

# Public Document Pack



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

Town House,  
ABERDEEN 17 September 2020

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet remotely on **THURSDAY, 24 SEPTEMBER 2020 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

### **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 20 August 2020 - for approval (Pages 9 - 18)

## **COMMITTEE PLANNER**

- 5.1 Committee Planner (Pages 19 - 20)

## **REPORTS**

- 6.1 Binghill House - Pre Determination Hearing - 200750 (Pages 21 - 34)
- 6.2 Annual Committee Effectiveness Report for PDMC - May 2019 to March 2020 (Pages 35 - 50)

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

- 7.1 Detailed Planning Permission for residential development of 78 dwellings with associated access, parking, landscaping and other associated works - Land north of Kirk Brae - Friarsfield, Cults, Aberdeen (Pages 51 - 90)

Planning Reference – 200171

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

[Link.](#)

Planning Officer: Gavin Clark

- 7.2 Detailed Planning Permission for the erection of Class 1 (shops), retail unit with associated car parking, access, landscaping and associated works at land at Counteswells Road Aberdeen (Pages 91 - 136)

Planning Reference – 200659

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

[Link.](#)

Planning Officer: Gavin Evans

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

8.1 Detailed Planning Permission for the installation of a security fence (retrospective) at Stonewood Park Aberdeen (Pages 137 - 150)

Planning Reference – 200656

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

[Link.](#)

Planning Officer: Robert Forbes

**DATE OF NEXT MEETING**

9.1 Thursday 5 November 2020 at 10am

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

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

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email [lymcbain@aberdeencity.gov.uk](mailto: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, 20 August 2020. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Allard (as substitute for Councillor Copland for items 4 to 7), Cooke, Greig, Hutchison (as substitute for Councillor Cormie for items 4 to 7), MacKenzie, Malik, Mennie (as substitute for Councillor Cormie for items 1 to 3) and Noble (as substitute for Councillor Copland for items 1 to 3).

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 2 JULY 2020

1. The Committee had before it the minute of the previous meeting of 2 July 2020, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE PLANNER

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

**The Committee resolved:-**

to note the information contained in the Committee business planner.

### LAND TO EAST OF LADY HELEN PARKING CENTRE, ABERDEEN ROYAL INFIRMARY, FORESTERHILL ROAD, ABERDEEN - 191896

3. 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 erection of a four storey elective care centre with associated external works, at the land to the east of Lady Helen Parking Centre at Aberdeen Royal Infirmary Aberdeen, be approved subject to the following conditions:-

**Conditions**

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**1. Cycle Parking (Short and Long Stay)**

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing number ECP1-MRT-XX-XX-PL-A-90001\_P01, have been fully installed and made available for use.

Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

**2. Site-Specific Pollution Prevention Plan**

That no development pursuant to the development hereby granted planning permission shall be undertaken unless a site-specific pollution prevention plan has first been submitted to and agreed in writing by the planning authority, in consultation with SEPA. Thereafter, all works shall be carried out in accordance with the plan so agreed.

The required site-specific pollution prevention plan shall address the following matters:

- Confirm if new connections to the existing sewer are proposed and provide details of protection of the Gilcomston Burn;
- Pollution prevention
- Sediment management
- Environmental incidents
- Waste management

Reason: In order to minimise the impacts of necessary construction works on the environment.

**3. Materials**

No works in connection with the development hereby approved shall commence unless details of the specification and colour of all the materials to be used in the external finish of the development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details, specification and colour.

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

**4. Foul and Surface Water Drainage Arrangements**

The building hereby approved shall not be brought into use unless the proposed foul and surface water drainage arrangements have been provided in accordance with the approved plans and the Drainage Assessment (*Ramsay and Chalmers C3898 Rev A, dated 19.12.19*), or such other alternative submissions as have been submitted to and agreed in writing by the planning

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authority.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

**5. Bird Hazard Management Plan**

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

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 3 – Wildlife Hazards (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/> )
- Maintenance of planted and landscaped areas

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

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

**6. Landscaping Scheme**

No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- An indication of existing trees, shrubs and hedges to be removed;
- The location of re-planted trees or compensatory planting;
- The location of new trees, shrubs, hedges and grassed areas;
- A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- Measures for the protection of those trees to be retained during construction, including plans demonstrating the extent of any necessary tree protection fencing and a sample detail for that fencing;
- Existing and proposed finished levels;
- The location, design and materials of all hard landscaping works including walls, fences, gates, and play equipment;
- A programme for the implementation, completion and subsequent management of the proposed landscaping.

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All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

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

**7. Low and Zero Carbon Buildings and Water Efficiency**

The building hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency measures applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- 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 Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

**8. Environmental enhancements as part of detailed design**

No works in connection with the development hereby approved shall commence unless a scheme of environmental enhancements has been submitted to and approved in writing by the planning authority in consultation with the Scottish Environmental Protection Agency.

Once approved the scheme shall be implemented in full.

Reason: To ensure the offset of environmental impacts and contribute to and enhance the natural environment and support Policy D1 – Quality Placemaking by Design.

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

### **The Committee resolved:-**

to approve the application conditionally, with the Informative included in the Committee report, and an extra one added to read:-

2. 'Secured by Design' scheme - Attention is drawn to the consultation response from Police Scotland's Architectural Liaison Officer, which strongly encourages the applicants to seek the 'Secured By Design' award in order to demonstrate that safety and security have been proactively considered and that the development will achieve high standards in these respects. 'Secured by Design' (SBD) is a police initiative to encourage the building industry to adopt crime prevention measures in development design to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. 'Secured by Design' is endorsed by the Association of Chief Police Officers (ACPO) and has the backing of the Home Office Crime Reduction Unit. It has been drawn up in consultation with the Department of Transport, Local Government and the Regions (DTLR, formerly DTLR).

### **BERRYDEN CORRIDOR BETWEEN ASHGROVE ROAD AND ST MACHAR DRIVE, ABERDEEN - 200366**

4. 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 formation of a road with associated footways, cycle tracks, street lighting, drainage, landscaping, earthworks and associated works at road corridor between Ashgrove Road and St Machar Drive Aberdeen, be approved subject to the following conditions:-

### **Conditions**

#### **(1) PHOTOGRAPHIC SURVEY**

No development (including demolition or site clearance) shall take place unless a photographic survey of the existing buildings, structures, roads, routeways and their overall setting on the application site has been submitted to and approved in writing by the planning authority. All external elevations of the buildings and structures together with the setting of the buildings, structures and routeway and any unusual features of the existing buildings, structures and routeway shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

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

**(2) TREE PROTECTION**

No development shall take place (including demolition or site clearance) unless the construction exclusion zones and associated protective fences have been established on site in accordance with Alan Motion Tree Consultant drawings SW-ACC-TP-04 and SW-ACC-TP-05. Thereafter, unless otherwise agreed in writing by the planning authority, the exclusion zones shall remain in place for the duration on the construction of the road.

Reason – to protect trees during the construction of the development.

**(3) BAT SURVEY**

No development shall take place (including demolition or site clearance) unless a further bat survey has been submitted to and approved in writing by the planning authority. The scope of the survey will be dictated by the recommendations in section 5.3.1 of Preliminary Ecological Appraisal Report ref: 65200891 by Sweco. Thereafter, development shall be undertaken in accordance with the approved bat survey.

Reason – to ensure the protection of bats.

**(4) DUST MANAGEMENT**

No development shall take place unless a Dust Management Plan detailing the necessary dust control measures to be implemented during development has been submitted to and approved in writing by the planning authority. The Dust Management Plan shall include and be based on an 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant to predict the likely dust levels and impact on air quality including a determination of its significance.

Thereafter, unless otherwise agreed in writing by the planning authority, the measures contained within the Dust Management Plan shall remain in place for the duration on the construction of the road.

Reason – to protect the surrounding receptors from dust.

**(5) DRAINAGE**

No development shall take place unless a detailed scheme of all drainage works, in accordance with the principles contained within the Flood Risk and Drainage Impact Assessment (ref: 70062072 (Rev.2) by WSP), has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise

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agreed in writing by the planning authority, the northern leg of the road (approved by this application) shall not be brought into use unless development has been undertaken in accordance with the approved scheme.

Reason – to ensure surface water associated with the development can be adequately dealt with.

**(6) STREET FURNITURE**

No development shall take place unless a scheme of street furniture (e.g. street lights, barriers, traffic signals) has been submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the planning authority.

Reason – to satisfactorily integrate the development into the surrounding environment and maintain the visual amenity of the area.

**(7) LANDSCAPING**

No development shall take place unless a detailed landscaping scheme has been submitted to and approved in writing by the planning authority. The scheme shall include the proposed areas of tree, shrub and turf planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting

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

Reason – to satisfactorily integrate the development into the surrounding environment and maintain the visual amenity of the area.

**(8) BOUNDARY TREATMENTS**

No development shall take place unless a scheme of boundary treatments showing typical elevations and construction detail of each boundary type has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing by the planning authority, the northern leg of the road shall not be brought into use unless development has been undertaken in accordance with the approved scheme.

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Reason – to satisfactorily integrate the development into the surrounding environment and maintain the visual amenity of the area.

**(9) RE-USE OF GRANITE**

The northern leg of the road shall not be brought into use unless a scheme quantifying the amount of salvageable granite (from buildings, structures and kerbs) along the route has been submitted to and approved in writing by the planning authority. The scheme shall indicate where within the development (either within the application boundary or as part of the wider project) such granite will be re-used. Thereafter, unless otherwise agreed in writing by the planning authority, the northern leg of the road shall not be brought into use unless development has been undertaken in accordance with the approved scheme.

Reason – to satisfactorily integrate the development into the surrounding environment and maintain the visual amenity of the area.

**(10) NOISE BARRIERS**

The northern leg of the road shall not be brought into use unless (i) the noise barriers shown on figures C.5 and C.6 within the Noise and Vibration Assessment (ref: 60528418 (Rev.03) by AECOM) have been installed; and (ii) the walls acting as noise barriers which are identified have remained in place or have been replaced by barriers of the same height as identified in the assessment, unless otherwise agreed in writing by the planning authority.

Reason – to mitigate the impact of noise from the operation of the road on surrounding properties.

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

**The Committee resolved:**

to approve the application conditionally.

**LAND OPPOSITE 39 BLOOMFIELD ROAD ABERDEEN - 200484**

5. 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 erection of a two storey dwellinghouse with integral double garage, terrace, external steps, partial excavation and releveling including construction of retaining walls/fencing and associated landscaping at land opposite 39 Bloomfield Road Aberdeen, be approved subject to the following conditions:-



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**Conditions**

1. No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been 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 shall include:

- (a) an investigation to determine the nature and extent of contamination and any ground gases;
- (b) a site-specific risk assessment;
- (c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
- (d) verification protocols to demonstrate compliance with the remediation plan

Reason: To ensure that the site is suitable for use and fit for human occupation

2. No building(s) on the development site shall be occupied unless
- a. 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
  - b. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination and ground gas issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

Reason: To ensure that the site is suitable for use and fit for human occupation

3. The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Resources for New Development' Supplementary Guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Reason: To ensure that this development complies with requirements for reductions in carbon emissions specified in Policy R7 of the 2017 Aberdeen Local Development Plan.

4. The building hereby approved shall not be occupied unless the boundary treatment as specified in drawing 02E have been installed, and shall be retained as such or replaced with a fence/screening of a similar height unless otherwise agreed in writing by the Planning Authority.

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Reason: In the interest of residential amenity.

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

**The Committee resolved:-**

to approve the application conditionally.

**19 SOUTH AVENUE ABERDEEN - 200533**

6. 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 erection of four detached dwelling houses at 19 South Avenue Aberdeen, be refused.

The Committee heard from Dineke Brasier who spoke in furtherance of the application.

**The Committee resolved:-**

to refuse the application.

**TYREBAGGER QUARRY, CLINTERTY ABERDEEN - 200498**

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 formation of an aggregate recycling facility, installation of wash pod and generator with all associated works at Tyrebagger Quarry, Clinterty Aberdeen, be refused.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application.

**The Committee resolved:-**

to refuse the application.

- **Councillor Marie Boulton, Convener**

	A	B	C	D	E	F	G	H	I	J
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> 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			<b>24 September 2020</b>							
4	Committee Annual Effectiveness Report	To present the annual effectiveness report for the Committee	On agenda	Fraser Bell	Governance	Governance	GD7.5	D	Due to workload challenges with COVID-19.	
5	Stoneywood Park - 200656	To approve or refuse the application for erection of a security fence	On agenda	Robert Forbes	Strategic Place Planning	Place	1			
6	Counteswells Road - 200659	To approve or refuse the application for erection of Class 1 (shops) retail units with associated car parking, access, landscaping and associated works.	On agenda	Gavin Evans	Strategic Place Planning	Place	1			
7	Friarsfield - 200171	To approve or refuse the application for residential development of 82 dwellings with associated access, parking, landscaping and associated works.	On agenda	Gavin Clark	Strategic Place Planning	Place	1			
8	Binghill House, Binghill Road - 200750	To seek approval for a Pre Determination Hearing.	On agenda	Gavin Clark	Strategic Place Planning	Place	1			
9			<b>05 November 2020</b>							
10	56 Cromwell Road - 200559	To approve or refuse the application for the erection of a single storey ancillary accommodation to the rear.		Jemma Tasker	Strategic Place Planning	Place	1	D	Further information from the applicant was requested but not received at this time.	
11	15 Maberly Street - 200621	To approve or refuse the application for the erection of 17 flats.		Robert Forbes	Strategic Place Planning	Place	1	D	Discussions ongoing with the agent. A revised noise impact assessment required and will need further assessment by the Environmental Health consultee before determination by PDMC.	
12	Alba Gate, Stoneywood - 200833	To approve or refuse the application for mixed use development –residential/commercial.		Aoife Murphy	Strategic Place Planning	Place	1	D	Not yet in a position to make a recommendation and therefore do not know the route of determination	
13	Land East of Falkland Avenue Cove - 200584	To approve or refuse the application for residential development of 177 dwellings with associated parking, open space and associated infrastructure.		Aoife Murphy	Strategic Place Planning	Place	1	D	Concerns were raised regarding the proposed mix, now being looked into by the developer and hence the delay.	
14	Parkhead, Craibstone - 200751	To approve or refuse the application for formation of a golf driving range.		Robert Forbes	Strategic Place Planning	Place	1			



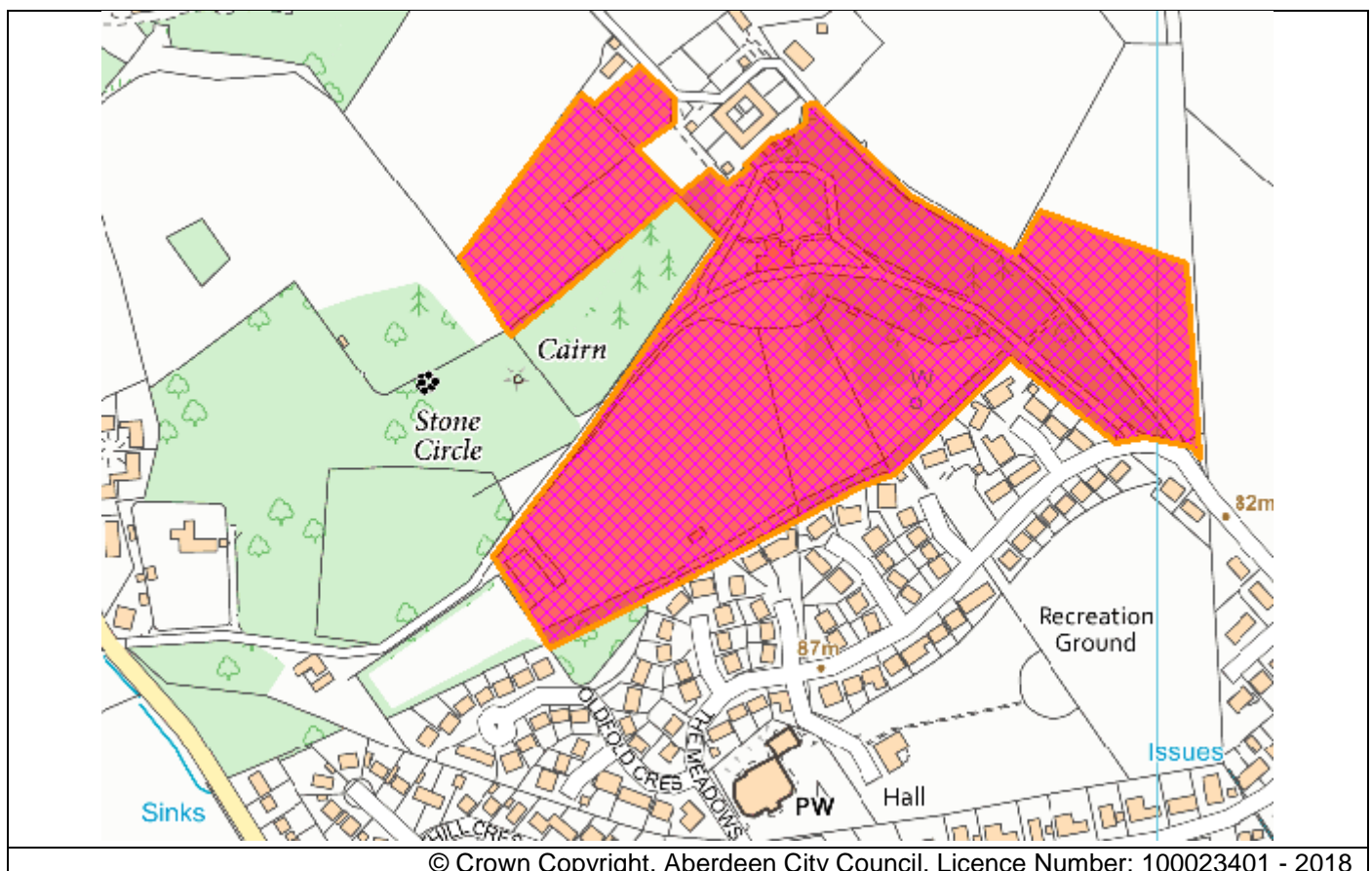


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 24<sup>th</sup> September 2020**

<b>Site Address:</b>	Binghill House, Binghill Road, Aberdeen, AB13 0JL.
<b>Application Description:</b>	Erection of active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure
<b>Application Ref:</b>	200750/PPP
<b>Application Type</b>	Planning Permission in Principle
<b>Application Date:</b>	3 July 2020
<b>Applicant:</b>	Mrs Shona Buyers
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Gavin Clark



## **1. PURPOSE OF REPORT**

This report considers whether application Ref: 200750/PPP, which triggers the statutory criteria to require that a pre-determination hearing is held, should be determined by the Planning Development Management Committee or if it would be advisable for the pre-determination hearing and determination to be carried out by Full Council.

## **2. RECOMMENDATION(S)**

That the Committee:

- 2.1 Note the contents of the report; and
- 2.2 Agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee (PDMC) and that the application is then determined at a subsequent scheduled PDMC meeting.

## **3. BACKGROUND**

- 3.1 A report to the 30<sup>th</sup> April 2020 meeting of the Planning Development Management Committee (Report No: GOV/20/087) set out the process to be followed for reporting to this Committee and referral to Full Council where the relevant criteria for Pre-Determination Hearings are triggered. The recommendations of that report were agreed by the committee.

## **4. APPLICATION BACKGROUND**

### **4.1 Site Description**

The site sits to the immediate north of the settlement of Milltimber and is allocated as both “Green Belt” and Green Space Network” in the adopted Aberdeen Local Development Plan. The site contains Binghill House, a Category “C” listed building, its grounds and adjacent land to the east at Binghill Farm.

### **4.2 Relevant Planning History**

A proposal of application notice (Ref: 190857/PAN) was submitted in early 2019 for a mixed-use major development incorporating a new retirement community, the extension to and conversion of Binghill House to a care home (Class 8), new purpose built retirement and residential accommodation (Class 9 houses and flats - up to 140 units) and other supporting uses anticipated to include a small local shop, food & drink or service uses (Classes 1, 2 & 3) and community allotments.

A screening opinion (Ref: 191893/ESC) was issued in January 2020 advising that an Environmental Impact Assessment was not required for a mixed-use development incorporating a new retirement community, the extension to and conversion of Binghill House to a care home (Class 8), new purpose built retirement accommodation (Class 9 houses and flats - up to 56 units) and other supporting uses anticipated to include a small local shop and cafe (food & drink) and service uses (Classes 1, 2 & 3).

Planning permission (Ref: 130408) was granted in August 2014 for alterations to Binghill House to form three residential apartments. This permission was not implemented and has since expired.

### 4.3 Description of Proposal

The application seeks Planning Permission in Principle (PPiP) for the erection of active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure.

As this is an application for Planning Permission in Principle, the precise details of the proposal and its form are yet to be fully developed, although the submitted site plan gives an indication of the level of development that could be accommodated on site. This application seeks simply to establish the principle of development in this location of the type and scale proposed.

### 4.4 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=QCW9G1BZIO100>

These include:

- Archaeology Desk Based Assessment and Walkover Survey
- Heritage Planning Statement
- Planning Support Statement
- Pre-Application Consultation Report
- Senior Living Supporting Statement
- Drainage Statement
- Transport Statement
- Supporting Environmental Walkover Survey
- Tree Survey Report
- Badger Survey
- Arboricultural Assessment Plan
- Binghill Arboriculture Impact Plan
- Tree Protection and Management Plan

### 4.5 Pre-Application Consultation

This application is accompanied by a Pre-Application Consultation Report (PAC Report), as required by the relevant regulations for all planning applications concerning developments in the major category.

The applicants held a statutory pre-application consultation event on the 20<sup>th</sup> June 2019 from 1pm – 7pm. An advertisement was placed in the Evening Express on the 12<sup>th</sup> June 2019 giving notice of the consultation event. Posters were also displayed in three places in Milltimber and leaflets were posted to properties in the vicinity of the site (which were agreed with the Planning Authority). These notices including details of the location, date and timing of the event as well as a short description of the development and details of how to obtain further information about the proposals. In addition, notices were sent to the local Cults, Bieldside and Milltimber Community Council and the local ward members at

least 7 days ahead of the meeting.

At the consultation event display boards were produced to illustrate the proposed development and supplementary aerial images and indicative masterplans were available for viewing at the event. Attendees were asked to register their attendance and were offered forms to provide feedback. Attendees were given a brief verbal introduction to the format of the event, the layout of the boards and display information and invited to ask questions of the Project Team at any time.

Approximately 85 people signed into the public event, however it is estimated that over 100 people attended the event over the course of the day. Comments received verbally following pre-application discussions, at the event, or on returned comments forms (50 completed responses) focussed on the following themes:

- Principle of Development
- Access
- Traffic
- The need for this style of housing
- Mainstream housing
- Environmental Impact

These responses are summarised in the PAC report along with the applicants' commentary on whether/ how the proposals have taken them into account.

In addition, members of the design team attended the 23<sup>rd</sup> May meeting of Cults Bieldside and Milltimber Community Council and presented the proposed development to those in attendance. Follow up meetings were held with the Planning Liaison Officer and Member of the Community Council on the 27<sup>th</sup> June 2019 as they were unable to attend the original meeting. A further meeting with the Planning Liaison Officer and two members of the Community Council was held on the 18<sup>th</sup> November 2019.

On 20<sup>th</sup> September 2019 the applicant gave a presentation of the proposal to the Council's Pre-Application Forum. This presentation contained details of the original proposal submitted at the time of the PoAN, the vision for the development, the history of the site and the consultation undertaken. Also presented were amendments to the development which were being considered at the time and the rationale for these amendments. An independent advisor to the project and an expert on senior living accommodation spoke as part of the presentation evidencing the need for the style of development being proposed, and how it differs to the style of retirement accommodation currently being provided in Scotland.

#### **4.6 Requirement for a Pre-Determination Hearing**

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a Significant Departure from the Development Plan by virtue of it being a major mixed-used retirement community led development which is located on land designated as Green Belt and Green Space Network, where policies NE1 and NE2 of the Aberdeen Local Development Plan apply. Policy NE1 states that the "*Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network*" and "*proposals for development that are likely to destroy or erode the character and/ or function of the Green Space Network will not be permitted*". Policy NE2 states that "*no development will be permitted in the Green Belt 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*". It also goes on to advise of several exemption criteria that would not relate to the current proposals.

Neither of these policies allows for mixed use retirement community-led development of the type proposed and therefore this proposal constitutes a significant departure from the Development Plan.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 there is a requirement to hold a Pre-determination Hearing before such applications may be determined.

A previous requirement for such applications to be determined by Full Council has been removed by the recently revised legislation under the Planning (Scotland) Act 2019, and in March of this year Council delegated authority for these statutory hearings and determinations to PDMC as part of the Scheme of Governance review. It will therefore be for Members to decide whether the hearing and subsequent determination of this application are conducted in front of PDMC, or whether there are any issues that would warrant referral to Full Council in this instance.

The purpose of such hearings is to afford both the applicant and those who have made written representation on the proposed development the opportunity to present their views directly to the Members of the Council.

#### **4.7 Consultations**

**Archaeology Service (Aberdeenshire Council)** – have advised that No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

In this instance this programme of works will include (with reference to the Desk-Based Assessment as submitted):

- Site 11 (ruined building) – Level 1 Building Survey undertaken of this structure
- Site 3 (outhouse) – Photographic Survey undertaken of this structure
- Site 12 – two trenches across this alignment to identify the former formal paths and circular garden features as identified on the 1st Edition OS Map and investigate how they were constructed, materials used etc.
- 10% Evaluation of the area south of the current Binghill House encompassing the majority of the 'central' section of development in an attempt to locate the old house of Binghill/Drum well. (so this would a corridor running south of the main house that

includes the area marked for the new village green, retirement apartments and retirement cottages); and

- Site 1 Bingham House Level 1 standing building survey prior to any alterations.

**ACC - Developer Obligations** – have advised of required developer obligations towards the Core Path Network (£26,784), Healthcare Facilities (£73,697), request the delivery of high quality on-site open space provision and a contribution of £131,652 towards Community Facilities.

**ACC - Environmental Health** – Due to the location of the proposed development, the occupants of surrounding existing residential property may be exposed to risk of dust impacting on amenity during each phase of the works (E.g. Preparation, earthworks, construction and track out). They are of the opinion that provision of suitable mitigation measures can address this. They therefore request the following;

- An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant is carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' to predict the likely dust levels and impact on air quality including a determination of its significance.
- A Dust Management Plan produced in line with the guidance (based on the outcome of the Dust Risk Assessment) submitted and agreed in writing with this Service detailing the necessary dust control measures to be implemented.

Environmental Health also note from the application that a Café is proposed as part of the development, it is also highly likely that some catering operations will take place in the nursing home. Full details of the proposed Local Extract Ventilation (LEV) systems would therefore be required from the applicant in order to demonstrate that systems for either facility will have satisfactory measures in place to mitigate any potential odour issues, which may affect the amenity of existing and proposed residential properties nearby. They would therefore request the following 'details for approval' relating to odour and noise control which would be required prior to determination:

- A suitable extract ventilation assessment by a competent person, in line with relevant guidance for example, the EMAQ guidance document 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (or equivalent as suitably demonstrated) and associated references. This assessment must predict the impacts of odour associated with the specific type and level of cooking activities to be undertaken and fully demonstrate the effectiveness of any proposed mitigation measures to; extract filter, neutralise, and disperse cooking fumes produced at the premises. Details of this assessment including evidence to demonstrate adequate odour control must be submitted for review, in the form of a suitable report to the satisfaction of the Environmental Health Service; and
- A Noise Impact Assessment by a suitably qualified noise consultant to predict impacts of noise associated with the proposal and establish the extent of any noise controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment including evidence to demonstrate adequate Noise control must be submitted for review, in the form of a suitable report to the satisfaction of the Environmental Health Service.

They have also suggested that, in order to protect the amenity of the occupants of existing nearby residential properties, any development works at the proposed development

(including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours: Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours.

**ACC - Structures, Flooding and Coastal Engineering** – advised that a Flood Risk Assessment was not required and that any drainage issues should be dealt with by colleagues in Roads Development Management.

**Police Scotland** – have provided general guidance on crime levels in the surrounding area and encouraged the applicants to contact them at an early stage in relation to access control/ lockable gates, perimeter fencing and vehicle parking, lighting, landscaping, alarm systems, permeability and maximising natural surveillance.

**ACC - Roads Development Management Team** – have provided the following comments:

Walking and Cycling: It is noted the site proposes to provide internal pedestrian footpath connectivity looping round the overall site, while providing connections to the existing adopted footpath network onto Bingham Road and Oldfold Crescent directly to the south of the site, which in turn connects further to wider Milltimber area and North Deeside Road (bus links). Clearer details of the internal footpaths adjacent to the road (if any) shall be required at future date of an MSC application.

It is noted within supporting 'Transport Statement' (TS) the intention to tie in and extend new pedestrian footpath up the east side of Bingham Road which is being implemented as part of the new Milltimber Primary School. It is confirmed that this is required and should be conditioned as part of any approval of this application.

In terms of the site being served by cycle provision this shall be on-street via Bingham Road until such times it can tie in with North Deeside Road and the Deeside Way (part of National Cycle Route) to the south. Bingham Road and the wider Milltimber area has recently had imposed upon it a new mandatory 20mph speed limit and increased traffic calming measures, making it safer for on-street cycling.

Public Transport: It is noted that the nearest bus route to the site is on North Deeside Road (south of site), this route provides regular services along North Deeside Road into the heart of the City and City Centre. Bus stops for such services are unfortunately just out with the desired distance of the site but considered still walkable for future employees.

Parking: It is noted within the supporting TS all parking shall be provided as per ACC Supplementary Guidance, all standards are also referenced within, it is confirmed such provision shall be required. Indicative provision has been shown on the site plan, but conditions should be attached to confirm and quantify this on-site at stage of a MSC application.

Additionally, details of other associated parking provision is details and require to be provided such as disabled parking, cycle parking (residents/staff) and mini-bus/coach parking. Motorcycle parking is also referenced but typically this is accommodated within standard vehicle parking, however, should the applicant wish to provide designated motorcycle parking that would be no concern.

Due to the Scottish Government initiative for almost complete decarbonisation of road transport by 2050, new developments are required to provide electric vehicle provision, further information on this can be found within ACC Supplementary Guidance.

Given the PPIp nature of this application, finalisation of the above shall come as part of detailed follow-up application, therefore suitable conditions shall require to be placed on any approval.

Development Access / Construction Consent: It is noted that the proposed site shall be served by a new T-junction onto Binghill Road with an additional emergency vehicular access, it is confirmed that such access means is required. Although, indicative within overall site plan exact details on the width and footpath provision shall require to be confirmed via condition and final design of the site. It is also noted that the proposed is as per scoping with Roads Development Team.

It should be noted that the proposed new vehicular accesses and footpath extension shall be subject to a Section 56 Roads Construction Consent (RCC) procedure and require to be designed and constructed to Aberdeen City Council standards.

Refuse and Servicing: It is noted and confirmed that an appropriate condition should be attached in order to provide full details of how both the residential and care home aspects of the site shall be served in terms of refuse and deliveries which includes swept path analysis for refuse vehicles accessing/egressing the overall site.

Local Network Impact: It is confirmed and noted that the applicant has evidenced through the supporting TS that the proposed development shall have no adverse effect on the localised network and the nearest junctions, while much trips shall be outwith the peak periods as well given the nature of the development. Therefore, Roads Development Management have no further observations in this regard.

Travel Plan Framework (Residential Travel Pack) / Safe Routes to School: It is noted that within the supporting TS the applicant has provided an outline of a proposed Residents Travel Pack, this outlines appropriate objectives and aims to promote alternative and sustainable transport methods. A finalised Residential Travel Pack shall require to be conditioned along with that for a Staff Travel Pack.

Drainage Impact Assessment: It is noted that the applicant has provided a supporting 'Drainage Assessment' which outlines appropriate drainage and SUDS proposals. It should also be noted that all additional aspects of roads drainage in relation to new constructed accesses shall be included and subject to the aforementioned Section 56 RCC.

**Scottish Environment Protection Agency** – currently object to the proposal on the grounds of lack of information on potential impacts on Groundwater Dependent Terrestrial Ecosystems. They have also provided some commentary on disruption to wetlands including peat land, pollution prevention and environmental management, drainage, existing groundwater abstractions and environmental enhancements through placemaking. They have also given details of regulatory requirements.

**Scottish Water** – are currently unable to confirm capacity at the Invercarnie Water Treatments Works and Nigg PFI Wastewater Treatment Works. Request that the developer complete the pre-development enquiry forms. A review of their records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Also noted that Scottish Water will not accept any surface water connections into their combined sewer system.

**Cults, Bieldside And Milltimber Community Council** – conditionally supports this application for specialised housing with care facilities, subject to:

- The applicant providing full proposals for refurbishing Bingham House as apartments and securing its future. The traffic analysis should be updated to include the contribution from the additional homes.
- Evidence that the applicant either becomes or appoints a long-term operator to manage the development. This should include a guarantee of continuous future availability of the shuttle bus and of e-bikes. Both should be included in the Travel Plan for the development.
- Approval by ACC Roads Development of the proposed new access road joining Bingham Road.
- The developer negotiates appropriate access arrangements for existing properties which currently use the Bingham Farm access track.
- A developer contribution being made towards the increased load on primary care facilities in Lower Deeside.
- A developer contribution being made towards enhancing the core path network around Milltimber.
- The applicant resolves the security concerns expressed by Police Scotland without requiring the creation of a “gated community”.
- There should be no further housing development on Bingham Farm land to the East of Bingham House.
- Construction is scheduled to take place only after the new Milltimber Primary School is complete and operational.
- The site design should ensure that disturbance to healthy mature trees is minimised. The Planning Support Statement refers to a Tree Protection Plan but this does not appear in the documents presented.

They did acknowledge that the proposal is a departure from the current and proposed Local Development Plans and that a number of objections have been received in relation to the proposals. They noted that their Community Plan identified a shortfall of suitable good-quality retirement-friendly housing in the area and the community support for this view.

They go on to state that the proposed development of low-rise cottages and houses would offer a welcome alternative to flatted developments and would sit coherently within the Bingham House policies. It would enable senior occupants of large houses to downsize to comfortable smaller accommodation in a semi-rural environment, with access to continuing care available on site. They emphasise that this application is not for mainstream housing, which we could not support, but for specialised housing with care facilities, the nature of which clearly fits in with our Community Plan.

Further to this they also offer some commentary on the 90m contour and other developments that have been constructed within this, support the proposal of a new build care home – noting their preference for full details of these alterations. They also note that there should be continuous availability of shuttle buses and e-bikes and note that Police Scotland’s comments should be taken into consideration.

Whilst noting it is not a material planning consideration they have also asked for assurances in relation to the continuous provision of all facilities suggested in the proposal including the shuttle bus service, café, shops and allotment and would expect the applicant to appoint a long-term operator for the development on the lines of the Associated Retirement Community Operators.

Finally, the wish to see the insertion of a condition to ensure no further development on land to the east of Binghill House.

## **5. REPRESENTATIONS**

- 5.1 176 representations have been received in relation to this application (149 comments of objection, 2 neutral comments and 25 comments of support). These representations have not been fully summarised below, but in general terms raised a number of the following issues.
- 5.2 In terms of the objecting comments concerns including the destruction of habitats, the impact on the Green Belt and Green Space Network (principle of development), impacts on the setting of the listed building, traffic concerns with the proposed development (distance to public transport, access etc).
- 5.3 In terms of the supporting comments, these commented on the type of development proposed (and the benefits this would bring to the older generation) and the benefits this would have on the wider community.

## **6. MATERIAL CONSIDERATIONS**

### **6.1 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.

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

- National Planning Framework (NPF3) 2014
- Scottish Planning Policy (SPP) 2014
- Designing Streets (2010)
- Historic Environment Policy for Scotland (HEPS)

### **6.3 Aberdeen City and Shire Strategic Development Plan (2020) (SDP)**

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

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

- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- D5: Our Granite Heritage
- NC7: Local Shop Units
- I1: Infrastructure Delivery and Developer Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE1: Green Space Network
- NE2: Green Belt
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- C11: Digital Infrastructure

## **6.5 Supplementary Guidance (SG)**

- Landscape
- Conversion of Buildings in the Countryside
- The Sub-division and Redevelopment of Residential Curtilages
- Planning Obligations
- Affordable Housing
- Transport and Accessibility
- Air Quality
- Noise
- Natural Heritage
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Resources for New Development

## **6.6 Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the

Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration. The foregoing can only be assessed on a case by case basis.

In terms of the Proposed Aberdeen Local Development Plan, a development bid was put forward for the site (B0947 – Binghill House). This also included an area of land to the west. The recommendation was that the site was undesirable and was not taken forward as a development site in the PALDP.

The following policies are of relevance to the determination of this application:

- WB1: Healthy Developments
- WB2: Air Quality
- WB3: Noise
- WB4: Specialist Care Facilities
- NE1: Green Belt
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- NE5: Trees and Woodland
- D1: Quality Placemaking
- D2: Amenity
- D4: Landscape
- D5: Landscape Design
- D6: Historic Environment
- D7: Our Granite Heritage
- R5: Waste Management Requirements for New Development
- Low and Zero Carbon Buildings, and Water Efficiency
- H3: Density
- H4: Housing Mix and Need
- H5: Affordable Housing
- VC10: Local Shop Units
- I1: Infrastructure Delivery and Planning Obligations
- T2: Sustainable Transport
- T3: Parking
- C11: Digital Infrastructure

## 6.7 Other Material Planning Considerations

*Historic Environment Records:* House and garden depicted on historic OS maps. These show the house with small structures to north and west, set in wooded grounds. East of the house is a fountain. To the north of the house is a quadrangular steading (now Binghill Steadings) with an attached horse mill at the north corner, two small structures to the east and two other buildings to the south. The smaller buildings are now disused, and the steading converted to residential use. Now named Binghill House. The house dates from circa 1840 with substantial additions of 1885-1889 and a billiard room extension added in 1900. It is two storeys with attic and basement, of three bays and multi-gabled. Built of coursed rubble with tooled granite dressings, with a grey slate roof and wide end stacks with clay cans. Bargeboards to the gables of the principal elevations have an intricately carved grapevine motif. The main entrance has sidelights and fanlights and is set under a gabled timber porch supported on octagonal columns with grapevine motif to the capitals and wrought iron finial with leaf motif. The interior has high quality plasterwork



and intricately carved timber fixtures and fitting to the principal rooms dating to the 1880s. Colonel Alexander Kyle bought the estate in 1808, and it remained in the family's possession until sold in 1885 to Martin Lindsay Hadded who enlarged and altered the house.

The site formed part of the Open Space Audit (2010).

*Scheduled Monuments: Binghill House Stone Circle and Cairn:* There are two stone circles (scheduled monuments) to the west of the application site.

The access to the site is covered by a Tree Preservation Order (TPO 125: Binghill Road).

## 7. DISCUSSION

- 7.1 As described above, following legislative change there is no longer a statutory requirement for applications concerning a significant departure from the Development Plan to be subject to determination by Full Council. The Planning Development Management Committee may therefore opt to determine an application itself, or to refer the matter to Full Council. The agreed procedures require this report to make a recommendation, and it is suggested that relevant factors for consideration in reaching that include: the level of representation attracted by an application; the scale of development proposed; the nature and extent of the resultant departure from the Development Plan.
- 7.2 The scale of this proposal, being for the erection of active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure is such that it represents a “major development” in terms of the relevant hierarchy of developments. In addition, the current application has attracted 170 representations (149 in objection, 2 neutral and 25 in support). As the main purpose of a Pre-Determination Hearing is to offer a forum for those who have made representations to be heard, it may be appropriate for the meeting to be determined by PDMC given the scale of development proposed.
- 7.3 As regards to the nature of the departure from the Development Plan, this principally relates to the zoning of the site as “Green Belt” and “Green Space Network” as well as the potential impact on the setting of the Category “C” listed Binghill House. Due to the level of development proposed the proposal clearly represents a departure from the Development Plan. The Proposed Aberdeen Local Plan retains the sites designations as “Green Belt” and “Green and Blue Infrastructure”.
- 7.4 Taking into account the scale of the proposal, the level of public representation and the status of the site in the existing and proposed Local Development Plans, it is recommended that the application should be subject to a hearing before the Planning Development Management Committee and that the application should also be determined by that Committee. This is because, whilst a major development, the proposal is not of a scale to have strategic city-wide importance that would warrant determination by the Full Council. The PDMC is equipped to provide the necessary public scrutiny via the statutory pre-determination hearing and determination of the application.

## 8. NEXT STEPS

A hearing will be arranged for Full Council or PDMC in accordance with the Committee's

instructions today.

Following any hearing, a report will be prepared by officers for Full Council or PDMC as per Committee's instruction today. This will include an assessment of the proposed development and make a Recommendation to Members as regards determination of the application.

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Planning Development Management Committee
<b>DATE</b>	24 September 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Planning Development Management Committee Annual Effectiveness Report
<b>REPORT NUMBER</b>	COM/20/111
<b>DIRECTOR</b>	
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Lynsey McBain
<b>TERMS OF REFERENCE</b>	GD 8.5

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Planning Development Management Committee to enable Members to provide comment on the data contained within.

### 2. RECOMMENDATION

That Committee:-

- 2.1 provide comments and observations on the data contained within the annual report; and
- 2.2 note the annual report of the Planning Development Management Committee.

### 3. BACKGROUND

#### **Annual Reports on Committee Terms of Reference**

- 3.1 The annual committee effectiveness reports were introduced in 2018/19 following a recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) as part of the Council's work towards securing that organisation's accreditation in governance excellence. The Terms of Reference set out that each Committee will review its own effectiveness against its Terms of Reference through the mechanism of the annual report.
- 3.2 The annual effectiveness reports were mentioned by CIPFA in their recent report which awarded the Mark of Excellence in Governance accreditation to Aberdeen City Council. CIPFA highlighted the implementation of the annual effectiveness reports as a matter of good practice in governance and were

encouraged that, during consideration of the reports at Committee and Council, Members had made suggestions for improvements to the reports in future years.

- 3.3 As well as the CIPFA Accreditation, Committee Services also recently won SOLAR Administration Team of the Year 2020 in March 2020 in recognition of the introduction of the annual committee effectiveness reports and the process which allows Committees to examine how they can improve the way they do business, while providing assurance that they are undertaking their role effectively.
- 3.4 Data from the annual effectiveness reports was used to inform the review of the Scheme of Governance, ensuring that Committee Terms of Reference were correctly aligned, and identifying any areas of the Terms of Reference which had not been used throughout the year in order that they could be reviewed and revised if necessary. The information from the effectiveness reports will also be used to feed into the Annual Governance Statement.
- 3.5 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.6 Similarly, recording the sections of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP outcomes. Officers also actively review the data gathered to ensure that it aligns to the Council's operating model and decisions taken by the Council throughout the year. This part of the annual report will be expanded for the next year of reporting to incorporate the changes to the outcomes section of the committee report template. That section now asks report authors to consider the implications of their report for the Council Delivery Plan, which incorporates the LOIP outcomes.
- 3.7 While the above is one section of the annual effectiveness report template which officers aim to amend for future reporting, any comments from Members on additional areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.8 The annual report for 2019/2020 is therefore appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Council in December for noting.
- 3.9 Following feedback from last year's PDMC's annual effectiveness report, information on planning applications has also been included.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no direct financial consequences from the recommendation of this report.

## 5. LEGAL IMPLICATIONS

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

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	N/A		
<b>Compliance</b>	Failure to submit this report to PDMC means that the committee would not be complying with the instruction from Council that all committees receive such a report each year.	L	Committee is given the opportunity to consider the report and provide feedback on any amendments Members would wish to see in the content so that this can be taken on board for next year's Scheme of Governance review
<b>Operational</b>	N/A		
<b>Financial</b>	N/A		
<b>Reputational</b>	N/A		
<b>Environment / Climate</b>	N/A		

## 7. OUTCOMES

There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

None.

## **10. APPENDICES**

- 10.1 Planning Development Management Committee Annual Effectiveness Report 2019/20.

## **11. REPORT AUTHOR CONTACT DETAILS**

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Committee Services Officer  
[lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)  
01224 522123

# Planning Development Management Committee Annual Effectiveness Report



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## 1. INTRODUCTION

- 1.1 I am pleased to present the second annual effectiveness report for the Planning Development Management Committee. As Members will be aware, as part of their interim assessment of the Council's governance arrangements in 2016, CIPFA recommended that Committees review the extent to which they had operated within their Terms of Reference, through an annual report. This had been an aspiration for some time, representing good practice in governance terms. I am delighted that this year, the Council was the first in Scotland to be awarded the CIPFA Mark of Excellence in Governance, and that the annual effectiveness report was highlighted by CIPFA as an example of good governance. The annual effectiveness report also informs the annual review of the Council's Scheme of Governance and enables officers to identify if any changes are required, for example, to the Committee Terms of Reference.
- 1.2 As part of the 2020 review, minimal changes were made to the Planning Development Management Committee Terms of Reference to provide greater clarity and those will be monitored throughout the year and taken into consideration during next year's review and the preparation of the third annual committee effectiveness report.
- 1.3 The annual report is a good mechanism for the Committee to support the Council's improvement journey by demonstrating the ways that the Committee contributes to the Council Delivery Plan and Local Outcome Improvement Plan, whilst also providing the opportunity to reflect on the business of the Committee over the past year and to look to the Committee's focus for the year ahead.
- 1.4 Throughout the year, the Committee has worked to determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held; visited application sites where agreed; authorised the taking of enforcement action; made Orders and issued notices; approved the development briefs and masterplans; developed and adopted non-statutory development management guidance; conducted Pre Determination Hearings in pursuance of the provisions contained within 38A of the Town and Country Planning (Scotland) Act 1997 and reviewed and approved policies and supplementary guidance relating to its function.



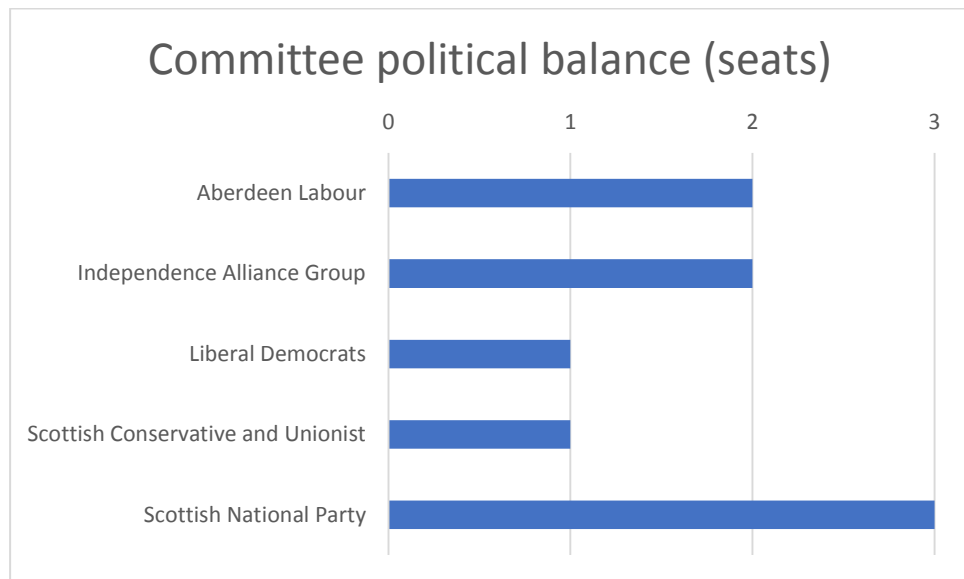
**Councillor Marie Boulton**  
Convener, Planning Development Management Committee

## 2. THE ROLE OF THE COMMITTEE

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

## 3. MEMBERSHIP OF THE COMMITTEE DURING 2019/2020

- 3.1 The Planning Development Management Committee has 9 Elected Members.



## 4. MEMBERSHIP CHANGES

- 4.1 During the reporting period, the membership of the Committee has remained the same.

## 5. MEMBER ATTENDANCE

Member	Total Anticipated Attendances	Total Attendances	Nominated Substitute
Bill Cormie	9	8	Dell Henrickson
Jennifer Stewart	9	7	Alan Donnelly
John Cooke	9	8	Dell Henrickson
M. Tauqeer Malik	9	7	Sandra Macdonald
Marie Boulton	9	9	
Martin Greig	9	7	Steve Delaney & Ian Yuill
Avril MacKenzie	9	9	

Neil Copland	9	9	
Yvonne Allan	9	7	Ryan Houghton

## 6. MEETING CONTENT

6.1 During the 2019/2020 reporting period (30 May 2019 to 19 March 2020), the Committee had 9 meetings and considered a total of 10 non-application reports. There were also 33 specific applications considered. 28 of these applications were approved/refused in line with the officer recommendation and 5 went against the officer recommendation. There were also 5 applications determined after a site visit.

### 6.2 Terms of Reference

Of the 10 reports received the following table details how the reports aligned to the Terms of Reference for the Committee.

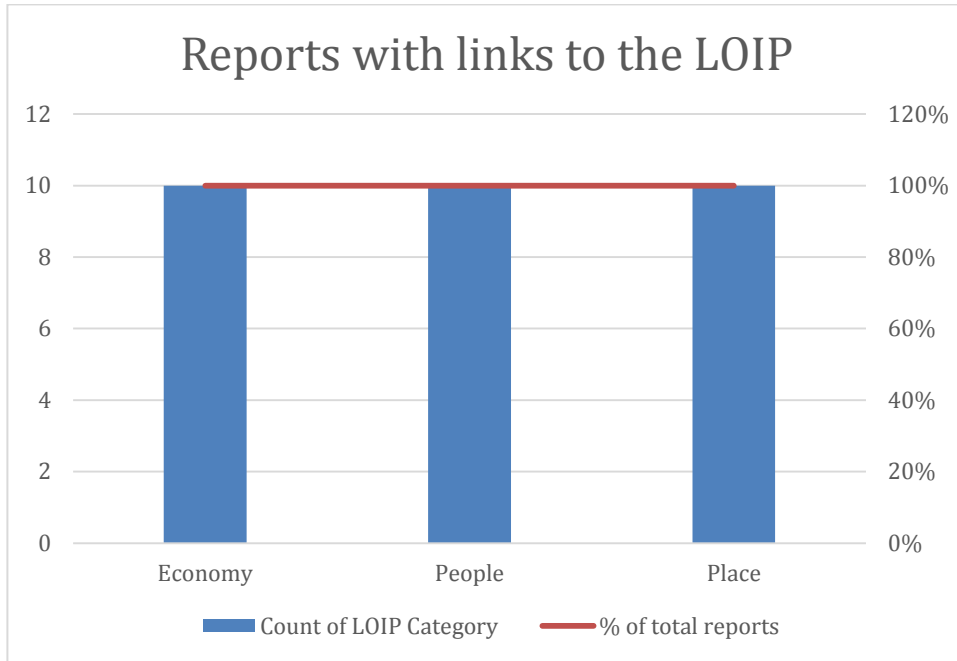
Terms of Reference	Count of Terms of Reference
General Delegations To Committees 7.5	1
Remit of Committee 3	4
Remit of Committee 5	2
Remit of Committee 6	3

6.3 During the course of 2019/2020 the Planning Development Management Committee received reports under Term of Reference 3, 5 and 6 but no reports under Terms of Reference 4 (make Orders and issue Notice) This would indicate that the Committee has discharged its role throughout the course of the reporting period. As stated above there were 33 applications considered and these cover Terms of Reference 1 and 2.

6.4 Most of the reports considered related to Term of Reference 3 (Authorise Enforcement Action).

### 6.5 Local Outcome Improvement Plan

The following table provides details on the 10 reports and how many had a link to the themes of the Local Outcome Improvement Plan.



## 6.6 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the 10 reports presented to it throughout the year.

	Total	% Total Reports
Confidential	0	0%
Exempt	0	0%
Number of reports where the Committee has amended officer recommendations	0	0%
Number and percentage of reports approved unanimously	10	100%
Number of reports or service updates requested by members during the consideration of another report to provide additional assurance and not in forward planner	0	0%
Service update requested	0	0%
Number of decisions delayed for further information	0	0%
Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0	0%
Number of late reports received by the Committee (i.e. reports not available for inspection by members of the public at least three clear days before a meeting)	0	0%

Number of referrals to Council, or other Committees in terms of Standing Order 33.1	0	0%
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## 6.7 Notices of Motion, Suspension of Standing Orders, Interface with the Public

Number of notices of motion	0
Number of times Standing Orders were suspended and the specific Standing Orders suspended	0
Standing order number (ref)	-N/A
Number of deputations or other indicators of interface with the public, i.e. engagement and social media.	N/A
Number of petitions considered	N/A
Number of Meetings held by the Convener with other Conveners, relevant parties, to discuss joint working and key issues being raised at other Committee meetings	Fortnightly meeting with Chief Officer Strategic Place Planning, fortnightly meeting with Development Management Manager and Policy and Strategy Manager. Weekly meetings with Conveners of Strategic Commissioning Committee and City Growth and Resources Committee.

## 7. TRAINING REQUIREMENTS

- 7.1 In January 2020, comprehensive Elected Member training in planning decision making (with special attention to the implications of the new Planning (Scotland) Act 2019) was carried out for all members of the Planning Development Management Committee and other interested Members. A separate Members session was also held on the adoption of infrastructure – led by the Roads Development Management Team with input from the Applications Team.

## 8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 Four declarations of interest were made by Councillors during the reporting period. Information in respect of declarations of interest is measured to evidence awareness of the requirements to adhere to the Councillors’ Code of Conduct and the responsibility to ensure fair decision-making.

## 9. CIVIC ENGAGEMENT

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

## 10. OFFICER SUPPORT TO THE COMMITTEE

Officer	Total Anticipated Attendances	Total Attendances	Substitute Attendances
Chief Officer - Strategic Place Planning	9	5	Development Management Manager
Legal	9	9	
Development Management Manager	9	9	

## 11. EXECUTIVE LEAD’S COMMENTS

- 11.1 In early 2019 the Council initiated an annual review of the Corporate Scheme of Governance including the Scheme of Delegation. Officers in Strategic Place Planning took this opportunity to introduce changes that would be required as a result of the Planning (Scotland) Act 2019. A report to the Council’s City Growth and Resources Committee set out the changes that were introduced by the new Act, and asked for Member approval on a number of discretionary powers.
- 11.2 One of the key elements of this review included amending the Scheme of Governance to allow the Planning Development Management Committee (rather than Full Council) to determine development proposals considered to be significant departures from development plan strategy. This was approved at Full Council in March 2020 and came into effect immediately.
- 11.3 With the onset of the COVID-19 pandemic in the last few months of the Planning Performance Framework (PPF) reporting year, the entire applications team has moved rapidly and effectively to full home working. Planning Development Management Committee and Local Review Body

meetings have been successfully held electronically and broadcast online, as will be reported on further in next year's PPF report. Neighbour notification, newspaper advertising and display of site notices have all continued during lockdown.

## **12. NEXT YEAR'S FOCUS**

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

## Appendix 1

### Committee Terms of Reference Approved by Council on 4 March 2019

#### PURPOSE OF COMMITTEE

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

#### REMIT OF COMMITTEE

The Committee will:

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

#### JOINT WORKING WITH OTHER COMMITTEES

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

#### JOINT WORKING WITH NON COUNCIL BODIES

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

Executive Lead: Chief Officer – Strategic Place Planning





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# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

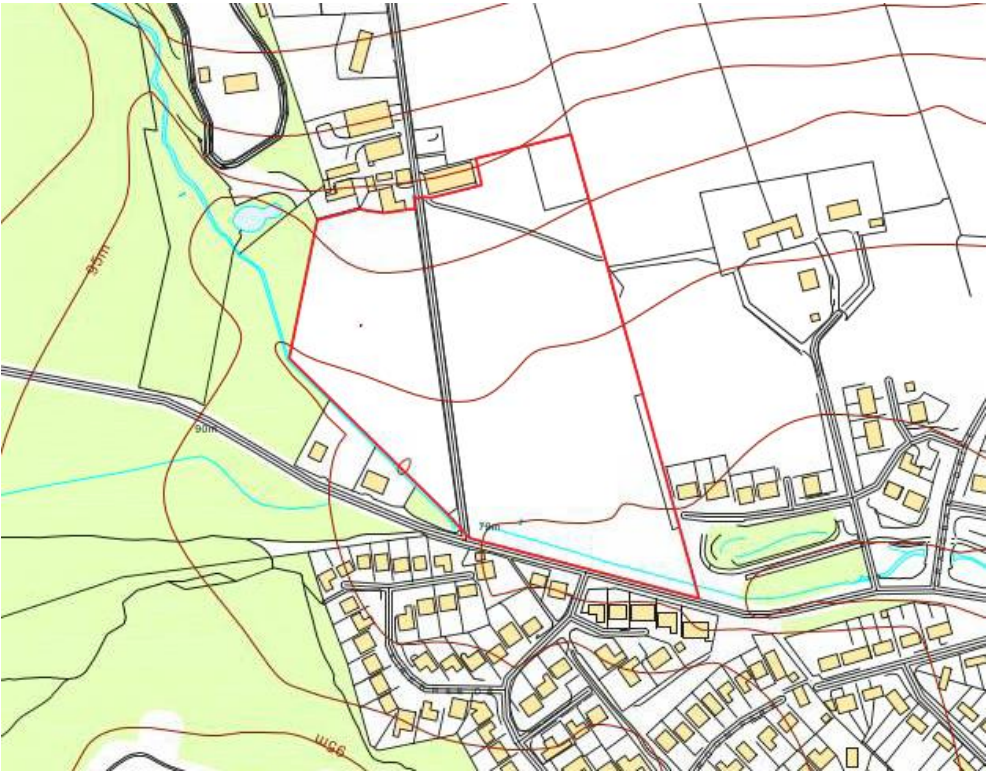


Residential development of 78 dwellings with associated access, parking, landscaping and other associated works

Kirk Brae (Land to North of), Cults, Aberdeen

Detailed Planning Permission  
200171/DPP

# Location Plan



# Site Plan (Original Submission)



# Site Plan (Proposed)



# Landscaping Plan (Proposed)

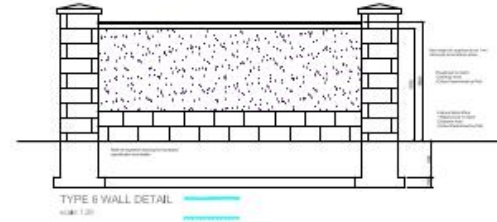
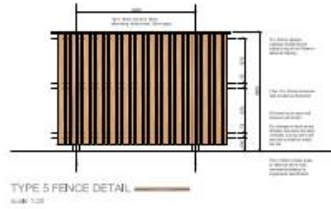
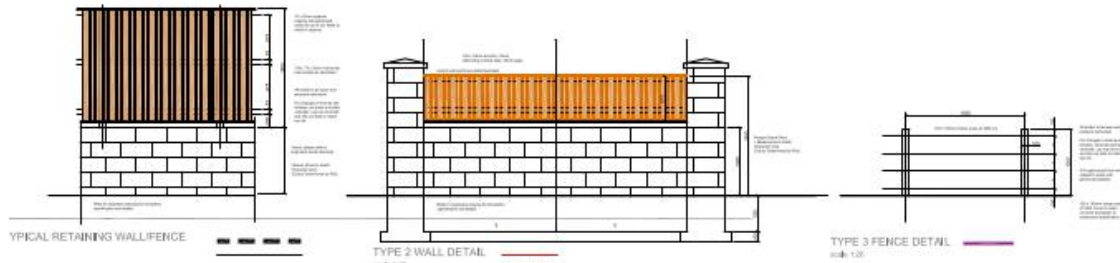


# Site Cross-Sections





# Boundary Treatments (Proposed)



- Wall Type 1 (Slate Grey)
- Wall Type 2 (Slatina Pink)
- Wall Type 2 (Slate Grey)
- Wall Type 2 (Slatina Pink)
- Wall Type 3 (FENCE)
- Wall Type 5 (FENCE)
- Wall Type 6 (Slate Grey)
- Wall Type 6 (Slatina Pink)
- Wall Type 7 (Stone detail)



Site of K&N Street (and to North of)  
 C&K, Addition  
 Boundary Treatment Plan



# 3D Visualisation



# Site Photos



Phase 2 Development  
to East



Application Site  
Boundary (from Kirk  
Brae

# Site Photos (Site Boundary)



Southern Side Boundary – Kirk Brae



Looking West from Site  
– to Foggieton Wood



Centrally within site – looking east

# Site Photos



View of homes to South

# Site Photos



Phase 2 Development  
to East



Existing Stables to  
North

# Site Photos



Northern boundary – looking west



Southern boundary

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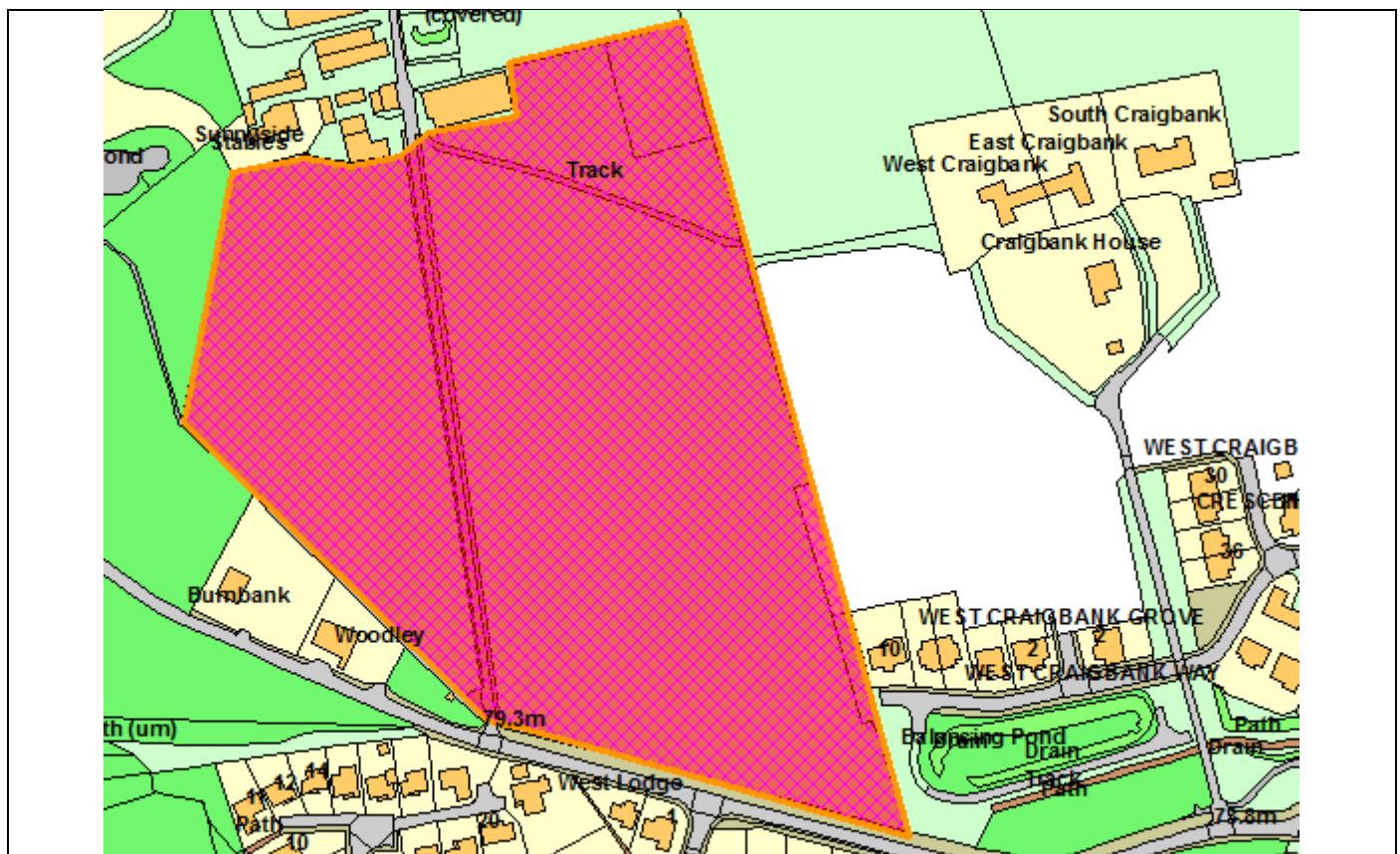


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 24<sup>th</sup> September 2020**

<b>Site Address:</b>	Kirk Brae (Land to North Of), Cults, Aberdeen.
<b>Application Description:</b>	Residential development of 78 dwellings with associated access, parking, landscaping and other associated works
<b>Application Ref:</b>	200171/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	14 February 2020
<b>Applicant:</b>	CALA Management Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside and Milltimber
<b>Case Officer:</b>	Gavin Clark



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## **RECOMMENDATION**

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and open space.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site extends to around 5.3ha and lies to the north of Kirk Brae. The site forms the western section of the allocated OP41 Friarsfield site, 'suitable for up to 280 homes.' The land is currently used for grazing in association with Sunnyside Stables, which are located to the immediate north of the application site boundary. The eastern stables buildings lie within the OP41: Friarsfield designation. The site rises from Cults Burn northwards, with areas of undulation throughout the site (from around 77m to 94m above ordnance datum).

The site is bounded to the east by phase 2 of the Friarsfield development, which is currently under construction, to the north by Sunnyside stables which includes a mixture of housing, farm buildings and stables, to the west by an area of woodland and to the south by a number of residential properties which are located on the northern side of Kirk Brae. The established residential area of Cults is located opposite, on the south side of Kirk Brae. Two residential properties, Burnbank and Woodley are located on the south-western boundary of the site, at a lower level, and on the northern side of Kirk Brae. Core Path 87 runs through the middle of the site, on the access track to Sunnyside stables and is bound by a drystone dyke: it thereafter provides a connection to Core Path 54, which is located to the south-west of the application site boundary.

### **Relevant Planning History**

An application (Ref: 181115/DPP) was withdrawn in January 2019 for a residential development of 85 dwellings with associated infrastructure, open space and strategic landscaping.

Planning permission (Ref: 200688) was granted in July 2020 for change of use from farmland to ménage with associated works. This permission relates to the removal of the ménage from within the current site boundary to the field to the immediate north and is understood to have now been implemented.

#### **Within the OP41 Friarsfield Allocation:**

Planning permission (Ref: 170307/DPP) was approved in November 2018 for the construction of the Friarsfield Link Road, development of 19 residential units (including affordable housing) and associated ancillary works. This consent has largely been implemented, with the link road now open.

Phase 1: Planning permission (Ref: 120340) was approved in November 2013 for a residential development of 81 units (including affordable housing), public open space, SUDS and access works. This development has been completed and occupied.

Phase 2: Planning permission (Ref: 140272) was approved in October 2016 for a residential development of 119 units (including affordable housing), in addition to ancillary works. This development remains under construction, with a number of the units now occupied.

There have been various other applications for change of house types, advertisements and alterations to the associated legal agreements, which are not considered to be of relevance to the determination of this application.

## **APPLICATION DESCRIPTION**

## Description of Proposal

The proposal seeks detailed planning permission for the erection of 78 residential properties with associated accesses, parking, landscaping and other associated works. The proposal has been amended since the original submission with a reduction in numbers from 82 units to 78, various revisions to the overall layout of the development and the replacement of the proposed flatted properties with a row of terraced dwellings.

The proposal includes 16 different house types and would be a mixture of detached (62), semi-detached (4) and terraced (12) properties, which equates to a split of approximately 80% detached, 5% semi-detached and 15% terraced properties. Several of the properties would have integral garages, with a small number of detached garages also proposed. An electricity sub-station is proposed in the south-west section of the site.

Two accesses would be provided from the Phase 2 development to the east, with access roads running through the development. Parking would generally be located within each plot, with communal parking for the terraced properties located adjacent to these. The existing core path 87, which runs through the site would be retained and incorporated within the development, providing a north-south and east-west link. Parts of the existing drystone dyke would also be removed and used elsewhere within boundary treatments.

Areas of open space would be located along the southern boundary of the site, with associated planting, footpaths and a children's play areas proposed within the site. A small "feature" area of open space would be located within the north-east section of the site, with other small areas of planting located throughout the development. The proposal would also connect into the existing SUDS basin (which is to be extended to facilitate the development), which is located within the site to the immediate east, within the green corridor around the Cults Burn.

## 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=Q5HXZWBZFM700>

*Design and Access Statement: February 2020:* introduces the proposal, as assessment of the site, design evolution and details of the development proposals. This was followed by a Planning Statement Addendum in July 2020 which provided a further summary and details on the amendments since the original application submission.

*Tree Survey and Arboricultural Report and Tree Survey Schedule: July 2020:* provides details of the tree survey details and the proposed development. Appendices include proposed tree protection measures, a tree survey schedule, constraints plan, tree protection plan, methodology statement and tree quality assessment chart.

*Transport Statement: January 2020:* introduces the proposal, policy context, site accessibility, development access proposals and car parking, a residential travel pack framework, trip generation and traffic impact and an overall summary/ conclusion. A Roads Lighting Design Classification Report was also submitted in support of the application.

*Drainage Assessment – Issue 3 – July 2020:* provides an assessment of the drainage impact, associated drawings, calculations and a surface water maintenance schedule.

*Pre-Application Consultation Report – February 2020:* provides an introduction, context, details of

previous consultations, current consultations and an overall conclusion. Several appendices are also provided including the Development Framework PAC Report, the previous PoAN's, press adverts, invitations to neighbours, consultation materials and feedback forms.

*Ecological Assessment: February 2020:* provides an introduction to the proposal, gives a legislation and policy context, a methodology, details of existing site conditions, an assessment of nature conservation value, impact assessment and mitigation and an overall summary.

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

The application has been referred to the Planning Development Management Committee because the proposal is a "major" development, has been subject to more than 6 timeous letters of objection and an objection has been received from Cults, Bieldside and Milltimber Community Council. Consequently, the scheme falls out with the Council's Scheme of Delegation.

### **Pre-Application Consultation**

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 require pre-application consultation on all applications for major development. A previous Proposal of Application Notice (Ref: 171169/PAN) was submitted in September 2017 and it was agreed that the current application could be submitted on the basis of this PoAN given the red line boundary would remain the same. Further consultation was required, however, in order to consult interested parties on the updated planning application.

The consultations on the current application included a meeting with Cults, Bieldside and Milltimber Community Council in December 2019 and a public exhibition at CALA Homes' Cults Parks Sales Office on 21<sup>st</sup> January 2020. An advert was also placed in the local press and letters were sent out to owners of neighbouring properties in respect of this exhibition.

Around 25 people attended the public event, including representatives from the Community Council. Two formal written responses were received, with seven further responses submitted. Issues raised included traffic/ roads issues, construction issues, details in relation to the consultation process, schools and other various issues including levels, heights of the affordable units, the location of bus stops and the provision of children's play areas.

The applicants have provided feedback on the issues and concerns raised. In some instances, this has led to changes/improvements in the proposals whilst others have remained as originally shown with justification given. These responses are contained within the Pre-Application Consultation Report which was submitted with the application.

### **CONSULTATIONS**

**ACC - Developer Obligations** – Contributions have been agreed in relation to the core path network (£37,051), secondary education (£39,051), healthcare facilities (£101,948) and open space (£18,227). In terms of affordable housing, the applicant is to provide eight affordable housing units on site and a financial contribution of £977,500.

**ACC - Waste Strategy Team** – have advised of the waste management requirements for the proposed development.

**ACC - Housing** – would support the provision of 10% affordable units on site as proposed but have stated that their preference would be for the further 15% to be provided on site rather than via a commuted sum.

**ACC - Education** – initially commented that there is no longer capacity within Cults Primary School to accommodate the further increase in pupil numbers that the application is likely to generate and that due to the concerns regarding primary education provision, the application could not be supported.

Following a review of updated school roll forecast information for Cults Primary School the Education service have confirmed no objection to the application. The development is still expected to result in Cults Academy going over capacity, so a contribution is required to assist with reconfiguration of the school to generate the additional capacity required. No primary education contribution is required.

**ACC - Environmental Health** – no objection to the application. They have requested the insertion of conditions relating to the submission of an air quality dust risk assessment and a site-specific dust management plan. They have also requested the insertion of an informative in relation to hours of construction work.

**ACC - Roads Development Management Team** – no objection to the proposed development following the submission of amended plans. Their response will be discussed in greater detail in the evaluation section of this report.

**Scottish Environment Protection Agency** – no objection to the application. They have requested the insertion of conditions relating to the protection and enhancement of the water environment and the provision of green measures within the development. They have also provided some general advice regarding the levels of landscaping proposed within the development.

**Scottish Water** – no objection. Advise that there is sufficient capacity at both the water and wastewater treatment works.

**Police Scotland** – no objection. Have advised that the applicant should liaise with Police Scotland for the purposes of designing out crime and achieving a “Secured by Design” award. An informative has been added in this regard.

**Cults, Bielside and Milltimber Community Council** – object to the application. They note that the principle of development has been established but retain concerns about the submitted application including the pace of development in the area, and the burden this has on school, health and road infrastructure. They also make the following comments, noting that the response was received on the initial layout, which has addressed some of the issues raised:

1. The density of development is greater than that proposed in the earlier phases and it was not possible to comment on whether the green space provision meets NE4 of the ALDP, but the proposal has less green space than suggested in the Development Framework.
2. The site layout is very linear and rather boring compared with previous phases or as suggested in the Development Framework.
3. The proposed housing mix is predominantly of 4/5 bed detached houses; they would prefer this phase of development to have a higher proportion of smaller and affordable homes.
4. Concerns were raised regarding the three-storey block of flats proposed, with two storey buildings a preferred option. They would also prefer the affordable housing located closer to Kirk Brae due to potential occupants being less likely to have access to a car.
5. Request assurances that Core Path 87, which follows the access through the site, will be maintained. They would also like to see a separate path, or the road widened with a “green

belt” along it. The path parallel to Kirk Brae and Cults Burn from Friarsfield Road to the new pedestrian crossing should be extended within the development and there should be a crossing and signs to Core Path 54, which could be covered by developer contributions.

6. No mention of children’s play facilities. They would also like more biodiverse planting in the public areas rather than the white birch that is proposed.
7. They note that the Drainage Statement contains requirements for the site contractor to manage site drainage during the construction period. The sloping site raises the threat of unwanted effluent into the Cults Burn so it is essential that these requirements are strictly enforced during construction by the developer and ACC. Existing properties opposite the previous phases have suffered from dust nuisance during construction so we would expect an effective dust restriction policy to be enforced. Finally, the construction site entrance should be located to ensure good visibility splays in both directions along Kirk Brae. Ideally, the existing construction site entrance should be maintained.

A further response was received from Cults, Bielside and Milltimber Community Council on the 15<sup>th</sup> September 2020. They maintained their objection to the application as they retained the following concerns regarding the development:

1. The proposed development is intended to drain surface water into Cults Burn via an extended SUDS. We are unable to critique the Fairhurst Drainage Assessment 128386 in detail but in view of persistent severe weather events affecting Cults, Aberdeen City Council should satisfy itself that this proposed development would have no adverse effect on properties further downhill in Cults before a planning decision is made.

Although ACC’s view is that the heavy rain in August was a 1 in 300-year event, significant rainfall seems to be occurring much more frequently than that. We are concerned that current drainage design standards (as presumably applied by Fairhurst) are not keeping up with climate developments and that monsoon-type events may require monsoon-type measures. Anecdotally the flooding situation in Cults seems to have worsened as the Friarsfield development has progressed and the long-term suitability of drainage provision in the earlier phases should also be reviewed.

2. We understand that CALA has advised residents of Craigton Road who customarily take access using the Sunnyside access track that this will not be available to them during construction of Phase 3 and that they must rely on using Craigton Road. Access rights of existing residents should be respected.
3. No separate Construction Environment Management Plan has been submitted for this phase, but in view of the proximity to existing properties on Kirk Brae and Friarsfield Phase 2 we consider that a refreshed CEMP should be submitted and adhered to during construction, with particular emphasis on noise, dust, surface water run-off and safe access/egress for construction vehicles.
4. We welcome the revised housing mix and the substitution of terraced and semi-detached houses for the previously proposed flats.
5. Following our discussions with Mr Simon Scott, we consider that the land owned by his family to the West of the site could make a valuable additional amenity space for residents and a wild play area for children, on the lines of the letter from Halliday Fraser Munro dated 12 March 2020. It could also create the possibility for a new footpath linking through to the Countesswells development via Colthill Farm.

6. The proposed children's play area is welcome but is located at the edge of the site and close to Cults Burn and the SUDS. Adequate security needs to be provided against water danger. A play area closer to the centre of the site would be more suitable.
7. We welcome the extension of the footpath along Kirk Brae from the new pedestrian crossing to the existing private access to Sunnyside. We would like to see this extended further to provide a direct crossing to the Foggieton Woods path CP54. This would require a wayleave across a triangular piece of ground between the existing Sunnyside access and Kirk Brae (ownership unclear).
8. We also think that an informal worn path would soon appear from the Sunnyside access to South of plots 69-71 running parallel to Cults Burn to the South West of the sub-station so it would be preferable to provide a made footpath from the outset to avoid damage to the proposed wild flower meadow planting.

## **REPRESENTATIONS**

16 letters of representation have been received (15 letters of objection and 1 neutral representation). The matters raised can be summarised as follows:

1. Queries the requirement for further housing, given that there are hundreds/ thousands of properties for sale in the Aberdeen area. Suggests that brownfield sites in the surrounding area should be developed instead to ensure green space is retained.
2. The proposal will result in the destruction of a further area of open space that will result in the loss of numerous species, with animals being forced out (blue/ coal tits, yellow hammers, bullfinches, woodpeckers, bats, heron, deer and red squirrels)
3. The development should provide enhanced areas of green space and children's play facilities should be provided within the development. One of the comments also stated that land to the west/ woodland could be utilised for further open space/ children's play facilities.
4. The development would be a perfect opportunity to provide safe access to Foggieton Woods by extending the footpath, with the current situation being dangerous. This could also include the provision of lighting to the woodland.
5. Concerns were also highlighted regarding the impact on the livery business and how users would access Foggieton Woods on horseback. Comments were also received that could see the existing Core Paths extended to link CP 54 and 87, with CP54 also extended to provide a new section of footway.
6. Concerns were highlighted in relation to noise and disturbance to horses within the livery business both during construction and post construction from any new residents.
7. Several the objections highlighted issues regarding access to the livery yard and stables and whether the access track would be retained for existing users. The objections also raised concerns about who would maintain this track in the future; also stating that the crossing over the stream could not cope with increase in traffic usage. Comments also noted the proposed demountable barrier and how this would work in practice for existing users/ in an emergency. There were also concerns that users of the new houses would utilise the access tack to access Craigton Road and Kirk Brae.
8. Concerns regarding the private access road and the removal of the drystone dyke, which

adds to the character and appearance of the surrounding area. Queries were raised as to whether this could be retained within the development. Concerns in relation to the road layout, which has changed from an open sweeping configuration to a denser grid of streets. Concerns were also raised that the western edges of the site would be quite remote from the Link Road (and bus stops), which will result in increased traffic levels of West Craigbank Way and West Craigbank Avenue

9. Concerns were raised regarding the increase in the volume of traffic along Kirk Brae, in addition to the condition of the road. Also concerns that there was no mention of HGV's, vehicle horse trailers, horse trucks and horses on the road's classification report.
10. Concerns were raised regarding the design of the flatted block within the development and that three storey blocks were not found elsewhere within the development and it would look out of place sat in the highest part of the development site.
11. Concerns were raised regarding the house types proposed, noting that a better mix of housing types would be required. Concerns were also raised that 25% affordable housing was not being provided on site. Also highlighted regarding the layout of the proposed development and whether what was being proposed tied in with the aspirations of the Friarsfield Development Framework. One letter also suggested that some of the plots would be located on land designated as Green Belt and that there were inaccuracies with the submitted site plan as some of the areas highlighted in blue were not within the ownership of the applicant.
12. Concerns were also highlighted regarding the density of development proposed noting 82 houses on 5.3 ha – which equates to 15.5 houses per hectares – Cults Park 119 on 11.9 – 10 houses per hectare. The FDF suggests a range between 9.5 and 15 dwellings per hectare – suggesting a maximum of 79.5 on site.
13. One objection noted that the end of the road and the footpath in the north-east corner of the site between plots 30 and 31 appears to presume further development to the north.
14. Various concerns were also highlighted regarding the impact on the amenity of properties in the surrounding area. This included significant overlooking issues from Plots 80-82, which would sit at a much higher level than the existing houses below. The objection also noted that Plots 70 and 76-78 also have a finished floor level 3-4m higher than current elevations that would result in massive levels of cut and fill within the development site given the existing ground levels.
15. In addition to previously mentioned comments on the drystone dykes, concerns were also received regarding the proposed boundary treatments, particularly the proposed 1.8m high fencing that would be located along the western boundary of the site.
16. Queries were also raised as to whether improvements could be made to the entrance facilities to the site and whether strategic landscaping could be provided along the southern boundary of the site as per the terms of the FDF.
17. Several the objectors raised concerns about the impact of the proposed development on primary and secondary education provision, as well as the potential impact on medical facilities in the surrounding area.
18. Concerns were raised regarding proposed construction hours. Noting that the Council



propose working hours of 7am – 7am and that this should be amended to 8am – 6pm to protect surrounding residential amenity.

19. Concerns were also raised regarding dust management and it was suggested that a more rigorous dust management plan should be submitted in support of the planning application.
20. Concerns were raised that there was no mention of green sources of energy such as solar panels or ground source heat pumps.
21. Flooding was also highlighted as a potential issue, with no information submitted in relation to construction phase surface water management.
22. The proposal could result in increased loitering and vandalism on Craigton Road and at the empty Waldorf School.
23. One objection suggests that the City Council should commission a study on the long-term impact of current developer practices in Aberdeen to ascertain if they can be squared with long term environmental social objectives.
24. Concerns were also highlighted regarding the pre-application consultation process and that not all interested parties were made aware of the events prior to the formal submission of the application for planning permission.
25. A query was raised as to why Aberdeen International Airport was consulted on the planning application.
26. Comments were also made regarding the gross development value of the development proposed along with the total cost that the development has so far on neighbouring properties in the surrounding area.
27. One representation suggested that an area of land to the immediate west of the application site boundary should be included within the development, allowing for ecological enhancement of the site. There is also no agreement to remove trees out with the application site boundary.

The neutral letter of representation queried the need for further housing and requested an increase in the level of affordable housing per development.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

- Scottish Planning Policy (SPP)

### **Aberdeen City and Shire Strategic Development Plan (2020) (SDP)**

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

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

- OP41: Friarsfield
- LR1: Land Release Policy
- D1: Quality Placemaking by Design
- D2: Landscape
- I1: Infrastructure Delivery and Developer Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE1: Green Space Network
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- CI1: Digital Infrastructure

### **Supplementary Guidance (SG)**

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

## **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies are of relevance to the determination of this application. OP41: Friarsfield, LR1: Land Release Policy, WB1: Healthy Developments, WB2: Air Quality, WB3: Noise, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodlands, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3 Parking and C11: Digital Infrastructure.

## **EVALUATION**

### **Principle of Development**

The Aberdeen Local Development Plan (ALDP) identifies the site as part of an Opportunity Site (OP41 – Friarsfield), which also benefits from a residential land designation (Policy H1), which is allocated for 280 residential units. The site is also a long-standing housing land allocation, being included within the previous two Local Development Plans (dating back to 2008). Phases 1 and 2 of the development have either been constructed or are under development and the current application relates to Phase 3 of the development and seeks to “complete” the land designation of the OP site. The site is also subject to the adopted Friarsfield Development Framework, which identifies it as suitable for residential development. The principle of residential development on site has therefore been established. The other relevant matters in relation to the determination of this application will be discussed below.

### **Friarsfield Development Framework (FDF)**

The vision of the adopted FDF is for an attractive, high quality and sustainable residential development that will be integrated well into the surrounding area. It aims to achieve the following.

- a high-quality residential environment that meets a variety of housing needs while giving due consideration to the infrastructure and safety issues;
- successful integration of the site with the surrounding area, ensuring new development fits well in the landscape as well as providing links from the site to the wider area;
- attractive open space and opportunities for continued recreation on the site while retaining and enhancing access to the Core Path Network;
- safeguard existing site features, enhance green space provision and include strategic landscaping, efficient connections to pedestrian and cycle path linkages, public transport and city roads networks.

The FDF sets out the development potential of the site, indicating suitable housing land at 3 distinct areas, namely; 'Morkeu', 'Friarsfield' and 'Sunnyside', with mention being made with regards to materials to be used and house sizes (generally 2-storey) and density (9.5 – 15 houses per hectare) which would be acceptable. There is also mention of land which is required to be set aside for open space and landscaping strips as well as drainage provision. The current application relates to Phase 3 of the development 'Sunnyside'.

The FDF goes on to state that 'Sunnyside will promote the continuation of the Linear Park frontage. Development therein will be determined by the topography, with retention of field boundary features and Sunnyside Brae. The northern boundary will comprise landscape planting to afford a backdrop when viewed from Kirk Brae and offer screening when viewed from the north.'

## **Layout, Siting and Design**

Policy D1 states that *"all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities are required to be compatible with the scale and character of developments"*. The policy goes on to state that proposals should be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

The layout would see the provision of 78 units that would be laid out in various patterns mostly set within generous plots, which is the prevailing character of developments in the surrounding area. 16 different house types are proposed and would be a mixture of detached (62), semi-detached (4) and terraced (12) properties, which equates to a split of approximately 80% detached, 5% semi-detached and 15% terraced properties. Several the properties would have integral garages, with a small number of detached garages also proposed.

The layout would meet the broad objectives of D1, in that it is considered to demonstrate due consideration for its surrounding context with the development being of a similar design, although slightly denser than Phase 2 to the east, with a number of detached and semi-detached properties located to the north of Kirk Brae overlooking the Cults Burn area.

It is noted that there would be a degree of tension with Policy H4: Housing Mix of the ALDP in that the proposal would be providing 80% detached houses, 5% semi-detached and 15% terraced. Previous phases have provided a 65%/ 35% split of detached to semi-detached / terraced/ flats and that would have been the preference in this instance. Notwithstanding, the proposal will provide 16 different house types of varying layout, siting, design and architectural tweaks that would ensure that all properties did not look the same, as well as utilising a couple of different types of render/ material. In light of this, the housing mix in this instance is considered appropriate for the surrounding context and can be supported.

In terms of site context, the proposed layout would generally reflect the design and layout of previous phases of development that have been accepted by the Planning Authority and are on the whole reflective of the aspirations of the Development Framework (noting that not all aspirations of this document are being met – as discussed elsewhere in this report). The layout is therefore considered to be acceptable in this instance and would comply with the general terms of D1.

It is noted that the FDF suggested that a larger area of strategic landscaping should be provided to the front of the site. The current layout continues the frontage provided within Phase 2 and it would look odd if additional landscaping areas were provided in this location. The level of the area of landscaping provided to the front of the site is therefore appropriate for the site context and there is no significant conflict with the FDF or policy in this regard. The FDF also goes on to state that a landscaping buffer should be provided along the northern boundary, it is noted that this would be

partially provided on the north-eastern and western boundaries, but not entirely along the northern boundary as envisaged by the FDF. The absence of strategic planting between these sections would be replaced by the existing farm complex, which would provide some form of buffer on the northern boundary of the site along with the proposed boundary treatments. A compromise on compliance on this element of the FDF is accepted in this instance. The FDF also states that the field boundaries should be retained, and this matter will be discussed below.

In terms of boundary treatments, it is noted that one of the bigger issues raised in representations was the drystone dyke which ran through the site on either side of the Sunnyside Stables access track / Core Path 87. It is not proposed to retain this in its entirety, and it would not be possible to do so given the current layout, site levels and number of units proposed. Stone from the dykes will however be re-used on elements of the boundary treatments running along the north - south road and will be used as an attractive feature around the communal open space area in the north-eastern section of the site. This alternative approach and layout which provide attractive and prominent features as a memory of the former drystone dykes, is considered acceptable in this instance. Several other boundary treatments are proposed through the development including post-and-wire fencing on the western boundary to the woodland – providing a semi-rural feel, timber fencing between the properties and stone walls elsewhere on the public face of more prominent plots. The boundary treatments proposed are shown in greater detail on Drawing No: 29948/0003 Rev B.

A further consideration relates to the topography of the site, noting that it undulates significantly from north to south (ranging from 94m AOD in the northern section to 77 AOD in the south. In this regard several retaining walls and cut-and-fill of land will be required to facilitate the development. Cross-sections and other details have been submitted to the satisfaction of the Planning Service to show that the development can be accommodated on site without impacting on the surrounding landscape setting and amenity and the layout is therefore considered acceptable.

In terms of density, Policy H3 of the ALDP seeks a minimum density of 30 dwellings per hectare. The proposed development would provide 78 dwellings on a 5.3ha site, resulting in a density of around 14.7ha. When the open space is taken into consideration this would equate to a net provision of around 17.4 dwellings per hectare, which whilst much lower than suggested by planning policy, is in line with the terms of the FDF which suggested densities of 9-15 dwellings per hectare, and the density of properties in the surrounding area which vary from 6 to 20 dwellings per hectare. The density of development proposed is therefore accepted as being in keeping with the character of the area.

### **Impact on Character/ Amenity of Surrounding Area**

The surrounding area has a mixture of residential properties including the recent larger two storey dwellings located to the east and smaller 1-2 storey semi-detached and detached properties that are located to the south of the site on the north and southern sides of Kirk Brae. Most of the properties in the surrounding area benefit from generous garden grounds and the layout of development proposed is generally considered to respect the character and appearance of the surrounding area. It was acknowledged that the initially submitted plans showed that a number of the plots in the south-western section of the site may have resulted in an adverse impact on two properties (Woodley and Burnbank) to the south-west. The layout has therefore amended to remove some plots and re-align a number of others that would have sat significantly higher above these existing properties. As part of the new development, much of this south western area is now to be retained as open space/ landscaped areas.

Earlier concerns regarding the siting and impact of the proposed flatted block in the northern part of the site have been resolved through its removal and replacement by terraced houses, which would have less of an impact on both the stables that are located to the immediate north of these buildings and the wider landscape setting.

As a result of the revised layout, the proposal is considered to be an acceptable form of development that would not have an adverse impact on the character and appearance of the surrounding area and is broadly in line with the FDF.

### **Visual Impact**

It is acknowledged that the application site is currently an undeveloped area of land associated with Sunnyside Stables used as equestrian grazing. The site is fairly undulating from south to north, with planting around the south-western and western periphery. The provision of housing on the site will therefore have a visual impact on the site and change its character; the site is however allocated for residential development and the fields to the east have already been development as part of this allocation. The level and design of development will generally follow that of earlier phases and the change to the appearance of the surrounding area is accepted. The rising landform to the north, proposed planting and existing stables buildings will provide a suitable backdrop and setting for the proposed housing.

### **Transportation**

The proposal has been assessed by colleagues in Roads Development Management. In this instance the proposal would take access from Phase 2 of the development via West Craigbank Way and West Craigbank Avenue. The existing track that runs through the site to Sunnyside Stables, whilst being altered as part of the development would be retained as a private access for the existing properties to the north, with bollards installed at its southern access on to Kirk Brae. The internal road layout provides suitable access to all the residential properties proposed, with footpath connections also proposed to existing phases to the east and onto Kirk Brae to the south. It is also noted that the link road that was a requirement of the Development Framework has recently become operational on Craigbank Drive.

In terms of walking and cycling, colleagues in RDM noted that the proposal provides suitable and adequate pedestrian footpath links throughout the site, which in turn provides connections to the existing development and surrounding uses. It is also acknowledged that the safe routes to school route has previously been established and upgraded for previous phases of development, with traffic lights and associated crossing located to the immediate south-east of the application site boundary on Kirk Brae.

In terms of parking, colleagues in RDM are content that adequate parking facilities would be provided for each of the plots. The flatted properties have been removed and the on-site facilities that would be used for the terraced properties would meet with the standards as set on in the Transport and Accessibility SG.

In terms of the location of the affordable houses and the associated walking distance to the existing bus stop on Hillview Drive is approximately 500m, which would be more than the 400m recommended in the SG. It is also noted that bus stops are proposed on Craigbank Drive and these would be located a similar distance from the affordable units. Whilst it would have been preferable to have these properties located closer to the bus route, the layout proposed is considered to be the best solution for the site in this instance and the resulting slight tension with Policy T3 is accepted.

The proposal is considered to comply with the general provisions of Policy T2 and its associated SG: Transport and Accessibility of the ALDP.

### **Waste Management/ Servicing**

The proposal has been assessed by colleagues in Waste Management, who have raised no

objection to the proposed development following the submission of amended plans. They did note that Plot 70 is at a dead end and that a refuse truck would block the road when any bins are being emptied, and that the “pull” distance would be more than 25m, however this is not a reason for objecting.

Swept path analysis (SPA) was also provided in relation to the servicing of the whole site. The revised SPA was reviewed by colleagues in Roads Development Management and they noted the findings to be acceptable, noting that the site can be adequately serviced. As a result of the above the proposal is considered to comply with Policy R6 and the associated SG: Resources for New Development of the ALDP.

## **Drainage/ Flooding**

A drainage assessment has been submitted in support of the application. The document states that new foul sewers will serve the development and will be located within new roads and areas of open road where required. Each plot will discharge to the new sewer via a single disconnecting chamber located within its own curtilage.

In terms of surface water drainage, the report concluded that the mitigation indices provided by the detention basin and filter trench combination outweigh the pollution hazard indices of the development and the SUDS measures are deemed adequate for the proposed site. Surface water sewers will be provided and located in the new roads and open space where necessary and run-off from the internal roads will be drained directly to the new sewers via traditional trapped gullies. Run-off from individual plots will also drain to these sewers via a single disconnecting chamber located within its own curtilage.

The new surface water sewers will discharge to an existing detention basin located within an area of open space in the south-east corner of the development, which currently serves Phase 2 of the development. This will be extended westwards to accommodate the increase of additional surface flows from this development. Attenuated flows will then be directed to a filter trench immediately downstream prior to discharging to the adjacent watercourse (Cults Burn). Attenuation volume will be provided within the extended detention basin in order to contain the run-off volumes generated by the critical 10-year, plus climate change, rainfall return event. The extended detention basin will also contain run-off volumes generated by critical rainfall events up to and including the 200 years, plus climate change, rainfall return event. The attenuated discharge from the entire development will not exceed the agreed greenfield rate to the adjacent watercourse.

In terms of construction phase SUDS, an appropriate condition will be inserted on to the consent requiring further detail on how surface water arising during construction will be dealt with and agreed with the approved contractor prior to development commencing on site. This will be detailed in the required Construction Environment Management Plan (CEMP).

The drainage information has been reviewed by colleagues in RDM, who have raised no objection to the matters raised. A condition will be added to the planning approval ensuring that development is carried out in accordance with the recommendations of the document.

SEPA have also made comment on the proposal. They have noted that development should be designed to prevent any deterioration in the water environment. They noted that the supporting information states that Cults Burn has been realigned and canalised in the past and “supports little aquatic or emergent macrophyte vegetation.” The burn has been straightened historically and kept straight by grey bank protection on both banks, the watercourse now has an unnaturally coarse bed and is over deep so that it is significantly disconnected from its natural floodplain. As such the proposed development provides a good opportunity to significantly improve the burn. To enable this, they have suggested use of an appropriate condition, which is proposed in the recommendation.

Subject to the aforementioned conditions, the proposal is considered to be acceptable from a flooding and drainage perspective and the proposal therefore complies with Policy NE6 and its associated SG: Flooding, Drainage and Water Quality of the ALDP.

## Natural Heritage

An ecological survey was submitted in support of this application, which included a Phase 1 Habitat Survey to allow an evaluation of the ecological resource and to assess the ecological issues associated with the development.

In terms of Cults Burn/ LNCS/ River Dee SAC it has suggested the provision of SUDS for control of construction run-off and for attenuation and storage of operational run off, noting that that residual impacts should be negligible. A suitable condition requiring the submission of a Construction Environment Management Plan (CEMP) is proposed.

The survey also noted that there would be a negligible habitat loss on site, with the retained green space and new domestic gardens having the potential to increase local biodiversity. It also suggests the retention of field boundaries where possible and considers there will be a negligible impact on surrounding woodland. A retained and enhanced greenspace along the burn will help to preserve the integrity of the riparian corridor and that the enhanced green space along this corridor will also preserve the foraging opportunities for species such as badgers. It also noted that the scheme is likely to have a negligible impact on bats.

The proposal was assessed from a natural heritage perspective by colleagues in Environmental Policy, who had no concerns with the LNCS and with the general details provided with the current proposals. The proposal would therefore not conflict with Policy NE8 of the ALDP.

In terms of landscaping, various areas of planting are proposed throughout the development and there are illustrated on drawing 478.12.01c. The planting schedule includes over 120 trees including alder, common birch, aspen rowan, maple and weeping willows. Shrubs are also proposed along with areas of grassland and meadow mixes, which would more than compensate for those being lost. Details are also included on scheduled maintenance and an appropriate condition can be used to ensure that any dead trees are replaced. The proposal was amended from the original submission to include more native species at the request of colleagues in Environmental Policy, who are content with the landscaping now proposed. The proposal would therefore not conflict with Policy D2 of the ALDP.

In terms of trees, colleagues in Environmental Policy have retained concerns in relation to trees and the proximity of the development (formation of rear gardens) to the Root Protection Area (RPA) of trees adjacent to the site. The rear gardens of Plots 61-69 would be within the 'Zone of Influence' tree falling distance of a number of trees along the western boundary, but it is noted that no buildings would be located within these areas. It is noted the impact on root protection areas on existing trees and the formation of garden ground within the zone of influence creates a tension with Policy NE5 and its associated SG. However, the issue is not considered to be significant enough to warrant refusal of planning permission and the tension with Policy NE5 can be accepted in this instance.

SEPA have commented on the proposal in addition to other aspects that have been addressed elsewhere have and to support the delivery of environmental enhancement measures, they have suggested the use of a planning condition requiring the submission of a schedule of green measures to offset the environmental impacts and contribute to and enhance the natural environment and support Policy D1 of the ALDP. This is considered acceptable.

It was also suggested that opportunities to properly link Core Path 87 to Core Path 54 should be



investigated, as there is an opportunity to improve this connection across Kirk Brae. There are however land ownership constraints with providing this, as some of the land required is not within the ownership of the applicant. It is therefore acknowledged that provision of this connection is out with the control of the applicant and cannot be delivered by this application. This matter could be investigated by the Council, however, with the potential for core path contributions to be utilised for this upgrade. In this instance the revised layouts and the provision of foot paths connections within the development are appropriate, in addition to an agreed financial contribution to core paths and there would be no significant conflict with Policy NE9 of the ALDP in this instance.

### **Open Space Provision**

The submitted site plans shows areas of open space within the application site, which would predominantly be located within the southern section of the site close to Cults Burn and adjacent to a similar open space strip that has been provided within Phase 2. This area would form part of the Green Space Network. This area would also include the provision of children's play facilities. A smaller "village green" is also provided within the north-east section of the site and it is proposed to upgrade the core path which runs through the site from Sunnyside Stables to the immediate north. There are also other small areas of green space that would be provided throughout the development. The area of open space at the front of the site would equate to approximately 7650 sqm with the village green equating to approximately 750sqm. Whilst it is appreciated that all this space would not be entirely useable given the steep gradients within the south-west corner of the site, the level provided on a site extending to approximately 53,000 sqm is considered to be acceptable in this instance. It is also noted that properties within this development would have good access to other facilities such as Foggieton Woods to the south west of the application site.

In terms of Policy NE9 and aspirations of the FDF it is noted that there is an expectation of the maintenance of recreational opportunities on site – in relation to the retention of the core path link through the site and the provision of a recreational path "trim trail" through the strategic landscaped area. Both of these are to be provided and as a result it is considered that these elements of the proposal would comply with the aspirations of the FDF and with Policy NE9 of the ALDP.

It is also noted that a developer obligation of £18,227 would be provided for further open space provision/ enhancement in the surrounding area. Taking these matters into account, the proposal is considered to be acceptable. There would therefore be no significant conflict with NE4 of the ALDP.

### **Affordable Housing**

Although the preference of the Council is for 25% provision on site in line with the terms of planning policy, the Planning Authority have accepted the established approach put forward by the applicant, in line with how Phases 1 and 2 of the development were dealt with. These sites formed part of OP51, which was zoned for residential development in the 2008 Local Development Plan at a time where the AH contribution was 10% on site. The accepted approach is delivery of 10% affordable housing on site with a 15% commuted sum, as is proposed through this application.

Ideally the affordable houses could have been located more centrally within the site and closer to the bus routes, but their location has been accepted within the northern section of the site as appropriate. Their grouping, rather than spread across the site may also be more beneficial if a Registered Social Landlord's to take them on. In this respect, there is an element of conflict with Policy H5 of the ALDP. It is not considered that these concerns would warrant a reason for refusal of planning permission in this instance.

### **Education**

The application site is within the school catchment zones for Cults Primary School and Cults

Academy. Within their initial consultation response colleagues in Education objected to the proposal as concerns were raised that Cults School is currently significantly over subscribed and will remain so until 2022 and there is no possibility of adding further classroom space due to previous alterations that have taken place.

Following the receipt of further information, which included updated school roll forecast information for Cults Primary School, which indicated capacity for residents of the proposed development, colleagues in Education removed their earlier objection to the development. The Developer Obligations Report stated that *“factoring the proposed dwelling units into the 2018 school roll forecast shows that the development will result in the school capacity being exceeded by a maximum of 4 pupils later in the forecast period. However, as this level is lower than the current over-capacity level, and there is no current plans in place to increase capacity at the existing primary school, a contribution is not considered appropriate in this case”*

They also noted that, in terms of secondary education, Cults Academy is close to full capacity and is likely to exceed full capacity by 2022. Reconfiguration work would be required at the school in order to provide additional capacity for pupils generated by this development. A contribution of £39,525 has therefore been agreed with the developer towards the provision of additional capacity through the reconfiguration of floor space within the existing school building.

The proposed development is therefore considered to be acceptable from an education perspective.

### **Noise/ Air Quality**

The proposal has been assessed by colleagues in Environmental Health. They have suggested the insertion of planning conditions requiring the submission of an air quality (dust) risk assessment and a site-specific dust management plan. Both of these matters will be controlled via conditions. They have also suggested the insertion of an advisory note in relation to noise from site/ ground preparation and construction works to ensure works taking place between 7am and 7pm Monday – Friday and between 8am and 3pm on a Saturday. Subject to the above being carried out there would be no conflict with Policies T4 or T5 of the ALDP.

### **Developer Obligations/ Legal Agreement**

In addition to the above contribution toward Secondary Education and previously mentioned Affordable Housing, the applicants have agreed developer obligations towards the Core Path Network (£37,051), Health Care Facilities (£101,948) and Open Space (£18,227). These will be controlled via a legal agreement. Subject to the provision of these contributions the proposal would comply with Policy I1 and its associated SG: Planning Obligations of the ALDP.

### **Sustainability**

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology in accordance with the associated supplementary guidance. The policy also requires all new buildings to use water saving technologies and techniques. Conditions can be attached requiring details to be submitted demonstrating that the buildings would comply with these requirements.

### **Digital Infrastructure**

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within an urban location, with a check of the OFCOM website confirming that the area has access to standard and superfast broadband. The

proposal would therefore comply with Policy CI1 of the ALDP.

### **Matters Raised by Community Council**

Considering each of the points raised by the Community council (above) in turn:

1. The density of development is considered acceptable following the submission of the revised layout and has been discussed elsewhere within this report.
2. The site layout has been revised from the original submission and is more in line with that envisaged within the FDF. The Planning Authority have noted that these is still elements of conflict with the FDF.
3. It is noted that the preference would be for a greater mix of houses. This matter has been discussed elsewhere within this report.
4. The flatted block has been removed from the development as the Planning Service shared the same concerns as the Community Council and replaced by terraced properties. It is noted that the preference would be for the affordable housing units to be located closer to Kirk Brae, this has not occurred in the revised layout and this matter has been discussed elsewhere in this report.
5. It is noted that the core path will need to be diverted during the construction phase and an alternative route will need to be agreed with the Council prior to these works taking place. The extension of the existing footpath along Kirk Brae has been discussed already in this report and would be difficult to implement given land ownership constraints and the width of the land on the southern side of Kirk Brae.
6. Children's play facilities are to be provided in the southern section of the site adjacent to Cults Burn. A revised planting scheme has been provided and agreed with colleagues in Environmental Policy and it is noted that there are some constraints regarding what can be planted.
7. More biodiverse planting in the public areas will be sought rather than the white birch that is proposed.
8. Drainage has been discussed in detail in the evaluation section of this report. A dust management plan would also be conditioned as part of this planning consent. The applicants have noted that it would be difficult to keep the existing site compound as development progresses due to construction traffic having to pass further residential properties. It is therefore likely that any such compound would be accessed via Kirk Brae.

In response to the Community Council's further comments of the 15<sup>th</sup> September the following responses are made:

1. The flooding comments are noted. The findings of the Drainage Impact Assessment have been noted and designed in accordance with current standards. The proposal is considered to be acceptable in this regard.
2. This is a civil matter between relevant interested parties. If there is a right of access then this will likely need to be maintained during construction works.
3. This matter is to be controlled via an appropriately worded planning condition requiring the

submission of a CEMP. There are also conditions requiring the submission of an Air Quality Dust Risk Assessment and Dust Management Plan.

4. Comments noted.
5. This matter has been discussed in the representations section of this report and the additional area of land was not considered necessary to make the development acceptable. It is out with the application site and OP41 allocation boundary and does not form part of the current application.
6. Finalised details of the children's play area will be controlled via an appropriately worded planning condition. Its location close to the front of the site is considered to be acceptable.
7. This matter has been discussed elsewhere in the report.
8. This is not a material planning consideration. The proposed layout of the footpaths within the site and links to the core path network are considered acceptable.

### **Matters Raised in Representations**

Considering each of the points raised by representations (above) in turn:

1. The need for additional housing as proposed is not a material planning consideration. The site is allocated for residential development and the number of units proposed is in line with this allocation.
2. The site is allocated for residential development and the loss of open space has therefore previously been agreed. The loss of species and animals on the land is noted and the findings of the ecological assessment has been accepted by colleagues in Environmental Policy. The development would introduce greater ecological variety in terms of new planting and landscaping compared to the existing grass fields.
3. The land to the west is out with the application site boundary and residential zoning and could therefore not be included as an additional area of open space within the confines of the current application. Additional areas of open space are not required to make the development acceptable.
4. The potential provision of a link to Foggieton Woods by way of upgrading the core paths has been discussed elsewhere within this report.
5. This matter has also been discussed elsewhere in this report. The use of the private track and any restrictions on it would be a civil matter between the applicant and the other owners of the track.
6. Noise and disturbance have been discussed elsewhere within this report.
7. This is not a material planning consideration and would be a civil matter that would need to be resolved between interested parties. Bollards are to be put in place to restrict new residents using the access onto Kirk Brae.
8. The removal/ alterations to the drystone dyke has been discussed elsewhere within this report. It is noted that the dyke is to be moved and reused within other parts of the

development. The layout, proximity to bus stops has also been discussed elsewhere. It was always expected that the layout would involve traffic utilising West Craigbank Way and West Craigbank Avenue.

9. Roads information has been assessed by colleagues in RDM and considered acceptable. It was not considered a requirement to include all of the suggested vehicle types within the road's classification report.
10. The flatted block has been removed from the development.
11. The housing mix has been discussed elsewhere within this report, as has the percentage of affordable housing and compliance with the FDF. None of the properties would be located on land designated as Green Belt.
12. Density of the development has been discussed elsewhere and the reduction in numbers ensures that the density of development complies with the suggested figures located in the FDF.
13. This is not a material planning consideration.
14. The layout has been amended and a number of these properties have been removed from the development to ensure no adverse impact on residential amenity. Some cut and fill will be required to facilitate the development, but it has been reduced to the minimum necessary to facilitate the development and is considered not to have a significant detrimental landscape or visual impact.
15. Boundary treatments have been discussed elsewhere in this report. The timber fence that was originally to be located along the western boundary has been replaced by 1m high post-and-wire fencing.
16. Revised plans have been submitted showing improvements to the strategic landscaped area located at the front of the site. The amendments are considered to be acceptable.
17. Primary and secondary education has been discussed elsewhere within this report.
18. Hours of construction has been discussed elsewhere within this report.
19. Dust management has been discussed elsewhere within this report with an appropriate condition added to the consent.
20. Green energy (or low and carbon) is a matter that will be controlled via an appropriately worded planning condition.
21. Flooding/ drainage has been discussed elsewhere within this report.
22. Loitering and vandalism is not a material planning consideration to the determination of this application. It is noted that Police Scotland commented on the planning application and their recommendations will be added as an informative to this permission.
23. This issue is not material to the determination of this application.

24. The pre-application consultation procedures carried out were agreed with the Council and considered appropriate in this instance.
25. There was no requirement to consult Aberdeen International Airport on the planning application.
26. This is not a material planning consideration.
27. The inclusion of further land to the west was not required to make the proposal an acceptable form of development. This matter is not material to the determination of this application.

### **Proposed Aberdeen Local Development Plan**

In relation to this application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **RECOMMENDATION**

Willingness to approve subject to conditions and a legal agreement to secure developer obligations towards the provision of affordable housing, the core path network, primary education, secondary education, healthcare facilities and open space.

### **REASON FOR RECOMMENDATION**

The principle of residential development has previously been established on site and is recognised in the Adopted Aberdeen Local Development Plan as OP41: Friarsfield. The development is also considered to be generally compliant with the terms of the Friarsfield Development Framework as well as Policies LR1: Land Release Policy and H1: Residential Areas of the Aberdeen Local Development Plan.

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

It is noted that the development conflicts slightly with Policy H4 (Housing Mix) and H5 (Affordable Housing), but material considerations have overcome the policy tension in this instance.

The Green Space Network would run along the frontage of the site, and it is noted that there would be some impact on natural habitats, which are inevitable given the site's zoning. The site's layout has been designed in such a way that the landscape buffer to the front of the site (where the green space network designation is allocated) would be retained to keep an acceptable amount of open space and wildlife habitats. The proposal would therefore have no significant detrimental impact on the character or function of the Green Space Network, nor on existing natural habitats and species, in accordance with Policies NE1 (Green Space Network) and NE8 (Natural Heritage).

Subject to a number of appropriate conditions the proposal would be adequately accessible, would appropriately mitigate its impact on existing local facilities and infrastructure, and would be adequately drained without increasing flood risk, all in accordance with Policies: Policies T2

(Managing the Transport Impact of Development), T4 (Air Quality), T5 (Noise), I1 (Infrastructure Delivery and Planning Obligations), NE6 (Flooding, Drainage & Water Quality) and NE9 (Access and Information Recreation). A tension with Policy T3: Sustainable and Active Travel is noted but is not sufficient to alter this recommendation.

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

An acceptable area of communal open space would be provided as required by Policy NE4 (Open Space Provision in New Development). Appropriate tree protection measures and landscaping would be provided and overall, and whilst it is noted that there is some conflict with Policy NE5 (Trees and Woodland) in that some of the garden grounds of properties on the western side of the development would lie within the Zone of Influence of some existing trees, this is considered acceptable in this instance.

The proposal is considered to comply with relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance, and where there is policy tension, these have been justified by other material considerations. There are no material planning considerations that would warrant the refusal of consent in this instance.

The proposal has also been assessed against policies OP41: Friarsfield, LR1: Land Release Policy, WB1: Healthy Developments, WB2: Air Quality, WB3: Noise, NE2: Green and Blue Infrastructure, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodlands, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3 Parking and C11: Digital Infrastructure of the Proposed Aberdeen Local Development Plan and the development is considered to be acceptable for the reasons previously given.

## **CONDITIONS**

### **1. ENHANCEMENT OF THE WATER ENVIRONMENT**

Prior to commencement of any work [in any phase/on site] a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. Without prejudice to the foregoing generality, and as a minimum, this shall include:

- a) Confirmation of the location of all existing water bodies on site and demonstration of how they have been incorporated into the layout of the development, including appropriate buffer zones;
- b) Investigation of and where viable, detailed information relating to the realignment of any watercourses on site including the Cults Burn;
- c) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200-year flow unless otherwise agreed with the Planning Authority in consultation with SEPA.

All works on site must be undertaken in accordance with the approved scheme unless

otherwise agreed in writing with the Planning Authority. Reason: to improve and protect the water environment and to prevent an increase in flood risk.

## 2. GREEN MEASURES

No development (including site stripping, service provision or establishment of site compounds) shall commence on site unless a schedule of green measures, in line with SEPA's response PCS/170155 of 09 03 20 has been submitted to the Planning Authority. The schedule, detailing the measures that have been investigated and will be implemented on site, should be submitted prior to the commencement of development on site for the written approval of the Planning Authority, in consultation with SEPA and implemented in full. Reason: to ensure adequate protection of the water environment and contribute to and enhance the natural environment in accordance with Scottish Planning Policy.

## 3. CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

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

## 4. DRAINAGE ASSESSMENT COMPLIANCE

No unit within the hereby approved development shall be occupied unless all drainage works detailed in the approved Drainage Assessment (128386-DA Issue 3) produced by Fairhurst or such other plan/ document as may subsequently be approved in writing by the planning authority for the purpose of detail have been installed in complete accordance with the said plan for that phase / unit. Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

## 5. LOW AND ZERO CARBON

No development associated with any residential dwelling shall take place unless a scheme detailing compliance with the Council's Resources for New Development Supplementary Guidance has been submitted to and approved in writing by the Planning Authority. Thereafter no units shall be occupied unless any recommended measures specified within that scheme for that unit for the reduction of carbon emissions have been implemented in full. Reason - to ensure that the development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance: Resources for New Development.

## 6. LANDSCAPING – APPROVED SCHEME

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme (as shown on Drawings No: 423.03.01D, 423.03.02D and 423.03.03D) and shall be completed during the planting season immediately following the commencement of the development or as otherwise agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of



the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

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

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

## 7. PLAY AREA PROVISION

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

## 8. TREE PROTECTION

The tree protection measures shall be carried out in complete accordance with the approved scheme (Ref: 0117(116)-02 – PROT). Reason: In order to preserve the character and visual amenity of the area.

## 9. STORAGE OF MATERIALS

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

## 10. AIR QUALITY (DUST) RISK ASSESSMENT

No development (including site stripping or service provision) shall take place unless an Air Quality (Dust) Risk Assessment for the construction phase of development has been submitted to and approved in writing by the Planning Authority. Such risk assessment shall be carried out by a suitably qualified consultant in accordance with the Institute of Air Quality Management document "Guidance on the Assessment of Dust from Demolition and Construction 2014". Thereafter development shall be carried out in accordance with the approved plan. Reason: in order to control air pollution from dust associated with the development in accordance with Policy T4 – Air Quality.

## 11. DUST MANAGEMENT PLAN

No development (including site stripping or service provision) shall take place unless a Dust Management Plan for the construction phase of development has been submitted to and

approved in writing by the planning authority. Such management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) shall be undertaken in accordance with the approved plan. Reason - In order to control air pollution from dust associated with the construction of the development in accordance with Policy T4 - Air Quality.

## **ADVISORY NOTES FOR APPLICANT**

### **HOURS OF OPERATION**

To protect the amenity of the occupants of existing nearby residences from noise resulting from demolition, site/ground preparation, and construction works, I recommend the following controls are applied:

1. Works with an element of noise should not occur outside the following hours:

Monday to Friday	0700 to 1900
Saturday	0800 to 1300
2. No works with an element of noise should occur on a Sunday.

### **SCHEDULE OF GREEN MEASURES**

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

### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

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

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

### **POLICE SCOTLAND LIAISON**

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

# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

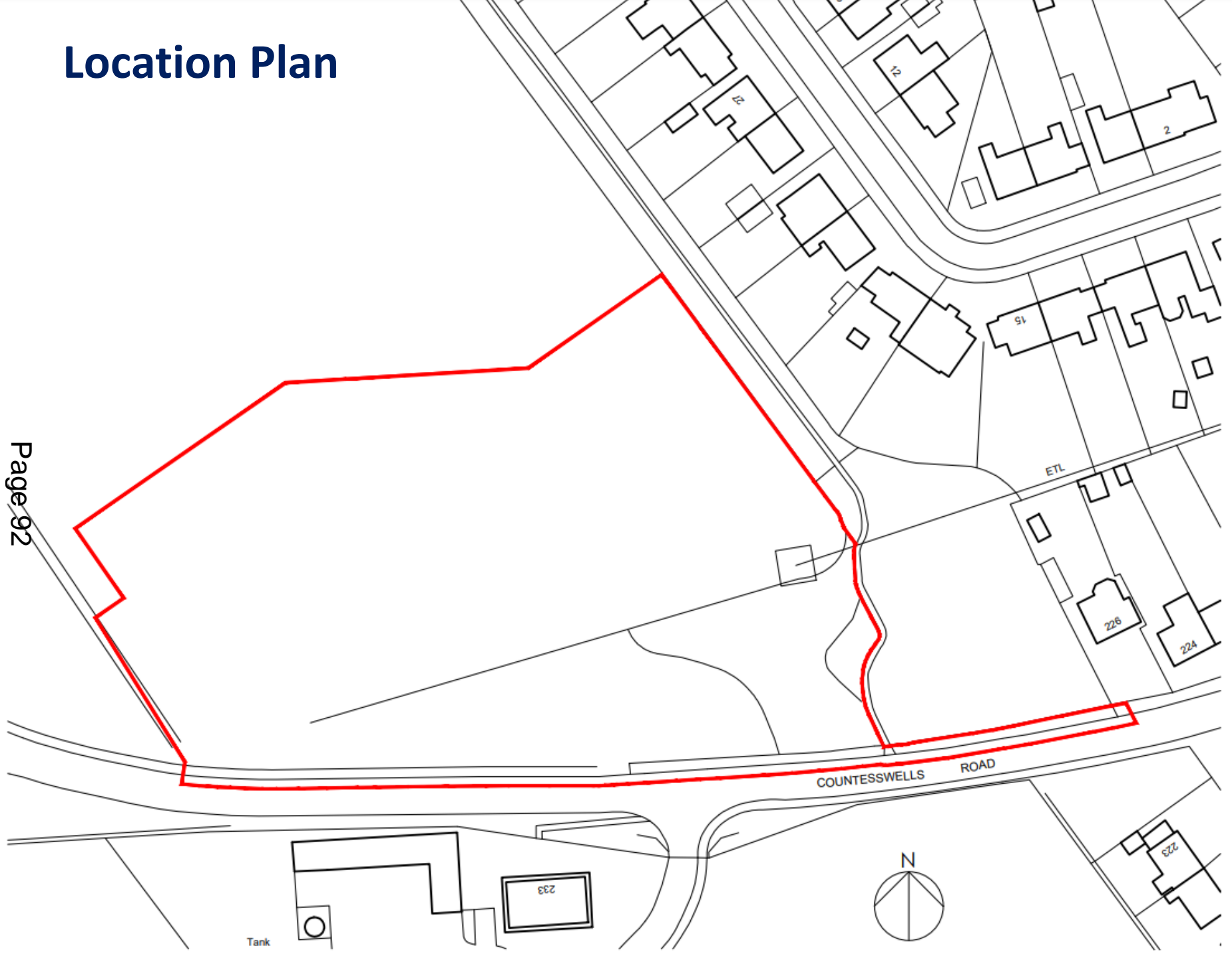


Erection of Class 1 (shops) retail unit with associated car parking, access, landscaping and associated works

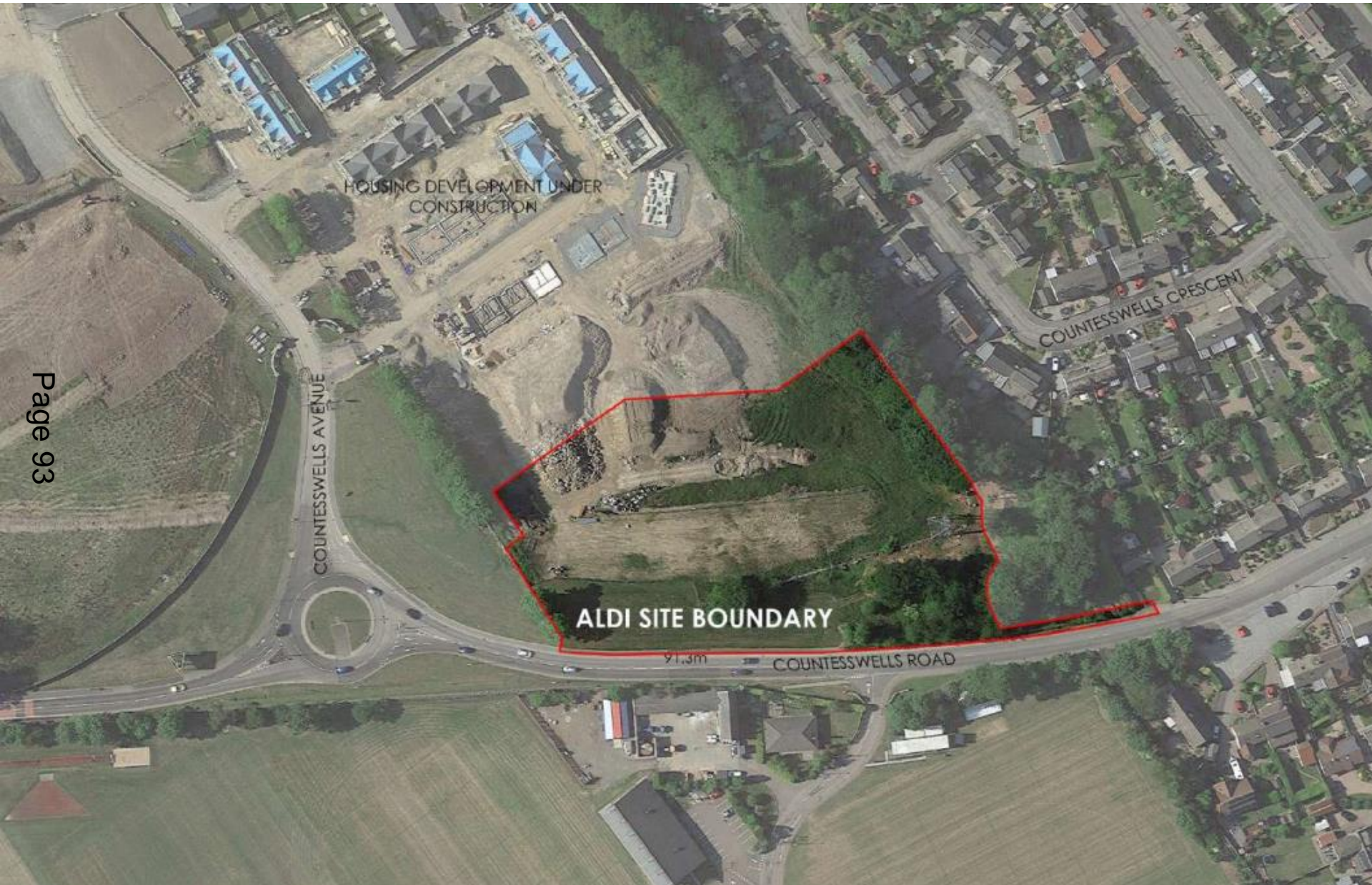
Land At Countesswells Road Aberdeen

Detailed Planning Permission  
200659/DPP

# Location Plan



# Location: Aerial



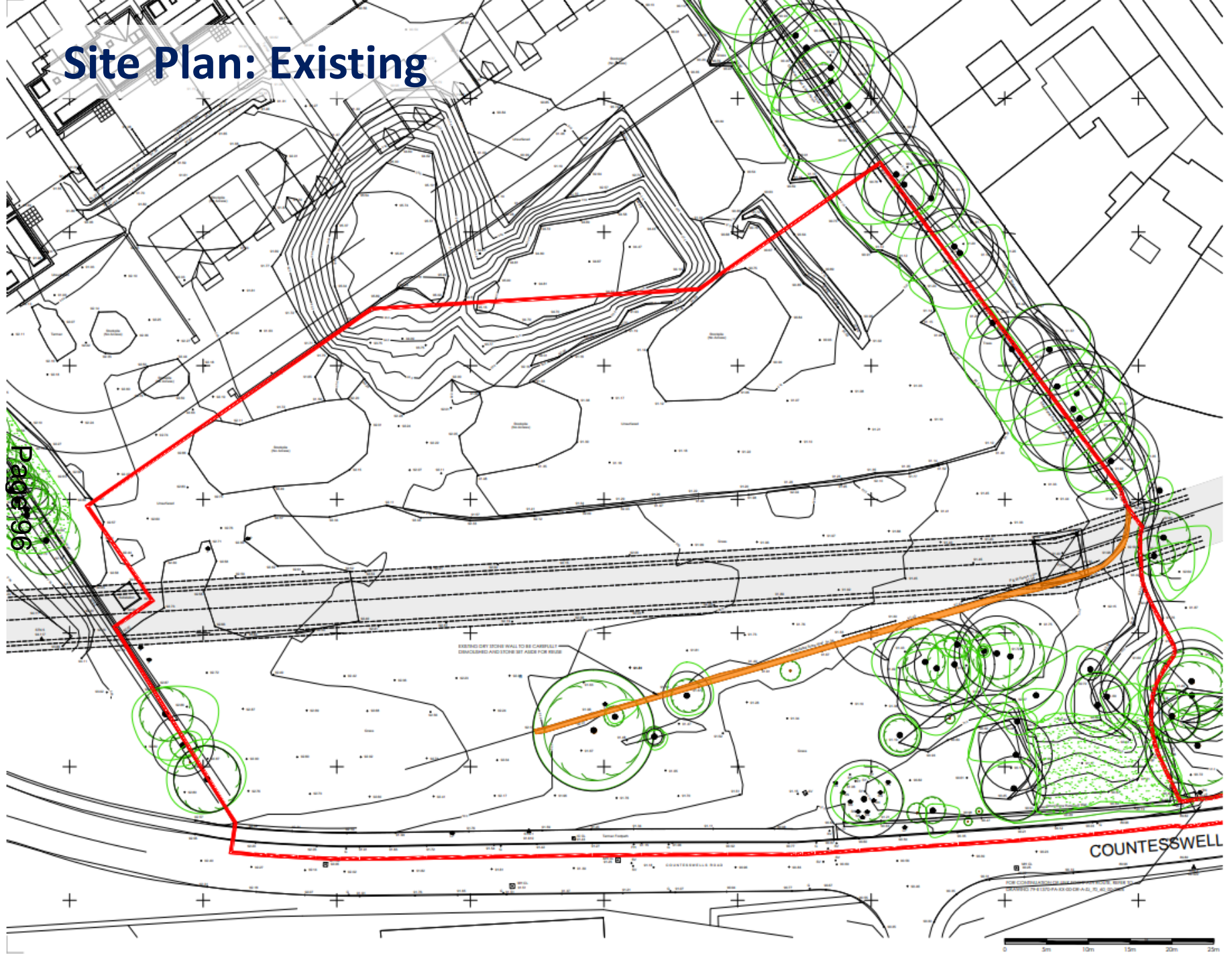
**Photo: looking north**



Photo: looking south



# Site Plan: Existing





# Site Plan: Proposed



Page 01

# Footpath works



# Streetscape Elevations



Existing trolley and power lines (indicative)

South Elevation (Store Entrance)



North Elevation (Store Rear)

# Streetscape Elevations

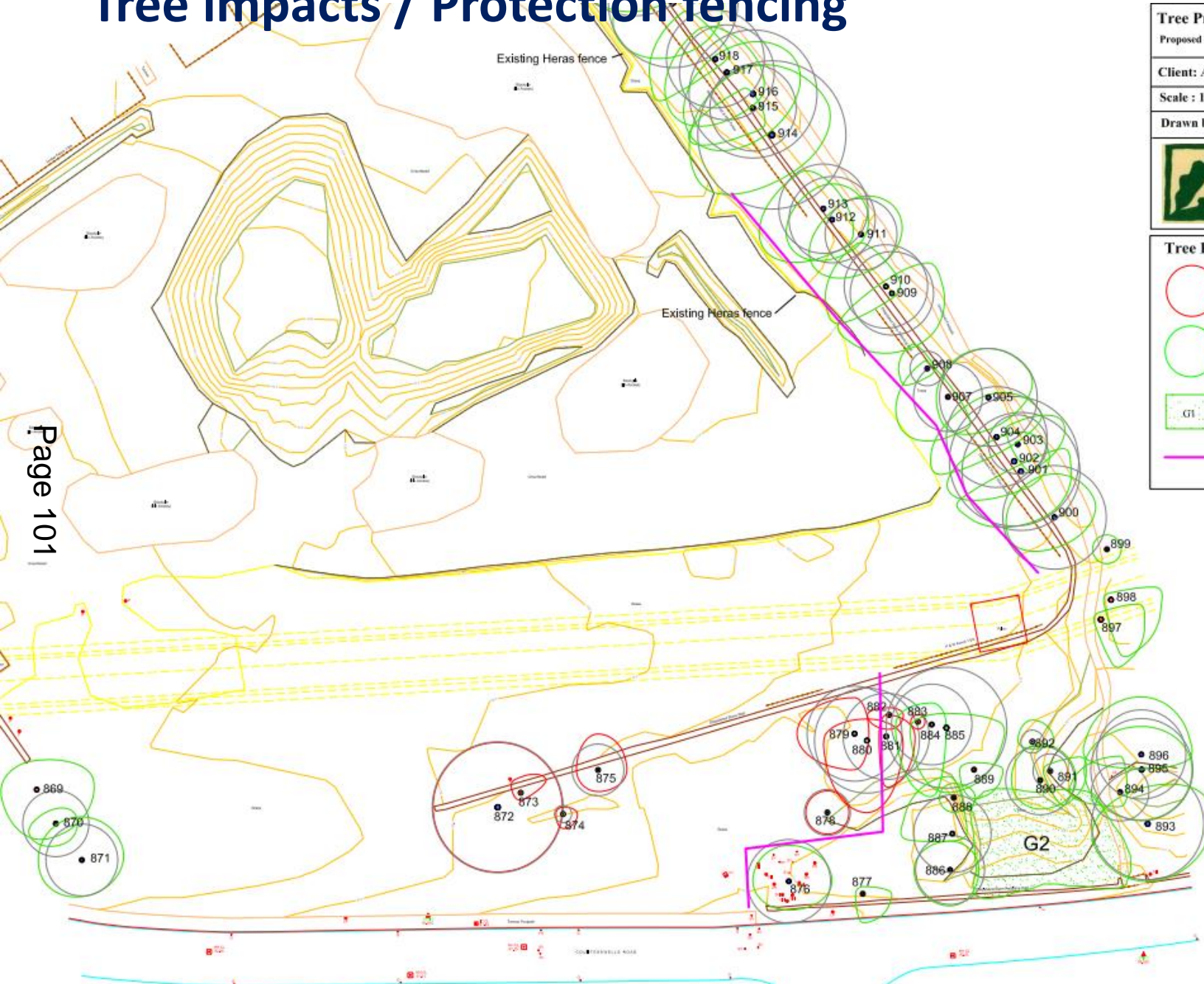


East Elevation (Loading Bay)



West Elevation (Shopfront)

# Tree impacts / Protection fencing







**Tree Proposals and Protection**  
Proposed Aldi Store, Countesswells Road, Aberdeen

<b>Client:</b> Aldi	
<b>Scale:</b> 1:500 @ A3	<b>Drwg no.:</b> 20472/1
<b>Drawn by:</b> DR	<b>Date:</b> July 2020

 Donald Rodger Associates Ltd  
Arboricultural Consultants  
39A Main Street, Gullane  
East Lothian, EH31 2AP  
Tel: 01620 842656  
e mail info@donaldrdger.co.uk  
www.donaldrdger.co.uk

**Tree Proposals**

-  TREE TO BE REMOVED
-  TREE TO BE RETAINED
-  GROUP OF TREES TO BE RETAINED
-  LINE OF TREE PROTECTION FENCE, AS PER BS5822:2012

# Landscaping Plan

## BOUNDARY TREATMENTS



TIMBER END RAIL



1.8M HIGH VERTICAL SLAT SCREEN  
TIMBER SCREEN



CONCRETE RETAINING WALL



2.4M HIGH GREY ALUMINIUM METAL  
PALISADE FENCE



DRY STONE WALL TO MATCH EXISTING



DRY STONE WALL TO MATCH EXISTING  
BY HOUSING DEVELOPER AS PART OF  
INDICATIVE HOUSING DEVELOPMENT



EXISTING DRY STONE WALL BUILT  
BY HOUSING DEVELOPER AS PART OF  
CONSOLIDATED HOUSING DEVELOPMENT



EXISTING DRY STONE WALL TO ADJOIN  
B&B



# Visualisation from Countesswells Road

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*CGI from the site entrance off Countesswells Road (prior to introduction of further landscaping)*

# Previous approval 170243



- Notes**
- This drawing and the copyright remain the property of G Albed Services Ltd. It may not be copied, altered or used without their written permission. All dimensions must be checked on site. Any discrepancies should be notified to the Architects. Only written dimensions shall be followed. This drawing MUST be read with other Architectural and Engineers drawings and the specification.
- 8no 3bed Ash
  - 10no Lime
  - 17no Rowans
  - Block A Apartments  
9no apts
  - Block B Apartments  
9no apts each
  - Apartments  
63no apts
  - Amenity Space
  - Private Space



# Previous approval 170243

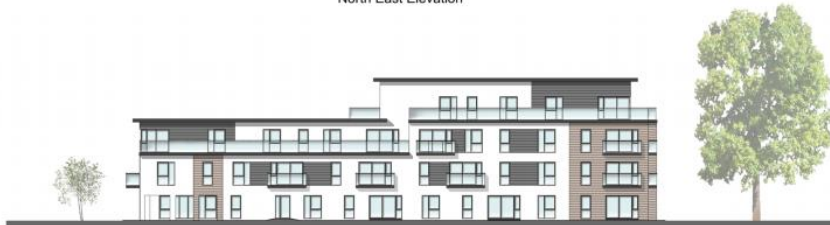
Countesswells Rd



Page 105

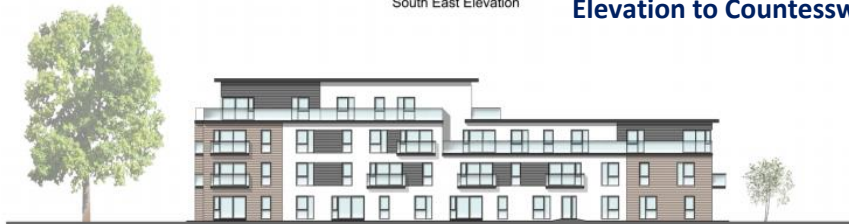


North East Elevation



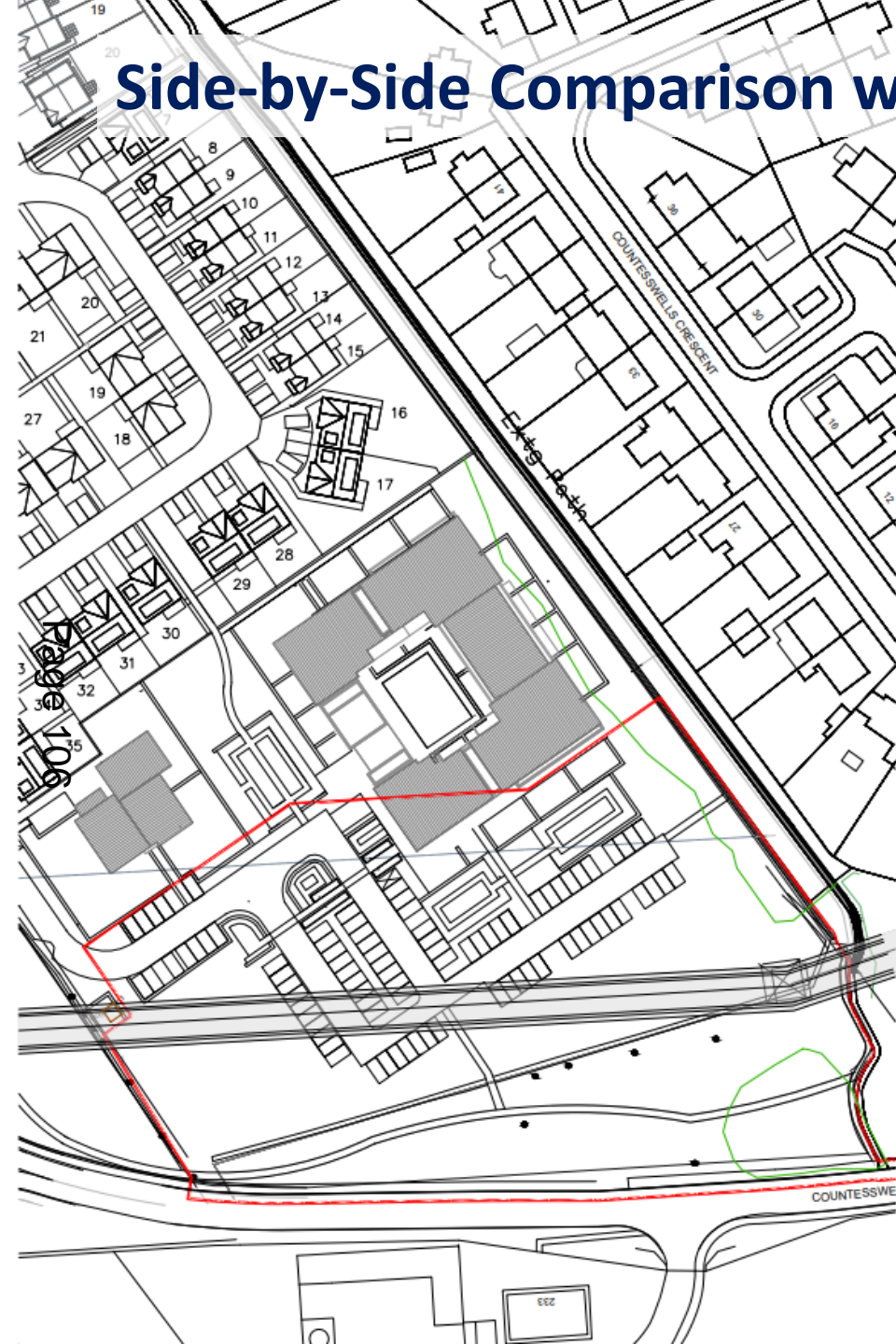
South East Elevation

Elevation to Countesswells Rd



North West Elevation

# Side-by-Side Comparison with 170243



# Retail Assessment Plan

## Neighbourhood Centre Locations (including foodstore locations)

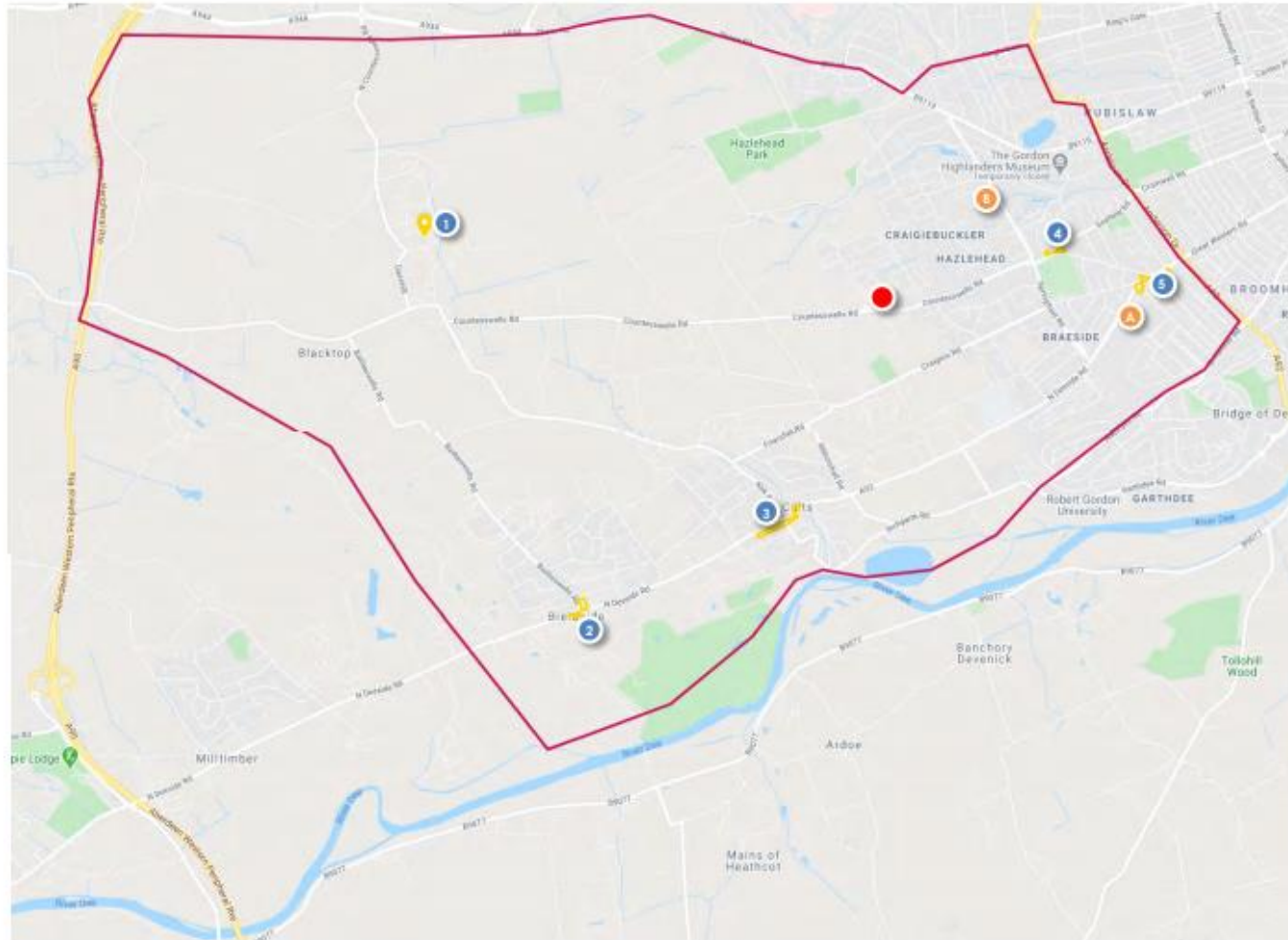
- 1 Countesswells Neighbourhood Centre (PPP in place)
- 2 Bieldside Neighbourhood Centre (incl. Scotmid)
- 3 Cults Neighbourhood Centre (incl. Sainsbury's Local and Tesco Express)
- 4 Mannofield Neighbourhood Centre (incl. Co-op)
- 5 Seafield Neighbourhood Centre (incl. Co-op)

## Other Foodstores

- A Tesco Express, Great Western Road
- B Co-op Springfield Road

 Proposed Aldi Foodstore  
Countesswells Road

 Catchment Area  
(based on adjusted 7-min drivetime)



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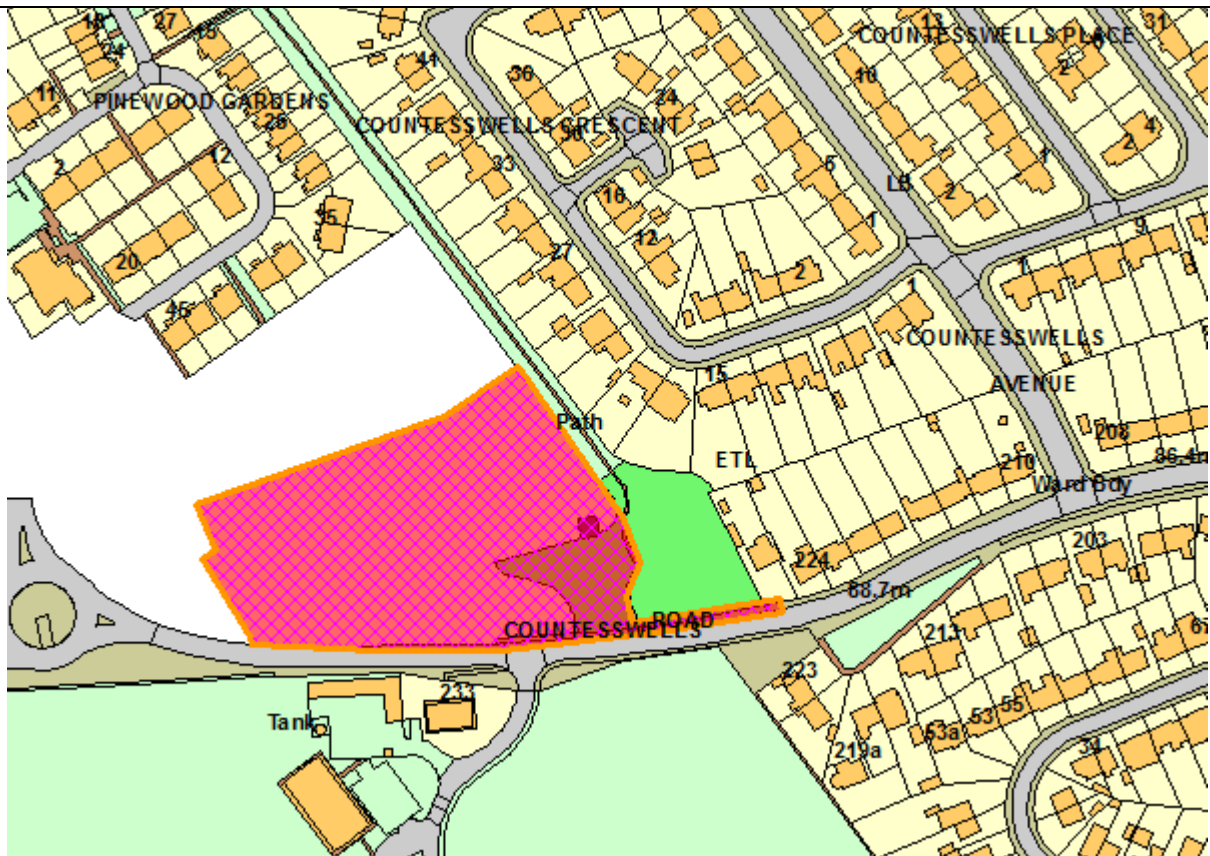


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 24 September 2020

<b>Site Address:</b>	Land at Countesswells Road, Aberdeen
<b>Application Description:</b>	Erection of Class 1 (shops) retail unit with associated car parking, access, landscaping and associated works
<b>Application Ref:</b>	200659/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	30 June 2020
<b>Applicant:</b>	Aldi Stores Ltd
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council:</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Gavin Evans



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## RECOMMENDATION

Approve Conditionally & Legal Agreement

## **APPLICATION BACKGROUND**

### **Site Description**

The application site lies on the northern side of Countesswells Road, immediately to the west of a roundabout junction with the newer section of Countesswells Avenue and directly opposite the access to Robert Gordon's College playing fields, on the southern side of Countesswells Road.

The site extends to approximately 1.2 hectares and forms part of a wider area of land between Countesswells Road and Hazledene Road that has been the subject of residential planning permissions which are partially implemented at present. The planning history of the site is summarised separately within this report. This site occupies the south-eastern portion of the 'Pinewood' site, referred to as Pinewood Zone F in earlier residential applications, and is bounded to the south by Countesswells Road and to the east by a footpath and a tree belt, beyond which lie existing residential properties fronting Countesswells Crescent and Countesswells Road. Possibly the most notable feature of this site is that it lies partially under high-voltage overhead power lines, which are of considerable height and are a strong feature in the local topography.

This portion of the site is undeveloped, with the exception of preparatory earthworks and use as a construction compound associated with the ongoing residential development on adjoining land, off Countesswells Avenue.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
A7/2178 (072132)	PPiP Pinewood (150 homes)	19.08.10
A8/0530 (080831)	PPiP Hazledene (200 homes)	19.08.10
120029	MSC for Hazledene	10.04.14
120952	MSC for Pinewood	10.04.14
120371	Sales-related advertisements	21.05.12
130994	MSC for Hazledene Zone A layout	17.12.13
131037	MSC for Hazledene (internal roads & traffic calming)	09.12.13
130820	MSC for Hazledene Zone H layout	17.12.13
130983	MSC for Hazledene – landscaping, open space, dry-stone walls	09.12.13
170525/DPP	Erection of care home and 4 dwellings	06.12.17
170243/DPP	Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block (Zone F, Pinewood)	22.08.18
180224/PAN	Proposal of Application Notice	02.03.18
182053/DPP	Residential development comprising of 216 units (across zones A, B, C, D and E) with associated access, landscaping and infrastructure	28.08.19

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

This application seeks detailed planning permission for the construction of a Class 1 retail food store (gross floor area 1,846sqm), along with associated means of access, car and cycle parking, landscaping and boundary enclosures. The site would be accessed via a single vehicular access point onto Countesswells Road, mid-way along site frontage. On entry, customer traffic would turn left to access the car park, which operates on a one-way basis and includes zebra crossing points,

whereas the service yard and loading bay would be located to the right, allowing for the separation of pedestrian and HGV movements. Pedestrian access points are shown at the vehicular access and also via connections to the adjoining housing development to the north and to Countesswells Road at the south-western corner of the site.

The building itself would be positioned on the northern portion of the site, with car parking (totalling 101 spaces, which includes designated accessible disabled spaces, parent & child spaces and 2no Electric Vehicle spaces with charging infrastructure) wrapping around the south-western corner of the store. It is designed with its public elevations facing south and west, towards Countesswells Road and the new portion of Countesswells Avenue respectively.

The store is a single-storey, flat-roofed building of contemporary styling, incorporating full-height glazing in the 'shopfront' west elevation, to Countesswells Avenue, and high-level glazing along the southern elevation, facing across the car park to Countesswells Road. The building would be primarily finished in white render, but also makes use of a stone cladding seen elsewhere in the neighbouring residential development.

Supporting information forming part of the planning application indicates that the proposed store is to be operated by Aldi, an established supermarket chain with existing stores in Aberdeen at Cornhill and the Beach Retail Park, and also in Westhill in Aberdeenshire. It is suggested that a store in this location would meet an identified need for retail food provision in the west of the City.

The proposal involves a degree of impact on existing trees, discussed below, but also offers scope for new tree planting and landscaping along the Countesswells Road site frontage. This frontage and the boundary to Countesswells Avenue, to the west, would also incorporate dry stone walls to match those within the wider residential development, reflecting the character of the local area.

## **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=QBTM78BZIA100>

These include:

- Transport Assessment
- Tree Survey
- Geo-Environmental Assessment
- Acoustic Assessment
- Landscaping Plans
- Streetscape Elevations
- Design and Access Statement
- Report detailing non-statutory pre-application consultation
- Planning and Retail Statement
- Drainage Statement/Flood Risk Assessment

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it has attracted a level of objection exceeding the threshold (6 or more) set in the Council's Scheme of Delegation.

### **Pre-Application Consultation**

This application is a 'local development' based on the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations, and therefore there is no statutory requirement for such pre-application consultation. Nevertheless, the applicant has undertaken pre-application consultation voluntarily. This involved the creation of a dedicated consultation website with details of the proposals and the ability to submit online feedback, notification of the public via over 2,000 leaflets being issued to local residents within 1km of the site, notification of local ward members, issue of a press release which resulted in local newspaper coverage, and the holding of a virtual consultation event, which took the form of a 'live' online question and answer session. Details of the feedback obtained via this voluntary pre-application consultation are contained within the Pre-Application Consultation Report, submitted as part of this application, which also includes the original consultation materials and redacted feedback forms.

### **CONSULTATIONS**

**Scottish Environment Protection Agency – No objection.** Notes that the water quantity aspects of surface water drainage/run-off are largely within the remit of the planning authority, in conjunction with its flooding, roads and building standards teams. On that basis, no detailed comment is offered on this issue, however it is advised that any longstanding drainage problems associated with historic field drains may be addressed through identification of broken or cut-off field drains on site and ensuring that they are adequately redirected or closed off, in conjunction with an adequate scheme of SuDS on site. Highlights that the site should connect to the public sewer in order to comply with policy NE6 (Flooding, Drainage and Water Quality), which does not permit private wastewater treatment systems in sewered areas. The development is proposed to be connected to the wastewater drainage system associated with the adjacent residential development. It is understood that this is not yet adopted by Scottish Water but is proposed to be. If connection to the public sewerage system is not to be secured, then SEPA request that they be reconsulted as they would object to the principle of private drainage in this location.

**Scottish Water – No objection.** The proposed development would be fed from Invercarnie Water Treatment Works and Nigg PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently, and suggests that the applicant completes a Pre-Development Enquiry form and submits directly to Scottish Water (this is required for all proposed developments prior to any subsequent formal Technical Application being lodged).

**ACC - Structures, Flooding and Coastal Engineering – Note** that it appears that pre-development runoff from the site discharges into the existing watercourse to the north and that the applicants propose that post-development runoff would discharge to the surface water sewer serving the adjoining residential development site to the north, with submissions stating that 'the surface water sewer is understood to discharge to balancing ponds located in the land to the north'. ACC's Flooding Team recommend that the post-development run-off from the proposed development is discharged into the existing watercourse as is currently the case pre-development, rather than utilising the surface water sewer system serving the adjacent housing development. A detailed drainage design should be submitted to the planning authority, in consultation with ACC's Flooding Team, for approval, however officers are satisfied that this can be readily achieved by way of a suitable suspensive planning condition and does not present an impediment to approval.

**ACC - Developer Obligations – Identifies** a requirement for a developer contribution of £2,827 towards the enhancement of Core Path 64 and/or 65, based on impact/additional demand attributable to the proposed development.

**Police Scotland – No objection.** Note that the Countesswells Road area is classed as a low crime area. Consider that the proposed store has good natural surveillance from Countesswells Road and the neighbouring housing to the rear. Suggest that due consideration is given by the applicant



to measures to prevent theft of goods and materials during the construction phase. It is also recommended that the applicant seeks to achieve the 'Secured by Design' award, and that this be secured through use of planning conditions.

**ACC - Waste and Recycling** – No objection. General advice offered on the provision of suitable waste storage and collection points.

**ACC - Environmental Health** – No objection. Initial queries relating to the noise assessment have now been addressed and Environmental Health colleagues recommend that the following matters be addressed by planning conditions:

- Limit use of the Deposit Return Scheme recycling facility to store opening hours: Monday to Saturday 08.00 to 22.00 and Sunday 09.00 to 19.00; and
- Restrict night-time store deliveries, with deliveries permitted from 06.00 to 22.00 only.

**ACC - Roads Development Management Team** – No objection. Notes that the site is accessible via existing public transport services serving Countesswells Avenue, and via the existing network of footpaths in the surrounding area, which would be supplemented by delivery of a new section of footpath/footway along the site frontage to Countesswells Road and connections to the site from the surrounding paths. The vehicular access is acceptably located and will be subject to further consideration via the Roads Construction Consent process.

Appropriate on-site provision is made for car parking, with 101no spaces, including 7no spaces identified for disabled use, 10no parent and child spaces and 2no dedicated Electric Vehicle spaces with charging infrastructure. Acceptable provision is also made for cycle parking, both for customers and for staff use. The submitted Transport Assessment demonstrates that trip generation associated with the proposed development can be accommodated by the local roads network and would not result in an adverse impact on any road junctions that would warrant mitigation works to increase capacity in the road network.

**Craigiebuckler and Seafield Community Council** – Recognises that Aldi's proposal is welcomed by a significant majority of residents in the local area and its location and accessibility have merit, via the extension of existing path links and encouragement for sustainable travel, but the proposal could be improved upon by addressing the following matters:

- Consider that a pelican crossing on Countesswells Road is necessary to allow safe access to the neighbouring playing fields and conversely to the proposed store, given the increase in traffic;
- A bus stop should be provided nearby to assist elderly people and those with mobility issues;
- Concern regarding large HGV delivery vehicles and potential associated impacts;
- Countesswells Road may be unsuitable for HGV use at peak times and during primary school start/finish;
- Car headlights within the car park and at the site access would have an adverse impact on residents of properties in Pinewood Gardens;
- Level of illumination in car park would intrude on neighbouring properties (e.g. in Pinewood Gardens);
- Noise from car park traffic and delivery vehicles may disturb nearby residents.

## **REPRESENTATIONS**

A total of 149 valid and timeously made representations have been received in relation to this application. Of these representations, 87 are in support of the proposal, 58 state objection, and 4 are neutral in content. These submissions raise the following points:

### Support

- Need for retail in the area;
- Welcome alternative of driving to existing supermarkets;
- Existing retail provision insufficient and outdated with inadequate parking;
- Accessible location, will reduce car trips and improve accessibility to older local residents;
- Aldi welcomed as positive shopping experience and employer;
- Job creation;
- Would support continued use of local bus service;
- Low profile design welcomed;
- Sympathetic landscaping welcomed;
- Extension of pavement and core path welcomed;

### Neutral

- Preference for access to be taken from roundabout;
- Traffic calming required;
- Better cycle parking required;
- Pedestrian crossing required;

### Objection

- No need for new retail in the area;
- Detrimental impact on existing shops in the area at Mannofield, Seafield and Morningside;
- Submissions fail to consider any adverse impact on existing Asda retail locations at Garthdee and Links Road/Beach Boulevard;
- Quiet countryside location;
- Traffic impact;
- Insufficient road infrastructure;
- Unsafe crossing;
- Impact on safety of school children;
- Impacts of HGV deliveries;
- Potential for anti-social behaviour in car park;
- Other Aldi's available and accessible by car or bus;
- Should be located within a group of shops or alongside other facilities such as a school;
- Proposal would be better located within Countesswells new development to west;
- Detrimental impact on local businesses;
- Need to support local businesses, not chains;
- Loss of green space;
- Impact on wildlife;
- ACC own the land;
- Dandara did not make house purchasers aware of this proposal – 'back door' process;
- Insufficient consultation and poor timing by applicant;
- Site is too small;
- Light and noise pollution;

- Would only cater for non-locals;
- Impact on recreational use of the area;
- Site would be better as a playground;
- Unwelcome precedent;
- Would be better located on Union Street
- Springfield Road / Countesswells Road junction requires to be upgraded.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

#### Scottish Planning Policy (SPP), 2014

SPP's Principal Policies, in relation to Sustainability and Placemaking, are both of relevance, along with its Subject Policies in relation to: promoting town centres; supporting business and employment; valuing the natural environment; managing flood risk and drainage; and promoting sustainable transport and active travel.

SPP's Principal Policy on Sustainability sets out that 'SPP introduces a presumption in favour of development that contributes to sustainable development'. This is explained as meaning that decisions should be guided by a series of stated principles. Of particular relevance to this proposal are:

- *'giving due weight to net economic benefit';*
- *'supporting good design and the six qualities of successful places';*
- *'making efficient use of existing capacities of land, buildings and infrastructure';*
- *'supporting delivery of accessible housing, business, retailing and leisure development';*
- *'supporting climate change mitigation and adaptation including taking account of flood risk';*
- *'having regard to the principles for sustainable land use set out in the Land Use Strategy';*  
*and*
- *'avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality'*

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

- Distinctive
- Safe and Pleasant
- Welcoming
- Adaptable
- Resource-efficient

- Easy to Move Around and Beyond

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

As regards retail uses, the ALDP is consistent with SPP's policy position on establishing a network of centres and having regard to that network in the determination of planning applications. Policy NC5 of the ALDP echoes the criteria set out in para 73 of SPP in relation to out-of-centre retail locations.

### **Aberdeen City and Shire Strategic Development Plan (2020) (SDP)**

The Strategic Development Plan 2020 was published in August 2020. The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years and promotes a spatial strategy for the next 20 years. All parts of the Strategic Development Plan area will fall within either a Strategic Growth Area or a Local Growth and Diversification Area. Some areas are also identified as Regeneration Priority Areas. The following general targets are identified; promoting diversified economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change and limiting the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

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

#### Relevant policies

- D1: Quality Placemaking by Design
- H1: Residential Areas
- I1: Infrastructure Delivery & Planning Obligations
- NC4: Sequential Approach and Impact
- NC5: Out of Centre Proposals
- NC8: Retail Development Serving New Development Areas
- NE1: Green Space Network
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Dev
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise

### **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. In this case, the following policies from the Proposed ALDP are of relevance, however it is noted that there is no fundamental change in the zoning of this land or in the general approach to the location of new footfall generating retail uses, which remains consistent with the national policy outlined in Scottish Planning Policy.

- D1: Quality Placemaking
- D2: Amenity
- D5: Landscape Design
- H1: Residential Areas
- VC3: Network of Centres
- VC8: Town, District, Neighbourhood and Commercial Centres
- VC9: Out of Centre Proposals
- VC12: Retail Development Serving New Development Areas
- I1: Infrastructure Delivery and Planning Obligations
- NE2: Green and Blue Infrastructure
- NE4: Our Water Environment
- NE5: Trees and Woodland
- R5: Waste Management Requirements for New Development
- R6: Low and Zero Carbon Buildings, and Water Efficiency
- WB3: Noise
- T2: Sustainable Transport
- T3: Parking

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

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Hierarchy of Centres
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility
- Trees and Woodlands

### **Other Material Considerations**

#### Aberdeen City and Aberdeenshire Retail Study: 2018 Aberdeen City Update

Aberdeen City Council commissioned an update to the 2013 Aberdeen City and Aberdeenshire Retail Study (ACARS) to provide an assessment of retail, leisure and related floorspace provision within Aberdeen City and to assess potential future demand and supply for retail and leisure floorspace for the next 15 years. This made a number of recommendations and has been used to inform preparation of the Proposed Aberdeen Local Development Plan.

#### The Pinewood and Hazledene Planning Brief

This document was not carried forward as Supplementary Guidance to the current 2017 Local

Development Plan, so no longer has statutory status as part of the Development Plan, however it remains a material consideration as Local Planning Advice. The Planning Brief highlights that the development of this site shall create a new edge to this part of Aberdeen and that great care will be required to ensure that the development respects the relationship between the existing urban area and the countryside, with boundary treatments appropriately landscaped. The presence of high voltage electricity power lines is noted as an impediment to the siting of habitable buildings in this southern portion of the site. Consistent with policy NE5 (Trees and Woodlands), the planning brief sets out an expectation that proposals will be sited and designed to minimise tree losses.

## **EVALUATION**

### **Principle of Development**

The application site is located in an area zoned in the Aberdeen Local Development Plan (ALDP) as an H1 Residential Area, wherein policy H1 of the ALDP will apply. Policy H1 expresses broad support for new residential development, subject to specified criteria, and also indicates that proposals for other, non-residential, uses will be refused unless:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity

Policy H1 also offers protection for existing local shops, recognising the benefits in having convenient local retail to serve communities.

The ALDP, in line with Scottish Planning Policy, adopts a sequential approach to the location of retail and other significant footfall generating uses. Policy NC1 recognises the City Centre as the preferred location for such significant footfall generating developments serving a city-wide or regional catchment, and development serving smaller catchments shall be located in accordance with the sequential approach outlined in policy NC4 and the associated 'Hierarchy of Centres' Supplementary Guidance. This network of centres and associated hierarchy is intended to ensure that retail and other footfall generating development is directed to appropriate locations. A store of this scale is would not have a city-wide or regional catchment.

Policy NC5 (Out of Centre Proposals) recognises that, in some circumstances, it will be appropriate to allow new footfall-generating development in a location outwith the identified network of centres, and sets out a series of criteria that must be satisfied by any such out-of-centre proposals. These tests will be discussed in detail later in this report.

The ALDP, via policy NC8 (Retail Development Serving New Development Areas) also offers support for the delivery of retail and related uses 'at an appropriate scale to meet the convenience shopping needs of the expanded community'. The greenfield sites at Pinewood and Hazledene were identified as residential allocations in previous iterations of the Local Development Plan, with planning permission granted, partially implemented and work ongoing. In recognition of that progression, these sites are no longer identified as 'Opportunity Sites' in the current LDP, and are instead indicated as part of the wider Residential H1 zoning. Nevertheless, the principle expressed in policy NC8 of providing retail on site at an appropriate scale to meet the needs of new and expanded local communities remains valid given the increased local demand attributable to this new residential expansion. Whilst the current proposal is 'out-of-centre' and requires to be assessed against the criteria in policy NC5, it is considered that policy NC8 is a material consideration which supports the principle of new retail use accompanying residential development, as is considered to be the case at Pinewood/Hazledene.

With these points in mind, the principle of retail development at the scale proposed will be established through sequential assessment and consideration against the criteria within the

policies noted above, both in relation to retail matters and the safeguarding of residential amenity. Thereafter, other Development Plan policies relating to accessibility, drainage, landscape and tree impacts, green space network and other matters will also be of relevance.

### **Accessibility and Transport Impact**

The applicant has provided a Transport Assessment in support of this application, which has been reviewed by colleagues in the Council's Roads Development Management Team. This demonstrates that the trips generated by the proposed development can be accommodated by the existing road network without adverse impact on any nearby junctions, and therefore no mitigation works to add capacity are required. A single vehicular access point offers access from Countesswells Road. It is noted that the detailed design and geometry of that access will require further consideration via the Roads Construction Consent process.

The site is accessible by the network of existing footpaths along Countesswells Road and via pedestrian access points from the neighbouring Pinewood development to the west and north, whilst it is noted that Core Path 65 runs north-south along the eastern site boundary. The proposal also includes the upgrading of a gap in the local footway along the site frontage. Existing public transport services operate on Countesswells Avenue, circa 150m to the east of the site and well within the recommended 400m distance, so it is considered that the site is adequately accessible by public transport, notwithstanding the expectation that the majority of trips will be from within the local area.

In recognition that some customers will arrive by car, on-site parking provision is made at an appropriate rate, with 101 spaces including designated accessible disabled spaces, parent & child spaces and 2no Electric Vehicle spaces with charging infrastructure, in accordance with the rates set out in the Council's 'Transport and Accessibility' Supplementary Guidance. Cycle parking is also provided, with 4no Sheffield stands shown close to the main store entrance capable of accommodating 8no cycles. More secure cycle parking for staff, suitable for long-stay use, is contained within the warehouse area of the building. Taking account of these points, it is concluded that the proposal demonstrates its accordance with policy T2 (Managing the Transport Impact of Development), policy T3 (Sustainable and Active Travel) and the associated 'Transport and Accessibility' Supplementary Guidance.

### **Retail Impact**

The first step in assessing retail impact is defining the catchment area. The applicants have used a 7-minute adjusted drive time, which reflects Aldi's typical customer travel patterns and has been informed by existing stores at Westhill, Cornhill and Beach Boulevard Retail Park.

From here, the population within that catchment area is established using credible sources and convenience expenditure per head of population of the catchment is used to arrive at a total available convenience expenditure figure. This is estimated at £58.2m in 2020, increasing to £58.9m by 2022.

The submitted retail statement then identified the existing convenience retail locations within the catchment area, sourcing floorspace figures from IGD (Institute of Grocery Distribution) and historic planning applications and combining these with average sales densities for the relevant retailer, applying national averages to assume the convenience/comparison floorspace split, to arrive at an estimate of turnover for each location (existing store). This process identifies £44.7m in total turnover for convenience floorspace within the catchment in 2020, increasing to £45.35m by 2023. As these figures are based on national averages, it is recognised that there is potential for the actual trading figures to differ in some locations, for example where there is a lack of retail competition present.

These turnover figures for each retail location are then combined with an estimate of the

proportion of trade which comes from within the catchment, based on each location's proximity to the catchment boundary and potential to draw trade from outwith the catchment, to arrive at an estimate of a location's turnover from within the catchment. From this, each location's market share (of the available spend within the catchment) can be estimated. This indicates that circa 60% of the available spend within the catchment is actually spent in retail locations within the catchment and therefore circa 40% (£23.0m) of that spend is 'leaking' from the catchment and being spent elsewhere. The submitted Retail Statement, informed by both the aforementioned analysis and responses from pre-application public consultation, suggests that much of this is drawn from the area by larger retailers such as Asda and Sainsbury's at Bridge of Dee, Tesco and Lidl at Mastrick and Aldi in Westhill. This portion of the assessment indicates that there is a qualitative deficiency in retail provision within the local area currently.

The proposed Aldi store, based on its floorspace and an 80/20 split between convenience and comparison goods and application of national Aldi sales density rates, would generate an estimated annual turnover of £12.64m for convenience sales and £3.0m for comparison sales, with 90% of that turnover expected to come from within the catchment. This equates to £10.74m and £2.55m turnover from within the catchment area. It is notable that this is significantly less than the estimated £23m of expenditure which is understood to be 'leaking' from the catchment at present.

An assessment of 'trade diversions' as a result of the proposed development indicates that no trade diversion from existing retail locations would exceed 6%, with the greatest trade diversions anticipated to be at the future retail location masterplanned and consented as part of the Countesswells development (5.4%) (anticipated to be of a similar scale to this proposal at Pinewood) and the Cults Neighbourhood Centre (4.8% at Sainsbury's Local and 5.1% at Tesco Express). These relatively modest trade diversions from locations within the catchment are partially a result of the smaller scale and limited scope of the existing retail offering, and suggests that much of the turnover for a new Aldi store would come from a greater proportion of spend being retained within the catchment, rather than 'leaking' out to retail locations across the city. The submitted retail statement also highlights a well-established principle in convenience shopping that 'like tends to compete with like', such that a new Aldi is more likely to divert trade from a 'big 4' supermarket brand than any of the smaller stores which are not comparable in terms of their retail offering.

In terms of market share, it is estimated that the proposed Aldi store would secure a market share of 18% of the convenience trade within the catchment area however, as noted previously, much of that would be as a result of capturing existing 'leakage' from the catchment and therefore existing retail locations within the catchment would not be significantly affected in terms of their market share, with no more than 1% decrease observed. The affected stores within neighbourhood centres are the Tesco Express at Cults and the planned neighbourhood centre at Countesswells. Outwith the network of centres, but still within the store catchment, the Tesco Express at Great Western Rd and Co-op on Springfield Rd would also experience 1% decrease, but are not afforded policy protection.

### **Retail Policy**

As noted previously, policy NC8 supports the provision of retail uses at a local scale to serve new residential developments. Policy NC4 (Sequential Approach and Impact) sets out that proposals serving a catchment area similar to that of a neighbourhood centre shall be located in a neighbourhood centre if possible, but may also be located in any centre in the first, second or third tiers of the hierarchy (City Centre, Town Centres and District Centres). Proposals with a gross floor area of less than 2,000sqm are defined in the Council's 'Hierarchy of Centres' Supplementary Guidance as being appropriate to a neighbourhood centre. It follows that the possibility of locating the development within an existing centre must be considered.



Within the identified catchment for the proposed Aldi store, there are Neighbourhood Centres at Cults, Mannofield, Bieldside and Countesswells, and so the applicants have undertaken an assessment of potential alternative sites within those protected centres as part of their retail submission. In recognition of the policy preference for edge-of-centre sites if there are no suitable sites available within retail centres, this assessment also includes potential alternative sites within 250m of the protected neighbourhood centres. Other out-of-centre sites beyond that 250m are discounted on the basis of being no more preferable in policy terms than the site that is subject of this application. It is also noted that many such out-of-centre sites lie on the periphery of the intended catchment.

This assessment has not identified any sequentially preferably opportunities, with sites in and adjacent to the Cults neighbourhood centre being of insufficient size to accommodate an Aldi store and in some cases also lacking the necessary prominent roadside location. The former Hilton Treetops site, which lies outwith but near to the Seafield neighbourhood centre possesses the necessary roadside location, but is still too small for the standard format Aldi store and would also require significant removal of existing mature trees. This assessment demonstrates that it is not possible to locate the development on a suitable alternative site within the existing neighbourhood centres in the catchment area, as required by policy NC4.

Policy NC4 also states that *'in all cases, proposals shall not detract significantly from the vitality or viability of any centre listed in the Supplementary Guidance'*. The Retail Assessment undertaken by the applicants and set out preceding pages of this report demonstrates that there is a limited retail offering within the catchment area at present, resulting in significant 'leakage' from the catchment area, such that the proposed store would be able to retain a greater proportion of convenience shopping expenditure within the catchment area without any significant impact on existing neighbourhood centres. Outwith that qualitative assessment of expenditure and impact, the applicants have also undertaken 'Town Centre Health Checks', which take account of pedestrian flow, representation of national retailers and independents, vacancy rates and physical structure of centres, and which demonstrate that generally these neighbourhood centres are performing well. When these health checks are considered alongside the negligible qualitative impact on trade and market share, it can be concluded that the proposed development would not detract significantly from the vitality and viability of the neighbourhood centres within the catchment, as required by policy NC4.

Policy NC4 also notes that, in major new development areas that are more than 800m walking distance from shopping facilities, *'permission may be granted for the establishment of a new second, third or fourth tier centre'*. In this case, the residential development at Pinewood and Hazledene lies in excess of 1km from the nearest existing shopping facilities at Mannofield Neighbourhood Centre (including Co-op) and the out-of-centre Co-op store on Springfield Road, therefore there is policy support for the establishment of local shopping facilities in principle. Policy NC4 also highlights that there may be restrictions imposed on the amount of comparison shopping floorspace permitted in locations outwith the City Centre, in order to ensure that the offering remains geared towards meeting local convenience shopping needs.

Policy NC5 (Out of Centre Proposals) sets out that significant footfall generating development appropriate to designated centres, where proposed on an out-of-centre location, will be refused unless it can satisfy the following tests.

1. *no other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time.*

As detailed above in discussion of policy NC4 (Sequential Approach and Impact), the applicants have undertaken a credible assessment of the available sites within and around the local centres in the catchment and found none which would be capable of accommodating a

standard format Aldi store. On that basis, it can be concluded that there is no such suitable site currently available or likely to be come available in a reasonable time.

*2. there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.*

Again, as discussed in relation to policy NC4, the quantitative impact assessment undertaken by the applicants demonstrates that the majority of trade diversion would be in reversing 'leakage' of spend from the catchment, such that there is no significant impact on expenditure or market share to any of the protected neighbourhood centres within the catchment. The impact on other centres outwith the catchment area is not considered to be 'significant' in terms of assessment against NC5, in part due to the large scale of those stores in relation to the proposed store, which would serve a predominantly local need. It should be noted that the floorspace proposed does not trigger a requirement for submission of a Retail Impact Assessment under the terms of policy NC4, and the applicant has undertaken that assessment voluntarily to assist with the planning authority's decision making. Nevertheless, this gives an indication of the significance of the floorspace proposed.

*3. there is, in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.*

The assessment summarised in the 'Retail Impact' section of this report demonstrates that there is significant 'leakage' from the catchment at present, which is in large part a result of the limited offering from the generally smaller format stores within its neighbourhood centres and existing out-of-centre locations. Such significant leakage from the catchment area indicates a lack of suitable provision of a certain type within the catchment. The applicants' submissions set out that Limited Assortment Discount (LAD) retailers such as Aldi and Lidl have notable differences from the 'big 4' supermarket brands, and provide an offering which is materially different, and can therefore complement and enhance existing retail provision. A qualitative assessment of the catchment shows that the retail offering is limited, with pre-application responses indicating a pattern of travel outwith the catchment to undertake a 'main' weekly shop. In this regard, the proposals would improve consumer choice and address an obvious gap in local retail provision without significantly affecting existing convenience retailers in the catchment. By making provision locally, the need to travel outwith the catchment to meet local shopping needs should be reduced, avoiding unnecessary car journeys and supporting sustainable travel.

*4. the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.*

The 'Accessibility and Transport Impact' section of this report demonstrates that the site can be accessed by a variety of means, with pedestrian access points connecting to the surrounding network of footpaths and footways. The site lies within the recommended 400m of public transport routes, with services running to the east along Countesswells Avenue (circa 150m away). The proposal would also involve the provision of a pedestrian footway along the southern Countesswells Road frontage to facilitate pedestrian access. Whilst car parking is provided at an appropriate rate to meet the needs of the development, it would not exceed the maximum threshold stated in the relevant Transport and Accessibility Supplementary Guidance and that parking provision includes a proportion of spaces for disabled/parent and child/electric vehicle use. In addition, cycle parking provision is made for both customers and staff use, with the latter being located internally within the warehouse area and therefore more suitable for

long-stay sheltered use. Recommended cycle routes are present on both Countesswells Road and Countesswells Avenue, whilst Core Path 65 also runs near to the eastern boundary of the site. Taking account of these factors, it is evident that the site would not be dependent solely on access by private car, and that local customers would have various options for accessing the site on foot, by cycle or using public transport.

The 2018 Aberdeen City Update to the Aberdeen City and Shire Retail study offers some commentary on the qualitative provision to the west of the city (N.B. a much wider area than the catchment of the proposed store), noting that *'convenience floorspace is dominated by two superstores at Garthdee, and that additional smaller to medium sized units in other parts of the west, especially related to the new expansion areas, would assist in addressing these deficiencies'*. It is noted that the Retail Study Update suggests that these deficiencies be addressed through retail use within specific residential expansion areas, most notably Countesswells, however even with the committed Countesswells retail floorspace accounted for in the submitted retail assessment, the proposed development can be accommodated without significant impact on protected centres within the catchment. This update report also highlights the effect of deficiencies in local provision on travel patterns, noting that *'it is important that major new housing expansion areas include local services and facilities that address the day-to-day needs of the new population. Failure to provide this will force residents to travel to other areas, primarily by car to access these.'*

In summary, it is clear that the proposal meets the criteria set out by policy NC5 in relation to out-of-centre proposals, whilst also being supported by policy NC4 as regards support for the establishment of a new retail centre and policy NC8 as regards the provision of retail development to serve new development areas, in this case the consented and part-constructed residential development at Pinewood and Hazledene. The 2018 update to the Aberdeen City and Shire Retail Study offers some broad support in principle for the provision of additional local convenience shopping to the west of the city to address existing qualitative deficiencies which have led to residents in some areas to the west of the city being required to travel in order to meet their convenience shopping needs.

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

The applicants' submissions highlight the importance of a prominent road frontage for retailers. It is noted also that the presence of the overhead power lines limits the development potential of this portion of the wider Pinewood site for residential purposes, however it is understood that necessary separation distances are reduced for non-residential buildings such as the proposed retail store. Whilst this results in the developed area of the wider Pinewood site increasing and progressing further south into an area otherwise laid out as green space, there is a benefit in terms of increasing the developable area of the site and promoting the sustainable use of the land.

The development would be orientated to face onto both Countesswells Road and the western section of Countesswells Avenue, which serves as the access into the recent housing development to the north and west. The store itself is set back into the site, with car parking to the front and western side of the store and landscaping buffers along the site boundaries. The store itself is a low-rise, single-storey building, and it is noted that the building's height would be lower than that of the flatted retirement blocks previously consented on the site, which were arranged across three floors with a partial fourth floor.

Practical requirements relating to site access, car parking numbers, separation of service vehicles from customer traffic have also influenced the site layout, whilst the applicants' supporting statement sets out that Aldi operates its business on the basis of a uniform standard internal layout, which accommodates the highly efficient and standardised approach adopted across its stores nationwide. The size of warehouse and amenity spaces (including office, W.C., meeting and plant spaces) is described as being directly proportional to the size of the sales area, and

warehouse space has direct access to a loading dock to allow for a clear distinction between public and private spaces. Points of access are well defined and attractive to those arriving on foot, with a legible and easily navigable site layout.

The submitted Design and Access statement shows how 4 options for site layout were considered, with various issues relating to servicing vehicles mixing with customer traffic, reduced scope for landscaped frontage, increased tree losses, undue prominence for 'rear' elevations and service areas and conflict with overhead power lines proving to be determining factors in the development of the final design proposal. Whilst HGV and customer vehicles would access the site via the same access, they would immediately diverge on entry, maximising safety. 'Back of house' spaces such as service yard, loading bay and plant compound would be discreetly located to the eastern boundary and would be screened by a combination of existing trees, new areas of landscaping and the building itself.

New landscaping and tree planting to the southern and western boundaries will assist in softening the appearance of the store and its car parking, whilst the inclusion of full-height glazing enlivens the western store frontage and presents an 'active' street frontage to Countesswells Avenue. The southern elevation features only high-level glazing and, whilst full-height shopfront type glazing might be preferred on this prominent frontage, it is understood that the standardised internal layout makes this unworkable for Aldi. Nevertheless, the generally low-rise appearance of the building is such that its visual impact is not excessive or harmful to the surrounding context, and the incorporation of renders and textured stone cladding to match the residential development to the north assists in integrating the building with its surroundings, adding interest and responding positively to the site context. The use of dry-stone walls along the southern and western boundaries further reflects the local character of the area and the site's history. A canopy along the southern elevation will offer shelter to the customer entrance and trolley area. In terms of contribution towards wider sustainability aims, the proposal would reduce the need for travel by car for convenience shopping needs and the building itself would incorporate heat recovery technology to utilise heat recycled from the store's refrigeration units in heating the store. Taking these points into account, it is considered that the proposed development demonstrates consideration for the six qualities of successful placemaking and the overarching aims of policy D1 (Quality Placemaking by Design).

### **Green Space Network / Tree Impact**

The loss of green space (as was to be retained in the previously consented development to provide an attractive landscape setting) at the site's Countesswells Road frontage is regrettable, however it is noted that the opportunity has been taken to maximise landscaping along the southern boundary in order to soften the appearance of the hardstanding to the front of the store, and trees removed to facilitate the development would be replaced at a rate of three trees for every one removed. Stone walls proposed along the southern frontage are to be welcomed and are in keeping with the established character of the area and are also reflected within the adjacent residential development. As noted previously, the extension of the developable footprint of the Pinewood and Hazledene site into an area unsuitable for residential development (due to the overhead electricity cables) allows for more efficient use of the land, with the loss of green space offset to some extent by the additional new landscaping. There is some encroachment into an area designated as Green Space Network, however the site does no benefit from any other environmental designations based on its ecological value, and terminates towards the western extent of the site's Countesswells Road frontage, so does not offer any onward link that might be used by wildlife in accessing other parts of the designated Green Space Network. It is noted that the green space value of the area along the site frontage would not be wholly lost, with a landscaped frontage to the site retained, the potential for compensatory planting as noted above and the majority of trees being retained on the eastern boundary.

A total of 54 trees were surveyed within or directly adjacent to the site, and these are described as

being mainly concentrated in an informal group towards the south-east corner of the site, with a long line of trees running along the eastern boundary. A further line of closely spaced trees is present along the western boundary. The first of those groups is described as being comprised of trees of generally poor to fair condition, whilst the line of beech, sycamore and lime along the eastern boundary is described as being in fair condition. The line of trees along the western boundary is comprised of sycamore and Norway maple which, despite individual trees being suppressed to varying degrees is in satisfactory condition overall. A total of 9 trees are identified for removal, the majority of which are in poor condition, with limited safe future life expectancy and having been assessed as either category C (low quality/value with estimated life expectancy of at least 10 years) or U (unsuitable for retention). The trees assessed as being of highest value were those arranged in a line along the eastern boundary, which were assessed as category B (moderate quality and value with estimated life expectancy of at least 20 years). On balance, it is considered that a relatively small proportion of the trees in and around the site would be adversely by the proposed development, and the extent of removal is limited to that which is essential to facilitate access to the site, along with the necessary car parking and service yard areas. The building itself does not necessitate any tree removal and is located outwith root protection areas, as is the SuDS pond to its eastern end. The proposal to incorporate replacement planting at a rate of 3 new trees for every one lost is welcome and will assist in mitigating losses whilst also expanding the tree cover along the western end of the Countesswells Road frontage through the planting of 27 new trees. Those new trees would include Rowan and Silver Birch, which are prominent in the wider residential development and assist in integrating the development with the surrounding landscape character in the longer-term. New planting also includes Whitebeam and Gold Birch, which offer a degree of distinction for this commercial corner of the wider development area.

It is noted that the north-eastern corner of the building is in very close proximity to the canopies of trees along the eastern boundary, so it is considered appropriate to secure a site-specific construction method statement to outline details of the construction and safeguard those existing trees over and above the mere presence of fencing to protect identified Root Protection Areas. Subject to those measures, it is considered that the proposal would adequately mitigate any tree losses and on balance would accord with the aims of policy NE5 (Trees and Woodlands), by minimising the extent of tree losses, avoiding impact on those of greatest value, siting buildings so as to minimise impact and securing appropriate protection during construction for those trees to be retained.

### **Adequacy of Open Space Provision**

During pre-application discussions, it was recommended that the applicants provide some commentary to explain the effect of this proposal on the overall open space provision for the wider development at Pinewood and Hazledene, given that the developed area of the site was to extend further south into an area previously forming landscaped open spaces in consented housing schemes. This commentary is provided within the applicants' Planning and Retail Statement, which demonstrates that, should this proposal be approved, the open space provision across the Pinewood and Hazledene site would still comply with the terms of policy NE4 (Open Space Provision in New Development), which requires that *'at least 2.8ha per 1000 people of meaningful and useful open space'* is provided in new residential developments. That assessment indicates that the notional population within the consented residential development would require a minimum of 1.95ha of open space to be delivered and, when the proposed Aldi store is accounted for, the open space provision would remain in excess of 5ha, demonstrating that there would be no resultant conflict with policy NE4.

### **Economic Benefits**

The applicants' submissions offer a summary of the anticipated economic benefits of the proposal, which include investment of up to £3.9m in the city, the creation of up to 35 new direct jobs within Aldi, including managerial roles and store assistants, as well as construction-related employment

and indirect employment generation through the associated supply chain. The project is assessed as having a Gross Value Added (GVA) of £2.74m. This benefit represents a material consideration in support of the proposal, and whilst such benefits might be secured on alternative site, the applicants' assessment of other potential sites within the catchment has established that none are both suitable and available within or immediately adjacent to neighbourhood centres.

### **Drainage and Flood Risk**

The applicants have submitted a combined Drainage Statement / Flood Risk Assessment document in support of this application. This assesses flood risk from various sources including surface water flows (pluvial flooding), ground water flooding and sewer flooding and concludes that the site is at low risk from all sources.

This report outlines a surface water drainage proposal for the site, which would involve the use of filter trenches and a swale within the development to treat surface water before it is discharged from the site. This SuDS scheme would attenuate peak flows, meaning that water is discharged at a controlled rate which would not exceed the land's pre-development 'greenfield' discharge rate.

Surface water is understood to currently discharge to balancing ponds located in land to the north. The submission notes that the current application site formed part of the wider residential development to the north, and that it was at that time proposed to connect into the wider drainage system for that residential development. Whilst it is stated that the housebuilder currently responsible for that private system has confirmed its capacity to accommodate the surface water flows at the rate proposed, and the applicants' engineers have confirmed that the drainage systems for the proposed store have been designed to connect to this system, the Council's Structures, Flooding and Coastal Engineering Team has advised that surface water should continue to discharge to the existing watercourse, rather than being directed to the system serving the neighbouring Dandara development. It is understood that there are practical difficulties in achieving this, which could result in significant additional impact on existing trees. Therefore, in order to allow for further consideration of this matter, but in recognition that a solution of some form is achievable, it is appropriate to use a planning condition to prohibit the development commencing until such time as an acceptable alternative scheme for Surface Water has been submitted to and approved in writing by the planning authority, in consultation with colleagues in ACC's Structures, Flooding and Coastal Protection Team. The proposal is otherwise in accordance with the requirements of policy NE6 as regards flood risk.

The report submitted by the applicants highlights that the foul and surface water sewers within the recent residential development to the north have been offered for adoption by Scottish Water as part of the public network, but are nevertheless not yet adopted and therefore remain the responsibility of the housing developer. It is a stipulation of policy NE6 (Flooding, Drainage and Water Quality) that connection to the public sewer in sewered areas will be pre-requisite, and this position is echoed by SEPA's consultation response, which highlights a potential objection if connection is to be made to a private wastewater system. The applicants have clarified that it is absolutely not their intention to operate a private waste water treatment system. However, in order to ensure compliance with policy NE6 and address the concerns expressed by SEPA in its consultation response, it will be necessary to use a planning condition to prohibit the proposed store being brought into use until such time as a connection has been made to the public sewer.

### **Potential Noise Impact**

The main potential sources of noise within the development are the Deposit Return Scheme (DRS), noise from car park areas, a plant compound to the rear of the store towards the northern boundary, and the loading bay located to the eastern end of the building. A Noise Impact Assessment has been provided as part of the supporting documentation accompanying the application. This is not site-specific, but nevertheless looks at these noise sources and their associated noise levels and sets out the minimum distance that they should be located from Noise

Sensitive Receptors (NSRs) without mitigation being necessary. In this case the closest NSRs would be the existing residential properties to the north and east. In all cases, these noise sources are located in excess of the minimum separation distance, in some cases significantly so. On that basis, no specific noise mitigation measures are required, however in order to protect amenity in this otherwise predominantly residential suburban area, it is considered appropriate to restrict deliveries at night via a planning condition. This approach is supported by the Council's Environmental Health team in their most recent response, which also recommends that the DRS is used during store opening hours only. Subject to these controls, officers are satisfied that the proposal will not adversely affect the amenity afforded to local residents as a result of noisy activities, and the proposal is considered to accord with the provisions of policy T5 (Noise) of the ALDP.

### **Residential Amenity**

The proposed development is located in a predominantly residential area, and its zoning in the ALDP requires assessment against policy H1 (Residential Areas). Policy H1 sets out that proposals for non-residential uses will be refused unless:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The proposed retail use is complementary to residential use in that it provides for the convenience shopping needs of those in the local area, avoiding the need to travel across the city to access retail locations of a similar scale with comparable offering. Indeed, policy NC8 (Retail Development Serving New Development Areas) underlines the desirability of ensuring that convenience shopping needs are met locally in new developments and masterplan areas. As has been demonstrated in the preceding discussion on potential noise impact, the distances between the noise sources within the development and the closest sensitive residential premises are such that no unacceptable impact on amenity would result. No details of building or car park lighting have been provided as part of the application, however such information can be secured for further consideration and approval through the use of an appropriate planning condition, to ensure that there is no adverse impact on amenity as a result of light spillage/nuisance. The proposed store opening hours of 8am to 10pm, Monday to Saturday and 9am to 8pm on Sundays are compatible with maintaining residential amenity in the local area and it is noted that the availability of local convenience shopping facilities will offer greater convenience for residents. It is therefore considered that the proposal demonstrates accordance with the criteria set out in policy H1 (Residential Areas) as regards non-residential uses.

### **Waste / Servicing**

The proposal makes adequate provision for the storage of general waste and recyclables within the service yard, and also includes a Deposit Return Scheme (DRS), which retailers will be legally required to provide from July 2022 in order to increase recycling in Scotland, and which is currently being introduced at existing Aldi stores. The DRS is included within the store car park, mid-way along the southern elevation of the building and close to the main entrance. The DRS is described as a 'reverse vending machine', which accepts eligible containers, which are scanned by barcode, and returns a reward (either money or some other means of payment) to the user. Standard DRS units would accept glass, cans and plastics and would operate only within store opening hours, with noise levels controlled through the design of the units to safeguard amenity (discussed further in the 'Potential Noise Impact' section of this report. Returned goods would be manually transferred from the unit to the warehouse for collection, avoiding any collections at the unit by service vehicles. It has already been noted that the proposed site layout involves use of a shared access for customer traffic and service vehicles, however these would immediately branch off on entry to the site, thereby avoiding service vehicles being in conflict with pedestrian movement. Taking these points into account, it is considered that the proposal would accord with

the aims of policy R6 (Waste Requirements for New Development).

### **Carbon Emissions and Water Efficiency**

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings are constructed to achieve specified reductions in carbon emissions through the use of low and zero carbon generating technologies. The associated Supplementary Guidance provides that compliance may also be achieved through efficiencies in the building fabric. The submitted Design and Access Statement indicates that the building would incorporate heat recovery technology associated with refrigeration units and store heating, which is welcomed, however further details will be required to demonstrate exactly what level of carbon reduction has been achieved and establish whether it meets the requirements of policy R7 and the associated 'Resources for New Development' Supplementary Guidance. Similarly, further details of the inclusion of water saving measures will also be required, and it is considered that this information can be secured through the use of planning conditions in order to comply with the requirements of the Development Plan.

### **Matters Raised in Representations**

The development potential of the site is well established through its allocation in earlier development plans, the granting of various planning consents in recent years and the partial implementation of those consents on land at Pinewood and Hazledene. In this regard, the area is in transition and is a point where suburban development to the east meets a more 'rural', green belt setting to the west. This location on the urban edge makes the landscape setting of the site and the mitigation of tree losses crucial to embedding the development in its surroundings.

Comments relating to the need for additional retail development, its location relative to the City Centre and wider network of retail centres and assessment of the potential impact on existing neighbourhood centres have been addressed in the 'Retail Impact' and 'Retail Policy' sections of this report. The suggestion that this development would be better sited within the Countesswells development (ALDP site OP38) to the west is noted, however on-site retail provision has been consented as part of that Countesswells development, and factored in to the assessments of impact undertaken by the applicant. Other retail locations outwith designated neighbourhood centres are not afforded policy protection by the Local Development Plan or SPP, and there is no requirement to avoid impacts on such locations. Nevertheless, the applicants' submissions demonstrate that the impact on existing out-of-centre locations within the catchment area would not be significant in terms of market share or turnover from convenience shopping expenditure. It is noted that new retail provision in this location would reduce the need for car trips to access convenience shopping of a comparable scale and type, which is supported by the policies T3 (Sustainable and Active Travel) and NC5 (out of Centre Proposals) of the ALDP. The preceding sections of this report also address the qualitative and quantitative deficiencies in the existing retail offering within the catchment area.

Matters relating to the site's accessibility by various means, impact on the local road network, servicing arrangements, adequacy of car and cycle parking, and relationship with the existing Core Path are similarly addressed in the 'Accessibility and Transport Impact' section of this report. Appropriate provision has been made for pedestrian access, so it is unclear why the site should be considered unsafe for school children. The location of the site's vehicular access has been found to be acceptable following review by the Council's Roads Development Management Team, having been moved to ensure adequate separation from the access to Robert Gordon's College playing fields, opposite on the southern side of Countesswells Road. No requirement for traffic calming or requirement for a new pedestrian crossing, based on the specific impacts of this proposed development, has been identified by RDM colleagues. It should be noted that such infrastructure improvements can only be sought where they are required as a direct result of the impact of a proposed development.

Design considerations, impact on existing trees, significance of encroachment into existing open



space and Green Space Network designation and the potential for new landscaping and tree planting are also discussed in detail in earlier sections of this report. Whilst a desire to support local businesses rather than chains is noted, the planning is obliged to consider the application before it, which is proposed by a major discount retailer, and the Development Plan makes no distinction in its policy approach based on the identity of the applicant. Similarly, suggestions for better use of the site are noted, however the planning authority must consider the proposal that is before it in terms of its compliance with the Development Plan. As regards the adequacy of the public consultation undertaken, it should be underlined that the applicants were not obliged to undertake any statutory pre-application consultation, and the positive approach adopted was entirely voluntary.

The location of this development has been selected by the applicants on the basis of the chosen catchment and the identified qualitative and quantitative deficiencies in the existing retail provision. The impact of the proposal on residential amenity, its possible noise impact from deliveries, servicing and other sources are considered in the 'Residential Amenity' section of this report. The submitted documentation clearly evidences the extent of the 'leakage' in convenience shopping expenditure from the catchment area, indicating that approximately 90% of the proposed store's turnover would be associated with those resident within the catchment. It is not considered that approval would set any sort of unwelcome precedent, as retail proposals are by their nature justified on the basis of the specific circumstances of a particular case, and would be assessed against the policies of the Development Plan and SPP's retail policy approach on their own merits. That Dandara, as the developer of the neighbouring residential scheme at Pinewood and Hazledene, did not make prospective residents aware of the possibility of the proposed on-site retail development is not a material consideration, and does not preclude the planning authority's assessment of the proposal on its merits. It should be noted that the Local Development Plan supports on-site retail development to accompany major residential developments, via policy NC8. Ownership of the land is not a material consideration, however it is understood that ACC is no longer its owner, having sold the site to the developer of the adjoining residential scheme.

Matters relating to the economic and employment benefits of the proposal are discussed in the 'Economic Benefits' section of this report, and are recognised as material considerations in support of the proposal, to be considered alongside all other factors.

As regards the scope for anti-social behaviour within the store car park, the design and layout of the scheme is such that this area sits to the fore of the building and is therefore readily overlooked from the road and subject to passive surveillance. An appropriate scheme of lighting, secured by condition, will further assist with making this area unattractive to such anti-social behaviour. It is noted that no specific concerns have been raised in this regard through consultation with Police Scotland's Architectural Liaison Officer.

### **Matters raised by Community Council**

The Council's Roads Development Management Team has assessed the supporting Transport Assessment and advised that the proposals for pedestrian access to the site are adequate, with no requirement for a new crossing to offset the impact of the proposed development. There are existing bus stops approximately 150m from the site, which is well within the 400m recommended by ACC's 'Transport and Accessibility' Supplementary Guidance and Scottish Planning Policy. On that basis, there is no requirement for the applicant to secure or fund upgrades to existing public transport infrastructure. The noise impacts of car park usage and delivery/service vehicles have been discussed elsewhere in this report, which found that the separation is such that noise levels would not require to be mitigated in order to achieve the necessary thresholds at residential properties. The suggestion that Countesswells Road is not suitable for heavy goods vehicles is not supported by the consultation response from the Council's Roads Development Management Team, and appears out of step with the significant residential development allocated and consented at Pinewood, Hazledene and Countesswells. Ultimately, goods vehicles are entitled to

use this route at present, and could not be prevented from doing so in approval of this application for planning permission.

No specific assessment has been undertaken in relation to car headlights, however it is noted that the existing properties on Pinewood Gardens lie approximately 40m to the north, with boundary landscaping and a stone boundary wall to be established on the intervening ground as part of the proposal as well as the existing rear boundary fences enclosing the properties on Pinewood Gardens. The undeveloped section of land immediately to the north is the subject of an earlier planning permission, involving retirement flats, however due to the overlap between that proposal and the current Aldi scheme, it would not be capable of implementation. To that end, it is anticipated that Dandara will seek to progress an alternative layout for this area, with an indicative layout shown on the proposed site plan, however as yet that has no formal status and can be subject to further consideration in terms of its relationship with the Aldi store once planning permission is formally sought. Details of any external lighting for the store and car park have not been included in the applicants' submissions, however a suitably worded planning condition can secure submission of a scheme for further consideration in order to ensure there is no adverse impact on residential amenity.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

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

A legal agreement of some form will be required to secure payment of the identified sum for Core Path enhancement (see Developer Obligations Team response in 'Consultees' section), however as this is a relatively modest sum, the applicants have agreed in principle that this could be paid up-front, with the use of the payment and terms for its return if unused dealt with via a straightforward section 69 agreement.

### **Time Limit Direction**

Not necessary in this instance. Standard duration of consent is appropriate.

### **RECOMMENDATION**

Approve Conditionally & Legal Agreement

### **REASON FOR RECOMMENDATION**

The site is accessible by a range of means and is well placed to support sustainable travel. By meeting convenience shopping needs locally, the proposal would partially reverse a current trend of travel outwith the catchment and reduce the proportion of car journeys required to meet those needs. Adequate provision is made on-site for car and cycle parking, and the local road network is capable of accommodating the trips generated by the proposed retail use. The application is therefore considered to accord with the aims of policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan (ALDP). The Core Path route to the east of the site would be maintained and unaltered by the development, however developer obligations related to a notional increase in use attributable to the development warrants payment of a sum towards its enhancement, in line with the requirements of policies I1 (Infrastructure Delivery and Planning Obligations) and NE9: Access and Informal Recreation.

The proposed development, whilst located in an out-of-centre location, would nevertheless avoid

any significant impact on any protected retail centres within the catchment and serves to reverse some of the leakage in convenience shopping expenditure from the catchment area. The proposal satisfies the tests set out in the relevant policy NC5 (Out of Centre Proposals) of the ALDP in relation to assessment of sequentially preferable sites, impact on existing centres, accessible location and promotion of sustainable travel. It is apparent from the submissions provided that there is a qualitative and quantitative deficiency in the existing retail provision within the catchment area, and this proposal can be accommodated without significant adverse impact on any other retail locations within the catchment, whether within protected centres or in out-of-centre locations. The proposal is supported by policy NC4 (Sequential Approach and Impact) due to its remote location relative to existing convenience shopping provision and by policy NC8 (Retail Development Serving New Development Areas) on the basis of the lack of retail provision within the recent development at Pinewood and Hazledene.

By demonstrating due regard for the six qualities of successful placemaking and the overarching aims of policy D1 (Quality Placemaking by Design), the proposal is considered to be acceptable in design terms, responding positively to its context.

There would be no significant adverse impact on the surrounding residential land use, consistent with the aims of policy H1 (Residential Areas) to protect the amenity of existing residents, and a suitable Noise Impact Assessment has demonstrated that specific mitigation measures are not necessary due to the distance between noise sources and the closest Noise Sensitive Receptors, consistent with the requirements of policy T5 (Noise). It has also been demonstrated that the site is not at risk of flooding from any source. Appropriate drainage arrangements can be secured via planning conditions, in order to ensure connection to the public drainage network in due course, in accordance with policy NE6 (Flooding, Drainage and Water Quality).

Impacts on existing trees have been minimised through development of the layout and generally affect specimens of lesser quality, with significant scope for replacement planting in a more consistent layout along the key western and southern boundaries. Encroachment into the Green Space Network and resultant tension with policy NE1 (Green Space Network) is recognised, however the impact is not significant and can be offset through mitigatory planting, such that the proposal accords with policy NE5 (Trees and Woodlands). Despite this encroachment into an area of existing green space, Open Space provision within the wider Pinewood and Hazledene residential development would remain at a generous level, exceeding the requirements of policy NE4 (Open Space Provision in New Development). Technical matters relating to the requirements of policy R7 (Low and Zero Carbon Buildings and Water Efficiency) can be addressed by securing further submissions through use of planning conditions.

In conclusion, the proposal is considered to accord with the provisions of the Development Plan, as well as the relevant national policy set out by Scottish Planning Policy in relation to the location of significant footfall generating uses. The economic benefits of the proposal set out by the applicants are a material consideration which also weighs in favour given that the assessment of alternative sites within the catchment was found to identify none which was both suitable and available. A significant level of representation has been made, both in support and in objection to the proposal. Ultimately, it has been established that there is a deficiency in retail provision within the local area, and it is considered that this proposal can partially address that deficiency without significant adverse effects on the surrounding community or environment.

## **CONDITIONS**

### **1. Materials/Finishes**

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved (including a physical sample board) has been submitted to, and approved in writing by, the planning authority and thereafter the

development shall be carried out in accordance with the details so agreed.

Reason: in the interests of visual amenity and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

## **2. Convenience Floorspace**

No more than 25% of the net sales floorspace of the store hereby approved shall be dedicated to the sale and display of comparison goods.

Reason: In order to ensure that the store is principally meeting the convenience needs of the local community and to ensure compliance with policy NC4 (Sequential Approach and Impact) of the Aberdeen Local Development Plan.

## **3. Delivery Times**

No deliveries shall be made to the store hereby approved outwith the hours from 06.00 and 22.00

Reason: In order to protect the residential amenity of those resident in the surrounding area.

## **4. Deposit Return Scheme (DRS) hours of use**

The Deposit Return Scheme (DRS) approved as part of this proposal shall not be made available for use outwith store opening hours.

Reason: In order to protect nearby residents from adverse noise impact.

## **5. Connection to Public Sewer**

That the store hereby approved shall not be brought into use unless connection has been made to the public sewer system.

Reason: In order to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan, which does not permit connection to private wastewater systems in sewered areas.

## **6. Surface Water Discharge**

That the store hereby approved shall not be brought into use unless a scheme detailing appropriate surface water drainage arrangements has been submitted to and agreed in writing by the planning authority, in consultation with ACC's Structures, Flooding and Coastal Engineering Team, and subsequently implemented, all prior to first occupation of the building.

Reason: In order to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the Aberdeen Local Development Plan and to ensure that surface water is dealt with in the most appropriate way.

## **7. Arboricultural Construction Method Statement**

No development pursuant to this grant of planning permission shall be undertaken until such time as a detailed Arboricultural Construction Method Statement, which includes details of construction access, vehicle movements, storage of materials and phasing as well as measures to avoid impact on the canopy of existing trees along the eastern boundary of the site, has first been submitted to and approved in writing by the planning authority. Thereafter, all works should be carried out in full accordance with the Method Statement so agreed.

Reason: In order to ensure that construction works do not adversely affect those trees to be retained along the eastern boundary of the site, the canopies of which are in close proximity to the north-eastern corner of the building.

## **8. Tree Protection**

No development shall take place other than in accordance with the hereby approved scheme of tree protection (Donald Rodger Associates Ltd., Tree Proposals and Protection (TPP) Drawing no. 20472/1, within report dated July 2020) or such other TPP as has been submitted to and approved by the planning authority prior to commencement of works.

Reason: In order to secure adequate protection for all trees to be retained on the site during construction works and to ensure compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

## **9. Landscaping Works**

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

Reason: In order to ensure that the approved landscaping works are carried out at an appropriate time and to offset the impact of tree losses necessary for development to occur.

## **10. Further Arboricultural Works**

Any tree work not specified in the submitted '*Tree Survey, Arboricultural Constraints and Arboricultural Implication Assessment*', dated July 2020, which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

Reason: In order to ensure that existing trees are appropriately retained and protected where practicable.

## **11. Boundary Enclosures**

That the store hereby approved shall not be brought into use unless the boundary treatments shown on drawing SS\_45\_35\_00-0001 REV P04 have been delivered in full accordance with that plan, or any such substitute as has been submitted to and approved in writing by the planning authority for that purpose.

Reason: To ensure that boundary enclosures of an appropriate design, scale and materials to the local context are provided prior to first occupation, and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

## **12. External Lighting**

No development pursuant to this grant of planning permission shall be undertaken unless a scheme of external lighting for the building and car park has first been submitted to and approved in writing by the planning authority. Thereafter, development shall be carried out in full accordance with the scheme so agreed.

Reason: In order to ensure that lighting for the development does not result in significant impact on the amenity afforded to neighbouring residents.

## **13. Car Parking**

That the store hereby approved shall not be brought into use unless the approved areas of car

parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. Zz\_70\_60\_00 0002 Rev-P07 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

#### **14. Electric Vehicle (EV) spaces and infrastructure**

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. Zz\_70\_60\_00 0002 Rev-P07.

Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

#### **15. Cycle Parking (Short and Long Stay)**

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. Zz\_70\_60\_00 0002 Rev-P07 have been fully installed and made available for use.

Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

#### **16. Carbon Reduction and Water Efficiency**

The building hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- 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 Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

### **ADVISORY NOTES FOR APPLICANT**

#### **1. Secured by Design Award**

Attention is drawn to the consultation response from Police Scotland's Architectural Liaison Officer, which strongly encourages the applicants to seek the 'Secured by Design' award in order

to demonstrate that safety and security have been proactively considered and that the development will achieve high standards in these respects.

'Secured by Design' (SBD) is a police initiative to encourage the building industry to adopt crime prevention measures in development design to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. 'Secured by Design' is endorsed by the Association of Chief Police Officers (ACPO) and has the backing of the Home Office Crime Reduction Unit. It has been drawn up in consultation with the Department of Transport, Local Government and the Regions (DTLR, formerly DTLR).

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# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



24.09.2020

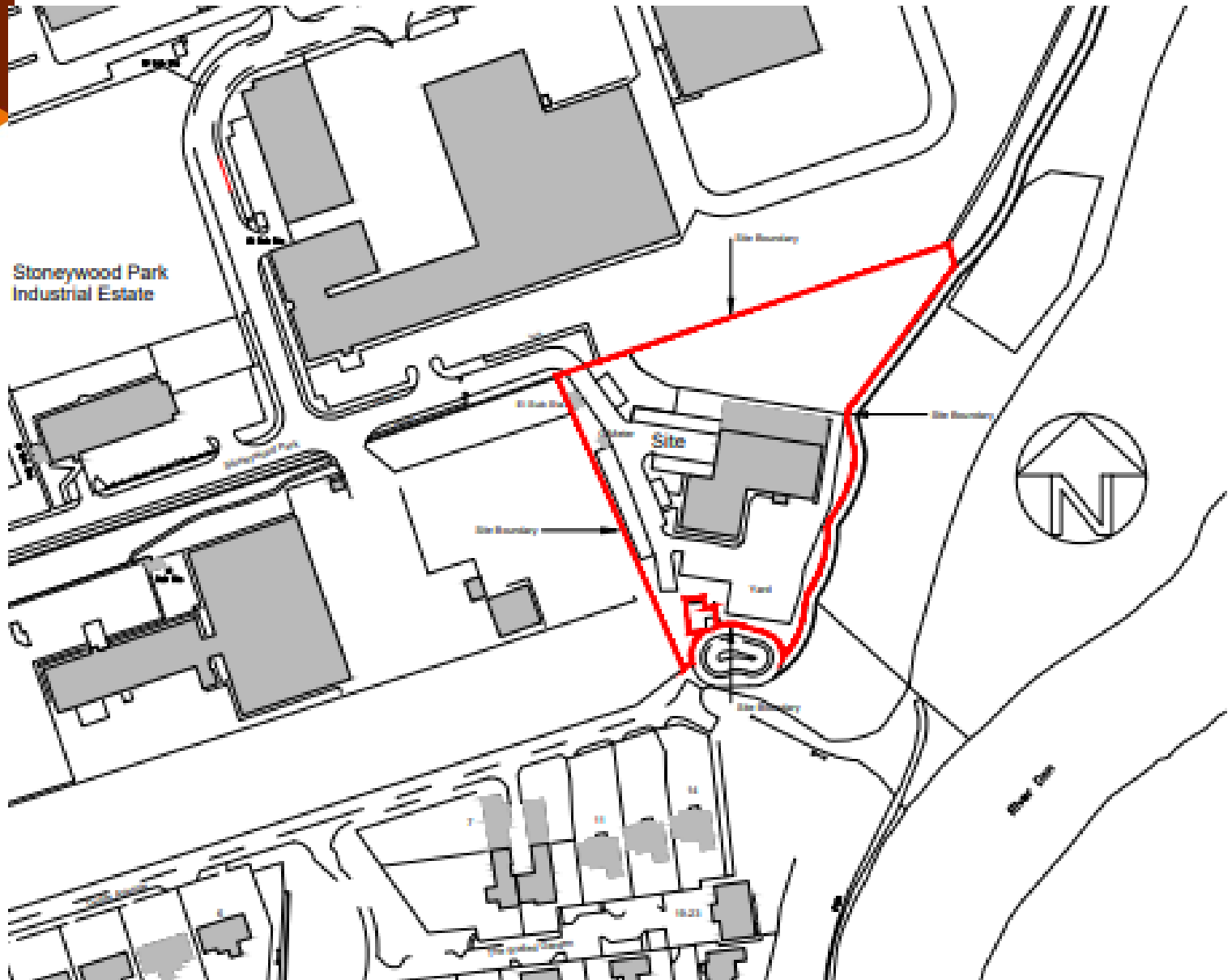
Erection of Security Fencing (retrospective)

Stoneywood Park, Aberdeen

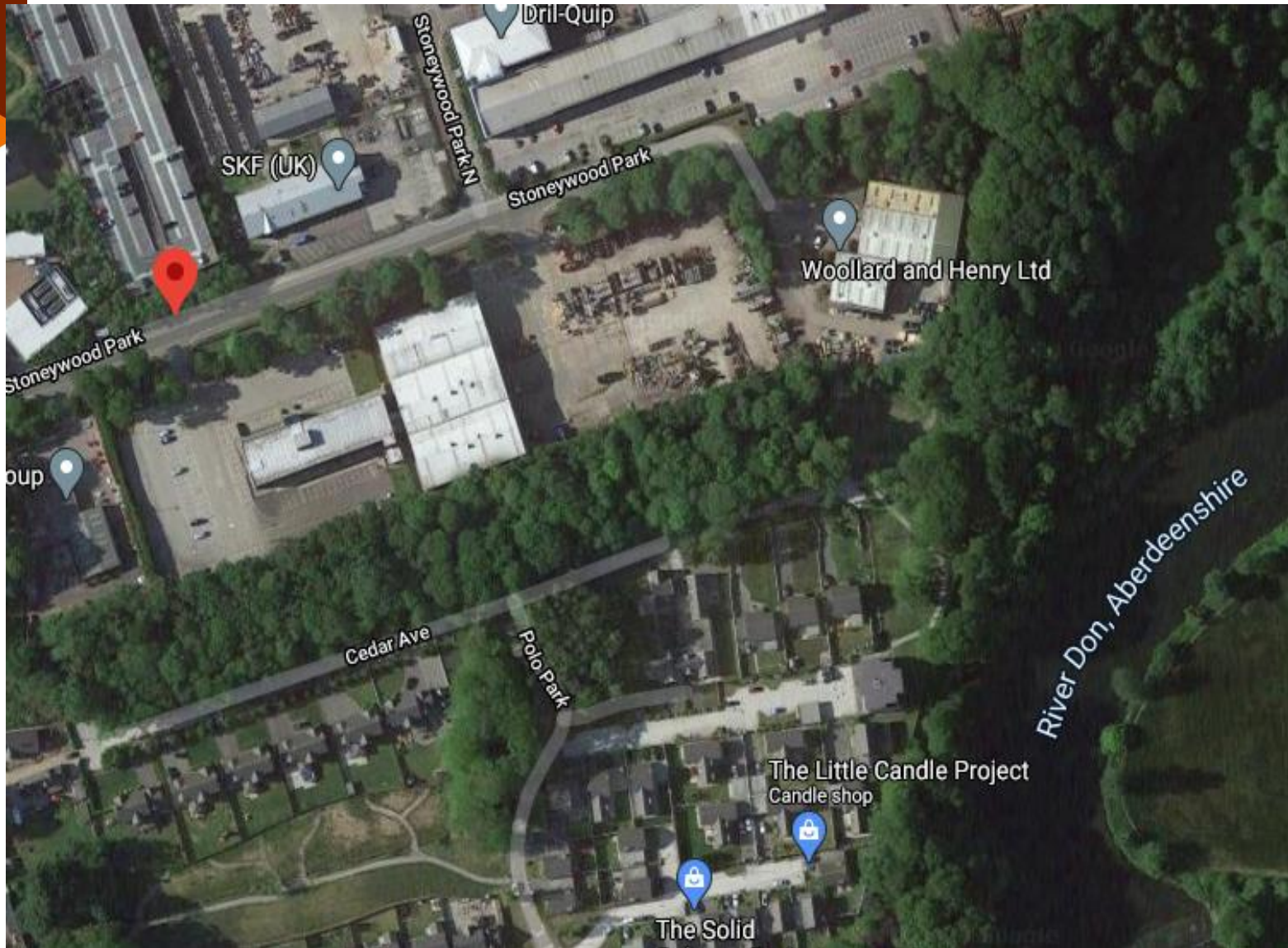
Application for Detailed Planning Permission

Application Reference Number : 200656/DPP

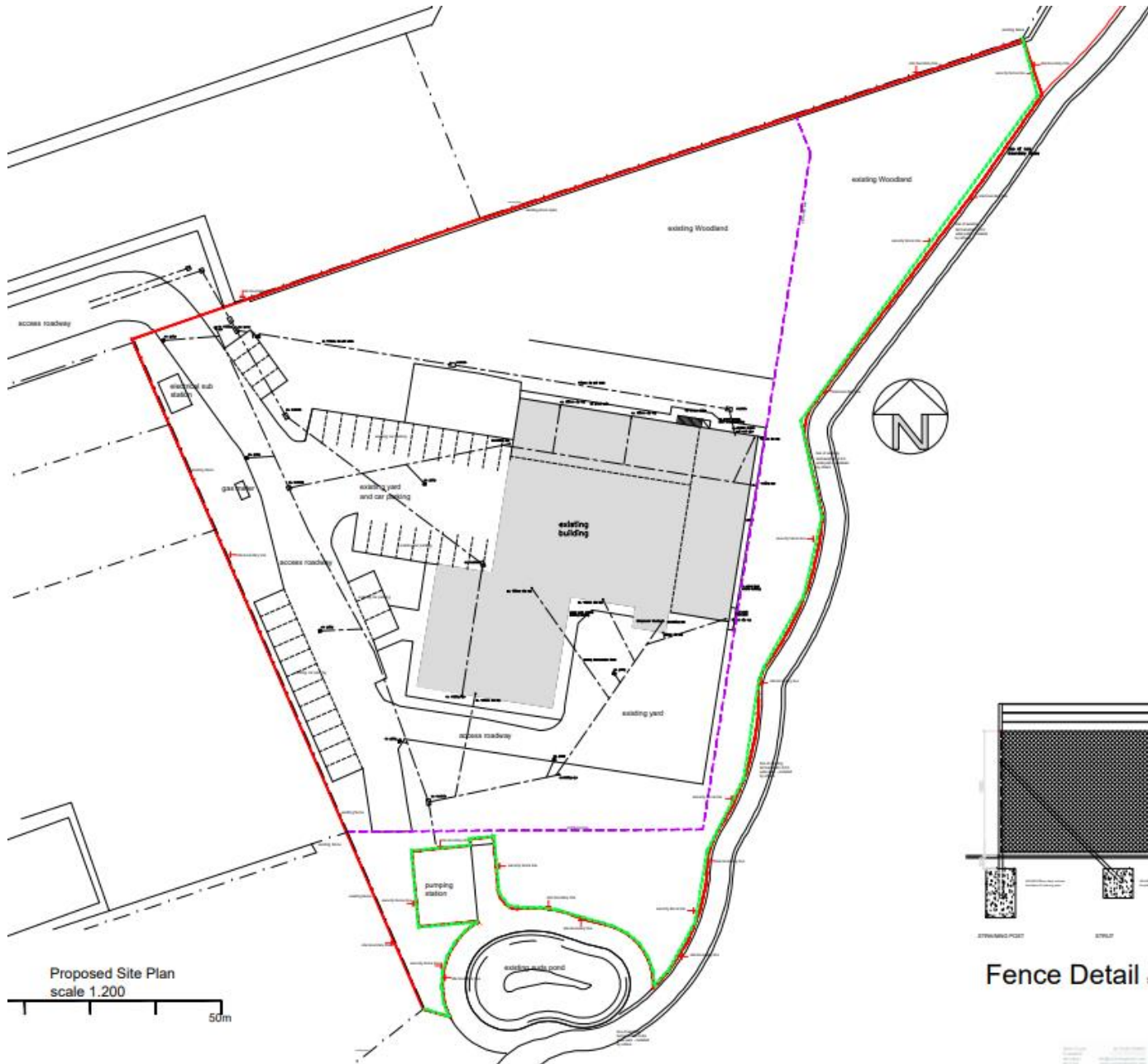
# Location Plan



# Aerial Photo

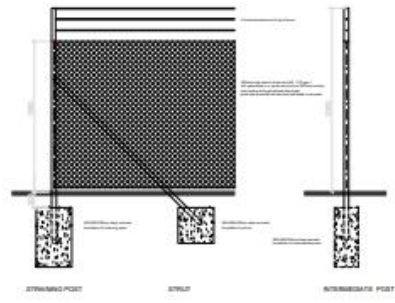


# Site Plan



Proposed Site Plan  
scale 1:200

50m

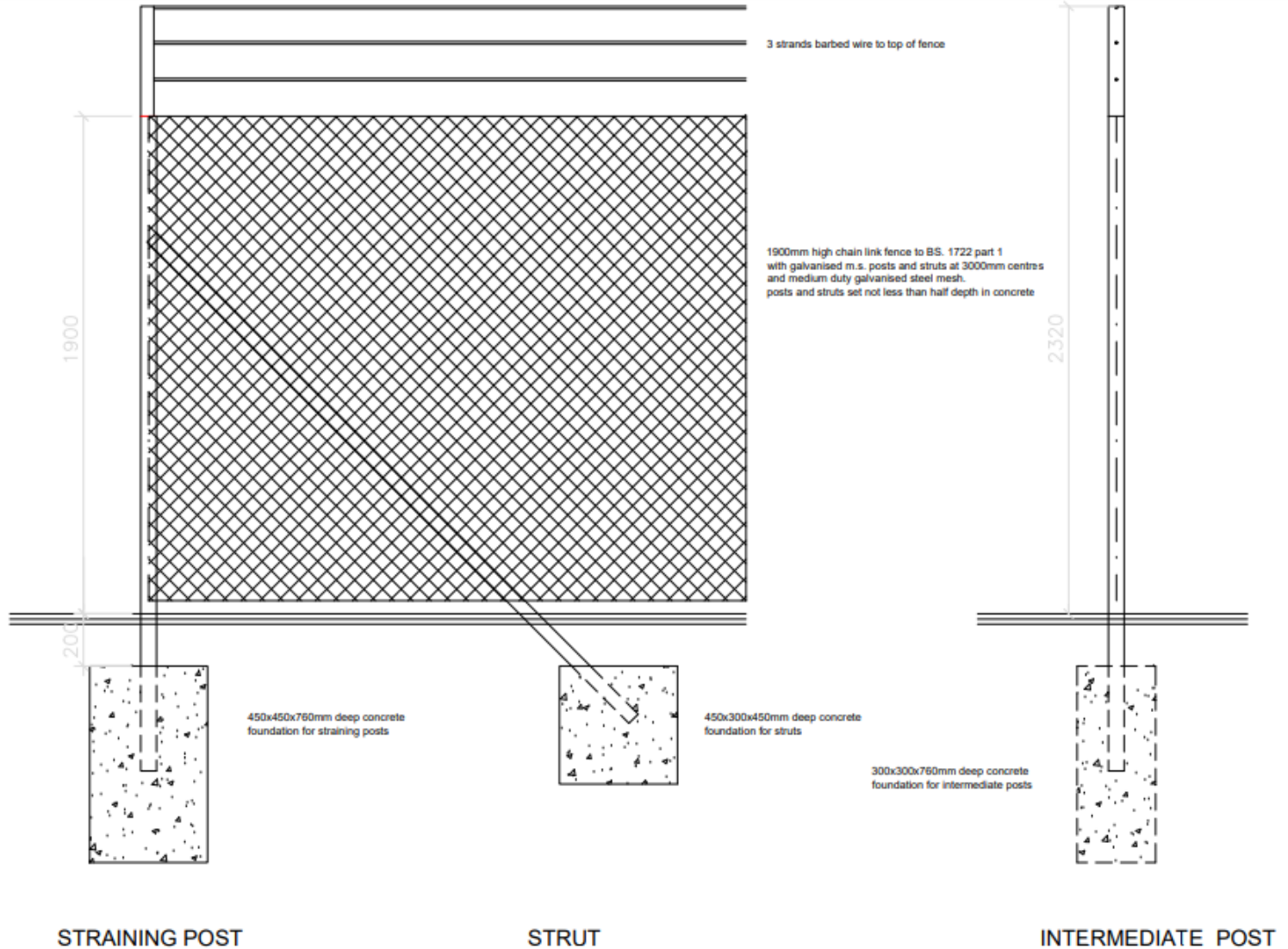


Fence Detail scale 1:20

# Views of fence from adjacent path looking south



# Fence Detail



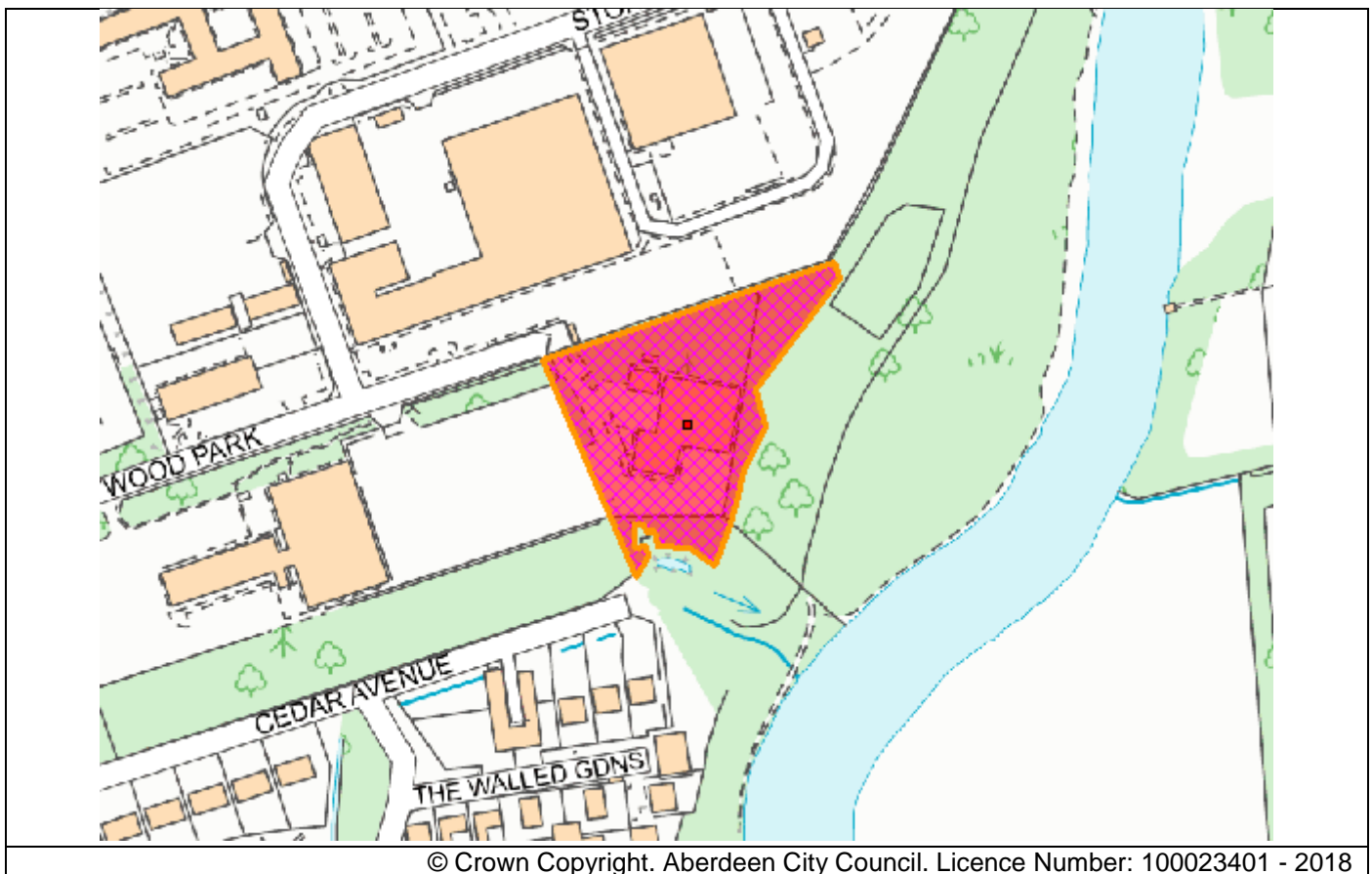


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 24 September 2020

<b>Site Address:</b>	Woollard And Henry, Stoneywood Park, Aberdeen, AB21 7DZ
<b>Application Description:</b>	Installation of security fence (retrospective)
<b>Application Ref:</b>	200656/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	15 June 2020
<b>Applicant:</b>	Woollard And Henry
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Robert Forbes



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### **RECOMMENDATION**

Refuse

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises existing industrial premises (approx. 5000 square metres comprising a workshop and yard) together with adjacent undeveloped woodland located to the north, east and south. It is accessed via Stoneywood Park within an industrial estate. The woodland forms part of a larger woodland area which was to be retained as public open space in association with the adjacent housing development but has subsequently been purchased by the applicant. Immediately to the east of the site is a recently constructed public path which runs along a wooded riverside embankment which functions as an important link in the recreational pathway network along the River Don. The south of the site is bounded by a SUDS pond developed as part of the adjacent housing development. To the south of this lies a suburban housing development (allocated as OP17 – Stoneywood in the Aberdeen Local Development Plan). Mature woodland / tree belt extending west from the site, parallel to Cedar Avenue and towards Stoneywood Road is protected by a Tree Preservation Order (No.257) and is understood to have been part of the woodland policies originally associated with Stoneywood Estate. A separate TPO has recently been served on the mature woodland within the site.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
190152/DPP	Change of use from amenity land to industrial including installation of security fence; erection of workshop with offices and staff facilities with associated works and car parking (partly retrospective)	19.03.2019 Status: Withdrawn
191010/DPP	Change of use from amenity land to industrial including installation of security fence around enlarged site; formation of yardspace and car parking (partly retrospective)	31.10.2019 Status: Refused
110790	Residential Development (425 houses) with supporting facilities / open space (Stoneywood Estate)	02.05.2102 Approved with conditions / legal agreement

In November 2018 a planning enforcement case (ref. ENF180169) was opened relation to alleged tree works, unauthorised installation of security fencing and associated change of use of amenity land at the site. This confirmed that the fencing which is the subject of the current planning application was installed at that time and that some removal of trees within the site had taken place. The land where the fencing has been erected lies within an open space area which was required to be provided as part of the 2012 residential planning permission which has been implemented by Dandara. The above applications were submitted in 2019 in response to this investigation. An appeal (PPA-100-2105) against refusal of 191010 was dismissed in 2020. The decision is available below.

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=120882>

The following extracts of the Scottish Government Reporter's decision are relevant:

"there has been a significant impact on the character and amenity of the area. The unpainted finish of the unauthorised fence clearly makes it incongruous and more prominent a feature than the original black fence. The physical proximity of the fence to the footpath has a greater impact than the original fence and this would remain the case even if it were finished in a recessive



colour.

The relocated boundary fence significantly detracts from the amenity of path users, distinctly changing the character of the open space. The impression of walking through a woodland has diminished with the experience shifting more toward a path which skirts the edge of a woodland, beside an industrial area."

A TPO was served on the site in 2020 in order to provide protection of trees of amenity value.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

A 2.3m high chain-link metal security fence has been constructed immediately west of the existing public path (along the south and east boundaries of the application site). The mesh section of the fence is 1.9m high and is surmounted with 3 horizontal barbed wire strands. Retrospective permission is sought for this element of the works which were undertaken in November 2018.

### **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=QBTANDBZIA700>

Photos

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

The application has been referred to the Planning Development Management Committee because in excess of 6 objections have been received and thus falls outwith the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Dyce And Stoneywood Community Council** – Object to the development. They consider that it has had a serious negative impact on the character and amenity of the area. The relocated boundary fence significantly detracts from the amenity of path users, distinctly changing the character of the open space. This is not consistent with policies H1 (residential areas), NE3 (urban green space) and NE9 (access and informal recreation) of the Aberdeen Local Development Plan, as analysed in detail by the Reporter.

## **REPRESENTATIONS**

14 representations have been received (13 objections, 1 in support). The matters raised can be summarised as follows –

- The retrospective nature of proposal is unacceptable
- Conflict with ALDP policies H1, NE3, NE9 and Reporter appeal decision
- Adverse visual impact / makes woodland walk feel industrial
- The woodland path is an amenity much appreciated and well used by the local neighbourhood
- Safety impact of fence on path users / fence too close to the path

- The applicant's claims of anti-social behaviour in the woodland are unfounded / exaggerated
- Many objectors also request that enforcement action be taken to secure removal of the unauthorised security fence which currently runs along the edge of the path and now separates it from the woodland to the west.

The representation in support claims that the fence stops the grounds becoming unsightly with litter, dog waste etc.

In addition, the applicant has submitted an email setting out the justification for the fence, which he considers to be required from a security perspective and contains the following statement:

"The Board in Aberdeen had agreed a seven figure development of the site in Aberdeen to increase capacity and create good quality employment in what is a well establish local business, who have always been considerate to their surroundings.

Since the application has been refused we have secured the multi million pound order, but now will have to sub contract over €5m to our sister company in Germany. They are obviously delighted at obtaining the work and securing employment, but Aberdeen should have been obtaining these benefits, at a time when conditions for business are extremely difficult and likely to get worse. "

The agent has also indicated that the applicant wishes to address the Committee directly prior to determination of the application.

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## **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 that contributes to sustainable development. The following specific paragraphs are of relevance:

- Para 194 (A Natural, Resilient Place – Policy Principles)
- Para 216 - 218 (A Natural, Resilient Place – Woodland)

The Scottish Government's Policy on Control of Woodland Removal 2009 – This expresses a strong presumption in favour of protecting Scotland's woodland resources and provides policy direction for decisions on appropriate woodland removal in Scotland.

PAN60 (Natural Heritage) - 2000

PAN 65 (Planning and Open Space) 2008

The Scottish Government's Draft Guidance on Net Economic Benefit and Planning - 2016

### **Aberdeen City and Shire Strategic Development Plan 2020 (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.

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.

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

The fence lies within the OP17: Stoneywood housing designation. The following policies are relevant:

H1: Residential Areas  
D1: Quality Placemaking by Design  
D2: Landscape  
NE1: Green Space Network  
NE3: Urban Green Space  
NE5: Trees and Woodland  
NE9: Access and Informal Recreation

### **Proposed Aberdeen Local Development Plan 2020 (PALDP)**

The PALDP was approved at the Council meeting of 2 March 2020. It constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. In this case similar zoning and topic policies apply to those in the ALDP. In this case the policies in the PALDP substantively reiterate those in the adopted ALDP.

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

Stoneywood Development Framework and Masterplan 2011 (SDFM)  
Landscape  
Natural Heritage  
Trees and Woodlands  
Green Space Network and Open Space

### **Other Material Considerations**

The recent appeal decision (PPA-100-2105) regarding the previous planning application at the site is a significant material consideration.

ACC Open Space Audit 2010 (n.b. the mature woodland at the southern and eastern extremities of the site, which has been purchased by the applicant, is identified as open space /woodland in this audit).

ACC River Don Corridor Framework 2012

Scotland's Forestry Strategy 2019 – 2029 (SFS), published by the Scottish Government (Scottish Forestry) in 2019. This has an objective to increase the contribution of woodland to a healthy and high quality environment. It also recognises the important contribution that individual trees outside of forests and woodlands make to enhancing Scotland's rural and urban landscapes, their role in addressing air pollution, and their biodiversity and cultural value.

## **EVALUATION**

### **Principle of Development**

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. The fence does not lie within an established or zoned industrial area and requires to be considered in the context of the authorised use of this part of the site as open space associated with a housing development as set out in the Stoneywood Development Framework and Masterplan 2011 (SDFM). Due to the industrial character and appearance of the development, it is considered to have an adverse impact on the residential amenity of the area and therefore conflict with ALDP policy H1. By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development and is a valued open space resource for the wider community, the proposal would not accord with the objectives of the SDFM. Given these conflicts, the presumption in favour of sustainable development expressed in Scottish Planning Policy is not considered to justify approval of the fence.

### **Landscape / Design Impact**

The fence which has been installed is considered to have a significant adverse impact on an important local natural landscape feature (i.e. mature open woodland) and the setting of the public path. Given that it is positioned immediately adjacent to the public path, there is no space for intervening soft landscaping to screen it from that sensitive receptor. The industrial appearance of the fence is particularly visually incongruous in such a sensitive woodland setting, and results in significant detriment to the amenity and enjoyment of the open space area. The fence is therefore considered to conflict with ALDP policies D1 and D2 and related guidance.

### **Open Space / Access Impacts**

The position / nature of the fence results in unacceptable severance of public access to the woodland area within the site in conflict with the objectives of policy NE1, NE3 and NE9 and related guidance. The fact that the site has been purchased by the applicant is not a material planning consideration that can be given any weight in assessing this planning application.

### **Tree Impact**

It is accepted that the fence does not result in direct tree loss such that there is no conflict with Scottish Government's Policy on Control of Woodland Removal 2009 or the SFS and no significant conflict with ALDP policy NE5 and related guidance, notwithstanding that its construction may have resulted in localised damage to tree roots.

### **Social Impacts**

Notwithstanding claims made in the letter of support regarding prevention of littering / dog fouling it is considered that the proposal does not result in any significant positive social impact that would potentially outweigh the adverse environmental impacts of the development and the conflicts with planning policy identified above. Conversely, the removal of public access to the existing wooded area resulting from the existing fence is considered to have resulted in a negative social impact by preventing local residents access to valued open space that was required to be and integral part of the amenity space provided for the adjacent residential development to the south.

### **Economic Benefits**

Notwithstanding the draft Scottish Government guidance on Net Economic Benefit and Planning issued in 2016 and the statement provided economic claims made in the applicant's email referred to above, no evidence has been presented that the development ( i.e. a fence) would result in any net economic benefit that would potentially outweigh the adverse environmental and social impacts of the development and conflicts with planning policy identified above. Given that no new industrial floorspace or yard is proposed, no such potential benefit is considered to exist, notwithstanding that the industrial activity within the developed part of the site is of iseconomic benefit. As the fence could be reinstated within its pre-existing position, adequate alternative arrangements for ensuring security of the yard-space would appear to exist, thereby allowing continuation of the existing industrial use within the developed parts of the site.

### **Road / Public Safety**

Although some of the objectors identify a concern that the fence creates a safety hazard due to its proximity to the path and effective narrowing of the usable width of this recreational pedestrian / cycle through route, the Council Roads officers have not identified this as a concern. The potential planting of a screen hedge immediately adjacent to the path may however conflict with user perceptions of public safety, reduce the open nature of its setting and may therefore reduce the attractiveness of the path to users.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

### **Enforcement Action**

The fence which has been installed is considered to have a significant adverse impact on an important local natural landscape feature (i.e. mature open woodland) and the setting of the public path. Given that it is positioned immediately adjacent to the public path, there is no space for intervening soft landscaping to screen it from that sensitive receptor. The industrial appearance of the fence is particularly visually incongruous in such a sensitive woodland setting, and results in significant detriment to the amenity and enjoyment of the open space area. The fence is therefore considered to conflict with local development plan policies D1 and D2. Notwithstanding that the site has been purchased by the applicant, the position of the fence results in unacceptable severance of public access to the woodland area within the site in conflict with the objectives of policies NE1, NE3 and NE9. It is considered that a relocated fence / boundary treatment on the edge of the existing authorised industrial site would provide adequate security for that operator. The PDMC instruction from 2019 in relation to removal of the unauthorised fence remains to be complied with. It is considered that there has been no significant or material change in circumstances (e.g. planning policy and the physical context of the site) since the Reporter's planning appeal decision in 2020 whereby the fencing was found to be unacceptable. It is therefore considered that enforcement action should still be sought in order to remove the existing fence and enable public access to the woodland.

### **Other Matters Raised in Representation**

Although the application is of a retrospective nature, there remains a statutory duty to determine the proposal on its merits and this cannot be used in itself as a justification for refusal. Notwithstanding that the applicant has requested to directly address the Committee, in this instance, there is no requirement for a public hearing prior to determination of the application. The economic considerations raised by the applicant are considered above.

### **Potential Conditions**

In the event that members do not agree with the recommendation of refusal, it is recommended

that a condition is imposed requiring that the mesh fencing and associated support posts are finished in a colour to be agreed in writing by the planning authority.

## **RECOMMENDATION**

Refuse

## **REASON FOR RECOMMENDATION**

It is noted that there has been no material change in circumstances since the planning appeal decision whereby the fencing was found to be unacceptable.

### 1. Impact on Residential Amenity

Due to the industrial character and appearance of the development and its proximity to a well-used recreational path forming an integral amenity within a designated open space associated to a residential area, the fence is considered to have an adverse impact on the residential amenity of the area and therefore conflict with policy H1 ( Residential Areas) of the Aberdeen Local Development Plan 2017.

### 2. Loss of Access to Greenspace / Open Space

Notwithstanding that the site has been purchased by the applicant, the position of the existing fence results in unacceptable loss of / severance of public access to the woodland area within the site, which forms part of a consented housing development, in conflict with the objectives of policies NE1 (Green Space Network), NE3 (Urban Green Space) and NE9 (Access and Informal Recreation) of the Aberdeen Local Development Plan 2017 and PAN 65. It is noted that no replacement public open space is proposed.

By preventing public access to existing open space which was required to be delivered as part of the Stoneywood housing development and is a valued open space resource for the wider community, the proposal would conflict with the Stoneywood Development Framework and Masterplan approved by the Council in 2011.

### 3. Adverse Landscape Impact

The fence which has been installed is considered to have a significant adverse impact on an important local natural landscape feature (i.e. mature open woodland) and the setting of the adjacent public path. The industrial appearance of the fence is particularly visually incongruous in such a sensitive woodland setting, and results in significant detriment to the amenity and enjoyment of the open space area. Given that it is positioned immediately adjacent to the public path, there is no space for intervening soft landscaping to screen it from that visual receptor. Use of conditions would not offset / mitigate the adverse environmental impact of the development given the sensitivity of the location of the site adjacent to a popular public recreational path. The fence is therefore considered to conflict with ALDP policies D1 (Quality Placemaking by Design) and D2 (Landscape).

## **ADVISORY NOTES FOR APPLICANT**

The applicant is advised that removal of the unauthorised fencing ( as highlighted in green in the submitted amended site plan – ref. A.01.02 rev.B) is required in order to prevent formal enforcement action by the Planning Authority to secure resolution of the breach of planning control which has taken place.