

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 07 August 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, 15 AUGUST 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 27 June 2019 - for approval (Pages 9 - 12)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 13 - 14)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission for the erection of a single storey extension and external steps to rear - 18 St Johns Road Aberdeen (Pages 15 - 20)
Planning Reference – 190945/DPP

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

Planning Officer: Gavin Clark

- 6.2 Detailed Planning Permission for the erection of 99 houses with associated car parking, landscaping and drainage - Shielhill Road Mundurno (Pages 21 - 34)
Planning Reference – 131851/DPP

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

Planning Officer: Robert Forbes

- 6.3 Detailed Planning Permission for residential development comprising of 30 dwelling houses with associated infrastructure, open space and landscaping - land At Contlaw Road, Milltimber , Aberdeen (Pages 35 - 62)

Planning Reference – 190409/DPP

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

Planning Officer: Alex Ferguson

- 6.4 Detailed Planning Permission - erection of shed and fence to rear (retrospective) - 51 Corthan Crescent, Aberdeen (Pages 63 - 70)

Planning Reference – 191019/DPP

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

Planning Officer: Alex Ferguson

- 6.5 Detailed Planning Permission - change of use from amenity land to domestic garden ground to facilitate new access, driveway and erection of boundary wall to side - 81 Brighton Place Aberdeen (Pages 71 - 78)

Planning Reference – 190778

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

Planning Officer: Dineke Brasier

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Planning Permission in Principle for the Erection of dwelling house including splitting of existing feu - 48 Coronation Road Peterculter (Pages 79 - 86)

Planning Reference – 190751/PPP

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

Planning Officer: Ross McMahon

DATE OF NEXT MEETING

8.1 Date of Next Meeting - 19 September 2019

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, 27 June 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, the Depute Provost, Vice Convener; and Councillors 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 30 MAY 2019

1. The Committee had before it the minute of the previous meeting of 30 May 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.

The Committee resolved:-

- (i) to note that a new Planning Bill had been agreed at the Scottish Parliament and was awaiting royal consent, and elected members would be kept up to date on what the new Bill would mean in regard to planning;
- (ii) to note that the May Baird application (item 13 on the planner) had been delayed due to the applicant wishing to amend their proposal; and
- (iii) to otherwise note the information contained within the business planner.

AGENDA

3. The Convener advised that item 7.1 on the agenda (268 Clifton Road Aberdeen P190782) had been withdrawn from the agenda.

CAIRDHILLOCK FARM, KINGSWELLS - 190612/S42

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

27 June 2019

That there be approval for the modification/discharge of the application for the removal of condition 3 (provision of scheme of landscaping) of Planning Permission P151807, at land adjacent to the former landfill site at Cairdhillock Farm, Kingswells.

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

The Convener moved, seconded by the Vice Convener:-

That the application be refused in the interests of protection of the visual amenity and ecological value of the green belt area, and as removal of the condition would not accord with the specific objective of Policy NE5 (Trees and Woodland) within the Aberdeen City Local Development Plan 2017 regarding creation of new woodland / planting of native trees in association with development. Also not to pursue enforcement action in relation to implementation of the tree planting.

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

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

On a division, there voted:- for the motion (7) – the Convener, the Vice Convener and Councillors Cooke, Cormie, Greig, MacKenzie and Malik; for the amendment (1) – Councillor Copland.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

SOJU BAR AND DINER, 70 CARDEN PLACE, ABERDEEN - 190760/S42

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

That the application for the variation of condition 2 (roof terrace operating hours) of planning permission 180390/DPP, to extend the opening hours on the roof terrace at Soju Bar and Diner, 70 Carden Place Aberdeen, be refused.

The Committee heard from Mr Jamie Leadbeater, Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to refuse the application.

- **Councillor Marie Boulton, Convener**

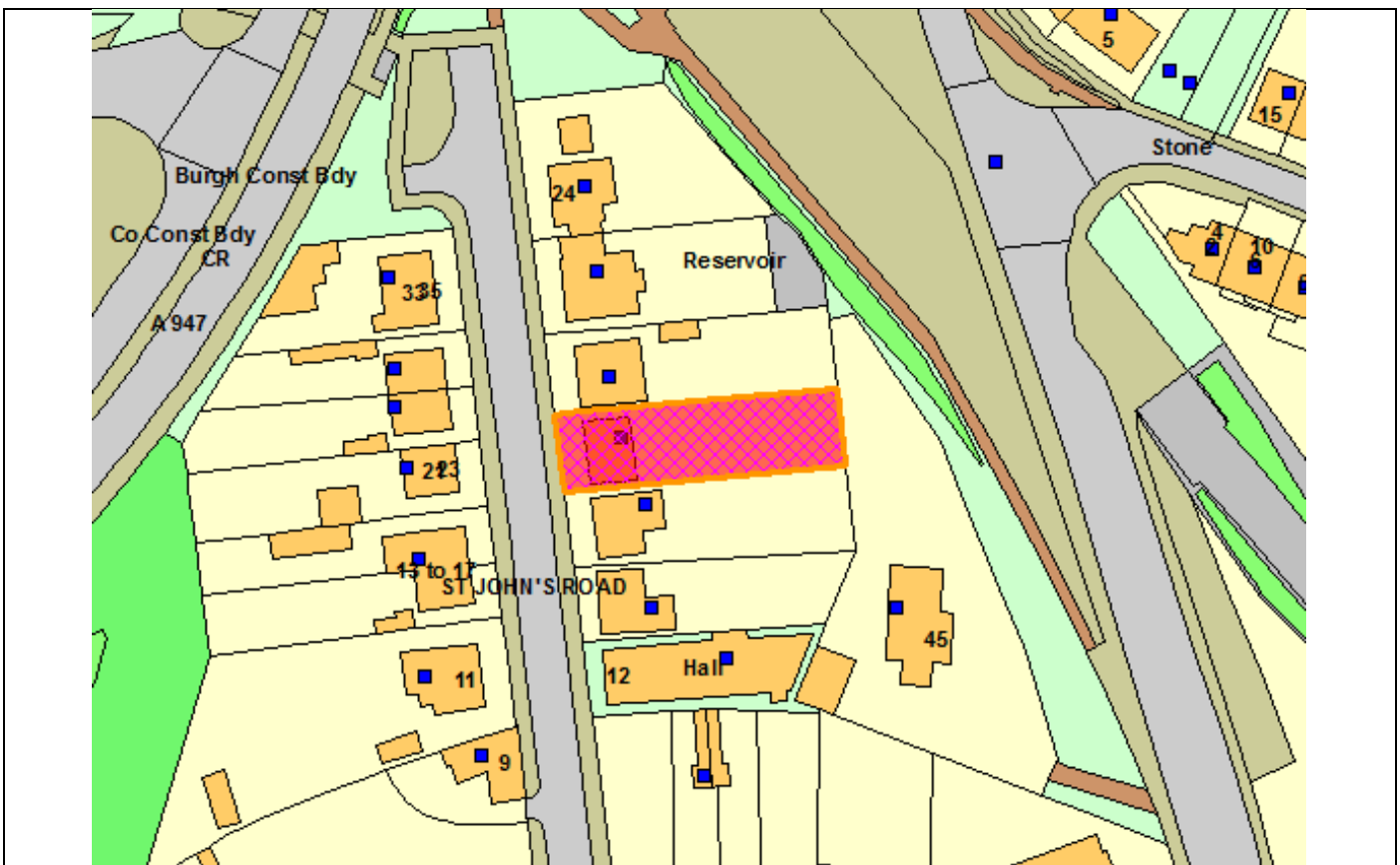
PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
27 June 2019

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	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			15 August 2019						
4	Former VSA Care Home 22 Kings Gate	To approve or refuse the application.		Jamie Leadbeater	Strategic Place Planning	Place	1	D	Applicant has requested further time to seek resolution to a number of matters and the possible submission of revised proposals
5	48 Coronation Road	To approve or refuse the application.		Ross McMahon	Strategic Place Planning	Place	1		
6	Land at Contlaw Road	To approve ore refuse the application.		Alex Ferguson	Strategic Place Planning	Place	1	D	Delayed - requires additional information on impact of drainage scheme proposed on wet grassland habitat.
7	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.
8	51 Corthan Crescent	To approve or refuse the application.		Alex Ferguson	Strategic Place Planning	Place	1		
9	81 Brighton Place	To approve or refuse the application.		Dineke Brasier	Strategic Place Planning	Place	1		
10	18 St Johns Road	To approve or refuse the application.		Gavin Clark	Strategic Place Planning	Place	1		
11			19 September 2019						
12	Development Along Lanes			Nigel McDowall	Strategic Place Planning	Place	TBC		
13	Materials			Nigel McDowall	Strategic Place Planning	Place	TBC		

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 15th August 2019

Site Address:	Clyans, 18 St John's Road, Aberdeen, AB21 9AL.
Application Description:	Erection of single storey extension and external steps to rear
Application Ref:	190945/DPP
Application Type	Detailed Planning Permission
Application Date:	11 June 2019
Applicant:	Mrs Catherine Stewart
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn and Newhills
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application property is a 1½ storey granite-built dwelling located within a well-established residential area in Bucksburn. The proposal has a western facing principal elevation, which fronts onto St John's Road. An extensive area of garden ground is located to the rear, which slopes from west to east. The dwelling has not been extended previously. There are two outbuildings located within the rear garden of the property and a summerhouse has recently been erected near the rear boundary. St John's Road is a cul-de-sac.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Erection of a single storey extension to the rear of the dwelling. The extension, which would be built on a sloping area of rear garden ground would vary in height from approximately 4.5m – 4.9m, would have a projection of 8.85m (the rear steps would extend out by another 2m), and a width of 8.73m. Its floor area would be approximately 79 sqm.

Internally, the extension would include a utility room, hall, bedroom (with en-suite) and kitchen/ living area. The extension would be finished with a smooth render basecourse, grey dash render/ harling and a slate roof. Two windows (serving a bedroom and en-suite) would be located on the south elevation, an access door and three roof lights would be located on the north elevation and four roof lights two windows and an access door would be located on the east (rear) elevation.

The proposal has been amended since the original submission to reduce the overall length (by 0.65m) and width (by 0.3m) of the extension, remove some windows and alter the design of the roof (partial pitched rather than flat) and removed decking at the rear of the extension.

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=PSXA4CBZGS600>.

- Parking Survey
- Topographical Plan
- Supporting Statement
- Drainage Calculations

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been six or more timeous letter of objection and a letter of objection has also been received from Bucksburn and Newhills Community Council.

CONSULTATIONS

ACC - Roads Development Management Team – initially requested the submission of a parking survey to review the capacity on the surrounding road network. Following the submission of this survey, which indicated adequate capacity, there is no objection to the planning application. They also confirmed no objection with regards to the proposed soakaway.

Bucksburn and Newhills Community Council – make the following comments on the application:

1. The extension in size, elevation and floor area would dominate the existing dwelling and there are no other extensions of this size in the surrounding area;
2. The extension would fail to comply with the Householder Development Guide;
3. The materials proposed do not complement the existing property;
4. Concerns were highlighted with regards to drainage required for the extension; and
5. Concerns relating to on-street parking, and the additional demand as a result of the extension.

REPRESENTATIONS

7 written representation (not including supplementary comments received from the same person) expressing objection to the proposal have been received. The matters raised can be summarised as follows:

1. The footprint of the extension would not be in keeping with the character of the surrounding area;
2. The proposed extension would have a detrimental impact on surrounding residential amenity;
3. The proposed extension would have an adverse impact on the levels of privacy afforded to neighbouring properties;
4. The submitted plans are in-accurate;
5. The proposal would have an adverse impact in terms of parking in the surrounding area;
6. Concerns were highlighted with regards to flooding and the drainage soakaway that is proposed within the curtilage of the property;
7. Issues highlighted with regards to the land ownership certificate;
8. The materials proposed are not in keeping with the character of the surrounding 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) (ALDP)

- H1: Residential Areas
- D1: Quality Placemaking by Design
- NE6: Flooding, Drainage and Water Quality

Supplementary Guidance (SG)

- Householder Development Guide (HDG)

EVALUATION

Aberdeen City and Shire Strategic Development Plan (2014)

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

Principle of Development

The application site is in a residential area, whereby Policy H1 of the ALDP is applicable and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG). These issues are assessed in the below evaluation.

Design and Scale

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

The proposed extension would be compatible in design and scale to the original dwelling in terms of height, location and its form, which would utilise materials that would be similar to other extensions found in the surrounding area. Several properties have been extended to varying scales and designs, including a large 2 storey extension immediately adjacent to the application site. The extension would not result in the footprint of the dwelling being doubled (following the submission of amended plans – which indicate an existing floor layout of approx. 82sqm and whereas the proposed floor area of the extension would be approximately 79 sqm. Also, less than 50% rear garden ground would be covered by development (including the recently constructed garden shed – which was erected as permitted development). The extension would therefore be compliant with the aspirations and criterion as set out in the HDG. The proposal would therefore not constitute overdevelopment, in compliance with Policy H1 of the ALDP and the HDG and designed with due consideration for its context in accordance with Policy D1 and the HDG.

Amenity

The proposed extension, due to its location within the site and relative to boundaries, the size of adjacent plots and overall design would not adversely affect the level of privacy afforded to any neighbouring residential property. It should also be noted that the design has been amended to remove windows from the northern elevation. Of the two windows on the side elevation facing 16 St John's Road, one would serve a bathroom, with the other window looking onto the gable wall of the adjacent property. Whilst this would offer an opportunity to overlook part of the neighbouring garden ground of 16 St John's Road, it is not considered to be to such an adverse extent that would warrant

refusal of planning permission. The windows and door on the rear elevation would offer no worse overlooking than from the existing property and are also considered acceptable in this instance. There would also be no adverse impact in terms of overshadowing or loss of sunlight to neighbouring properties due to distance to the boundaries and size/ overall scale of the extension. The proposal is therefore considered to comply with Policies H1 and D1 of the ALDP, and the SG.

Other Matters

Initially, officers in Roads Development Management requested that a parking survey be submitted due to the lack of off-street parking on site. This was submitted by the applicants, which showed a survey that was undertaken in an evening, with sufficient capacity for parking in the surrounding road network. Subsequently, there is no objection to the application from a parking or road safety perspective.

In terms of the proposed soakaway, it is noted that this is located more than 5m from each boundary, which would comply with Building Regulations. It is not anticipated that this arrangement would result in any increased flood risks to properties in the surrounding area and as a result there would be no conflict with Policy NE6 of the ALDP.

Matters Raised by the Community Council

The matters raised can be addressed as follows:

1. The above evaluation has demonstrated that the proposed extension, as amended, is appropriate for its context, and would not have an adverse impact on the character and appearance of the surrounding area;
2. With the amendments to the size and design of the extension, the proposal complies with the general aims of the HDG for the above reasoning;
3. The proposal has been amended to include a grey dash render, which is considered to be appropriate for the surrounding context – as discussed above;
4. The drainage information has been reviewed by officers in Roads Development Management, where it was concluded that the proposal would not have an adverse impact on the surrounding area – as discussed above;
5. The proposal, and submitted parking survey, has been reviewed by officer in Roads Development Management, who are content that there are sufficient parking facilities in the surrounding area to accommodate any additional demand resulting from this extension.

Matters Raised in Letters of Objection

A number of the comments raised echoed those of the Community Council, and can be addressed as follows:

1. Discussed in point 1 above
2. Discussed in the amenity section of the evaluation;
3. Discussed in the amenity section of the evaluation;
4. The plans, as amended, are an accurate reflection of what is being proposed;
5. Discussed in point 5 above
6. Discussed in point 4 above, and within the evaluation;
7. This is a legal matter, and not a material planning consideration. The applicants have legally certified that they are the sole owner of the land; and
8. Discussed in point 3 above.

RECOMMENDATION

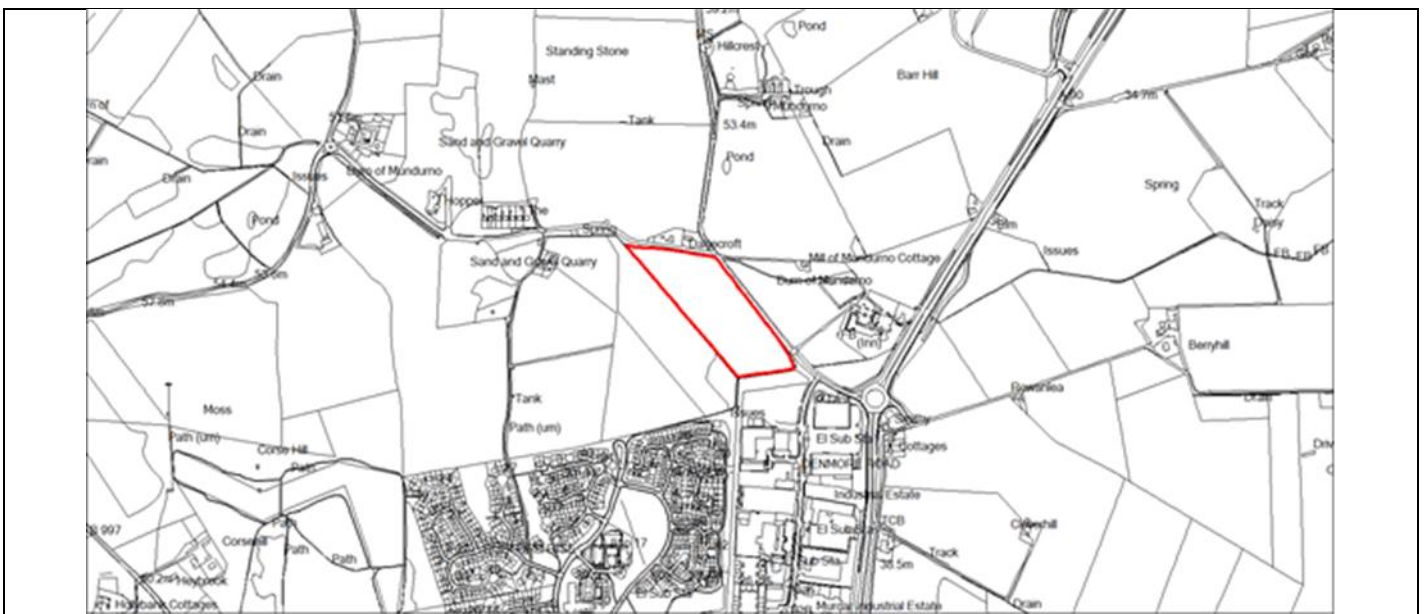
Approve Unconditionally

REASON FOR RECOMMENDATION

The proposed extension would be architecturally compatible in design and scale with the original dwelling and the surrounding area and would not adversely affect the character and amenity of the surrounding area. In addition, officers in Roads Development Management have no objection from a parking perspective and no concerns have been raised with regards to the proposed soakaway. It therefore complies with Policies D1 – Quality Placemaking by Design, NE6: Flooding, Drainage and Water Quality and H1 – Residential Areas of the Aberdeen Local Development Plan, and the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant refusal in this instance.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 15 August 2019</p>
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Site Address:	(Land South of), Shielhill Road, Mundurno, Dubford, Bridge of Don Aberdeen
Application Description:	Erection of 99 No. houses with associated car parking, landscaping and drainage.
Application Ref:	131851
Application Type	Detailed Planning Permission
Application Date:	18 December 2013
Applicant:	Chingmere Limited
Ward:	Bridge Of Don
Community Council:	Bridge Of Don - Pre Boundary Review 2018
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally & Legal Agreement

UPDATE

The application was originally considered at the PDMC Committee meeting on 21/8/14 when it was resolved to approve the application subject to conditions / a s.75 agreement and subject to the applicant demonstrating that the land required to secure the provision of the path and road links required to connect with the development located outwith the site to the west is within their control, by means such as entering into a legal agreement with the adjacent landowners.

Since then there have been ongoing discussions in relation to resolution of the outstanding planning issues, including strategic roads impact and developer obligation matters. Although no legal agreement has been entered into between the applicant and adjacent developers, the latter have recently indicated that they have no objection to delivery of the required pedestrian / cycle path links which would traverse their land. Therefore, it is now considered that the delivery of the link paths, which are required to ensure that the development is sustainably connected, can be addressed by means of imposition of a condition / legal obligation.

APPLICATION BACKGROUND

Site Description

This 4 hectare site is located at the northern edge of the built up area of Bridge of Don and is undeveloped. It is gently undulating with a slight southerly aspect. The site drains towards the Mundurno Burn, which runs along the west and south boundaries. The site was previously used as arable farmland and contains no vegetation or landscape features protected by designation, although scrub is present along the burnside and native orchids have been recorded in the marshy grassland at the north-west and south-east corners. To the north of the site, across Shielhill Road, lies farmland and a row of detached houses. To the south, beyond an area of buffer woodland, the site is bounded by an industrial estate, with typical late 20th century suburban housing located further to the west. The western boundary is formed by the Burn of Mundurno, beyond which a major residential development is well underway.

Relevant Planning History

Outline planning permission for the residential development of the adjacent site to the west, including community facilities and improvements to an area of adjoining green belt (ref A3/1922) was refused at committee in 2003. A subsequent planning appeal claim and claim for expenses was dismissed, following a public inquiry, in October 2004. The reasons for dismissal included: contravention of structure and local plan policies; prematurity in light of pending local plan review; conflict with national policy regarding sustainable transport, including reducing the reliance on private cars; and potential adverse impact on the local and trunk road networks due to uncertainty regarding the proposed closure of Shielhill Road to vehicular traffic.

Planning permission in principle for erection of 550 dwellings on the adjacent land (which forms the main part of the OP10 allocation within the current Local Development Plan) was granted at Committee in 2013 (ref. 120723). Various companies (Scotia, Barratt and Cala) have developed / are currently developing various parts of this site, under various detailed approvals.

Detailed planning permission (ref. 121387) for erection of 191 houses on the immediately adjacent site, to the west, was granted in 2013 and is currently under construction (by Barratt). This approval indicated future access links to connect with the current application site across the Mundurno Burn, however, there is no obligation for that developer or the lead developer (Scotia) to construct such links. Neither are details of such links required to be submitted or approved, as the development approved on the OP10 site is sustainably connected southwards to existing bus services, schools and community facilities.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to erect a 'major' residential development of 99 units. A mix of dwelling types is proposed, including detached, semi-detached and terraced houses, together with associated open space, parking and roads infrastructure. The houses are of 2 storeys and of a style relatively typical of many current suburban developments in the city, with pitched roofs clad with concrete tiles and harled walls. Landscaped open space is proposed along the burn and the

northern and southern site boundaries, the latter including sustainable urban drainage features. No screen landscaping buffer is proposed along the east boundary, although a beech hedge is proposed alongside the B999.

The main access is from the B999, to the east. A path is proposed to the south, along the B999, to connect with Denmore Road. Pedestrian / cycle links are indicated to the west, to connect with adjacent housing development, across the Burn of Mundurno. These paths require development on land outwith the site boundaries, controlled by third parties, including formation of bridges over the Burn of Mundurno. A secondary access road is also indicated to provide potential emergency access from the B999.

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=ZZZY9LBZSK206>.

Design Statement; Landscape Plan; Transport Assessment; Air Quality Assessment; Flood Risk Assessment; Ecological Assessment; Drainage Layout; Noise Report; Archaeology Report; and Habitat Report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because The development is classed as a major application and the local Community Council object to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation. The Committee previously resolved to grant planning permission subject to a section 75 legal obligation requiring developer obligation payments and contribution to the "Strategic Transport Fund". This resolution requires to be reviewed by members in light of the decision of the UK Supreme Court in relation to development at Elswick in Aberdeenshire.

CONSULTATIONS

Roads Projects Team – No objection subject to delivery of off-site path links and other works. Advise that further assessment / modelling of the potential strategic transport impact of the development undertaken for the applicant indicates that it can be accommodated on the existing network. Advise that a contribution of £54,000 is required for a proposed road improvement scheme in the vicinity at the Shielhill Road / B999 junction. No objection regarding the scale of on site car parking provision. Note that provision of acceptable links to public transport nodes is dependent on provision of off-site footpath links, via the adjacent development to the west. Advise that a drainage impact assessment (DIA) is required. Request that conditions are imposed requiring a travel plan, to provide an emergency access route and electric vehicle charging points.

Environmental Health – No objection, subject to implementation of noise attenuation measures, due to exposure to traffic and industrial noise.

Developer Obligations Team – Request on-site provision of affordable housing, and developer contributions for enhancement of primary education, community facilities, healthcare, sports and recreation and libraries. Also advise that on site core path connections are required. A total figure of £449,800 is requested.

Operations and Protective Services (Flooding) - Advise that full surface water drainage proposals and a drainage impact assessment are required.

Education, Culture & Sport (Archaeology) – No objection. Request that a condition is imposed to allow site investigation prior to development works.

Scottish Environment Protection Agency – No objection, subject to imposition of conditions regarding: provision of a 6m buffer strip to protect the burn-side from development; foul drainage measures; flood risk mitigation; and environmental management.

Community Council – Object due to: alleged inadequate on site car parking provision; the proposed reduction of the speed limit on the B999; traffic congestion; lack of provision of pavements within the site; and potential development to the north of the B999.

REPRESENTATIONS

3 letters of objection were received in 2013. The objections raised relate to the following matters –

Traffic impact / inadequate road infrastructure; disturbance during construction; giant hogweed infestation along the burn; overdevelopment of housing / lack of amenities; inadequate provision of landscaping along the northern boundary (to soften the impact on neighbouring houses).

A letter of support has been submitted on behalf of the applicant, which sets out their intentions regarding delivery of the path connections to the adjacent site.

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

The key objective of the Scottish Government is sustainable economic growth. Scottish Planning Policy 2014 (SPP) as it relates to housing and transport is of particular relevance. SPP expresses a presumption in favour of development that contributes to sustainable development. SPP regarding transport and housing is also relevant.

Designing Places / Designing Streets and PAN 44 (Fitting New Housing Development into the Landscape) are of direct relevance and emphasises the importance of good design.

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 SDP 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 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 2020 may also be a material consideration.

Aberdeen Local Development Plan 2017 ALDP)

The site lies within the eastern extremity of opportunity site OP10: Dubford, which is designated for development of 550 housing units in the period up to 2016. No housing allocation for this site is made for the subsequent local plan periods (i.e. 2017-20126, or 2027-2035).

The following policies are relevant :-

D1: Quality Placemaking by Design
D2: Landscape
H1: Residential Areas
H3: Density
H4: Housing Mix
H5: Affordable Housing
I1: Infra Delivery & Planning Obligation
NE1: Green Space Network
NE4: Open Space Provision in New Dev
NE6: Flooding, Drainage & Water Quality
NE8: Natural Heritage
R7: Low & Zero Carbon Build & Water Eff
T2: Managing the Transport Impact of Dev
T3: Sustainable and Active Travel
CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

The site lies within the Dubford Development Framework (DDF), which was approved by Committee in 2012 and confirms the suitability of the site, and adjacent land to the west, for residential and associated development in principle. It envisages pedestrian, cycle and vehicular connections between the application site and the land which has been developed to the west.

The following topic based guidance is also relevant :-

Transport and Accessibility
Planning Obligations
Affordable Housing
Landscape
Green Space Network and Open Space
Flooding, Drainage and Water Quality
Resources for New Development

Other Material Considerations

Local Transport Strategy (LTS)- This encourages alternative transport modes in accordance with SPP objectives.

Proposed Aberdeen City & Shire Strategic Development Plan 2018 (PSDP)- This sets similar objectives to the SDP.

EVALUATION

Principle of Development

In terms of assessment against the Strategic Development Plan, and notwithstanding the location of the site close to the administrative boundary with Aberdeenshire Council, the proposed development is not considered to be strategic or regionally significant and does not require consideration of cross-boundary issues. Subject to delivery of required sustainable travel links / environmental protection measures, the provision of housing on the site also accords with the sustainable growth aspirations of both the approved strategic development plan (SDP) and its intended replacement (PSDP).

The site has been allocated for housing development in the adopted local development plan, and a development framework for the development of it and the adjacent land to the west as housing has previously been approved by the Council. Therefore the principle of residential development is accepted.

It is recognised that the 550 housing unit allocation for the opportunity site (up to 2016) has been achieved by extant planning permissions on land immediately to the west and no housing allocation is made within the adopted local plan for the opportunity site for the current / future plan periods (i.e. 2017-20126, or 2027-2035). Furthermore, there is no shortfall in land supply within the Aberdeen housing market and the greenfield nature of the site and location in Bridge of Don is such that there is no wider strategic benefit to allowing housing development there (e.g. regeneration / landscape restoration). Notwithstanding these factors the proposal does not result in fundamental conflict with the existing land use zoning / opportunity site designation as housing land and the approved Development Framework. Subject to agreement between the applicant, the Council and the owner / developer of adjacent housing sites, the required infrastructure to support the development can potentially be provided and made accessible to prospective residents, in accordance with the objectives of local plan policy I1.

Land-Use

In order to achieve a mix of uses in the wider development (in the interests of sustainable development and minimisation of traffic generation, and in accordance with the objectives of local plan policies T2 and CF2 and SPP), the approved Development Framework envisaged this part of the site would be of an entirely residential nature, with commercial uses envisaged on adjacent land to the west, which is not controlled by the applicant. Such non-residential uses remain to be provided within the wider development site. It is considered unreasonable to insist that such non-residential uses are provided within the site, given the wider Framework. However, it is essential that pedestrian linkage is provided to the west in order that such facilities and existing further afield supporting facilities (e.g. schools / shops / bus stops) are accessible to residents of the proposed housing, all in the interests of sustainable development.

It should be noted that local plan policy does not specifically require that a mixture of uses or supporting facilities are delivered within such major greenfield housing release sites. In this specific case, the local plan OP10 designation makes no reference to the need for delivery of non-housing uses within the wider site, other than open space / road / path infrastructure.

Density

The gross density of development proposed is approx. 25 units per hectare. The net density (excluding public open space, etc.) is about 34 units, which complies with policy H3. The extent of open space provision (approx. 1 Hectare) is considered to accord with policy NE4 and is suitably located within the site. These figures are considered acceptable in the context within which the site is located, being a suburban, mixed density development at the edge of the built area of the city, adjacent to the green belt boundary. The proposal is therefore not considered to be overdevelopment.

Cumulative Impacts

The OP10 designation envisages a total of 550 units being delivered for the whole of the opportunity site. Bearing in mind housing approvals on adjacent land to the west, the proposal would result in a potential overall total of around 650 units for the OP10 site. With the exception of strategic transport impact (addressed below) the potential cumulative impacts resulting from implementation of the combined developments at Dubford have been examined by the relevant consultees and are considered to be acceptable.

Traffic / Access

Compliance with the aspirations of local plan policies T2, T3, the Local Transport Strategy and the development framework is dependent on provision of the required off site pedestrian / cycle / vehicular links to land to the west, as this would provide safe routes to school, access to bus routes and other facilities planned within the Dubford area. Delivery of these links is a key issue given the desire to avoid unnecessary car dependency, the objectives of sustainable economic development and sustainable transport as expressed in SPP and the SDP / PSDP. Although ACC roads officers have requested imposition of a condition requiring a travel plan, it is considered that this would not be an enforceable / reasonable burden for a residential development and is a matter which is better addressed via an advisory note.

The Council's roads officers are satisfied that the traffic generation resulting from the development would have no insurmountable impact on the local road network. Provision of such off-site road infrastructure required can be secured by conditions / legal obligation and developer contributions relating to traffic impact. Following submission of a revised transport assessment, the potential wider strategic transport impact of the development has been assessed by roads officers and is considered to be acceptable. Sufficient information has therefore been submitted in order to address the strategic transport impact of the development and demonstrate that there would be no adverse traffic impact on the wider road network resulting from implementation of the development, notwithstanding the earlier decision to seek STF contributions.

Notwithstanding the comments of the Community Council, Roads officers are satisfied with the level of car parking provision on site, and with the internal layout and pedestrian facilities within the development, subject to agreement of minor road layout details. The proposed road access position is acceptable in terms of public safety. Provision of the secondary emergency access is not required at the outset of the development, and therefore does not preclude commencement of development at the site. If the application is approved a condition is recommended to require the provision of the secondary access from the B999 prior to 50 houses being occupied. Delivery of vehicular links to / from the west, as anticipated by the development framework, is considered not to be a reasonable requirement given that ACC roads officers are satisfied with the proposal as designed and given that path links are proposed.

Design / Layout

As regards the layout and form of development envisaged, the proposal is considered to conform with the expectations of the Development Framework. The two-storey suburban nature of the development is in keeping with historic forms of settlement expansion within the wider Bridge of Don area and is appropriate to that context, notwithstanding the undeveloped land across the B999. Although the proposed development lacks a strategic buffer zone along the boundary with the B999 (which is the green belt boundary), this is not required / anticipated by the Development Framework and the development layout has been amended, during the application process, in attempt to create a suitable boundary treatment along this prominent approach to the city. It is considered that this boundary treatment would be further enhanced by the provision of a low stone dyke, in recognition of the rural context across the B999 and this is a matter that can be addressed by condition. The wider extent and disposition of open space within the site is considered to be appropriate, as it emphasises existing assets such as the burn and adjacent woodland and provides adequate screening at the northern and southern edges.

Although the urban form of the development would be heavily influenced by the road layout, some details of which remain to be resolved and could be required by condition, the standard of design is considered to be compatible with 'designing streets' and takes some account of 'designing places'. Thus it is considered acceptable in terms of policies D1 and D2. The proposed materials and finishes are compatible with those of the adjacent 'Barratt' development currently under construction. A mix of dwelling types and sizes would be provided in accordance with policy H4.

Landscape / Wildlife Impact

Implementation of the development will clearly result in landscape change, due to urbanisation. However, the existing nature conservation value of the site is limited due to its pre-existing use as farmland and the absence of woodland. A small part of the site contains native orchids which it is proposed to translocate within the site. Given that no housing development is proposed within the western edge of the site, which is designated in the LDP as green space network, there is no fundamental conflict with policy NE1. In the longer term, the natural heritage value of the burn-side would be enhanced by the proposed native woodland planting along its edge and within proposed public open space areas. In addition to providing open space of landscape benefit and allowing the development to integrate with its setting, in accordance with the objectives of PAN 44, such open space would also enable the translocation of native orchids which are present within the site and would be affected by the development. Subject to imposition of conditions, the proposal is therefore considered to accord with policies D6, NE1 and NE8.

Drainage / Flood Risk

Although no drainage impact assessment has been submitted, this, and the details of SUDS can be required by condition. The matter of flood risk associated with the Burn of Mundurno has been investigated through a Flood Risk Assessment submitted in 2013 and the findings of this FRA remain relevant to the current application site. The site layout includes provision of suitable space for SUDS features (i.e. detention basins). The development avoids encroachment of housing onto the functional floodplain of the Mundurno Burn and suitable SUDS would be incorporated within the open space, in accordance with the objectives of policy NE6. The layout has been amended in order to ensure that a suitable buffer area is preserved between the burn and the proposed housing, with intervening open space areas. SEPA have no objection to the development subject to conditions in order to protect the aquatic environment.

Developer Contributions / Affordable Housing

A range of contributions have been sought by the Council's advisors, which can be secured by legal obligation. Although the specific type and extent of affordable housing proposed is unclear, the applicant has no objection to on site provision - in accordance with the objectives of policy H5. It is anticipated that 15% of units proposed on site would be affordable (in accordance with the ratio achieved at the adjacent site). Although this is less than the 25% minimum figure specified in policy H5, it would accord with the expectations of the approved development framework and does not therefore justify refusal of the development. An additional financial contribution could be secured for off-site provision, subject to future negotiation.

Objector Concerns

The concerns regarding traffic impact are addressed above. The concern regarding alleged inadequate local road infrastructure can be addressed by condition, as the Council's road's officers have no objection. Reduction of the traffic speed limit on the B999 is desirable in the interest of public safety and can be achieved by implementation of road traffic orders separate from the planning process. Given that it is not in the interest of sustainable development to encourage overprovision of car parking; given the requirement to provide open space, SUDS and garden ground within the development; and in order to ensure adequate amenity for occupants and address environmental concerns, it is not considered appropriate to amend the development to address the Community Council's concerns regarding lack of car parking and footpaths.

No development is currently planned / applied for to the north of the site, or across the B999, and such land lies within the green belt as designated in the adopted local plan. The prospect of any future development there is therefore not a material consideration in determination of this application.

The matter of control of giant hogweed on the site and adjacent land is primarily a matter for the existing landowners to address. This is not a matter for the planning authority to intervene in, as other statutory controls exist to address this concern.

Disturbance during construction is considered to be a transient matter that does not warrant imposition of planning conditions or refusal of the development. The Council has separate powers in relation to control of noise nuisance, should there be concerns expressed in relation to that during construction.

Whilst it is recognised that the wider Bridge of Don area is perceived as being deficient in terms of provision of amenities, the developer has agreed, in principle, to the provision of developer contributions to address the deficiencies identified by the Council's Developer Obligation advisor. Provided that the necessary off-site footpath and cycle links are delivered to allow prospective residents to sustainably access such facilities (e.g. schools, shops, community and sports facilities), it is considered that this is not a matter which warrants refusal of the application.

It is also considered that adequate buffer planting is proposed along the northern site boundary and condition could be imposed requiring details of and implementation of landscaping.

Conclusion

The site has been allocated for housing development in the adopted local plan and a development framework for development of it and the adjacent land to the west has been approved. Subject to imposition of conditions and a legal obligation to control the detailed design of the development and address off site / infrastructure delivery issues, the proposal would accord with the development plan and the objectives of sustainable economic development set out in SPP.

Heads of Terms of any Legal Agreement

On-site provision of affordable housing / related developer contributions for off-site provision, and developer contributions for enhancement of primary education, community facilities, healthcare, sports and recreation and libraries. A total figure of £449,800 is requested. An additional financial contribution of £54,000 is required for a proposed off site road improvement scheme at the Shielhill Road / B999 junction, to be delivered by ACC.

RECOMMENDATION

Approve Conditionally & subject to a Legal Obligation to secure financial contribution to delivery of off-site road infrastructure, developer obligations and provision of affordable housing

REASON FOR RECOMMENDATION

The site has been allocated for housing development in the adopted local plan and a development framework for development of it and the adjacent land to the west has been approved. Subject to agreement between the applicant, the Council and the owner / developer of adjacent housing sites, the required infrastructure to support the development can be provided. Conditions and a legal obligation are required in order to address amenity and public safety matters and to secure the required developer contributions and off-site road infrastructure.

Following the decision of the UK Supreme Court to quash the STF, the previous requirement to provide developer contributions to the STF is no longer relevant.

CONDITIONS

01. Path Links

No development shall take place unless a scheme for the provision of proposed footpath / cycle links (together with associated bridge crossings over the Burn of Mundurno), to connect the proposed dwellings with the adjacent housing development under construction to the west of the site, and for provision of footpath and cycle connection to the site from Denmore Road, has been submitted to and approved in writing by the planning authority, or planning permission has been secured for such links. Thereafter none of the dwellings shall be occupied unless the said foot / cycle path links have been implemented in full. **Reason** - in the interests of pedestrian / cycle connection and sustainable development.

02. Site / Plot Boundaries

No development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. The dwellings hereby granted planning permission shall not be occupied unless the required boundaries have been implemented in full, unless the planning authority has agreed to vary such requirements. **Reason** - in order to preserve the amenity of the neighbourhood and protect the setting of the green belt / visual approach to the city.

03. Buffer Strips

No development shall take place pursuant to this planning permission unless a site specific environmental management plan has been submitted to and approved in writing by the planning authority. This shall include site specific details for the protection of the watercourses including detailed site plans showing protection and mitigation proposals, and a site specific plan demonstrating a 6m buffer strip adjacent to all watercourses on site. All buffer strips shall be maintained free of development and construction activity during the construction and implementation of the development and thereafter shall be retained as a vegetated amenity area. No construction activity or development shall take place within buffer strips without the written agreement of the planning authority. **Reason** - in order to protect water quality and ecology.

04. Low Carbon / Water Efficiency

No development shall take place pursuant to this permission 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. The buildings hereby approved shall not be occupied unless any recommended measures specified within that scheme for the reduction of carbon emissions and to ensure water efficiency have been implemented in full. **Reason** - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Resources for New Development'.

05. Landscape

No development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing landscape features on the land, and details of any to be retained, together with measures for the protection and translocation of the northern march orchids within the site in the course of

development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. 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. 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. **Reason** - in the interests of the amenity of the area.

06. Public Open Space

No dwellings hereby granted planning permission shall be occupied unless the areas of public open space (i.e. softscape, excluding private gardens, as identified on Drawing No.294/ P3 of the plans hereby approved, or such other drawing as may be subsequently approved) have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority. No development pursuant to this planning permission shall take place unless a scheme detailing the manner in which delivery of the open space is to be phased, delivered and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface. **Reason** - in order to preserve the amenity of the neighbourhood.

07. Flood Risk

No development, including land raising, or temporary construction works / site compounds, shall take place within the functional flood plain as shown on figure 3.4 of the flood risk assessment by Envirocentre, dated December 2013. Finished floor levels for all properties shall be a minimum of 600mm above the design flood level as reported in table 3.2 of the flood risk assessment by Envirocentre, dated December 2013. No development shall take place pursuant to this permission unless a detailed plan showing finished ground levels and floor levels for each property within the development has been submitted to and approved in writing by the planning authority. **Reason** - In order to minimise the risk of flooding.

08. Archaeology

No development shall take place within the application site, other than with the agreement of the planning authority, unless the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. **Reason** - in the interests of protecting / recording items of historical importance as may exist within the application site.

09. Emergency Access

No development shall take place unless a scheme for the provision of an emergency vehicle access route to serve the development and connect with an existing adopted road, has been submitted to and approved in writing by the planning authority. No more than 50 dwelling houses shall be occupied on the site unless the proposed emergency access road as detailed has been provided in accordance with this scheme and is fully operational. **Reason** - in the interest of public safety and provision of secondary emergency vehicle access.

10. Vehicle Charging

No development shall take place pursuant to this permission unless there has been submitted to and agreed in writing by the planning authority a scheme for provision of electric vehicle charging infrastructure for the site. Thereafter none of the dwellings shall be occupied unless the required infrastructure has been implemented for the relevant dwelling. **Reason** - In the interests of sustainable development.

11. Construction Method Statement

No development pursuant to this planning permission shall commence unless a detailed site specific construction method statement for the site has been submitted to and approved in writing by the planning authority. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site. **Reason** - in order to prevent potential water pollution.

12. SUDS

No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme. **Reason** - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

13. Noise Mitigation

The dwellings hereby approved shall not be occupied unless the required noise mitigation measures, as detailed in the approved noise assessment have been implemented in full (for each individual building), unless the planning authority has given prior written approval for a variation. **Reason** - in the interests of residential amenity.

14. Play Area

No dwelling hereby granted planning permission shall be occupied unless a Childrens' Play Area is completed, laid out and equipped as a play area in accordance with a scheme that has been approved in writing for the purpose by the Planning Authority, unless the planning authority has given prior written approval for a variation. The said area shall not thereafter be used for any purpose other than as a play area. **Reason** - in order to ensure the timeous provision of play facilities.

15. Foul Drainage

The dwellings hereby granted planning permission shall not be occupied unless a scheme for the connection to the public sewerage network has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented. **Reason** - in the interests of public health and pollution prevention.

16. Car Parking

The dwellings hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles for the specific dwellings in complete accordance

with Plan No.A5143/P12C, or such other scheme as may be subsequently approved in writing by the planning authority. **Reason** - in the interests of road safety and the free flow of traffic.

ADVISORY NOTES FOR APPLICANT

The developer is encouraged to provide first occupants of dwelling with a detailed Residential Travel Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and encourages other transport modes- in order to encourage more sustainable forms of travel to / from the development. Please contact the Council's Transport Strategy Planner for further advice on 523327.

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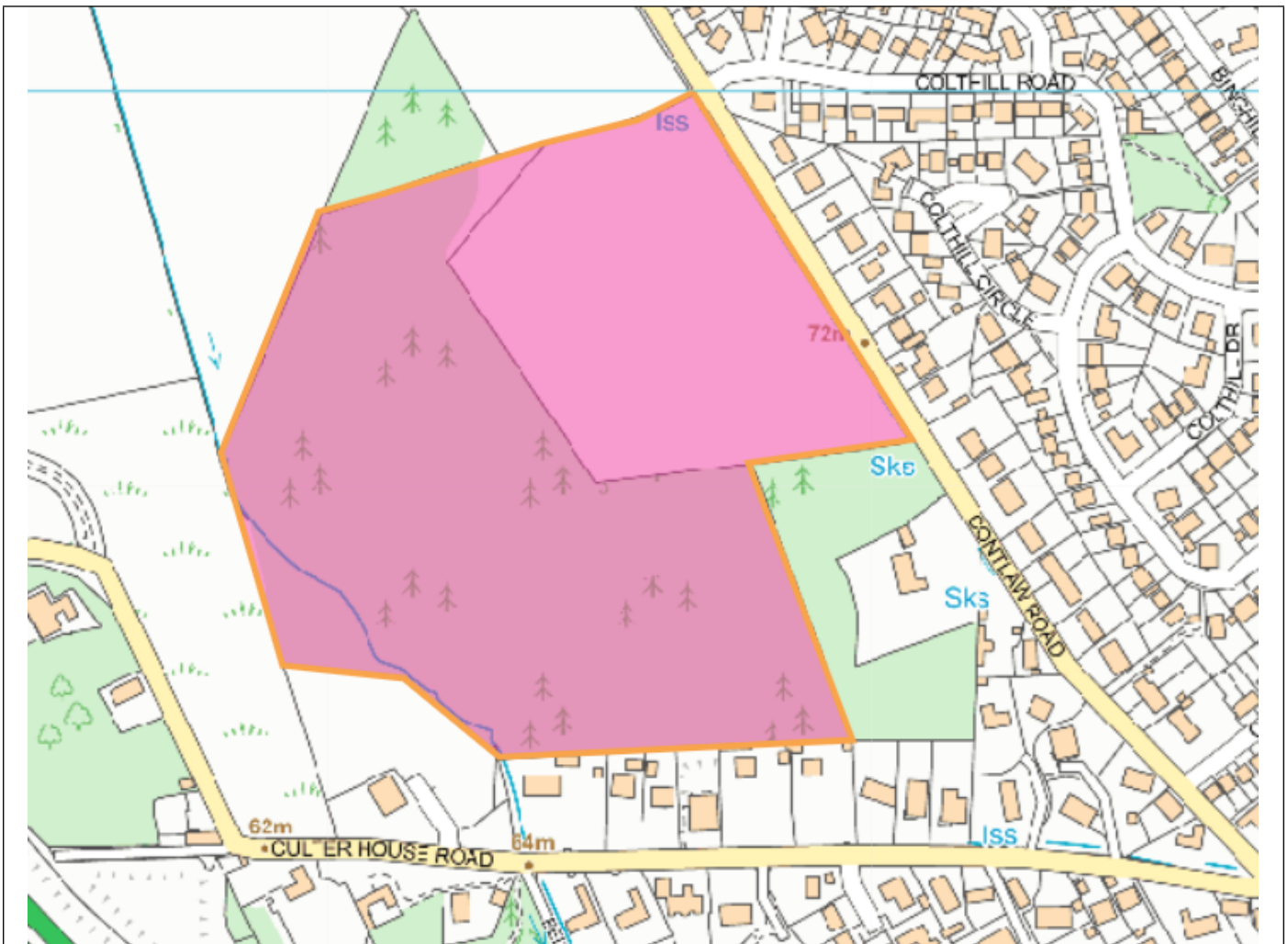


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15 August 2019

Site Address:	Land At Contlaw Road, Milltimber , Aberdeen , AB13 0EJ
Application Description:	Residential development comprising of 30 dwelling houses with associated infrastructure, open space and landscaping
Application Ref:	190409/DPP
Application Type	Detailed Planning Permission
Application Date:	13 March 2019
Applicant:	Stewart Milne Homes North
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve subject to conditions and conclusion of a legal agreement

APPLICATION BACKGROUND

Site Description

A 12.2Ha allocated development site (Opportunity Site OP112 in the Aberdeen Local Development Plan) located on the western side of Contlaw Road, at the western edge of Milltimber. It comprises two distinct parts: 1. c.4ha of primarily grassland in the north-eastern corner, fronting Contlaw Road; and 2. c.8ha of established woodland to the south-west. To the north is further woodland and open fields; west is Opportunity Site 113; south is Opportunity Site 46 and several dwellings on Culter House Road. The Aberdeen Western Peripheral Route (AWPR) runs on a north-south axis approximately 300m to the west. The landform generally falls south to the River Dee, although the internal topography varies.

Area 1 sees the vast majority of proposed works and has an established line of trees and a small burn along its eastern edge with Contlaw Road. Otherwise, there are some significant changes in level, with a large plateau in the southwestern corner sitting several metres above the height of Contlaw Road. A second burn runs through the western edge of Area 2.

Relevant Planning History

The site is allocated as: a residential area; Green Space Network; and Opportunity Site 112 (OP112) in the 2017 Aberdeen Local Development Plan (ALDP) – identifying OP112 for 10 houses. Previously, the 2012 ALDP zoning was as Green Belt and Green Space Network land.

APPLICATION DESCRIPTION

Description of Proposal

The erection of 30 2-storey dwellings (22 detached and 8 semi-detached) and the formation of internal roads, footpaths and ancillary hard and soft landscaping within Area 1. Vehicular access would be off Contlaw Road, in the north-eastern corner.

There would be eleven different house types, all with dual pitched-roofs and with various embellishments. The mix of finishing materials include: Fyfestone, brick, render and concrete roof tiles.

The mix would be as follows:

- 2 x 2 beds
- 6 x 3 beds
- 4 x 4 beds
- 18 x 5 beds

Landscaping is proposed across the development, supplementing retention of the woodland to the west and the tree belt on the eastern edge. Further tree and hedge planting is also proposed within plots.

Paths would be provided through and around the site, linking with the existing path network on Contlaw Road, via pedestrian crossings. A core path connection would provide access across the woodland to the west, forming part of aspirational Core Path AP4. A SUDS basin is proposed to be formed in the south-eastern corner of the site.

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=PO1O22BZLSF00>

- Landscape & Visual Appraisal
- Drainage Assessment
- Flood Risk Assessment
- Geo-Environmental Interpretative Report
- Archaeological Assessment
- Transport Statement
- Tree Survey Report
- Draft Construction Environment Management Plan
- National Vegetation Classification
- Wetland Hydrogeological Risk Assessment
- Design & Access Statement
- Phase 1 Habitat and Protected Species Survey
- Potential Bat Roost Features Survey
- Badger Survey (Confidential)
- Breeding Bird Survey (Confidential)
- Tree Survey Report
- PAC Report
- Landscape Proposals
- Woodland Management Plan
- Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee in accordance with the Council's Scheme of Delegation, because it constitutes a 'Major' application, as defined by the Hierarchy of Developments (Scotland) Regulations 2009.

CONSULTATIONS

ACC - Housing – No comments.

ACC - Roads Development Management Team (RDM) – No objection. Following amendments are satisfied of adequate access by a range of transport modes, including relatively close proximity to pedestrian, cycle and public transport networks. Sufficient paths and roads would be incorporated, with adequate parking provided. Advise on alterations to Contlaw Road, to ensure safe crossing routes for pedestrians and traffic calming, and that the applicant is required to contribute toward or undertake alterations to the Contlaw Road/ North Deeside Road junction in order to improve road safety.

ACC - Developer Obligations – Advise of financial contributions required to mitigate the impact of the development on local facilities and infrastructure:

- Primary Education (Milltimber Primary) - £451,612
- Secondary Education (Cults Academy) - £15,810
- Healthcare - £38,486

ACC - Education – Note that the proposed development would result in Milltimber Primary and Cults Academy going over capacity. Contributions set out in the Developer Obligations response are required to reconfigure Cults Academy and towards a new primary school (at Oldfold) to address these capacity issues.

ACC - Environmental Health – No objection. Request the submission of an Air Quality (Dust) Risk Assessment and a Dust Management Plan prior to works commencing and suggest recommended hours/days for construction works (via an Advisory Note), to protect residential amenity.

ACC - Flooding and Coastal Protection – No objection. The findings of the Flood Risk Assessment submitted by the applicant are accepted.

Scottish Environment Protection Agency – No objection, subject to conditions. Initially submitted a holding objection, due to insufficient details in respect of flood risk and potential adverse impacts on Groundwater Dependent Terrestrial Ecosystems (GDTE), but subsequently confirmed satisfaction with a revised Flood Risk Assessment (FRA), National Vegetation Classification (NVC) and Hydrogeological Risk Assessment, as well as revisions to the site layout (in particular the SUDS basin siting) in order to protect the GDTE. Request the attachment of two suspensive conditions in respect of the submission of a Construction Environment Management Plan (CEMP) and for the implementation of environmental enhancements.

Scottish Water – No objection. Advise of sufficient capacity at the local water and waste-water treatment works.

ACC - Waste Strategy Team – Advise on the number and type of bins each property will be provided with and associated costs. Noted concern regarding the distance between plots 16 and 17 and the nearest bin store.

Scottish Natural Heritage – No objection. Agree with the findings of the Council's Habitats Regulations Appraisal (HRA) Appropriate Assessment, which concludes that the development would not have any significant adverse effects on the integrity of the River Dee Special Area of Conservation (SAC).

Culds, Bieldside and Milltimber Community Council – Generally support the proposals, recognising that the principle of development on the site has been established by its zoning as an Opportunity Site in the ALDP. However, they note the following concerns:

- Developer Obligations figures will need careful consideration to ensure that the overcapacity issues at Milltimber Primary and Cults Academy would be adequately resolved;
- There are existing concerns regarding the narrow width of Contlaw Road and the impact this has on road safety. This development could offer the opportunity to improve Contlaw Road in this regard;
- ACC should review the issue of visibility splays at the Contlaw Road/North Deeside Road junction, given the additional traffic that would use that junction;
- The provision of play areas for children is welcomed. Maintenance of these facilities should be reflected in developer obligations or by ACC taking long-term responsibility, if they are to be used by the wider community; and
- It is essential that permission is conditional on adequate initial and continued funding being available to support the intended Woodland Community Trust.

REPRESENTATIONS

Four representations have been received: three objecting; and one noting both negative and positive aspects, all summarised as follows:

Negative aspects

- Additional traffic would be generated and Contlaw Road is already busy (given its narrow width), creating increased risk to pedestrian and road safety;
- Milltimber Primary and Cults Academy are overcrowded and there is an overabundance of new building (dwellings) in the catchment area;
- The Milltimber Community Hall is over-capacity and whilst looking to extend, currently has no space to accommodate additional users from the new development. Any extension the Community Hall should be at a more advanced stage before allowing the development of further houses;
- Access to the woodland will be greatly reduced, particularly due to the loss of the current open, countryside aspect;
- The site has wild orchids in the upper part and wildlife habitats are being reduced by other developments in the surrounding area;
- The ecosystem of the site will be harmed/ will disappear. In particular: deer, bats, badgers and red squirrel will be adversely affected, losing their habitats.
- The site is currently used for informal recreation by dog-walkers, sledgers, and others;
- The development would only encourage more development on Contlaw Road, thus eliminating more green space.

Positive aspects

- The proposed path network would continue access for the public and dog-walkers;
- The density of housing appears reasonable;
- The burn adjacent to Contlaw Road would be retained; and
- Trees and greenery will enhance the site in time.

Non-material considerations

- Construction traffic would have an adverse impact on Contlaw Road (noise, dust, litter and heavy goods vehicles on a narrow road);
- The existing roads in Milltimber are in poor condition and are badly maintained, additional traffic would exacerbate this;
- There are currently over 5000 residential properties for sale in Aberdeen, thus more houses are not needed; and
- The development would undermine views from an existing balcony and lead to a reduction in property value.

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 (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 (ALDP)

- C11: Digital Infrastructure
- D1: Quality Placemaking by Design
- D2: Landscape
- H1: Residential Areas
- H3: Density
- H5: Affordable Housing
- I1: Infra Delivery & Planning Obligation
- LR1: Land Release Policy
- NE1: Green Space Network
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- OP112: West of Contlaw Road
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Landscape
- Natural Heritage
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

EVALUATION

Principle of Development

OP112 is allocated in the ALDP (via Policy LR1: Land Release Policy) for the development of 10 houses and within a 'Residential Area', covered by Policy H1. Policy H1 states that proposals for new development will be approved in principle, provided they would not; constitute over development, have an adverse impact on the character and appearance of the surrounding area, or

result in the loss of a valued or valuable area of open space, as well as needing to be compliant with any applicable Supplementary Guidance.

Therefore, whilst the principle of the development of the site for residential use is acceptable, further evaluation is required in order to ensure compliance with the relevant criteria of Policy H1 (see section on Design and Amenity below).

Furthermore, it is noted that the proposal would exceed the ALDP allocation for the site of ten houses, thus the principle of exceeding the allocation requires to be assessed, in order to ensure that the additional twenty dwellings would adequately respect the context of the surrounding area.

OP112 also falls within a wider Green Space Network zoning in the ALDP. Policy NE1 (Green Space Network) states that: *“the Council will protect, promote and enhance the wildlife, access, recreation ecosystem services and landscape value of the Green Space Network”* and *“proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.”* Assessment of the proposals against Policy NE1 is covered in the ‘Natural Heritage’ section of the evaluation below.

Density

OP112 is 12.2Ha in size, with Area 1 (to be developed) just over 4ha. Policy H3 (Density) relates to density and must be considered via a contextual appraisal. In this regard Contlaw Road generally forms the western edge of the residential area of Milltimber, where a relatively high density of c.20-30 dwellings per hectare is evident. However, the density pattern closer to Contlaw Road markedly drops to around 10 dwellings per hectare. Particularly immediately opposite the site, on the eastern side of Contlaw Road, sees detached dwellings of approximately 150sqm, set within plots between c.1000 to 1100sqm.

H3 states that all residential developments over one hectare in size must:

- meet a minimum density of 30 dwellings per hectare;
- have consideration for the site’s characteristics and those of the surrounding area; and
- create an attractive residential environment and safeguard living conditions within the development.

Disregarding the woodland area, which is not proposed for development and is covered by a Tree Protection Order (TPO), the requirement of a minimum density of 30 dwellings per hectare would equate to a total of 120 dwellings on 4ha (Area 1). However, taking into account the site’s characteristics: buffer zones around woodland; a burn; and topography; and those of the immediate surrounding area (a low-density, informal transition from suburbia to rural countryside), such a high number of units would clearly result an overdevelopment of the site, and a development which would significantly erode the character of the area.

Thus, a contextual assessment does not align with the density stated in H3. As a result, it is considered that a lower density is appropriate in this instance, balancing the considerations spread across the policy.

Although the number of units proposed (30) is 3 times the indicative allocation for the site, again giving due consideration to the site’s characteristics, and for low-density context to the east. The proposed average density of 7.5 dwellings per hectare, aligns more closely with the existing density of Contlaw Road and allows for a contextually appropriate transition towards the adjacent woodland/ countryside, than would result from a development of 30 dwellings per hectare. Additionally, the sympathetic design and site layout, would ensure that an attractive residential environment would be created.

It is therefore considered that despite the conflict with the numerical allocation for the site (10) and the minimum density of 30 units per Ha (120), the development proposed would be a contextually appropriate density and would adequately address the other applicable criteria of Policy H3, so as to represent an balanced, appropriate and sustainable use of the site.

Design and Amenity

The plots would see varying orientations, of the 22 detached and 8 semi-detached dwellings. Large detached dwellings set in spacious plots (plots 1-3 & 11-16), with an average plot ratio of approximately 1:6 (dwelling footprint to garden ground), would face Contlaw Road mirroring the arrangement of properties to the east. At the access junction a single row of properties would face south, with the easternmost gable (Plot 4), orientated towards 2 Colthill Road, which sees a similar, if opposite orientation, such that gables would face each other and the access road appears as a offset continuation of that existing road (plots 4-10 and 23-30) . The remainder of the site, south-west corner, sees plots 17-22 orientated south and west, onto an area of open space and the treed Area 2 beyond. Thus, the layout is considered to have been designed with due cognisance of that context.

To explain, due to the site topography and constraints posed by the trees/ burn, it is not possible to exactly replicate the prevailing pattern of development (linear plots all fronting onto the street) across the site, but cues from the arrangement opposite on Contlaw Road have been incorporated. Otherwise, to respect the existing low-density character and established settlement pattern, all dwellings adjacent to, or visible from, Contlaw Road would be large detached units set relatively centrally within large plots.

Behind the front grouping of 15 dwellings which would be prominently visible from Contlaw Road, the layout and character of the remaining dwellings changes to a slightly higher density but retains a semi-rural, non-uniform layout. These western 15 dwellings are framed by a woodland aspect, include the westernmost 8 semi-detached units are earmarked as affordable housing (>25%). Given the context of Contlaw Road is one of detached dwellings, this creatively designed semi-detached arrangement gives the impression of detached units, reflective of the wider context.

In terms of architecture, the appearance of existing local properties is varied, with a character of non-uniformity. The dwellings proposed would be made up of variations of eleven different house types, all 2-storey, with reflective traditional forms complemented with contemporary detailing and a sympathetic material palette. The design and scale of buildings would thus not be out of context, given the existing mixed character locally. Nonetheless, a condition is recommended requiring full details and samples of external finishing materials.

Whilst it is noted that some properties would sit at a higher level than Contlaw Road, particularly plots 13-16, the site layout, along with the retention of trees, proposed landscaping and the burn all forming a natural buffer strip between Contlaw Road and the majority of the development This would ensure that the visual impact on the character and appearance of the surrounding area would not be significant.

The proposed development sees the nearest existing dwellings at least 30m away from the closest new dwellings. As a result, the proposal would have no detrimental impact on any existing residences in terms of privacy/overlooking, nor would it result in a loss of daylight or sunlight thereto.

The proposed layout and design of dwellings are thus considered appropriate for the context, would not constitute overdevelopment and, combined with the implementation of an appropriate landscaping scheme (controlled via condition), would ensure that the development would not have an unacceptable impact on the character of the surrounding area. As a result of the above, the proposal is considered to comply with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP.

Impact on Landscape

Policy D2 (Landscape) requires developments to have a strong landscape framework, which improves and enhances the setting and visual impact of the development.

The Landscape & Visual Appraisal (LVA) notes that the development site is relatively contained, with the existing woodland to the south and west providing enclosure. Combined with its siting adjacent to Milltimber, the woodland and topography of the surrounding area ensures that views of the site are limited and largely restricted to localised views from Contlaw Road. Thus it is considered that the proposals would not have a significant impact on long-distance views, nor on the landscape character of the Dee Valley.

Local views, despite the existing situation being of an open field with a woodland backdrop, would see a development fitting in with the context of the existing houses on Contlaw Road. Although it is acknowledged that the development will undoubtedly change the existing landscape character, this is inevitable given its zoning in the ALDP as an Opportunity Site.

In terms of protecting visual amenity and landscape setting, a draft landscaping scheme details the wholesale retention of the woodland area (to be transferred to a community trust) and the vast majority of trees along the eastern extent of the site. These retentions would ensure that the new development sits within an established natural setting.

Approximately 45% of the site would comprise plots and access roads, with large areas of natural green space to be retained to the front and around the edges of the site, as well as the retention/development of a natural wetland area. The existing trees and areas of green space to be retained would be complemented with significant additional planting of local species, particularly along the eastern edge of the plateau of higher ground in the southern half of the site (acting as a transitional buffer to the woodland) but also elsewhere within the site, with hedges and trees proposed to line internal roads and delineate plot boundaries. Subject to the submission of a fully detailed landscaping scheme via condition, the development would sit well within its natural, semi-rural context without detriment to the landscape setting. The proposals are therefore considered to comply with Policy D2.

Amenity for new residents (open space, access and informal recreation)

Dwellings would predominantly be set within relatively large plots, albeit the garden areas for some of the affordable semi-detached plots would not be as substantial. Combined with the existing natural setting and the comprehensive proposed landscaping treatment for the site, the dwellings would each sit comfortably within their own plots and benefit from a good level of amenity consistent with the character of the area.

In terms of open space, Policy NE4 (Open Space Requirements in New Development) requires a minimum of 2.8ha of communal open space to be provided on site per 1000 new residents (equating to 3,388sqm for the estimated 121 residents, based on the Council's Open Space SG).

As well as having access to private garden areas, the areas of natural open space and paths therein would enable the perimeter of the site to be used for walking, whilst a boardwalk would run through the natural wetland area. A formal play area with play equipment would be created and a flat, more useable area of grass (c.2000sqm) for informal recreation would be sited in the south-western corner of the site. Additionally, residents would have immediate access to the neighbouring woodland. Thus, in addition to private amenity space, residents would have access to various types of open space, totalling an area significantly in excess of the SG requirements – even if only accounting for Area 1.

Policy NE9 (Access and Informal Recreation) states that *“new development should not compromise the integrity of existing or potential recreational opportunities generating access rights to land or*

water, core paths, or other rights of way". It is apparent from site inspections, and also noted in representations, that Area 1 and the woodland (Area 2) are well-used by the existing Milltimber community for walking and informal recreation, with several pedestrian desire lines apparent therein. Whilst the development would reduce the informal, natural character, access would actually be improved through the installation of a comprehensive path network, providing access through and around the edges of the site, linking into the existing natural entry points on Contlaw Road and to the west, into the woodland. Access through the woodland to the west, along the line of an identified aspirational core path (AP4) – this connects to Culter House Road and then the AWPR to the west. The applicant proposes to provide this core path route/ link through the site (area 1 and 2), in order to allow for its full integration into the route of Core Path AP4, offering access and informal recreation benefits to the existing and new communities. The proposed development is therefore compliant with Policy NE9. A condition is recommended in order to ensure the installation of core path signage, so that members of the public are aware of the core path route.

Noise

Area 1 is located approximately 500m to the east of the recently opened Aberdeen Western Peripheral Route (AWPR), with the woodland of Area 2 in between. The Council's Environmental Health team is satisfied that there is unlikely to be an adverse impact on the occupants of the proposed residential properties in terms of noise, and that the relevant building standards for construction of new dwellings should ensure adequate protection from noise internally. The proposal does not therefore require to be assessed against the criteria of Policy T5 (Noise).

Transport & Accessibility

Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) require new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel, as well as to ensure that the internal layout of developments prioritise walking, cycling and public transport penetration. The corresponding Transport & Accessibility SG provides additional guidance.

The site is less than 800m from the Deeside Way and the southernmost properties approximately 500m from North Deeside Road: the main pedestrian/cycle and public transport routes into Aberdeen city centre respectively. Footpaths would be formed allowing pedestrian access from all plots, with new pedestrian crossings at the north-eastern and south-eastern corners providing links connecting into the existing footpath on the eastern side of Contlaw Road, via crossing points, providing safe pedestrian access to North Deeside Road. Given the site constraints, with an existing tree belt and burn immediately adjacent to the western edge of Contlaw Road, the option of widening sections of this road was not considered feasible. Therefore, as an alternative, the pedestrian crossings have been designed to project out into the carriageway, thus reducing the amount of road required to be crossed by pedestrians and also acting as natural traffic calming measures. Thus, it is considered that the works to Contlaw Road would ensure that the existing situation would not be worsened and could actually be improved, in respect of pedestrian and road safety.

Although the new dwellings would be more than 400m of the nearest bus stops, on North Deeside Road (the maximum distance strived for in the Council's SG), given the context of the area, where most properties in the locality see this target distance exceeded, and the relatively small number of units proposed, it is not reasonable to expect see a public transport route to directly serve the site. It is therefore accepted that the development would be outwith the 400m guideline distance to the nearest bus stop. Importantly good pedestrian links would be provided to these bus stops.

With 30 units proposed, it is considered that the additional amount of trip generation resulting from the development would have a negligible impact on the local road network. In a very immediate context, it is acknowledged that the new dwellings could see a noticeable increase in traffic on Contlaw Road. However, this increase would be relatively small and would not have a significant impact on the existing local road network.

Each of the properties would have its own driveway, some with garages. Many with space to accommodate residents' and visitors parking off-street, when considered against parking standards. To address any overflow visitor parking, 4 on street spaces are proposed on the northern road. As a result, on-street parking is unlikely to be an issue and the internal road layouts have been designed accordingly, with peripheral sections seeing relatively narrow shared surfaces, prioritising walking and cycling and removing unnecessary additional pavement infrastructure.

The proposal has been assessed by officers in Roads Development Management (RDM) who are satisfied that the site would be accessible via a range of different modes of transport, would incorporate sufficient car parking and that the site layout would be acceptable in terms of refuse collection and roads/pedestrian safety. As a result, the proposal is compliant with the general aims of Policies T2 and T3 of the ALDP as well as the associated SG.

RDM, in consultation with the Council's Traffic Management and Roads Construction Consent Teams, consider that works are required to be undertaken by the applicant in order to re-surface and re-line (re-paint) the Contlaw Road / North Deeside Road junction, which, as the main vehicular access to the site, is currently substandard. The re-painting of the lines should re-line the centreline of the junction so that it aligns more perpendicular with North Deeside Road, thus improving road safety. The development does not in of itself create a greater risk to safety, so as to require the re-surfacing of the road, therefore the development does not create any greater need for the road to be resurfaced. The development would increase the amount of vehicles using the Contlaw Road / North Deeside Road junction however and as the current alignment of the centre-line is deemed to be sub-standard with regard to road safety, it is considered that the additional traffic generated by the development would serve to exacerbate existing road safety issues. Therefore, the development would impact on road safety in relation to the lines at the junction and a condition is added to ensure that the re-lining works are delivered.

RDM have also noted that for residential developments, one electric vehicle charging point (passive provision) is the minimum requirement for each unit where spaces are private and off-street. A condition is therefore recommended, requiring the driveways for each unit to incorporate passive EV (Electric Vehicle) charging provision, to allow for future installation of charging points.

Natural Heritage

Policy NE1 (Green Space Network) requires new development to protect, promote and enhance the Green Space Network. Developments which have a negative impact on existing wildlife habitats and connections require to be appropriately mitigated.

It is acknowledged that the site at present forms part of a wider undeveloped area of Green Space Network, largely comprising unmaintained grassland. As the site is zoned for residential development, the principle of development on the site has already been established, therefore some erosion of this section of the Green Space Network is inevitable. Nevertheless, the design of the development pays due regard to the wildlife habitats and connections that exist therein at present, and the proposed development layout ensures that the impact on the Green Space Network is both minimal and appropriately mitigated. Approximately 55% of Area 1 would remain undeveloped, i.e. outwith plots and associated roadways, whilst the entirety of the woodland covering Area 2 is also to remain. Natural areas of open space would be retained around the perimeter of Area 1, which would also see a wetland marsh corridor run through it.

Several ecological surveys support the application, covering matters including: the predicted impact of the development on – bats, badgers, red squirrels, breeding birds and existing vegetation (specifically the Northern Marsh Orchid). The findings of those surveys are summarised as follows:

Bats

The applicant's Phase 1 Habitat and Protected Species Survey notes that the habitats on the site are assessed as offering moderate habitat for commuting or foraging bats. Three standing dead trees within the woodland area were identified as hosting Potential Roosting Features (PRF) for bats. A further survey, in the form of a PRF Inspection, found no evidence of bats within those three trees. Nonetheless, those trees are not proposed to be felled as part of the proposals. It is noted that the vast majority of the area of the site where development is to take place consists of low-level grassland, which is not a suitable habitat for bat roosting. It is therefore considered that the development would not have an adverse impact on bats.

Badgers

One main badger sett was found in close proximity to an area of the site to be developed, with further setts in the surrounding area. However, subject to slight alterations to the site layout (which were subsequently made by the applicant), and that appropriate mitigation measures are put in place, it is considered that no intolerable levels of disturbance to badgers would take place. One such measure, acknowledging that the development would result in the loss of grassland (a primary badger foraging habitat), requires the planting of native shrubs and trees to minimise disturbance, increase cover and foraging opportunities, and to mitigate the proposed loss of existing habitat. A condition is attached requiring the recommended mitigation measures noted in the Badger Survey (confidential and not available for public viewing) to be implemented.

Red Squirrels

Red squirrel were observed within the woodland area and the coniferous and broad-leaved habitats on site are assessed to provide suitable habitat to support red squirrel. However, connectivity from this woodland to other nearby habitats would not be fragmented by the proposed development and due to zone of influence constraints, a natural buffer would be retained from the woodland's edge. Red squirrel are known to frequent gardens where landscaping may be diverse, offering seeds and berries for fodder. Therefore, it is considered that the proposed development would not negatively affect the existing red squirrel population within the woodland.

Breeding Birds

The grassland habitat on the site proposed for development is currently highly disturbed by humans and domestic dogs, thus reducing the chances of success for ground-nesting birds. The grassland however provides a seasonal foraging resource for birds, in the form of seeds and invertebrates, but whilst a section of this habitat would be removed and altered by the development, further grassland and arable land is present to the north and west. The development would see an increase in amenity areas and landscape planting of various trees and shrubs. These aspects could benefit a variety of bird species present in the area. Subject to appropriate mitigation (scheduling vegetation removal to commence outwith bird breeding season, or undertaking a pre-works check by a suitably qualified ecologist), it is considered that the existing bird population would not be significantly adversely affected, with other similar habitats in close proximity.

Vegetation

Aside from trees, it is acknowledged that there is existing flora on the site that would be affected. However, the majority of the area to be developed is covered by natural grassland, which is not protected or of any particular ecological importance. The presence of Northern Marsh Orchids and other groundwater dependent species of flora in the wetland section of the site is acknowledged and the site layout has been appropriately designed (with minor adjustments made following comments from SEPA) to ensure that these areas are retained and protected. No significant detrimental impacts to the Northern Marsh Orchids or the wetland area are expected, subject to an appropriate condition requiring adequate protection of the wetland area during construction works. In their consultation response, SEPA noted that the development would result in the direct loss of/impact on some of the wetland due to the new roads and their embankments. However, SEPA consider that these impacts could be adequately mitigated through a series of environmental enhancements,

including orchid monitoring and re-planting. The requirement for such enhancements is attached as a condition.

Habitats Regulations Appraisal

The site incorporates a small burn which runs along its eastern edge, adjacent to Contlaw Road. This burn is a tributary to the River Dee, a Special Area of Conservation (SAC). It is thus necessary to consider whether the development would have any impact on the qualifying species of the SAC via a Habitats Regulation Assessment (HRA). An initial HRA screening was undertaken by the planning authority, which concluded that although minimal and restricted to the construction phase, there is a risk that the construction works could impact the SAC. The applicant submitted a Draft Construction Environmental Management Plan (CEMP), which includes mitigation measures to protect against any impacts on the adjacent watercourse during construction. As part of an Appropriate Assessment (AA) carried out by Aberdeen City Council, it is considered that the potential adverse impacts on the SAC could be adequately mitigated through the implementation of a CEMP (finalised version to be agreed via condition). Scottish Natural Heritage were consulted on the proposals and agreed with the findings of ACC's AA. Another small burn runs through the western edge of the woodland, but is a significant distance from any proposed development, thus it is considered that it would not be affected by any works.

In addition to the various mitigation measures noted above, in respect of specific species and the retention of a significant amount of natural space (including a natural wetland area), the development would incorporate new tree and hedge planting and a SUDS basin, both of which could result in biodiversity gain through the creation of new habitats. As a result, and subject to conditions, it is acknowledged that the proposal would impact upon some existing habitats but considered that this impact would not be significantly adverse, limited to Area 1 and that the proposals would not conflict with the general principles of Policy NE8: Natural Heritage or the corresponding SG. Whilst some erosion of the Green Space Network would occur, it is inevitable given the site's allocation for residential development. The planning authority are satisfied that the impact would be justified and mitigated, to protect overall existing habitats and connections, open space and landscape and recreational features, all without significant detriment to the function of the wider Green Space Network, in accordance with Policy NE1.

Trees

Policy NE5 (Trees and Woodlands) has a presumption against all development that will result in the loss of trees. In this regard the area proposed to be developed is predominantly clear of trees, excepting along its eastern edge. The majority of existing trees are to be retained, with only three to be felled in order to accommodate the new access road. The existing woodland (Area 2) is to be retained and potentially transferred into community ownership. The existing tree stock would also be supplemented with a significant amount of additional planting.

The Council's SG *Trees and Woodland* provides more specific advice on how to assess the impact of developments on trees and woodlands, and what is needed in the form of supporting documentation to address potential concerns. Section 8.4.2 of the guidance makes specific reference to 'Zone of Influence' (ZOI) which is generally considered to be the distance between the base of a tree to its mature height, replicated as a distance from the base of the tree along the ground. The SG notes that dwellings should not be sited within the ZOI of any existing, or proposed trees. In addition, the SG outlines that the footprints of dwellings should not fall within the Root Protection Areas (RPAs) of trees as construction works would likely compromise the structural integrity of a tree.

In this regard, following amendments, the site layout has been designed to ensure that the footprints of almost all of the 30 dwellings would be sited outwith the ZOI and RPA's of any existing and proposed trees, with the slight exception of some very minor corner areas of two of the dwellings adjacent to the woodland (Plots 26 and 27). Although the SG also states a preference for keeping

garden ground outwith the ZOI of trees, it is acknowledged that such a constraint would not be reasonable, as the site is bound by mature woodland to the south and west. Nonetheless, the garden areas of each plot are generally of a reasonable size, such that the negative aspects of some areas being sited within a ZOI (tree fall risk and overshadowing) would be limited and would only apply to portions of each of the affected garden areas. In this regard, the maximum area of one plot that would fall within a ZOI is Plot 22, which would see 31% of the plot within the ZOI. The majority of that area would consist of the driveway, detached garage and a small portion of the non-immediately useable rear garden ground. Plots 16, 17, 26 and 27 would also see some garden ground fall within the ZOI yet the areas for each of those plots would be relatively small (not exceeding 22%) and in secondary areas of garden ground.

The applicants have submitted a Tree Survey, (including Tree Protection measures) in support of the application, which provides details of the existing tree stock within the site. It is considered that the suggested tree protection measures would be adequate to preserve the existing trees during construction on site, and a planning condition will require the proposed measures to be implemented prior to construction taking place.

Whilst it is noted that minor areas of some of the dwellings and gardens would be sited within the ZOI of some trees, it is considered that the areas affected would be both minimal and the plots large enough to negate the impacts. Therefore, it is considered appropriate to allow for a deviation from the SG in this instance. All other aspects of Policy NE5 are considered to have been adequately addressed.

Affordable Housing

Policy H5 (Affordable Housing) requires all housing developments of five units or more to contribute no less than 25% of the total number of units as affordable housing. The Council's SG on Affordable Housing notes that for developments of 20 units or more, the expectation is that the affordable housing contribution will be delivered on-site. 25% of 30 units equates to 7.5 units. The applicant is proposing to provide 8 affordable units on-site, comprising the 8 semi-detached dwellings – to be delivered through the Low-Cost Home Ownership Scheme. A S75 Legal Agreement will be required to ensure that the affordable housing element is provided and that the properties remain affordable in perpetuity. The proposal therefore complies with Policy H5.

Developer Obligations

The proposal has been assessed by the Developer Obligations Team, who advised that contributions are required in order to offset the impact of the proposed development on Education (Milltimber Primary and Cults Academy) and to provide a sum toward healthcare. It is anticipated that the development would generate a maximum over capacity of 14 pupils for Milltimber Primary and 6 pupils at cults Academy. Should the Planning Committee be minded to approve the application then the following contributions would be secured by means of a S75 Legal Agreement:

- Primary Education (Milltimber Primary) - £451,612
- Secondary Education (Cults Academy) - £15,810
- Healthcare - £38,486

The Council is satisfied that the core path link proposed through the development would form part of, and link into an existing section of Core Path AP4, would be commensurate with the scale of development and would be constructed to an acceptable, agreed specification. Therefore, in accordance with the SG, no Core Path contribution is required. The proposal is therefore compliant with Policies I1 and H5 of the ALDP, as well as its associated SG.

Flooding and Drainage

A Drainage Assessment (DA), including a drainage layout and associated drainage calculations, was submitted. The DA concludes that the development would see a sustainable urban drainage system (SUDS) detention pond, providing treatment to the water and attenuating water run-off to appropriate flow rates, before it enters the adjacent burn, minimising flood risk. Scottish Water has confirmed that there is sufficient capacity in the local water and waste-water treatment works to accommodate the proposal.

Both SEPA and the Council's Flooding team consider that the proposal would be adequately drained and would not significantly increase flood risk. Subsequently, the proposal is compliant with the general principles of Policy NE6 (Flooding, Drainage and Water Quality) and its associated SG.

Waste Management

Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste, recyclable and compostable materials where appropriate. All of the dwellings have ample space for the storage of waste within their respective plots. In order to consolidate bin collections and minimise bin lorry manoeuvres, a communal bin store serving plots 13-20 would be sited between plots 13 and 20, with residents able to access the bin store via a shared rear lane. Bin lorries would be able to collect the refuse from the bin store and directly from all of the other plots. The internal road incorporates turning heads which would allow a bin lorry to enter and exit the site in a forward gear. The proposals are therefore compliant with Policy R6. Whilst the Council's Waste Strategy Team noted concern regarding the distance between Plots 16 and 17 and the communal bin-store area which would serve them (given the distance for the residents to take their bins would exceed the Council's 30m guideline), it is considered that the additional distance (54.6m for Plot 16 and 37.8m for Plot 17) is acceptable in this instance as to have every plot within 30m would require relatively significant alterations to the layout. The route from the rear of plots 16 and 17 would be via an attractive rear lane on a flat surface and the proposal would avoid the unsightly presence of bins on-street on collection day.

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 can be controlled via an appropriately worded planning condition to ensure compliance with Policy R7.

Digital Infrastructure

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

Heads of Terms of any Legal Agreement

A Section 75 legal agreement will be required between the Council and the applicant, as a mechanism to ensure that the affordable housing provision is delivered and that the financial developer contributions are paid in instalments, upon the completion of each of the dwellings.

Matters raised by the Community Council

The Cults, Bieldside and Milltimber Community Council are generally supportive of the proposals but noted some concerns. These concerns are responded to below:

Developer Obligations figures will need careful consideration to ensure that the overcapacity issues at Milltimber Primary and Cults Academy would be adequately resolved

A detailed assessment has been carried out by the Council's Developer Obligations Officer, in accordance with the relevant supplementary guidance and in liaison with the various Council services (i.e. Education). Financial contributions are sought toward a replacement primary school in

Milltimber, and toward alterations to Cults Academy, in order to accommodate the additional number of pupils envisaged from the development.

There are existing concerns regarding the narrow width of Contlaw Road and the impact this has on road safety. This development could offer the opportunity to improve Contlaw Road in this regard
The addition of 30 dwellings is not likely to result in a significant amount of additional traffic and the site constraints (tree belt and burn) mean that the road cannot reasonably be widened, without undesirable adverse impacts. Two new pedestrian crossings would be installed, creating natural pinchpoints which would double as traffic-calming measures. The Council's Roads Development Management Team do not object to the proposals and consider that the works proposed by the applicant would suffice in ensuring that road and pedestrian safety would not be worsened by the development.

ACC should review the issue of visibility splays at the Contlaw Road/North Deeside Road junction, given the additional traffic that would use the junction

ACC's Roads Development Management (RDM) team have reviewed the existing situation, with regard to visibility splays on the Contlaw Road/ North Deeside Road junction. The existing visibility splays, whilst not meeting current standards, are not significantly substandard to justify new junctions. Additionally, in order to improve the visibility splays, land not owned by the Council would require to be purchased or agreement made with the owner for alterations. Therefore it is not considered proportionate, reasonable or feasible to pursue this course of action. However, as noted in the foregoing evaluation, RDM have requested that the applicant undertake (or contribute toward) works to improve road safety at that junction by re-lining it. These works will be controlled by condition.

The provision of play areas for children is welcomed. Maintenance of these facilities should be reflected in developer obligations or by ACC taking long-term responsibility, if they are to be used by the wider community

Maintenance of the play areas would be the responsibility of the landowner. The Council would not seek to adopt such facilities and it is not considered appropriate that a planning condition is required to dictate their future maintenance.

It is essential that permission is conditional on adequate initial and continued funding being available to support the intended Woodland Community Trust.

The creation of the intended Woodland Community Trust is not a planning requirement and would instead be a matter between the local community and the relevant landowner.

Matters raised in representations

The concerns raised in representation received from members of the public are noted below, with the Planning Authority's response to each point noted in italics:

Additional traffic would be generated by the site and Contlaw Road is already busy (given its narrow width). This would increase the risk to pedestrian and road safety.

This is addressed in the foregoing 'Transport and Accessibility' and 'Matters Raised by the Community Council' sections above.

Milltimber Primary and Cults Academy are already overcrowded and there is an overabundance of new building (dwellings) in the catchment area

This matter is addressed in the foregoing sections on 'Developer Obligations' and 'Matters raised by the Community Council'. Each application is assessed on its own merits and any other residential developments in the area have or will be subject to their own assessments in relation to their impact on infrastructure.

The Milltimber Community Hall is over-capacity and whilst looking to extend, currently has no space to accommodate additional users from the new development. Any extension the Community Hall should be at a more advanced stage before allowing the development of further houses

Consideration has been given to seeking a planning obligation towards community facilities. However, a contribution is not considered to meet the strict tests as set out in Circular 3/2012. This is due to the fact that such works to improve local community facilities would primarily address existing deficiencies and insufficient evidence is available to justify a contribution based on impacts associated to this development.

Access to the woodland will be greatly reduced, particularly due to the removal of the current open, countryside aspect being lost

Although the site would be developed and it is acknowledged that this would reduce the open aspect from the current situation, paths are proposed to run through and around the perimeter of the site, which would itself retain a significant proportion of natural open space. Paths are also proposed within the woodland and access to the woodland would be both retained and, in the sense of formal paths being provided, enhanced.

The site has wild orchids in the upper part and wildlife habitats are being reduced by other developments in the surrounding area

The presence of wild orchids in the upper part of the site has been considered and the site layout incorporates the retention of a natural wetland feature in the part of the site where the majority are present. The impact of other developments in the surrounding area on wildlife habitats is not a material consideration in the determination of this application.

The ecosystem of the site will be harmed/ will disappear. In particular deer, bats, badgers and red squirrel will be adversely affected, losing their habitats

This is addressed in the foregoing 'Natural Heritage' section of the evaluation.

The site is currently used for informal recreation by dog-walkers, sledgers (in the winter) and others

It is acknowledged that the site is well used by the local community for a variety of informal recreation activities at present. However, the site is allocated for development in the ALDP. Efforts have been made by the applicant, following on from feedback given at their pre-application public consultation events, to incorporate the retention of a significant amount of green space into the site layout. The slopes used for sledging would predominantly remain, formal paths would be created that could be used by dog-walkers and a playpark and flat area of open space would also be created, both of which could be used by the existing community.

The development would only encourage more development on Contlaw Road, thus eliminating more green space.

This application is for the development of 30 dwellings on an Opportunity Site allocated in the ALDP. The granting of consent would not set a precedent for further development in the surrounding area and any further applications would be assessed on their own merits, in accordance with the ALDP. The potential allocation of additional sites in the next ALDP is not a material consideration in the determination of this application.

Aberdeen City and Shire Strategic Development Plan (SDP)

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.

RECOMMENDATION

Approve subject to conditions and conclusion of a legal agreement

REASON FOR RECOMMENDATION

Whilst it is acknowledged that the allocation in the Aberdeen Local Development Plan (OP 112 – Contlaw Road) states ten dwellings could be developed on the site (via Policy LR1: Land Release Policy), it is considered that the development of thirty dwellings in the form proposed is acceptable, as it: would not result in the overdevelopment of the site; would not have an unacceptable impact on the character or amenity of the surrounding area; would not result in the loss of a valued area of open space; and would comply with relevant Supplementary Guidance. The development is thus compliant with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP).

The development has also been designed with due consideration for its context, and would make a positive contribution toward the character and appearance of the surrounding area in accordance with Policies D1 (Quality Placemaking by Design) and D2 (Landscape). An appropriate density of development would be provided, consistent with the density and pattern of development in the surrounding area, broadly in accordance with Policy H3 (Density), although it is acknowledged that there is a deviation from the minimum density strived for by H3, to reflect the sites surrounding context.

Whilst the development would lead to some erosion of the Green Space Network and natural habitats, this is inevitable given the site's zoning in the ALDP for housing. The site layout has been designed sympathetically in order to retain a significant amount of natural open space and wildlife habitats and, where that is not possible, to mitigate the impacts of the development on those features accordingly. The proposals would therefore not have a significant detrimental impact on the character or function of the Green Space Network, nor on existing natural habitats and species, in accordance with Policies NE1 (Green Space Network) and NE8 (Natural Heritage).

Subject to a number of appropriate conditions the proposal would be adequately accessible, would provide sufficient affordable housing, would appropriately mitigate its impact on existing local facilities and infrastructure, and would be adequately drained without increasing flood risk, all in accordance with Policies: Policies 2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), H5 (Affordable Housing), I1 (Infrastructure Delivery and Planning obligation) and NE6 (Flooding, Drainage & Water Quality).

Subject to conditions, the development would accommodate appropriate waste management provisions for each plot and all of the dwellings would benefit from low & zero carbon and water efficiency technologies, as well as being supplied with adequate digital infrastructure, all in accordance with Policies R6 (Waste Management Requirements for New Development), R7 (Low & Zero Carbon Buildings & Water Efficiency) and C11 (Digital Infrastructure) of the ALDP.

Ample communal open space would be provided as required by Policy NE4 (Open Space Provision in New Development). Appropriate tree protection measures and landscaping would be provided and overall, the development is generally compliant with the aims of Policy NE5 (Trees and Woodland) and the corresponding Supplementary Guidance (Trees and Woodland), although it is acknowledged that some minor parts of the new dwellings and their garden ground would encroach within the Zone of Influence of some existing trees, this is considered acceptable.

The proposal is considered to comply with all relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance, and there are no material planning considerations that would warrant the refusal of consent in this instance.

CONDITIONS

(1) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development shall take place unless a detailed site-specific Construction Environmental Management Plan (CEMP), which contains:

- a site waste management plan;
- air quality (dust) risk assessment;
- dust management plan;
- details of the dimension of the buffer strip adjacent to the neighbouring watercourse;
- details of the protection and maintenance of the buffer strip;
- details of how pollution of the River Dee will be prevented and details of the measures to be put in place to ensure workers on the site are aware of the requirement to avoid any impacts with protected species which may be encountered on the site;
- details of the design of construction phase works to ensure the water supply to the wetland area is maintained;
- details of protective fencing around the wetland area;
- the mitigation measures outlined in the Hydrogeological Risk Assessment; and
- all other required CEMP content as detailed in SEPA's three consultation responses dated: 2 April, 17 June and 30 July 2019,

has been submitted to and approved in writing by the planning authority, in consultation with SEPA. The approved plan shall be implemented in full for the duration of works on the site.

Reason: In order to protect the integrity and qualifying interests in the River Dee Special Area of Conservation, to protect the integrity and minimise adverse impacts on the site's wetland area and to ensure adequate waste management, prevent potential water pollution and impacts on adjacent amenity.

(2) PATHS AND ROADS

No dwelling shall be occupied unless a scheme showing the phasing of the provision of paths and internal roads on hereby approved Fairhurst drawing 125483/1001 Rev O connecting that dwelling to the surrounding pedestrian network has been submitted to and approved in writing by the planning authority. Thereafter all paths and roads (including pedestrian crossings on Contlaw Road; the boardwalks within the wetland area and all paths through the woodland) on drawing 125483/1001 Rev O, or another drawing as has been agreed in writing by the planning authority, shall be provided in accordance with the approved plans.

Reason – in order to ensure that the development, and each individual property, is satisfactorily connected to the surrounding pedestrian network.

(3) PATH CONSTRUCTION METHODOLOGY

Prior to any construction works taking place in relation to the 1.8m wide granite dust paths and timber boardwalks within the site or the section of 2m wide asphalt path adjacent to the site's eastern boundary as shown in hereby approved Stewart Milne Homes drawing 8012/110 Rev B), a construction methodology for those paths and boardwalks shall be submitted to, and agreed in writing by the planning authority and thereafter the works shall be carried out in full accordance with such agreed methodology.

Reason – In order to minimise the impact of the paths and boardwalks on the root protection areas of the existing adjacent trees and the species in the wetland area, and to preserve visual amenity and landscape character.

(4) EXTERNAL FINISHING MATERIALS

No development associated with the external finishing of any particular dwelling shall take place unless samples of all external finishing materials to the roof and walls of the proposed buildings has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason - In the interests of visual amenity.

(5) HARD SURFACES

No development in laying hard surfaces shall take place until such time as details and samples (where appropriate) of the finishes for the hard surfaces (internal roads and driveways) within the development have been submitted to and agreed in writing by the planning authority. Thereafter the development shall be finished in complete accordance with the approved details unless a written variation has been approved by the planning authority.

Reason – In the interests of visual amenity.

(6) BOUNDARIES

No dwelling shall be occupied until such time as a phasing scheme of the site boundary enclosures for the entire development has been submitted to and approved in writing by the planning authority. Thereafter no dwelling shall be occupied unless the part of the agreed scheme relevant to that dwelling has been implemented.

Reason – in order to create a suitable residential and visual amenity.

(7) SOFT LANDSCAPING

No works in connection with the development hereby approved shall take place unless a detailed scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA.

Details of 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.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) An indication of existing trees, shrubs and hedges to be removed.
- (v) 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.

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.

(8) TREE PROTECTION PLAN

The tree protection measures recommended in the hereby approved Tree Survey Report (EnviroCentre – March 2019) shall be implemented in full during construction works.

Reason – In order to ensure the adequate protection of existing trees to be retained on and adjacent to the site that could be affected by development.

(9) EXTERNAL LIGHTING

No dwelling shall be occupied unless a phasing plan associated to the external lighting covering the footpaths and internal roads associated to that dwelling, which are not proposed to be adopted by the Roads Authority, has been submitted to and approved by the planning authority. Such phasing plan should reflect the approved details (Fairhurst drawing no. 125483/1008 Rev H), or in accordance with a similar scheme as has been submitted to, and agreed in writing by, the planning authority.

Reason – in order to create a suitable residential and visual amenity and ensure public safety.

(10) WASTE STORAGE PROVISION

No dwelling shall be occupied unless the waste storage area for that particular dwelling (or set of dwellings) has been provided in accordance with Stewart Milne Homes drawing 8012/1000 Rev Y 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.

(11) WATER EFFICENCY

No development shall take place for any dwelling unless a scheme of water efficiency for dwellings has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings. Thereafter no dwelling shall be occupied unless the approved measures for that dwelling have been implemented in the construction of the development.

Reason – in order to reduce pressure on water abstraction from the River Dee and the impact on water infrastructure.

(12) LOW AND ZERO CARBON BUILDINGS

No development shall take place for any dwelling unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority. Thereafter no dwelling shall be occupied unless any

recommended measures specified within the agreed scheme for the reduction of carbon emissions have been implemented in full.

Reason - 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'.

(13) PROTECTION OF NATURAL HABITATS

The recommended mitigation measures specified in the following supporting documents shall be implemented before and during the construction works:

- Phase 1 Habitat and Protected Species Survey (EnviroCentre – June 2018)
- Potential Roost Features in Trees Suvery (EnviroCentre – May 2019)
- Statement of Predicted Impacts: Ecology (EnviroCentre: May 2019)
- Breeding Bird Survey (EnviroCentre: May 2019)
- Badger Protection Plan (EnviroCentre: May 2019)

Reason: In order to ensure that the impact of the construction works on natural habitats present on and surrounding the site is minimised and appropriately mitigated.

(14) DRAINAGE

All work shall be carried out in accordance with the hereby approved drainage scheme (Fairhurst Drainage Assessment March 2019: Issue 1) as detailed in the approved Fairhurst drawing no: 125483/2001 Rev I.

Reason: To ensure adequate protection of the site and adjacent water environment from surface water run-off.

(15) CORE PATH NETWORK

Prior to the occupation of the final dwelling, a detailed scheme for the erection of fingerpost wayfinding signs for the Core Path network shall be submitted to, and agreed in writing by, the planning authority. Thereafter, the core path signs shall be installed in accordance with the approved details.

Reason: In the interests of promoting and enhancing the use of the core path network.

(16) RESIDENTIAL TRAVEL PACK

Prior to the occupation of the first unit, a detailed Residential Travel Pack (RTP) shall be submitted to, and agreed in writing by, the planning authority and thereafter the approved travel pack shall be supplied to the occupants of all units upon occupation. The travel pack shall incorporate the measures noted in the applicant's Transport Statement in order to discourage the use of the private car and to encourage the use of alternative, more sustainable modes of transport.

Reason: In order to reduce dependency on private car travel.

(17) PLAY FACILITIES

No dwelling shall be occupied until such time as full details of the play equipment to be installed on the site, and a phasing scheme for their installation/ completion for use, been submitted to and

approved in writing by the planning authority. Thereafter the play facilities shall be delivered and available for public use in line with such approved details and phasing scheme.

Reason: in order to create a suitable residential amenity.

(18) ELECTRIC VEHICLE CHARGING POINTS (PASSIVE PROVISION)

No dwelling shall be occupied until such time as full details and a phasing scheme for the installation of electric vehicle charging (passive provision) infrastructure for all units has been submitted to and approved in writing by the planning authority. Thereafter no dwelling shall be occupied unless the part of the agreed scheme relevant to that dwelling has been implemented.

Reason: in order to facilitate the future installation of charging points for electric vehicles in future and to encourage the use of sustainable transport.

(19) CONTLAW ROAD / NORTH DEESIDE ROAD JUNCTION RE-LINING

No dwelling shall be occupied until such time as full details of the re-lining of the existing Contlaw Road / North Deeside Road junction have been submitted to, and agreed in writing by, the Planning Authority and thereafter the agreed works have been implemented to the satisfaction of the Roads Authority.

Reason: In order to improve road safety.

(20) ENVIRONMENTAL ENHANCEMENTS

No development or associated construction and material storage works within the wetland area (identified as the 'NVC Community' in EnviroCentre National Vegetation Classification Survey Drawing No. 371147-011 Rev A) shall take place until such time as the Northern Marsh Orchid growing locations within that area have been identified in full, to allow for the adequate protection of those areas during construction works. Where these locations are sited under the construction footprint, the orchids in those areas shall be removed and re-planted in accordance with a methodology and monitoring scheme submitted to, and agreed in writing by, the Planning Authority, in consultation with SEPA.

Reason: In order to offset the impacts of the development on the Northern Marsh Orchid species present on the site.

ADVISORY NOTES FOR APPLICANT

ROADS CONSTRUCTION CONSENT

The access junction layouts are to be designed to Aberdeen City Council standards. The development will require to be subject to a Section 21 Roads Construction Consent procedure and the applicant should contact Colin Burnet on 01224 522409 to discuss this matter in further detail. The specifics of the junctions (dimensions, radii, gradients, etc.) can be finalised at this stage.

CONTLAW ROAD / NORTH DEESIDE ROAD JUNCTION IMPROVEMENTS

The applicant should contact Scott Lynch (Roads Development Management) at slynch@aberdeencity.gov.uk or on 01224 522292 regarding the required junction improvements. The specifics of the required works (dimensions, re-surfacing, re-lining etc.) can be finalised at this stage.

BIN PROVISION

Each new property will be provided with:

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

The following costs will be charged to the developer:

- Each 180l or 240l bin costs £30.00 each

General points

- All the waste containers must be presented only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeencity.gov.uk/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

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

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Responding Officer: Hannah Lynch
Email: halynch@aberdeencity.gov.uk

NOISE FROM SITE/ GROUND PREPARATION AND CONSTRUCTION WORKS

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, the following controls should be applied:

- a) such operations should not occur outside the hours of 07:00 to 19:00 Monday to Friday; and
- b) such operations should not occur outside the hours of 08:00 to 13:00 on Saturdays so that no noise is audible at the site boundary outwith these times. AND
- c) During the accepted times the construction noise affecting existing residential premises is restricted to a maximum of 65db LAeq 12hrs or a suitable alternative maximum LAeq 12hrs established through use of the - the ABC Method as detailed within BS5228 1:2009+A1:2014 annex E.3.2, Example 1 and demonstrated accordingly.

CONSTRUCTION PHASE DUST MANAGEMENT

An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant requires to be carried out in line with the IAQM 2014 Guidance entitled Guidance on the Assessment of Dust from Demolition and Construction to predict the likely dust levels and impact on air quality including a determination of its significance.

A Dust Management Plan requires to be produced in line with the aforementioned guidance (based on the outcome of the Dust Risk Assessment) submitted and agreed in writing with the Council's Environmental Health service detailing the necessary dust control measures to be implemented.

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN CONTENT

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

SEPA have advised that the detailed Construction Environment Management Plan (CEMP) required by Condition 1 should provide further information or clarity:

- The developer has copy and pasted SEPA guidance and a silt fence installation guide but they will need to demonstrate how they will transpose this guidance into action on their site. It may just be that they want to make it clearer that they are going to follow the SEPA guidance copied into the draft CEMP and state that they are going to follow the silt installation guide they have provided as the draft CEMP does not clearly state this. CEMP needs to be site specific.
- They should provide a list of ALL construction activities that will be undertaken and the sequence of these. Careful project management lowers the potential for erosion and sedimentation problems and helps to protect both the water environment and the final SUDS by reducing risk of contamination during construction phases (e.g. heavy construction should be staged to avoid periods of high rainfall if possible).
- Fuel and chemical storage provisions on site.
- Details of staff training and how environmental responsibilities will be communicated to staff on the ground including sub-contractors (e.g. tool box talks).
- There should be an emergency procedures section detailing emergency/incident response procedures/planning and the steps that will be taken in the event of an incident occurring (including the discovery of silty water).
- Following on from the point above, the emergency contact hierarchy information should be included in the same section.
- Provision of spill kits at suitable locations on site should be addressed and details contained within CEMP.
- Adverse Weather Monitoring & Out of Hours Monitoring & Response Planning needs to be included – developer should demonstrate what steps will be taken to ensure protection of the water environment out-with site operational hours, including weekends.
- Are there going to be any wastes generated from the site? There is no mention of any waste considerations in the draft CEMP and I think we should clarify this and details added to the CEMP if necessary.

The requested CEMP should detail all construction activities to be carried out and the sequence of these, include: list of key contacts, wet weather working plan, details of Weekend/Out of Hours Monitoring and Incident Reporting and how this will be dealt with. The applicant should refer to [Guidance for Pollution Prevention \(GPPs\)](#) and the recently published [Guidance on the construction of SUDS](#) (CIRIA C768) for further guidance. The CEMP should demonstrate how the proposal complies with the Controlled Activity Regulations (CAR) General Binding Rules (GBR's) 10 and 11,

refer the [CAR practical guide](#) for further information.

Generally the use of maps and plans can communicate what is proposed better than text so it is encouraged to use plans drawings and photographs wherever possible. This work should be undertaken with input from the contractor.

If you have any queries relating the above, please contact SEPA by telephone on 01224 266604 or e-mail at planning.aberdeen@sepa.org.uk

ENVIRONMENTAL ENHANCEMENTS

SEPA have requested that as there is no on-site opportunity for the applicant to restore and equivalent area of habitat to that being lost, they instead research the potential of a community-led or NGO-led initiative that they can support.

REGULATORY REQUIREMENTS

- 1.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). In that regard, further information is required about the gabion structure located to the south west (which looks to be close to the watercourse) to determine if authorisation is required.
- 1.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 1.3 It is not clear at the moment what the total site area is. The drainage assessment states the total area of the site is 3.5 hectares and an email from the Planner states that the site is 4.1 hectares. Other submissions provided appear to state different total area so we need to confirm this for the reasons listed below.
- 1.4 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
 - is more than 4 hectares,
 - is in excess of 5km, or
 - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team on the details provided below.

- 1.5 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

- 1.6 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a

specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA, Tel: 01224 266600.

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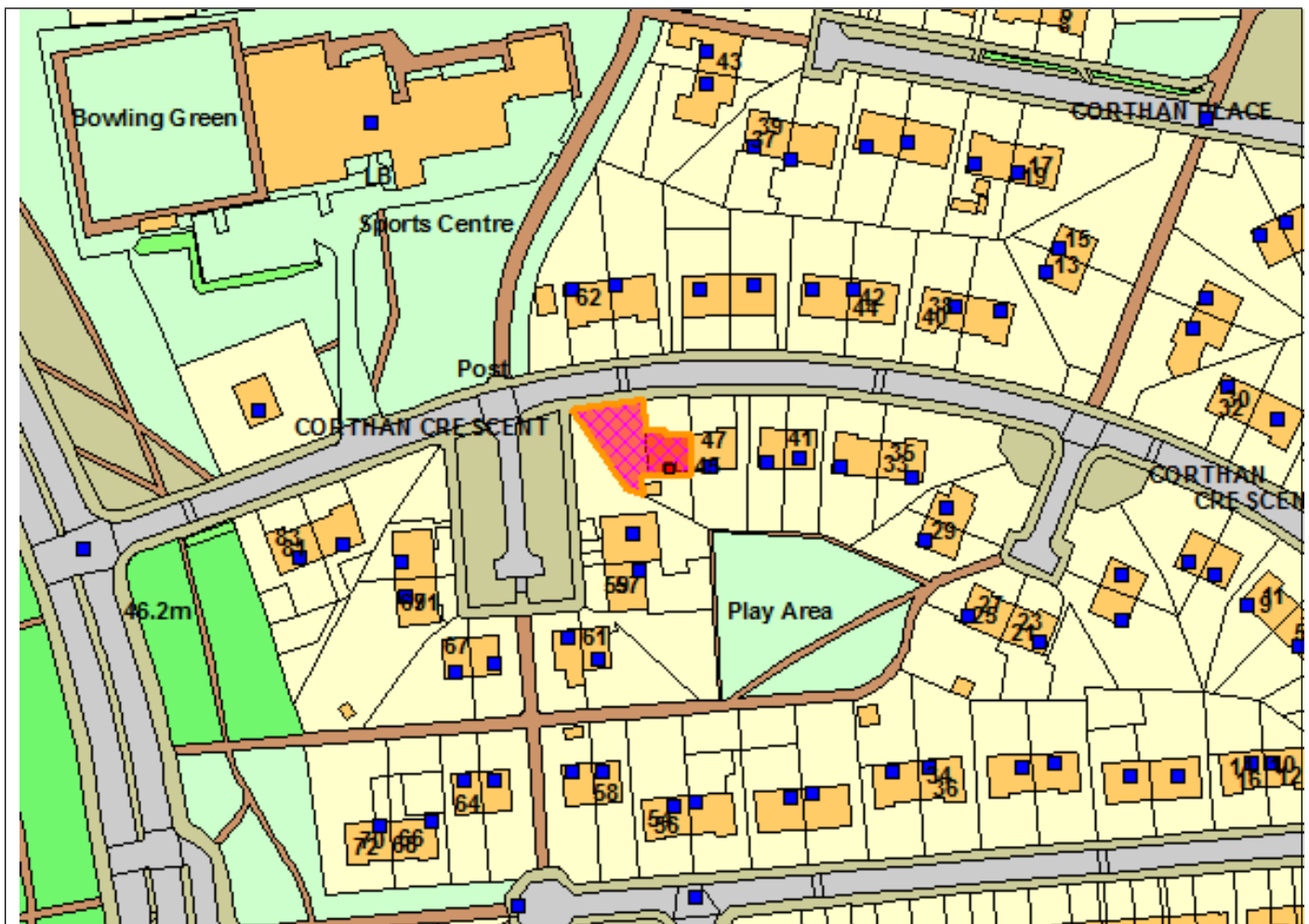


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15 August 2019

Site Address:	51 Corthan Crescent, Aberdeen, AB12 5BA,
Application Description:	Erection of shed and fence to rear (retrospective)
Application Ref:	191019/DPP
Application Type	Detailed Planning Permission
Application Date:	9 July 2019
Applicant:	Ms Val Deans
Ward:	Kincorth/Nigg/Cove
Community Council:	Kincorth And Leggart
Case Officer:	Alex Ferguson



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site comprises the curtilage of a first-floor flat which occupies the western half of a semi-detached 'four-in-a-block' building on the southern side of Corthan Crescent, Kincorth. The property lies to the east of a cul-de-sac within the street serving no's 53 – 75 Corthan Crescent and as a result, it has an irregular, chamfered mutual western boundary with the neighbouring properties 53 & 55 Corthan Crescent to the south. The irregular boundary gives the application property a relatively large front and side garden area of approximately 200sqm.

The flatted building and its front / side garden areas sit approximately 1.2m above the height of the pavement on the southern side of the street. The front garden area incorporates a driveway at street level, a communal path serving the application property and the neighbouring ground floor flat at no. 49 (both accessed via the western gable end). The applicant's garden contains an unauthorised summer house outbuilding positioned forward of the front building line and a 1.8m high timber fence (both subject of this application) toward the rear (south) of the garden. The garden also sees a small timber decked area and a pond adjacent to the western gable. Low-level shrubs and bushes are sporadically interspersed throughout the remainder of the garden.

Relevant Planning History

071426 – Planning permission was approved in 2007 for the formation of a driveway to the front of the property.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is retrospectively sought for the erection of a summer house outbuilding and a fence within the front and side garden area of the property. The plans have been amended since the original submission, with the summer house re-positioned to sit behind the front building line of the application property, rather than to the front, as constructed.

The summer house has a footprint of approximately 6sqm (2.6m x 2.4m), with a mono-pitched roof with a ridge height of 2.3m and an eaves height of 2.1m. The outbuilding is painted black on its blank northern (rear) elevation, with natural timber linings on both of its side elevations. The building incorporates windows on its side elevations and a timber door on its eastern elevation, whilst the southern elevation is predominantly glazed.

The 1.8m high natural timber fence (with horizontal boards) surrounds a slabbed area to the rear of the timber deck.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTPLRGBZH8U00>.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six members of the public have made representations objecting to the proposals.

CONSULTATIONS

Kincorth and Leggart Community Council – No response.

REPRESENTATIONS

Fourteen representations have been received from members of the public: Eight in support of the application and six objecting to the proposals. It is important to note that the representations received were all made in reference to the originally submitted plans, which saw the summer house located to the front of the building, and that the plans have subsequently been amended to move the summer house back from the street. The points raised in the representations received can be summarised as follows:

In support

- The applicant has improved the appearance of the garden in recent years and the works have improved the appearance of the area.

Objections

- The fence and summer house detract from the character and appearance of the street;
- The summer house is a distraction to drivers;
- The placement of the summer house in front of the property does not fit in with the aesthetic of the area; and
- The fence erected appears to exceed 6 feet in height and is not sensitive to neighbouring properties.

Non-material considerations

In addition to the above comments, the following non-material considerations were also raised:

- The building has not been erected in line with building standards;
- The land-ownership of specific garden areas shown on the submitted plans is queried;
- The fence and building are a hazard to members of the public (due to subsidence, the potential collapse of the existing front boundary wall and exposed metal plates and electrical wiring);
- The fenced area is allegedly for the breeding of dogs;
- The works are impacting on the sale of a neighbour's property;

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 (ALDP)

- D1: Quality Placemaking by Design
- H1: Residential Areas

Supplementary Guidance and Technical Advice Notes

- Householder Development Guide

EVALUATION

Design, Character and Amenity

The application site is situated Kincorth, a residential area as zoned in the Aberdeen Local Development Plan (ALDP) and as such, Policy H1 Residential Areas) of the ALDP is applicable. Policy H1 states:

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

- *does not constitute over development;*
- *does not have an unacceptable impact on the character and amenity of the surrounding area;*
- *does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and*
- *complies with Supplementary Guidance.*

Overdevelopment

Whilst not defined in the ALDP, in Planning terms 'overdevelopment' refers, in a residential sense, to the point at which the level of development within a particular plot begins to harm the character and amenity of an area. In this regard, the Council's Householder Development Guide (General Principles 4 & 5) states that no more than 50% of the front or rear curtilage shall be covered by development.

Whilst applicable to dwellings rather than flats, for the purposes of defining a residential property's front and rear curtilage, the Scottish Government Circular 1/2012: 'Guidance on Householder Permitted Development Rights' is of use. It defines the front curtilage as 'all the land forward of the principal elevation' and the rear curtilage as the remainder of the curtilage.

Whilst the doors to both 49 and 51 Corthan Crescent are sited on its western gable, architecturally the building fronts north onto Corthan Crescent and the northern elevation is considered to be the principal elevation of the building.

In this regard, the summer house and fence would both be sited within the 'rear' curtilage of the flat, although due to the chamfered nature of the boundary, the rear curtilage is prominently visible from the street, unlike most traditional rear garden areas. The rear curtilage of no. 51 extends to approximately 90sqm.

The slabbed area with perimeter timber fence and shed covers approximately 25sqm. The barbeque and decked area covers approximately 8sqm and the summer house (once re-located from its current position to the rear curtilage) would cover an additional 6sqm. Thus, the combined total of development covering the applicant's rear curtilage following the re-siting of the summer house, would be 39sqm, or 43%.

The existing and proposed works therefore would not constitute the overdevelopment of the site.

Impact on character and amenity

With regard to assessing the impact of the summer house on character and amenity, the Householder Development Guide (HDG) section 3.1.6 – Outbuildings, states that:

- *Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;*
- *Outbuildings should not have a negative impact on the character of the surrounding area;*
- *Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;*
- *Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.*

At just over 2m in height and with a square footprint of just 6sqm, the summer house would be of a scale and appearance not dissimilar to a traditional garden shed, albeit with a mono-pitched roof and an increased amount of glazing. The outbuilding is subordinate in scale to the parent flatted building.

It is acknowledged that the summer house, in its current, unauthorised position forward of the building line, does have an unacceptable impact on the visual character and appearance of the area. As the HDG notes, such structures are not common in front gardens and the increased ground level of the garden only serves to exacerbate the dominant impact of the structure on the street-scene at present.

However, having notified the applicant of the unacceptability of the summer house's current location, amended plans were subsequently submitted, with the summer house proposed to be relocated to the west of the building, behind its front building line. The Planning Authority is satisfied that the revised location of the summer house, despite still being visible from the street, would be far less prominent on the street-scene, to an extent that it would not adversely affect the character of the

area. The summer house would not only be set sufficiently far back from the street, but would also be afforded an element of natural screening by the existing shrubs and bushes in situ toward the front of the garden.

The summer house would not immediately overlook any private garden ground or the windows of any neighbouring properties. Further, its modest scale and siting would also ensure that it would not have any impact on neighbouring properties in terms of daylight or sunlight receipt.

Although the HDG does not have any specific guidance on fences, walls and other boundary treatments, the general principles of protecting character and amenity are the same as for outbuildings. In this regard, the timber fence that has been erected to the rear of the decked area is situated further back into the plot than the summer house, is of a typical size and appearance for a residential fence and it is considered that it does not affect the character of the area, nor the amenity of any neighbouring properties.

Open Space

The application relates to development ancillary to the ongoing residential use of the property and involves works to a private residential curtilage. No public open space is affected by the works.

Supplementary guidance

As noted above, the proposed works are considered to comply with the relevant supplementary guidance contained within the Council's Householder Development Guide. No other supplementary guidance is considered to be relevant in this instance.

Thus, for the aforementioned reasons, the proposed works are considered to comply with the criteria for householder development as set out in Policy H1 and the Householder Development Guide supplementary guidance. The proposed works would be of a suitable design, scale and siting for their context, in accordance with Policy D1.

Concerns raised by objectors

The concerns raised by objectors are addressed as follows:

The fence and summer house detract from the character and appearance of the street

The Planning Authority concurs that the summer house, as built, does indeed detract from the character and appearance of the street, but considers that the revised location would be acceptable in this regard.

The summer house is a distraction to drivers

It is not considered that the summer house would act as a distraction to drivers. Nonetheless, the revised location would see it set back from the street, in a less prominent location than at present.

The placement of the summer house in front of the property does not fit in with the aesthetic of the area

See aforementioned assessment.

The fence erected appears to exceed 6 feet in height and is not sensitive to neighbouring properties

The plans submitted show the fence as 1.8m in height and the current application is assessed on that basis.

Aberdeen City and Shire Strategic Development Plan (SDP)

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.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

As built, the summer house outbuilding, due to its prominent siting forward of the building line, has a detrimental impact on the character of the street. However, the proposed relocation of the outbuilding to the side of the building would reduce its visual impact on the street to an acceptable level, such that it is considered that the outbuilding and adjacent fence would adequately preserve the character of the street. The proposed works are of an appropriate design, would not harm the amenity of any neighbouring properties, would not constitute overdevelopment and would not result in the loss of any areas of open space. Thus, the proposals are considered to comply with Aberdeen Local Development Plan Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and the Council's Householder Development Guide supplementary guidance.

ADVISORY NOTES FOR APPLICANT

Should the application be approved by the Planning Development Management Committee, the applicant should arrange for the summer house to be relocated from its current position to the siting shown in the approved plans as soon as possible and by no later than two months following the issue of a formal decision notice. Should this fail to be the case, the Council may pursue enforcement proceedings to have the unauthorised works removed due to their detrimental impact on the character of the area.

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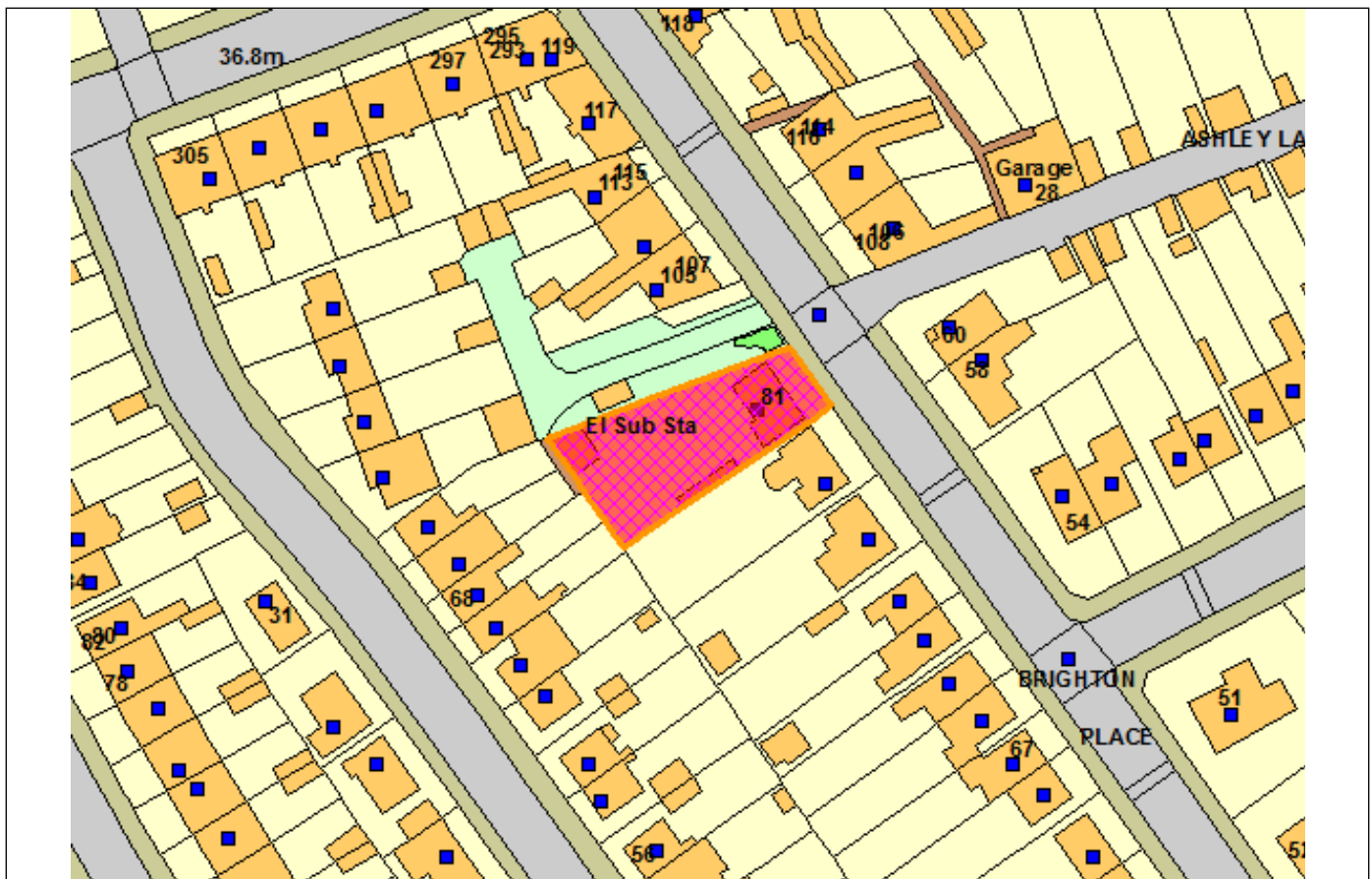


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15 August 2019

Site Address:	81 Brighton Place, Ashley, Aberdeen, AB10 6RT
Application Description:	Change of use from amenity land to domestic garden ground to facilitate new access, driveway and erection of boundary wall to side
Application Ref:	190778/DPP
Application Type	Detailed Planning Permission
Application Date:	10 May 2019
Applicant:	Mr J Anderson
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Ashley And Broomhill
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is a 1½ storey detached dwelling, its front and rear garden and a strip of amenity ground to the north of the residential curtilage measuring c.2.5m by c.20.5m, equating to a footprint of c.51.25m². The strip of amenity ground is covered in dense shrubs and bushes. The site itself is located on the corner of Brighton Place with an unnamed private lane providing vehicular access to c.13 properties on Brighton Place, Annfield Terrace and Union Grove, opposite the junction with Ashley Lane. There is a distinct rise in levels between Brighton Place and the entrance into the property, with a similar steep rise in levels at the start of the private lane, which then gradually levels out. The boundary with the Albyn Place/Rubislaw Conservation Area runs immediately to the north of the site – on the other side of the lane, and as such the site lies just outside this Conservation Area.

Relevant Planning History

- Planning application 180922/DPP for demolition of the existing dwelling and construction of 4 flats with car parking and landscaping was refused on 4th September 2018 as the proposal, due to its design, scale and massing, would result in an overdevelopment of the site; would result in a site layout dominated by hard surfacing; would have an adverse impact on the residential amenity of 79 Brighton Place; and would not comply with standards in relation to waste collection.
- Planning 110877 for the construction of a car port in the north west corner of the site was approved on 14th February 2012;
- Planning permission 081081 for the formation of wooden access gates to the rear garden was approved on 23rd June 2008; and
- Planning permission 011560 for a garage was approved on 20th December 2001.

APPLICATION DESCRIPTION

Description of Proposal

A change of use of the strip of amenity land to private garden, construction of a boundary wall along the proposed new boundary of the residential curtilage – reusing granite from the existing boundary wall, to facilitate the construction of a new vehicular access and two parking spaces immediately to the rear of the dwelling.

It should be noted that the construction of the parking spaces and the driveway would be considered permitted development under Part 1 Class 3C and Part 2 Class 8, respectively, of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and are therefore not further assessed.

The application was re-notified as the initial description did not include the change of use of amenity ground to garden ground.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PRAHGIBZFW000> .

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee as ten letters of objection were received during the first notification period. A further five letters of objection were received during the second notification period. However, these were submitted by people who had objected to the scheme during the first notification period, and thereby not raising the total number of objectors.

CONSULTATIONS

ACC - Roads Development Management Team – No objection, but notes that visibility from the driveway onto the lane is poor due to extensive foliage. The use of the lane by an additional two vehicles would not be a concern.

Ashley And Broomhill Community Council – None received

REPRESENTATIONS

Ten letters of objection were received during the first notification period, with a further five during the second. Matters raised can be summarised as follows:

1. Already overprovision of parking spaces at the property. This current proposal would exacerbate this situation, which would further promote private car use;
2. Application includes false and misleading information in relation to the amount of parking spaces currently available on the site;
3. Removal of the granite wall would have a negative impact on the look and character of the lane, and would be contrary to policies H1 and D2;
4. Siting of a blind entrance and exit onto an existing, narrow lane would create a hazard for other car users and pedestrians using this lane;
5. Removal of tree and shrubs will have an adverse impact on biodiversity;
6. Increasing amount of structures and hardstanding incrementally erodes the character of the existing garden, resulting in overdevelopment;
7. Change in levels makes accessing the driveway from the lane difficult;
8. Drainage could cause flooding of lane;
9. Proposal would have an adverse impact on the character and visual amenity of the surrounding area;
10. Proposal would have an adverse impact on the residential amenity of residents at 81 Brighton Place as removal of existing trees and shrubs would result in increased overlooking of their garden from 105 Brighton Place;
11. Need for significant earthworks to create the access. This would result in additional clearing of foliage. In addition, no replacement planting is proposed to mitigate for loss of these existing trees and shrubs;
12. No details submitted on how wall will be reconstructed;
13. Proposal could set a precedent for similar proposals to convert parts of rear gardens to parking areas;

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)

H1: Residential Areas

D1: Quality Placemaking by Design

D4: Historic Environment

D5: Our Granite Heritage

NE5: Trees and Woodlands

Supplementary Guidance

Householder Development Guide

EVALUATION

Principle of Development

The site is located in an existing residential area and policy H1 applies. This policy sets out that householder development is accepted in principle subject to the following:

1. It would not constitute overdevelopment;
2. It would not have an adverse impact on the character and amenity of the surrounding area;
3. It would not result in the loss of valuable and valued areas of open space;
4. It would comply with relevant Supplementary Guidance.

Further guidance is provided in the Householder Development Guide (HDG) in relation to criteria to be taken into account in the assessment of proposals for a change of use of amenity ground to garden ground. These include:

1. The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area;
2. The proposal should not fragment, or if replicated, be likely to incrementally erode larger areas of public open space or landscaping;
3. The proposal should not worsen or create a deficiency in recreational public open space in the area;
4. The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area;
5. The proposal should not result in an irregular boundary layout that would be out of keeping with the other uniform character of the area;
6. The proposal should not result in the narrowing of footpath corridors;

7. The proposal should not prejudice road or pedestrian safety; and
8. The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future;

In this case, the piece of ground measures c.2.5m by c.20.5m, equating to a footprint of c.51.25m², and located adjacent to a private lane running from Brighton Place in a westerly direction and serving the rear of properties on Annfield Terrace, Brighton Place and Union Grove. The strip of amenity land is covered in mature vegetation, mainly consisting of dense shrubs, interspersed with some small trees. The site is located just outside the Albyn Place/ Rubislaw Conservation Area, the boundary of which runs along the northern side of the lane, and therefore still has an impact on the character and appearance of the conservation area. The main contribution of the strip of land is contained in the small trees, shrubs and mature vegetation that are located on it. It is acknowledged that this vegetation contributes to both the visual amenity and character of the surrounding area.

Brighton Place is characterised by detached and semi-detached dwellings set back and separated from the road by mature front gardens to the south, often with hedges and walls, and two and a half storey tenement style buildings nearer the pavement to the north in the conservation area. Semi-mature street trees run along the length of the street at regular intervals. The overall surrounding area has a relatively soft, green appearance taking consideration of its location within an urban setting in the West End. The planting in this strip of amenity ground further contributes to this established soft character of the wider street. However, as the site is located outside the conservation area, the area could be cleared by its owner without the need for any further consents or permissions. Neither is it considered that the small trees within this strip of amenity ground in themselves would be worthy of special protection through means of a Tree Preservation Order. In that respect, their contribution to the visual amenity of the wider surrounding area is limited. It is acknowledged that even though the planting contributes to the softening of the wider area, due to the overall green character of the street, its wider impact is relatively modest and localised, and removal of the planting in this location, whilst changing the appearance of the site, would not have an unacceptable adverse impact on the visual amenity of the wider surrounding area. As such, the proposal is considered to comply with the first criterion set out in the HDG.

Furthermore, due to its location between a private lane and the dwelling, where the side boundary of the plot runs along the near full-length of this boundary, the proposal would not fragment nor is likely to result in incremental erosion of a larger area of public open space;

Similarly, as the area of affected amenity ground would not contribute to recreational public open space in the surrounding area, it would not result in a worsening or create a deficiency in recreational public open space in the immediate surrounding area;

As set out above, the vegetation on the strip of land subject of this application is mainly characterised by mature shrubs and bushes, with some smaller trees located through this wider area. Due to their size and age, these are not considered mature trees, nor would their loss have a significant detrimental impact on the character and visual amenity of the surrounding area. Their contribution to the amenity of the wider area is not considered to be so significant that they would be worthy of protection through a Tree Preservation Order;

The area subject of this application is located to the side of the dwelling, and would not have a detrimental impact on the relatively rigid building line of the front boundaries of the dwellings along Brighton Place, nor would it result in an unacceptable irregular boundary layout along the side of the plot that would be out of keeping in this general area;

The proposal would not have an impact on the width of the lane, and as such would not result in the narrowing of any footpaths;

As the proposal would not have an impact on the width of the lane, the proposed change of use is not considered to have an adverse impact on pedestrian safety, and indeed through removal of some of the planting on the corner could result in an improvement to the visibility splay at the junction of the lane with Brighton Place as discussed in more detail below;

Finally, again taking account of the unique position of the dwelling and the location of the affected piece of amenity ground along the southern edge of the lane, it is unlikely that the proposal would set a precedent, or would be replicated by other dwellings in the immediate surrounding area.

Therefore, taking account of the above, the proposal is considered to meet all criteria as set out in the HDG, and would not have an adverse impact on the visual amenity and character of the surrounding area, thereby meeting the criteria of policy H1, and the principle of the change of use of public amenity space to residential curtilage would be accepted.

Impact on trees

Policy NE5 sets out that there is a presumption against development that would result in the loss of trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation. As set out above, the strip of land affected is predominantly characterised by mature shrubs and bushes with some relatively small trees. Even though these trees carry some value with regards to their impact on the overall character of the surrounding area, it is considered that in this case, this character is mainly determined by the overall mix of vegetation, and that the impact of the individual trees is not so significant, that their loss could not be accepted. As such, the proposal is considered to comply with policy NE5.

Impact on local highway conditions and parking

As set out in above, the construction of the driveway and the parking spaces to the rear of the dwelling would be considered permitted development under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and their construction is therefore not further assessed in this application.

Removal and reinstatement of the boundary wall

Policy D5 sets out that the retention and appropriate re-use of granite features is promoted throughout the city. Therefore, even though the site is outwith the conservation area, the reuse of the existing granite in the boundary wall for a new wall is encouraged and considered to comply with this policy. In addition, due to its position adjacent to the Rubislaw/Albyn Place Conservation Area, the reinstatement of the wall would ensure the proposal would not have a negative impact on the character and appearance of the conservation area. However, even though drawings reference that the existing granite would be reused, no details have been submitted as to the method of construction. These details can be secured through a suitably worded condition. It is therefore considered that, subject to this condition, the proposal would comply with policies D4 and D5.

Other matters raised in letters of objection

Ten letters of objection were received during the first notification period, with an additional further five letters of objections submitted by people who objected during the first notification period. Matters raised can be summarised as follows:

1. Already overprovision of parking spaces at the property. This current proposal would exacerbate this situation, which would further promote private car use – *The provision of the parking spaces would be considered permitted development as discussed above and is therefore not further considered in this assessment.*
2. Application includes false and misleading information in relation to the amount of parking spaces currently available on the site – *As stated above, the construction of the parking spaces would be considered permitted development.*
3. Removal of the granite wall would have a negative impact on the look and character of the lane, and would be contrary to policies H1 and D2 – *The reuse of the existing granite blocks for the construction of the relocated boundary wall would replicate, as far as possible, the existing look and character, albeit is in a different position and would therefore not have an*

unacceptable adverse impact on the character and appearance of the surrounding area, in compliance with policy D5

4. Siting of a blind entrance and exit onto an existing, narrow lane would create a hazard for other car users and pedestrians using this lane – *As discussed above, the construction of the driveway and the creation of an additional vehicular entrance onto the private lane is considered permitted development and therefore not further discussed in this assessment;*
5. Removal of tree and shrubs will have an adverse impact on biodiversity – *It is accepted that the existing vegetation has a beneficial impact on the biodiversity of the surrounding area. However, as discussed above, these shrubs and small trees could be cleared by the owner without consent, nor do they make such a significant contribution to the visual amenity and character of the surrounding area to warrant special protection. As such, their removal is accepted.*
6. Increasing amount of structures and hardstanding incrementally erodes the character of the existing garden, resulting in overdevelopment - *As discussed above, the construction of the driveway and the creation of an additional vehicular entrance onto the private lane is considered permitted development and therefore not further discussed in this assessment;*
7. Change in levels makes accessing the driveway from the lane difficult – *The main change in levels lies between Brighton Place and the first section of the lane. Sections have been submitted demonstrating that there is no significant change in levels between the lane and the proposed driveway. Based on these sections, it has been concluded that the construction of the driveway would be considered permitted development;*
8. Drainage could cause flooding of lane – *Drawings indicate that permeable surfacing materials will be used for the proposed driveway;*
9. Proposal would have an adverse impact on the character and visual amenity of the surrounding area – *This has been discussed above, and it was concluded that the proposal would not have a significant adverse impact on the character and visual amenity of the surrounding area.*
10. Proposal would have an adverse impact on the residential amenity of residents at 81 Brighton Place as removal of existing trees and shrubs would result in increased overlooking of their garden from 105 Brighton Place – *The distance between the side windows serving 105 Brighton Place and the application property is more than 15m. There would be some oblique views from these windows towards the rear garden of this dwelling. However, these are partially screened by trees and planting on the north side of the lane, and it is considered that this would not result in an unacceptable loss of privacy to occupants of the dwelling.*
11. No details submitted on how wall will be reconstructed – *These details can be conditioned.*
12. Proposal could set a precedent for similar proposals to convert parts of rear gardens to parking areas – *As discussed above, the construction of the parking spaces in the rear garden is considered permitted development and therefore not further discussed in this assessment*

Aberdeen City and Shire Strategic Development Plan (2014)

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

Time Limit Direction

The determination date for the application has been extended to 25th August to allow for determination of the application at Planning Development Management Committee.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed change of use of a strip of amenity ground to residential curtilage to facilitate a new vehicular access serving the existing dwelling and demolition and rebuilding of the granite boundary wall is considered to have an acceptable impact on the character and visual amenity of the surrounding residential area, including the setting of the adjacent Rubislaw/Albyn Place Conservation Area. Even though the proposal would result in the loss of some relatively small trees, these are not considered to have such a beneficial impact on the character and amenity of the surrounding residential area, and their loss is therefore accepted. As such, the proposal is considered to comply with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), D4 (Historic Environment) and NE5 (Trees and Woodlands) of the 2017 Aberdeen Local Development Plan (ALDP) and Supplementary Guidance: Householder Development Guide. Subject to the submission of additional details on reuse of granite and method of rebuilding the boundary wall, the proposal would comply with policy D5 (Our Granite Heritage) of the ALDP.

CONDITIONS

1. Prior to development detailed plans shall be submitted for the construction of the replacement boundary wall, including, without prejudice to the foregoing generality, the materials to be used in that construction. All of which is to be submitted to and agreed by the Planning Authority in writing. The replacement boundary wall shall subsequently only be constructed in accordance with the agreed plans.

ADVISORY NOTES FOR APPLICANT

None



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 15 August 2019

Site Address:	48 Coronation Road, Aberdeen, AB14 0RP
Application Description:	Erection of dwelling house including splitting of existing feu
Application Ref:	190751/PPP
Application Type	Planning Permission in Principle
Application Date:	15 May 2019
Applicant:	Mr Ifti Mohiuddin
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Ross McMahon



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site forms part of an established residential area located within the settlement of Peterculter. The site extends to approximately 308sq.m. and comprises a significant portion of the private rear garden ground associated with 48 Coronation Road. The site is enclosed by a c.2m high timber fence on its west, north and east boundaries, beyond which lies Crown Crescent, the garden ground of 47 St. Ronan's Drive and that of 46 Coronation Road, respectively. The application site is located within a 'residential area' as identified in the Aberdeen Local Development Plan proposals map.

Relevant Planning History

None relevant.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought to split the feu of 48 Coronation Road and to erect a detached and independent private dwellinghouse, including the formation of associated areas of landscaping, access and car parking.

Details in relation to the design and layout of the proposed dwelling and its associated infrastructure have been submitted with the application, however, it is stated that such details are indicative and therefore are not under consideration as part of this application.

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=PQXOFDBZfq400>.

- Design Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of more than five formal timeous letters of representation that express concern about the proposal.

CONSULTATIONS

ACC - Roads Development Management Team – Notes that the indicative parking provision is considered acceptable. Queries the dimensions of the driveway and carport area, driveway material and refuse storage arrangements. Notes that no loose material should be used within 2m of the adopted footway and that surface water should be contained within the site. If development was to go ahead, a dropped kerb would be constructed by ACC at the applicant's expense. The existing fence would need to be lowered adjacent to the driveway to allow for adequate visibility splays. No objection in principle.

Scottish Water – Notes that there is sufficient water and foul waste capacity at the Invercarnie Water Treatment works and Nigg Water Water Treatment Works, respectively. A formal connection application should be submitted to Scottish Water following any detailed approval granted by the planning authority. Notes that the proposal would potentially impact existing Scottish Water assets and that the applicant must identify any potential conflict with its Asset Impact Team directly. No objection.

ACC - Waste Strategy Team – The dwelling would be provided with the necessary bins for general, recyclable, garden and food waste. The cost of such provision would be charged to the applicant. Notes that the applicant must contact ACC – *Waste Strategy* at least one month before first occupation. Provides general information and advice in respect of waste collection arrangements. No objection.

Culter Community Council – Considers that the feu in question is of sufficient size to be split, and thus suitable in accommodating a modest dwelling. Raises issues in relation to scale and location, noting that it is unclear whether the proposal would meet the requirements for privacy, sunlight and overshadowing as set out in Supplementary Guidance, in respect of adjacent houses. Suggests a number of modifications to the scheme including locating the dwelling further south-west in the divided feu and limiting its height to one-and-a-half storeys. Notes the potential conflict with existing Scottish Water assets. Objects to the proposal unless assurances can be made.

REPRESENTATIONS

The application has received a total of sixteen timeously received letters of representation comprising ten objections and six letters of support. The material and non-material planning matters raised are summarised below:

Material considerations:

- Loss of privacy;
- Loss of daylight;
- Overbearing and overshadowing development;
- Overdevelopment;
- Overall height and scale;
- Presence of an aqueduct running through the site;
- Road safety hazard at Y-junction/congested parking.

Non-material considerations:

- Loss of a view to surrounding property;
- The development is a 'money making scheme';
- The wider community should be notified of the planning application;
- The applicant has difficulty managing such a large garden and thus the application should be approved;
- Adjacent roads are in poor condition which would be worsened as a result of construction traffic;
- The applicant is of good character and moral standing;
- The provision of care and emotional support from family as part of Asian Culture;
- Precedent.

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) (ALDP)

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy T2: Managing the Transport Impact of Development
- Policy R6: Waste Management Requirements for New Development
- Policy R7: Low & Zero Carbon Build & Water Efficiency
- Policy CI1: Digital Infrastructure

Supplementary Guidance (SG)

- The Sub-division & Redevelopment of Residential Curtilages SG
- Landscape SG
- Resources for New Development SG
- Transport and Accessibility SG

Other Material Considerations

- Road and pedestrian safety

EVALUATION

Remit of Assessment

Submitted with the application is a fully detailed scheme for a proposed dwelling, including a general layout, floor plans, elevations, access and landscaping arrangements. It should be noted however that such details are indicative and as such cannot form part of the following assessment, which considers the acceptability of the principle of the proposal only. As such, the submitted scheme represents a theoretical design solution for the site, the merits of which are not under consideration here. In the event that planning permission in principle is approved, it would be for the applicant to submit a satisfactory detailed scheme as part of an application (or applications) for Matters Specified in Conditions.

Principle of Development

The ALDP proposals map shows the entirety of the site being located within a 'residential area'. *Policy H1 (Residential Areas)* applies to development within such areas, and states that a proposal for new development will be approved in principle if it:

1. does not constitute overdevelopment;
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*.

There would be no loss of 'open space' given the nature of the proposal, in that it relates to the subdivision of an established and private residential feu. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of *Policy H1*, provisos 1, 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's relevant SG documents, which, in the case of this proposal, is *The Sub-division & Redevelopment of Residential Curtilages*, hereafter referred to as SG.

Overdevelopment, Character and Amenity

An assessment as to whether to proposal would amount to 'overdevelopment' of the site and/or result in an unacceptable impact on the 'character and amenity' of the surrounding area for the purposes of assessment against *Policy H1* and SG cannot be fully made due to the nature of the application and lack of information pertaining to design and footprint of the proposed dwelling. Nevertheless, a general assessment can be undertaken, taking into account the nature of the site, its form, the footprint and plot ratio/density of both the host property and that of the surrounding area, which determines its established spatial character and built form. Accordingly, a sound understanding of the immediate and wider spatial context and character of the area is key to establishing the acceptability of the proposal – a key requirement of the SG. Consideration must be given to compatibility of the resultant feu of the host building and that of the proposed in the context of the wider area. This approach is reinforced through *Policy D1 (Quality Placemaking by Design)* which, relevant to this application, states that all development must have a strong and distinctive sense of place which is a result of context appraisal.

The host property is orientated south-west facing onto Coronation Road; a long and sweeping distributor road characterised on its northern side by relatively uniformly designed and spaced one-and-a-half-storey semi-detached dwellings. Such properties have long and narrow rear gardens, with dwellings in this location covering between 10-20% of their respective plots (footprint). The context to west and north of the site i.e. Crown Crescent and St. Ronan's Drive, respectively, differs somewhat, where smaller feus and higher plot ratios can be found, ranging between 20-25%. The proposal would result in a significant reduction the host property's feu and thus its plot coverage would increase from 10% to 21%, reflective of that found within the surrounding area. The newly formed feu would total approximately 308sq.m., again, in terms of overall plot size, this figure would not be drastically out of context with that of the surrounding area, albeit at the lower end of the range.

Notwithstanding, the prevailing character within the immediate area is, as is typically the case within many suburban contexts, set by properties with their principal, public facing elevations orientated towards their respective streets, with private gardens located to the rear. The Council's SG states that new dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.) and reflect the density of the surrounding area. While it is accepted that detailed proposal could achieve a density akin to that found within the wider area, the proposal fails to comply with *Policy D1*, the relevant provisos of *Policy H1* and the associated SG on that grounds that any conceivable layout would be incapable of respecting the established pattern of development as a result of the the shape, depth and orientation of the application site relative to the Crown Crescent. The dwelling would either be orientated north-south, with its side facing onto Crown Crescent and garden ground located to the south (as is shown), or, it would have its principal elevation facing onto Crown Crescent with its garden ground located to the side, rather than the rear. Both options fail to respect the character of the surrounding area.

In conclusion, the proposal, in principle, is considered unacceptable in that it fails to comply with proviso 2 and 4 of *Policy H1 (Residential Areas)* and *Policy D1 (Quality Placemaking by Design)* of the ALDP.

Road and Pedestrian Safety

The Council's Roads Development Management team raised no concerns on safety grounds, provided that adequate on-site parking provision is made within the site and that suitable visibility splays are provided as part of the detailed proposal. In the event that the application was approved, such matters would be secured by way of a condition.

Other Matters

In the event that the application was approved, detailed matters pertaining to design (including layout, orientation, size, scale, and materials etc.), landscaping (soft and hard landscaping proposals etc.), vehicular access and parking provision, waste provision, low and zero carbon and water efficiency measures and digital infrastructure would be controlled by way of conditions added to the consent. As such, either in whole or in part, it is accepted that the development could reasonably satisfy the following *ALDP* policies and their respective and associated *SG* documents.

- *Policy D2 (Landscape);*
- *Policy T2 (Managing the Transport Impact of Development);*
- *Policy R6 (Waste Management Requirements for New Development);*
- *Policy R7 (Low & Zero Carbon Build & Water Efficiency);*
- *Policy C11 (Digital Infrastructure).*

Matters Raised in Representations

Of the matters raised in representations (including Culter Community Council's consultation response) that are material planning considerations, the following comments are made:

1. In respect of loss of privacy/overlooking, daylight and sunlight (overshadowing), no fixed details pertaining to the size, scale, orientation, or layout of the dwelling are being considered as part of this application, although it is acknowledged that a dwelling situated within the site could raise issues in respect of amenity. Such matters would, in the event that the application was approved, be assessed as part of the assessment of an application, or applications, for Matters Specified in Conditions. The applicant would have to demonstrate compliance with the relevant policies and *SG* in ensuring that residential amenity is suitably maintained.
2. The Council's Roads Development Management team does not object to the principle of the proposal on road safety grounds, provided that adequate on-site parking provision is made within the site and that suitable visibility splays are provided as part of the detailed proposal.
3. With regards to the potential impacts on existing foul/surface water drainage running through the site, Scottish Water does not object to the proposal in principle, and highlights the requirement for the applicant to contact its Asset Impact Team to establish any potential conflicts. Such technical matters would not preclude planning permission in principle from being granted, with further investigation required at a later stage in the consenting process.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the small-scale nature 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*.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely policies H1 (Residential Areas) and D1 (Quality Placemaking by Design), and the associated Supplementary Guidance document: The Sub-division and Redevelopment of Residential Curtilages in that the characteristics of the site and its relationship to the road is such that any conceivable arrangement and orientation of a proposed dwelling and its associated garden ground would be significantly out of character with the established pattern of development within the locale, to the detriment of the character and amenity of the surrounding area. On the basis of the above it is considered that the proposal fails to accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan.

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