk for pupils attending Airyhall Primary;
- Inadequate provision for recreational space
- Consider the drainage system inadequate – being designed for 350 units. Increased number of homes equates to increased risk of surface water flooding due to stated inadequacy of the SUDS system. Consider an additional SUDS basin is required;
- Contend that Hazlehead Primary and Hazlehead Academy have insufficient capacity to accommodate the additional homes; and
- Query capacity at the local GP practice to accommodate the development and considers that ACC will be failing in its role within the Health and Social Care Partnership if approval is granted. Highlight a shortage of GPs in Aberdeen generally.

REPRESENTATIONS

13 letters of representation have been received, with points of objection summarised as follows:

- Development will result in increased strain on local roads, healthcare and education infrastructure;
- That any funding towards infrastructure should be provided at the outset, rather than as development progresses;
- Development will lead to further parking problems on Hazledene Drive;
- Suggest that all new 'Zone A' traffic should be directed to Countesswells Road junction, rather than exiting via Hazledene Road;
- The junction of Countesswells Road and Springfield Road is at capacity;
- The Drainage Assessment fails to consider the impact of additional outflow, which will exacerbate poor drainage downstream;
- Notes that the timing of the response period appears designed to reduce potential for representation;
- Suggests an increase in both traffic volumes and speeds since development of the wider site began. Considers that this additional volume of development will further contribute to road safety issues;
- Complains that no notification was issued to 4 John Porter Place;
- Contends that the increased density is at odds with the developed sections of Pinewood/Hazledene, as well as the established residential areas beyond;
- States that the increased density fails to accord with policies H1 and H3 of the ALDP, which require development to have consideration for the site's characteristics and those of the surrounding area;
- Disagrees with the earlier approval of flatted blocks within 'Zone F';
- Notes that the introduction of 3-storey buildings is not appropriate to the more open nature of land to the south and west;
- Contends that the variety in density, scale and unit mix across the wider site is such that it results in a number of unrelated streetscapes;
- Green spaces within the development are unclear in their function and useability. Gives examples of children playing on verges and scraps of green space in the completed sections of the development;
- Size and specification of the children's play area is considered inadequate.
- Provision should be made for small business units;
- There is a need for clear agreement on the point at which access via the Countesswells Road roundabout will be possible;

- States a requirement for tree protection during construction;
- Queries the need for path between units A57 and A58 (outwith site);
- The Sharp bend on Hazledene Road, next to site access, is currently a hazard, and this will be exacerbated. Widening and realignment is required before new housing can be accepted;
- No through route should be allowed to Hazledene Road – this would be used as a ‘rat-run’;
- Concern over adequate drainage and sewage facilities to accommodate the development;
- This proposal differs from the original permission, in that parts of the development are now accessed from Hazledene Road. This would change the recreational character of Hazledene Road, which is not suitable for this level of traffic;
- Ask whether SEPA and Scottish Water have been consulted on sewerage/drainage issues;
- Query whether ACC Roads and Scottish Government will assess the impact of additional traffic;
- Query whether impact on the burn and Walker Dam has been taken into account;
- Highlight past surface water problems on the site, both before development and during construction of earlier phases;
- Query the appropriateness of shared surface streets and the ability of cul-de-sacs to accommodate large vehicles manoeuvring. The development is not considered to be ‘safe’ or ‘easy to move around’, which are among the characteristics sought by policy D1 of the ALDP;

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.

National Planning Policy and Guidance

Scottish Planning Policy (SPP), 2014

SPP’s Principal Policies, in relation to Sustainability and Placemaking, are both of relevance. The former states that ‘*SPP introduces a presumption in favour of development that contributes to sustainable development*’. This is explained as meaning that decisions should be guided by a series of stated principles. Of particular relevance to this proposal are:

- ‘*supporting good design and the six qualities of successful places*’;
- ‘*making efficient use of existing capacities of land, buildings and infrastructure*’;
- ‘*supporting delivery of accessible housing...*’;
- ‘*supporting climate change mitigation and adaptation including taking account of flood risk*’;
- ‘*improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation*’;
- ‘*having regard to the principles for sustainable land use set out in the Land Use Strategy*’;
and
- ‘*avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality*’

SPP’s Placemaking policy sets out that ‘*Planning should take every opportunity to create high quality places by taking a design-led approach*’. It also outlines that the planning system should support development that is designed to a high quality, which demonstrates the six qualities of successful place:

- Distinctive

- Safe and Pleasant
- Welcoming
- Adaptable
- Resource-efficient
- Easy to Move Around and Beyond

SPP also highlights that design is a material consideration in determining planning applications, and that permission may be refused and the refusal defended at appeal solely on design grounds.

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscape

Policy NC8 - Retail Development Serving New Development Areas

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy H1 - Residential Areas

Policy H3 – Density

Policy H4 - Housing Mix

Policy H5 - Affordable Housing

Policy NE1 - Green Space Network

Policy NE4 - Open Space Provision in New Development

Policy NE5 - Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance and Technical Advice Notes

- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Natural Heritage
- Trees and Woodlands

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

EVALUATION

Principle of Development

The principle of residential development on the site has been established through its allocation for such development in the 2008 Local Plan, the subsequent 2012 Aberdeen Local Development Plan, along with associated grants of planning permission for development of both the Pinewood and Hazeledene sites. In the current ALDP, the site lies within a residentially zoned area, where policy H1 applies. On this basis, it is considered that the acceptability of this proposal lies in consideration of its merits in terms of: design, placemaking and other areas of detail. This is explored in detail below.

Scale of Development

The proposal sees a greater number of units than were previously consented within this part of Pinewood and Hazledene. This sees an additional 67 units within the site boundaries, compared to the extant consent. Additionally the wider originally granted 350 units saw a greater focus on larger detached dwellings of 3-5 bedrooms. However, consideration of those earlier proposals pre-dates the Local Development Plan's setting of density targets via policy, which seeks to ensure that development sites make efficient use of the City's finite land resource and are developed with the aim of achieving sustainable development. Density is discussed in more detail below. Further, the 2018 consent approved a reconfigured Zone F, which introduced 2 flatted blocks and bungalow house types, alongside dedicated retirement accommodation. This increased the number of units approved across the Pinewood and Hazledene sites to 412. The current proposal would take this to 479 units across 27ha. It is notable that this increase has also resulted in a more diverse mix of unit types and sizes. As mentioned the original consent saw primarily large detached dwellings, this has/would evolve to incorporate detached, semi-detached and terraced housing from 2-5 bedrooms (including bungalows), alongside flatted blocks of a scale considered appropriate to the site, as well as dedicated retirement accommodation for over-55s and a residential care home (in Zone A). Thus Pinewood/Hazledene considered as a whole, could now be considered a good example of achieving a mix of unit types and sizes, as advocated by ALDP Policy H4. The fact that unit numbers have increased from that originally consented is not precluded by the Development Plan, and perhaps merely reflects the increased emphasis that subsequent development plans have placed on the efficient use of land to meet identified needs. It is also notable that the Proposed Strategic Development Plan, currently submitted to Scottish Ministers for Examination, sets an increased target for new housing sites in the Aberdeen City Strategic Growth Area to generally achieve no less than 50 dwellings per hectare (compared to 30 units/ha in the current ALDP). In this context, the increased number of units is considered to be acceptable in principle, subject to an appropriate form of development relative to the context and compliance with the Development Plan in other respects.

Affordable Housing

Policy H5 of the ALDP requires no less than 25% of the total number of units as affordable housing. In this instance, it is noted that there is an existing consent associated to the site, this required 10% affordable housing provision. This permission has been implemented across earlier phases of the development and thus remains a relevant material consideration. On that basis, it was agreed at pre-application stage that the now applicable 25% affordable housing requirement would be applied only in relation to the 'additional' 67 units, from the existing pro-rata value associated to the site, such that the 149 units previously consented within the site boundary would

continue to attract a 10% rate. Affordable Housing relating to the existing consent (the 10% component) would be delivered off-site, at both Summerhill Road and an as-yet-unspecified second location. The supporting statement indicates that Affordable Housing relating to the 'additional' units would be delivered on-site. These matters can be secured through a section 75 planning agreement, ensuring that the development would incorporate an appropriate proportion of Affordable Housing and therefore materially comply with policy H5 (Affordable Housing) and the associated 'Affordable Housing' SG.

Developer Obligations

Policy I1 of the ALDP sets out that development must be accompanied by the necessary infrastructure, services and facilities required to support expanded communities. ACC's 'Planning Obligations' SG sets out the methodology for calculating developer contributions and the mechanism by which they will be secured. The existing/original consent included for 149 units within the site. Developer contributions relating to that consent were paid up-front and have since been utilised in full by ACC. On that basis, the Council's Developer Obligations team has assessed this proposal on the basis of the 'additional' 67 units, identifying contributions towards: primary education (£39,525), secondary education (£13,175); the Core Path network (£24,924); open space (£12,261); and healthcare (£68,579). It should be noted that these contributions are in addition to the £302,364.50 which previously secured via earlier consents at Pinewood and Hazledene. By utilising a planning agreement to secure these contributions, compliance with policy I1 of the ALDP and its associated 'Planning Obligations' SG can be ensured.

Design/Architecture/Placemaking

The proposal concerns various as yet undeveloped areas within two larger development sites, and as might be expected the design and general arrangements reflect the completed phases of development in many respects, although with a greater focus on small and mid-sized homes. Many key features of the original consents remain, such as access points (onto Hazledene Road, Countesswells Road and Countesswells Avenue), the route of the central spine road and the central swathe of green space running east-to-west. The central spine road, which connects Countesswells Avenue and Countesswells Road, is intended to support bus services and is accompanied by tree planting and landscaped spaces to create an attractive, gently sweeping route through the development, with secondary routes branching off into a series of character areas or 'zones'.

Zone A, at the north-eastern corner and accessed via Hazledene Road, remains characterised by detached houses, albeit the house types are generally smaller than previously consented. Zone B, to the north-western corner, is also characterised by detached homes, with an increase in density heading south into the adjoining Zone C, which features rows of 2 and 3-bed terraced houses. Further to the south, on the western side of the Pinewood site, Zones D and E remain of a slightly higher density. Zone E is the southernmost part of the site and the southern edge of the development, looking out over green space to Countesswells Road. It is characterised by a sweeping crescent of 3-storey townhouses (2 full storeys with dormer windows above) that is itself bookended by small blocks of 3 flats. Car parking at the front of this crescent is partially screened from by tree planting and landscaping, which includes the introduction of gently sloping landforms to soften the public face of the development. These landscaped spaces incorporate a network of footpaths which connect to nearby Core Paths (see later section on accessibility).

A consistent pallet of materials, which reflects that of earlier phases of development, is used throughout. This includes white render, areas of stone cladding to break up larger elevations and pick out details such as facing gables, and dark grey coloured roof tiles. Warmer wood tones in doors, porches and garage doors assist in softening that colour scheme, and dormer windows on some house types, including the sweeping south-facing crescent, are a familiar feature of the surrounding area which add variety and interest. On balance, it is considered that the proposed scheme is well-considered, demonstrates due regard for its context and results in a series of

distinct character areas, unified by a consistent pallet of materials. On that basis, it is considered that the proposal accords with the provisions of policies D1 (Quality Placemaking by Design) and D2 (Landscape) of the ALDP.

Density

Policy H3 of the ALDP states that residential developments over one hectare must meet a minimum density of 30 dwellings per hectare (net), but must also have regard for a site's characteristics and those of the surrounding area, with the aim of creating an attractive residential environment and living conditions within the development. Local context is important in ensuring that developments are well integrated into existing communities, and the applicant has estimated densities of approximately 20 dwellings/ha at Countesswells Avenue and 25 dwellings/ha at Craigiebuckler Avenue. The proposed development achieves an overall density of 22.6ha, however it is noted that the wider Pinewood and Hazledene sites include a greater proportion of flatted accommodation, particularly within Zone F, as well as a care home in Zone A which includes the provision of care along with higher-density residential accommodation. In this regard, the proposed density is considered to be appropriate to its context and, whilst failing to achieve 30 dwellings/ha within the boundary of the current application, the overall density of development across the two allocated sites would represent a contextually efficient use of the available land, consistent with the aims of policy H3 (Density) of the ALDP.

Landscaping/Open Space

A central area of parkland sweeps through the development to the south of Zone A, and includes footpath connections and an equipped play space. To the south of Zone E is a further area of landscaped amenity space, which assists with softening the southern edge of the development and presenting an attractive frontage to Countesswells Road. This area also includes footpath connections, tree planting and raised landforms to partially screen areas of car parking at the frontage of the crescent. In addition to these larger spaces, there are smaller areas of incidental open space throughout, and the main spine road is a transecting attractive tree-lined route. Overall this represents a good level of open space across the development and serves to create an appropriate landscape setting thereto, consistent with its context. Whilst the location of the equipped play space is appropriate, it is considered that the play equipment proposed is lacking and therefore it is recommended that a condition seeks an alternative specification and to ensure it is equivalent to a Locally Equipped Area of Play (LEAP) standard, thereby ensuring compliance with policy NE4 (Open Space) and its associated SG. It may not be necessary for this play space to be enclosed by fencing as it sits comfortably within a wider area of open space. The green swathe which runs through the site from east to west also allows for connection to the wider Green Space Network, consistent with policy NE1 (Green Space Network). Trees present within the site, and along its periphery, will be protected throughout development, as set out in the supporting Arboricultural Impact Assessment and Tree Protection Plan, consistent with policy NE5 (Trees and Woodlands).

Transport and Accessibility

It is noted that residential development at Pinewood and Hazledene is well established through the Local Development Plan and the previous consents granted. This proposal involves a reconfigured scheme which results in an additional 67 units within the site. The nearest bus stop (on Countesswells Avenue) is 480m away, however it is noted that the site layout accommodates a bus route (the central spine road) and at the time of the initial consent operators had expressed an intention to route services therein. The Council's Roads Development Management Team has expressed no concern over the additional units proposed, nor the level of car parking provided to serve the development. Appropriate provision is also made for cycle and motorcycle parking. The site layout includes appropriate provision for pedestrians, with a network of new footpaths running throughout open spaces and connecting to the surrounding streets and Core Paths. Technical issues relating to the internal road layout and drainage of larger areas of car parking have now been satisfactorily addressed, and the detailed design will be subject to further consideration via

the Roads Construction Consent process. Taking these matters into account, the proposal demonstrates compliance with policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel), as well as the associated 'Transport and Accessibility' Supplementary Guidance.

Drainage

Policy NE6 (Flooding, Drainage and Water Quality) sets out requirements on flood risk and drainage, as such both a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) have been submitted. The FRA concludes a low risk of flooding and no required mitigations necessary. The DIA notes that the overall Pinewood and Hazledene development has two surface drainage networks, directing flows to two detention ponds, located in Zone A and Zone H. It explains that the overall development is designed in line with SUDS principles, restricting discharge to its pre-development rate. The DIA also includes analysis to show how the drainage system would cope in flood events. These submissions have been reviewed by SEPA and the Council's own Flooding team, with no objection or concerns raised. On that basis, it is considered that the proposal adequately addresses matters of flood risk and site drainage, consistent with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Refuse/Recycling

Policy R6 (Waste Management Requirements for New Development) of the ALDP sets out that all new development should have sufficient space for the storage of general waste, recyclable materials and compostable wastes, including provision for bins to be presented on collection days. In this regard dwellings will present bins at driveway entrances for collection, and flatted blocks see appropriately sited external bin stores. Some minor revisions have been made since submission, and these are now considered acceptable by the Council's Waste Strategy Team. Thus it is considered that the proposal complies with policy R6 of the ALDP, along with Part B of the associated 'Resources for New Developments' SG.

Resources for New Development

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings are constructed to achieve specified reductions in carbon emissions through the use of low and zero carbon generating technologies. The associated Supplementary Guidance provides that compliance may also be achieved through efficiencies in the building fabric. The Low/Zero Carbon Energy Statement demonstrates that enhanced levels of insulation, high-efficiency heating and hot water installations and photovoltaic technology achieve the required standard. A separate Water Efficiency Statement sets out that water meters will be fitted to all dwellings, dual and low-volume flush cisterns will be used, and all dwellings with rainwater downpipes will be provided with a 200 litre water butt as a means of rainwater harvesting. These measures will meet the provisions of policy R7 of the ALDP and its associated 'Resources for New Development' SG.

Matters Raised in Representations

- *Development will result in increased strain on local roads, healthcare and education infrastructure;*
Consultation with the Council's Roads Development Management Team has identified no concerns regarding the existing road network's ability to accommodate the proposed development. A requirement for Developer Contributions in relation to healthcare, primary education and secondary education has been identified, and the necessary contributions will be secured via a planning obligation (legal agreement).
- *Contends that any funding towards infrastructure should be provided at the outset, rather than as development progresses;*

The timing of developer contributions payments will be set out in the planning agreement, and reflect the contextual issues of the proposal. Generally, requiring larger developments to pay all developer contributions up-front may not be considered reasonable on the basis that it could serve to stifle development planned through the ALDP.

- *Development will lead to further parking problems on Hazledene Drive;*
Hazledene Drive is understood to be the road which provides access to Zone A, from Hazledene Road, to the north. Adequate provision has been made for car parking within residential plots, via garages and driveways, in accordance with the Council's relevant 'Transport and Accessibility' SG. On that basis there should be no significant need for residents to park on-street, however they would be entitled to do so as no parking restrictions apply.
- *Suggestion that all new Zone A traffic should be directed to Countesswells Road junction, rather than exiting via Hazledene Road; and*
- *Junction of Countesswells Road and Springfield Road is already at capacity;*
Zone A remains characterised by large detached dwellings. 52no dwellings are proposed in Zone A as part of this application, for a total of 66 units in Zone A in total, compared to 50 initially authorised. This number of properties is not considered to result in any significant additional impact on the local road network, as reflected by the absence of adverse comment from ACC's Roads Development Management Team.
- *Notes an increase in both traffic volumes and speeds since development of the wider site began. Considers that this additional development will further contribute to road safety issues;*
It is to be expected that the development of a greenfield site will result in increased traffic volumes on the local road network, and developers will be obliged to mitigate the impacts associated with their development (as opposed to addressing pre-existing issues). This led to the developer being responsible for the construction of a new roundabout junction on Countesswells Road. No concerns have been expressed by the Council's Roads Development Management Team in relation to traffic speeds or road safety.
- *Notes that the timing of the response period appears designed to reduce potential for representation;*
The timing of representation periods is determined by the date of submission of an application. In this instance, notifications to notifiable neighbours were issued on 18th Dec 2018, with an advert published on 19th December. The response period closed would ordinarily have closed on 8th January, however additional time was requested by the local Community Council, and so it was agreed to extend the deadline for both the Community Council and any other members of the public to 23rd January.
- *Complains that no notification was issued to 4 John Porter Place;*
Notifications are issued automatically, based on data within a GIS mapping system. This data is understood not to have included the newest dwellings within the Pinewood/Hazledene development at the time notification was undertaken. Thus some properties recently completed/ occupied may not have been notified. However, to address such issues the application was also advertised in the local press, to ensure that statutory requirements are met.
- *Contends that the density is at odds with developed parts of Pinewood/Hazledene, as well as the established residential areas beyond; and*

- *The density fails to accord with policies H1 and H3 of the ALDP, which requires development to have consideration for the site's characteristics and those of the surrounding area;*
 The density both within the site and the wider development is considered comparable to the surrounding communities. However it should be noted also that policy H3 of the ALDP seeks to deliver optimised densities on new development sites, in order to make efficient use of land and promote sustainable patterns of development. Detailed consideration of density and placemaking context is included in the design and density sections of this report, and it should be noted that the ALDP does not simply advocate replicating the density of adjoining areas, and the now increased density is consistent with the aims of policy H3.
- *Disagrees with the earlier approval of flatted blocks within Zone F at Pinewood;*
 This is not relevant to consideration of the current application.
- *Notes that the introduction of 3-storey buildings is not appropriate to the more open nature of land use to the south and west;*
 The only full 3-storey buildings are the two flatted blocks which 'bookend' the 2 ½ storey townhouses in the crescent at the south of Zone E. Any increase in scale is consistent with an appropriate and efficient density of the development on this site, and is not considered to be excessive or incongruous.
- *Contends that the variety in density, scale and unit mix across the wider site is such that it results in a number of unrelated streetscapes;*
 The design and form of the development is discussed earlier in this report, however the proposals clearly intended to create a series of distinct 'character areas' within a wider development, in order to provide interest, variety and a distinct sense of 'place', all unified by a consistent pallet of materials. This approach is supported by the ALDP and by 'Creating Places', the Scottish Government's policy statement on Architecture and Place.
- *Green spaces within the development are unclear in their function and useability. Gives examples of children playing on verges and scraps of green space in the completed sections of the development;*
 The overall development makes ample provision for open space, including dedicated play areas within the largest central space, to the south of Zone A. It is appreciated that the early phases of development have not had the benefit the full provision of open spaces in the short-term, however this will be addressed in due course, as development progresses.
- *Size and specification of the children's play area is inadequate.*
 Whilst the location of the play space is considered appropriate, the equipment proposed is to be finalised via a condition to secure an alternative specification.
- *Provision should be made for small business units within the development;*
 Retail and commercial uses are not been proposed and previous consents for the site made no provision for such retail or commercial use. On balance it is not considered that this issue warrants refusal of the application.
- *There is a need for clear agreement on the point at which access via the Countesswells Road roundabout will be possible;*
 It is understood that construction access is presently taken via the Countesswells Road junction, but that residential access remains via Countesswells Avenue and Hazledene Road. It is good practice to keep residential traffic and construction vehicles separate unless shared access is unavoidable. On that basis, it is appropriate to continue to utilise

the Countesswells Road roundabout junction for construction access, with householders utilising Countesswells Avenue. Whilst this will mean additional traffic on this route in the short-term, the progression of work in the southern portion of the development (Pinewood) will allow for this to operate as the main site access in due course.

- *States a requirement for tree protection during construction;*
Noted – a scheme of tree protection has been provided and a suitable condition is recommended.
- *Queries the need for path between units A57 and A58 (outwith site);*
These units lie outwith the current application boundary, so are not within the scope of the applications consideration.
- *Sharp bend on Hazledene Road next to site access is currently a hazard, and new development will exacerbate this. Widening and realignment is required before new housing can be accepted;*
Localised widening and improvements to Hazledene Road were required in connection with planning permission Ref: 130994, which first provided for access to the site from the north. Those works have been completed and the Council's Roads Development Management Team has not identified any requirement for further upgrades.
- *No through route should be allowed to Hazledene Road – this would be used as a 'rat-run';*
Noted – no through route from Hazledene Road to Countesswells Road is proposed, besides an emergency access connection.
- *Concern over adequate drainage and sewage facilities to accommodate the development;*
Scottish Water have advised on foul drainage, noting that there is presently capacity at Nigg Waste Water Treatment Works to accommodate the development. Surface water drainage is considered via the submitted Drainage Impact Assessment and Flood Risk Assessment, and it is noted that neither SEPA or ACC's Flooding Team have expressed concern.
- *This proposal differs from the original permission in that parts of the development are now accessed from Hazledene Road. This has changed the recreational character of Hazledene Road, which is not suitable for this level of traffic;*
Access to Zone A from Hazledene Road already exists, having previously been consented. There is no significant change to access arrangements as part of this proposal.
- *Asks whether SEPA and Scottish Water have been consulted on sewerage/drainage issues;*
Yes – Detailed responses summarised in this report are available via planning portal.
- *Queries whether ACC Roads and Scottish Government will assess the impact of additional traffic;*
Yes – ACC Roads Development Management response summarised in this report and available in full via planning portal. The Scottish Government have no locus to comment, or be consulted.
- *Drainage Assessment fails to consider the impact of additional outflow, which will exacerbate poor drainage downstream; and*
- *Queries whether impact on the burn and Walker Dam has been taken into account;*
The potential for impacts on local watercourses is addressed through a scheme of appropriate drainage for the site, which includes the treatment of surface water before it is

discharged from the site, and measures to ensure that the rate at which water is discharged from the site is not increased.

- *Highlights past surface water problems on this site, both before development and during construction of earlier phases;*
Noted – it is understood that site drainage has been historically problematic, both prior to development and in the early phases of development. Permanent drainage infrastructure should address this, and it is noted that the applicant has included details of construction-phase drainage measures, which includes a series of temporary surface water storage areas, each with an overflow connection to the permanent drainage network.
- *Queries the appropriateness of shared surface streets and the ability of cul-de-sacs to accommodate large vehicles manoeuvring. The development is not considered to be ‘safe’ or ‘easy to move around’, which are among the characteristics sought by policy D1 of the ALDP;*
Shared surface streets are appropriate for secondary residential streets where traffic volumes are less and speeds controlled through design of the road. In this case, it can be seen that traditional pavements are maintained along the principal spine road, which would serve as the main distributor road through the development. This approach is consistent with ‘Designing Streets’ and there has been no objection expressed by ACC’s Roads Development Management Team.

Matters Raised by Community Council

- *Density, layout and form of the development is not consistent with its surroundings;*
Addressed in Design/Architecture/Placemaking section of report.
- *Contends that the developer’s ability to sell properties is not a matter for the planning system;*
The introduction of a greater range of dwelling types and sizes is desirable in planning terms and actively sought by the Local Development Plan, regardless of the developers commercial considerations.
- *Raises concerns regarding additional traffic accessing Hazledene Road, which features narrow sections, sharp bends and no pavements in some parts;*
Addressed within report.
- *Increased risk to pupils crossing Hazledene Road to attend Hazlehead Primary and Hazlehead Academy; and*
- *Questions the ability of Hazlehead roundabout to accommodate additional vehicles, which are directed here by the ‘no right turn’ at the junction of Queen’s Rd/Hazledene Rd;*
The additional trips generated by the additional 12 dwellings in Zone A, and accessed via Hazledene Road, is not considered to be significant in terms of pedestrian safety or junction capacity, and has not been the subject of any concern from the Council’s Roads Development Management team.
- *Pollution/air quality concerns relating to additional traffic;*
The Council’s Environmental Health officers have assessed the proposal and concluded that the impact locally would be imperceptible and that substantial impact on the Anderson Drive/Haidagain Roundabout/Auchmill Road Air Quality Management Area is unlikely.
- *Impact on the junction of Countesswells Rd/Springfield Rd;*

The additional number of units proposed is not considered to necessitate interventions in the surrounding road network, over and above those previously secured in connection with the original consent.

- *Increased risk for pupils attending Airyhall Primary;*
The application site is within the catchment area for Hazlehead Primary.
- *Inadequate provision for recreational space*
Discussed in the Landscaping/Open Space section of this report.
- *Drainage system inadequate – designed for a development of 350 units. Increased number of homes equates to increased risk of surface water flooding due to inadequacy of the SUDS system. It follows that an additional SUDS basin is required for additional homes;*
Discussed in the Drainage section of this report. The submitted Drainage Assessment confirms that the detention ponds have been designed in accordance with SUDS criteria and Sewers for Scotland, and approved by Scottish Water, with the overriding principle that outfall from the site shall not exceed its pre-development greenfield runoff. No concerns are raised by the Council's Flooding Team.
- *Contend that Hazlehead Primary and Hazlehead Academy have insufficient capacity to accommodate the additional homes;*
The Developer Obligations response highlights that the 2017 School Roll Forecasts indicate that both Hazlehead Primary and Hazlehead Academy are currently operating within capacity, but are forecast to go over capacity by 2021. Per the Council's 'Planning Obligations' SG, contributions are sought in order to mitigate the identified impact of the development. In this instance, contributions are sought on the basis of reconfiguration works to allow for increased school capacity.
- *Queries capacity at local GP practice to accommodate development and considers that ACC will be failing in its role as a partner in the Health and Social Care Partnership if approval is granted. Highlights a shortage of GPs in Aberdeen generally;*
Developer Obligations response states that infrastructure requirements have been calculated in consultation with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. In this instance, a contribution has been identified towards a new health centre at Countesswells, which will serve residents of this proposed development.

Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, it is noted that the Pinewood and Hazledene sites have previously been allocated through the Local Development Plan, subsequently consented and works have commenced accordingly. The proposed increase in the number of units is not considered to be of strategic or regional significance, or to require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Heads of Terms of any Legal Agreement

A legal agreement will be required in order to secure developer contributions in relation to the 'additional' 67 units, along with affordable housing provision. Affordable Housing provision will be made at 10% of the initial 149 units, reflecting the terms of the existing consent, and at 25% for the 'additional' units. The 10% provision to be made in relation to the initial 149 units shall also allow for off-site delivery, as previously agreed in relation to applications A7/2178 and A8/0530. Developer contributions to be secured are as follows:

- £39,525 towards Primary Education;
- £13,175 towards Secondary Education;
- £24,924 towards Core Path Network;
- £12,261 towards Open Space; and
- £68,579 towards Healthcare

Time Limit Direction

Not applicable – standard 3 year consent applies.

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The principle of residential development on this site is well established through its allocation in previous iterations of the Aberdeen Local Development Plan and the previous granting of planning permission. The proposal is considered to be consistent with the provisions of policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP). The increased density of development is consistent with the efficient use of allocated sites, as advocated by Scottish Planning Policy (SPP), and it is considered that the proposal achieves a high standard of design, which incorporates a good range of unit types and sizes. The proposal incorporates an appropriate quantity of landscaped open space, which safeguards existing trees where practicable and allows for connection between designated Green Space Network areas. Provision is made for equipped play space within a central landscaped open space, and the central spine road allows for the provision of bus services in due course. The site is adequately accessible and makes appropriate footpath connections to the surrounding Core Paths network. Provision is made for surface water drainage and the site is not at risk of flooding. Appropriate legal agreements can secure developer contributions to offset the impacts of the development on local services and also to ensure that an appropriate proportion of the approved units are provided as some form of affordable housing, as required by policy H5 (Affordable Housing). On balance, it is concluded that the proposal demonstrates its accordance with the provisions of the Development Plan, particularly key policies H1 (Residential Areas), D1 (Quality Placemaking by Design), H3 (Density), H4 (Housing Mix), H5 (Affordable Housing), I1 (Infrastructure Delivery and Planning Obligations) and NE6 (Flooding, Drainage and Water Quality), and no material considerations, including matters raised in representations and via consultee responses, are of sufficient weight to warrant determination other than in accordance with the Plan.

CONDITIONS

(1) that no development shall take place other than in accordance with the hereby approved scheme of tree protection (Struan Dalgligh Arboriculture, Tree Protection Plan (TPP) and Drawing, Dated Nov 2018) - in order to ensure adequate protection for all trees to be retained on the site during construction works.

(2) that any tree work, not specified in the submitted Arboricultural Impact Assessment (AIA), 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.

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

(4) none of the buildings hereby granted planning permission shall be occupied unless the boundary enclosures relevant to that plot have been laid out in accordance with the approved scheme (Dandara Landscape Plans for Zones A, B, C, D and E - Drawing nos M_APL_230_Rev A; M_APL_231_Rev A; M_APL_232_Rev A) - in order to preserve the amenity of the neighbourhood.

(5) that the development hereby granted planning permission shall not be fully occupied unless all drainage works detailed on Plan Nos ABR_PID_115_Rev A, ABR_PID_116_Rev B and ABR_PID_117_Rev C or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(6) none of the buildings hereby granted planning permission shall be occupied unless the car parking areas relevant to that plot and hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. M_APL_243 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(7) notwithstanding the specification shown on the submitted plans, no development pursuant to this planning permission shall be undertaken unless details of a suitably equipped play space (equivalent to a Locally Equipped Area for Play - LEAP) have been submitted to and agreed in writing by the planning authority. Such approved equipped play area shall have been laid out and made available for use in accordance with a phasing plan to be submitted to and agreed in writing by the planning authority prior for occupation of any units within the approved development - in order to ensure that the development is served by dedicated play space of appropriate size and quality, as required by policy NE4 (Open Space) of the ALDP.

(8) no dwelling/flat within the hereby approved development shall be occupied unless there has been submitted to and approved in writing by the planning authority a Noise Impact Assessment and associated scheme of mitigation measures in order to address traffic noise affecting the new properties closest to existing roads. Thereafter development shall be carried out in full accordance with the approved measures, and no unit shall be occupied unless the required mitigation

measures relevant thereto have been fully implemented - in order to ensure that an adequate level of amenity is afforded to residents within the development.

(9) no development pursuant to this planning permission shall be undertaken unless there has been submitted to and approved in writing by the planning authority a detailed Dust Management Plan, which identifies potential sources of dust and measures for dust attenuation. Thereafter all works shall be carried out in full accordance with the agreed Dust Management Plan - in order to protect the amenity of residents in the surrounding area.

(10) no unit within the development hereby approved shall be occupied unless evidence that the relevant unit(s) have achieved the required Gold Standard building standards sustainability label, specifically with regard to the incorporation of water-saving measures as set out in the Dandara 'Water Efficiency Statement: Zones A, B, C, D and E, Pinewood/Hazledene (rev A)', dated September 2018 - in order to secure a reduction in water usage and ensure compliance with policy R7 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP and the associated 'Resources for New Development' Supplementary Guidance.

(11) no unit within the development hereby approved shall be occupied unless the measures set out in the approved 'Low/Zero Carbon Energy Statement, September 2018 (or any other such scheme as submitted to and approved in writing by the planning authority for the same purpose) have been implemented in full for that unit/those units - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(12) no unit within the development hereby approved shall be occupied unless a scheme for the restriction of non-resident access to rear lanes has been submitted to and agreed in writing by the planning authority, and any agreed measures implemented in accordance with the agreed scheme - in order to restrict inappropriate access to rear lanes by non-residents and to 'design out' crime where practicable.

(13) that no development pursuant to this planning permission shall commence unless temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS have been put in place in accordance with the approved construction-phase SUDS drawing (ABR_PID_125). These measures shall be implemented in full for the duration of works on the site or until the final drainage systems have been brought into operation - in order to prevent potential water pollution.

ADVISORY NOTES FOR APPLICANT

- It is recommended that no construction or demolition work shall take place:
 - outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - outwith the hours of 9.00 am to 4.00 pm Saturdays; or
 - at any time on Sundays,

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

- It is recommended that the applicant contacts ACC's Environmental Health officers in order to agreed the necessary scope of the Noise Impact Assessment (NIA) required by condition 8.



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 May 2019

Site Address:	12 Woodlands Walk, Aberdeen, AB15 9DW,
Application Description:	Erection of 2 storey gable extension
Application Ref:	190606/DPP
Application Type	Detailed Planning Permission
Application Date:	10 April 2019
Applicant:	WFM 1983 Ltd
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Case Officer:	Jane Forbes



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises the western end dwelling of a terrace of mews type properties designed as a single entity. The site is bounded to the east by No. 11 Woodlands Walk; to the south and west by landscaped grounds associated with the Woodlands residential development; and to the north, beyond the driveway and access road, by No. 14 Woodlands Walk. The property operates as a House of Multiple Occupation (HMO).

The wider area is dominated by suburban styled residential development that adopts a homogenous character either in terms of detached dwellings or groups of mews styled terraced dwellings.

The site lies within an area zoned as H1 (Residential Areas) within the Aberdeen City Local Development Plan 2017 (ALDP) and forms part of the Pitfodels Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
180960/DPP	Erection of 3 storey dwelling house to end of terrace	12.09.2018 Status: Application Withdrawn
181819/DPP	Erection of 2 storey extension with roof terrace to side gable	12.12.2018 Status: Refused under delegated powers

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a two-storey extension to project a maximum of 4.5 metres from the gable end of the property, incorporating a pitched roof to reflect the roofslope of the terrace, but with a ridge level at some 2.5 metres below the existing, and with both the front and rear elevations of the extension set back 1.25 metres from the main elevations of the terraced property. The proposed extension would incorporate a stonework gable-end, closely replicating an existing design feature. The finish materials of the development would include a smooth render, facing stonework and window lintols, white framed windows and doors, all to match the existing.

The proposed extension, which would extend to a footprint of some 35m², would deliver two storage rooms at ground floor level, both with external access; and a lounge at 1st floor level.

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=PPQRYXBZMPO00>.

- Tree Survey
- Supporting information from WCP Architects, with additional information submitted on 16/5/19.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 letters of objection have been received. The application therefore falls outside the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – Confirmed that there would be no objection if the proposal were to provide a maximum of 3 bedrooms, and thereby result in no change from the existing dwelling. Advised that if this were not possible, safety issues with regards to parking within the turning area would be of significant concern from a Roads perspective.

Cults, Bieldside and Milltimber Community Council – No comments

REPRESENTATIONS

9 letters of objection have been received raising the following matters:

Application Detail

1. Inaccuracies and contradictory statements with regards the description of the existing property including the number and location of bedrooms, the size and proportion of accommodation, storage space available.
2. Proposed plans are lacking in detail.
3. Insufficient detail and resulting concerns about the intended use of the proposed development.
4. Red line boundary appears to include land outwith the ownership of the applicant.
5. Insufficient detail on drainage.

Impact on amenity and character of surrounding area

6. Development work does not take into account the character of the conservation area.
7. Design and scale of proposed development would not be appropriate for the site, and out of character with the terrace and other properties in the surrounding area.
8. Overdevelopment of the site.
9. Proposal would affect existing views.

Impact on Parking and Traffic

10. Inadequate car parking provision.
11. Road safety concerns due to increased parking pressure
12. Construction work would cause disruption including additional traffic, heavy vehicles, noise, pollution and dust and raise concerns regarding storage of building materials and equipment.

Other

13. Misleading description of current property market.
14. Concerns relating to the existing use of the property as an HMO and intended use of the property in the future.

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.

National Planning Policy and Guidance

Scottish Planning Policy

Historic Environment Scotland Policy Statement (HEPS)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017) (ALDP)

Policy H1 (Residential Areas)

Policy D1 (Quality Placemaking by Design)

Policy D4 (Historic Environment)

Policy NE5 (Trees and Woodlands)

Policy T2 (Managing the Transport Impact of Development)

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility
- Householder Development Guide

Other Material Considerations

Aberdeen City Council's Conservation Area Character Appraisal and Management Plan: Pitfodells

EVALUATION

Principle of the Proposed Development

The application site lies within an area zoned as residential within the Aberdeen City Local Development Plan 2017 (ALDP). The proposal must therefore be considered against Policy H1 (Residential Development), which states that within existing residential areas, proposals for new development and householder development will be approved in principle if it:

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character and amenity of the surrounding area;
3. Does not result in the loss of valuable and valued areas of open space; and
4. Complies with Supplementary Guidance.

The proposal would have no impact on existing open space as it would be contained within the garden ground pertaining to the application site. The existing dwelling equates to a plot ratio of development on site of some 22%, and taking into account the proposed extension, this would rise

to 33%. On the basis of a number of the terraced properties along Woodland Walk having a plot ratio of some 40%, it is considered that the resulting increase in development footprint at No 12 could not be considered as over development of the site.

The proposal relates to the extension of an existing dwelling, and within a site zoned under Policy H1 (Residential Areas), the principle of development which is associated to the residential use of the property would appear acceptable. However, the impact of such development on the character and amenity of the area must be fully considered, and the proposal evaluated against all remaining relevant policy, with any impact resulting from the development suitably addressed.

Scale/Design/Amenity of Proposed Development

The proposed development would see the introduction of a 2 storey gable extension to the existing end-terraced property. The Council's Supplementary Guidance on Householder Development outlines a number of general principles which should be addressed when considering development proposals, including in relation to extensions. The SG outlines that extensions should be architecturally compatible in design and scale with the original house and its surrounding area, should incorporate materials which will complement the original building, and should not overwhelm or dominate the original form or appearance of the building. The proposed extension should not adversely affect the amenity of any neighbouring property, with any significant adverse impact on privacy, daylight and general amenity counting against a development proposal. Finally, the SG outlines that the built footprint of a dwelling house as extended should not exceed twice that of the original dwelling and no more than 50% of the front or rear curtilage covered by development.

It is apparent that the increase in development footprint on site, from an existing 72m² to 107m², would neither result in the proposed extension exceeding twice that of the original dwelling, nor would it result in more than 50% of the rear curtilage being covered. The proposed extension would remain subservient in terms of both its height and length across the gable end of the property, with no resulting impact on daylighting, and whilst incorporating windows on all three elevations, would introduce no additional overlooking.

The design of the proposed extension has taken into account the style and finish of the existing property, with an appropriate roof pitch, window arrangement and gable end feature all suitably incorporated. This would result in the proposed extension appearing suitably proportioned in the context of the site, and with a choice of finish materials ensuring the extension appears visually coherent with the terrace.

In addition to the above general principles outlined in the Council's SG on Householder Development, there are certain criteria relating to extensions to terraced properties which are also relevant. In this respect the SG states that extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area. In this instance the proposed extension would be located on the western gable end of the terrace, with an area of open landscaping lying immediately to the west of the site, and as such the proposal would have no impact on any mutual boundary.

Taking the above into account it is considered that the proposal would be suitably compliant with the requirements of the Council's SG on Householder Development and with Policy D1 (Quality Placemaking by Design) of the ALDP. The position, scale, design and finish of the proposed extension are deemed appropriate both in the context of the site and the surrounding area, with minimal visual impact and no adverse effect on existing amenity. In addition, it is considered that the proposed development would secure a suitable level of amenity for future residents.

Impact upon Character and Appearance of the Conservation Area

Scottish Planning Policy (SPP) states that 'Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.'

The application site forms part of the wider Woodlands of Pitfoldels housing development which was completed circa 2007 and lies within the Pitfoldels Conservation Area. Policy D4 (Historic Environment) of the ALDP states that 'high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its conservation areas ... will be supported.' The Pitfoldels Conservation Area Appraisal and Management Plan notes that a characteristic of part of the conservation area covering the application site is of a rhythm of building form that frames, maintains and strengthens the views of the surrounding landscape.

It has been previously established that the proposed extension has been suitably sited, and is of an appropriate scale, design and finish in the context of the site and the surrounding area. Given the relatively small-scale nature of development being sought, and taking into account that the extension has been set back from both the front and rear elevations of the terraced property, thus limiting its visual impact, it is considered that the proposed extension would not compromise the rhythm of building form. On this basis the proposed development would not be deemed to be adversely affecting the special character or appearance of the conservation area within which the property lies, and would therefore be suitably preserving its character and appearance.

It is considered that the proposed development would accord with the requirements of Historic Environment Policy for Scotland and Scottish Planning Policy, whilst also complying with Policy D4 (Historic Environment) of the ALDP.

Impact of Proposed Development on Trees

A tree survey report and arboricultural assessment have been submitted in support of the application. These documents confirm there are no trees within the application site and whilst a small section of the root protection area of a nearby sycamore extends within the site boundary, the proposed footprint of development does not encroach on that root protection area, and any disturbance as a result of construction work would not impact on the health of the tree. The tree survey report states that the existing boundary fence which extends along the western boundary of the site will remain in place during construction and a condition has been attached to this effect.

Taking the above into account, it is considered that the proposed development will suitably address the requirements of Policy NE5 (Trees and Woodlands) of the ALDP.

Impact on Parking and Vehicular Access

The Roads Development Management team assessed the proposed development based on the original layout plan submitted which identified 3 bedrooms within the property, and raised concerns in terms of parking capacity for the site if the proposal were to result in any increase in bedroom accommodation. As a result of concerns and doubts raised by a number of objectors to the proposed development with regards the existing layout of the property and its operation as an HMO, further investigation has taken place. It has now been established and confirmed by the applicant that the existing dwelling operates as a 5 bed HMO for which it has an HMO licence, but for which, under planning legislation, planning permission for a change of use to HMO is not required (note – under the provisions of The Town and Country Planning (Use Classes) (Scotland) Order 1997, Class 9 – Houses, a house includes up to 5 unrelated people living together). Updated drawings have been provided by the applicant to reflect the current situation and address this inconsistency.

Taking this current situation into account, and on the basis that it is now apparent that the proposed development would see the delivery of 3 bedrooms within a revised layout, therefore fewer bedrooms than currently exists, there would be a reduction in parking demand for this property as a result of the proposed extension, and as a result no additional parking provision would be sought by ACC Roads Development Management team. As such, notwithstanding the offer provided by the applicant, it is considered that parking restrictions would be both inappropriate and unnecessary, as would be any requirement for the HMO licence to be relinquished. It is worth noting that whilst the property currently has a licence as a 5 bedroom HMO, both a new HMO licence application and a planning application for a change of use to HMO would be required for any increase to the existing bedroom accommodation to be considered.

It is deemed that the proposal is not contrary to the expectations of the Council's SG on 'Transport and Accessibility' and is suitably compliant with Policy T2 (Managing the Transport Impact of Development) of the ALDP which emphasises the need for new development to minimise traffic generation.

Implications on Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Matters Raised in the Letters of Representation

The above evaluation has addressed the issues raised in the letters of representation, with the exception of the following matters:

2. *The proposed plans are lacking detail.* The proposed plans include sufficient detail to allow for the application to be evaluated.

4. *Red line boundary appears to include land outwith the ownership of the applicant.* A signed Land Ownership Certificate accompanied the application, certifying full ownership of the land to which the application relates.

5. *Insufficient detail on drainage.* Drainage detail will be required as part of the Building Warrant application, but not to determine the planning application. The proposed development will need to connect in to the existing drainage system to the satisfaction of Building Standards.

12. *Construction work would cause disruption including additional traffic, heavy vehicles, noise, pollution and dust and raise concerns regarding storage of building materials and equipment.* A certain level of disruption is likely during development work, and for a house extension of this nature, such disruption is unlikely to be significant. Environmental Health officers have statutory powers to get involved in the event of excessive noise, dust, etc. Such concerns would not warrant refusal of an application.

13. *Misleading description of current property market.* This is not a material consideration

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal is deemed to be suitably compliant with Planning Policies D1 (Quality Placemaking by Design), H1 (Residential Areas), D4 (Historic Environment), NE5 (Trees and Woodlands) and T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan, whilst also addressing the requirements of the Council's Supplementary Guidance on 'Householder Development' and 'Transport and Accessibility', and those of Scottish Planning Policy and Historic Environment Scotland Policy Statement (HEPS). It is considered that the proposed development would have no detrimental impact on existing amenity, and that the position, scale, design and finish of the extension is acceptable in the context of the application site, with no adverse effect on the character of the conservation area within which it lies.

CONDITIONS

- (1) That all external finishing materials to the roof and walls of the development hereby approved, including stonework and roof tiles, shall match those of the existing property - in the interests of visual amenity.
- (2) That the existing 1.8 metre high timber fence shown in Drawing No WWA-1805-AA (Dated 30/5/18) shall remain in place along the length of the western boundary of the site until the completion of development, unless the planning authority gives written consent for a variation. Reason: in order to ensure adequate protection, during the construction of the development, for the trees identified in Drawing No WWA-1805-AA which are in proximity to the application site.

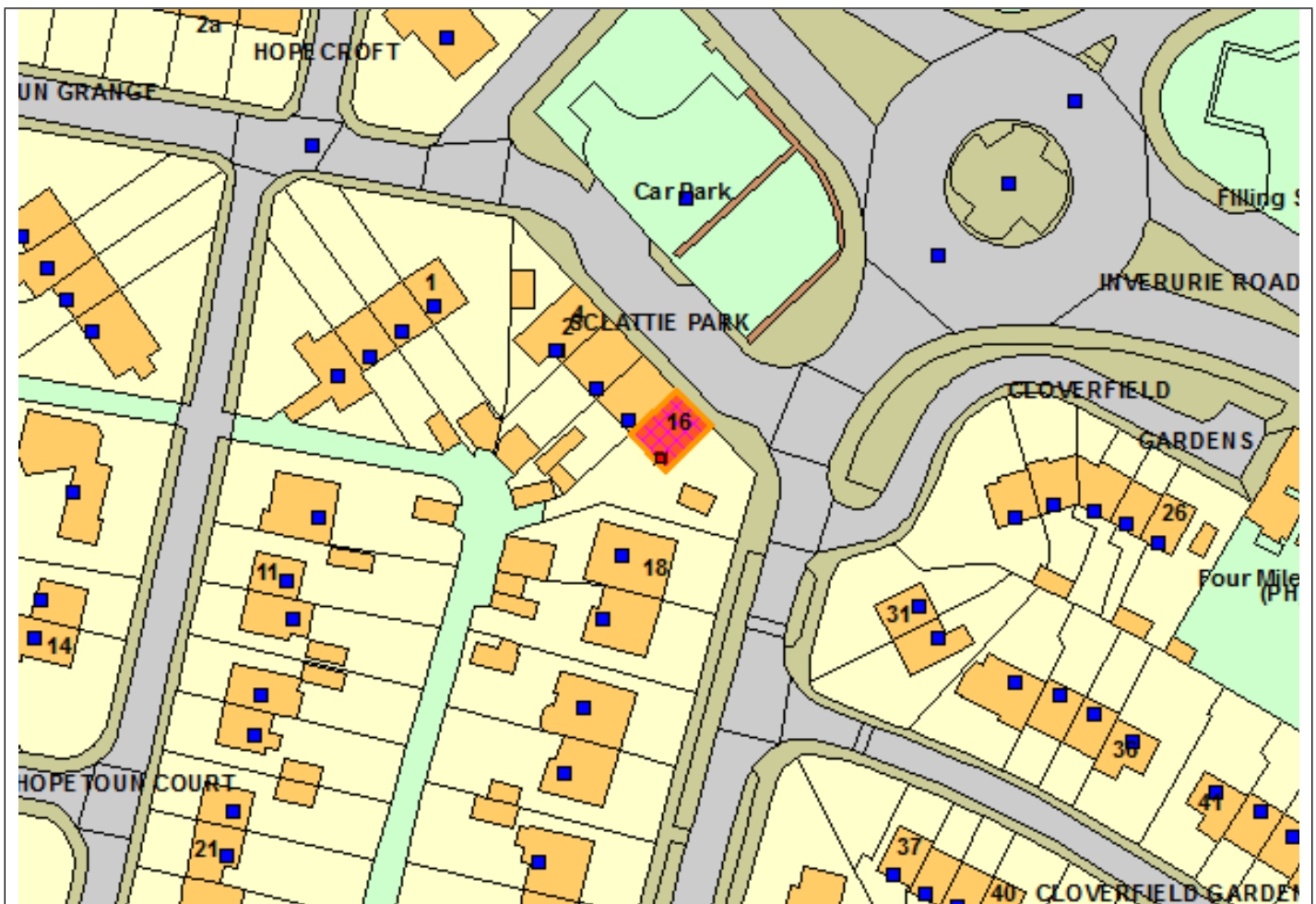


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 May 2019

Site Address:	16 Slattie Park, Aberdeen, AB21 9QR,
Application Description:	Change of use from class 1 (shops) to hot food takeaway (sui generis) and installation of ventilation duct
Application Ref:	190532/DPP
Application Type	Detailed Planning Permission
Application Date:	2 April 2019
Applicant:	Ciysel Sofra Ltd.
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

This site comprises a ground floor retail unit (previously used as a butcher shop) located within a pink granite-built 2 storey terrace which fronts onto and is accessed from the road bounding its north-east elevation. The upper floors are used as residential flats with separate access. The site forms part of a neighbourhood centre which serves the wider residential area but is located close to Inverurie Road. A fish and chip shop is located at the opposite end of the terrace, with one intervening retail unit. That fish and chip shop has existed since at least 1991. The roof of the building is hipped and slate clad. Opposite the site is a public car park. Construction work has recently taken place at the site and been completed, including the installation of an external flue on the (south east) gable wall.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for a change of use to form a hot food take away with ancillary cold food sales / storage. The servery / kitchen area would include a fryer, cooker, soup kettles and panini grill, with ventilation via an external flue connected to an extractor. The public area would be located at the frontage of the site adjacent to the display window. Bin storage is proposed within the garden area to the south east of the building. The flue, which has been installed without the requisite planning permission, is of galvanised metal finish. It extends along the upper part of the gable and terminates above the wallhead in the flats above, but is set below the overall ridge height. The proposed opening hours would be from 7 am to 10-11pm.

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=PP4XTUBZMEQ00>.

Operating description relating to hot food sales. No information has been provided in relation to the length of vacancy of the unit or efforts to secure an alternative class 1 retail use.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application has attracted 7 objections, which exceeds the threshold figure specified in the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Environmental Health –Information submitted by the applicant does not fully demonstrate the effectiveness of the extract ventilation system at addressing malodour from cooking activities, impacting on residential amenity. As the installation of the extract ventilation system at this location introduces the risk of noising impacting on the amenity of neighbouring residential

property, it is requested that an extract ventilation assessment and noise impact assessment be submitted prior to determination of the application.

ACC - Roads Development Management Team –No objection. Advise that there is no requirement for provision of additional car parking. Proposed bin collection arrangements are acceptable.

ACC - Waste Strategy Team –No objection. Advise of technical requirements regarding waste storage requirements on site.

Bucksburn And Newhills Community Council –No response received.

REPRESENTATIONS

A total of 7 objections have been received raising the following concerns :-

Adverse impact on residential amenity (e.g. generation of odours / noise);
Traffic generation / parking; litter generation / attraction of vermin;
Lack of demand for further hot food uses; concern regarding opening hours;
Alleged lack of control of land to the rear of the property; concern regarding dumping of waste within the garden area;
Unauthorised works on site: adverse impact on property value (n.b. this is not a material planning consideration and will not be addressed in the evaluation).

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.

National Planning Policy and Guidance

Scottish Planning Policy (SPP) regarding retail / town centres encourages their protection. Para 70:

“Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach.”

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region’s built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of

development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

H1: Residential Areas

NC6: Town District Neighbourhood & Commercial Centres

NC7: Local Shop Units

D1: Quality Placemaking by Design

Supplementary Guidance and Technical Advice Notes

Harmony of Uses

Hierarchy of Centres

Other Material Considerations

Planning permission (ref. 151275) was granted for change of use of a single storey retail unit within Sclattie Park Shopping centre (around 400m from the site) to form a hot food take away but appears to have expired. (n.b. the application site does not lie within the same centre and there are significant physical differences between these cases).

EVALUATION

Principle of Development

Due to the small scale of this proposal, it is considered to raise no strategic matters such that SDP and SPP are of limited weight in this instance.

The site lies within an identified residential area, as designated in the ALDP. In such areas, the need to protect residential amenity is a key consideration in determining acceptable alternative commercial uses for the premises. This can take precedence over other considerations, notwithstanding the benefits of seeking active use of the premises.

Policy H1 states "Within existing residential areas, proposals for non-residential uses will be refused, unless -

(1) they are considered complementary to residential use; or

(2) it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity".

The Harmony of Uses SG further states "The protection of the living conditions of residents in close proximity to any proposed hot food shops....will form a major consideration in assessing applications of this nature". It goes on to say "It is not usually considered acceptable to create hot food shops.....directly adjacent to or beneath residential properties". The SG continues by stating "Applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity in terms of noise, vibration, odour, traffic disturbance, litter or hours of operation."

Given that there are residential flats on the upper floor of the building immediately above the shop, it is considered that the proposal would likely result in adverse impact on residential amenity. This is due to the generation of odours, litter and late-night noise. No supporting / technical information has been submitted in relation to how these impacts could be satisfactorily addressed or mitigated. The proposal, therefore, conflicts with policy H1 (Residential Areas) and related supplementary guidance regarding Harmony of Uses. Although there is already an existing hot food take away

within the local centre located beneath residential flats, this is located at the opposite end of the terrace. It is considered that this historic situation does not justify introducing further potential conflict with residential use, contrary to the expectations of current policy and guidance.

Although the existing retail unit is vacant and not located within a designated retail centre (this lies 400m to the south) such that policy NC6 does not apply in this instance, this historic use provides a complementary supporting function to the residential area as a local shop. However, policy NC7 (Local Shop Units), which relates to proposals for change of use away from retail of premises located outwith any identified centre, does apply. The proposed alternative hot food takeaway use thus conflicts with policy NC7, as it has not been demonstrated that there is a lack of demand for the continued retail use of the premises, it has not been demonstrated that the new use would cater for a local need, whilst additionally the proposed use would conflict with the residential amenity of the area.

Although the installation of external ventilation equipment could to a degree address potential odour generation, it is likely that potential adverse odour and noise impact on residents could still occur due to the inability to terminate any extract ventilation at, or above, roof level. The likelihood of noise disturbance due to late night patrons (e.g. due to additional vehicle traffic generation) remain a concern, notwithstanding the existence of an existing hot food take away nearby. Notwithstanding that the agent has recently offered to reduce the hours of operation of the proposed use (to 10 or 11pm), it is not clear that these matters could be adequately addressed by imposition of conditions, particularly given the lack of supporting information in relation to these issues and the lack of clarity regarding the intentions of the applicant. No other material considerations are considered to exist which would justify granting approval contrary to the development plan.

Related Technical Matters

No noise or odour impact assessments have been submitted in support of the proposal. Given that Aberdeen Local Development Plan Policy T5 (Noise) expresses a presumption against noise generating development being located close to existing housing, as reinforced by Harmony of Uses guidance, there is a fundamental conflict with this policy. Notwithstanding the potential introduction of ventilation at the premises, for which no technical details have been provided, it is considered that the amenity concerns raised by the proposal cannot be adequately addressed by condition, particularly given that residential premises lies directly above the site.

Although no specific evidence has been provided that the proposal would create a live / attractive frontage, as expected by policy NC7, the layout plan indicates that the existing window / access would remain. Were the use acceptable details of the window treatment could be conditioned.

No details of refuse storage have been provided, as expected by policy R6 (Waste Management) and related guidance. However, the layout plan indicates a refuse storage area within the garden area at the side of the premises and details of this could be required by condition.

Visual Amenity

Although the proposed flue is a feature which does not match the design or materials of the existing building and, it is considered to be a relatively unobtrusive feature in the street scene, being largely obscured from public view, lower than the ridge height of the building and set on a side elevation which is largely screened by a conifer hedge. Thus, notwithstanding its contrasting appearance, it is considered that the flue as constructed accords with the design quality expectation of policy D1. Although it has been installed without the requisite planning permission, this cannot be used, in itself, as justification for refusal of this application.

Traffic / Road Safety Impact

Although it is likely that many potential customers would be nearby residents, with a notional similar catchment to the last retail use, the location of the site close to Inverurie Road and nature of the use is such that it has potential to draw increased car borne custom. Notwithstanding the possibility that the proposed use may increase numbers of drivers stopping at the premises (e.g. in relation to collection / delivery of food), given the absence of objection from ACC Roads officers on parking or safety grounds, the limited scale (floorspace) of the unit and given that a large surface car park exists opposite the site, accessed from Sclattie Park, it is considered that the traffic generation and any potential road safety impact of the development would not be so significant as to warrant refusal.

Matters Raised in Representation

These are considered to raise valid planning considerations which are addressed in the above detailed analysis. The agent has advised that the applicant controls land at the side of the premises where it is proposed to locate waste storage. Although it is recognised that an approved hot food take away around 400m from the site has not been implemented, the alleged lack of demand for further hot food uses in the area / commercial conflict with such existing use in the vicinity is not a material consideration which would justify refusal of the application.

Although it is noted that deposition of waste material has taken place with an adjacent garden, possibly associated with building works taking place at the site, it is not considered that this is a relevant material consideration in relation to determination of the current application. This matter has been raised with the agent and it has been requested that such waste material be removed from the site.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

01. The proposal would be likely to result in adverse impacts on, and thus conflict with, residential amenity due to generation of odour, litter and noise (e.g. from ventilation systems and increase in vehicle traffic late in the evening) and therefore conflicts with Aberdeen Local Development Plan policy H1 (Residential Areas) and related supplementary guidance regarding Harmony of Uses.

02. The proposal conflicts with Aberdeen Local Development Plan policy NC7 (Local Shop Units) as it has not been demonstrated that there is a lack of demand for continued retail use of the premises and the proposed use would conflict with the amenity of the area.

CONDITIONS

In the event that members are minded to grant the change of use, conditions relating to limiting the hours of operation, the provision of details for prevent odour nuisance, the provision of a noise assessment, details of display window treatment and details of refuse / waste storage are recommended.

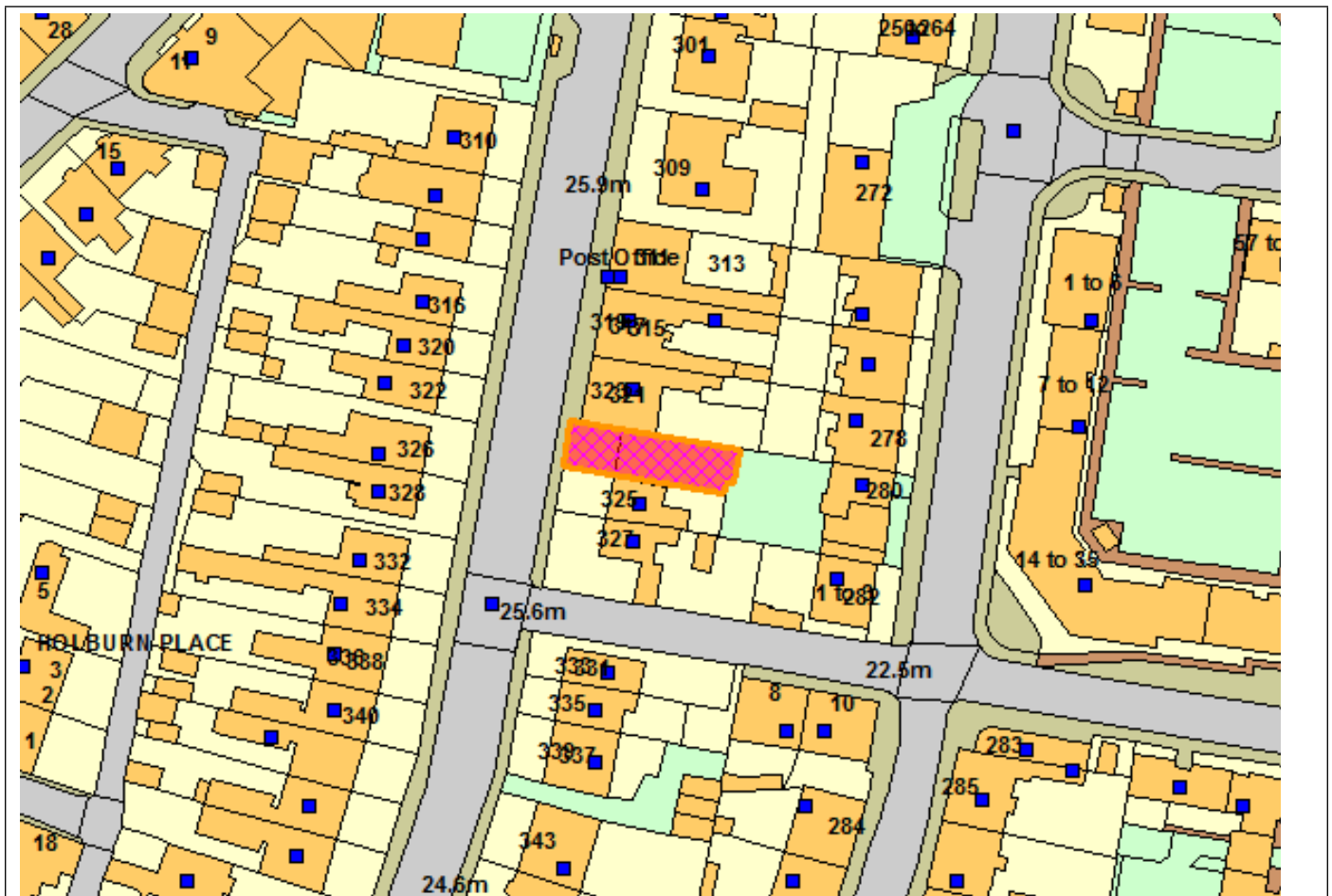


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 May 2019

Site Address:	325 Holburn Street, Aberdeen, AB10 7FP
Application Description:	Subdivision of existing feu and erection of 3 storey dwelling
Application Ref:	190623/DPP
Application Type	Detailed Planning Permission
Application Date:	12 April 2019
Applicant:	Mr H. Singh
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Jane Forbes



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises part of the wider garden of the residential property at No 325 Holburn Street, and specifically an area of some 176 m² which lies between the gable ends of No 325 and that of the 4 storey tenement building at No 323, which lies immediately to the north of the site. The application site is located on the eastern side of Holburn Street, at a distance of some 20 metres north of its junction with Bloomfield Road, and at approximately 130 metres south of the Broomhill Road roundabout. To the rear of the application site, and at a distance of 13 metres from the eastern boundary, is a 3 storey flatted development. This property, which is accessed from, and fronts onto the Hardgate, was built within grounds which previously formed part of the wider garden ground of No 325 Holburn Street, with conditional consent having been granted for the residential development in 2013.

The area within which the application site lies is zoned as residential (Policy H1) within the Aberdeen City Local Development Plan, and is largely characterised by 1½ storey traditional granite buildings which are set back from Holburn Street, with garden ground to the front and rear.

Relevant Planning History

Application Number	Proposal	Decision Date
160557	Proposed 4 storey development of residential flats and retail unit.	17.03.2017 Status: Refused at Planning Development Management Committee
130765	Sub-division of existing curtilage and erection of four flats with associated car parking	01.11.2013 Status: Approved Conditionally under delegated powers.
151265	Proposed formation of driveway	11.11.2015 Status: Refused under delegated powers

APPLICATION DESCRIPTION

Description of Proposal

The application seeks full planning permission for the erection of a 3 storey, flat roofed, 4 bed dwelling. The proposed development would incorporate a staggered front and rear building line. To the rear this would see the delivery of a section of flat roof above part of the ground floor accommodation, with this area forming the immediate outlook for the 1st floor living room. The proposal would include glazing on both the front (west) and rear (east) elevations, at each of the 3 levels of the property.

The proposed development would extend across the full width of the application site (6.6 metres), thereby adjoining the neighbouring tenement at No 323 Holburn Street, whilst retaining a separation distance of 1.1 metres from the gable end of the dwelling at No 325 Holburn Street. The front (west) elevation of the proposed development would face onto Holburn Street, and would be set back some 1.5 metres from the front elevation of the adjoining tenement, whilst sitting some 4.5 metres forward of the neighbouring dwelling at No 325, thereby creating a staggered building line. To the rear, and

at ground floor level, the development projects 4.5 metres beyond the rear building line of the tenement at No 323, whilst lining up with the rear building line of the neighbouring property at No 325. Above this, and at 1st and 2nd floor level, the development is set back some 3 metres, with a resulting projection of 1.5 metres beyond the rear building line of the adjoining tenement. Two new openings are proposed in the existing 2 metre high granite rubble wall which forms the western boundary of the site with Holburn Street, one providing access to the front entrance to the property, with a second gated opening located adjacent to the bin storage area. The proposal identifies a path, which currently provides access to the rear garden area for the property at No 325 Holburn Street, being shared by those occupying the proposed dwelling, albeit the path lies outwith the red line boundary of the application site. External finishes to the property would include a smooth render, fibre cement slates and aluminium framed windows.

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=PPUPM8BZMSH00>.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 letters of objection have been received. The application therefore falls outside the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – Object to the proposal on the grounds of insufficient parking (0 spaces) for a site which lies outwith any controlled parking zone and where the parking requirements for a 4 bedroom dwelling would be 3 spaces, as outlined in ACC's Supplementary Guidance on Transport and Accessibility. Given that Holburn Street is a district distributor road which requires vehicles to enter and leave a site in forward gear, on-site parking cannot be delivered.

ACC - Environmental Health – No comments or observations.

Ferryhill And Ruthrieston Community Council – No comments.

REPRESENTATIONS

9 letters of objection have been received raising the following matters:

Impact on amenity

1. The proposal would result in the further sub-division of the garden ground at 325 Holburn Street, with 80% of the original garden having been lost to development, resulting in overdevelopment of the site.
2. Adverse impact on amenity, with the scale, height and massing of the proposed development affecting sunlight/daylight of existing properties and/or garden areas at No's 280 Hardgate & 323 Holburn Street.
3. Impact on privacy of neighbouring properties at No's 280 Hardgate & 323 Holburn Street, with increased overlooking.
4. Proposal would block views from 323 Holburn Street.
5. One of two front gates proposed would give access to the site directly in front of the main door of No 323 Holburn Street.

6. Proposal would result in additional waste, with existing bins in area already full.

Impact on character of surrounding area

7. Design, scale, height and massing of proposed development would be out of place in this location, and out of character with the adjoining buildings and properties in the surrounding area.
8. Approval of such development would set an undesirable precedent for similar curtilage splits.
9. The proposed development appears overbearing and dominant. It looks both unsightly and visually jarring and doesn't respect the streetscape.

Impact on Parking and Traffic

10. The proposal does not propose parking for the residential use.
11. The surrounding area has existing parking issues, with insufficient on-street parking for residents and pressure from commuters parking in the area. Further residential development would add to this pressure.
12. Holburn Street is particularly busy with traffic, including buses, and at this location buses struggle to pass with cars parked on both sides of the road.
13. Road safety issues raised concerning the speed and number of vehicles passing this location.
14. Construction work would cause additional traffic congestion/parking issues within the area.

Other

15. Proposal would result in devaluation of neighbouring properties.
16. No detail on proposed hours of construction work or likely duration of works.
17. Proposed floor plan suggests likely HMO property, which is not in-keeping with the area.

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 City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017)

Policy H1: Residential Areas

Policy D1: Quality Placemaking by Design

Policy T2: Managing the Transport Impact of Development

Supplementary Guidance and Technical Advice Notes

- Sub-division & Redevelopment of Residential Curtilages
- Transport and Accessibility

EVALUATION

The main considerations which are of relevance relate to the principle of the proposed development; its design, scale and siting and how this fits within the context of the area; its likely impact on the character and amenity of the area, including whether it affects existing privacy/amenity of neighbouring properties; whether appropriate access and parking forms part of the proposal; and finally, whether the proposed development can deliver a suitable level of amenity for future residents.

Principle of Development

The application site lies within an area zoned as H1 (Residential Areas) within the Aberdeen City Local Development Plan (ALDP), and as such the principle of new development for residential use is acceptable, provided it does not constitute over-development; does not have an unacceptable impact on the character and amenity of the surrounding area; doesn't result in the loss of valuable and valued areas of open space; and complies with Supplementary Guidance. In this instance the relevant Supplementary Guidance would be as identified above, namely 'Sub-division & Redevelopment of Residential Curtilages' and 'Transport and Accessibility'.

The proposed 3 storey, 4 bedroom dwelling would be sited within part of the garden ground of No 325 Holburn Street, a 1½ storey dwellinghouse with basement. The garden ground at No 325 has previously been subdivided, following the granting of planning permission in 2013 and the subsequent construction of a 3 storey flatted development, built to the rear of the current application site, fronting onto and accessed from Hardgate. The proposed 3 storey townhouse development would adjoin an existing 4 storey tenement building to the north, and extend up to the boundary of the 1½ storey dwelling to the south. With the exception of the 3 tenement buildings to the north of the site, the context of surrounding development along this stretch of Holburn Street is very much that of an established building pattern of mostly 1½ storey detached/semi-detached granite dwellings.

The introduction of a 3 storey dwelling as proposed would be in conflict with the aforementioned pattern. The scale of development which is being proposed is deemed out of character with that of the surrounding area, including that of the neighbouring dwellinghouse at No 325. It would appear that the proposal is seeking to capitalise on the 4 storey tenement at No 323, however, this property is a later addition to the street and does not accurately reflect the immediate context within which the application site lies, in terms of the height, density and building lines of surrounding properties. Furthermore, whilst acknowledging that the gable end of the granite tenement building to the north of the site has a particularly strong visual impact when travelling north along Holburn Street on approaching the site, it is nevertheless a long established streetscene and given the overall scale, form and massing of the proposed development, such a proposal would be particularly intrusive when viewed on approaching the site from the south, having a significant visual impact on the streetscene.

Taking into account the height and siting of the proposed development, with a separation distance of just 1.1 metres from the neighbouring 1½ storey dwelling with basement at No 325 Holburn Street, it is apparent that this proposal would introduce a particularly imposing elevation when viewed from Holburn Street. Although as proposed, the front building line would sit some 1.5 metres back from the front elevation of the adjoining tenement, it would nevertheless project some 4.5 metres forward of the front building line of the neighbouring 1½ storey dwelling at No 325. Furthermore, whilst

acknowledging that a staggered front and gable end of the building has been incorporated into the design, along with a mix of material finishes, with a view to minimising the visual impact and massing of the 3 storey development along these public elevations, it is quite evident that the building would remain extremely dominant in the context of the existing streetscape, and particularly overbearing on the property at No 325.

On the basis that the scale of development being proposed would clearly result in overdevelopment of the site, and would neither respect nor complement the character of development in the immediate area, it is considered that the proposal would be contrary to both Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the ALDP, and would fail to address the requirements of Aberdeen City Council's Guidance on 'The subdivision and redevelopment of residential curtilages'.

Design & Materials

The proposed design of the 3 storey building shows a relatively contemporary style, with a flat-roof and a feature, angled front/gable elevation. The proposed development would incorporate an off-white smooth render and fibre cemented slate finish, and an irregular pattern of grey framed window openings on the front and rear elevations. The contemporary style of development being proposed would contrast with the more traditional appearance and materials of the properties surrounding the application site, and whilst this approach in itself would not raise particular concerns, when considered alongside the concerns being raised in relation to the scale and positioning of development within the site as highlighted above, it is considered that the design of the building does not complement, respect or reflect the site's context and the local vernacular of the adjacent buildings, as required under Policy D1 (Quality Placemaking by Design) of the ALDP.

Impact on Residential Amenity

The proposed development would extend the full width of the application site, adjoining the existing 4 storey tenement building to the north (No 323 Holburn Street) and lying at 1.1 metres off the gable end of the 1½ storey dwelling with basement at No 325 Holburn Street to the south. The front elevation of the development would have a staggered building line, lying 1.5 metres back from the front building line of the tenement at No 323, and 4.5 metres forward of the front building line of No 325. To the rear (east) of the site, and at ground floor level, the proposed development would extend 3 metres beyond the building line of the tenement building at No 323, whilst falling in line with that of the neighbouring property at No 325. As a result of the proposed siting, the southern gable end of the development, at 3 storeys in height, would have a particularly overbearing impact on the 1½ storey dwelling at No 325 Holburn Street, to the detriment of existing residential amenity.

To the east and beyond the rear boundary line of the application site is the aforementioned 3 storey flatted development built in the former rear garden of No 325 Holburn Street, which fronts onto Hardgate (No 280). There is a drop in the ground level of some 2 metres between the application site and the property at No 280. The rear building line of the flatted development at No 280 incorporates balcony areas which were incorporated into the design of the building in order to provide the potential for residents to sit outside, and with a degree of privacy, given there is no direct overlooking. The proposed development would lie directly to the rear of the aforementioned flatted property, with a separation distance of 23 metres between the rear building line of the proposed 3 storey development at ground floor level and the rear of No 280 Hardgate, and a separation distance of some 26 metres between the properties at 1st and 2nd floor levels. The proposed development, which would include windows up to 2nd floor level, would rise to a maximum height of 9.2 metres, but with the added impact of an additional 2 metres in height, when compared to the property at No 280, given the change in ground level between these neighbouring sites. Taking this into account, it is considered that the proposed development would appear particularly overbearing to the occupants of the flatted properties at No 280 Hardgate, introducing a very real sense of being overlooked, to the detriment of the residential amenity of these residential properties.

The distance between the front elevation of the proposed building, which incorporates a high level of glazing, and the properties which lie directly opposite, and across Holburn Street, at No's 322 and 326, would be some 24.5 metres. The Council's Supplementary Guidance on the 'Subdivision and Redevelopment of Residential Curtilages' states that a minimum distance of 18m should be achieved between facing windows. Taking into account that the separation distance between these aforementioned properties which lie across Holburn Street and to the west of the application site, and the building line of the proposed development, would be more than the recommended 18 metres, and that there is a rise in ground level of approximately 2 metres between the development site and the two properties, then it is considered unlikely that the proposal would have any significant impact on existing privacy for those properties lying directly opposite the site.

Based on the above, the proposal would be deemed contrary to the requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the ALDP. The proposed development would introduce a significant degree of massing and a resulting impression of overbearing on the dwelling at No 325 Holburn Street, and would also adversely affect the existing residential amenity and privacy of residents at No 280 Hardgate.

Provision of Residential Amenity

If viewed in isolation, and without any consideration of the potential impact on existing residential amenity, then it is likely that the proposed dwelling could secure a reasonable level of amenity for future residents, with space for an area of private garden ground available to the rear of the site and the orientation of the proposed development allowing for a suitable level of interior daylighting and sunlight to the flatted properties. It is however apparent that any view from the proposed flats to the rear of the site would introduce overlooking issues towards the outdoor balconies of the neighbouring flatted development at No 280 Hardgate, as previously outlined, and that the scale of proposed development would cause varying degrees of overshadowing and general overbearing on neighbouring properties to the site. On the basis that the Supplementary Guidance on 'The Subdivision and Redevelopment of Residential Curtilages' states that "New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting", then it is clear that the amenity which would be achievable for the proposed development would be to the detriment of the amenity currently enjoyed by existing residents of neighbouring properties, and on that basis such a proposal would not be acceptable.

Impact on Roads & Traffic

Aberdeen City Council's Supplementary Guidance on 'Transport and Accessibility' states that for this site, which is deemed to lie outwith the city centre, 3 parking spaces should be delivered within the curtilage of the site. In this instance, therefore, with no parking proposed within the layout, there would be a shortfall of 3 spaces for the development.

The Roads Development Management team has objected to the proposal on the grounds of insufficient vehicle parking for a 4-bedroom dwelling. Their comments are based on the aforementioned shortfall of on-site parking, and no potential for such parking to be delivered for the site, given that vehicles would be unable to both enter and leave Holburn Street, a district distributor road, in a forward gear. A previous planning application for the formation of a driveway at this site was refused in November 2015, as a result of road safety concerns.

Taking the above into account, the proposal would be contrary to the requirements of the Council's Supplementary Guidance on 'Transport and Accessibility', and would not be deemed suitably compliant with the requirements of Policy T2 (Managing the Transport Impact of Development) of the ALDP.

Matters Raised in the Letters of Representation

The above evaluation has addressed all issues raised in the letters of representation, with the exception of the following matters:

6. *The proposal would result in additional waste, with existing bins in area already full.* The proposed layout includes an area for bin storage to the front of the property, thus not impacting on existing provision.

14. *Construction work would cause additional traffic congestion/parking issues within the area.* This is not a material planning consideration. It would be up to any developer to ensure that access to all properties would be maintained.

15. *Proposal would result in devaluation of existing properties.* This is not a material planning consideration

16. *No detail on proposed hours of construction work or likely duration of works.* Environmental Health officers advise hours of construction work during development phase and this would be included as an informative, were consent to be granted for the proposed development. No indication on the likely duration of development work is required as part of the planning process, once development commences on site.

17. *Proposed floor plan suggests likely HMO property, which is not in-keeping with the area.* This is not a material planning consideration. The proposal which is under consideration is for a 4 bed dwelling.

The application is recommended for refusal, however, should committee be minded to grant consent, then conditions to include the submission of details on materials, landscaping, drainage, bin and bike storage would be recommended.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed development would result in the subdivision of an existing residential plot, and would not be in-keeping with the established pattern of development which prevails in the area. Whilst the principle of introducing new residential development within an area which is zoned as Policy H1 (Residential) in the Aberdeen City Local Development Plan is acceptable, the impact of the proposed development in this instance would be considered inappropriate for its context, given that it raises fundamental issues in terms of the design, scale and positioning of the development within the site, and the adverse impact which this would have on the character of the area. On this basis the proposal fails to comply with the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP.
2. Aberdeen City Council's Roads Development Management team has objected to the proposal on the basis that the proposed development would fail to deliver a suitable level of off-street parking, and without such provision, the congestion already experienced in the streets surrounding the site from existing on-street parking would only increase to the detriment of residential amenity and road safety. The proposal would neither address the requirements of Aberdeen City Council's Supplementary Guidance on 'Transport and Accessibility', nor suitably comply with the Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan.

3. The proposed building, due to its height, scale and massing would have an overbearing impact on the neighbouring dwellings at both 325 Holburn Street and 280 Hardgate, and given the drop in ground level from west to east, would introduce a real sense of overlooking to the rear of the property at No 280 Hardgate, and in particular to the private balcony areas associated to this flatted development. The proposal is therefore considered to have a significant detrimental impact on existing residential amenity, and would be contrary to Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen City Local Development Plan and to the Council's Supplementary Guidance on the 'Sub-division and Redevelopment of Residential Curtilages'.

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	30 May 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Committee Annual Effectiveness Report
REPORT NUMBER	GOV/19/285
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Lynsey McBain
TERMS OF REFERENCE	GD 7.5

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Planning Development Management Committee.

2. RECOMMENDATION

That Committee:-

- 2.1 note the annual report.

3. BACKGROUND

Annual Reports on Committee Terms of Reference

- 3.1 The Governance Review of 2017/18 was initiated as part of the Council's work with the Chartered Institute of Public Finance and Accountancy (CIPFA) and the aim to secure that organisation's accreditation in governance excellence. As part of CIPFA's interim assessment of the Council's governance arrangements, CIPFA recommended that each Committee should annually review its effectiveness, including its information and reporting needs, to help ensure that it is following its Terms of Reference, is operating effectively and to identify any training needs or improvements to the Council's decision making structures. When approving the new Terms of Reference in March 2018, the Council agreed that each Committee would be required to review their own effectiveness against their Terms of Reference through an annual report and approved the proposed template for those reports.
- 3.2 CIPFA reviewed the approved template and in general terms stated:

A committee effectiveness report has the potential to support the improvement journey by accounting for the ways that committees support a quality improvement culture with quality assurance of services and feedback loops. A template that goes beyond tick box and more clearly offers the opportunity to address some current and historic issues and, importantly give a clear signal that good governance is taken seriously. It could therefore provide support to a number of the developments that Aberdeen City Council seeks in its journey towards achieving the excellence in governance mark.

3.3 The first annual report for 2018/2019 is appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Council on 24 June 2019 for noting.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial consequences from the recommendation.

5. LEGAL IMPLICATIONS

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

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	None	N/A	N/A
Legal	None	N/A	N/A
Employee	None	N/A	N/A
Customer	None	N/A	N/A
Environment	None	N/A	N/A
Technology	None	N/A	N/A
Reputational	None	N/A	N/A

7. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Organisational Design	The report reflects recognition of the process of organisational design and provides assurance through scrutiny of committee effectiveness. The review of the Committee will support the redesign of

	the organisation and ensure that the Committee discharges its role in accordance with the Scheme of Governance.
Governance	The committee effectiveness report enhances transparency and understanding of the Committee as well as help to address any areas for improvement.

8. IMPACT ASSESSMENTS

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

9. BACKGROUND PAPERS

None.

10. APPENDICES

10.1 Annual Effectiveness Report 6 March 2018 to 29 April 2019.

11. REPORT AUTHOR CONTACT DETAILS

Lynsey McBain
Committee Officer
01224 522123

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Planning Development Management Committee Annual Effectiveness Report

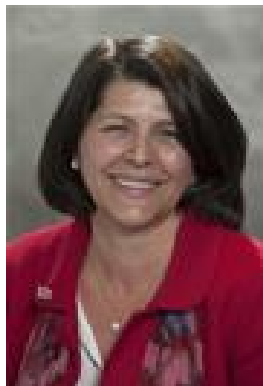


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1. INTRODUCTION

- 1.1 I am pleased to present the first annual effectiveness report for the Planning Development Management Committee. As members will be aware, as part of their interim assessment of the Council's governance arrangements in 2016, CIPFA recommended that committees review the extent to which they have operated within their Terms of Reference, through an annual report. This has been an aspiration for some time, representing good practice in governance terms and evidencing the Council's progress towards achieving CIPFA accreditation and I am glad to see the first report for the Education Operational Delivery Committee presented.
- 1.2 This first annual report is a good mechanism for the Committee to support the Council's improvement journey by demonstrating the ways that the Committee supports the principles of the Target Operating Model; contributes to the Local Outcome Improvement Plan, whilst also providing the opportunity to reflect on the business of the Committee over the past year and to look to the Committee's focus for the year ahead.
- 1.3 Throughout the first year, the Committee has worked collectively to determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre-Determination Hearing has been held, visited application sites where agreed, authorised the taking of enforcement action, made Orders and issued Notices, approved development briefs and masterplans, developed and adopted non-statutory hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997; and reviewed and approved policies and supplementary guidance relating to its function.



Councillor Marie Boulton
Convener, Planning Development Management Committee

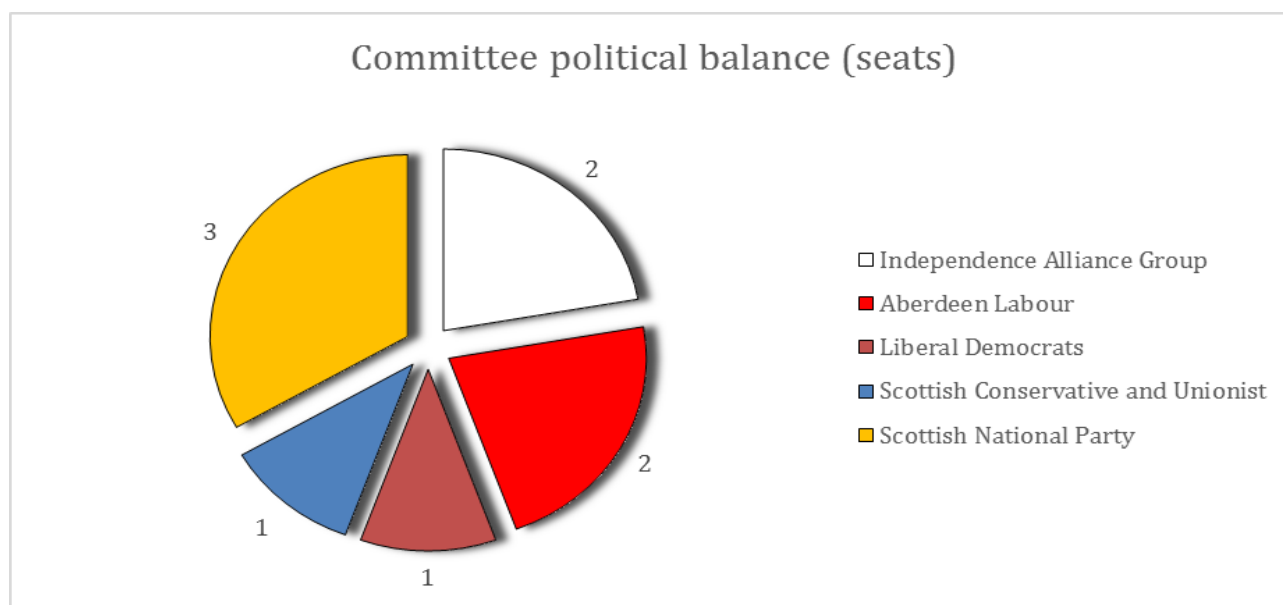
2. THE ROLE OF THE COMMITTEE

- 2.1 The role of the Committee is to ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

The Terms of Reference for the Committee as approved by Council on 5 March 2018 are appended to the report.

3. MEMBERSHIP OF THE COMMITTEE DURING 2018/2019

- 3.1 The Planning Development Management Committee has 9 members and the composition is presented below.



4. MEMBERSHIP CHANGES

None.

5. MEMBER ATTENDANCE

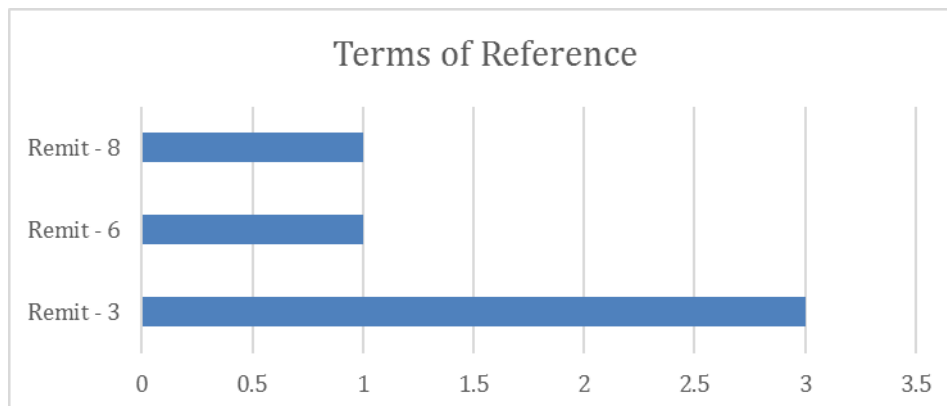
Member	Total Anticipated Attendances	Total Attendances	Nominated Substitute
Marie Boulton	11	11	
Jennifer Stewart	11	8	3
Yvonne Allan	11	11	
John Cooke	11	11	
Neil Copland	11	10	1
Bill Cormie	11	7	2
Martin Greig	11	9	2
Avril Mackenzie	11	9	2

6. MEETING CONTENT

- 6.1 During the 2018/2019 reporting period (6 March 2018 to 29 April 2019) the Committee had 11 meetings and considered a total of 7 reports.
- 6.2 During this period the Committee also considered 54 planning applications.
- 6.3 This report does not take into consideration the planning applications and is based only on the reports.

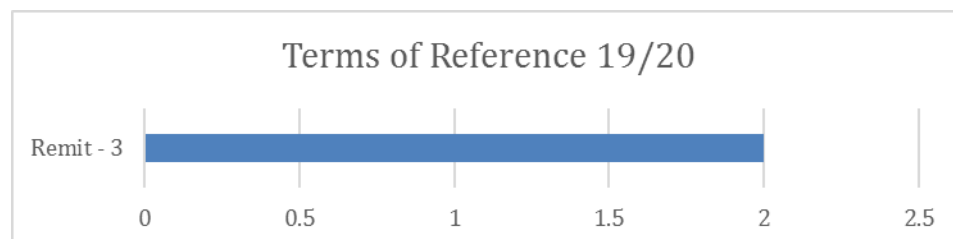
6.4 Terms of Reference

Of the 7 reports received the following table details how the reports aligned to the Terms of Reference for the Committee. 5 of these reports were considered under the Terms of Reference approved by Council on 5 March 2018. The following table details how those 5 reports aligned to those Terms of Reference for the Committee. One of the reports considered (Tree Preservation Order) came to Committee as it fell under the Committee remit previously (February 2018) but was deferred and came back to Committee in April 2019. Tree Preservation Orders are now dealt with by officers under delegated powers.



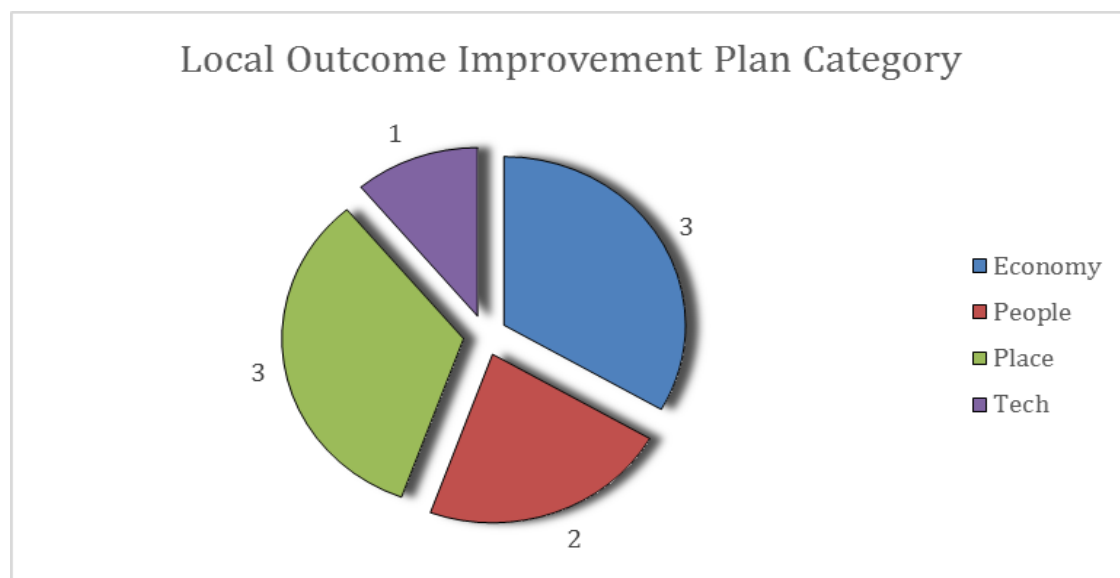
The majority of the reports have fell under remit 3 (authorise the taking of enforcement action).

Of the 7 reports received during the reporting period 2 reports were considered under the Terms of Reference approved by Council on 4 March 2019 and the following table details how the reports aligned to those Terms of Reference for the Committee.



6.5 Local Outcome Improvement Plan

The following table details of the 6 reports how many had a link to the themes of the Local Outcome Improvement Plan.



6.6 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the 6 reports presented to it throughout the year.

	Total	% Total Reports
Number of confidential reports	0	0.0%
Number of exempt reports	1	14.2%
Number of reports where the Committee has amended officer recommendations	0	0.0%
Number and percentage of reports approved unanimously	6	85.7%
Number of reports requested by members during the consideration of another report to provide additional assurance and not in forward planner	0	0.0%
Number of service updates requested by members during the consideration of another report to provide additional assurance and not in forward planner	0	0.0%
Number of decisions delayed for further information	0	0.0%
Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0	0.0%
Number of late reports received by the Committee	1	14.2%

6.7 Notices of Motion, Suspension of Standing Orders, Interface with the Public

	Total
Number of notices of motion	0
Number of times Standing Orders were suspended and the specific Standing Orders suspended	0
Standing order number (ref)	N/A
Number of deputations or other indicators of interface with the public, i.e. engagement and social media.	0
Number of petitions considered	0
Number of Members attending meetings of the committee as observers	11
Number of Meetings held by the Convener with other Conveners, relevant parties, to discuss joint working and key issues being raised at other Committee meetings	<p>Weekly meetings held with the Conveners of City Growth and Resources, Strategic Commissioning and the Business Manager.</p> <p>Weekly meetings held with Chief Officer for Strategic Place Planning and the Senior Planning team.</p>

7. TRAINING REQUIREMENTS AND ATTENDANCE

- 7.1 The following specific Scheme of Governance training which is related to the operation of all Committees was provided to Members:-
- Effective Decision Making on 23, 27 and 28 March 2018
 - Financial and Procurement Regulations on 23 and 29 March 2018
- 7.2 Training on the Councillors' Code of Conduct was provided to Elected Members in January and February 2018.
- 7.3 A training session was held on 25 March 2019, to which all Councillors were invited to attend. This was on Planning and Decision Making.
- 7.4 The above opportunities provide valuable insights into relevant business areas to aid scrutiny of Committee business. Further development opportunities will be developed for 2019–2020 based on Committee business, officer proposals and Member feedback.

8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 There were no declarations of interest made by Councillors during the reporting period. This is in relation to reports and not planning applications.

9. CIVIC ENGAGEMENT

- 9.1 No civic engagement was undertaken specifically around the activity of the Planning Development Management Committee.

10.OFFICER SUPPORT TO THE COMMITTEE

Officer	Total Anticipated Attendances	Total Attendances	Substitute Attendances
Development Management Manager	11	10	1
Legal	11	11	0
Chief Officer Strategic Place Planning	11	7	0
Chief Officer Corporate Landlord	1	1	0

11.EXECUTIVE LEAD'S COMMENTS

- 11.1** One of the Council's transformation projects is to deliver the CIPFA Mark of Excellence in Good Governance. As part of this project, CIPFA recommended that each Committee should annually review its effectiveness, including its information reporting needs, to help ensure that each Committee was following its Terms of Reference; operating effectively; and would assist in identifying any training needs or improvements to the Council's decision-making structures.
- 11.2** It can be seen from the statistics in the annual report that one report was required to be delayed, with the vast majority of business approved or noted unanimously. Nearly all business was able to be considered in public, which assists in maintaining transparency in the democratic process, with only one exempt report.
- 11.3** Only minor changes were made to the Committee's Terms of Reference when they were presented to Council in March 2019. The Scheme of Delegation was amended to take into account experience of operating the Scheme approved in March 2018.
- 11.4** The work of the Planning Development Management Committee was reviewed as part of the comprehensive service review that was carried out for Strategic Place Planning. Various improvements have been implemented including:
- Adoption and implementation of a procedure for consideration of motions contrary to officers recommendation which now forms part of the preamble to the agenda pack;
 - Further refinement of PowerPoint presentation of development proposals being considered by the Committee;
 - Name plates provided for officers and elected members to assist the general public;
 - Three separate training sessions have been held to train or refresh member's knowledge of the planning system, material considerations in determining planning application and their role on the Local Review Body.

12.NEXT YEAR'S FOCUS

- 12.1** The effectiveness of the Committee will continue to be reviewed over the year and planning training will continue to be part of the scheduled elected member development programme.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

PURPOSE OF COMMITTEE

To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

The Committee will:

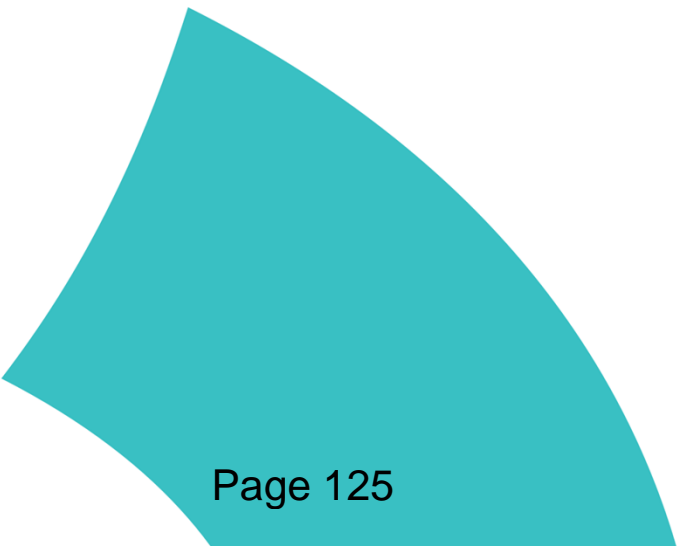
1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;
2. visit application sites where agreed;
3. authorise the taking of enforcement action;
4. make Orders and issue Notices;
5. approve development briefs and masterplans;
6. develop and adopt non-statutory development management guidance (supplementary planning guidance);
7. conduct pre-determination hearings in pursuance of the provisions contained within Section 38A of the Town and Country Planning (Scotland) Act 1997; and
8. review and approve policies and supplementary guidance relating to its function.

JOINT WORKING WITH OTHER COMMITTEES:

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically, key relationships will be required with the City Growth and Resources Committee which will oversee the preparation of the Local Development Plan to the point where it will be approved by Council.

JOINT WORKING WITH NON COUNCIL BODIES:

The Committee, through its lead officers, will work jointly as appropriate with the Scottish Environment Protection Agency, Historic Environment Scotland and the Planning and Architecture Division of the Scottish Government.



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