

Public Document Pack



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

Town House,
ABERDEEN 15 January 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 23 JANUARY 2020 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 5 December 2019 - for approval (Pages 9 - 16)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 18 December 2019 - for approval (Pages 17 - 32)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 33 - 34)

GENERAL BUSINESS

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission - erection of 6 residential flats with associated landscaping - land to the rear of 44/46 Bedford Road Aberdeen (Pages 35 - 44)

Planning Reference – 191536

All documents associated with this application can be found at the following link and enter the reference number above:- [Link](#).

Planning Officer: Robert Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Planning Permission in Principle - erection of residential development comprising 30 affordable dwellinghouses with associated landscaping, garden ground, parking and access roads - Sunnyfield, Old Lang Stracht, Kingswells (Pages 45 - 62)

Planning Reference – 191034

All documents associated with this application can be found at the following link and enter the reference number above:- [Link](#).

Planning Officer: Gavin Evans

- 7.2 Planning Permission in Principle - erection of two-storey 21-bed (circa) care home with associated access, car parking and landscaping - land to the north Of 15 Craigden , Aberdeen (Pages 63 - 70)

Planning Reference – 190815

All documents associated with this application can be found at the following link and enter the reference number above:- [Link](#).

Planning Officer: Lucy Greene

DATE OF NEXT MEETING

- 8.1 Date of Next Meeting - Thursday 20 February 2020

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

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MOTIONS AGAINST RECOMMENDATION

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

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

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

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

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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, 5 December 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost – the Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Macdonald (as substitute for Councillor Malik), MacKenzie and Yuill (as substitute for Councillor Greig).

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 31 OCTOBER 2019

1. The Committee had before it the minute of the previous meeting of 31 October 2019, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 7 NOVEMBER 2019

2. The Committee had before it the minute of the Planning Development Management Committee (Visits) of 7 November 2019, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained within the business planner.

OLD STONEYWOOD CHURCH, BANKHEAD ROAD, ABERDEEN - 191405

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

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5 December 2019

That the application for detailed planning permission for the change of use of ground and first floor from class 4 (offices) to class 10 (non-residential institutions) – Old Stoneywood Church, Bankhead Road Aberdeen, 191405, be approved subject to the following conditions:-

Conditions**(1) Noise Impact**

No development shall take place pursuant to this planning permission unless a further detailed assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to, and approved in writing by, the planning authority. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impacts on the amenity of residents in the surrounding area shall be installed prior to commencement of the use hereby approved, unless the planning authority has given prior written approval for a variation.

Reason - in the interests of residential amenity.

(2) Provision of Cycle Parking

No development shall take place pursuant to this planning permission unless a scheme detailing secure cycle parking provision on site has been submitted to, and approved in writing by the planning authority. The use hereby granted planning permission shall not take place unless the scheme is implemented in full.

Reason - In the interests of encouraging more sustainable modes of travel.

(3) On Street Parking Restriction

No development shall take place pursuant to this planning permission unless there has been submitted to and agreed in writing by the planning authority a scheme for implementation of on street parking restriction on the east side of Bankhead Avenue in the vicinity of the site (car park) access. Thereafter the development shall not be occupied unless the said restrictions have been implemented in full.

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

(4) Car Parking Layout

The development hereby approved shall not be occupied unless the ancillary car parking spaces have been demarcated in accordance with drawing No. 421(PA)002 Rev E of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval.

Reason – In order to reduce the risk of overspill car parking in the adjacent residential area.

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(5) Restriction of Use

The class 10 (temple) use of the site hereby approved shall be restricted to the interior of the building only. The ancillary external landscaping areas within the site, including the planted area at the east edge of the building frontage, shall be retained as landscaped areas and shall not be removed / hard surfaced or used for any active purpose associated with the class 10 (temple) use hereby authorised.

Reason – in order to minimise any potential disturbance to residential amenity and in the interest of visual amenity / sustainable development.

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

The Committee resolved:-

to approve the application conditionally.

MARCLIFFE AT PITFODELS, ABERDEEN - 191074

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

That the application for the detailed planning permission for the erection of a 65-bed care home over 2, 3 and 4 storeys with associated landscaping, car parking and infrastructure, at the Marcliffe at Pitfodels, Aberdeen, 191074 be approved conditionally and subject to the conclusion of a legal agreement.

Conditions

1. That no development shall take place until there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of private car and advises of sustainable travel choices to and from the site. Thereafter the measures within the said Green Travel Plan shall be implemented in their entirety. Reason: in order to encourage more sustainable forms of travel to and from the development.
2. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);

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

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

- 3. No works in connection with the development hereby approved shall commence unless samples and details of all the material (walls, windows, doors and roofing materials) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details. Reason: In the interests of the appearance of the development and the visual amenities of the area.
- 4. The building hereby approved shall not be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon

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reduction measures shall be retained in place and fully operational thereafter. Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Resources for New Development.

5. No development in connection with the planning permission hereby granted shall commence unless full details of the proposed lighting for the footpath associated with the development have been submitted to and approved in writing by the planning authority. All lighting shall be provided and thereafter retained in accordance both with the approved scheme. Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the amenity of the surrounding area.

6. The development hereby approved shall not be occupied unless its driveway, turning and parking areas has been provided and surfaced in accordance with the details shown on the approved plans (Ref: 11380 - HFM - ZZ - ZZ - DR - A - P(00) – 004). Once provided, all parking and turning areas shall thereafter be permanently retained as such. Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

7. The development hereby approved shall not be occupied unless all mitigation measures as detailed within the submitted Noise Impact Assessment (Ref: 19335-R01-A) have been implemented in their entirety. Once implemented, all mitigation measures shall be permanently retained as such. Reason: to ensure that an appropriate level of residential amenity can be provided.

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

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

9. That all works shall be undertaken in accordance with the submitted Drainage Statement (Fairhurst Ref: 130573) and unless otherwise agreed in writing by the Planning Authority. Reason: to ensure that the site can be adequately drained and reduce potential for flood risk.

The Convener requested that a site visit take place before any deliberation and determination of the application.

The Committee resolved:-

to agree that the application be deferred for a site visit which would take place on Wednesday 18 December 2019.

SOUTH ESPLANADE WEST, ABERDEEN - 181702

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

That the application for planning permission in principle for the residential led development comprising approximately 258 residential flats set over 4 and 7 stories, 616 sqm of class 1 (retail) riverside park/open space and associated infrastructure at South Esplanade West Aberdeen, 181702, have a willingness to approve subject to conditions and securing a legal agreement to deliver affordable housing and developer obligations towards community facilities, sports and recreation, open space and healthcare.

Councillor Allan requested that a site visit take place before any deliberation and determination of the application.

The Committee resolved:-

to agree that the application be deferred for a site visit which would take place on Wednesday 18 December 2019.

NORTHCOTE HOUSE, NORTHCOTE ROAD ABERDEEN - 191574

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

That the application for detailed planning permission for the sub-division of existing ground floor flat into two flats including conversion and alterations of existing garage to form living space, car parking and associated works at Northcote House, Northcote Road Aberdeen, 191574, be approved subject to the following conditions:-

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Conditions**(1) CONSTRUCTION OF PARKING AREA**

Prior to the occupation of the hereby approved new flat, the extended car parking area as shown in drawings 100 Rev F and 3955_102a shall be constructed and laid out in full accordance with the approved plans, or similar as may be agreed in writing with the Council, as Planning Authority.

Reason: In the interests of ensuring adequate off-street car parking is provided within the site.

(2) BIN PROVISION

The hereby approved flat shall not be occupied until such time as a scheme for the storage of waste generated by the new flat has been agreed in writing with the Council as Planning Authority and thereafter the agreed scheme has been implemented.

Reason: In the interests of ensuring the adequate storage of waste and protecting amenity.

The Convener requested that a site visit take place before any deliberation and determination of the application.

The Committee resolved:-

to agree that the application be deferred for a site visit which would take place on Wednesday 18 December 2019.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
5 December 2019

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 18 December 2019. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; and Councillors Allan, Cooke, Copland, Cormie, MacKenzie, Malik and Yuill (as substitute for Councillor Greig).

The agenda and reports associated with this minute can be found at [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.

PROCEDURAL NOTE

1. The Committee had before it the procedure note for dealing with motions against an Officers recommendation.

The Committee resolved:-
to note the information.

SOUTH ESPLANADE WEST ABERDEEN - 181702

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

That there be a willingness to approve the application for planning permission in principle for the residential led development comprising 258 residential flats set over between 4 and 7 stories, 616 sqm of class 1 (retail) riverside park/open space and associated infrastructure at South Esplanade West Aberdeen, subject to securing a legal agreement to deliver affordable housing and developer obligations towards community facilities, sports and recreation, open space and healthcare and also subject to the following conditions:-

Conditions

1) PHASING

No development shall take place unless a matters specified in conditions application including a phasing plan for the delivery of the development has been submitted to and approved by the planning authority. The phasing plan shall show –

- The order in which blocks shall be delivered
- The stage in development at which the commercial space shall be delivered
- A scheme for the delivery of affordable housing
- The stage in development at which the entirety of the riverside walkway shall be delivered

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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- The areas of parking which will be associated with each block
- A scheme for the delivery of affordable housing on the site

Thereafter no development shall take place other than in full accordance with the phasing plan(s) thereby approved.

Reason – to ensure that the development is delivered in a comprehensive and coherent manner.

2) COMMERCIAL FLOOR SPACE

The commercial space shall be restricted to the following uses –

- Central unit (circa 113 sq.m) – Class 1 (Shops) and Class 3 (Food and Drink)
- Victoria Road units (circa 503 sq.m) – Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink)

Reason – to ensure a suitable mix of uses within the development.

3) DESIGN AND LAYOUT OF ROADS, PATHS AND BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures for that particular phase or block, has been submitted to and approved in writing by the planning authority.

The application shall be in full accordance with the strategic layout of roads paths and buildings established by this grant of the planning permission in principle and comprise

–

- i) details of existing and proposed site levels (including cross sections);
- ii) details of the layout and finish of roads, footpaths and cycle paths, including an upgraded riverside path and boardwalk, all designed to integrate with future phases of development
- iii) details of the mix of commercial and residential unit type, size and tenure;
- iv) details of layout, design and external appearance of –
 - a. vehicular, pedestrian and cycle access points
 - b. buildings and ancillary structures;
 - c. vehicular and motorcycle parking;
 - d. short and long-term secure cycle parking;
 - e. storage and collection arrangements for waste and recyclables; and
 - f. boundary enclosures around the site or particular areas.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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4) LANDSCAPING AND OPEN SPACE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- i) Those areas reserved as private space and those areas that will be freely accessible by the general public with the latter to include all riverside areas and the central square.
- ii) Existing and proposed finished ground levels;
- iii) Existing landscape features, trees, woodland and vegetation to be retained or removed;
- iv) Existing and proposed services and utilities including cables, pipelines and substations;
- v) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
- vi) Location, design and materials of walls, fences, gates and street furniture;
- vii) Arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips; and
- viii) Proposed hard surface finishing materials.

All soft and hard landscaping proposals should:

- be specifically designed to enhance both the recreational and the wildlife value of the riverside
- shall include mature tree planting along and close to the footway of South Esplanade West,
- shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase 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 each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

5) EXTERNAL LIGHTING

No development within any particular phase or block shall take place unless a matters specified in conditions application including details of the external lighting for that particular phase or block (during construction and as part of the permanent scheme)

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has been submitted to and approved in writing by the planning authority. The scheme shall be accompanied by a Lighting Impact Assessment by a suitably qualified practitioner which ensures no light spillage over the river or riverbank. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

6) SITE INVESTIGATION

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination on or within the land forming that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites - Code of Practice) and other best practice guidance and include:-

- (i) an investigation to determine the nature and extent of contamination;
- (ii) a site-specific risk assessment; and
- (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

Thereafter no building within the particular phase or block shall be occupied unless' for that building

- (i) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
- (ii) a report specifically relating to the building has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation. The final building within the particular phase or block site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies the completion of the remedial works for the entire phase or block, unless the planning authority has given written consent for a variation.

Reason – in order to ensure that the site is fit for the intended end uses and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

7) RIVERSIDE BUFFER STRIP

No development shall take place unless a matters specified in conditions application comprising details of a buffer strip to the river tidal limit has been submitted to and

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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approved in writing by the planning authority in consultation with SEPA. Thereafter, no development shall take place below the tidal limit or in any case below 3.92m AOD.

Reason – to ensure the flood plain capacity is not adversely affected.

8) OTTER PROTECTION PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless matters specified in conditions application comprising an otter protection plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The plan must be produced by an appropriately qualified person and contain avoidance, mitigation and compensation measures in accordance with Scottish Natural Heritage's advice, to minimise the impact of the development on otters. Thereafter no development shall take place unless the agreed mitigation measures have been implemented.

Reason – to ensure the protection of a European protected species and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

9) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular part of the site has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP shall detail the site-specific management of surface water run-off and thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

10) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a Dust Management Plan for that particular part of the site has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan.

Reason – to control air pollution from dust associated with the construction of the development.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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11) TREE PROTECTION

No development within any particular phase or block shall take place unless the tree protection fencing relating to that particular phase or blocks and shown on Astell Associates drawing SEW-1906-TP (Rev.1) and Appendix H of Tree Survey Report SEW-1906-TR (Rev.1), or such other tree protection drawing that has been approved in writing by the planning authority, has been installed. Thereafter the tree protection fencing shall remain in place for the duration of the construction period.

Reason - in order to safeguard trees which are to remain on the site.

12) RECORDING OF FORMER MISSION HALL

No development associated with the former mission hall at 4 Esplanade West shall take place unless a matters specified in conditions application including a Level 2 archaeological standing building survey of the building and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning application reference number.

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

13) SURFACE WATER DRAINAGE

No development within any particular phase or block shall take place unless a matters specified in conditions application including a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include a detailed design of the surface water out-fall proposed on the banks of the River Dee. Thereafter development shall be implemented in accordance with any scheme thereby approved.

Reason – in order to ensure adequate protection of the water environment from surface water run-off and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

14) WASTE-WATER CONNECTIONS

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste-water system are in place. Thereafter no building shall be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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occupied unless connection has been made to the public waste-water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of and to ensure that the integrity of the River Dee Special Area of Conservation is not adversely affected.

15) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of mitigation measures for the protection of the proposed residential properties from external noise for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall ensure that internal noise levels do not exceed the criterion identified in Table 16 of the Noise Impact Assessment prepared by CSP Acoustics (ref: 1329002 IK V2 – 13th September 2019). Thereafter no residential property shall be occupied unless the mitigation measures relevant to that particular property have been implemented in accordance with the agreed scheme.

Reason – to ensure that residents of the development are adequately protected from excessive noise levels.

16) ALTERNATIVE MEANS OF VENTILATION

No development associated with any particular block shall take place unless a matters specified in conditions application including a scheme demonstrating that suitable ventilation complying with the relevant building standards for each of the units within that block has been submitted to and approved in writing by the planning authority. Thereafter no unit within that block shall be occupied unless the buildings have been constructed in accordance with the agreed scheme.

Reason - In order that satisfactory ventilation can be provided to flats without windows being opened, which could result in exposure to excessive noise levels.

17) BUS STOP IMPROVEMENTS / PEDESTRIAN CROSSING

No phase or block shall be occupied unless a matters specified in conditions application including a scheme for the improvement of the existing bus stops at the following locations has been submitted to and approved by the planning authority and thereafter the bus stops have been upgraded in accordance with the approved details.

- a) on the west side of Victoria Road, 40m north of the junction with South Esplanade West
- b) on the east side of Victoria Road, 25m north of the junction with South Esplanade West
- c) on the north side of Menzies Road, opposite the junction with Walker Lane;
- d) on the south side of Menzies Road, 28m south of the junction with Walker Lane;

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- e) on the north side of Menzies Road, 28m north of the junction with Walker Place and;
- f) on the south side of Menzies Road, 17m north of the junction with Walker Place

The said scheme should consider the provision of bus shelters, real-time information displays, timetables, lighting, boarding kerbs, and road markings at each bus stop, with the expectation the stops are upgraded to the extent that the locational characteristics of each stop allows.

Thereafter no units shall be occupied unless all bus stops have been upgraded in accordance with the approved scheme.

Reason – in order to encourage the use of public transport to the site.

18) CAR CLUB PARKING SPACES

No development associated with the provision of the car parking areas hereby approved shall take place unless a scheme showing the location and delivery method of two 'car club only' parking spaces has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, no unit shall be occupied unless (i) the car club only parking spaces have been constructed and are available for use and any associated signs or road markings have been implemented, in accordance with a phasing plan if necessary; and (ii) a traffic regulation order (TRO) is in place to restrict the use of the parking spaces to car club vehicles only.

Reason – to encourage modal shift away from the private car.

19) ELECTRIC VEHICLE CHARGING POINTS

No unit shall be occupied unless (i) details of the type and location of electric vehicle charging points and bays; (ii) markings and signage to identify the bays; and (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority. Thereafter the charging points and bays shall be provided in accordance with the agreed phasing plan prior to the occupation

Reason – to provide for and encourage the use of electric vehicles.

20) WATER EFFICIENCY STATEMENT

No development within any particular phase or block shall take place unless a matters specified in conditions application including a water efficiency statement for that particular phase or block 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 or BREEAM level 5 for non-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

21) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

22) SOUTH ESPLANADE WEST PAVEMENT

No development shall take place unless a matters specified in conditions application comprising a scheme to bring the pavement on the north west (development site) side of South Esplanade West between in its junction with Victoria Road and Wellington Road up to adoptable standard has been submitted to and approved in writing by the planning authority. Any vehicular accesses into the site shall be formed as footway crossings rather than a road junction, to provide pedestrian priority along the length of the development frontage.

Thereafter no unit shall be occupied unless the scheme has been implemented in its entirety.

Reason – in order to provide satisfactory and safe pedestrian access to the development.

23) SAFE ROUTES TO SCHOOL

No development shall take place unless a matters specified in conditions application, including an assessment of, and scheme for securing, safe pedestrian routes to Lochside Academy and Walker Road Primary School (or such as other school as pupils from the site may be zoned to should circumstances change), has been submitted to and approved in writing by the planning authority. Thereafter no residential unit shall be occupied unless any associated work identified by the approved scheme to create the safe routes has been completed.

Reason - in order to promote sustainable and safe travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

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24) RESIDENTIAL TRAVEL PACK

No development within any particular phase or block shall take place unless a matters specified in conditions application including a residential travel pack has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

Following the site visit, where Planning Officers showed Elected Members of the Committee around the area, presented relevant scheme drawings and pointed out significant features, the Committee met at the Town House and heard from Daniel Lewis, Development Manager, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to refuse the application unanimously for the following reasons:-

- (1) due to a failure to provide an appropriate mix of dwelling types and sizes, specifically the lack of dwelling houses versus flats, the proposal would be contrary to Policy H4 (Housing Mix);
- (2) the excessive density and number of flats proposed on the site is contrary to Policy H3 (Density) in that it does not have adequate consideration of the site's characteristics and those of the surrounding area or create an attractive residential environment and safeguard living conditions within the development; and
- (3) the lack of parking provision to be provided on site when compared to the Council's Transport and Accessibility Supplementary Guidance would exacerbate existing on-street parking to the detriment of safety and residential amenity, contrary to Policy T2 (Managing the Transport Impact of Development).

MARCLIFFE AT PITFODELS ABERDEEN - 191074

3. With reference to article 5 of the minute of the Planning Development Management Committee of 5 December 2019, whereby it was agreed to have a site visit, the Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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That the application for the erection of a 65-bed care home over 2, 3 and 4 storeys with associated landscaping, car parking and infrastructure, be approved subject to the conclusion of a legal agreement and subject to the following conditions:-

Conditions

1. That no development shall take place until there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of private car and advises of sustainable travel choices to and from the site. Thereafter the measures within the said Green Travel Plan shall be implemented in their entirety.

Reason: in order to encourage more sustainable forms of travel to and from the development.

2. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
 - e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
 - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

3. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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site during the construction of development, and in the interests of the visual amenity of the area.

4. No works in connection with the development hereby approved shall commence unless samples and details of all the material (walls, windows, doors and roofing materials) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

5. The building hereby approved shall not be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Resources for New Development.

6. No development in connection with the planning permission hereby granted shall commence unless full details of the proposed lighting for the footpath associated with the development have been submitted to and approved in writing by the planning authority. All lighting shall be provided and thereafter retained in accordance both with the approved scheme.

Reason: In order to minimise the amount of obtrusive lighting from the development in the interests of the amenity of the surrounding area.

7. The development hereby approved shall not be occupied unless its driveway, turning and parking areas has been provided and surfaced in accordance with the details shown on the approved plans (Ref: 11380 - HFM - ZZ - ZZ - DR - A - P(00) – 004). Once provided, all parking and turning areas shall thereafter be permanently retained as such.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

8. The development hereby approved shall not be occupied unless all mitigation measures as detailed within the submitted Noise Impact Assessment (Ref: 19335-R01-A) have been implemented in their entirety. Once implemented, all mitigation measures shall be permanently retained as such.

Reason: to ensure that an appropriate level of residential amenity can be provided.

9. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following.

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of "biodiversity protection zones";
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h. Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

10. That all works shall be undertaken in accordance with the submitted Drainage Statement (Fairhurst Ref: 130573) and unless otherwise agreed in writing by the Planning Authority.

Reason: to ensure that the site can be adequately drained and reduce potential for flood risk.

Following the site visit, where Planning Officers showed Elected Members of the Committee around the area, presented relevant scheme drawings and pointed out

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

18 December 2019

significant features, the Committee met at the Town House and heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener, seconded by Councillor Yuill, moved:-

That the application be refused, as

1. the proposal would result in the loss of a number of mature trees that would have a negative impact on the conservation area and would have a negative impact on the surrounding area. The proposal would therefore be contrary Policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan; and
2. the loss of parking associated with the hotel would have an adverse impact on the surrounding areas, as overspill parking could go on to North Deeside Road, as insufficient parking would remain for that use. The proposal would therefore be contrary to Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Plan.

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

That the application be approved in line with the officer recommendation.

On a division, there voted for the motion (4) – the Convener, and Councillors Cooke, Malik and Yuill; for the amendment (4) – Councillors Allan, Copland, Cormie and MacKenzie.

There being an equality of votes, in terms of Standing Order 31.6, the Convener exercised her casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

NORTHCOTE HOUSE, NORTHCOTE ROAD ABERDEEN - 191574

4. With reference to article 7 of the Planning Development Management Committee of 5 December 2019, whereby it was agreed that a site visit be undertaken, the Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for detailed planning permission for the sub-division of the existing ground floor flat into two flats including conversion and alteration of the existing garage to form living space, car parking and associated works, at Northcote House, Northcote Road Aberdeen, be approved subject to the following conditions:-

Conditions

- (1) CONSTRUCTION OF PARKING AREA

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Prior to the occupation of the hereby approved new flat, the extended car parking area as shown in drawings 100 Rev F and 3955_102a shall be constructed and laid out in full accordance with the approved plans, or similar as may be agreed in writing with the Council, as Planning Authority.

Reason: In the interests of ensuring adequate off-street car parking is provided within the site.

(2) BIN PROVISION

The hereby approved flat shall not be occupied until such time as a scheme for the storage of waste generated by the new flat has been agreed in writing with the Council as Planning Authority and thereafter the agreed scheme has been implemented.

Reason: In the interests of ensuring the adequate storage of waste and protecting amenity.

Following the site visit, where Planning Officers showed Elected Members of the Committee around the area, presented relevant scheme drawings and pointed out significant features, the Committee met at the Town House and heard from Alex Ferguson, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by Councillor Copland:-

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

Councillor Yuill moved as an amendment, seconded by Councillor Allan, that the application be refused for the following reasons:-

The proposal was contrary to policy H1 (Residential Areas), as it was viewed as overdevelopment of the site due to the overuse of the building and the detrimental impact the overuse would have on the neighbouring properties.

On a division there voted, for the motion (5) – the Convener and Councillors Cooke, Copland, Cormie and Malik; for the amendment (3) – Councillors Allan, MacKenzie and Yuill.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

- **Councillor Marie Boulton, Convener**

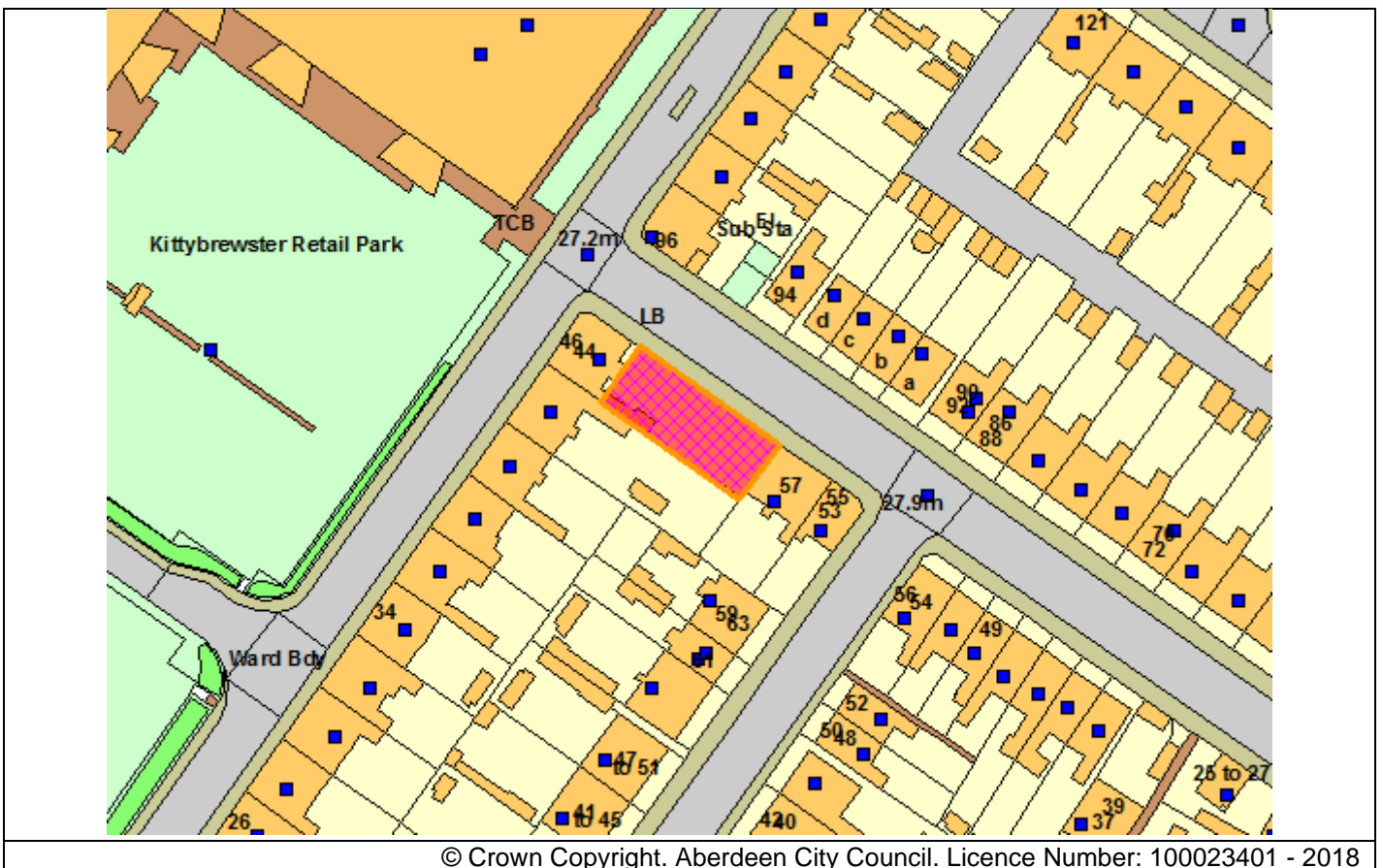
PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			23 January 2020						
4	Craigden near Woodend	To approve or refuse the application.		Lucy Greene	Strategic Place Planning	Place	1		
5	Sunnyfield, Kingswells	To approve or refuse the application.		Gavin Evans	Strategic Place Planning	Place	1		
6	44-46 Bedford Road	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
7			20 February 2020						
8	Enforcement Action - Land West of Hillhead of Clinterty	To approve or refuse enforcement action.		Gavin Clark	Strategic Place Planning	Place	3		
9	218 Auchmill Road	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
10	Milltimber Farm	To approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
11	City Centre Character Appraisal	Approve or refuse for consultation		Laura Robertson	Strategic Place Planning	Place	1		
12			19 March 2020						
13	Loirston Development Framework	PMDC 19/9/19 - to instruct the Chief Officer Strategic Place Planning, to report the outcomes of the public consultation on the Draft Framework back to a future meeting of the Committee, within the next 6 months.		Rebecca Kerr	Strategic Place Planning	Place	6		
14	Draft Technical Advice Note	PDMC 19/9/19 - To instruct the Chief Officer - Strategic Place Planning, to report the findings of the public consultation back to a future meeting of the Committee within 6 months.		Rebecca Kerr	Strategic Place Planning	Place	6		
15	Development Along Lanes	PDMC 19/9/19 - to instruct the Chief Officer - Strategic Place Planning, to report the findings of the public consultation, along with any recommended revisions to the draft policy, to this Committee within 6 months.		Nigel McDowell	Strategic Place Planning	Place	6		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
16			30 April 2020						
17									
18			01 June 2020						
19	Committee Annual Effectiveness Report	To present the annual effectiveness report for the Committee		Fraser Bell	Governance	Governance	GD7.5		
20			02 July 2020						
21			20 August 2020						
22			24 September 2020						
23			05 November 2020						
24			10 December 2020						
25									
26									
27	AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)								
28									
29									
30									

 <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: 23 January 2020</p>
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Site Address:	Land to the rear of 44/46 Bedford Road, Aberdeen, AB24 3NS,
Application Description:	Erection of 6no. residential flats with associated landscaping
Application Ref:	191536/DPP
Application Type	Detailed Planning Permission
Application Date:	10 October 2019
Applicant:	George Taylor ASA
Ward:	George Street/Harbour
Community Council:	Froghall, Powis And Sunnybank
Case Officer:	Robert Forbes



RECOMMENDATION

Approve Conditionally with Legal Agreement.

APPLICATION BACKGROUND

Site Description

The site comprises the garden ground of the tenement at 44/46 Bedford Road. This is a 3 storey Victorian tenement of granite and slate construction occupied by flats and a redundant shop on the corner with Bedford Place. It fronts onto and is accessed from Bedford Road and has windows to the rear.

Bedford Place is a relatively quiet minor through road in the city. The site and adjacent streets to the south do not lie within a controlled parking zone (CPZ), however Bedford Place forms part of the southern edge of Old Aberdeen CPZ. Parking takes place on each side of the road, but there is still sufficient width to allow opposing vehicles to pass safely. Bedford Road is a bus route and has limited car parking due to the presence of advisory cycle lanes.

Relevant Planning History

Application Number

Application Number	Proposal	Decision Date
181541/DPP	Erection of 6 flats / landscaping	04.10.19
	Refused. Decision reversed (Approved Unconditionally) by Local Review Body (LRB) on 18.12.18 subject to a legal agreement requiring car club contributions (£2,400).	
180555/DPP	Erection of 4 flats / landscaping	09.08.19
	Refused. Decision reversed (Approved Unconditionally) by LRB on 02.08.18 subject to a legal agreement requiring car club contributions. Determination is pending conclusion of s.69 agreement.	
171410/DPP	Erection of 4 flats with car parking	07.05.18
	Refused. Decision upheld at LRB on 17.05.18.	

APPLICATION DESCRIPTION

Description of Proposal

Erection of 6 flats within the rear garden ground of the tenement at 44/ 46 Bedford Road. The 3 storey building would front onto and be accessed from Bedford Place. Its front and north-west (gable) elevation would be clad with granite. Other elevations would be finished in granite chip roughcast. The mansard roof would be clad with slate. Windows would be focused on the front and rear elevations with the front window proportion and floor to ceiling heights matching those of the adjacent tenement. All flats would be 2 bedroomed and accessed via a communal stairwell.

No details of landscaping are provided. The western section of the site would include an area of communal external garden ground which the applicant has advised would be accessible to existing and proposed occupants. It is proposed to elevate the garden / building ground level above existing ground level by infilling the garden around 1.5m. Bin and cycle storage would be provided on a hard-surfaced area at the gable / east end of the site. This would be accessed from the street via a gate. No car parking is proposed on site.

In essence, the proposal is to re-site the consented building (with minor elevational changes) 2m further to the west, resulting in a gap with the adjacent tenement on Bedford Place and increased proximity to the tenements on Bedford Road.

The proposal has been amended in order to avoid overlooking of adjacent residential property by deletion of windows originally proposed on the western gable and by the addition of a build out on the gable with windows facing to the front and rear.

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=PZ602TBZK5X00>.

Design Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been received from the Roads Development Management Team and the recommendation is approval.

CONSULTATIONS

ACC - Roads Development Management Team – Note that the site is well connected by footpath, cycle route and public transport links. Advise that in terms of ACC parking standards, the development would require 9 car spaces but could result in potential for 12 additional residential permits to park within the adjacent CPZ (operational between 10am and 4pm, Monday to Friday). Residents would be entitled to apply for 2 on-street parking permits which could add to existing parking pressures. Furthermore, the directly adjacent and nearby streets which fall outwith the CPZ already encounter significant parking pressures due to the parking being uncontrolled and neighbouring residents within the CPZ opting to park on these streets. Supplementary Guidance states “when considering the suitability of a site for no car parking...it can be demonstrated through a Travel Plan that significant measures will be undertaken to minimise the number of cars expected to travel to/from the site” and “there will be no adverse impact on the amenity of neighbouring sites through increased on-street parking pressures”. Object to the proposal due to likely increased indiscriminate car parking pressure in the surrounding area.

ACC - Developer Obligations – Request affordable housing provision / contribution in lieu of such provision on site, and developer obligation contributions in relation to enhancement of Health (£2,770), Open Space (£878) and Primary Education facilities (£2,635).

ACC - Education – Advise that the development is likely to result in additional pupil capacity being required at Sunnybank Primary School, and a contribution from the developer should therefore be requested in order to cover the cost of creating this additional capacity.

ACC - Housing – Advise that, as per ACC affordable housing policy, 25% is required to be provided as affordable. In light of the current housing market, the preference is for a commuted sum (i.e. £57,000).

ACC - Waste Strategy Team – No objection. Recommend that a condition is imposed requiring provision of refuse / recycling bins.

Froghall, Powis And Sunnybank Community Council – No response received

REPRESENTATIONS

2 objections have been received which raise the following matters –

Overdevelopment of the site;
Loss of garden ground;
Overlooking of adjacent garden ground / loss of privacy;
Conflict with policy H1;
Rear elevation visually incongruous;
Unattractive Design

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development.

Aberdeen City and Shire Strategic Development Plan 2014 (SDP)

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

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

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

Aberdeen Local Development Plan 2017 (ALDP)

D1: Quality Placemaking by Design
D2: Landscape
D5: Our Granite Heritage
H1: Residential Areas
H5: Affordable Housing
NE4: Open Space Provision in New Development
NE6: Flooding, Drainage & Water Quality
R6: Waste Management Requirements for New development
R7: Low & Zero Carbon Building & Water Efficiency
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel

Supplementary Guidance (SG) and Technical Advice Notes

Sub-division & Redevelopment of Residential Curtilages
 Resources for New Development
 Transport and Accessibility
 Affordable Housing
 Flooding, Drainage and Water Quality
 Planning Obligations
 Landscape

Other Material Considerations

The previous planning permission for 6 flats on the site (181541) is a significant material consideration.

EVALUATION

Principle of Development

The principle of erection of a 6 unit flatted development on the site, of similar scale, massing, internal layout and design to that now proposed, has been established by the Local Review Body granting of detailed planning permission ref. 181541. Setting aside the matter of development of garden ground, as addressed below, the introduction of additional flats within a built-up area of the city on an accessible site accords with the objective of sustainable development as expressed in SPP. Due to the small scale of this proposal, it is considered to raise no strategic matters, such that SDP is of limited weight in this instance.

Amenity

Policy H1 of the ALDP supports new residential development in residential areas, provided that (amongst other things) it would not constitute overdevelopment; would not have an unacceptable impact on the character and amenity of the surrounding area; and would otherwise comply with supplementary guidance. The most relevant supplementary guidance deals with the sub-division and redevelopment of residential curtilage. It includes that new dwellings resulting from curtilage splitting should be in keeping with the spatial character and built form of the surrounding area. The principles it sets out include: respect for the established relationship between buildings and their gardens; complementing the scale of surrounding properties; respecting density by generally not building on more than a third of the total area of the existing curtilage; respecting the existing building line; having separation between dwellings similar to that predominating on the street; and keeping to the height of adjoining dwellings. Further supplementary guidance on householder development includes requirements for privacy separation between dwellings and a method for assessing daylight and sunlight impacts.

It is acknowledged that the development would result in loss of existing garden ground and that both that and the issue of overdevelopment, as raised by the objectors, are relevant material considerations. However, the loss of garden ground has previously been accepted by approval of the previous applications. The nature, density, height and building line of the development is identical to that approved under 181541. Whilst there would be a marginal increase in site coverage resulting from the revised proposal for a detached building, this is not considered to be so significant that it warrants refusal on grounds of overdevelopment.

As consented, the proposed flats had west facing windows on the gable elevation which would have looked directly into the rear of the parent tenement. Although the proposal would result in reduced separation with the parent tenement compared to the approval (approx. 14m compare to 16m), the proposal has been amended to delete west facing clear windows which would have resulted in an unacceptable privacy impact. There would be adequate separation in terms of daylight / sunlight impact to that property. There would be a marginal increase in site coverage /

massing and loss of the rear garden due to the revised gable window solution, but this would have no adverse impact on amenity and this change is required to address the privacy impact of the development as submitted. Although the rear of the flats would overlook adjacent garden ground at close quarters, this would also have occurred with the consented scheme and the revised proposal does not result in any worse relationship.

Whilst the revised position of the building would result in the front windows of the ground floor flats being partly obscured by an existing parking meter and a BT cabinet, such that there would be a degree of impact on the internal occupants (particularly from people using the parking meter, albeit for short duration for each occurrence), the applicant has indicated that they intend to seek relocation of such street infrastructure.

Although it is proposed to elevate the garden ground above existing ground level by infilling it around 1.5m, so that there is potential for increased overlooking of neighbours from the garden, this was also proposed under planning permission 181541 (albeit the approved drawings did not correctly show the level of the adjacent garden ground to the south and implied that this was level with the proposed garden level) and no details of the treatment of site boundaries were required by condition. The revised site plan now indicates that screen planting / hedges would be provided along its boundary with the adjacent tenement garden and the street, thereby minimising overlooking of adjacent garden ground.

In essence, in terms of overlooking and amenity, the current proposal is considered to improve on the previously approved scheme. Notwithstanding the expectations of policy H1 and related SG regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permission, it is considered that there is no justifiable reason for the refusal of the revised design on the grounds of impact on existing residential amenity and an adequate level of amenity would be created for occupants of the development.

Design

Policy D1 of the ALDP is a high-level place-making policy. It expects development to ensure high standards of design and have a strong and distinctive sense of place. Further detail is found in supplementary guidance, including that above.

The design concept is directly influenced by the tenement to the east and the proposed building would have identical wall-head and ridge heights and of the same mansard form. Only minor changes to the consented design are proposed.

Repositioning of the building as now proposed would result in a 2m gap which would allow the existing granite gable boundary wall of the tenement to the east to be fleetingly visible from the street. This is considered to be an aesthetic improvement. It would also achieve a distinct visual break between the historic masonry of the existing tenement and the proposed new granite, which would inevitably differ in appearance from the adjacent tenement. Furthermore, the amended design would avoid the creation of potentially awkward junction detailing between the existing and proposed building which would have been required under the approved scheme. The offset from the boundary would also result in improved relationship with the adjacent tenement to the east as it has been established that the approved development, if constructed, would have resulted in the rear wall of the proposed building extending beyond the building line of that tenement (as the consented drawings did not accurately show this relationship). As there is no uniformity of the existing streetscape of Bedford Place, with a range of building forms evident, it is considered that the proposed detached building, which is visually similar to the approved frontage, would cause no additional harm to the streetscape. Although the proposal would result in reduced separation with the parent tenement compared to the approval (approx. 14m compare to 16m), the proposal has been amended to delete west facing clear windows which would have resulted in an unacceptable privacy impact. This change is therefore considered to improve on the original design concept and

be acceptable in terms of policy D1. Although the proposed windows would be UPVC framed, as opposed to timber as consented, they would be of traditional proportions. As the site is not located within a conservation area, the proposed framing material is considered visually acceptable. The revised design would have a panelled front door which would be more in keeping with traditional Victorian tenement doors than the flush timber door consented.

No details of landscaping have been provided as expected by policy D2 and related Landscape SG, however, the development is of similar layout and plan to that approved and for which no details of landscaping were required. It would therefore be unreasonable to refuse the development on the grounds of failure to provide such information. The western section of the site would include an area of communal external garden ground which the applicant has advised would be accessible to existing and proposed occupants and it is expected that this would be managed by the residents or a factor. A suspensive condition can be imposed to address provision of such open space / planting.

Whilst the objectors consider the proposed rear elevation to be visually incongruous and unattractive, it is essentially the same as the previously approved scheme (albeit a "bay" window has been added to the western gable) and in any event would not be visible from a public place, so that this concern has limited weight as a justification for refusal. It is considered that the front and gable elevations which are visible from the street are well designed as they would relate well to the proportions, building line and form of the adjacent tenement. The proposed use of natural granite on the publicly visible elevations of the building would accord with policy D5 and is to be applauded. The detailed appearance of the granite to be used can be controlled by imposition of a condition.

Traffic / Parking

Policy T2 expects new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Supplementary guidance on transport and accessibility includes parking standards for residential development and supports low or no car development where there is evidence to show that car ownership and use will be low enough. Notwithstanding that the level of car parking does not accord with the Council's guidance regarding car parking, and no evidence has been provided regarding car ownership / parking pressure in the surrounding area, the previous approval is a significant material consideration which weighs in favour of approval. As no car parking is proposed and adequate pedestrian access to the development and ancillary cycle parking would be provided on site, it would accord with the objective of policy T2. It is noted that Bedford Place forms part of the southern edge of Old Aberdeen CPZ and prospective residents of the development would be eligible to apply for parking permits.

Notwithstanding that ACC Roads Service object to the development due to the absence of car parking provision on site and likely increase in parking pressure in the surrounding area, the intensity / scale of development is no greater than that approved under 181541. The likely traffic impact of the proposed development would therefore be identical to that resulting from the approved development and there has been no change in the physical context of the site or wider planning policy context. It would therefore be unreasonable to refuse planning permission on the grounds of traffic impact, subject to revision of the existing s.75 agreement (requiring car club contributions) to include reference to the current application or the applicant entering into a fresh legal agreement.

Contribution to the car club, as previously agreed, would have the potential to mitigate the likely adverse impact of the development in terms of generation of increased car parking pressure in the surrounding area. Such contributions are identified as an acceptable mitigation option within ACC SG regarding Transport and Accessibility (para 3.3) and within ACC SG regarding Planning Obligations (table 2 – whereby a figure of £400 per unit is identified). A total contribution figure of

£2400 has previously been agreed in relation to application 181541.

Flood Risk / Drainage

The site, and adjacent land within the rear garden of the tenement to the south, is identified within the SEPA flood maps as being of medium risk of flooding due to surface water. However, as the site is not affected due to coastal or river flooding, there is no statutory requirement to consult SEPA in this instance. Although the development could result in increased risk to adjacent property (due to infilling of the existing garden ground), the proposed development is of the same scale and nature as that which has been recently approved (181541) and for which no flood risk assessment was required. It would therefore be unreasonable to require such assessment to be undertaken at this stage.

No details of SUDS / Drainage Impact have been provided, as is expected to be provided on site to accord with policy NE6 and Flooding, Drainage and Water Quality SG. However, as this was not required to be the provided / delivered in association with the approved development, it would be unreasonable to refuse the development on the grounds of failure to provide such information.

Developer Obligations / Affordable Housing

Notwithstanding the requested developer obligation contributions, including the request for contribution in lieu of affordable housing provision on site, the proposed development is of the same scale and nature as that which has been recently approved (181541) and for which no developer obligation contributions were required. Given that this permission remains valid and there has been no material change in the planning policy context or physical context of the site since the LRB decision in December 2018, it has significant weight as a material consideration. It would therefore be unreasonable to now require the requested developer obligation contributions such provision now, or to refuse the development on such grounds.

No affordable housing would be provided on site, as expected to be provided to accord with policy H5 and Affordable Housing SG. However, as this was not required to be the provided / delivered in association with the approved development and no such developer contribution was required in association with that approval, it would be unreasonable to require such provision now or refuse the development on such grounds.

Other Technical Matters

No public open space would be provided on site, as expected to be provided to accord with policy NE4: Open Space Provision in New Development and related SG. However, as this was not required to be provided / delivered in association with the approved development and no such developer contribution was required in association with that approval (in relation to enhancement of off-site open space) it would be unreasonable to require such provision now or refuse the development on such grounds.

No details of micro-renewable energy / low / zero carbon energy / water efficiency technology have been provided, as expected to be provided on site to accord with policy R7 and Resources for New Development SG. However, as this was not required to be the provided / delivered in association with the approved development it would be unreasonable to refuse the development on the grounds of failure to provide such information.

Adequate bin storage could be accommodated on site in accordance with the expectation of policy R6 .

Heads of Terms of any Legal Agreement

In the absence of variation of the s.75 legal agreement associated with 181541, to include reference to the current application, there would be a need for a separate legal agreement in order to ensure that an equivalent financial contribution to the car club (£2,400) is made in

accordance with the expectations of policy T2 and Planning Obligations SG.

RECOMMENDATION

Approve Conditionally with Legal Agreement.

REASON FOR RECOMMENDATION

The principle of erection of a 6 unit flatted development on the site, of similar scale, form, internal layout and design to that now proposed, has been established by the Local Review Body granting of unconditional detailed planning permission ref. 181541. Notwithstanding the expectations of policy H1 and related guidance regarding Sub-division & Redevelopment of Residential Curtilages, given the extant planning permission, it is considered that there is no justifiable reason for the refusal of the revised design on the grounds of impact on existing residential amenity and an adequate level of amenity would be created for occupants of the development. Although the proposal would result in reduced separation with the parent tenement compared to the approval (approx. 14m compare to 16m), the proposal has been amended to delete west facing windows which would have resulted in an unacceptable privacy impact. This change is therefore considered to improve on the original design concept and be acceptable in terms of ALDP policy D1. No details of landscaping have been provided as expected by ALDP policy D2 and related SG, however, the development is of similar layout and plan to that approved and for which no details of landscaping were required. The proposed use of natural granite on the publicly visible elevations of the building would accord with ALDP policy D5. These detailed design matters can be addressed by condition

Notwithstanding that no evidence has been provided regarding car ownership / pressure in the surrounding area, as no car parking is proposed and adequate pedestrian access to the development and ancillary cycle parking provided on site, it would accord with the objective of ALDP policy T2, notwithstanding that the level of car parking does not accord with the Council's guidance regarding car parking. Contribution to the car club would have the potential to mitigate the likely adverse impact of the development in terms of generation of increased car parking pressure in the surrounding area. In the absence of variation of the s.75 legal agreement associated with 181541, to include reference to the current application, there would be a need for a separate legal agreement in order to ensure that an equivalent financial contribution to the car club (£2,400) is made in accordance with the expectations of policy T2 and Planning Obligations SG.

CONDITIONS

01. The development hereby approved shall not be occupied unless the communal external amenity area / shared garden ground as identified on the drawings hereby approved [refs. A(03)001 rev.C; A(03)004 rev.D], or such other drawings as may be approved in writing by the planning authority, has been implemented / planted in full and is thereafter retained as landscaped communal space. **Reason** - In order to ensure provision of adequate amenity for residents and ensure compliance with the objective of local plan policies D1: Quality Placemaking by Design, D2: Landscape, H1: Residential Areas and NE4: Open Space Provision in New Development.

02. No development shall take place pursuant to this planning permission unless construction details of the proposed street boundary wall along Bedford Place and a sample of the natural granite to be used on the external elevations of the building has been submitted to and approved

in writing by the planning authority. The development hereby approved shall not be occupied unless such details as may be approved have been implemented in full. **Reason** – In order to preserve the character and setting of the surrounding area and ensure compliance with the objective of local plan policies D1: Quality Placemaking by Design, D5: Our Granite Heritage and H1: Residential Areas.

03. The development hereby approved shall not be occupied unless secure cycle parking / storage facilities have been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.D], or such other drawing as may be approved in writing by the planning authority. **Reason** – In order to ensure compliance with planning policy T2: Managing the Transport Impact of Development and reduce demand for car parking.

04. The development hereby approved shall not be occupied unless the bin storage area has been provided on site for occupants in accordance with the drawing hereby approved [A(03)004 rev.D], or such other drawing as may be approved in writing by the planning authority. **Reason** – In order to ensure compliance with planning policy R6: Waste Management Requirements for New development

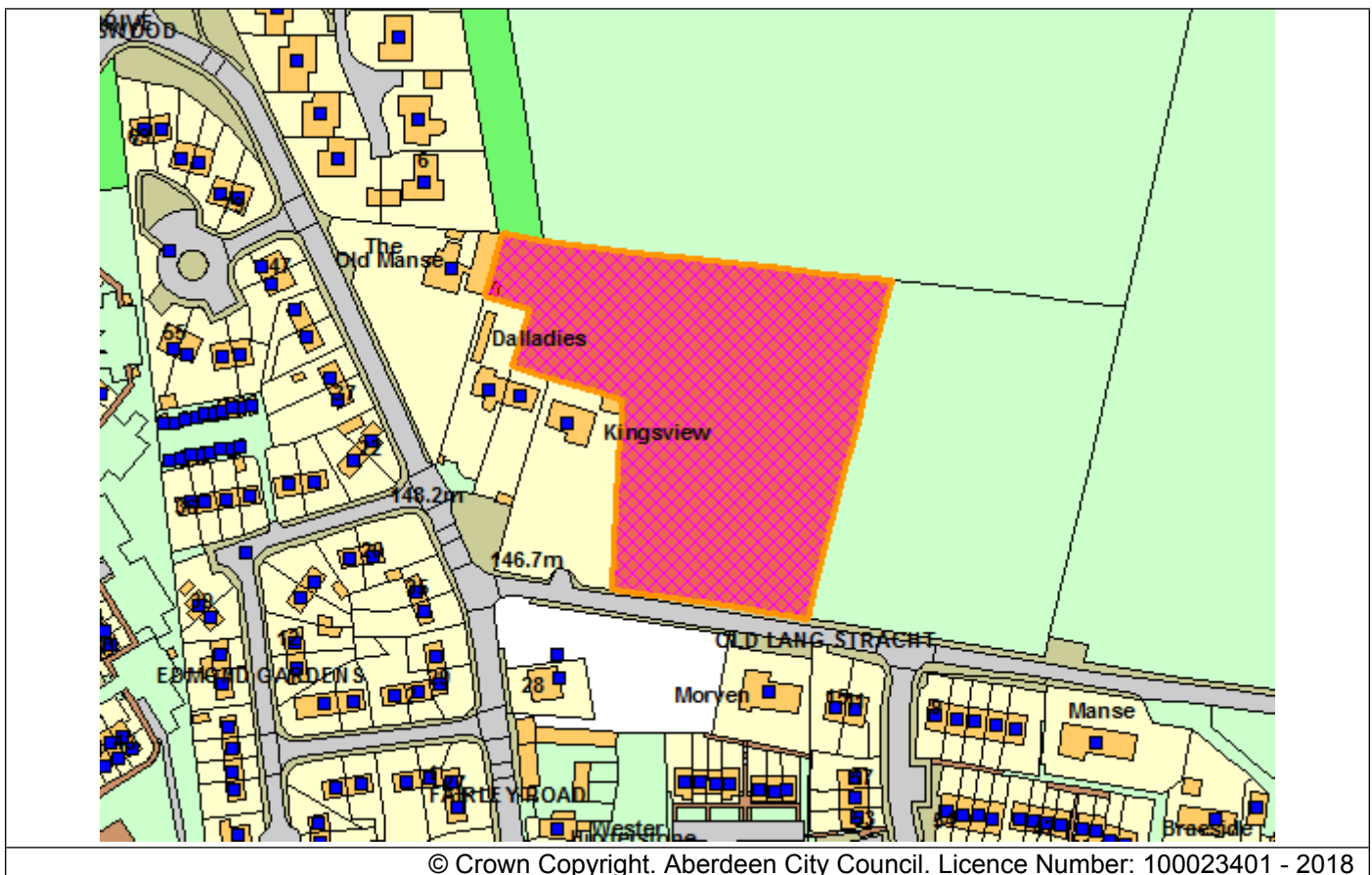


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 23 January 2020

Site Address:	Sunnyfield, Old Lang Stracht, Kingswells, Aberdeen
Application Description:	Erection of residential development comprising 30 affordable dwellinghouses with associated landscaping, garden ground, parking and access roads
Application Ref:	191034/PPP
Application Type	Planning Permission in Principle
Application Date:	1 July 2019
Applicant:	Carnoustie Links Development Ltd
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells
Case Officer:	Gavin Evans



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site, which extends to 1.08 hectares, is located at the eastern edge of Kingswells, to the west of Aberdeen. The existing rough grassland is bounded to the south by Old Land Stracht, to the west by the rear boundaries of residential properties on Fairley Road, and to the north and east by drystone wall field boundaries, beyond which lie further open fields.

To the south of the site, on the opposite side of Old Land Stracht, work is ongoing in relation to two planning consents for 46 and 97 units respectively (refs 130288 and 130912 – details below).

Relevant Planning History

Application Number	Proposal	Decision Date
130288	Proposed Construction of 7 Detached Units, 28 Semi Detached Units and 11 Terraced Houses with associated access roads, drainage, and SUDS storage	Approved Conditionally: 14.11.2014
130912	Erection of 97 residential properties and associated works	Approved with Legal Agreement: 14.08.2015

APPLICATION DESCRIPTION

Description of Proposal

This application seeks Planning Permission in Principle (PPiP) for a development of 23 affordable homes on the site. It is important to note that, as this is a PPiP application, the layout shown is indicative only, and is intended to demonstrate how the proposed scale of development could be accommodated, rather than representing a final design for approval.

The proposal was originally submitted for 30 units, however this has since been reduced to 23 units in order to allow for the inclusion of a landscape buffer around the northern and eastern boundaries 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=PTSZUJBZHB100>

- Drainage Statement
- Planning Statement
- Landscape & Visual Impact Assessment
- Swept path diagrams for refuse vehicle
- Letter of support from LAR Housing Trust
- Transport Statement
- Indicative site layout plan

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 representations stating objection to the proposal have been received, thus reaching the relevant threshold stated in the Council's scheme of delegation.

CONSULTATIONS

ACC - Developer Obligations – Assessment has identified a requirement for developer obligations in the following areas:

- Core Path Network: £7,886 for the improvement of Core Path 31;
- Primary Education: £5,270 for the provision of additional capacity through reconfiguration of existing floorspace at Kingswells Primary (school over capacity within 2 years with development);
- Secondary Education: £9,111 for provision of additional capacity through extension to the existing building at Bucksburn Academy (school currently over capacity, with a rising school roll forecasted)
- Healthcare Facilities: £21,700 towards an extension to the Kingswells Medical Practice to increase capacity
- Open Space: £3,880 towards the improvement of existing open spaces in the vicinity. Alternatively, a small equipped play area within the site may allow for review of the financial contribution;
- Community Facilities: £38,764 towards provision of increased capacity at Kingswells Community Centre;
- Sports & Recreation: In this instance no contribution has been identified;
- Transportation requirements will be identified by the Council's Roads Development Management Team;
- Affordable Housing: Policy H5 requires a minimum of 25% of units (in developments totalling 5 or more units) to be provided as affordable housing. In this case that would equate to 5.75 units, however it is acknowledged that 100% of the units proposed are to be delivered as affordable housing. This is welcomed.

ACC - Environmental Health – No objection.

No objection. Recommend that conditions, relating to site preparation and construction, are attached to any grant of permission, addressing:

- Erection of an acoustic barrier between the development site and existing residential properties adjacent to the site;
- Limitations on the hours within which operations audible outwith the site may be undertaken (07.00-19.00 Mon-Fri and 08.00-13.00 on Saturdays)
- Identification of a maximum threshold level for noise affecting residential premises, via an appropriate method described in Annex E of BS5228 1:2009 + A1:2014
- Requirement to submit a Dust Management Plan (including control measures to be implemented) for approval prior to commencement.

ACC - Waste Strategy Team – Highlights that there are a number of mid-terrace properties which do not have a route for waste to be brought from the rear garden to the kerbside for collection. On that basis, it is suggested that communal waste and recycling facilities are provided within the development. Highlights that layouts should avoid the need for refuse vehicles to reverse wherever possible and should aim to allow vehicles to remain in a forward gear throughout.

ACC - Roads Development Management Team – No objection, but make the following observations:

Walking, Cycling & Public Transport

- Notes that the site is in the 'outer city' parking zone and lies outside any Controlled Parking Zone.

- Highlights that bus stops, the Park and Ride facility and other infrastructure lies to the west of the site, and therefore it is important that any proposal provides appropriate linkages to the west. The indicative proposals now include provision for footway west of the site access, which allows for access to public transport facilities at the Kingswells Park and Ride (x17 to city centre and Westhill) and stops on Fairley Road (new 14 service between Kingswells and City Centre).
- One of the existing stops on Fairley Road does not have a shelter or raised kerb. This may require to be upgraded at the applicants' expense in order to encourage sustainable travel to/from the site.

Parking

- It is noted that the proposal involves the development of 23 affordable units for rent, with 1 space parking space per unit being proposed. ACC Supplementary Guidance requires a minimum of 0.8 spaces per unit (19 total). In this situation, this site is located where residents will be heavily reliant upon the car, as such the proposed number of parking spaces is not deemed to be acceptable. Therefore, I would advise the applicant to provide additional parking spaces which should be agreed with ACC.
- The reconfiguration of the development, which has removed driveways to properties, necessitates provision for disabled parking spaces, which should be evenly spread within the site in order to ensure that dedicated accessible spaces are within a short distance of all units. The size and layout of accessible spaces should be in accordance with relevant roads specifications, which can be provided on request.
- There is no requirement for cycle parking as there are no flats proposed.
- Provision of infrastructure for electric vehicle charging should be made, via 1 active charging point (fully wired and connected – ready for use) and 2 passive charging points (underlying infrastructure to enable installation and activation of a charging point in future), as well as relevant bay markings and signage. Charge points should be capable of pay-as-you-go transactions.
- The dimensions of all parking bays should be in accordance with current standards (5m x 2.5m, with clear 6m aisle width and 0.5m turning head for end spaces).

Site Access & Internal Layout

- Some areas of superfluous hardstanding area shown on the indicative layout – these should be avoided in the finalised layout. Full details of which areas are intended for adoption by ACC as roads authority should be provided.
- Updated swept-path plans based on the finalised layout will be required as part of any future applications.
- Finalised layouts should seek to avoid reversing manoeuvres by refuse collection vehicles wherever possible.
- Details of traffic calming measures on the access road should form part of later detailed proposals.
- It is recommended that the rural footpath along the eastern boundary makes a direct connection to the roadside footway, rather than first diverting towards the house in the SE corner of the site.

Local Road Network

- It is noted that the TRICS assessment has been undertaken on the basis of privately owned residential houses, rather than using the affordable housing categorisation, however the assessment is more robust as a result and is therefore acceptable as a worse-case scenario.
- The proposal would result in 17 and 15 trips in the AM and PM peaks respectively. On that basis, no traffic surveys or junction capacity analysis is required.

Residential Travel pack

- A Residential Travel Pack will be required, for distribution to residents upon moving in. The content of this document must be approved by ACC in advance. This is intended to encourage residents to use more sustainable means of transportation.

Drainage Impact Assessment

- The proposed combination of swales and filter drains is sufficient to ensure that the pollution mitigation index exceeds the hazard index.
- Road surface will discharge to the swale on the west of the access road, and the road will be constructed in cross fall to allow this.
- Parking bays will include filter drains, which is acceptable.

Refuse Storage / Collection

- Swept path plans should be submitted for the finalised internal road layout, demonstrating: that storage points are conveniently located for residents; that ACC specification collection vehicles can adequately access storage points; that containers do not have to be transported excessive distances by collectors; and that collection points are on hard surfaces.

ACC - Housing – Fully support the delivery of affordable housing.

Aberdeen International Airport – Recommend that conditions are attached in order to prevent conflict with safeguarding criteria:

- No development to commence until location, height, layout, form and materials of buildings and structures have been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport;
- No development to commence until detail of soft landscaping and water features have been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport.

AIA highlights that, in the event that the planning authority is minded to grant planning permission without the requested conditions, the application must be notified to Scottish Ministers (along with notifying the Civil Aviation Authority (CAA) and AIA), per Circular 2/2003: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003.

ACC - Education – No objection. Advises that the land is zoned to Kingswells Primary School and Bucksburn Academy. Kingswells School is expected to be close to capacity over the next three years, so developer contributions can assist in creating additional capacity. Bucksburn Academy is expected to be over capacity by 2022, and a contribution can assist in providing additional capacity. (See Developer Obligations response for further details of contributions)

North East Scotland Biological Records Centre – A record search within 100m of the site boundary highlights past bat sightings to the west of the site and identifies the site itself as G10 – improved grassland habitat.

Police Scotland – No objection. Note that the general layout appears good from a Crime Prevention Through Environmental Design (CEPTED) perspective. Make the following recommendations:

- Recommend use of different surface treatments in order to both act as traffic calming measures and signify a transition from 'public' to 'private' spaces;
- Advises that footpaths should be straight, wide and well-lit to promote a feeling of safety and discourage anti-social behaviour.
- Car parking area should be within view of active rooms and connected via footpaths.

- Good quality lighting, with uniform coverage has been shown to reduce fear of crime.
- External communal doors should incorporate access control systems with electronic lock release and colour images and audio. It is recommended that systems have no 'services' button.
- Ground floor and other readily accessible windows should be installed to stated standards. Laminate glazing should be used adjacent to entry doors and in other unsupervised areas.
- Recommends that the developer liaise with Police Scotland's Designing out Crime service and encourages the applicant to seek the 'Secured by Design' award to demonstrate high standards in this regard.

Scottish Water – No objection. Note that there is currently sufficient capacity at Invercarnie Water Treatment Works and Nigg PFI Waste Water Treatment Works to accommodate the proposed development, however capacity cannot be reserved and an application will have to be made to Scottish Water once planning permission has been obtained.

Kingswells Community Council – No response.

REPRESENTATIONS

12 representations have been received in relation to this application. All 12 state their objection to the proposal.

The matters raised in representations can be summarised as follows:

- Development on this site is not supported by the 2017 ALDP.
- Agree with ACC's assessment of the development option as being 'undesirable'.
- Highlight that the site was also rejected as an option in previous LDPs by both ACC and Scottish Government Reporters.
- It would make more sense to direct this development to the allocated sites nearby.
- Expresses disappointment that residents in Denview Wynd were not notified of this application.
- Highlights that the site would be very visible from the A944 and detract from the landscape setting of Kingswells, including breaching the skyline of Newpark Hill.
- Development here would detract from the setting and identity of Kingswells by encroaching on the open countryside separating Kingswells and Aberdeen.
- Approval would set an undesirable precedent for development in this area of green belt.
- The development appears to allow for future road connections to the north and east, raising the question of whether future development on adjoining land is envisaged.
- Traffic accessing the site would impede buses using the existing bus route.
- Recognise need for affordable homes, but points to plenty of allocated and approved site across the city, including Countesswells and Maidencraig.
- Highlights the value of the site as a pathway for deer, foxes and badgers.
- Affordable homes will devalue existing Kingswells properties.
- Increased traffic represents a safety hazard.
- Overlooking affecting properties on Denview Wynd.
- Insufficient pedestrian infrastructure in the area.
- Impact on school capacity, nursery placements and after school resources.
- Queries the large-scale release of greenfield sites for development in recent years.
- Highlights the loss of land suitable for agriculture.
- States a requirement for clarification of boundary treatments, refuse storage, landscaping and relevant maintenance in the event that permission is granted.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP), 2014

Scottish Ministers, through the 'core values' expressed at paragraph 4 of SPP, expect the planning system, amongst other things, to focus on outcomes, maximising benefits and balancing competing interests; play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities; and be planned, with plans being up-to-date and relevant.

SPP's identified outcomes include achieving 1. 'A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places'; 2. 'A low carbon place – reducing our carbon emissions and adapting to climate change'; and 3. 'A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.' Para. 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life.

Planning should direct the right development to the right place. To do this, decisions should be guided by the following policy principles –

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

As regards green belts, para 49 sets out in the context of development planning that these will not be appropriate to all settlements, however, where planning authorities consider it appropriate, the development plan may '*designate a green belt around a city or town to support the spatial strategy by:*

- *directing development to the most appropriate locations and supporting regeneration;*

- *protecting and enhancing the character, landscape setting and identity of the settlement; and*
- *protecting and providing access to open space.*

Again in the context of development planning, para 52 sets out that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- *development associated with agriculture, including the reuse of historic agricultural buildings;*
- *development associated with woodland and forestry, including community woodlands;*
- *horticulture, including market gardening and directly connected retailing;*
- *recreational uses that are compatible with an agricultural or natural setting;*
- *essential infrastructure such as digital communications infrastructure and electricity grid connections;*
- *development meeting a national requirement or established need, if no other suitable site is available; and*
- *intensification of established uses subject to the new development being of a suitable scale and form.*

Paras 113-122 set out the role of the Development Plan process in providing for identified housing needs, based on robust housing need and demand assessment (HNDA). Once a housing supply target has been identified for each functional housing market area, based on evidence from the HNDA, this is then increased by a margin of 10-20% in order to ensure that a generous supply of land for housing is provided. Local Development Plans in city regions should then allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the SDP up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years' effective land supply at all times. Paragraphs 123-125 highlight the role of annual housing land audits as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least 5 years. A site is only considered effective where it can be demonstrated that within 5 years it will be free of constraints and can be developed for housing. Para 125 states that, where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Paragraphs 126-134 address Affordable Housing and other specialist housing provision types, noting the role of Housing Need and Demand Assessments in establishing whether there is a shortage of affordable housing, and the roles of strategic development plans in stating how much of the total housing land requirement this represents and local development plans in clearly setting out the scale and distribution of the affordable housing requirement for their area. Plans should also identify any expected developer contributions towards delivery of affordable housing, with supplementary guidance setting out further detail.

Paras 193 & 202-204 address the policy 'Valuing the Natural Environment'. Para 193 notes the importance of planning in '*protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use*'. Para 202, in the context of development management, states that '*The siting and design of development should take account of local landscape character*', and that '*developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement*'. Para. 203 states that '*Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment*'.

In terms of promoting sustainable transport and active travel, paragraph 287 of SPP states in relation to Development Management functions that *'Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:*

- *direct links to local facilities via walking and cycling networks are not available or cannot be made available;*
- *access to local facilities via public transport networks would involve walking more than 400m;*
or
- *the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.'*

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)

Entire first section of plan is concerned with identifying land for housing development to meet identified needs

Policy D1: Quality Placemaking by Design

Policy D2: Landscape

Policy I1: Infrastructure Delivery and Planning Obligations

Policy T2: Managing the Transport Impact of Development

Policy T3: Sustainable and Active Travel

Policy B4: Aberdeen Airport (consultation based on safeguarding map)

Policy H1: Residential Areas

Policy H3: Density

Policy H5: Affordable Housing

Policy NE1: Green Space Network

Policy NE2: Green Belt

Policy NE4: Open Space Provision in New Development

Policy NE6: Flooding, Drainage and Water Quality

Policy NE8: Natural Heritage

Policy R6: Waste Management Requirements for New Development

Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

Policy CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

Planning Obligations

Affordable Housing

Transport and Accessibility
Green Space Network and Open Space
Flooding, Drainage and Water Quality
Landscape

Other Material Considerations

Proposed Aberdeen and Aberdeenshire Strategic Development Plan (Proposed SDP)

Published in September 2018, this represents the settled view of the Strategic Development Planning Authority and has weight as a material consideration.

Aberdeen Local Development Plan Main Issues Report (MIR) 2019

Represents the first stage in producing a revised and updated Local Development Plan for Aberdeen which, when adopted, will replace the 2017 ALDP.

Local Housing Strategy (2021-2023)

Sets out aims to deliver six strategic outcomes:

- There is an adequate supply of housing across all tenures and homes are the right size, type and location that people want to live in with access to suitable services and facilities.
- Homelessness is prevented and alleviated.
- People are supported to live, as far as is reasonably practicable, independently at home or in a homely setting in their community.
- Consumer knowledge, management standards and property condition is improved in the private rented sector.
- Fuel poverty is reduced which contributes to meeting climate change targets.
- The quality of housing of all tenures is improved across the city.

Housing Land Audit 2019 – Aberdeen City & Aberdeenshire Councils, July 2019

The Housing Land Audit (HLA) illustrates the scale and characteristics of the housing land supply in Aberdeen City and Aberdeenshire. It is used to determine if there is sufficient land available for housing development and to inform the planning of future infrastructure such as roads, schools and drainage.

EVALUATION

Background

The applicants highlight that submissions have been made to the Council as part of the process of preparing the next Local Development Plan for the period from 2022. This seeks to re-zone the site for residential development in the emerging plan. Submissions, including a layout for 24no homes, were made in response to the Council's 'call for sites' to be included in the Main Issues Report (MIR). The 'Sunnyfield' site submissions *(ref B0303) were assessed as being south facing, with good drainage, no risk of flooding and little sensitivity in terms of built or natural heritage, however its elevation, exposure and slope were identified as negative factors. The bid assessment noted that the site forms part of an area separating Kingswells from Aberdeen and concluded that it should remain as green belt, therefore recommending that the site be considered 'undesirable' for inclusion in the Main Issues Report. A 10-week public consultation on the content of the MIR took place from 4th March to 13th May, and at time of writing the responses to that consultation are still under consideration by the planning authority prior to reporting to Full Council.

Principle of Development

The application site extends to 1.08ha, of which 0.9ha of is zoned as Green Belt and 0.18ha is zoned as part of a wider Residential Area. On that basis, policy NE2 (Green Belt) applies to the majority of the site, with policy H1 (Residential Areas) applicable to the remaining 0.18ha parcel of land.

Policy NE2 prohibits development for purposes other than those essential for: agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. NE2 continues, setting out a number of exceptions (including essential infrastructure works, conversion of existing vernacular buildings, replacement houses on a one-for-one basis etc.), none of which provide for residential development as proposed. There is a further requirement that all development in the green belt must be of the highest quality in terms of siting, scale, design and materials. The proposal is therefore contrary to policy NE2 insofar as it relates to approximately 83% of the application site.

The remaining 0.18ha of the site is residentially zoned, and therefore policy H1 applies. Policy H1 offers support for new residential development in such areas, provided that proposals meet a series of criteria relating to: overdevelopment; unacceptable impact on the character and amenity of the surrounding area; loss of valuable and valued open space; and compliance with Supplementary Guidance. It should be noted that this zoning and policy applies to a landlocked area that sits between existing residential feus and the adjoining green belt land, and represents less than 17% of the site. In that context, the residentially zoned portion of the site appears something of an anomaly, particularly given the absence of any 'Opportunity Site' being identified. Whilst residential development in this smaller portion of the site is supported by the development plan, the planning authority is assessing the proposal as a whole, and in that context there remains a significant conflict with policy NE2, such that the proposal represents a significant departure from the Development Plan.

The submitted Planning Statement recognises that the proposed development is not provided for by policy NE2, but contends that the proposal may be supported on the basis that it would not undermine the underlying aims of the green belt and is supported by other material considerations, discussed below.

Heads of Terms of any Legal Agreement

The applicants have indicated a willingness to agree to the obligations set out in the Developer Obligations Team's updated response, based on 23 units.

Housing Land Supply

Scottish Planning Policy (SPP), in paragraphs 115 and 116, requires development plans to set a housing supply target for each functional housing market area, based on evidence from a Housing Need and Demand Assessment. This figure should be increased by a margin of 10-20% to establish the housing land requirement, in order to ensure a generous supply of housing land. Paragraph 123 also requires planning authorities to ensure that there is always enough effective land for at least five years.

The Aberdeen City and Shire Strategy Development Plan was last adopted in 2014 and is now beyond its five year review period. On that basis, the 2014 SDPA no longer forms part of the Development Plan, but may represent a material consideration in the planning authority's assessment, along with the Proposed Strategic Development Plan of August 2018, which at time of writing has been the subject of an examination by DPEA reporter and publication of the reporter's examination report is awaited. The Proposed SDP therefore has weight as a material consideration in the decision-making process, but does not yet form part of the Development Plan. The Aberdeen City and Shire Strategic Development Plan sets out the housing requirement for each housing market area, including the Aberdeen Housing Market Area (AHMA).

Part 1 of the Aberdeen Local Development Plan (ALDP) sets out that Scottish Planning Policy and other national policies and strategies have informed the plan's spatial strategy, whilst also highlighting the role of the SDP in identifying the housing land allowances that the LDP is required to meet. The Spatial Strategy at Part 2 sets out how a combination of brownfield sites and new

greenfield allocations will meet the city's identified needs over the plan period. An annual Housing Land Audit is carried out by Aberdeen City and Aberdeenshire Councils to determine the extent and status of the housing land supply in their respective areas.

The most recent Housing Land Audit (HLA) for Aberdeen and Aberdeenshire was published in July 2019. In order to demonstrate that there is a five year supply, the number of 'effective' (i.e. unconstrained) housing units must be greater than or equal to the housing requirement for the five year period concerned. Table 10 of the 2019 HLA demonstrates that the SDP housing requirement for the period 2019-2023 is 7,509 houses, whilst the five year effective supply is 10,816. This equates to a 7.2 year land supply at the time of the 2019 audit. This supports the case that there is no shortage of effective housing land where new residential development could be accommodated, and on that basis there is no compelling argument for setting aside the Development Plan's provisions in relation to the development of land in Green Belt areas. It is noted that the applicant's supporting statement does not seek to argue that there is insufficient housing land available to maintain the required 5 year land supply, but does note the Proposed SDP's housing supply target of 5000 affordable units in Aberdeen City in the period 2020-2032 and its statement that achieving that target will require 'effort, coordination and creativity'. The applicant's submission contends that this proposal represents such an approach and highlights that delivery of this development of affordable housing would be achieved without additional Scottish Government funding, and should therefore be supported. The applicants' supporting statement also highlights that the proposal would contribute to the achievement of the Local Housing Strategy's outcomes in terms of increasing the supply of affordable housing. This is noted and agreed, however affordable housing schemes are still required to accord with the development plan in other respects, and are not exempt from consideration against the spatial strategy and the restrictions which exist in green belt locations. This will be explored further below.

Paragraph 33 of SPP sets out that, where relevant policies in a development plan are out of date then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case, both the Aberdeen Local Development Plan (ALDP) and the 2019 HLA were prepared based on the housing land requirements set out in the 2014 SDP, which is now more than five years old and beyond its review period. The Proposed SDP has reached an advanced stage, having been approved by the relevant City and Shire committees, submitted for examination and currently awaiting publication of the reporter's report, and therefore represents a material consideration in the planning authority's assessment. The Main Issues Report published as part of the process of preparing the next ALDP takes account of the housing numbers set out in the Proposed SDP, but nevertheless assessed the Sunnyfield site as being undesirable and identifies alternative preferred new allocations to meet the anticipated SDP requirement. The 2019 HLA demonstrates that there is no current shortage of housing sites, and the omission of Sunnyfield from the MIR's preferred sites indicates that there is no anticipated shortage, notwithstanding the possibility of future changes to the SDP housing numbers and/or the sites preferred for inclusion in a new LDP.

In terms of this proposal's contribution to sustainable development, it is noted that the site is located within a designated Green Belt area, where policy NE2 does not provide for new residential development of the type and scale proposed. The site is adequately accessible to local shops and public transport services, to the extent that it is not unduly reliant on travel by private car, however by utilising a greenfield site which lies within the identified green belt, development of housing in this location would undermine the aims of the development plan to direct development to the most appropriate location and prioritise the redevelopment of previously developed (brownfield) land.

Impact of the development on the Green Belt

The application site lies within the green belt, as defined in the relevant Proposals Map of the ALDP. As such it is subject to policy NE2 of that plan. This sets out the types of development normally considered acceptable in the green belt, subject to meeting a number of impact and assessment

criteria. The development of new housing, other than on a 'one-for-one' basis for replacing an existing dwelling or involving the conversion of a traditional/vernacular building of value, is not in accordance with policy NE2. This position is accepted by the applicants in their supporting statement.

The applicants contend that the proposal would not undermine the underlying aims of the green belt and complies with all other relevant LDP policies and associated supplementary guidance, whilst also being supported by other material considerations including SPP, the Proposed SDP, the Main Issues Report for the next ALDP and the Aberdeen Local Housing Strategy.

It is noted that the applicants submitted a 'development bid' to the planning authority as part of the process of preparing a new ALDP. At that time, though the site was identified as having good drainage, no risk of flooding and little nature conservation value, it was ultimately assessed as being 'undesirable' on the basis of its elevation and associated prominence, slope and most notably recognition of its role as part of an area which separates Kingswells from Aberdeen. On that basis, the assessment concluded that it should remain as green belt.

The ALDP states its aims in designating Green Belt at paragraph 3.101. This refers to: maintaining the distinct identity of Aberdeen and the communities within an around the city, by defining their physical boundaries clearly; safeguarding the green belt as a means of avoiding coalescence of settlements and sprawling development on the edge of the city; maintaining Aberdeen's landscape setting; and providing access to open space. It states that the Green Belt directs planned growth to the most appropriate locations and supports regeneration.

In this case, it is clear that the settlement of Kingswells is quite distinct from the main urban area of Aberdeen, and that the land designated as Green Belt to the east of Kingswells (of which the application site forms a part) has a role in ensuring the continued separation of those settlements and their distinct identities. As recognised in the assessment of the applicants' development bid, the site is on sloping ground, on the brow of a hill, and is open and exposed to the north with little tree cover/vegetation. This prominent position is such that there is scope for the landscape and visual impact of the development to be significant. This is highlighted by the submitted Landscape and Visual Impact Assessment, which identifies a requirement for structural planting along the northern and eastern boundaries of the site in order to partially mitigate that landscape impact. Whilst the proposed development would not itself result in coalescence between settlements, it would nevertheless erode the green belt buffer that exists between Kingswells and the Lang Stracht. This represents unplanned growth of the settlement, and undermines the LDP review process, whereby sites have been considered and those that are assessed as being desirable for development are allocated accordingly in the development plan.

Scottish Planning Policy (SPP) sets out, at paras 49 and 52, the role that development plans are expected to play in directing development to the most appropriate locations and supporting regeneration. By restricting development in green belt areas, development is directed towards either greenfield sites allocated through the development plan or to previously developed brownfield land within the city. By restricting the locations where such developments may take place, regeneration of urban areas is encouraged, and the release of green belt sites such as this without compelling evidence of a fundamental shortage of unconstrained land supply would undermine the aim of SPP and the development plan to strongly encourage redevelopment of brownfield land and runs contrary to the overall sustainability aims of the plan. In this regard, it is clear that the proposal does not accord with policy NE2 (Green Belt) and represents a significant departure from the development plan which, if approved, could give rise to increased pressure for development in green belt locations, further undermining the aims of the development plan as an expression of the Council's aims for the City.

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.

Landscape and Green Space Network Impact

A Landscape and Visual Impact Appraisal (LVIA) has been provided in support of this application, which notes the elevated position compared to the surrounding development, but still overall within the Den Burn Valley, with higher land to the north and east providing a degree of shelter. Whilst slopes of 1 in 11 gradient are present within the site, the assessment concludes that this is not prohibitive to achieving access and development layout. Impact on existing landscape features, which in this case are the drystone walls on the N, S and E boundaries, would be minimal and relate to forming site access and maintaining safe visibility. It is noted that doughtaken stone could be re-used within the site.

Inclusion of a landscaped buffer to the northern and eastern edges is recommended by the LVIA as a means of creating improved shelter and greater settlement definition, serving to mitigate impact of the development in views from the Lang Stracht. In terms of landscape fit, the LVIA indicated that there would be no significant views of the site from within the modern portion of Kingswells, and views to the south within old Kingswells would be confined to the western areas and mostly close to Fairley Road. Whilst the assessment does identify views from the Lang Stracht, these can be partially contained through use of a landscape buffer on the eastern edge.

Colleagues in ACC's Environmental Policy Team (EPT) recognise that these changes have reduced some of the landscape design quality issues within the site and reduce adverse landscape and visual effects of the proposal, however the development will remain visible from key points, and EPT advise that the sense of openness and agricultural setting of Kingswells will be eroded. On that basis, and having regard for the function that this particular green belt site has in maintaining the landscape setting and distinct visual identity of Kingswells, it is considered that the proposal would result in an adverse visual impact which policy D2 (Landscape) seeks to avoid or mitigate.

The site does not encroach on the designated Green Space Network, though it is noted that there is a north-south corridor along the eastern edge of Kingswood Gardens and Kingswood Crescent which would abut the proposed structural landscaping along the northern boundary of the site. In this regard there is no loss of, or encroachment on the Green Space Network, and the proposal is consistent with policy NE1 and the associated 'Green Space Network and Open Space' Supplementary Guidance.

Design and layout

Detailed assessment of the development layout and the design, scale and form of buildings etc. would take place on consideration of future matter specified in conditions (MSC) applications. The layout shown is indicative of what might be accommodated within the site and is principally intended to demonstrate that the level of development proposed can be achieved. Detailed assessment against policy D1 (Quality Placemaking by Design) and the placemaking qualities set out in SPP would be undertaken at the approval of matters specified in conditions (MSC) stage.

The Planning Statement provided in support of this application states that the initial proposal for 30 units would development achieve a gross density of 28 units per hectare and a net density of 40 units per hectare. The number of units has since been reduced to incorporate greater structural landscaping to the boundaries of the site, which results in a gross density of 21 units per hectare. No revised calculation of net density has been provided, however it would be expected that the net density would be similarly reduced. Policy H3 requires development to achieve a minimum density of 30 dwellings per hectare (net), but also refers to achieving an appropriate density of development, which has consideration for the site's characteristics and those of the surrounding area. The local context in this instance is that of low-rise suburban housing in the older properties along Fairley

Road, with higher density evident in the allocated site south of the Old Lang Stracht. In that regard, whilst more detailed consideration for density may be given once final designed layouts are submitted as part of the MSC approval process, the general form and density appears to be consistent with the more recent residential schemes in the surrounding area. For the purposes of this PPIp application, the proposal demonstrates due regard for policy H3 (Density).

The indicative layout does include an area marked as public open space, at its south-western corner, however it is notable that this is at the site frontage and on the opposite side of the access road from all houses and from the pedestrian footway indicatively shown. There is scope for any open space to be much better integrated into the site in order to ensure it has a clear function and is useable for recreation or play. It is noted that the structure planting belt along the north and eastern boundary includes a rural footpath, which has some benefit as a recreational route, notwithstanding the absence of any onward connection north or westwards. As with other aspects of the detailed design, the specifics of open space could be subject to further discussion and assessment via the MSC process. Despite some concerns regarding its current form, it is likely that adequate open space could be accommodated within a finalised layout, ensuring compliance with policy NE4 (Open Space Provision in New Development) and the associated 'Green Space Network and Open Space' Supplementary Guidance.

Natural Heritage

Whilst the relevant NESBREC records search indicates the presence of bats near to the site, the site itself does not include any trees or building offering potential habitat or roosting potential that would be affected by the development. On that basis, it is considered that there is no likelihood of adverse impact on protected species, consistent with policy NE8 (Natural Heritage) of the ALDP.

Affordable Housing Provision and Developer Obligations

The proposed development comprises 23 affordable units, which the applicants' submissions indicate is to be delivered in association with LAR Housing Trust, an independent housing charity which offers homes at affordable rents to those with no realistic prospect of being allocated social housing.

Policy H5 (Affordable Housing) of the ALDP requires that developments of five or more units will contribute no less than 25% of the total units as affordable housing. In this case the development is exclusively affordable housing units, and would be an intermediate form of affordable housing, with units available for rental at a discounted rate. Delivery of the affordable component of a residential development would normally be secured by a legal agreement. On the basis that affordable rented units attract a lesser rate of car parking under the Council's Transport and Accessibility Supplementary Guidance, it is appropriate to secure the entire development as affordable units in order to ensure compliance with the development plan.

The delivery of affordable housing in principle is positive, however as noted previously in the Housing Land Supply section of this report, there is an ample supply of unconstrained land for residential development that would not require the use of land in the designated green belt. Whilst affordable housing developments are welcome as a means of addressing identified housing needs in the city, SPP and the Development Plan still require developments to be located in the right place. No compelling argument has been made to show why this exclusively affordable development might not be located on land where the principle of development is acceptable.

Policy I1 (Infrastructure Delivery and Developer Contributions) requires that impacts of the development are offset by improvements to infrastructure in order to accommodate the development, or payment of contributions in order to allow for that. The response from the Council's Developer Obligations Team highlights the various contributions that would be required for this development, including contributions towards increasing capacity at Kingswells Primary and Bucksburn Academy, through reconfiguration and extension respectively, as well as the extension

of Kingswells Medical Practice and increase to capacity at Kingswells Community Centre. Payment of these contributions can be secured via a legal agreement, ensuring compliance with policy I1 and the associated 'Planning Obligations' Supplementary Guidance.

Transport and Accessibility

Whilst the site is located towards the western edge of the City, it is within accessible distance of the existing public transport routes serving Kingswells, including the nearby park and ride site. Subject to the provision of new footway along the site frontage to connect with existing pedestrian infrastructure, the site can be accessed on foot. It is noted also that Core Path 31, from Kingswells Avenue to Old Skene Road, runs to the west of the site. The Developer Obligations Team has identified a requirement for a contribution of £7,886 for the improvement of that Core Path, based on increased usage relating to development at the scale proposed and consistent with policy NE9 (Access and Informal Recreation). The upgrading of an existing bus stop on Fairley Road, as described in the RDM consultation response, would further encourage travel by sustainable means, consistent with policy T3 (Sustainable and Active Travel).

Detailed assessment of car parking provision, internal road layout, accessibility for refuse collection vehicles etc would be undertaken via subsequent applications as part of the approval of matters specified in conditions process, however the indicative layout shown demonstrates on-site car parking which exceeds the maximum rates set out in the Council's relevant 'Transport and Accessibility' Supplementary Guidance (23 spaces instead of 19). The Council's Roads Development Management Team response expresses the view that, notwithstanding accordance with the Council's Supplementary Guidance, this edge-of-city location is such that additional spaces may be desirable. In recognition of this, the applicants have submitted a letter which points out that the indicative layout is not fixed at this PPIP stage, and expresses a willingness to incorporate extra spaces into the layouts at the MSC stage should the planning authority consider this to be necessary.

Roads colleagues also note that disabled parking spaces will be required at convenient locations throughout the development in order to ensure that all buildings are appropriately accessible, given the layout shows communal car parking and does not include dedicated driveways for residents of a given property. Electric Vehicle charging infrastructure (1 active and 2 passive charging locations) will also be required within the site, to ensure compliance with the relevant Supplementary Guidance.

As regards the development's impact on the existing road network, the RDM response highlights that assessment has been carried out on a more onerous basis than might have been expected, but nevertheless indicates modest increases to trips in the AM and PM peaks, such that no traffic surveys or junction capacity analysis is required. Submissions relating to the content and distribution of a Residential Travel Pack prior to occupation will be required as a means of encouraging travel by sustainable means.

On the basis of the above, it is concluded that the proposal would accord with the provisions of policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP.

Measures to treat and slow the discharge of surface water have been shown, with swales and filter drains sufficient for this purpose, however further submissions based on the detailed design of the final layout would be required in order to ensure compliance with NE6 (Flooding, Drainage and Water Quality).

Resources for New Development

No information relating to waste management provision or measures to achieve compliance with carbon reductions targets have been provided at this permission in principle stage. The applicants'

supporting statement recognises that such issues would require to be addressed via further applications for the Approval of Matters Specified in Conditions. The applicants' supporting statement gives a commitment to incorporating energy and water efficiency measures, as well as making provision for modern, high-speed communications infrastructure, in compliance with policy C11. Further submissions detailing appropriate measures, and delivery thereafter, could be secured via conditions attached to any granting of permission in principle, thus ensuring compliance with policies R7 and C11. The consultation response from Scottish Water indicates that there is presently capacity within the relevant water and waste water treatment works to accommodate connection, though the applicants will have to make separate application to Scottish Water in due course before that connection could be guaranteed.

Conclusion

Whilst it is recognised that a small portion of the site is residentially zoned, this cannot be considered in isolation, and the planning authority's assessment concerns the proposal as a whole. In that context, the proposed development represents a significant departure from the Development Plan by directing residential development to an area zoned as green belt in the relevant Aberdeen Local Development Plan, rather than to any of the allocated sites across the city, of which there is no shortage according to the most recent Housing Land Audit. There is no provision for residential development of this type in designated Green Belt areas, and no compelling case has been set out on the basis of other material considerations that would justify setting aside the provisions of the Development Plan in this instance.

RECOMMENDATION

Refuse

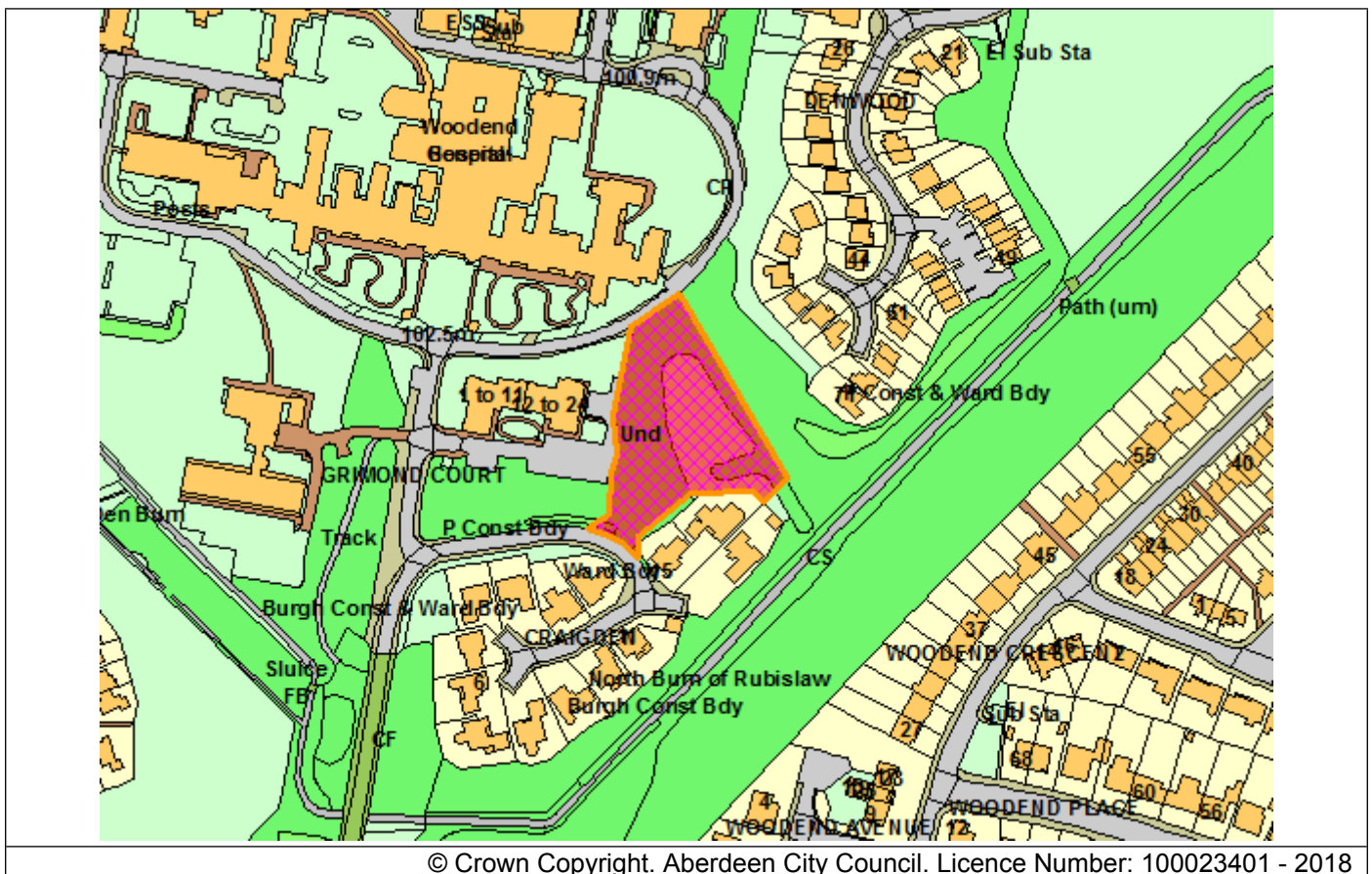
REASON FOR RECOMMENDATION

1. The development plan does not provide for residential development in green belt locations as proposed, and therefore the proposal represents a significant departure from policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP). Development in this location would undermine the strategy of the development plan, which seeks to allocate adequate land for identified housing needs and restrict development in green belt areas as a means of directing development to the most appropriate location and promoting the development of previously developed brownfield sites, which is central to regeneration in urban areas and consistent with the approach set out in Scottish Planning Policy (SPP). Whilst it is recognised that there is a small portion of the site that is zoned H1 for residential use, this does not alter the position as regards conflict with green belt policy on the majority of the site, which includes the proposed access point.
2. The 2019 Housing Land Audit demonstrates a healthy and generous housing land supply, indicating that there is no shortage of suitable housing sites in the city where a development of this scale and type could be accommodated.
3. The proposal would serve to erode the area of green belt between Kingswells and the Lang Stracht and, whilst not resulting in coalescence, would set an undesirable precedent for the development of green belt areas between existing settlements.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 23 January 2020</p>

Site Address:	Land To North Of 15 Craigden , Aberdeen, AB15 6YW,
Application Description:	Erection of two-storey 21-bed (circa) care home with associated access, car parking and landscaping
Application Ref:	190815/PPP
Application Type	Planning Permission in Principle
Application Date:	24 May 2019
Applicant:	Rubislaw Estates Ltd.
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Woodend
Case Officer:	Lucy Greene



RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is 0.41 hectares in size and lies to the north of Queen's Road between an area of housing 'Craigden' and the Woodend Hospital site, the main building of which is Category B listed. The site consists of green open space that was approved as open space in connection with the Craigden development. The land forms a south facing slope with a change in levels of 6m (not including the steep drop in the south eastern corner).

The houses at numbers 12, 14 and 15 Craigden are directly to the south and sited at a significantly lower level, so that the first floor level corresponds approximately with ground level on site where building is proposed.

Mature trees surround the site and these are covered by Tree Preservation Order (TPO). To the south east is the Den Burn. In the south east corner, the land drops steeply towards the burn. A core path runs alongside the burn.

Within the central of area of the site, the land slopes gently towards the south east and this area contains rough grass, a large pile of the remains of trees that have been felled and shrubs towards the east side. Deer were present at the time of the case officers site visit.

The entrance to the site from Craigden consists of an overgrown former track. To the north west of the entrance the land is graded steeply up to the flatted block at Grimond Court. To the south west is the garden fence to the garden of 15 Craigden; the house has windows at upper level on the north west elevation, as does the house at 14 Craigden, including full height windows within a dormer. There are approximately 1.8m high timber fences along the boundary between the houses and the application site. The house at 14 Craigden also has a conservatory on the north east elevation, which is clearly visible in its entirety from the central area of the application site.

Relevant Planning History

- 97/1658 (971630) Construction of 94no. Residential Units, Formation of Access Road and Car Parking and Associated Works
Approved conditionally January 1998
- 98/0493 (980484) Change of two house types on plots 2 and 3 approved under 97/1658
Approved conditionally May 1998

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to develop the site for a residential care home, under Class 8 (residential institutions) in the Use Classes Order. The indicative plans show a two storey building, built into the slope of the site, so that the lower level would be at ground level to the south (front) whilst this level would be below ground level to the rear. The plans indicate 21 bedrooms which are en-suite and have a small kitchen area within an open plan space.

Bedrooms are mostly on the upper level, and on the south elevation some of these have direct access onto a decked area, which contains a dining room and parking below. On the lower level there are four rooms and staff accommodation on the eastern side of the building. The remainder of the lower level would provide a dining room and lounge, with associated kitchen, with large windows

to the south, and parking for seven cars within the rear of the lower level, in the area of the building which is below ground level (due to the south facing slope of the site). To the front of the building would be two further parking spaces.

Over the course of the application, several amended sets of drawings were submitted to show how the care home could be accommodated on the site. The care home has been reduced from 50 no. to 21. No beds in the process.

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=PRT8I4BZG5T00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are six or more objections to the proposal. There are 18 no. objections.

CONSULTATIONS

Roads Development Management Team – No objection, parking provision appears adequate. Conditions would be required relating to detailed design of parking configuration and access dimensions, however, these appear acceptable in principle.

Environmental Health – Conditions required regarding noise assessment and odour control.

SEPA – Building would be largely above 95m AOD (above ordnance datum), which provides a freeboard of 5m above the burn. Although there is some encroachment below this level, this is negligible and there is no objection. Condition required to provide details of the floodable solum / flood compensation.

Aberdeen International Airport – Request addition of conditions to any consent granted. These would relate to location and height of building, details of landscaping and bird hazard.

Developer Obligations – Contributions required towards healthcare, core paths and open space. The relevant amounts were calculated for the provision of a larger care home and the scheme has since been revised. A revised calculation on the same basis would be needed if the application were to be approved.

Waste Strategy Team – No objection. Details of access for refuse vehicles and bin storage would be required by condition.

Scottish Water – No reply received.

Woodend Community Council – No reply received.

REPRESENTATIONS

There are 18no. letters of objection and 31 no. letters of support.

The letters of objection make the following points:

- The proposal is not in line with Policy NE1 – Green Space Network
- The proposal is contrary to Policy NE4 – Urban Green Space
- The site is unsuited to care home provision as environmental hazard, such as steep land and the Burn, lie within the vicinity and this would leave residents very constricted. There is no easy access to shops and other facilities, meaning that residents would lack freedom.
- Objector has lived in the flats overlooking the field for 7 years and has seen much wildlife, including deer, red squirrels, woodpeckers and owls
- Residential amenity would be negatively impacted, with many people's privacy and views affected;
- Increased traffic on Queen's Road junction during construction and after the development is complete will disrupt access. Access is unsafe due to a blind corner
- Serious traffic implications as the access is already congested due to traffic parking to visit Woodend Hospital;
- Loss of area of green space and reduced quality of life as a result of loss of open space;
- The land is only not better used due to the actions of the landowner (see below)
- This is amenity space for Craighden Community. However, since the current owner took ownership it has become seriously overgrown, trees have been removed and left on site in piles, and a car has been abandoned on the site;
- It is untrue, as the application states, that there is no change to existing paths and rights of way, as the amenity space would be removed from public use
- Risk of water run-off and flooding
- Concern over deliverability of landscaping and environmental benefits, as the landowner has acted in a completely different way in the past
- The land was approved as amenity land under the Cala application and there was a condition attached that referred to it.
- Proposal is contrary to Policy H1 as it would result in the loss of valued open space and would create a conflict with residential amenity
- The green space is surrounding by buildings and its loss would damage the green space network as the link would be lost.
- Loss of trees on the site due to the proposal would be contrary to Policy NE5 – trees and woodland
- Numbers 14 and 15 Craighden are significantly lower than the site, exposing them to noise and traffic disruption, no amount of landscaping would help
- The provision of care homes and the size, should be properly planned, not developed on a site in order to avoid residential restrictions.

In support of the proposal, it is stated that care homes are needed

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy

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

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

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

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

Aberdeen Local Development Plan (2017)

Policy D1 – Quality Placemaking by Design

Policy D2 – Landscape

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and active Travel

Policy NE3 - Urban Green Space

Policy H1 – Residential Areas

Policy NE1 – Green Space Network

Policy NE5 – Trees and Woodland

Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance and Technical Advice Notes

SG Trees and Woodland

SG Planning Obligations

EVALUATION

Principle of Development

Policy H1: Residential Areas

The area in question is zoned under Policy H1: Residential Areas. The proposal is quasi-residential in nature. It therefore falls to be considered under the provisos within the policy:

1. Whether the proposal constitutes overdevelopment;
2. Whether the proposal would have an unacceptable impact on the character and amenity of the surrounding area;
3. Whether the proposal results in the loss of valuable and valued areas of open space. Open space being defined in the open space audit.; and
4. Whether it complies with supplementary guidance.

The topography of the site and surrounding area is such that the application itself is overlooked by flats at Grimond Place, which are on higher land and there are a large number of windows on this existing flatted block looking east across the site. This is a constraint on the proposal, however, the indicative plans do not have windows to the west, and the indoor privacy of any future

residents would not be impacted by flats at Grimond Place. The application site is at a higher level than the existing houses at Craigden. The two closest houses are number 14 and 15. The levels are such that the first floor windows of these houses are at the height of ground level within the area of the site where the proposed building would be located. The indicative plans show a building with communal space and bedrooms with outlooks southwards. There is also a terrace on the roof of the communal space, for the use of residents. All of these elements would cause overlooking of the existing houses and the proposal would be have an overly dominating presence, being on higher ground with a clear view over the conservatory at number 14 and upper level windows of both properties. There are first floor windows in the north west elevations of both existing properties, including dormer with full height windows.

Due to the nature of the site, with large mature trees to the north, rising ground along the western site boundary, with large trees on this ground, a development of this nature would need to provide significant outlook to the south. The site is constrained by the root protection areas and in order to avoid these, the development is, by necessity, sited as proposed. It is therefore inevitable that there is an impact on neighbours to the south, and this leads to the conclusion that the proposal would result in an unacceptable impact on residential amenity and constitutes over development of the site in this context. The proposal therefore fails to comply with points 1 and 2 of Policy H1.

In terms of point 3, loss of valued open space, there are two applications relevant to the site and wider area. The plans on application 97/1658 and later application 98/0493, which is a change of house types on two plots, show the area in question designated as open space Condition 13 (on 97/1658) is relevant:

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that no development shall take place unless a scheme detailing the manner in which the open space areas, as shown on drawing nos. EWA.004C and EWA.006.*, is to be managed and maintained has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the area.

There is a further Plan showing the area with planting scheme, a letter from the Green Belt company confirming in principle that it would adopt the open space and wooded areas and a further letter from the planning authority purifying the condition.

It is therefore clear that the area was included as open space with some planting and it is considered that the area was approved under the above application as open space for the development.

Although more recently, some types of recreational use of the area have been constrained by a lack of management, it continues to have significant value as natural wildspace. The area is included within the open space audit as part of a wider open space that includes the Den Burn corridor. The open space scores 16 out of 20 in the audit, which looks at a number of factors including biodiversity, sense of place, community and health. It is therefore concluded that the proposal would result in the loss of valued open space and, with that in mind, is contrary to Policy H1.

Policy NE3: Urban Green Space

For the reasons described above, the proposal does not comply with Policy NE3, that seeks to retain green space. The policy applies to smaller spaces not specifically designated as such.

Policy NE1: Green Space Network (GSN) and D2: Landscape

The GSN seeks to protect the wildlife, access, recreation and ecosystem services and landscape value of the GSN. Whilst the proposal would erode to some degree the character and function of the GSN, with appropriate landscaping it would not cause a break in the green linkages. There is some tension with this policy. Similarly the proposal is not informed by the existing landscape, as required by Policy D2, the character of this area is that the more steeply graded ground is natural open space, whilst the more level areas have been developed for housing. The site falls into the former category. The site is visible locally although the proposal would not impact upon public views of the city from busy vantage points, such as the route into the city along Queens Road.

Policy NE5: Trees and Woodland

Tree loss for the development would consist of the removal of six trees for the widening of the access from Craighden. A further six trees would be lost for health and safety. Although the trees lost for development are not especially high quality as individual specimens, taken together with the six removed for health and safety reasons, there is a loss to the value of the site as a natural greenspace and to the ecosystem within the area. A Category A sycamore would be retained, with the erection of retaining wall adjacent to the site access.

The proposed building is shown on the indicative plans as being located within the edge of the zone of influence of a number of trees. This, combined with the fact that many of the trees are on higher ground and would overshadow the north facing side of the development in particular, would result in the possibility of future pressure for further tree removal by future managers of the care home.

Policies T2 and T3: Transportation and parking

The nature of the use is that parking demand is not high and it would be accommodated in underground parking on site. There are public transport links on Queens Road and there is no objection from the Roads Team. There is no reason in principle why existing informal routes through the site should not remain. The proposal is not discordant with Policies T2 and T3.

Policy NE6: Flooding and drainage

SEPA removed an earlier objection to the proposal as it was established that levels would not significantly affect flood plains. With appropriate conditions, it could be ensured that surface water could be appropriately managed.

Policy I1: Infrastructure

Contributions would be required towards healthcare, core paths and open space. This accords with Policy I1: Infrastructure

Other matters raised by representations

Many of the matters raised are dealt with above.

The need for care homes is mentioned by those supporting the proposal. This proposal is for a relatively small provision of care accommodation, which may be used by elderly or adults with additional support needs. This use is quasi residential and may be provided on any of the many sites allocated for residential use in the city. There is no evidence of a need relating to this particular area.

The application is subject to a processing agreement.

If Committee resolve to approve the application, it is recommended that conditions are attached as recommended by consultees and including: to limit the proposal to the footprint and height indicated and further details are required of design, layout of car parking and access, bird hazard, landscaping (including along the southern boundary), bin storage and noise assessment.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

- 1. The proposal would result in an unacceptable impact on the privacy and residential amenity of the residents of Craigden, in particular at numbers 14 and 15. This would be contrary to Policy H1: Residential Areas.**
- 2. The proposal would result in the loss of valued natural green open space and trees and the erosion of the quality of the Green Space Network. It would create a tension between trees and future residents that is likely to result in the loss of further trees in the future. The proposal is therefore contrary to Policy NE5: Trees and Woodland, Policy NE4: Urban Green Space , Policy NE1: Green Space Network and Policy D2: Landscape**