

Public Document Pack



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

Town House,
ABERDEEN 13 May 2021

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet remotely on **THURSDAY, 20 MAY 2021 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 available on the Committee page on the website.

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 22 April 2021 - for approval (Pages 9 - 16)
- 4.2 Minute of Meeting of the Planning Development Management Committee Pre Determination Hearing of 15 March 2021 - for approval (Pages 17 - 28)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 29 - 32)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Detailed Planning Permission for the erection of food hub innovation facility (Seedpod) (class 4) with access, parking, landscaping and associated works - land at Craibstone North and Walton Farm Aberdeen (Pages 33 - 66)

Planning Reference – 210146

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

[Link.](#)

Planning Officer: Aoife Murphy

- 6.2 Detailed Planning Permission for the erection of a single storey ancillary accommodation to rear - 56 Cromwell Road (Pages 67 - 88)

Planning Reference – 200559

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

[Link.](#)

Planning Officer: Jemma Tasker

- 6.3 Conservation Area Consent for substantial demolition of single storey building (side walls and roof) with Shiprow facing wall remaining unaltered retrospectively - 62 to 64 Shiprow Aberdeen (Pages 89 - 114)

Planning Reference – 210397

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

[Link.](#)

Planning Officer: Lucy Greene

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 Detailed Planning Permission for the formation of access, parking area and covered bike shed for allotments with associated works - land north of 15 Craighden Aberdeen (Pages 115 - 140)

Planning Reference – 210283

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

[Link.](#)

Planning Officer: Aoife Murphy

- 7.2 Planning Permission in Principle for 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 - Binghill House, Binghill Road Aberdeen (Pages 141 - 192)

Planning Reference – 200750

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

[Link.](#)

Planning Officer: Gavin Clark

DATE OF NEXT MEETING

- 8.1 Thursday 17 June 2021 at 10am

EHRAs related to reports on this agenda can be viewed [here](#)
To access the Service Updates for this Committee please click [here](#)
Website Address: 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

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, 22 April 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener (for items 1 to 6); and Councillors Allan, Cooke, Copland, Cormie, Greig, Houghton (as substitute for the Vice Convener for items 7 to 10), MacKenzie and Malik.

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

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 MARCH 2021

1. The Committee had before it the minute of the previous meeting of 18 March 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING OF 25 FEBRUARY 2021

2. The Committee had before it the minute of the Pre Determination Hearing of 25 February 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

9 ROYFOLD CRESCENT ABERDEEN - 201627

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

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That the application for detailed planning permission for the erection of a one and a half storey extension to the rear of 9 Royfold Crescent Aberdeen, be approved unconditionally.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the application.

The Committee resolved:-

to approve the application unconditionally.

BAADS FARM, ANGUSTON ROAD ABERDEEN - 201480

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 a change of use of land for the erection of a temporary chalet/mobile home at Baads Farm Anguston Road Aberdeen, be approved subject to the following conditions:-

Conditions

1. That the caravan site hereby granted planning permission, shall not be occupied by any person other than a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person in accordance with the Planning Authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation.

Reason: to preserve the amenity and integrity of the Green Belt and in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

2. That the caravan site hereby granted planning permission shall be limited to one caravan/mobile home/chalet on site at any one time.

Reason: that the justification provided and deemed necessary to allow the stud farm to become fully operational would not support multiple homes on site, and in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

3. That the caravan site hereby granted planning permission shall not be occupied unless a detailed scheme for the provision of foul sewerage facilities has been submitted to and approved in writing by the Planning Authority, and that the said scheme has been installed and is fully operational.

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Reason: in the interests of public health.

4. That prior to occupation of the caravan site hereby granted planning permission, details of all external finishing materials to the roof and walls of the caravan/mobile home/chalet unit to be located on site have been submitted to, and approved in writing by the Planning Authority and thereafter the approved material finish is maintained for the duration of the caravan/mobile home/chalet unit being located on site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

5. The following time limits and related conditions on the planning permission hereby granted shall apply:

- 5.1. The development permitted by this planning permission shall begin no later than six months from the date of this decision notice, and if not begun within those six months this planning permission shall expire.

- 5.2. The development permitted by this planning permission shall endure for a period of eighteen months from the date that the said development is begun, and for no longer period.

- 5.3. By the date on which that eighteen month period in condition 5.2 ends, the land on which the development permitted by this planning permission shall be reverted to its previous use (as land for the curtilage of the dwellinghouse or otherwise land clear of any structure permitted by this planning permission and any caravan/mobile home/chalet removed), and without prejudice to the foregoing generality, shall include the following works or operations:

- 5.3.1. Removal of any caravan/mobile home/chalet and associated structures permitted by this planning permission from the land for which this permission relates.

- 5.3.2. The completion of any works necessary to restore the land to its previous position before the use of the caravan site was begun.

- 5.3.3. Restoration of the land's use as curtilage to the dwelling house on the development site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

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

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The Committee resolved:-

to approve the application conditionally.

STONEYWOOD HOUSE, STONEYWOOD PARK ABERDEEN - 201037

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 installation of entrance gates and CCTV camera at Stoneywood House, Stoneywood Park, be approved subject to the following conditions:-

Conditions

1. That no development shall take place unless there has been submitted to, and approved in writing by, the planning authority, the following details:
 - (a) A tree survey showing the location of the gate posts and all trees within 12m of the gate posts, this shall include plotting tree root protection areas;
 - (b) Details, including plan and dimensions, of the foundations of the gateposts and methodology for the excavation;
 - (c) Details of tree protection measures, including plan and specification including barriers fixed into the ground, where these are identified as necessary following the tree survey.

Development shall be carried out only in accordance with the details as so agreed.

Reason: In the interests of minimising damage to trees.

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

The Committee resolved:-

to approve the application conditionally, with an extra section of the condition added, to read:-

“(d) Details, including a plan, showing an accessible route to the side of the gates, suitable for use by wheelchairs and pushchairs.”

81 CHARLESTON ROAD NORTH ABERDEEN - 201397

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 change of use from class 3 (food and drink) to hot food takeaway (sui generis) and installation of extract duct at 81 Charleston Road North Aberdeen, be approved subject to the following conditions:-

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Conditions**(1) OPERATIONAL HOURS**

The hereby approved use shall operate between the hours of 9am and 10pm only on any given day in the week, and at no other time whatsoever.

Reason: In order to preserve the amenity of neighbouring residential properties during the more sensitive late evening and early morning hours.

(2) NOISE MITIGATION

The hereby approved use shall not commence unless the mitigation measures recommended in the approved Noise Impact Assessment (Reference: Project Number: P8322, Issue 4.0, Date: 14 April 2021) have been implemented in full. These must include:

- a) The installation of a local Extract Ventilation (LEV) fan with a sound power level across the frequency spectrum which complies with that detailed within section 4.0 Table 1 (and appendix 2 page 18)
- b) The installation of a fan silencer with sound attenuation across the frequency spectrum at least equivalent to that of the 80/1200 model detailed within section 4.0 Table 2 (and appendix 2 page 17).
- c) The termination point for the LEV aligns with the position detailed within the report.

Thereafter the mitigation measures, or similar as may be agreed in writing with the Planning Authority, shall remain in place for the duration of the use.

Reason: In order to preserve the amenity of neighbouring residential properties from noise emissions associated to the new use.

(3) ODOUR MITIGATION

The hereby approved use shall not commence unless the mitigation measures recommended in the approved Odour Assessment (Reference: Project Number: P8332.02, Issue 3.0, Date: 14 April 2021) have been implemented in full. These must include:

- a) The ventilation requirements detailed within section 4.7.1
- b) The odour mitigation requirements detailed within section 4.7.2
- c) Installation of the rooftop kitchen extract duct shown on hereby approved drawing no. 102 Rev B

Thereafter the mitigation measures, or similar as may be agreed in writing with the Planning Authority, shall remain in place for the duration of the use.

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Reason: In order to preserve the amenity of neighbouring residential properties from odour emissions associated to the new use.

(4) LITTER BIN PROVISION

The hereby approved use shall not commence unless internal and external litter bins are provided by the operator during hours of operation, in accordance with the details set out in the 'Customer Waste' section of the hereby approved Supporting Statement (ref: 201397-01 Rev A). Thereafter litter bins shall be provided in accordance with the agreed details and shall remain in place for the duration of the use.

Reason: In order to minimise the risk of litter from customers and to preserve the amenity of the area.

The Committee heard from Alex Ferguson, Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the application conditionally.

19 SOUTH AVENUE ABERDEEN - 201630

8. 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 residential units (3 apartments and 1 house) with associated works at 19 South Avenue Aberdeen, be refused.

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

The Committee resolved:-

to refuse the application.

CHESTER HOTEL, QUEENS ROAD ABERDEEN - 201454

9. The Convener advised that the application had been withdrawn by the applicant.

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PLANNING ENFORCEMENT ACTIVITY REPORT - PLA/21/102

10. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed members of the planning enforcement work that had been undertaken by the Planning Service from 1 April 2020 to 31 March 2021.

The report recommended:-

that the Committee note the content of the report.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the report and answered questions from members.

The Committee resolved:-

- (i) to request that officers investigate the overuse of window advertising on Victoria Road, Torry; and
 - (ii) to otherwise note the enforcement report.
- **Councillor Marie Boulton, Convener**

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**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION
HEARING
15 March 2021**

ABERDEEN, 15 March 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING. Present:- Councillor Boulton, Convener and Councillors Allan, Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

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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 – BINGHILL HOUSE, BINGHILL ROAD ABERDEEN - 200750

1. The Committee heard from the Convener who began by welcoming those present at the remote hearing and provided information on the running order. She explained that the first person to address the hearing would be Mr Gavin Clark, and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Mr Gavin Clark, Senior Planner, who addressed the Committee in the following terms:-

Mr Clark began his presentation by displaying a number of photos of the site in order to give members a better sense of the application site.

Mr Clark explained that given the proposal was for planning permission in principle. The applicants had submitted a site plan which was merely for indicative purposes to demonstrate what could be accommodated on the site, with future applications required for the approval of matters specified in condition required to address aspects such as layout, siting and design of the proposed units and the layout of the proposed road. The indicative plan had the access in the western site of the site taking access from Bingham Road, with the main build elements located in the central, western and northern section of the site. The retirement home was shown as being located centrally within the site adjacent to the café, to the south of the existing Bingham House which was not proposed for development at this time. Mr Clark advised that it should be noted that this layout was for information purposes only and the planning authority were looking at the red line boundary only at this stage.

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Mr Clark advised that the application constituted a major development and due to it being contrary to the principle policies of the local development plan required a Pre Determination Hearing. The proposal was subject to statutory pre-application consultation with applicants and officers presenting to the Pre Application Forum in September 2019. The Pre Application Consultation Report formed part of the current submission. Mr Clark intimated that no assessment of the merits or failings of the proposal were made within the report.

Mr Clark advised that the site was zoned as Green Belt and Green Space Network Policy and noted that Policy NE1 advised that:

- Council would protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network and
- Proposals for development that were likely to destroy or erode the character and/or function of the Green Space Network would not be permitted.

Mr Clark also indicated that Policy NE2 stated that “no development would 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 is also stated that proposals for development associated with existing activities in the Green Belt would be permitted but only if all of the following criteria were met:

- a) the development was within the boundary of an existing activity;
- b) The development was small scale;
- c) The intensity of activity was not significantly increased; and
- d) Any proposed built construction was ancillary to what exists.

Mr Clark advised that Policy NE2 made no provision for development of the level proposed and the application therefore represented a significant departure from the Development Plan and the requirement for this hearing. He explained that it should also be noted that Binghill House was listed in November 2014 as a Category C listed building. As a result of its listed status, there was a duty on Planning Authorities in determining applications to have a special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possessed.

Mr Clark explained that other aspects that would need to be taken into account during the determination of the planning application included the landscape impact from the proposed development, the impact on natural heritage including protected species and trees and the site’s accessibility.

Mr Clark further explained that the proposed local development plan was approved by Full Council in March 2020 and represented the settled view of the Council. The allocation of green belt and green and blue infrastructure (currently green space network) was proposed to be carried forward to the proposed local development plan. Statutory

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consultation on the plan was carried out in the latter part of 2020 with 261 responses supporting the sites continued exclusion from the proposed plan.

In terms of representations, it was noted that the proposal itself had received 173 representations, which included 147 in objection, 24 in support and 2 neutral comments. Cults Bieldside and Milltimber Community Council had also objected to the proposed development and these comments and representations were summarised in the associated report in the agenda.

Mr Clark explained that colleagues in Roads Development Management had raised no objection to the proposal and developer obligations had advised of contributions towards the core path network, healthcare and community facilities. All other technical consultees were content with the proposal and other aspects could be controlled via condition, all of which were summarised in the associated report.

Mr Clark concluded by stating that following this meeting a report would be prepared for the Planning Development Management Committee with a full and detailed assessment of the proposed development and a recommendation to Members would be included.

The Convener then invited Mr Michael Cowie, Engineer, to address the Committee. Mr Cowie explained that as this was a planning permission in principle, Roads Development Management had assessed the application indicatively to see if the principles were acceptable at this stage and to evaluate if any engineering solutions were feasible.

Mr Cowie noted that the site was outwith walking and public transport links so private shuttles would be required from the applicant.

Mr Cowie also explained that in relation to the indicative layout, an alternative drawing was included in the Transport Statement which showed a slightly different access from Binghill Road to the south east of the site. Mr Cowie also noted there would be an emergency only access too.

Mr Cowie noted that the statement from the applicant showed the proposed trips on the shuttle bus and they would be made outwith peak times.

Mr Cowie also advised that there were proposed pedestrian connections to the existing Milltimber and surrounding areas, and in the Transport Statement it was proposed to extend and tie in the footway extension to the east of Binghill Road which was partially being carried out with the new Milltimber School development.

Mr Cowie explained that as the application was in the early stages, more details would be required and would be assessed in due course however at this stage Roads did not object to the application.

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Members then asked questions of Mr Clark and Mr Cowie and the following information was noted:

- The amount of trees that could be lost was indicative at this stage, however was 22 at present;
- It was roughly 25 metres from this proposed development to the new primary school;
- 110 metres of trees at the access to the site were covered by a Tree Protection Order;
- An archaeological dig would be required; and
- In terms of the shuttle bus, this might need to be incorporated into the legal agreement.

The Convener then invited the applicant to address the Committee, and the speakers consisted of Mr Steve Crawford and Mr Stephen Barker, Halliday Fraser Munro, Professor Norman Hutchison, Independent Advisor Housing for an Ageing Population, University of Aberdeen and Mrs Shona Buyers, applicant.

Mr Crawford began the presentation and explained as this was a major application, substantial public consultation had been carried out and all necessary supporting information had been lodged. He noted that there were no objections from technical consultees and developer obligations had been established to cover core paths, healthcare and community facilities. Mr Crawford also noted that they had met with Police Scotland and this development would not be a gated community, and Police Scotland were in agreement. Binghill House would be utilised for administrative/social uses and for visitors.

Mr Crawford advised that they had listened to public comments and as a result had changed the layout of the proposal. Binghill House would still be at the heart of the new retirement community, with the village centre and cottages moved further north away from neighbouring properties. The mature woodland and the majority of the trees would be retained with all of the proposed facilities still being provided. The revised layout allowed for a more compact village centre to be created next to Binghill House. It would also leave more open space to the south of the garden adjacent to neighbouring properties.

Mr Crawford provided details on the indicative layout of the proposal and highlighted these with visualisations.

Mr Crawford provided details on the demand side and an ageing population. He explained that by 2039 it was projected that people aged 65 and over would account for 18.6% of the total population of Aberdeen, and Cults Bieldside and Milltimber had a higher than average elderly population with 13.3% over 65 and 6.1% over 80. This was compared to Aberdeen City as a whole with 10.8% and 4.2% respectively.

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Mr Crawford advised that house builders were predominantly building family homes, not age specific housing, and noted that often the design was not suitable for the elderly and required expensive adaptations to be made. He noted that elderly people were having to buy family housing due to a lack of choice with respect to size, design and tenure. Mr Crawford outlined that the proposed development in Milltimber offered the chance to give the local community the choice of housing type suitable to serve the ageing population, with accommodation built for seniors with all the latest technology embedded in the design to assist with 'care in the community'.

Mr Crawford explained that demand for senior housing was rising nationally and locally, and the new supply of senior housing was very low compared with family housing and first time buyer flats.

In conclusion Mr Crawford advised that there were four main key considerations. Firstly, was the city planning well enough ahead to meet the housing need and offering enough choice for its ageing population, and where else could this type of development be provided if not on sites such as this. Secondly, were the objections so substantive that they could not be overcome. Mr Crawford highlighted that there had been no technical constraints or technical objections to the proposal. He also advised that it was in line with the Community Plan and supported through positive representations to the application. Thirdly, he considered whether the proposal could be designed to meet the requirements of an ageing population and the context of the site, and suggested that the indicative layouts proved that there were options for developing the site, with the woodland maintained with limited tree loss and enhanced/managed for longevity and age diversity, noting that the existing house would become an integral element of the development. Finally, Mr Crawford considered whether the application offered wider community benefits, and noted that it introduced new public uses and access to what was currently a private house and its gardens, with, for example, an onsite shop, café, allotments, public paths and play areas.

Professor Norman Hutchison, Professor of Real Estate at the University of Aberdeen, then addressed the Committee and provided information on the demand and supply of senior housing. Professor Hutchison advised that there were strong demand-side pressures due to a significant demographic shift with a growing percentage of the population in Scotland aged over 60, which was the legacy of the baby boom in the 1960s.

Professor Hutchison explained that across Scotland the changes were going to be very significant and noted that:

- By 2035, 30% of the population would be over 60, whereas presently the figure was 23%;
- By 2039, 800,000 people would be age 75 or over – a staggering 85% increase;
- Focusing in on Aberdeen, by 2039 it was projected that around 19% of the total population would be aged 65 and over; and

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- More specifically in 2021, Cults, Bieldside and Milltimber had a higher than average elderly population compared to the rest of Aberdeen City.

When looking at the demographic change Professor Hutchison advised that it should be noted that as people aged the incidence of disability and illness increased, and thus not only would there be more senior citizens, but also more seniors who would require specialised housing to meet their needs, whether it be the result of a stroke or the impact of dementia.

Professor Hutchison advised that the Planning Scotland Act (2019) introduced a duty for Scottish Ministers to report on the housing needs of older people and disabled people and the focus would be on how the planning system operated to ensure that new housing met the needs of seniors and the disabled. He noted that this requirement was now embedded in legislation.

Professor Hutchison advised that the supply of senior housing in Scotland was fragmented and mainly consisted of residential flats and single storey dwellings within mixed age, urban settings. Retirement villages were very rare in Scotland with only two in operation in Scotland at present, both very popular.

Professor Hutchison indicated that the development at Binghill House offered the chance to give the local community an exciting choice of housing type, suitable to serve the ageing population, accommodation built for seniors with all the latest technology embedded in the design, to assist with care in the community.

In summary Professor Hutchison explained that there was a demand and supply mismatch for senior housing and noted that it was clear the demand for senior housing was rising nationally and locally.

Mrs Buyers, applicant, also spoke about the application. Mrs Buyers explained that she was previously Shona Donald and noted that over generations the Donald family had been part of the local Milltimber community and had tried to help improve local amenities as much as they could by gifting land for the Church and Community Centre. As a family they were committed to protecting and enhancing the Deeside community.

Mrs Buyers explained that she had lost both her parents within 3 months of each other and as a result had inherited Binghill House and policies and the farming land surrounding it. She noted that she had managed to lease the house sporadically but it had proved not to be economically viable and she had to think of alternatives for the future use of the house. Mrs Buyers advised that she had hoped to turn Binghill House and policies into an Active Retirement Village which arose from her personal experience with her own parents. Mrs Buyers noted that when her mum had been ill she had needed constant care but her dad had still been active and he had wanted to stay in Milltimber where he had lived for most of his life but that there was nothing in the community to fulfil their needs.

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Mrs Buyers advised that she had started to research the area and concluded there was a significant lack of bungalows in the area which was what her dad needed. Following this she had contacted Halliday, Fraser, Munro for guidance on the way forward with her vision. Mrs Buyers explained she had other options with regard to Bingham House and the surrounding land but following in her dad's footsteps she wanted to choose an option that she felt would benefit and enhance Milltimber.

Mrs Buyers advised she grew up in Bingham House and was eager for any future development to retain the parkland and trees as far as possible. She noted that she had been closely involved in every stage of the planning and had also been engaging with the local Community Council and people living in Milltimber throughout the process. Mrs Buyers explained that she had listened to concerns and adjusted the plans to try and accommodate the local people and over the last year or so she had read many articles which were encouraging a development such as was proposed which was enlightening that her vision for Bingham was being recognised as the way forward for age related living in Scotland.

Members then asked questions of the applicant and the presenters and the following information was noted:-

- In regards to the proposed allotments, these could be used by the wider community;
- There was a suggestion that e-bikes could be utilised on the site, along with walkway connections to the wider community;
- The principle of the shuttle bus was that it would be a permanent service to allow people to access a wider field if they wished;
- Bingham House would be retained as it was and used as an administration centre, with the upstairs potentially a visitor bedroom;
- The operator of the development would pay for the shuttle service;
- The car parking would be in line with the Council standards;
- Electric charging points would be also be part of the development; and
- They hoped that the development would be operated by a single operator.

The Committee then heard from Mr Colin Morsley, Planning Liaison Officer for Cults, Bieldside and Milltimber Community Council.

Mr Morsley explained that Cults, Bieldside and Milltimber Community Council had given this application careful consideration over many months within a context of major ongoing housing construction sites to the east and west of the Milltimber settlement and the threat of development to the south if a current appeal was to be successful.

Mr Morsley advised that they had extensive discussions with local residents and the applicants and had agreed to object to the application on the grounds that:

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- The application was a departure from both the Aberdeen Local Development Plan 2017 and the proposed Aberdeen Local Development Plan 2020;
- The land was zoned as Green Belt and Green Space Network in both of those plans;
- The development lay above the generally recognised 95 metre contour below which most Lower Deeside settlements were situated;
- Their decision supported and respected the views of a significant slice of the neighbouring community who were naturally concerned about maintaining their current level of amenity.

To conclude, Mr Morsley advised that their Community Plan encouraged the provision of suitable retirement friendly housing in Lower Deeside enabling a choice of opportunities for older residents to downsize as appropriate to their circumstances.

Members then had the opportunity to ask questions of Mr Morsley.

The Committee was then addressed by Mr Bruce Anderson, a local resident. Mr Anderson explained that this application was only supported by 5 people in the Cults, Bielside and Milltimber catchment area with 150 objections. Mr Anderson also noted how the Community Council had withdrawn their earlier support and now objected to the proposal.

Mr Anderson explained that the application was wholly contrary to many of the principles and requirements in the Local Development Plan and highlighted that page after page of principles and requirements were ignored with the proposal and it constituted a significant/ major departure from the Local Development Plan.

Mr Anderson also noted that the proposal represented a major incursion into the Green Belt and if granted would be used as a precedent for future expansion both west and east and he advised that he could see nothing in the application which would allow a departure from the Local Development Plan.

In regards to the loss of trees, Mr Anderson advised that 17 trees were removed immediately prior to the application being submitted and there were plans to remove a further 28, a total of 45 trees. Mr Anderson spoke about the principle of cutting down trees, which were not protected by a Tree Protection Order.

Mr Anderson also spoke about how this model of care was not supported by the health, social work or housing authorities as there was no age diversity. This was highlighted by the Community Council in relation to the recent Inchgarth application. Mr Anderson noted that the elderly should be integrated and part of normal communities, not isolated.

Mr Anderson also explained that the site was too remote from services and the residents would be isolated at the top of a steep hill, which was windswept and icy in the winter.

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Mr Anderson also advised that there would be a significant and adverse impact on the local primary care services which were already overstretched and this was highlighted by the Community Council in relation to the recent application for Milltimber South.

Mr Anderson also advised that the proposed junction with its close proximity to the new primary school would be very unsafe particularly before and after school and the pavements on Binghill Road and the junction on to North Deeside Road would require upgrading.

Mr Anderson also explained that the local wildlife which included numerous red squirrels and bats would be endangered.

Mr Anderson advised that he could find no evidence of input from experts in care of the elderly or nursing home provision and had also seen no evidence for more nursing home capacity in the area and no market research for this type of housing with 40 properties for sale. He indicated that there was a range of properties readily available.

Finally Mr Anderson suggested that instead the current primary school site, once the new school opened, would be an ideal site for a small more appropriate development, being central to the community and close to public transport. He noted this was a brownfield site which was favoured in the Local Development Plan and asked that the application be refused.

The Committee then had the opportunity to ask Mr Anderson questions.

The Committee was then addressed by Mrs Carolyn Annand, a local resident. Mrs Annand explained that she was a 61-year-old, active retiree with an e bike, the target population at which this development proposal had been aimed. However Mrs Annand noted that she was strongly opposed to the proposal for a number of reasons.

Firstly Mrs Annand questioned the need for the development. She outlined that to deviate away from the Aberdeen Local Development Plan, the applicant would be required to demonstrate a clear need, however she felt in this instance that there was not a supply shortage of residential housing for older people. Mrs Annand felt that the development proposed was not required with no evidence of a shortage of quality retirement homes to the west of Aberdeen city and noted that there were currently 43 residential retirement properties for sale in the West End and Deeside corridor of Aberdeen City, with 31 between Cults and Milltimber.

Mrs Annand also noted that there was the potential to expand development of Woodland Grove in Milltimber, which had planning permission for a further stage. The developers had not pursued due to insufficient interest. Woodland Grove was developed around a beautiful old building.

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Mrs Annand also noted there were eight nursing care homes to choose from in the West End of Aberdeen and in the Deeside corridor there was plenty of nursing home provision.

Secondly, Mrs Annand spoke about the practicality of the proposed site. Within the Aberdeen Local Development Plan, she explained that clear guidelines were set out for developments aimed at the changing age profile of the city, advocating integrated developments well connected to local facilities, communities and public transport links. Mrs Annand felt that this site was unsuitable for the proposed development. She explained that in terms of public transport, the nearest bus stop was over 1 kilometre away from the junction leading to the new development and noted that the site was at the top of a very steep hill as well as being detached from the local community.

Thirdly Mrs Annand provided details on an alternative option. She noted that an alternative considerably more appropriate site was available on the existing Milltimber Primary School, which had already been identified in the local development plan as a brownfield site.

Fourthly, Mrs Annand spoke about environmental concerns and noted that aside from the points already covered, there were a number of serious environmental impacts that would make this development completely unsuitable for the local area. This included the removal of large mature trees and the impact on the local wildlife.

Mrs Annand advised that the Aberdeen Local Development Plan stated that any development should not result in the loss of, or damage to, trees and woodlands. It also states that developments must demonstrate that they safeguarded or enhanced biodiversity and protected species. Mrs Annand advised that nothing that had been presented in favour of the application was compliant with either of these requirements.

Mrs Annand also explained that the access road junction would be very close to the entrance to the new primary school on Bingham Road, which posed a safety risk with traffic from the development entering onto an existing housing estate. The proposed site of the road opened up the potential for even more development between this and surrounding green space and she felt that Milltimber was already overdeveloped.

In conclusion, Mrs Annand asked that members reject this application as it was not required and went against many key factors detailed in the Aberdeen Local Development Plan relating to meeting local needs, green space, the environment and age specific facilities provision.

Members then had the opportunity to ask questions of Mrs Annand.

The Committee then heard from Mr Stuart Jackson, a local resident who had lived in Milltimber for 25 years. Mr Jackson highlighted the amount of objections submitted in response to the proposal and outlined that he was pleased to see the application had been modified, as he thought it was clearly contrary to the 2017 and 2022 Aberdeen

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Local Development Plan. Mr Jackson noted that the applicant had been very generous to the village but felt this development was not required.

Mr Jackson outlined that there was no real requirement for housing in the area and advised that the development of Tor Na Dee house into the Woodland Grove Retirement complex took over 12 years to complete due to low demand, with the final home in the third phase only being sold at the end of 2020, with 8 properties at Woodland Grove currently available for purchase. He also advised that due to the low demand, phase 4 had been placed on indefinite hold with an area in excess of 1.25 acres of zoned and approved land adjacent to Tor Na Dee/Craig Court available for immediate development should any additional requirement be identified.

Mr Jackson explained that the primary access to and from the development would be on Binghill road which was a relatively narrow road without pavement on the east side for the majority of its length. He noted that the new pavement on Binghill Road local to the new primary school would not be extensive and would include a new vehicular entrance to Milltimber primary school for a staff car park. As a result the bulk of Binghill Road would not have pavement on its east side.

Mr Jackson also advised that since 2019, residents on Binghill Road had endured continually increasing volumes of heavy construction traffic accessing/aggressing the current phases of CALA Homes developments towards the top of Binghill Road. Mr Jackson also indicated that residents had endured disturbance due to the new Milltimber primary school being built. He explained that as a result of all of the construction etc in the local area, dust and noise pollution would continue well into the end of the decade.

Mr Jackson asked the Committee to refuse the application and noted that should a developer in the future be looking to consider the need for additional age specific retirement housing in Milltimber, they should consider establishing a low carbon, affordable active retirement development at the soon to be vacant Milltimber Primary School site on Monearn Gardens which would most certainly be within the heart of the community.

The Convener thanked all those who attended the remote hearing, specifically those who had presented their case, submitted representations and provided information. She advised that the Chief Officer – Strategic Place Planning would prepare a report for submission to a meeting of the Planning Development Management Committee (PDMC) for subsequent consideration and determination.

COUNCILLOR MARIE BOULTON, Convener

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	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	20 May 2021								
4	Land at Craibstone and Walton Farm	To approve or refuse the application for the erection of a food hub innovation facility (seedpod) (class 4)	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
5	56 Cromwell Road - 200559	To approve or refuse the application for the erection of a single storey ancillary accommodation to the rear.	On agenda	Jemma Tasker	Strategic Place Planning	Place	1		
6	62/64 Shiprow - 210397	To approve or refuse the application for the substantial demolition of single storey building (side walls and roof) with Shiprow facing wall remaining unaltered.	On agenda	Lucy Greene	Strategic Place Planning	Place	1		
7	Land North of 15 Craigden - 210283	To approve or refuse the formation of access, parking area and covered bike shed for allotments with associated works	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
8	Bingill House - 200750	To approve or refuse the application for the erection of an 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	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
9	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365	To hear from the applicant in relation to an application for Major residential development of approximately 350 units (at least 25% affordable) with associated infrastructure, open space and landscaping		Gavin Evans	Strategic Place Planning	Place			
10	PRE APPLICATION FORUM - Quattro House, Wellington Circle	To hear from the applicant in relation to a application for a major residential development comprising conversion, extension and new-build (approximately 90 units) and associated parking and open space		Alex Ferguson	Strategic Place Planning	Place			
11	17 June 2021								

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
12	Silverburn House - 191904	To approve or refuse the application for erection of residential led, mixed use development of around 100 to 150 units (mix of house types and flats), including facilities consisting of approximately 1000-3000 sqm of class 1 (shops), 2 (financial, professional and other services) and class 3 (food and drink) with associated works		Gavin Evans	Strategic Place Planning	Place	1		
13	239 Great Western Road Aberdeen - 210417	To approve or refuse the application for external seating area,		Robert Forbes	Strategic Place Planning	Place	1		
14	Altens Farm Road - 210114	To approve or refuse the application for the erection of Class 1 (shops) retail unit with associated car parking, access, landscaping and associated works		Gavin Evans	Strategic Place Planning	Place	1		
15	95 Charleston Road North - 210461	To approve or refuse the application for erection of 2 storey extension to the rear.		Jemma Tasker	Strategic Place Planning	Place	1		
16			19 August 2021						
17			30 September 2021						
18			04 November 2021						
19	Committee Annual Effectiveness Report	To report on the committee annual effectiveness report		Lynsey McBain	Governance	Commissioning	GD 8.5		
20			09 December 2021						
21									
22			Future applications to PDMC (date of meeting yet to be finalised).						
23	Kings College - 201069 (June at the earliest)	To approve or refuse the erection of teaching and learning hall, removal of 1954 book stack extension and kitchen extension to old library (James MacKay Hall), external alterations of Cromwell Tower, Old Senate Wing, Elphinstone Hall Kitchen Extension, Linklater Rooms and 1921 book stack, formation of new teaching and learning spaces within existing buildings and associated public realm works.		Matthew Easton	Strategic Place Planning	Place	1		
24	Kings College - 201070 (June at the earliest)	As above but approval or refusal for Listed Building Consent.		Matthew Easton	Strategic Place Planning	Place	1		
25	City Centre Conservation Area Appraisal - results of consultation	The Committee considered draft consultation report at Committee on 21 January 2021 and agreed that the results come back to committee in 12 months.		Ross Wilson	Strategic Place Planning	Place	4		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
26	Outside Polmuir Bowling Club, Devanha Gardens - 210094 (June but TBC)	To approve or refuse the application for installation of 20m high telecoms mast and equipment cabinets.		Alex Ferguson	Strategic Place Planning	Place	1		
27	Craighill Primary - 210038 (June at the earliest)	To approve or refuse the application for the redevelopment of site to form social housing rented accommodation (99 units), comprising a mix of unit types with associated streets, parking and amenity space		Dineke Brasier	Strategic Place Planning	Place	1		
28	Leggart Brae - Pre Determination Hearing - 201558 - to be scheduled	To approve or refuse the application for major residential development of 133 homes, new road junction on to A92, associated infrastructure and		Alex Ferguson	Strategic Place Planning	Place	1		
29	Coningham Road Tillydrone - 210041 (aiming for June)	To approve or refuse the application for the erection of 41 flats		Robert Forbes	Strategic Place Planning	Place	1		
30	Kincorth Academy - 210185 (July at the earliest)	To approve or refuse the application for residential development for 213 social rented accommodation comprising a mix of unit types with associated roads, shared residential streets, parking, landscaping and external amenity		Dineke Brasier	Strategic Place Planning	Place	1		
31	Former Cults Railway Station - 210140 (June at the earliest)	To approve or refuse the application for change of use to class 3 (food and drink) with outdoor seating area including alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated works		Jane Forbes	Strategic Place Planning	Place	1		
32	Jessiefield Junction - 200536 (likely to be June)	To approve or refuse the application for a variation of condition 10 (requiring Condition 1 to be implemented in full prior to the occupation of the 1001st house constructed) of planning application ref. P141888		Dineke Brasier	Strategic Place Planning	Place	1		

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



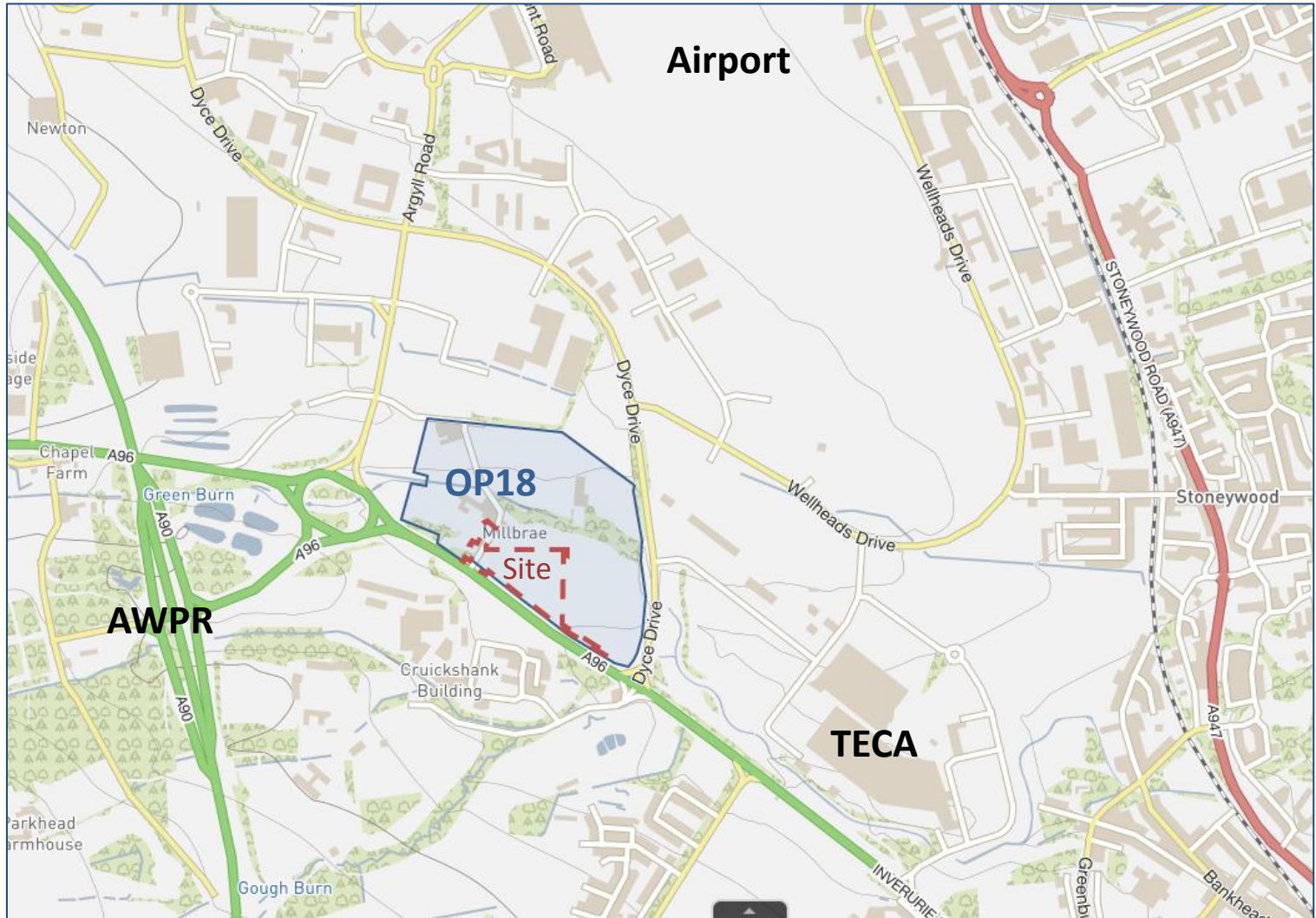
20 May 2021

Erection of food hub innovation facility
(Seedpod) (class 4) with access, parking,
landscaping and associated works

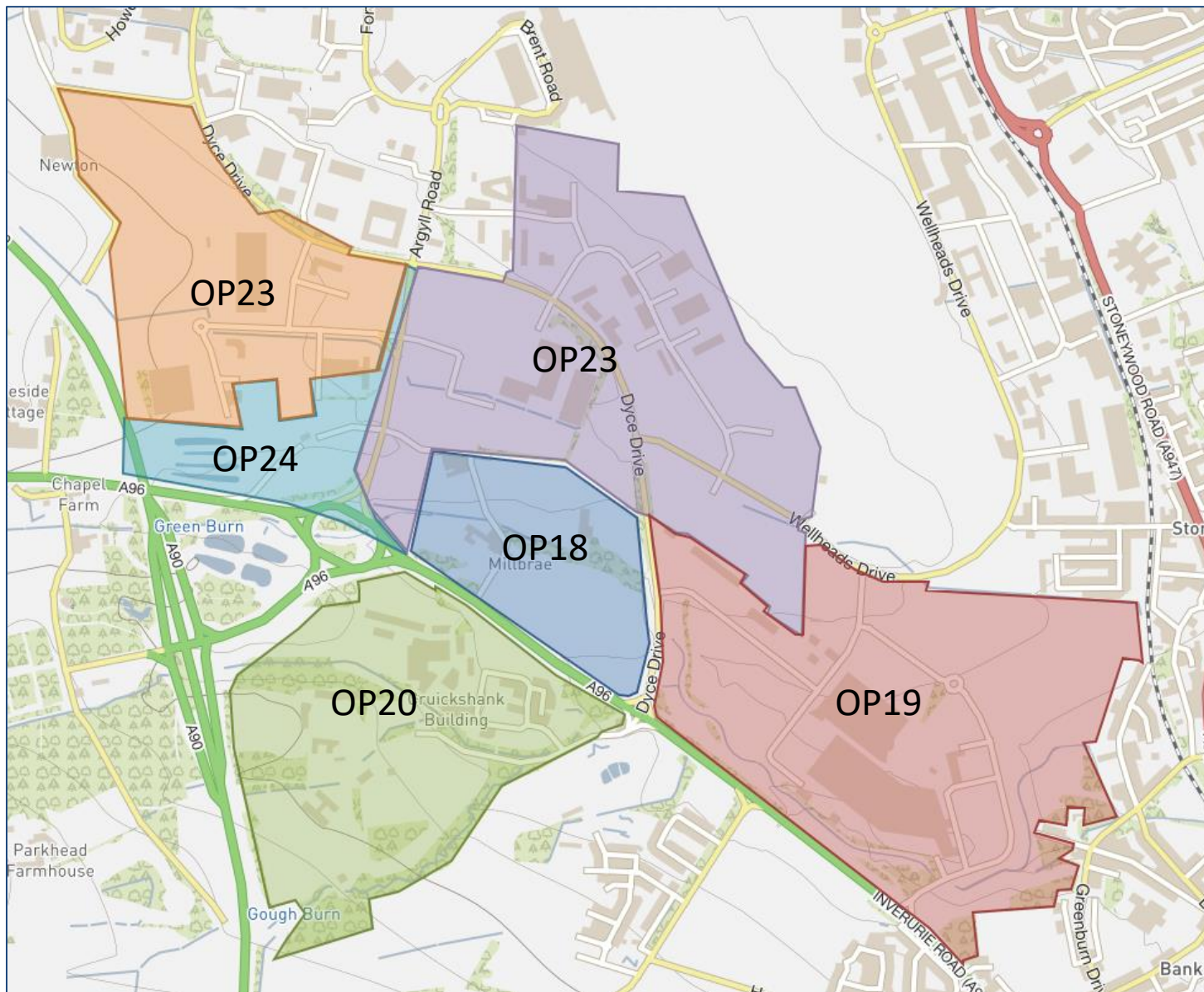
Land at Craibstone North and Walton Farm,
Aberdeen

Application reference: 210146/DPP

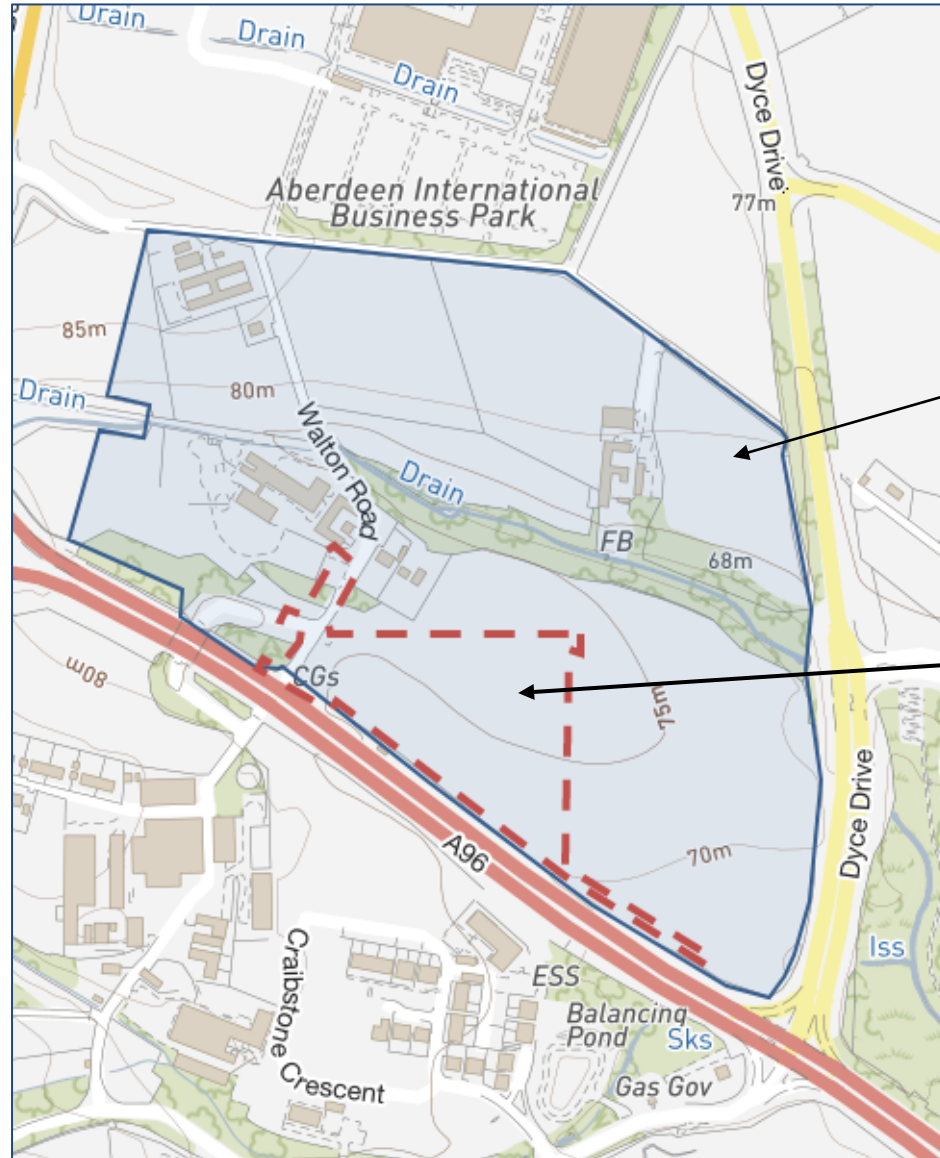
Site Location



Site Location – Surrounding Allocations



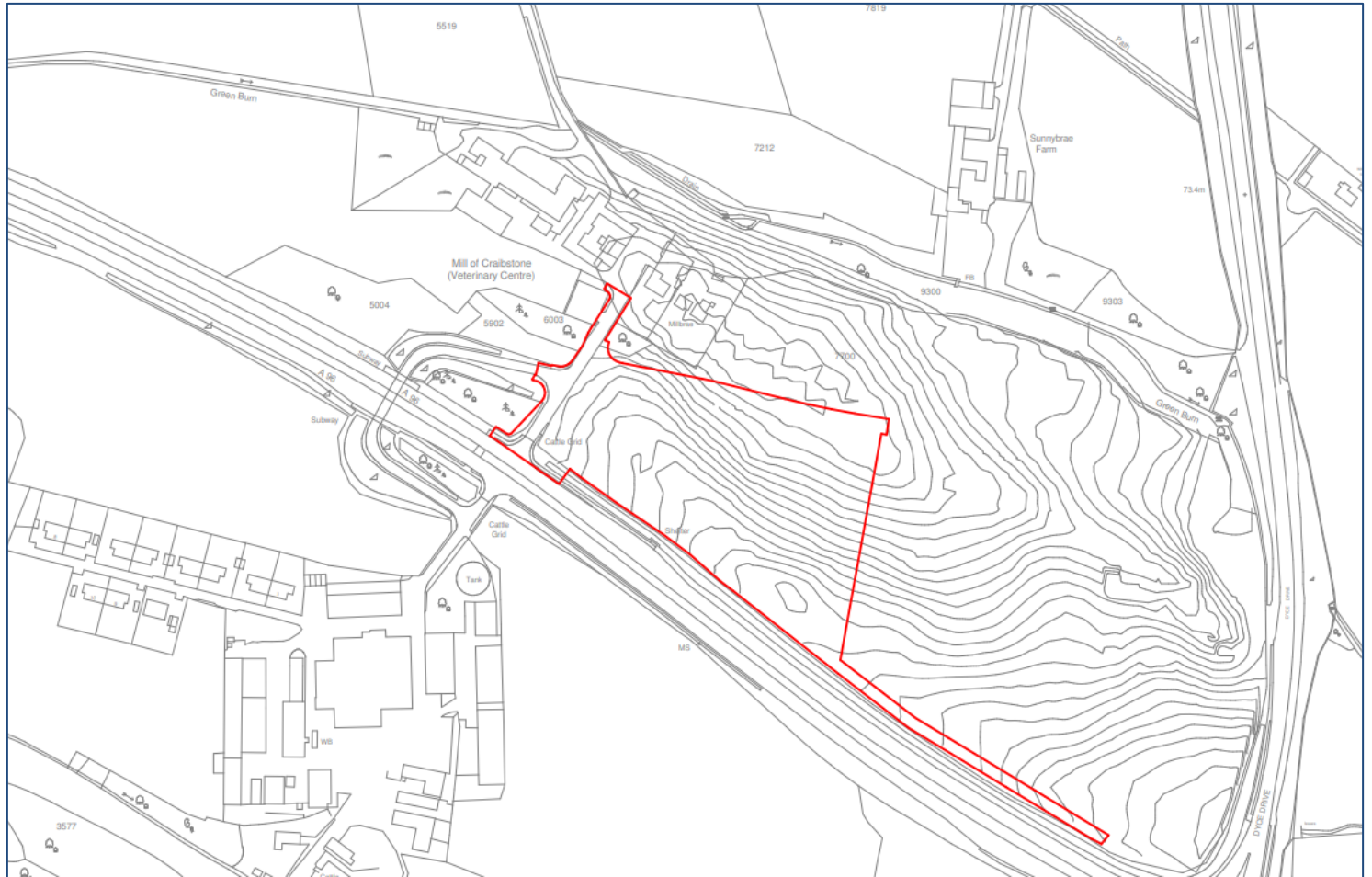
Site Location – OP18 & Application Site



OP18

Site

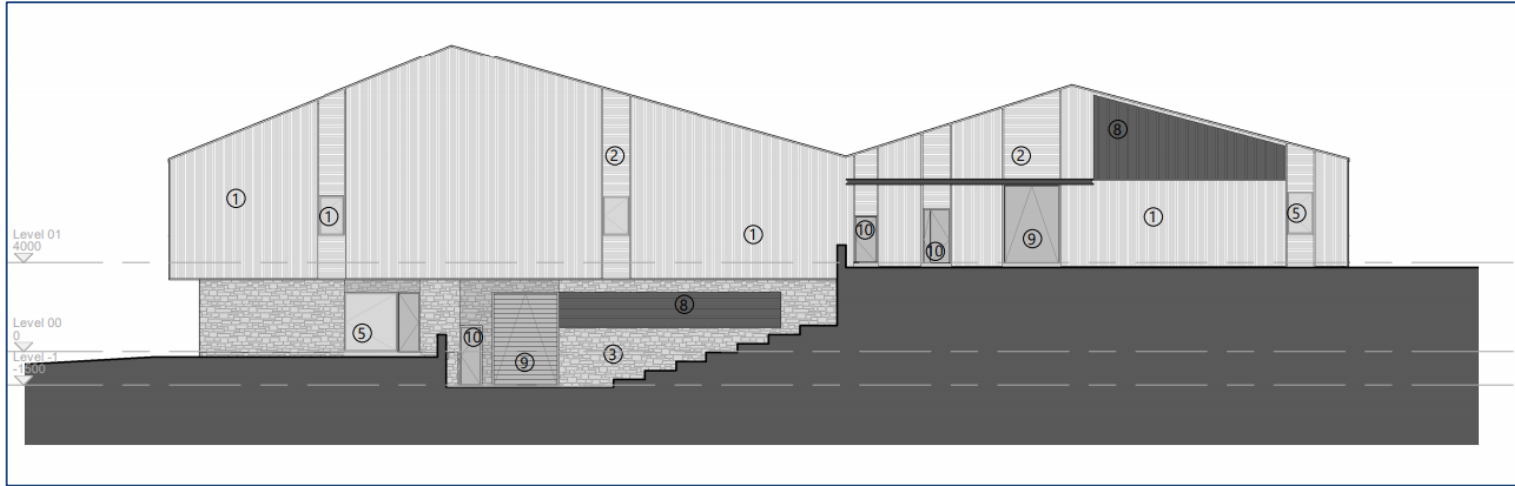
Application Site



Site Plan

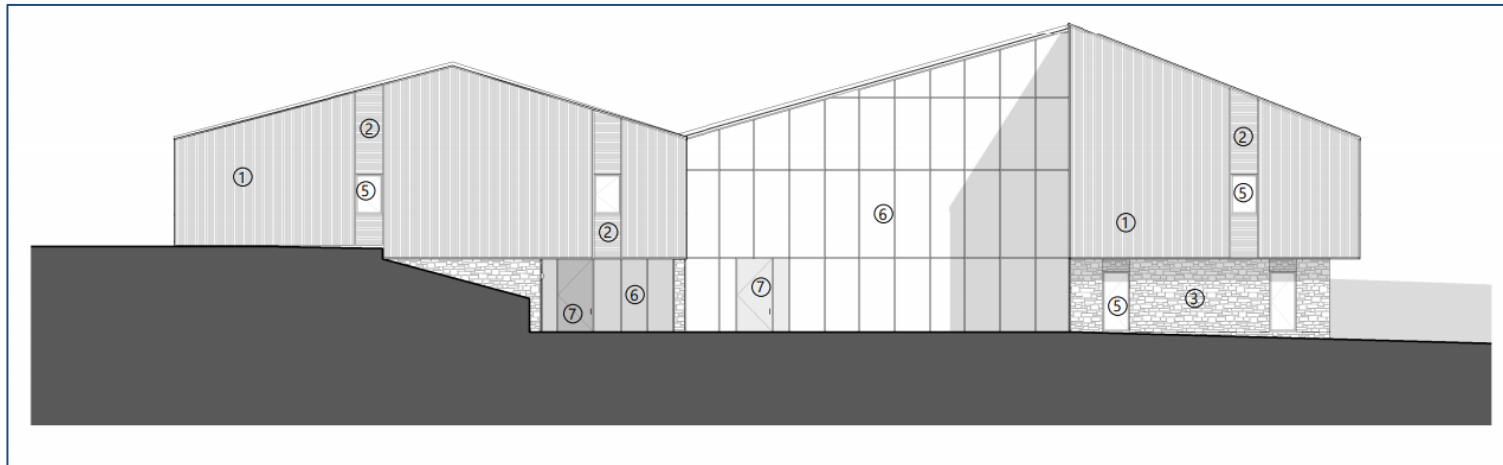


Elevations



↑ East Elevation

West Elevation →

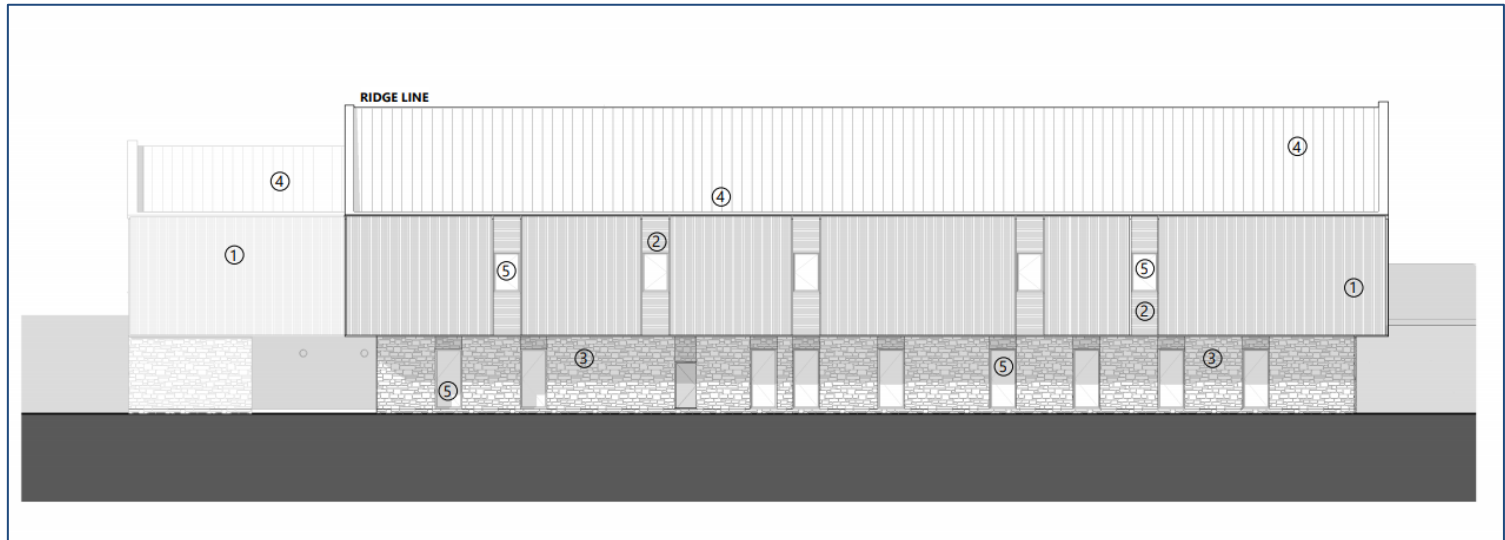


Elevations

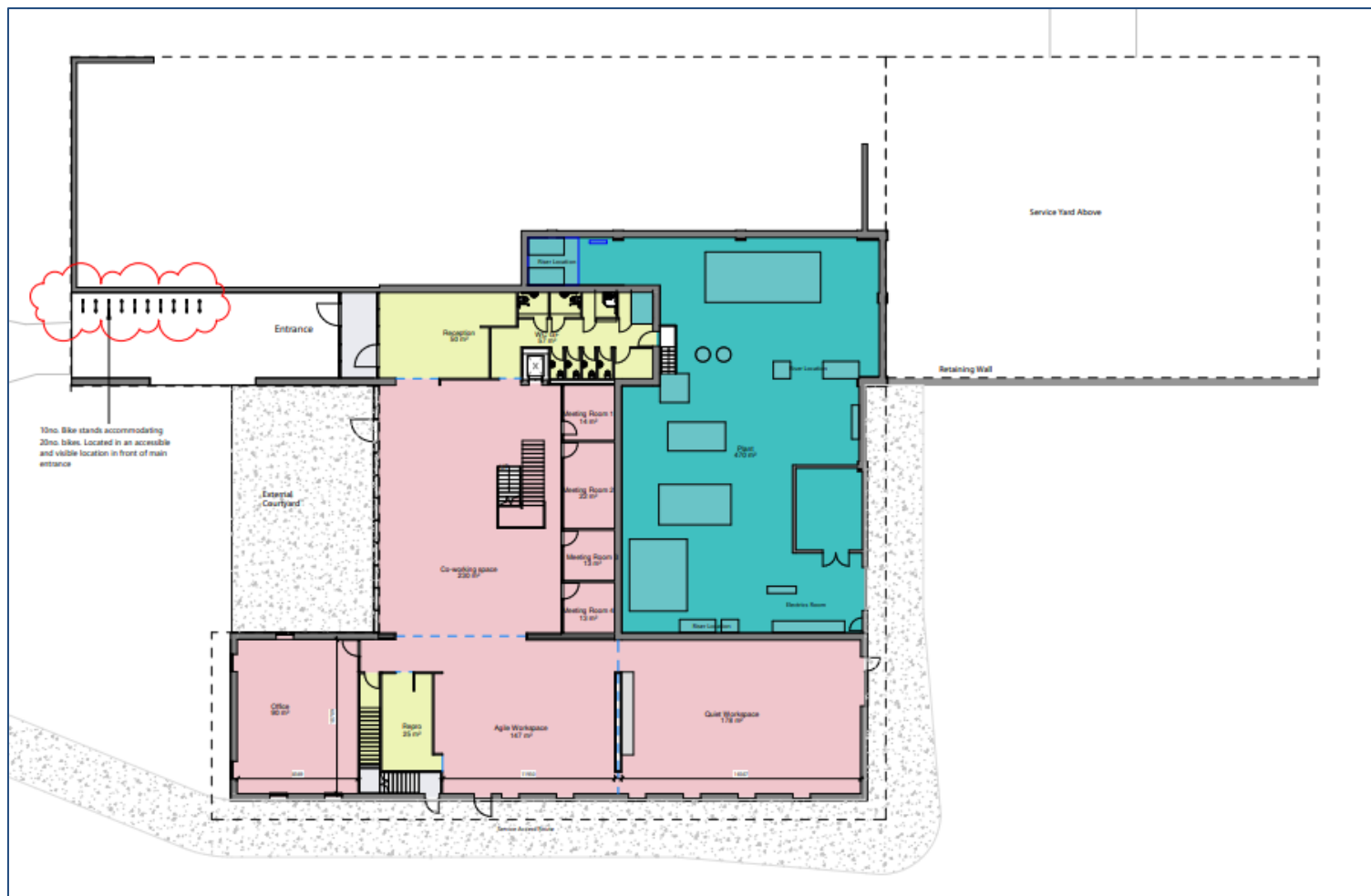


North Elevation

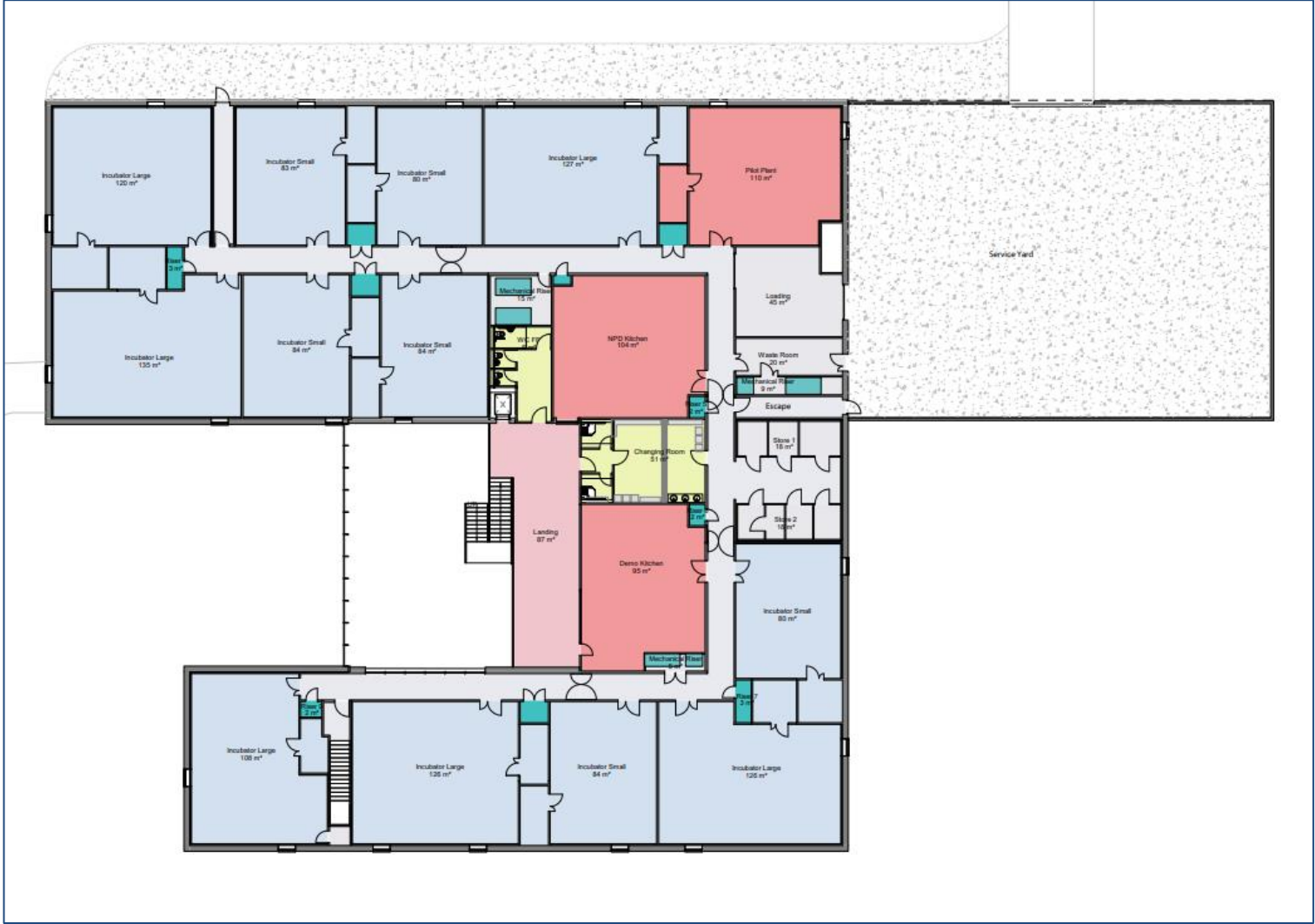
South Elevation



Ground Floor Plans



First Floor Plans



Site Photo

Looking north from opposite side of A96



Site Photo

Looking east from Walton Road into site



Site Photo

Looking north east from Walton Road into site



Site Photo

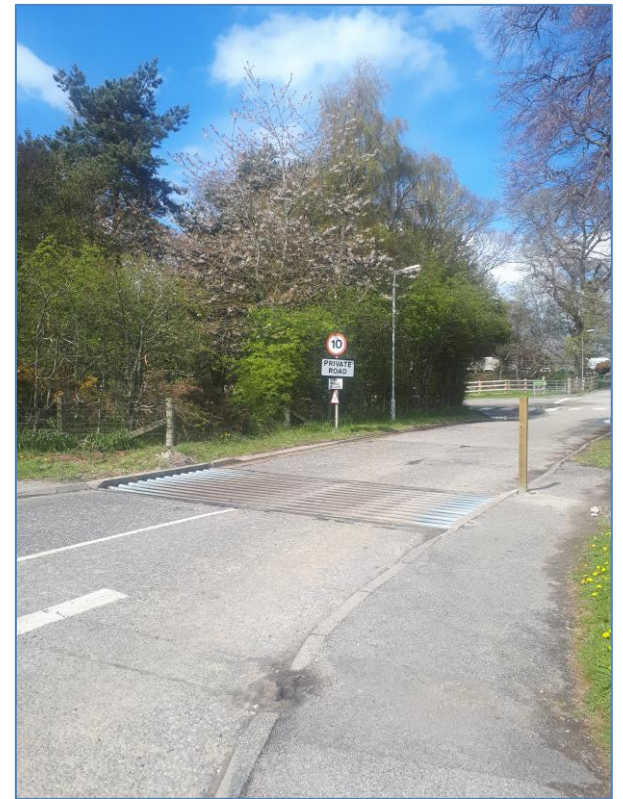
Looking south towards OP20





Site Photos

Walton Road



Site Photos

A96

Looking east



Looking west



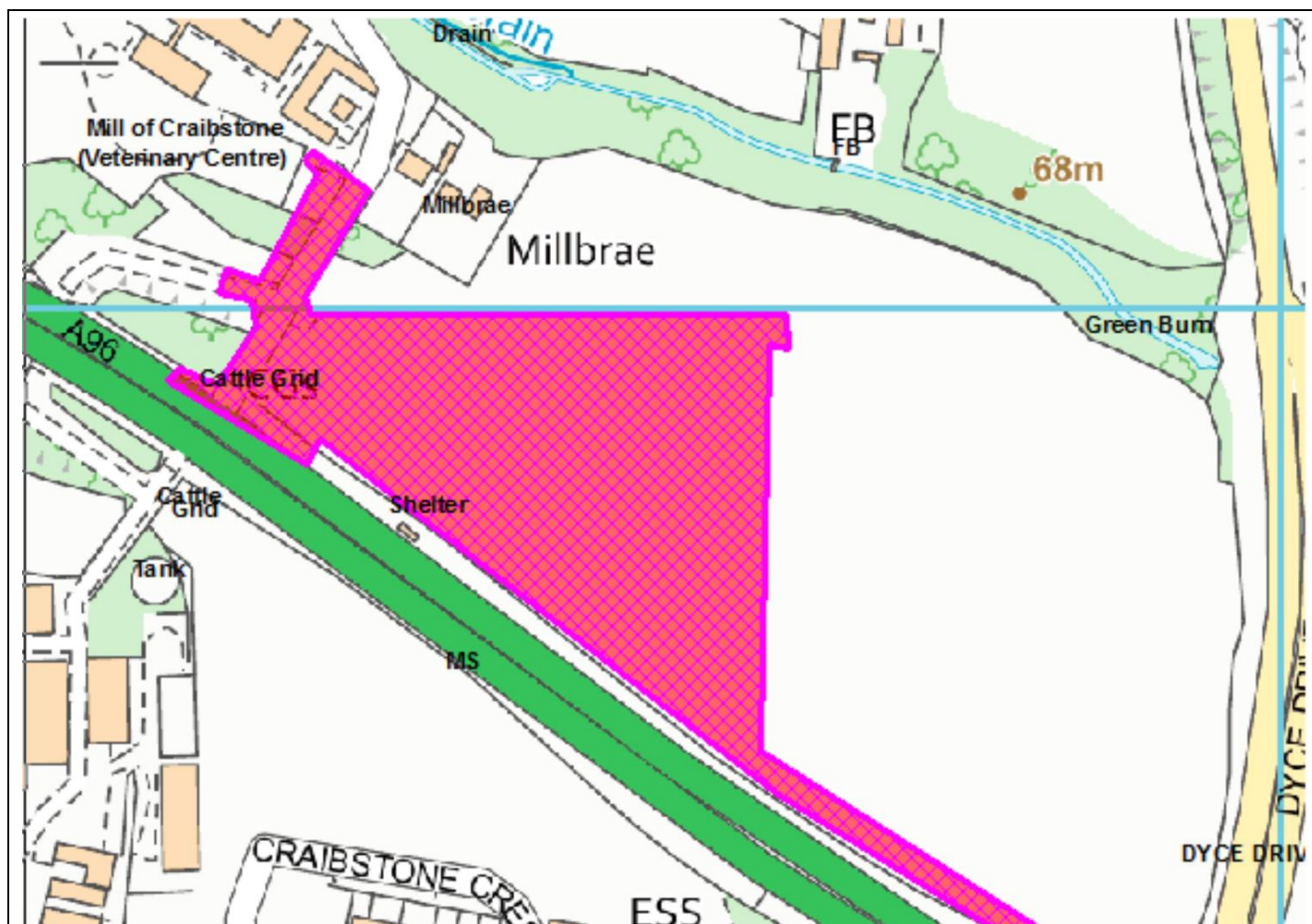


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20 May 2021

Site Address:	Land at Craibstone North and Walton Farm, Aberdeen
Application Description:	Erection of food hub innovation facility (Seedpod) (class 4) with access, parking, landscaping and associated works
Application Ref:	210146/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 February 2021
Applicant:	Opportunity North East (ONE) C/o Keppie Design
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Aoife Murphy



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RECOMMENDATION

Willingness to Approve Conditionally, subject to the conclusion of a Legal Agreement to ensure payment of developer obligations.

APPLICATION BACKGROUND**Site Description**

The site comprises a portion of the land identified as OP18 'Craibstone North and Walton Farm' within the Aberdeen Local Development Plan 2017 and is located to the north west of Aberdeen at Craibstone, north of the A96. In total OP18 incorporates 20Ha of land, with this site only encompassing 1.96Ha of currently agricultural land to the south of the opportunity site. The wider OP18 site comprises land owned and used by Scotland's Rural College (SRUC), amongst other land owners, with the majority currently within agricultural use.

The application site is bound by the A96 to the south, Walton Road to the west, Mill of Craibstone Veterinary Centre (SRUC) to the north west, two dwellinghouses and agricultural properties to the north and north east and the remainder of OP18 to the north, east and west (beyond Walton Road and the existing properties/buildings). Several opportunity sites are located within the surrounding Craibstone / Rowett area, including OP20 to the south, where residential properties are currently being constructed by CALA, OP19 to the east, which accommodates the TECA complex and other commercial uses, OP23 to the north and west identified as Business and Industrial Land and OP24 further west, which accommodates a Park and Ride. With regards to the properties to the south, it is noted that flats have been constructed along the boundary with the A96 and have windows and Juliette balconies that overlook the public road and this site.

The site is currently grassed agricultural land and in terms of the topography, the site slopes from the north to the south towards the A96 with the ground levels on the site differing by approximately 7m, the land then rises up towards the A96 in the area to the south of the site, resulting in the A96 sitting at a higher ground level than the southern portion of the site. Groups of trees lie along the site's western and southern boundaries. The Green Burn is located further north, running from the west to east running through the wider OP18 site, the Burn and surrounding corridor designated as an area of Green Space Network identified as Greenburn / Walton Road in the Local Development Plan.

Relevant Planning History

None

APPLICATION DESCRIPTION**Description of Proposal**

Permission is sought for the erection of a Food Hub innovation facility, identified as 'Seedpod' in supporting documentation, with related access, parking, landscaping and other associated works. The use falls within a Class 4 'Business' use, comprising a mix of laboratory, demonstration, office and meeting facilities. The proposal aims to support and accelerate the growth and innovation of existing businesses and start-ups within the food and drink sector of the North East. The building would sit towards the east of the site and be bound by a car park to the west, a spine road to the north and service yard to the east. Landscaping is proposed throughout the site with an area of green space retained to the south.

The building has been designed to sit comfortably within the sloping site and to minimise cut-and-fill groundworks. The proposal comprises a simplified double pitched 'U' shaped agricultural style building, with a floor area occupying approximately 2,500sqm. A total floorspace of around 3,000sqm is proposed. The building is split-level due to the existing ground levels, with the

northern part of the building being single storey and forming part of the first floor, while the southern aspect covers two levels, ground and first floor. The building's height ranges from 8m to 15m depending on ground levels, while the lengths and width are 47m to 57m and 52m, respectively. The principal elevation to the west accommodates a large area of glazing allowing light into the double height co-working central atrium. Other elevational materials comprise horizontal and vertical metal cladding, natural stone, aluminium windows, a mix of solid, metal pass and roller shutter doors and a standing seam roof. The building accommodates various areas of workspace, as well as offices, meeting rooms, kitchens, incubator rooms and back of house plant and staff areas.

Externally, the site would accommodate a car park with 60 car parking spaces and a service yard. New footpaths are also proposed within the site. An external courtyard is also shown outside the building's west elevation. The remainder of the site would be retained as open space with some landscaping proposed.

Access and egress to and from the site would be via the existing A96 junction (that operates on a 'left in, left out' basis) and Walton Road, with the latter connecting to the new spine road to the north of the site. This access road would then be linked to the remainder of the OP18 land during future development of the wider opportunity site. Although not required relative to the current proposal, the geometry of the existing junction would be upgraded as part of the Food Hub development to allow for later development phases and avoid abortive works.

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=QO2F9LBZGKB00>

- Design Statement, Revision P02, prepared by Keppie, February 2020
- Design Statement: Landscape, prepared by LDA Design
- Drainage Strategy, prepared by Curtins, December 2020
- Flood Risk Statement, prepared by Cameron and Ross, August 2020
- Preliminary Development Framework, prepared by Aecom, April 2021
- Framework Travel Plan, prepared by Systra, March 2021
- Low and Zero Carbon Statement, prepared by Atelier Ten, February 2021
- Noise Impact Assessment, prepared by Sandy Brown Consultants in Acoustics, Noise and Vibration, February 2021
- Noise Impact Assessment, prepared by Sandy Brown Consultants in Acoustics, Noise and Vibration, Revision P02, March 2021
- Outline Specification, prepared by LDA Design, November 2020
- Outline Maintenance & Management Plan, prepared by LDA Design, February 2021
- Supporting Planning Statement, prepared by Keppie, February 2021 Rev 00
- Supporting Studies, prepared by Aecom, February 2021
- Transport Statement, prepared by Systra, February 2021
- Ventilation Strategy, prepared by Atelier Ten, February 2021
- Ventilation Strategy, prepared by Atelier Ten, Revision 03, April 2021

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is considered to be a departure from the current Local Development Plan as per 1. vii of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Developer Obligations – has reviewed the proposal and has provided a summary of obligations, consisting of contributions towards the Core Path Network to the sum of £3,153.

ACC - Environmental Health – has reviewed the information submitted and has no objection to the proposed development.

ACC - Roads Development Management Team – has advised that the Service has no objection to the proposal subject to conditions on a number of aspects relating to alterations to the existing A96/Walton Road junction, details of internal footpaths, upgrades to the existing public footpaths to the south of the site and vehicular charging points.

ACC - Structures, Flooding and Coastal Engineering – has reviewed the submitted Flood Risk Statement and has no objection to the proposal.

ACC - Waste and Recycling – has advised that as the proposal is for a commercial premises only general comments can be provided as Aberdeen City Council are not the only waste service contractor available in the city. These comments will be provided by way of an advisory note.

Aberdeen City Shire Strategic Development Planning Authority – advises that it have no objection to the proposal.

Aberdeen International Airport – has advised that it has no objection to the proposal subject to a condition regarding landscaping being attached. The airport has also supplied information regarding the use of cranes within close proximity to an aerodrome.

Dyce and Stoneywood Community Council – no comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

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)

OP18 - Craibstone North and Walton Farm – ‘Opportunity for development of 1.5ha of employment land in the Local Development Plan period 2007 - 2023 and 18.5 hectares of employment land or a higher education and research institute in the Future Growth period. Masterplan required. This site may be at risk of flooding. A flood risk assessment will be required to accompany any future development proposals for this site.’

Policy LR1 - Land Release Policy

Policy D1 - Quality Placemaking by Design

Policy D2 - Landscape

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Policy B4 - Aberdeen Airport

Policy NE1 - Green Space Network

Policy NE5 - Trees and Woodlands

Policy NE6 - Flooding, Drainage and Water Quality

Policy R6 - Waste Management Requirements for New Development

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

Policy CI1 - Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

Planning Obligations

Transport and Accessibility

Noise

Flooding, Drainage and Water Quality

Green Space Network and Open Space

Resources for New Development

Aberdeen Masterplanning Process

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan was approved at the Council meeting of 2 March 2020. The Proposed Aberdeen Local Development Plan constitutes the Council's settled view as to what the final content of the next adopted Aberdeen Local Development Plan 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 Aberdeen Local Development Plan (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 relevant in this case;

OP18 - Craibstone North and Walton Farm – ‘Opportunity for development of 1.5ha of employment and 18.5 hectares of Strategic Reserve employment land or a higher education and research institute in the 2033-40 period. Masterplan required. A Flood Risk Assessment will be required to accompany any future development proposals for this site.’

Policy LR1 - Land Release Policy

Policy WB1 - Health Developments

Policy WB3 - Noise

Policy NE2 - Green and Blue Infrastructure

Policy NE5 - Trees and Woodland

Policy D1 - Quality Placemaking

Policy D2 - Amenity

Policy D4 - Landscape

Policy R5 - Waste Management Requirements from New Developments

Policy R6 - Low and Zero Carbon Buildings and Water Efficiency

Policy I1 - Infrastructure Delivery and Planning Obligations

Policy T2 - Sustainable Transport

Policy T3 - Parking

Policy CI1 - Digital Infrastructure

Policy B3 - Aberdeen International Airport and Perwinnes Radar

Other Material Considerations

Aberdeen City Region Deal (2016)

EVALUATION

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

The Strategic Development Planning Authority has been consulted on this proposal and have advised that the vision of the SDP is to support the diversification of the local economy and “food and drink” is one of the key areas identified. The proposal is supported by the SDPA in view of the collaboration and support given by the constituent Council’s through the City Deal.

Although the land and 2020 Plan Table of Employment Land is based on the 2015/16 Employment Land Audit, the SDP does state that *“In exceptional circumstances, for example if it is essential to put this Plan’s Vision or Spatial Strategy into practice, applications for planning permission may be considered before 2033 on land identified as Strategic Reserve for Employment. This will ensure that the supply of employment land can be flexible to future changing economic circumstances.”* Further, its close proximity to the SRUC Campus across the A96 can also be considered to form a useful agglomeration of economic activity.

The double crisis of the Climate Change and the ongoing COVID-19 Pandemic has highlighted the importance that active travel can make to both health as well as access to both work and leisure. The Strategic Development Plan in the section on “Connectivity” highlights this also as a key aim, stating: *“To make sure that all new developments contribute towards reducing the need to travel long distances and encourage people to walk, cycle or use public transport by making these attractive options.”* The Plan encourages these to be progressed at the local level and reflect local needs and opportunities available. In general, the development will be supported through the provision of cycle parking and accessibility to public transport and walking and cycling infrastructure, however this aspect will be considered fully below.

Masterplan/Development Framework

The wording of the OP18 allocation in the extant and Proposed Local Development Plans state that a masterplan is required for the whole site. It is recognised that this application only seeks to develop a small portion of the wider OP site, as such, it was agreed with the applicant that it was onerous that they should be required to fully comply with this aspect of the allocation. As the site is located in an wider, as yet unplanned, opportunity site there is a requirement for the application to be supported by some form of masterplanning framework, it was considered necessary to obtain sufficient contextual information to ensure that remainder of OP18 would not be prejudiced by the Food Hub proposal. It was acknowledged that the level of detail required needed to be proportionate given that the majority of the OP18 site is Strategic Reserve Land which is not currently released for development and hence, for which, no proposals currently exist. It was therefore recommended that a “Development Framework” for the larger OP18 site and “Masterplan” for this proposed site would provide a sufficient level of detail in order to undertake an appropriate assessment in line with the Local Development Plan allocation requirements.

At this time, the Planning Service do consider it inappropriate to take forward any Masterplan or Development Framework prepared for this site as an approved Council document given that the majority of the site is not currently released for development by the Local Development Plan – adopted or proposed. The Development Framework therefore only forms a key supporting document of this application to demonstrate how the proposed development would fit into, and not prejudice, the future coherent implementation of the wider opportunity site when this is released for development by the development plan.

A ‘Preliminary Development Framework’ document has been submitted to provide information on this aspect. At this time, it is noted that not all landowners have been involved in this process and this exercise has been developed by SRUC alone, as they own the largest part of the allocated site. It is expected and noted within the document that further iterations of the Development Framework will be developed inclusive of all OP18 landowners in respect of future planning applications.

This supporting Development Framework provides a high-level indication of the possible future context for the proposed building and demonstrates that the development of this application site would not preclude or hinder the further development of the wider OP18 site. It is noted that there is a level of detail and information still absent from the document. It is however accepted that this document and its content is not intended as a proposal for the wider OP18 site and is at this point in time highly indicative, purely seeking to inform the assessment of this application and avoid prejudicing the delivery of the remainder of OP18. Furthermore, the supporting information advises that *“as a high level study, with a very specific purpose and scope, this work does not consider or propose a landscape strategy, a sustainability approach and longer term public transport for a masterplan on this site. It is not intended as a full Development Framework due to the significant length of time (2033 - 2040) before the majority of OP18 will be released for development as per the Proposed Local Development Plan 2020.”*

Overall, it is expected that *“SRUC’s Craibstone Campus will be a centre of lifelong learning, entrepreneurship and innovation in the North East of Scotland. The vision is for a high-quality campus providing a range of education opportunities covering further, higher and postgraduate levels that will inspire our students and nurture academic and commercial research.”*

Key considerations set out within the document include – Site Current Condition; Planning Context; Physical Context; Utilities; Topography and Landscape; Summary of Site-Specific Issues; Assessment of Selected Options; and Emerging Themes.

In respect to the concept that this site would form SRUC’s Craibstone Campus, three key facilities have been identified by SRUC, the Foodhub; Clinical Skills Facility; and an Equine / Education and

Research Centre. Following on from workshops held for this site with stakeholders, three spatial options were proposed, all of which were assessed and considered.

As a result of this exercise common elements from the proposals were identified. In all three options a number of shared or similar themes emerged from the design exercise. In most instances, there seemed to be general agreement across the groups in respect of the key components of the site and their general location. From this an indicative masterplan layout was devised and presented as part of this supporting document.

Overall, it is considered that the Development Framework assessed as part of this planning application does not fulfil the masterplan requirement for OP18 as outlined in the Local Development Plan. A full comprehensive masterplan will still be required once the land is released in line with Local Development Plan phasing and prior to any development other than the Foodhub taking place. In addition, any future masterplanning exercise will be required to be undertaken, with all landowners, at an appropriate stage and in line with the Aberdeen Masterplanning Process Technical Advice Note. What has been submitted at this stage is however accepted as being sufficient for the purposes of assessing this application. While it is acknowledged that the plan contained within the Development Framework document is indicative, its intention to provide comfort that the proposed development does not preclude further development on the wider OP18 site is accepted. Overall, this aspect of the proposal is considered to be sufficient and information has been submitted to show that early release of this land does not jeopardise the development of the wider allocation.

Principle of Development

OP18 provides the opportunity to develop 1.5ha of employment land within the current Local Development Plan period of 2007 - 2023 and 18.5 hectares of employment land or for a higher education and research institute in the future growth period, identified as 2027 - 2035. The main policies required to assess development on this site is Policy LR1 - Land Release Policy and Policy NE1 - Green Space Network.

Policy LR1 is split into two parts, Part A relates to the development of land within phase 1, 2017-2026 and Part B which relates to Phase 2 and the release of land for development during 2027-2035. In relation to this application, there is no information or plan showing the phasing of OP18 and as such both parts of Policy LR1 need to be considered. In relation to Part A, this specific proposal extends to approximately 2Ha of developable land, as such, the proposal does not comply with Part A of Policy LR1.

However, it is considered that a development such as this could be deemed as a research institute given that it would allow for research and development of the Food and Drink sector in the North East. The City Region Deal Annual Report 2020 outlines that *“Seedpod will be the place where businesses and people can share knowledge, innovate and inspire one another - whether they are start-ups developing a new idea, established manufacturers interested in the latest production technology or businesses accessing market insights and new product development support”*. However, as the remainder of OP18 is Strategic Reserve land and therefore not released for development at this time, the proposal also fails to comply with Part B of the above policy.

The Planning Service therefore need to consider whether it would be appropriate to support this development as a suitable departure from Policy LR1.

At the request of the Planning Service and to allow for a proper assessment of the proposal, the applicant's agent undertook an options appraisal of all suitable sites in and around Aberdeen City, both within Aberdeen City Council's administrative area, but also those applicable within the Aberdeenshire area. As outlined within the Supporting Planning Statement, 18 sites were considered in the initial selection process and sites were assessed against the applicant's

selection criteria, which included aspects such as location, compatibility with adjacent and surrounding uses, proximity to existing academic partners, suitability and availability of existing business or industry land allocations. Given the ambitions for the project, future business allocations and greenfield opportunity sites were also considered. Of the 18 sites, scores ranged from the lowest of 48 to the highest of 78 with particulars of the top 5 sites being provided in greater detail. This site, identified as Site 5 – Sunnybrae (OP18) was the preferred site due to its connections with SRUC, a key partner organisation for the project, its proximity to infrastructure links including the AWPR (providing good connectivity to locations with Aberdeenshire), the Airport and the City, its accessibility by other modes of transport and its suitability for a future research facility as per the Local Development Plan allocation. The position of the development within the site and adjacent to the existing SRUC campus complements the overarching vision of Seedpod, given that SRUC shall be an integral partner.

While the site does not fully comply with the criteria of Policy LR1, other mitigating factors require to be taken into account, such as the development being specifically promoted in the City Region Deal and supported by the vision of the SDP. As set out in the section above, the Planning Service considers that this development does not jeopardise the future development of OP18. As such, the Planning Service are satisfied that this site is an appropriate location and can support the proposal as a departure from Policy LR1, given that the development is for a research institute but is being delivered prior to the release of the Strategic Reserve Land.

In respect to Policy NE1, it is noted that only a small area to the west of the site encroaches on land designated as Green Space Network. Given that the encroachment is small scale and relates to required improvements of the existing road network, it is considered that the proposal would not destroy or erode the character or function of the Green Space Network; as such the proposal is considered compliant with Policy NE1.

Layout, Siting and Design

Policy D1 - Quality Placemaking by Design states that high standards of design are required for all development to create a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. It is also considered that development must have well considered landscaping and a range of transportation opportunities ensuring connectivity. All proposals will be required to meet the following essential qualities; distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

Full consideration has been given to the site and surrounding context and the development has been designed and orientated so that it beds into the site and does not overlook the A96 or properties to the south. It is considered that the development reflects the site's semi-rural feel and has been designed to respect existing agricultural character. The site itself provides an attractive entrance to this part of the OP18 site and the development creates an inclusive layout that accommodates all modes of sustainable and active transport. The building has been designed in a way that reduces any effects on the surrounding developments by avoiding amenity impacts caused by noise and odour. In addition, there is ample opportunity for connections to adjacent path networks and public transport facilities and allowance for the easy movement of people throughout the site. While the building has been designed for a specific use, it has the potential to be altered should there be a future requirement to do so, making it adaptable and resilient.

It is considered that the supporting Design Statement provides sufficient information relating to the design options appraisal work and massing studies which successfully explains the design process undertaken. It is expected that this building will set the standard for the wider OP18 site when developed in the future. It is noted, however, that some details of the materials need to be finalised and as such it is appropriate to attach a condition requesting this information.

Overall, the Planning Service find the layout, siting and design of the development to be acceptable and it is considered that the proposal is fully compliant with Policy D1 - Quality Placemaking by Design.

Landscape

Policy D2 - Landscape requires all applications to be accompanied by an appropriate landscape strategy, which provides details of soft and hard landscaping. Details regarding this aspect have been provided and appear to be of a high standard. However, a fully detailed plan providing a full landscaping scheme will be required in order to fully satisfy Policy D2.

Relating to the aspect of landscape, it is acknowledged that there are a number of trees along the boundaries to the west and north which may be impacted as a result of upgrades to Walton Road. While a full Tree Survey is not required, compensatory planting will be sought to replace any lost trees. Therefore, and in order to satisfy the criteria of Policy NE5 - Trees and Woodlands, an appropriately worded condition will request full details of compensatory planning which will be assessed by the Planning Service.

Transport Impacts

The submitted Transport Statement has been reviewed by the Roads Development Management Team who has carried out an assessment in respect of walking and cycling; public transport; vehicular access; parking; internal roads layout and local roads network.

The existing left-in / left-out junction from the A96 onto Walton Road would be utilised with access to the site being formed 50m to the north of that existing junction. A new spine road is being provided which extends east along the northern boundary of the site. It is anticipated that this road would be utilised and extended for the development of the wider OP18 site, but only a section is required for this proposal. Two access points are being proposed off this internal road, the first would provide access to the main car park and the second would provide access to the service yard.

With regards to the A96 / Walton Road junction, it was discussed with the applicant that large goods vehicles should not cross the centreline of the A96 East-Bound lanes when emerging from the site. This has resulted in the requirement for geometric works to the existing junction. The suite of minimum required works would cater for the operation of the proposed development alone and not the additional demand of adjacent future sites within this wider opportunity site. However, the applicant acknowledges that undertaking the minimum requirements would be an inefficient use of resources as additional works would be required as the remainder of OP18 gets built out resulting in additional disruption to sites that gain access off Walton Road. As such, the applicant is proposing that geometric alterations to Walton Road, which are necessary to support the wider OP18 site, would be delivered as part of this proposal. These works involve widening Walton Road from 6m to 8m, the incorporation of pedestrian footways on both sides of the road and the incorporation of a splitter island with dropped kerbs. However, given that this wider suite of works is not required specifically to cater for this development and given funding concerns highlighted by the applicant, a condition will be used to ensure that final details of the proposed junction upgrade are submitted and approved prior to any development taking place. This will allow the applicant a degree of flexibility when finalising access arrangements and allow the Planning Service and Roads Development Management comfort in knowing what upgrades will take place.

With regards to active and sustainable transport, the Council has requested that the footpath along the southern boundary from Walton Road to the existing bus shelter be upgraded. While the exact extent of the footpath is still to be confirmed, the applicant has agreed to this upgrade. A condition will be utilised to ensure details of the upgrades are submitted to and approved by the Planning Service and the footpath is in place prior to the occupation of the building. It is noted that any existing street lighting columns would require to be relocated to the back of the footway/cycleway.

Also, the continuation of this footway (or cycleway) further along the wider site boundary of OP18 would be required for the further development of OP18 and should be included in any masterplan for the site.

Regarding the internal footway (and cycleways), these are acceptable in terms of location, however no details of their widths have been provided. Ideally all footways between the A96 and cycle storage / the new access road should be formed at, or upgraded to, 3m wide to permit cycling, and other footways should be at least 2m wide. The applicant has advised that dimensions of the roads and footways for the proposals will be submitted once details are finalised. Therefore, it is considered pertinent to condition the submission of this information.

With regards to any impact on the wider road network, the development's site management strategy seeks to coordinate the number, size, and times of deliveries, as well as coordinating loads which would reduce the number of individual vehicle movements. The information submitted shows that 26 vehicles are predicted to arrive and leave in the peak periods, which is 1 vehicle every 2 minutes. In addition, 8 – 17 deliveries are anticipated per day. Assuming, for robustness, that these are all arriving and leaving in the peak period, this would be a total of 43 vehicles in the peak hours, which is less than 1 vehicle per minute. This would have no noticeable effect on the surrounding road network.

With regards to parking, both vehicular and bicycle, 60 car parking spaces (55 "standard" and 5 disabled) and 10 bicycle racks (with capacity for 20 bicycles) would be provided for on site, all considered to be appropriate and acceptable. There is also be a requirement for electric vehicle spaces within the site, however finalised numbers and details have not been agreed at this time, therefore, this information will be secured by a condition.

A Framework Travel Plan has been submitted, however, it is acknowledged that there is a limit as to what this this framework plan can commit to until such time that the building has been constructed and is operational. The submitted plan simply sets out the general approach to be taken with this development and the intent to coordinate and monitor travel behaviour. Given this it is considered appropriate to request the submission of a travel plan by condition.

Roads Development Management has advised that it has no objection to this development, subject to a number of conditions, details of which are outlined above. The Planning Service are also content with this aspect of the proposal, as such, it is considered that the proposal is in compliance with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

Noise and Odour

The submitted Noise Impact Assessment has been reviewed and has assessed potential impacts of the developments plant on nearby noise sensitive receptors, such as the existing dwellings on Walton Road 65m to the north. It is noted that this this assessment is a revision of the one initially submitted. On reviewing the initial version, it was considered that further information on noise control was required. The revised assessment advises that it is predicted that the cumulative plant noise level would be LAeq 39 dB outside the windows of the nearest noise sensitive receptor. This level meets the requirements provided the noise levels from all plant items do not exceed a sound pressure level of 55 dBA at 3 m (or 65 dB at 1 m) from the units and/or the extract/intake grilles on the facades. This limit applies to the following plant items, incubator extract hoods, booster set, pumps, air compressor and compressor. The noise limit (ie 55 dBA at 3 m) will be set as a requirement in the mechanical engineer's specifications, to ensure that when plant selections are made, the noise levels from the selected plant items adhere to the set limit. This is considered to be satisfactory to the Council's Environmental Health Service and the Planning Service and this aspect of the proposal therefore complies with Policy T5 - Noise.

With regards to odour, a ventilation strategy has been submitted, again this is a revised assessment as the initial version required some further information. There are several aspects of this development that would require appropriate ventilation, including incubator rooms, demo kitchens as well as meeting spaces and other communal spaces. This strategy has been assessed by Environmental Health and is found to be satisfactory, as such this aspect of the proposal is acceptable.

Flooding and Drainage

The risk of flooding in and around the site has been acknowledged, as such a Flood Risk Statement has been submitted in support of this application. The statement advises that in terms of fluvial flooding, there is no history in or around the proposed development site, as such there is no concern of flooding from the Green Burn, located to the north. With regards to surface water flooding, there is an area to the south east of the site that has been identified as being at risk especially given the existing topography of the site. In order to mitigate any risk of surface water flooding, the site would be serviced by an appropriate surface water drainage system, which would be designed in accordance with current standards. As such the opportunity for flooding would be limited.

In terms of drainage arrangements, a Drainage Strategy has been submitted and provides information on the existing infrastructure in place, ground conditions on the site and requirements set out by current guidelines. The strategy concludes that surface water would be discharged into the existing culvert to the south east of the site, in a controlled manner, and foul drainage would be discharged into the public combined sewer adjacent the A96.

Both the Flood Risk Statement and Drainage Strategy have been reviewed by the Planning Service, the Flooding Team and Roads Development Management and no objections or concerns have been raised. As such the proposal is considered to be in compliance with Policy NE6 - Flooding, Drainage and Water Quality.

Developer Obligations

As per Policy I1 - Infrastructure Delivery and Planning Obligations and its associated supplementary guidance, commercial developments where the floorspaces exceeds 1,000sqm or where the site area is in excess of 1Ha required to be assessed by the Council's Developer Obligations Team and as this proposal meets both of the aforementioned criteria an assessment has been undertaken. The assessment outlines the requirement of a financial contribution of £3,153 towards the Core Path Network, to which the applicant has confirmed agreement to the Heads of Terms. Subject to the conclusion of the Legal Agreement and payment of the obligation, the proposal is considered to comply with Policy I1.

Other Technical Matters

Given the location of the development, which is in close proximity of Aberdeen Airport, the proposal requires to be assessed against Policy B4 - Aberdeen Airport, in consultation with the Airport's Safeguarding Team. The team has advised that it has no objection to the development subject to the submission and subsequent approval of a detailed landscaping plan, which must comply with Advice Note 3 – Wildlife Hazards. This is considered to be a suitable and appropriate request given the developments proximity to the airport and the Planning Service are content that this information can be requested by a condition.

The team has also commented regarding the use of cranes during construction, details of which will be provided to the applicant via an advisory.

Policy R6 - Waste Management Requirements for New Development requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The applicant has not provided exact details of the waste

storage for this development but details the ability of the refuse vehicle to manoeuvre into and out of the service yard have been provided. It is anticipated that the site has sufficient space for the storage of waste, but full details will be requested via a condition to satisfy the aforementioned policy.

The Council's Waste Team has provided information regarding facilities for commercial premises, which will be provided to the applicant by an advisory.

As per Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency, all new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology and should reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure. Full details and calculations of the buildings efficiency will be required by condition to ensure compliance with Policy R7.

Policy CI1 - Digital Infrastructure requires all new commercial development to have access to modern, up-to-date high-speed communications infrastructure. Given the location of the development it is not considered that there would be any concerns regarding the aspect of sufficient infrastructure.

Proposed Aberdeen Local Development Plan

In relation to this application, the policies in the Proposed Aberdeen Local Development Plan 2020 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

As noted above, the applicant has advised that they are agreeable to the Heads of Terms and have instructed that the obligation concerning the Core Path Network will be paid upfront and secured by a Section 69 Legal Agreement.

Conclusion

It is considered that while the proposal is not fully compliant with the principle policy, Policy LR1 - Land Release, the early release of the land has been adequately justified through the submitted options appraisal, the Masterplan / Development Framework that confirms the proposal would not prejudice the delivery of the remainder of OP18, the vision of the SDP and the project's place as part of the City Region Deal. As such the principle of development can be supported by the Planning Service as a suitable departure from the Aberdeen Local Development Plan 2017 in terms of OP18 and Policy LR1. All other aspects of the proposal have been assessed against all relevant policies highlighted above and is considered acceptable. The proposal is therefore recommended for approval subject to conditions and the conclusion of a legal agreement.

RECOMMENDATION

Willingness to Approve Conditionally and subject to the conclusion of a Legal Agreement to ensure payment of developer obligations.

REASON FOR RECOMMENDATION

While not fully compliant with Policy LR1 - Land Release Policy, material considerations provide sufficient justification for a departure from the Aberdeen Local Development Plan 2017 that allows the early release of land within the OP18 allocation. The development is also supported by an acceptable Masterplan / Development Framework confirming it will not jeopardise the wider allocation and its subsequent development. It is not considered that there would be any impact on the character or function of the existing Green Space Network as per Policy NE1 – Green

Space Network. Other aspects of the proposal are considered acceptable such as layout, siting and design, landscape, transport impacts, noise and odour, flooding and drainage waste and potential impacts on Aberdeen Airport. Although some outstanding information is still required to ensure full compliance with Policy D1 - Quality Placemaking by Design, Policy D2 - Landscape, Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel, Policy B4 - Aberdeen Airport, Policy NE5 - Trees and Woodlands, Policy R6 - Waste Management Requirements for New Development and Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency, this will be secured by conditions. Overall, it is considered that the proposal is acceptable when considered against the policies of the current Local Development Plan and all associated guidance, the Proposed Aberdeen Local Development Plan 2020 and the vision of the Aberdeen City and Shire Strategic Development Plan 2020.

CONDITIONS

1. Materials

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

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

2. Junction Upgrade

The development hereby approved shall not be brought into use unless full and finalised details of the proposed upgrades to the A96 / Walton Road junction have been submitted to and approved in writing by the planning authority and implemented in accordance with the details thereby approved.

Reason: To ensure the existing access is adequately upgraded and can accommodate the level of traffic associated with this development.

3. Public Footpath

The development hereby approved shall not be brought into use unless full details of the upgrades to the public footpath along the southern site boundary, which has been designed in accordance with the Council's Standards, have been submitted to and approved in writing by the planning authority and implemented in accordance with these details. The upgraded footpath shall be permanently retained thereafter.

Reason: To ensure safe access for pedestrians to existing public infrastructure.

4. Internal Footpaths

The development hereby approved shall not be brought into use unless full details of the internal footpaths within the application site boundary, have been submitted to and approved in writing by the planning authority and implemented in accordance with the details. Thereafter the internal footpaths shall be permanently retained.

Reason: To ensure safe access and movement for pedestrians and cyclists.

5. Electric Vehicular Charging Points

No works in connection with the development hereby approved shall commence unless details of the electric vehicular charging points within the car park has been submitted to approved in writing by the planning authority. Thereafter, the development shall not be brought into use until the

electric vehicular charging points are implemented in accordance with the details thereby approved. The electric vehicular charging points shall be permanently retained and maintained to the specifications in the referred to approved details.

Reason: To ensure the provision of adequate charging points within the site.

6. Travel Plan

Within 6 months of the date the building hereby approved being brought into use a Travel Plan for that building shall be submitted to the planning authority for approval. The Travel Plan shall:

- encourage more sustainable means of travel and shall include mode share targets;
- identify the measures to be implemented, the system of management monitoring review, reporting, and the duration of the incorporated measures designed to encourage modes other than the private car.

Once approved the measures set out the Travel Plan shall be implemented and permanently retained thereafter.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

7. Landscaping Scheme

No works in connection with the development hereby approved shall commence unless a scheme of hard, soft and water landscaping works has been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport. Details of the scheme shall include the following and shall be in accordance with the Airport Operations Association, Safeguarding of Aerodromes - Advice Note 3:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) An indication of existing trees to be removed as a result of the upgrades to Walton Road and its junction with the A96.
- e) An indication of existing shrubs and hedges to be removed.
- f) The location of new trees, including compensatory planting to replace those lost as a result of the upgrades to Walton Road and its junction with the A96, shrubs, hedges grassed areas and water features.
- g) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- h) The location, design and materials of all hard landscaping works including the courtyard area.
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All 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 avoid endangering the safe movement of aircraft and operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site and 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.

8. Energy Statement and Water Efficiency

The building hereby approved shall not be erected unless an Energy Statement has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

Details of all water saving technologies and techniques within the proposed development must also be submitted to and approved in writing by the planning authority.

Thereafter, the development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement and the carbon reduction measures and water saving technologies and techniques are in place and fully operational.

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.

9. Full Fibre Broadband

That the development hereby approved shall not be brought into use unless a scheme for the provision of a full fibre broadband connection for the development has been submitted to and approved in writing by the planning authority. Thereafter the scheme shall be implemented as approved.

Reason: In order to provide the development with access to high-speed communications infrastructure, in accordance with the requirements of Policy CI1 (Digital Infrastructure) of the Aberdeen Local Development Plan.

10. Surface Water Drainage

The development hereby approved shall not be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Strategy prepared by Curtins, dated December 2020, unless otherwise agreed with the planning authority. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

11. Waste Management

That the development hereby approved shall not be brought into use until full details of the waste/recycling bin storage areas have been submitted to and approved in writing by the planning authority. Once approved, the development shall not be occupied unless the storage area has been provided in accordance with the approved details.

Reason: To ensure that suitable provision is made for the storage of recycling, food waste and residual waste bins.

ADVISORY NOTES FOR APPLICANT

Safeguarding of Aberdeen International Airport (Cranes)

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and its height would exceed 10m or that of surrounding trees and structures.

Use of cranes, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (abzsafeguard@aiairport.com / 01224 725756) at least one month prior to use. Failure to do so may result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

Construction Consent

Construction Consent for the proposed road(s) will be required prior to the commencement of any roadwork. It is advised that the Colin Burnet, Roads Construction Consent Team is contacted on 01224 522409 to discuss this matter in further detail.

Hours of Construction Work

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

Waste

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins.
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013.
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&sID=14394>

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Erection of single storey ancillary accommodation
to rear

56 Cromwell Road

Detailed Planning Permission
200559/DPP

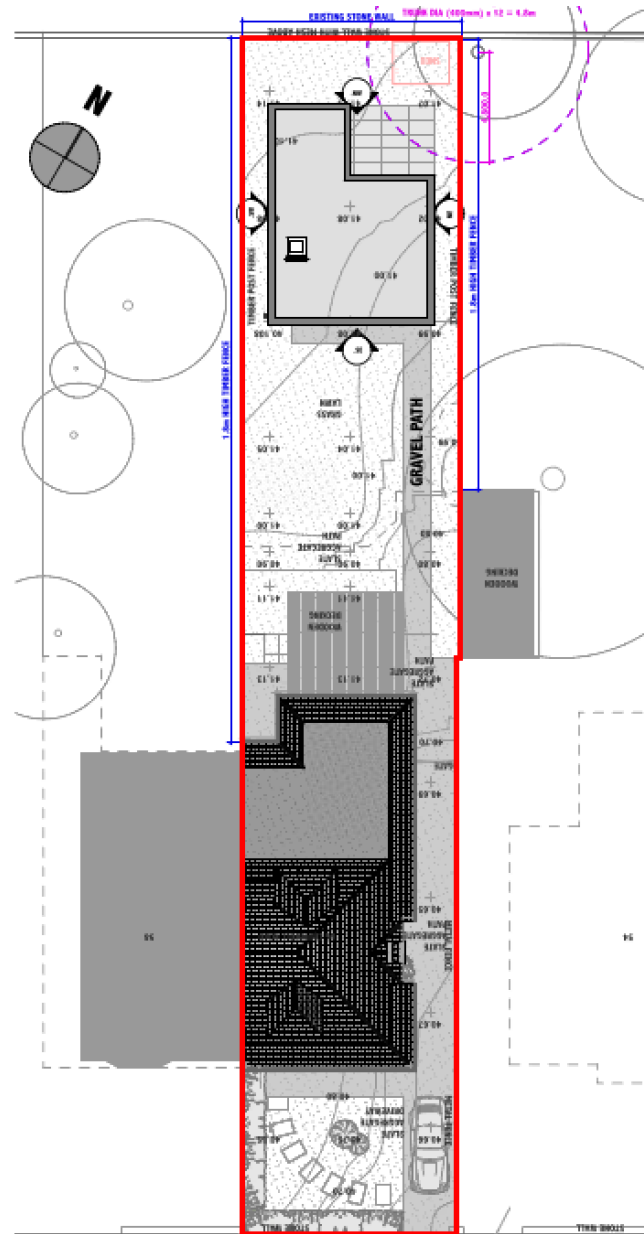
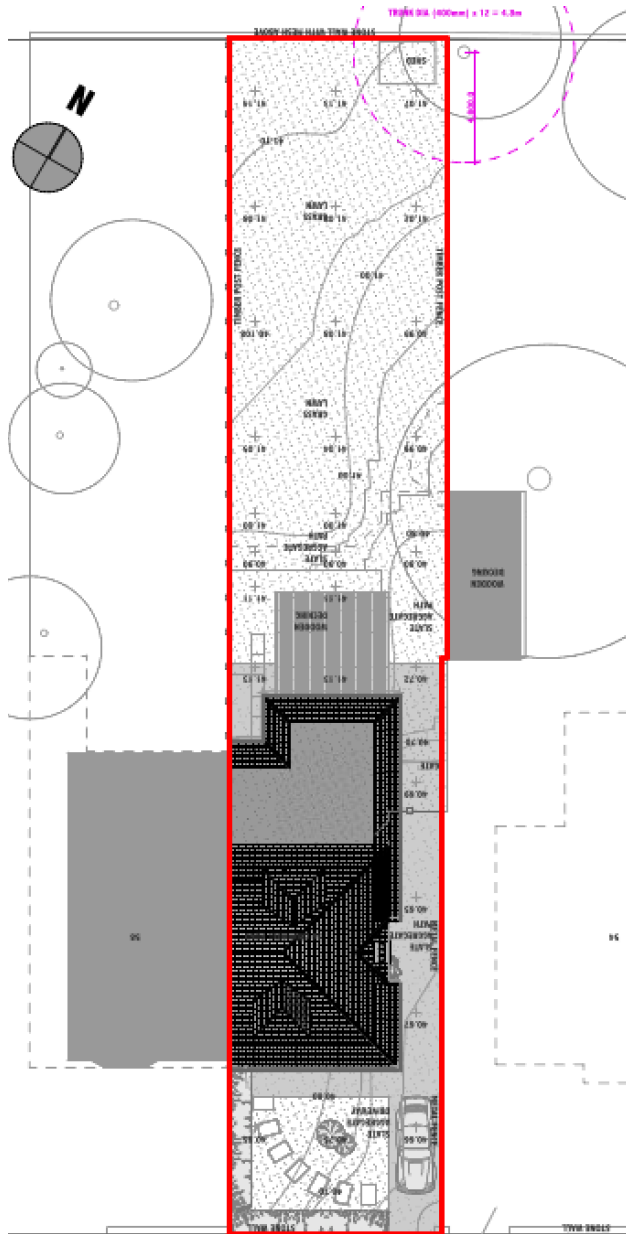
Location Plan



Aerial Photo



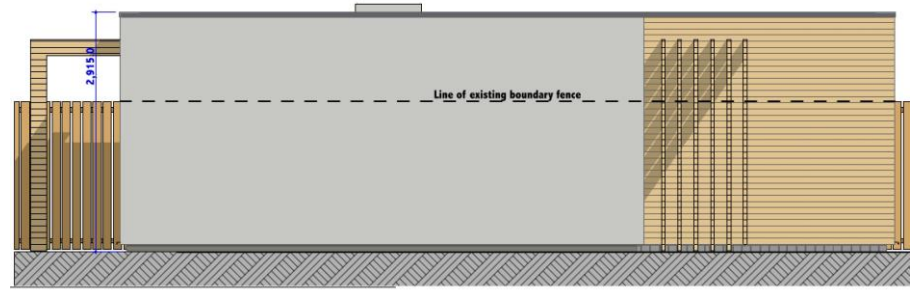
Existing and Proposed Site Plans



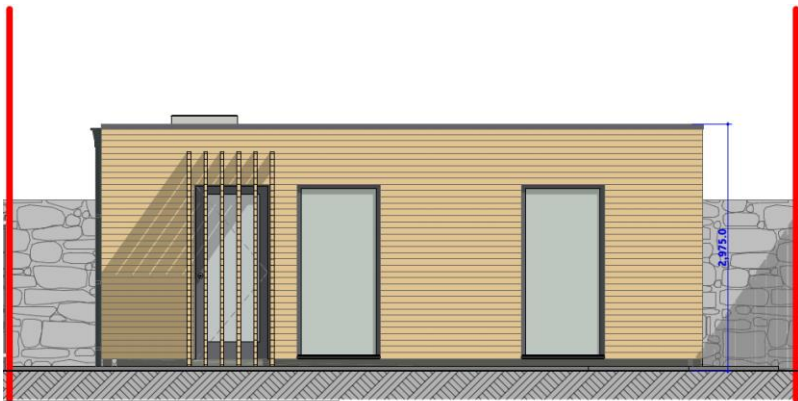
Proposed Elevations



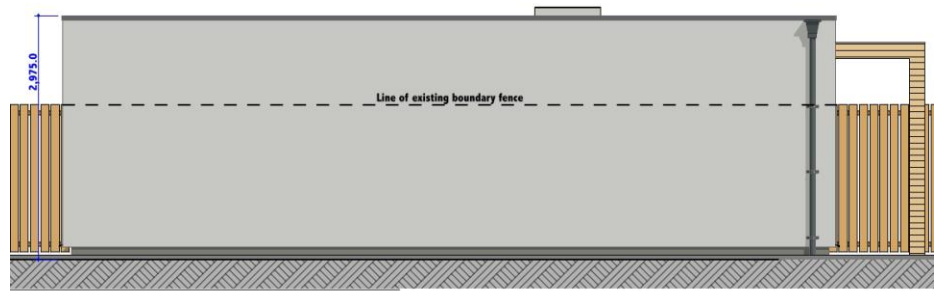
North West Elevation



North East Elevation

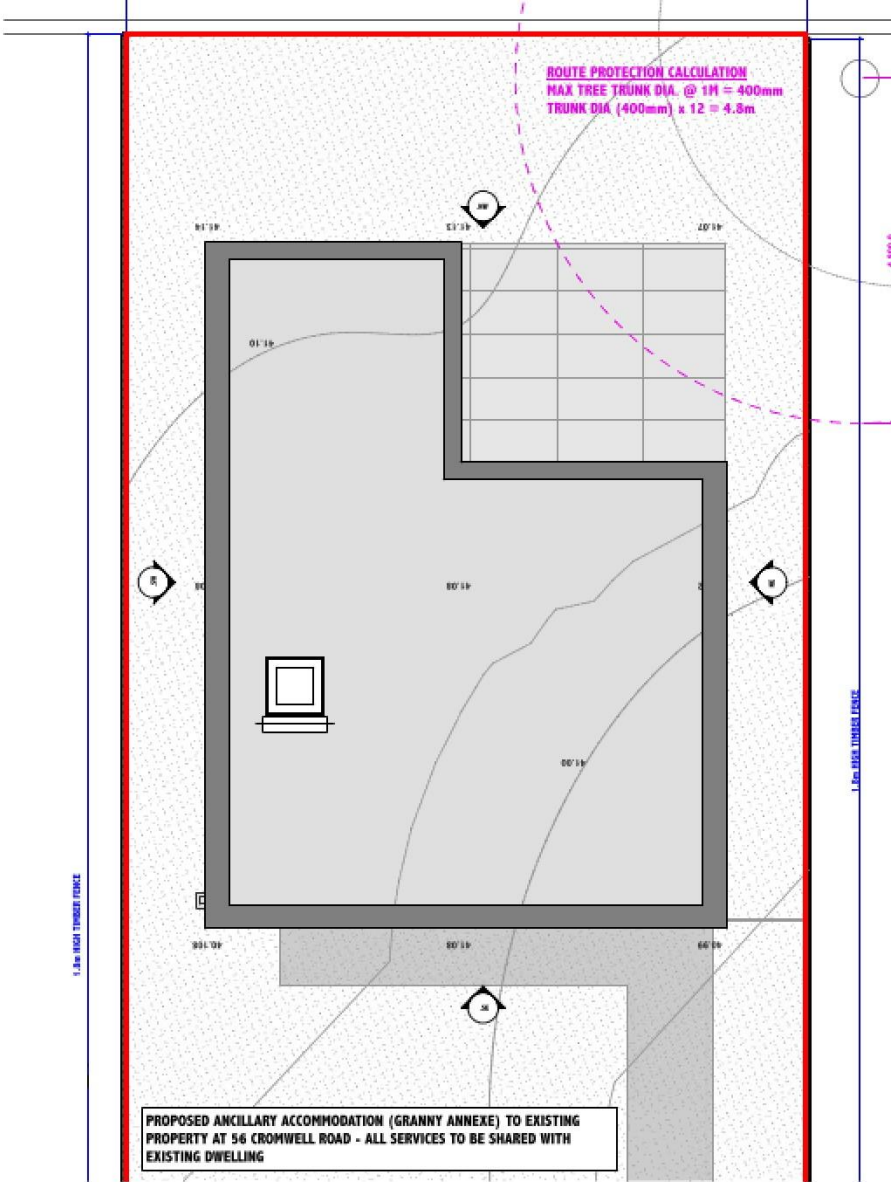
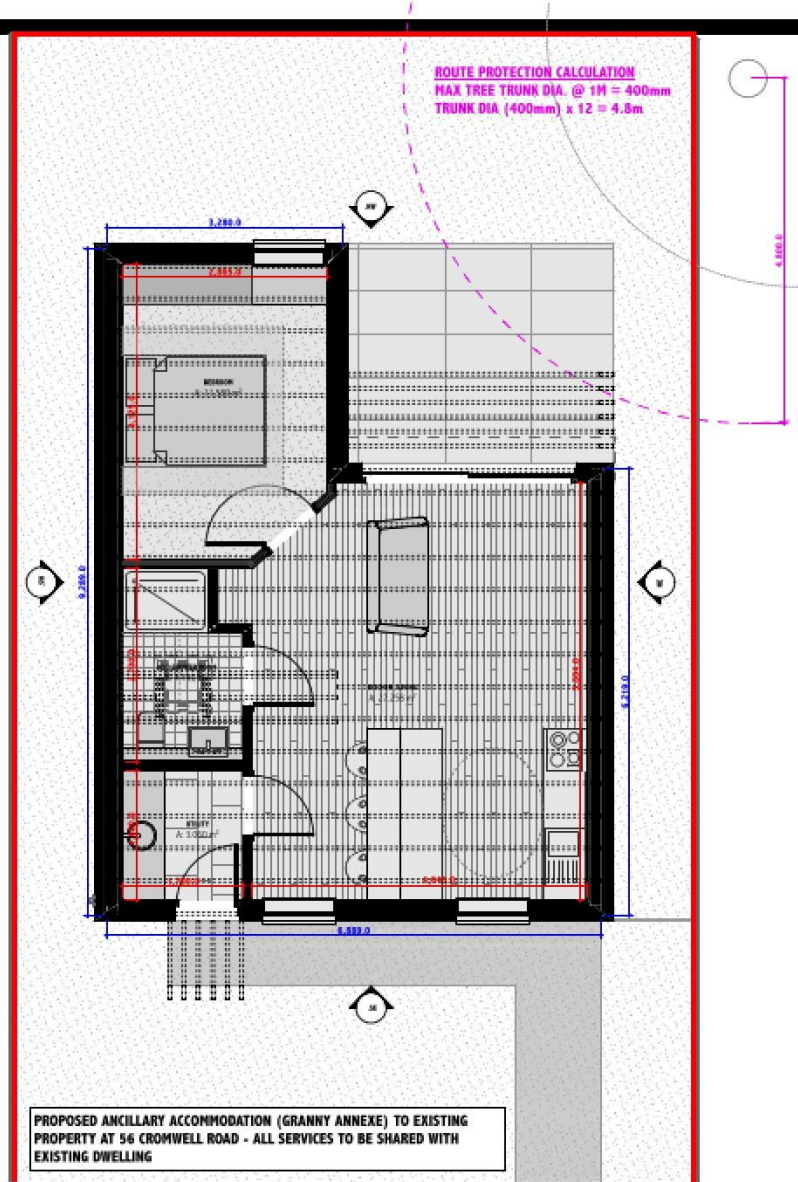


South East Elevation



South West Elevation

Proposed Floor Plan and Roof Plan



Proposed 3D View



Site Photos

Page 74



Site Photos

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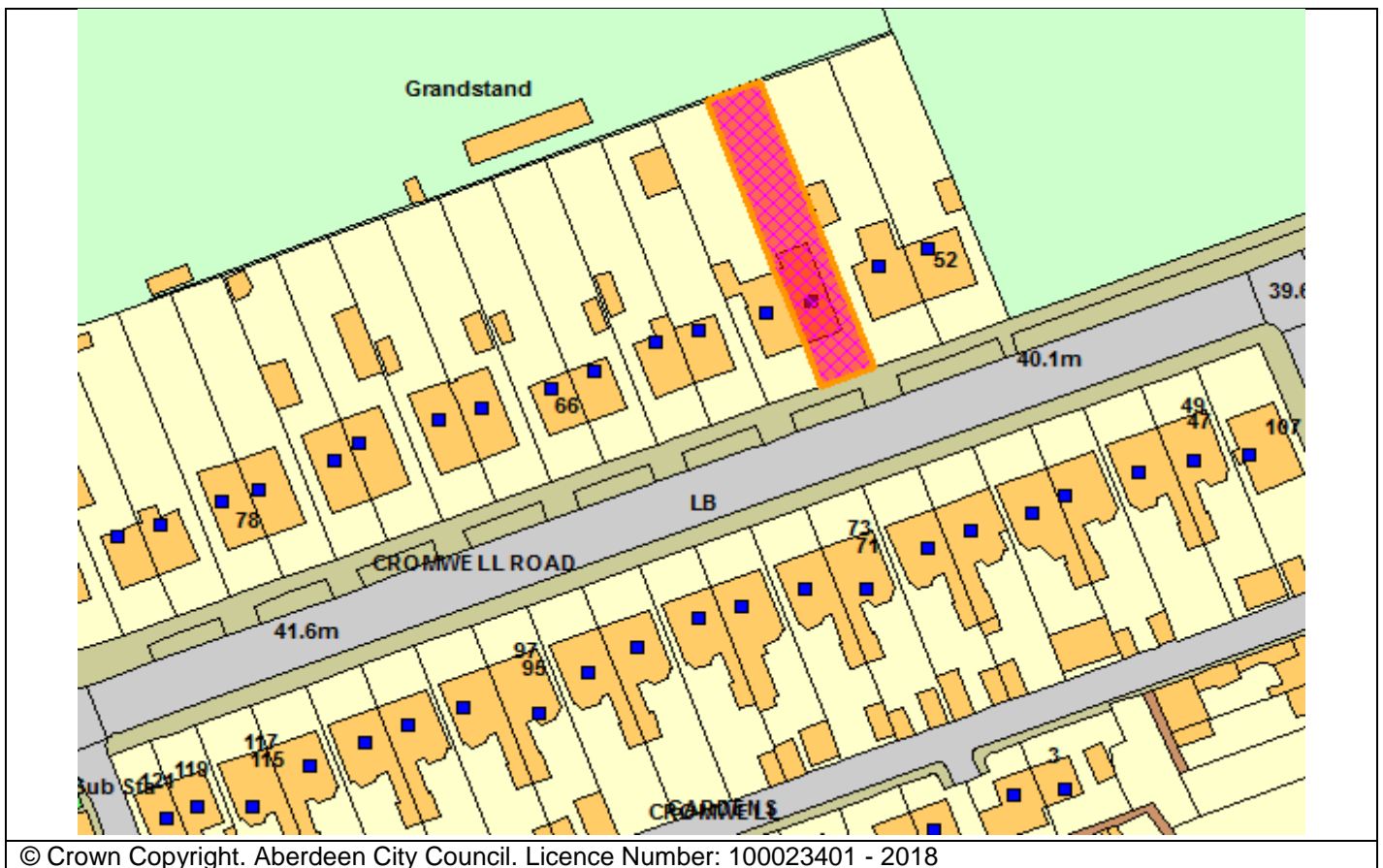


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20th May 2021

Site Address:	56 Cromwell Road, Aberdeen, AB15 4UB
Application Description:	Erection of single storey ancillary accommodation to rear
Application Ref:	200559/DPP
Application Type	Detailed Planning Permission
Application Date:	19 May 2020
Applicant:	Mr Barrie Milne
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jemma Tasker



RECOMMENDATION

Approve Conditionally with Legal Agreement.

APPLICATION BACKGROUND

Site Description

The application site relates to a one-and-a-half storey, semi-detached dwellinghouse of granite construction and is one out of twenty dwellings situated on the northern side of Cromwell Road. The dwelling has a south facing principal elevation fronting Cromwell Road and is bound to the east and west by neighbouring semi-detached properties (No. 54 Cromwell Road and No. 58 Cromwell Road, respectively) and to the north by playing fields. The property has been extended previously by way of a single storey extension to the rear measuring a maximum 6m in length, 6.9m in width and 3.7m in height. The rear garden, to which this application relates, covers an area of approximately 296sqm and is screened on eastern and western boundaries by a c. 1.8m high timber fence and on the northern boundary by a c. 1.8m high wall.

Relevant Planning History

Application Number	Proposal	Decision Date
131299	Proposed rear extension	17.10.2013 Status: Approved Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the erection of a single storey ancillary building to the rear of the dwelling, located in the northern section of the rear garden over 1m from the surrounding mutual boundaries. The purpose of the building is to provide ancillary accommodation to the main dwelling and would comprise: a kitchen/living area; utility room; shower room; and bedroom.

The proposed structure would form a 'L' shape and would measure a maximum 7.2m x 9.5m. It would have a flat roof design at a height of 3m, incorporating 1 raised rooflight. Glazing would be located on south-east and north-west elevations, comprising two full height windows and a fully glazed door, and a full height window and 3m wide sliding doors, respectively. Finishing materials include a smooth grey render, horizontal timber cladding, and timber alu-clad or upvc windows and doors.

The proposal has been amended since original submission in that the roof of the building has been lowered and changed to a flat roof profile. Additionally, following concerns regarding the root protection of trees on the adjacent neighbouring site, the building has been rotated 90 degrees. Subsequently, the fenestration arrangement has also been updated. These amendments required a renotification of neighbouring properties.

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=QA9NVOBZHUB00>

Drainage Assessment Report by MacLeod Jordan (September, 2020)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 timeous letters of objection have been received, including an objection from the Community Council, and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Note that the existing driveway is large enough to accommodate the parking requirements.

Queen's Cross and Harlaw Community Council – Object to the application for the following reasons:

- The development does not appear to adhere to the requirements of Policy D1 in that: it does not respond to site context due to its siting and footprint; does not complement the existing streetscape; does not reflect local style; does not complement local features; does not have an attractive defined entrance or active street frontage; does not appear to have appropriate lighting.
- There seems to be limited accessibility for wheelchairs or invalid vehicles and it is not clear how a wheelchair user would get away from the building if there are cars parked at the side of the main house.
- Considered that the application plan would create overdevelopment in that it is trying to shoehorn a new house into an unsuitable space. The view from neighbouring houses would be negatively impacted.
- The development would contradict the advice to "safeguard living conditions within the development" as per Policy H3.
- Assume the new development will abide by Policies CI1 and CI2 as it is noted some residents have mentioned BT poles and lines will be affected.
- Parking space provided in the development is very limited and there are already problems in this respect in the local area.
- If this development goes ahead it will set an unwelcome precedent for the area i.e. what impact this would have on the area if every semi-detached house was allowed to build another extra house in their back garden.

REPRESENTATIONS

A total of 16 timeous objections were received during the first neighbour notification period, raising the following matters:

Scale

1. Overdevelopment of the area with two houses uncomfortably situated on a small site.
2. The proposal is almost the same size/height of the original main semi-detached house.
3. The house at 56 already has a large extension.
4. The proposed development is over-bearing and out-of-scale with the original dwelling.
5. The two properties would take up a disproportionate amount of green garden space.

Drainage

6. Questioned if the current drainage system could cope with the increased volume of waste/sewage that would ensue from construction of the proposed new property.
7. The application states that water supply and drainage will be connected to public drainage network. Suggested a Drainage Impact Assessment including proposal for Sustainable Drainage Systems is required for consideration in this application.
8. Concerns that the conduit – encasing the West Burn of Rubislaw – may be impacted by the development and cause flooding to neighbouring properties.
9. Roof area will contribute to more surface water runoff and compromise the drainage system with potential adding to flooding problems around the properties in Cromwell Road.

Overshadowing

10. Unacceptable overshadowing and visual intrusion of adjacent properties.
11. The Aberdeen Local Development Plan 2020 (2022-2032) speaks of enhancing food growing spaces and food growing projects. This proposed development will all but eliminate our self-sustainability and contribution to the achievement of Council objectives. The enjoyment of a substantial area of our garden would be ruined (No. 54 Cromwell Road).

Design

12. The new building is of a modern design and not in keeping with the traditional buildings in Cromwell Road which are predominantly granite/stone built.
13. The present wooden cladding is not ageing well.

Outlook & View

14. Negative impact on our outlook from the kitchen/dining area and will impede our enjoyment of the rear garden.
15. The change from the existing inoffensive outlook to a side view of a dwelling, c. 9metres down the side of our fence and some 3-4metres high would severely detract from the enjoyment of our property.
16. The building would encroach severely on the outside space of its immediate neighbours and those who live on the street who would see it from their upper rear windows.
17. The removal of trees and shrubs which has already taken place have impacted negatively on the visual appearance on Cromwell Road and the overdevelopment of the existing garden with the proposed new house would have a further detrimental impact.
18. Detraction from the open aspect of the neighbourhood particularly in relation to the playing fields.

Overlooking

19. There will be no room for any screening or planting to limit the impact of the building.
20. The proposal would face the rear windows and gardens of neighbouring properties, significantly reducing privacy.

Trees & Shrubs

21. Concerns regarding a mature tree immediately to the right of the proposed development - proposed building does not allow adequate space for the tree's natural development and mature canopy spread.

Parking

22. Result in an increase in cars on the property and increase in traffic noise and pollution.
23. Cars parking at the rear of the property will disturb our enjoyment in our back garden and rear of the house.
24. The driveway is too narrow for emergency vehicle access - there is not another way to gain access.
25. There is already limited parking and there would be additional pressure on this due to additional residence being built.
26. Cars have to reverse out onto this very busy bus route and an increase in the number of vehicles would add to the problem of road safety.

Noise

27. It's likely there will be an increase in noise and disturbance as there will now be two properties, rather than one from which noise may emanate.

Precedent

28. Should this planning application be approved there would be potential for a further 19 annexes thus doubling the properties on the north side. This would impact on all services

and infrastructure.

29. This application could potentially lead to further housing development being requested on Harlaw Playing Fields.

Other Matters Raised

30. The orientations on the plan are wrong. The quoted north elevation is the south elevation, the other three elevations are also transposed.

31. The rearrangement of telephone/broadband lines would be required for several houses.

32. The proposal contravenes the terms of The 1935 Feu Disposition conveying the land on which No. 52 - 74 Cromwell Road are constructed.

A further 3 letters of objection were received during the second round of neighbour notifications, all raising additional or similar comments following on from earlier letters of objection during the first round of neighbour notification. As such, the total number of objectors to the proposed scheme remains at 16. The following additional matters were raised:

1. Concerns regarding a copper beech tree located within the neighbouring site.
2. Land to the rear of the proposed building will become overgrown and encroach into the neighbouring garden ground.
3. Blockage of light to neighbouring garden pond.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Policy NE5 – Trees and Woodlands

Policy NE6 – Flooding, Drainage and Water Quality

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Supplementary Guidance

Flooding Drainage and Water Quality

The Householder Development Guide (HDG)

Transport and Accessibility

Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020) (PALDP)

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. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

Policy NE4 – Our Water Environment

Policy NE5 – Trees and Woodlands

Policy T2 – Sustainable Transport

Policy T3 – Parking

EVALUATION

Principle of Development

The application site is located within a residential area as identified in the 2017 Aberdeen Local Development Plan and policy H1 applies. The proposal would comply with this policy in principle if it does not constitute overdevelopment; the character and amenity of the surrounding area is not adversely affected; and it complies with the relevant Supplementary Guidance.

While, in principle, the Planning Authority can support the formation of a building which includes ancillary accommodation to the original dwelling, it cannot support the formation of a wholly separate independent dwelling within the curtilage of the property. It is recognised that the facilities provided within the ancillary unit would give rise to the potential it could operate as a separate, independent dwellinghouse to the existing. In effect, if the proposed development were permitted without controls in place to avoid this situation arising, the proposal would be at odds with the established character and could adversely harm the character of the area by setting an undesirable precedent for the development of similar residential units in rear garden areas. Moreover, if the proposal was considered to be assessed as a wholly separate dwelling within the curtilage of the property, without being ancillary to the parent dwelling, it would undoubtedly be contrary to the Supplementary Guidance: 'The Sub-Division and Redevelopment of Residential Curtilages' and thus Policy H1 (Residential Areas). Additionally, it would also be contrary to Policy D1 (Quality Placemaking by Design) as it would not respect the site's context, character and juxtaposition of the existing house and garden ground, which would not complement the prevailing character and pattern of development along Cromwell Road. In light of this, such a proposal would not be considered acceptable and would highly unlikely be supported by the Planning Authority. Therefore, in order to provide assurance that this will not be a long-term issue, a Section 75 Agreement would be required to tie the use of the ancillary accommodation to the original dwelling, which the applicant has agreed to enter into should the Committee be minded to approve the application. This would place a legal restraint on the unit to be occupied by anyone unrelated to the occupiers of the main dwellinghouse and using the unit for independent dwellinghouse purposes. An assessment of the further details of the proposal is carried out below.

Design and Scale

To determine the effect the proposal will have on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy 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. Additionally, the Supplementary Guidance expects ancillary structures, such as the one proposed, to be architecturally compatible in design and scale with the original dwellinghouse and its surrounding area; materials should be complementary to the original building; any development should not overwhelm or dominate the original form or appearance of the dwellinghouse; and no more than 50% of the rear garden should be covered.

While there are a variety of outbuildings located within the surrounding area, specifically on the southern side of Cromwell Road, with a built footprint of 57sqm, it is recognised that the proposed building is substantial and is larger than those in the surrounding area. Nevertheless, in terms of scale and design, the proposed structure would comply with the guidance relating to outbuildings contained within the HDG for the following reasons: the building is subordinate in scale to the original dwelling; it would increase the built rear site coverage from 13% to 29% and while this is slightly higher than the immediate area, it is considered an acceptable level of development that would not be completely at odds with that of the wider surrounding area; materials would be contemporary and of a high quality, matching that of the existing rear extension; and more than 50% of usable rear garden space would remain undeveloped. The proposal would be located within the rear curtilage of the property which is considerably well screened. To the northern boundary, adjacent the Harlaw playing fields, screening consists of a high granite boundary wall with planting behind. While the proposal would be somewhat more visible during winter months from this vantage point, its overall scale and design are such that there would be limited impact on visual amenity, appearing as an outbuilding. Overall, it would not be readily visible from a public viewpoint; however, any view would be seen within the context of a residential curtilage, appearing as an ancillary building, having negligible impact on the visual amenity of the streetscape or surrounding area.

The proposed building is considered to be subservient and secondary to the property by way of its size, scale and overall height in relation to the existing dwelling and is acceptable within the context of the surrounding properties and wider area generally, in compliance with Policy D1 (Quality Placemaking by Design) and the associated Supplementary Guidance: 'Householder Development Guide'.

Impact on Residential Amenity

No development should result in a situation where amenity is "borrowed" from an adjacent property or there is an impingement on the amenity enjoyed by others. Following the '45 Degree Rule' methodology as given by the Supplementary Guidance on Householder Development, calculations indicate that the proposed building would be located sufficiently distant from all neighbouring windows to ensure no impact on internal daylight receipt levels.

In terms of overshadowing, the building would be located more than 1m away from neighbouring boundaries. This, coupled with the relatively low overall height of the building, would result in no significant increase in overshadowing to neighbouring garden ground.

Glazing would be located on south-east and north-west elevations, facing the application property's rear garden ground and the adjacent playing fields. Glazing on the south-east elevation would be located at least 19m from neighbouring windows and, while they would be directly facing the application property itself and not neighbouring dwellings, would exceed the separation distance of 18m between windows where dwellings would be directly opposite one another. Additionally, the site is considered to be sufficiently well screened by way of a 1.8m high timber fence along the boundaries with neighbouring properties to ensure no overlooking of their private rear gardens or ground floor living accommodation. It is recognised that there would be views of the dormer at first floor level at No. 58 Cromwell Road; however, there would be a separation distance of some 23m between these windows and thus, this relationship is accepted. Additionally, habitable rooms within the proposed building are located towards the boundary with No. 54 Cromwell Road, which has much denser screening which would highly limit any views of their property. The proposed building would therefore provide little opportunity for the overlooking of neighbouring properties or garden ground.

As previously mentioned, while there are a variety of outbuildings in the surrounding area, it is recognised that these buildings are more 'ordinary' outbuildings which are used for a purpose incidental to the enjoyment of the dwellinghouse. Although, as discussed above, the scale of the

proposed ancillary accommodation would be acceptable in relation to both the plot and the surrounding area, its proposed floor layout and facilities could give rise to different impacts to those seen from other outbuildings in the area. It is recognised that there would likely be a higher increase in activity within the rear curtilage in comparison to that generated by other ancillary buildings. Any impact from the proposed structure would be contained to the immediate area, only potentially affecting dwellings either side of the application property (No. 54 Cromwell Road and No. 58 Cromwell Road). However, activity would be predominantly contained to within the rear garden ground of No. 56 Cromwell Road which is sufficiently well screened. Additionally, this would be from a one-bedroom ancillary structure which would be linked to the main house, not a wholly separate unit.

Overall, current levels of residential amenity in relation to overshadowing, daylight receipt and privacy would be retained. While there would likely be a higher increase in activity in the rear garden, especially in comparison to other outbuildings in the area, it is not considered that this would cause significant harm to the enjoyment of immediate dwellings or their garden ground, in compliance with Policy H1 (Residential Areas) and the associated Supplementary Guidance: 'Householder Development Guide'.

Trees

Upon assessment of the application a concern over the proximity of development from neighbouring trees was raised. While these are not protected under a Tree Preservation Order (TPO), all trees are considered a material consideration in relation to Policy NE5 (Trees and Woodlands). Policy NE5 includes a presumption against development that will result in the loss of or damage to trees. While the proposal does not involve the felling of trees, it is acknowledged that damage may occur to their roots during the construction of the development. It was considered that the development as originally proposed would likely have had an impact on the tree located in the north-west corner of No. 54 Cromwell Road in terms of incursion within the root protection area of the tree. In light of this, the proposal has been amended so that the courtyard area would be located in the north-east corner of the plot, which would form a root protection area for the tree concerned. It is considered that other than some paving to the rear of the building and the path leading to the building, arboricultural impacts are limited and are considered acceptable. To ensure this, it is proposed that a condition is attached to the grant of consent requiring further details of the proposed path leading to the building, ensuring that it is no-dig construction to avoid damage to the trees. Additionally, to ensure the protection of the tree in the north-west corner of No. 54 Cromwell Road, a condition is proposed to be attached to the grant of consent requiring the submission of a Tree Protection Plan. Therefore, subject to the submission of further details relating to the path and appropriate tree protection during construction (secured via conditions) the siting of the proposed development would not have a significant adverse impact on the health of the trees, in accordance with Policy NE5 (Trees and Woodlands) and the associated Supplementary Guidance: 'Trees and Woodlands'.

Parking

There is an existing driveway which extends along the side and front of the application property. While this driveway does not meet modern standards, as this is existing it is accepted and Roads Development Management have no concerns with the proposal. In light of this, it is considered that the proposal shall provide sufficient parking and not be detrimental to the area, in compliance with Policy T2 (Managing the Transport Impact of Development).

Additionally, the site is within close proximity to Aberdeen City Centre and is therefore accessible by other sustainable modes of transport such as walking, cycling and a public bus route along Cromwell Road. The proposal is therefore considered compliant with Policy T3 (Sustainable and Active Travel).

Drainage

In terms of drainage from the site, foul water will be disposed of via the existing house combined drainage system, connected to existing public infrastructure, and surface water will be disposed of to an underground attenuation system and discharged at a controlled rate, as per the details outlined in the Drainage Assessment Report. Overall, there are no concerns with this aspect of the proposal, in compliance with Policy NE6 (Flooding, Drainage and Water Quality) and the associated Supplementary Guidance: 'Flooding Drainage and Water Quality'.

Heads of Terms of any Legal Agreement

Given the level of accommodation within the proposed building, and that the Planning Authority would be unable to support the formation of a wholly separate dwelling within the curtilage of the property, as previously mentioned, it is necessary that the use of the building is tied to the original dwellinghouse through a Section 75 Agreement, which the applicant is agreeable to enter into. This will ensure that the use of the building is restricted to being ancillary to the occupation of the main house.

Matters Raised by the Community Council

- *The development does not appear to adhere to the requirements of Policy D1 in that: it does not respond to site context due to its siting and footprint; does not complement existing streetscape; does not reflect local style; does not complement local features; does not have an attractive defined entrance or active street frontage; does not appear to have appropriate lighting.*

The proposal has been assessed against Policy D1 in the foregoing evaluation: 'Design and Scale'. The siting and footprint are considered appropriate for an ancillary building within the garden ground of a dwelling. The detail of the proposal, such as finishing materials, are considered appropriate for its siting within the rear garden ground, matching that of the existing rear extension.

- *There seems to be limited accessibility for wheelchairs or invalid vehicles and it is not clear how wheelchair user would get away from the building if cars parked at side of main house.*

This is not a material planning consideration.

- *Considered that the application plan would create overdevelopment in that it is trying to shoehorn a new house into an unsuitable space. The view from neighbouring houses would be negatively impacted.*

The level of development within the site has been addressed in the foregoing evaluation: 'Design and Scale' whereby it has been concluded that the proposal would not result in the overdevelopment of the site. The proposal is considered to be appropriately designed and sited, having negligible impact on the outlook from neighbouring dwellings.

- *The development would contradict the advice to "safeguard living conditions within the development" as per Policy H3.*

Policy H3 of the ALDP is not relevant in the assessment of this application as it relates to residential developments over one hectare. In addition, this proposal is for ancillary accommodation and not an independent dwelling.

- *Assume the new development will abide by Policies C11 and C12 as it is noted some residents have mentioned BT poles and lines will be affected.*

Policy C1 applies to all new residential development. However, given this proposal is for ancillary accommodation and not an additional independent dwelling, this policy would not apply. Policy C12 is relevant to proposals for telecommunications infrastructure such as phone masts and broadband cabinets, and is thus not applicable for this application.

- *Parking space provided in the development is very limited and there are already problems in this respect in the local area.*
The existing driveway is considered to provide adequate parking provision. Roads Development Management have no objection to the proposal.
- *If this development goes ahead it will set an unwelcome precedent for the area i.e. what impact this would have on the area if every semi-detached house was allowed to build another extra house in their back garden.*
Every planning application is assessed on its own merits. An extra independent dwelling would not be considered acceptable; however, the principle of an ancillary building/accommodation would be acceptable subject to further details, compliance with policy and guidance and a Section 75 Agreement.

Matters Raised in Letters of Representation

- *Scale*
The level of development within the site has been assessed in the foregoing evaluation: 'Design and Scale' whereby it has been concluded that the proposal would not result in the overdevelopment of the site, including when taking into consideration existing development on the site, and in excess of 50% of the rear garden ground would remain undeveloped. At a height of 3m, the proposal is subservient to the main dwelling and of a height which is acceptable for an ancillary building.
- *Drainage*
A Drainage Impact Report was requested by the Planning Authority and subsequently submitted in support of the application. This detailed both foul drainage and surface water drainage. This information was reviewed by colleagues in Roads Development Management who noted no concerns.
- *Overshadowing*
Impacts of overshadowing from the proposed building are discussed in the foregoing evaluation: 'Impact on Residential Amenity' where it is concluded that there would be no significant adverse impact on neighbouring garden ground as a result of the proposal.
- *Design*
The design of the proposal is addressed in the foregoing evaluation: 'Design and Scale'. It is considered appropriate for its siting within the rear curtilage of the dwelling. The use of timber cladding ties in with existing development within the site and is an appropriate building material used across the city.
- *Outlook & View*
The proposal is considered to be an appropriately sited and designed ancillary building within the rear garden of a residential property which would not have a significant adverse impact on neighbouring outlook, as discussed in the foregoing evaluation: 'Design and Scale'.
- *Overlooking*
Privacy concerns are addressed in the foregoing evaluation: 'Impact on Residential Amenity'.
- *Trees and Shrubs*
Impact upon concerned trees is discussed in the foregoing evaluation: 'Trees'. The proposal, as amended, would minimise adverse impacts to existing tree stock located on

the neighbouring site and conditions proposed to be attached to the grant of consent would ensure this.

- *Parking*

The existing driveway is considered to provide adequate parking provision. Although the driveway does not meet modern standards, as this is existing, it is accepted. There is no requirement for emergency vehicles to access the rear garden; this is not a material planning consideration. There are no road safety concerns with the proposal and Roads Development Management have no objection.

- *Noise*

While it has been recognised that there will likely be an increase in activity in the rear garden – and therefore, a possible increase in noise – given the proposal is linked to the main dwelling, there should be no significant harm caused to neighbouring dwellings.

- *Precedent*

Every planning application is assessed on its own merits. An additional house would not be considered acceptable; however, the principle of an ancillary building to provide ancillary accommodation would likely be acceptable subject to further details, compliance with policy and guidance and a Section 75 Agreement.

- *Other Matters Raised*

The elevations labelled on the drawings are correct.

The rearrangement of telephone/broadband lines is not a material planning consideration.

The 1935 Feu Disposition is not a material planning consideration.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

In relation to this particular application, the Policies D1, D2, H1, NE4, NE5, T2 and T3 in the Proposed Aberdeen Local Development Plan 2020 (PALDP) 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

Approve Conditionally with Legal Agreement.

REASON FOR RECOMMENDATION

The proposal to provide ancillary accommodation with the rear garden ground is considered appropriate for its intended use and appears ancillary to the main dwellinghouse without unduly effecting the character of the surrounding area, subject to the applicant entering into a Section 75 Agreement to tie the unit to the main dwellinghouse. Additionally, the ancillary unit is architecturally compatible in design and scale with the original dwelling and the surrounding area in terms of siting, scale, height and materials. The site would not be overdeveloped; the proposal would have no adverse impact on the residential amenity of neighbouring properties in terms of overshadowing, or on daylight receipt and privacy; and would not be readily visible from a public viewpoint. The creation of the ancillary accommodation would not have an unduly detrimental impact on road safety along Cromwell Road given the existing driveway is considered sufficient to provide off-street parking for both the dwelling and the ancillary unit. Additionally, there are no concerns regarding the proposed drainage arrangement. While there would undoubtedly be a higher level of activity within the rear curtilage, this is not considered to be of a significant degree that would cause significant harm to the amenity of immediate neighbouring dwellings. Therefore, the proposal would be compliant with Policies D1 (Quality Placemaking by Design), H1

(Residential Areas), NE5 (Trees and Woodlands), NE6 (Flooding, Drainage and Water Quality), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan; the associated Supplementary Guidance: 'Householder Development Guide', 'Flooding Drainage and Water Quality' and 'Transport and Accessibility'; and Policies D1, D2, H1, NE4, NE5, T2 and T3 of the Proposed Aberdeen Local Development Plan. Lastly, subject to conditions, the proposed development is also considered to comply Policy NE5 (Trees and Woodlands) and the associated Supplementary Guidance: 'Trees and Woodlands'.

CONDITIONS

1. That no development shall take place unless a scheme for the protection of all trees to be retained on the site and neighbouring sites during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented.

Reason: In order to ensure adequate protection for the trees during the construction of the development, in compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

2. That no development shall take place unless further details relating to the proposed path – which would be expected to be no-dig construction – have been submitted to, and approved in writing by, the Planning Authority and thereafter the works carried out in accordance with the details agreed.

Reason: In order to limit arboricultural impacts and ensure the protection of trees, in compliance with Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



20th May

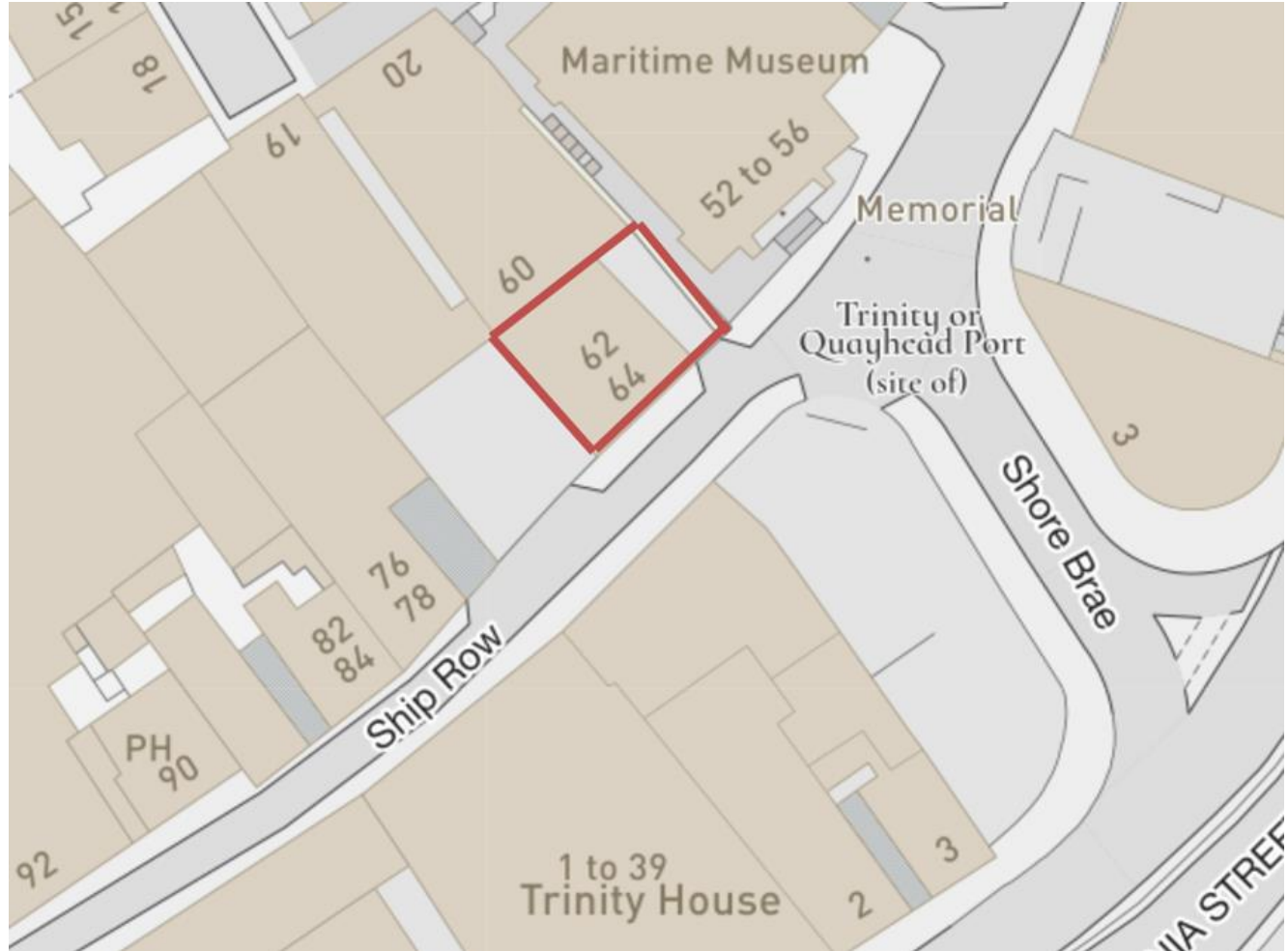
Description: Substantial demolition of single storey building (side walls and roof) with Shiprow facing wall remaining unaltered (Retrospective).

Address: 62-64 Shiprow

Type of application: Detailed Planning Permission

Application number: 210397/CAC

Site Location



Felt flat roof attached to neighbouring property wall located on boundary via abutment flashing.

Neighbouring property wall to be protected and retained throughout the works.

14,303

Wall and roof coverings to existing building to be demolished

CAR PARK (ASPHALT)

Existing roof coverings and timber substraat to be removed

Existing steel beams to be inspected, retained, cleaned and given external grade paint finish

Half height wall to be retained

DISUSED NIGHTCLUB

Felt flat roof

13,019

Modern concrete block wall to be removed.

Rubble natural stone wall.

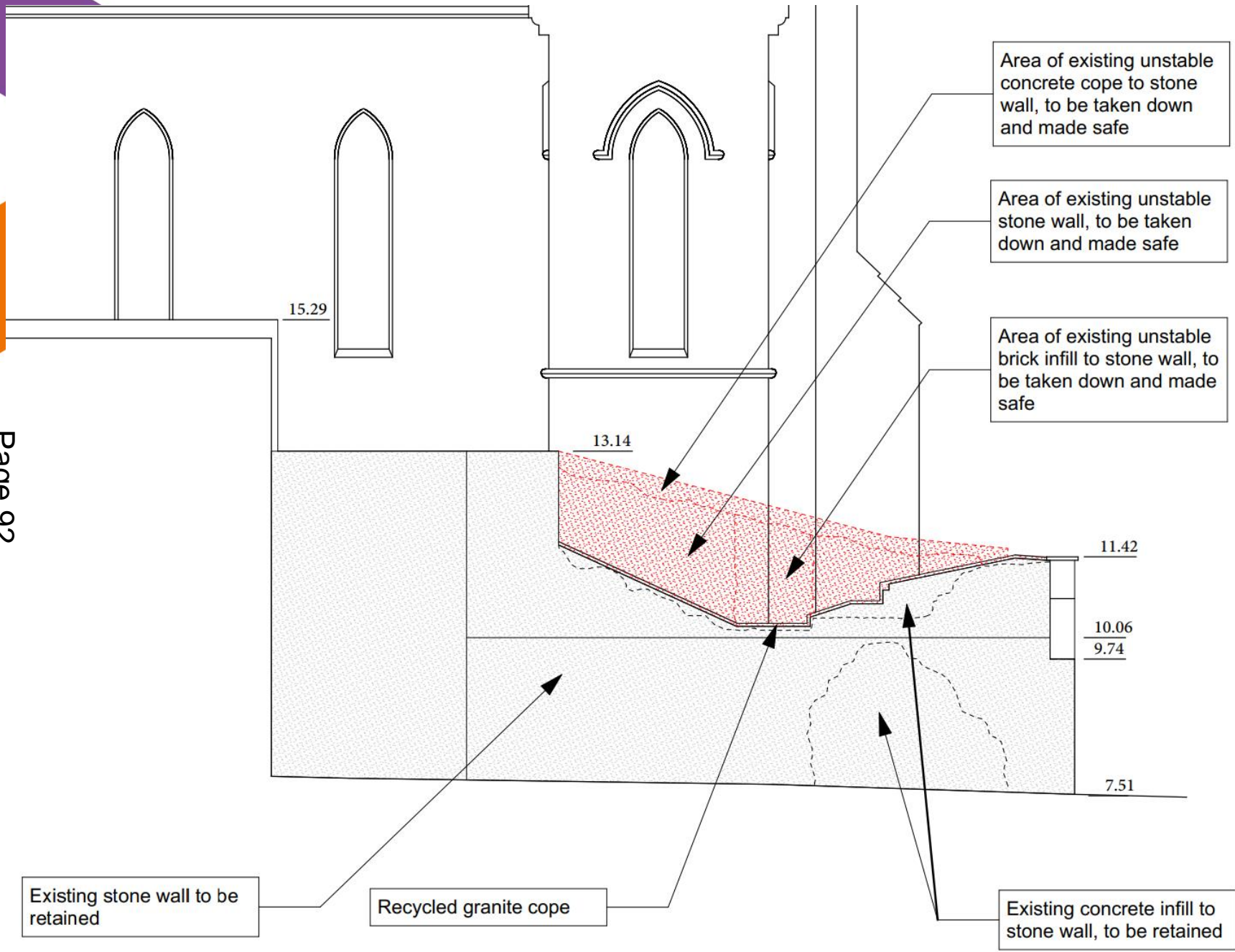
Parapet wall in dangerous condition, wall to be reduced in height and made safe.

Rubble natural stone half height wall.

Rubble natural stone wall to be retained

Decorative stone archway & metal gate.

Parapet wall with concrete coping.

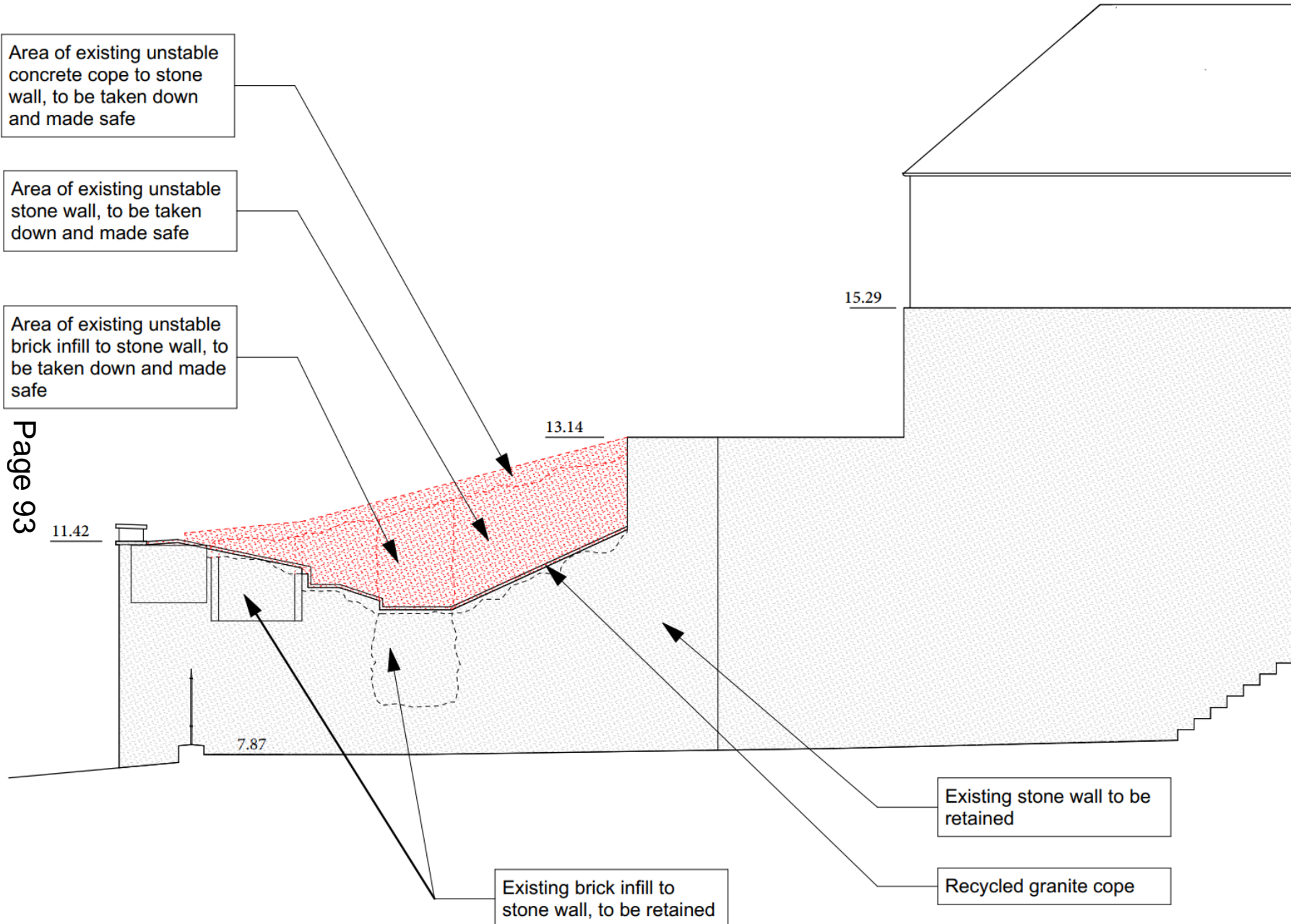


Area of existing unstable concrete cope to stone wall, to be taken down and made safe

Area of existing unstable stone wall, to be taken down and made safe

Area of existing unstable brick infill to stone wall, to be taken down and made safe

Page 93

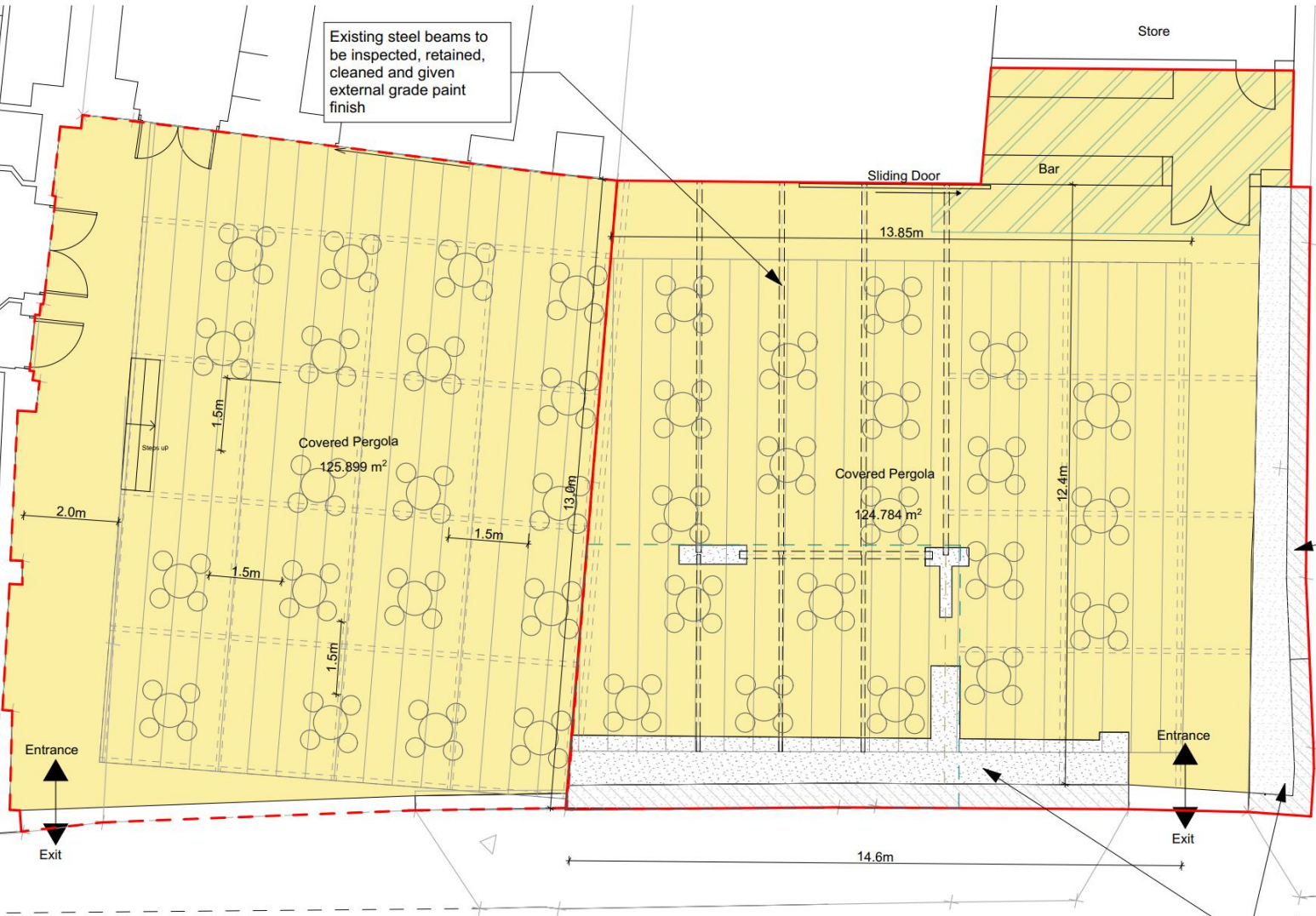


Existing stone wall to be retained

Existing brick infill to stone wall, to be retained

Recycled granite cope

Existing steel beams to be inspected, retained, cleaned and given external grade paint finish



HEALTH & SAFETY NOTES

- 1: Unstable existing structure. Engineer has not conducted prior to works commencing to working on site. Risk of collapse.
- 2: Temporary propping required. Risk of collapse commencing. Risk of collapse.
- 3: Existing electrical services. Risk of electrocution. All electrical services will be decommissioned.
- 4: Asbestos materials being removed. Asbestos survey still needs to be concluded. All any asbestos materials to be removed and protected from disturbance by approved contractor. Risk of asbestosis to those who inhale asbestos. Not fully enclosed. Provide method statement.
- 5: Unstable boundary wall. Risk of collapse. Not fully enclosed. Provide method statement.
- 6: Manual handling of heavy materials. Risk of injury. To be produced by contractor, where lifting beyond safe limits.

Existing stone wall to be retained







1.2m HIGH INTERCOM ON
STAINLESS STEEL POST



















Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20 May 2021

Site Address:	62 to 64 Shiprow, Aberdeen, AB11 5BY,
Application Description:	Substantial demolition of single storey building (side walls and roof) with Shiprow facing wall remaining unaltered (Retrospective).
Application Ref:	210397/CAC
Application Type	Conservation Area Consent
Application Date:	24 March 2021
Applicant:	Aberdeen Douglas Hotel
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Lucy Greene



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site lies within the Union Street Conservation Area and City Centre, with the Maritime Museum to the north east and car park to the rear of the Douglas Hotel, to the south west. To the rear of the site (north west) is a granite building that fronts onto the Adelphi at a higher level.

Along the Shiprow site boundary is an historic granite rubble wall, thought to be partly medieval in origin, containing a pointed arch gothic double doorway opening, two further door openings and narrow slit openings, as well as a rebuilt 19th century arched opening with cast iron gates. The boundary wall to the east is also historic in nature, built largely in granite rubble, with some brick infill and appears to include the gable of a building long since removed.

Until sometime in April this year, the site was largely occupied by a modern single storey flat roofed structure formerly used as part of a nightclub. This modern structure, which has now been removed, consisted of modern side walls to the east and west together with flat roof. The Shiprow wall was used as the south elevation. Between the modern building and the eastern historic site boundary wall was a lane that was accessed via the gated 19th century semi circular arch. This application for Conservation Area Consent for the demolition of the former nightclub building and adjustments to the eastern wall is therefore retrospective.

The building is on the Buildings at Risk Register, which notes that the Shiprow wall possibly contains remains of a 14th century wall. The register further notes permission in June 2011 for demolition.

Relevant Planning History

131375 - Demolition of existing buildings and erection of hotel extension including function/conference accommodation and erection of office accommodation (Amendment to P091221). This three year permission was granted in 2017 remains extant due to extensions to planning permissions under Covid regulations.

091222 – Conservation Area Consent for the demolition of buildings. Approved conditionally 3 June 2011. This was conditional upon evidence of a legally binding contract entered into between the developer and his/her builders in respect of the carrying out of the proposed development. Consent has expired.

091221- Planning permission was approved conditionally by the Development Management Sub-Committee on 28 April 2011. The proposals include the demolition of most of the buildings on site and the erection of an extension to the Douglas Hotel.

APPLICATION DESCRIPTION

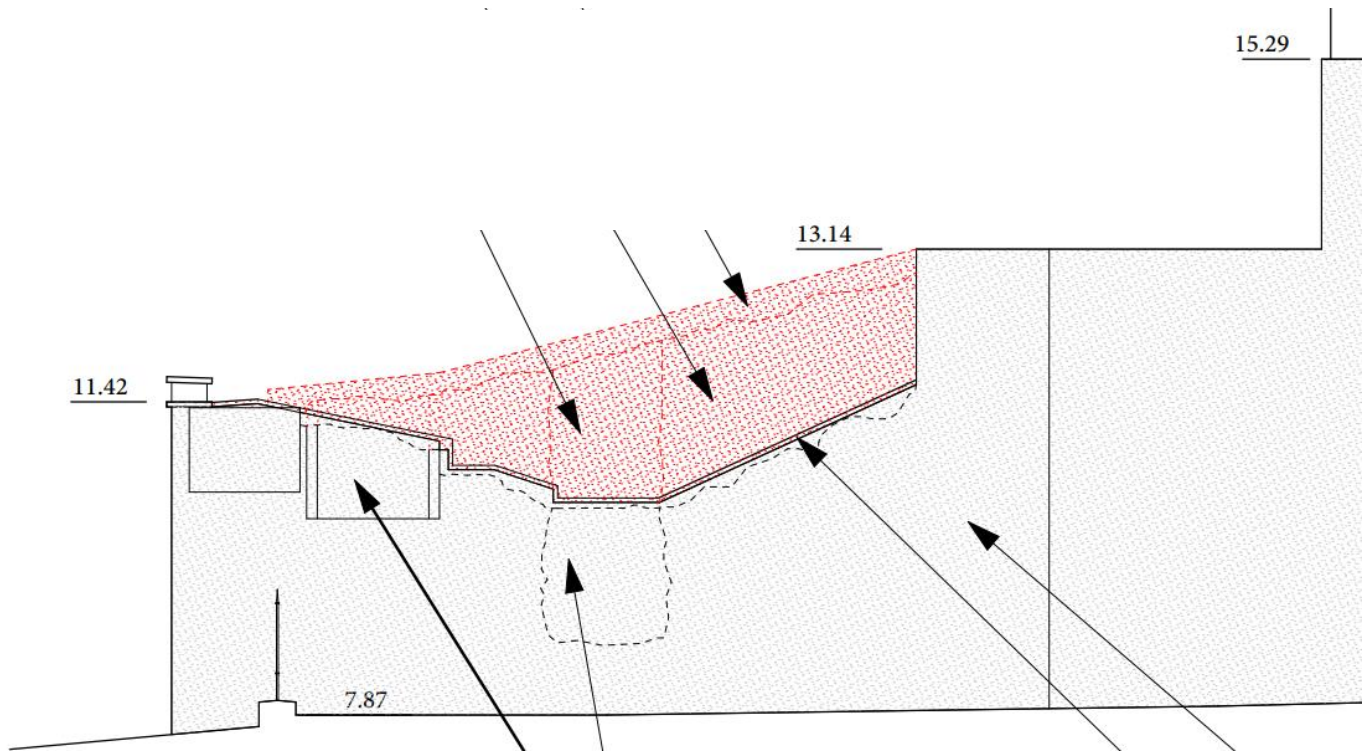
Description of Proposal

The application is for the demolition of the roof and modern side walls of the single storey structure, whilst the steel beams of the roof, and the historic Shiprow wall would remain. The east wall would largely remain with the uppermost portion of the wall being removed due to structural instability. The original proposal included the significant reduction in height of the Shiprow wall, however, the application no longer includes any works to that wall.

With the exception of the coping, all the works proposed by the application have already been carried out on site, with the east wall, adjacent to the Maritime Museum, having been reduced in height in areas that were considered unstable, and this has been finished with a cement capping. The height of the wall is not uniform with its height being just under 4m at Shiprow, and over 5m in height

towards the rear of the site. A 7m length of the wall has been reduced in height to some extent with the reduction varying between approximately a minimum of 0.3m and a maximum of 2m, leaving a wall of varying height with the minimum height being approximately 2.3m. The corner where the east wall joins the Shiprow frontage wall is unaltered.

The drawing excerpt below (taken from 023-18001-LB / - 04-E-02 Rev 08 available on the website) shows the extent of taking down to the east boundary wall (viewed from Maritime Museum side, with Shiprow on left). The numerical annotations indicate levels above ordnance datum.



The proposals do not include any disturbance of the ground, with a temporary surface being laid over the floor of the previously existing single storey building.

Other works implemented on site that are not relevant to this application include the erection of a timber and perspex type gazebo, the laying of astroturf type ground covering and the use of the site together with adjacent car park as an outdoor café bar, in association with the Douglas Hotel, as the 'Ivy Lodge'. The erection of these structures and the use of the premises have been considered separately under the Council's 'Spaces for People' initiative and is considered to be temporarily exempted from any further requirements for planning consent in that context..

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=QQFGD3BZHWR00>

Including:

Letter from Macleod Jordan Structural Engineers, dated 04.05.2021.

Archaeological Assessment of Potential and Mitigation Proposals by Archaeology Group, April 2010
Heritage Statement – Redevelopment of the Douglas Hotel site on Shiprow, Aberdeen by Andrew PK Wright, April 2010

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the number of representations (131no.) means that the application falls outwith the Scheme of Delegation to Officers.

CONSULTATIONS

Historic Environment Scotland (HES)– Pleased to note the revision to retain the Shiprow wall. This comprises a surviving medieval wall, including Gothic arched doorway and narrow slit openings, forming the front elevation of the disused nightclub / pub. The flat roofed structure is of no architectural or historic interest. Adjoining the Shiprow wall is a salvaged 19th century semi-circular arch, which it is understood to have been rebuilt in 1965 with a gate and overthrow masonry. If the proposal had not been revised, HES would have objected to the loss of the historic features.

The east boundary wall was of similar height and traditional masonry construction to the adjoining 19th century wall section. The application previously indicated a more uniform reduction in height to 2 – 2.5m and HES considered that this represented a significant reduction in height of the wall, with consequent loss of character as a traditional high wall feature (the works that have taken place result in varying height reduction as shown in the drawing excerpt above). HES consider that both walls are of significance to the conservation area, contributing to the sense of place in this medieval part of the city centre close to the harbour. The Council's Union Street Conservation Area Appraisal 2007 recognises this area as one of the oldest parts of Aberdeen.

HES urges that in addition to the retention of the Shiprow fronting wall, the east boundary wall be retained at full height, in the interests of safeguarding the special historic character of the conservation area. It is also noted as being desirable that the making good of the historic walls be appropriately managed following demolition of the flat roofed building.

By way of update, and further to the receipt of the letter from the structural engineer, HES commented further that in light of the latest information submitted, it is appreciated that the Council must satisfy themselves regarding the structural condition of the wall and the justification for its partial dismantling as shown in the latest drawings. It is stated that if the planning authority is satisfied that there is sound justification, HES would agree that the works of making good include reclaimed granite copes or similar traditional finishing.

Archaeologist – Notes that there is no ground-breaking proposed, and there will be no need for any archaeological monitoring given that they are doing limited repairs.

The requirement for a Standing Building Survey of the wall should be conditioned, it is noted that the Heritage Statement includes a drawing of the wall dating from 2010, though the resolution of the image is poor. If the Applicant could send through a copy of that drawing at its original resolution then the only remaining requirement will be photographs with scales (ranging rod) to be taken along the length of the wall and for any specific architectural element showing on either side. This will ensure there is a full and proper record of the wall for the future.

City Centre Community Council – No comments received.

REPRESENTATIONS

One hundred and thirty one (131 no.) letters of objection were received, including from the Aberdeen Civic Society and the Architectural Heritage Society of Scotland. The majority of these were received before the scheme was revised to include retention of the Shiprow wall.

The matters raised were as follows:

- a. The walls are part of a medieval building, contributing to the physical and intangible heritage of Aberdeen and should be retained.
- b. The walls should be incorporated into the proposals for the site.
- c. This is the oldest area of the city and should be preserved for future generations.
- d. That the wall facing Shiprow is very old and on ancient foundations. Other walls within the feu will also sit on ancient foundations. The site will contain archaeological remains of value and should be very carefully preserved.
- e. Object to the reduction in height of the equally historic side wall which is part of the passageway ascending to the Adelphi. If the side wall is reduced to 2m in height, the Shioprow wall would become a façade. Both walls contribute to the character of the Conservation Area.
- f. It is noted that the building is on the Buildings at Risk Register.

MATERIAL CONSIDERATIONS

Legislative Requirements

Under Sections 59(1) and 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

National Planning Policy and Guidance

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Historic Scotland's Historic Environment Policy Statement
Managing Change in the Historic Environment – External Walls
Managing Change in the Historic Environment - Demolition

Aberdeen Local Development Plan (2017)

Policy D4 – Historic Environment
Policy D5 – Our Granite Heritage
Policy D1 – Quality Placemaking by Design
Policy NC2 – City Centre Retail Core

Supplementary Guidance and Technical Advice Notes

Union Street Conservation Area Appraisal 2007
Draft Union Street Conservation Area Appraisal 2021

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis.

EVALUATION

Principle of Development

The issue for consideration is the impact of the demolition on the character of the Union Street Conservation Area.

The site is designated under Policy NC1 – City Centre Development – Regional Centre. This policy is not directly relevant to consideration of the application, other than the extent to which the regional centre benefits from the historic buildings that contribute to its character. The proposal would not conflict with Policy NC1.

Policy D5- Our Granite Heritage, seeks the retention and re-use or conversion of all granite features, structures and walls. The policy states that proposals to demolish, even partially, granite features within a Conservation Area will not be approved unless the proposal meets Historic Scotland's policy test for demolition. The relevant HES policy is Historic Environment Policy for Scotland.

Policy D4 – Historic Environment refers to national policy as well as conservation area appraisals and supplementary guidance. It presumes in favour of retention and reuse of buildings within conservation areas that contribute to their character.

National guidance in HEPS and SPP advises that works to the historic environment should be informed by a thorough understanding of the features in question and that changes to specific assets should be managed in a way that protects the historic environment. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Managing Change guidance advises that normally demolition would be considered together with proposals for redevelopment, with the key principle being that the character and appearance of the area should be preserved or enhanced.

The Union Street Character Appraisal notes that this area of the city is one of the oldest, with the Adelphi having been the site of St Katherine's Hill and a strong relationship with the harbour. Allied to this is the buildings inclusion on the Buildings at Risk Register.

The modern structure within the site is of no significant architectural or historic merit and as the works would not involve the street frontages of the site, the removal of this modern structure in itself would have very little impact on the conservation area. This application provides for the steel roof beams to remain and this is welcomed as being of possible structural benefit and as the beams are only partially visible in close oblique views. This element of the proposal preserves the character of the conservation area, with the potential for re-use of the space to enhance the area. This re-use is discussed further, below.

The east boundary wall forms the side of an alley of approximately 35m in length leading between the application site and the Maritime Museum and up to the Adelphi. The works shown on the submitted drawings have already taken place, other than coping which is currently cement. As noted by HES the full height wall had considerable value as a traditional high wall, lending character to the Conservation Area. In terms of its history, it is thought that sections have been re-built at various times, the wall contains areas of concrete and brick infill as well as granite rubble, as is indicated on the elevational drawings and can be seen from photographs of the remaining wall and also of the former height of the wall in 2018 on Google Streetview. A large shrub/tree as well as other vegetation was growing out of the wall and a letter from structural engineers Macleod Jordan confirmed the lack of stability of the upper sections in question. Due to the health and safety concerns outlined by the structural engineer, the reduction in height over a 7m stretch has already been carried out, with larger stones having been retained. In terms of the loss of fabric of the wall, this is unfortunate, however, it is accepted the areas were a safety concern. Impact on the character of the conservation area of the reduction in height of part of the wall is the key consideration, with the traditional high wall between Shiprow and the Adelphi contributing to the character. Even at its lowest point, the wall remains at more than 2.2m in height, the corner of Shiprow and first metre of the wall retains its height. The majority of length of the wall would remain at its current/former height and taking into the account the safety justification, and with a condition requiring a reclaimed granite coping to be added, overall it is considered that the character of the conservation area would be preserved.

In considering the effect on the character of the Conservation Area, there is no associated planning application for either the café bar use or building of structures within the site. However, the site is in use as a temporary outdoor cafe, with the knowledge of the Council's Covid-related Spaces for People Team. Notwithstanding that the continued use as such would require to be the subject of an application which would consider matters such as amenity and design merits of the new structures within a longer-term context, the outdoor café enlivens the area and allows enjoyment of the historic environment. These factors in themselves contribute to the character of the conservation area, although can be given limited weight in consideration of this application. If proposed by the applicant, the permanent continuation of the use would require to be subject a separate planning application once COVID relaxation of controls no longer apply.

The extant planning permission (131375) for the extension of the Douglas Hotel, which involves complete demolition and part rebuilding of the Shiprow wall, is a material consideration, however, it is afforded no weight taking into account that the related Conservation Area Consent for demolition has expired and there is no indication of any intention to proceed with the proposal.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) 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

Approve Conditionally

REASON FOR RECOMMENDATION

The demolition of the modern building within the site, which is of no architectural or historic merit, has had no significant impact on the character of the Union Street Conservation Area. It is acknowledged that the applicant's structural engineer's report demonstrates that the reduction in height of the wall was required for health and safety reasons. Given the limited extent of the reduction, and the overall length of the remaining traditional high wall, it is considered that on balance the proposal would preserve the character of the Conservation Area subject to a condition requiring a reclaimed granite coping to be added. The demolition works facilitate temporary use of the site, which enlivens the area and provides opportunity for enjoyment of the historic walls by the public, thus enhancing the conservation area, although the possible future requirement for planning permission for the café bar use and temporary structures, results in consequent lesser weight being afforded to this public benefit. The proposals are thereby considered acceptable and consistent with the following policies in the Aberdeen Local Development Plan 2017, D4: Historic Environment, D5: Our Granite Heritage, D1: Quality Placemaking and NC1: City Centre Development – Regional Centre, as well as national policy in Scottish Planning Policy and Historic Environment Policy for Scotland and the Managing Change Guidance.

CONDITIONS

1. That a Standing Building Survey of the Shiprow and east walls shall be submitted within 6 months of the date of this permission. This should include the 2010 drawing from the Heritage Statement at its original resolution and 'as existing' photographs with scales (ranging rod) to be taken along the length of the wall and for any specific architectural elements shown on either side. This will ensure there is a full and proper record of the wall for the future.
Reason: In the interests of recording historic features.
2. That within 1 month of the date of this permission, details of the addition of reclaimed granite coping to the section of the east boundary wall affected by the reduced height shall be submitted to the planning authority. Thereafter, works shall be carried out fully in accordance with any details thereby agreed within 6 months any such agreement
Reason: In the interests of preserving the character of the Union Street Conservation Area.

ADVISORY NOTES FOR APPLICANT

1. The applicant should note that the use of the site as a café bar and erection of the structures on site requires planning permission. Should the use and structures extend beyond the current temporary period where an exemption has been applied stemming from the COVID pandemic then a planning application for change of use and erection of any structures will require to be submitted to the planning authority, or the use should cease and the structures should be removed.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



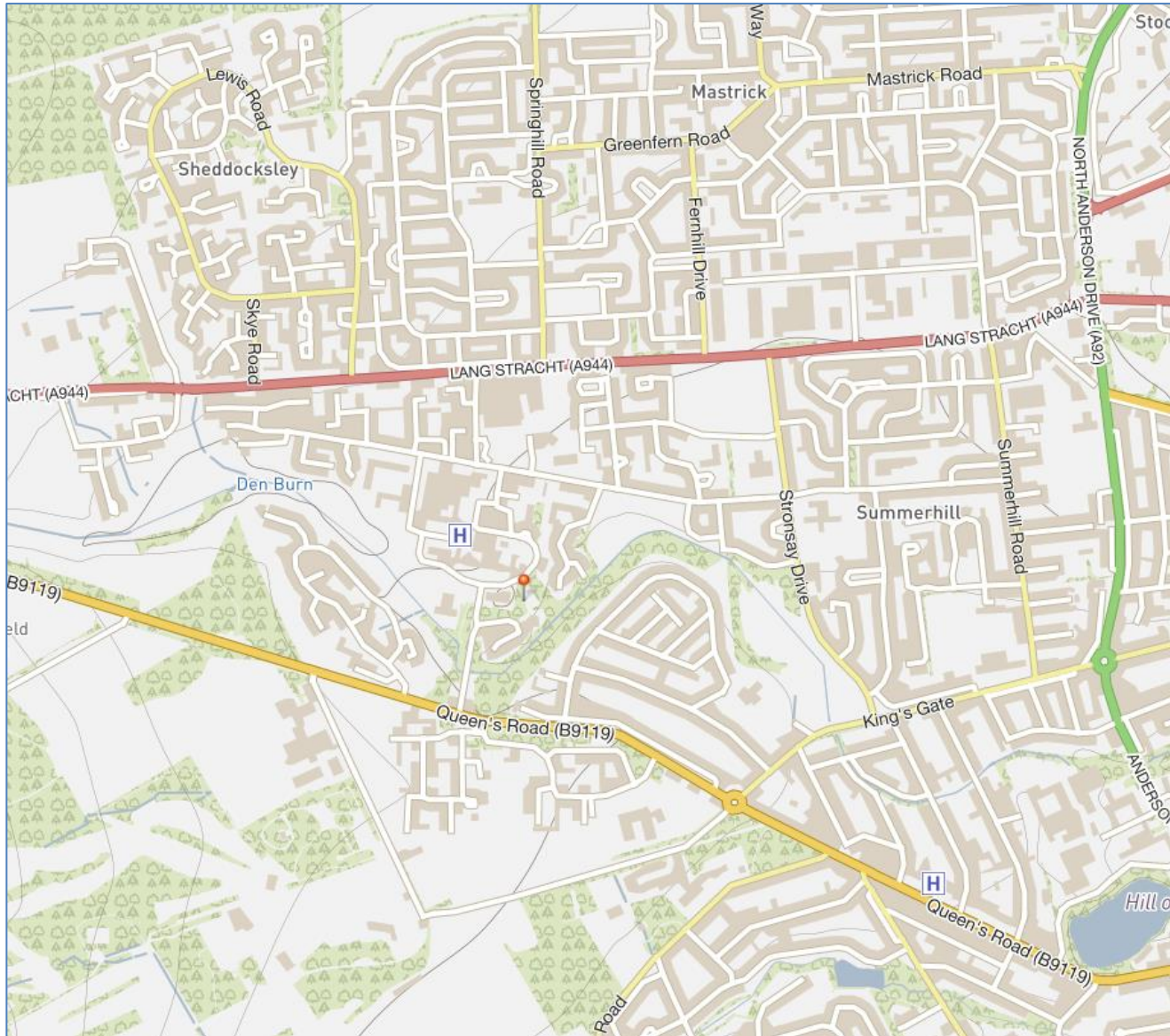
20 May 2021

Formation of access, parking area and
covered bike shed for allotments with
associated works

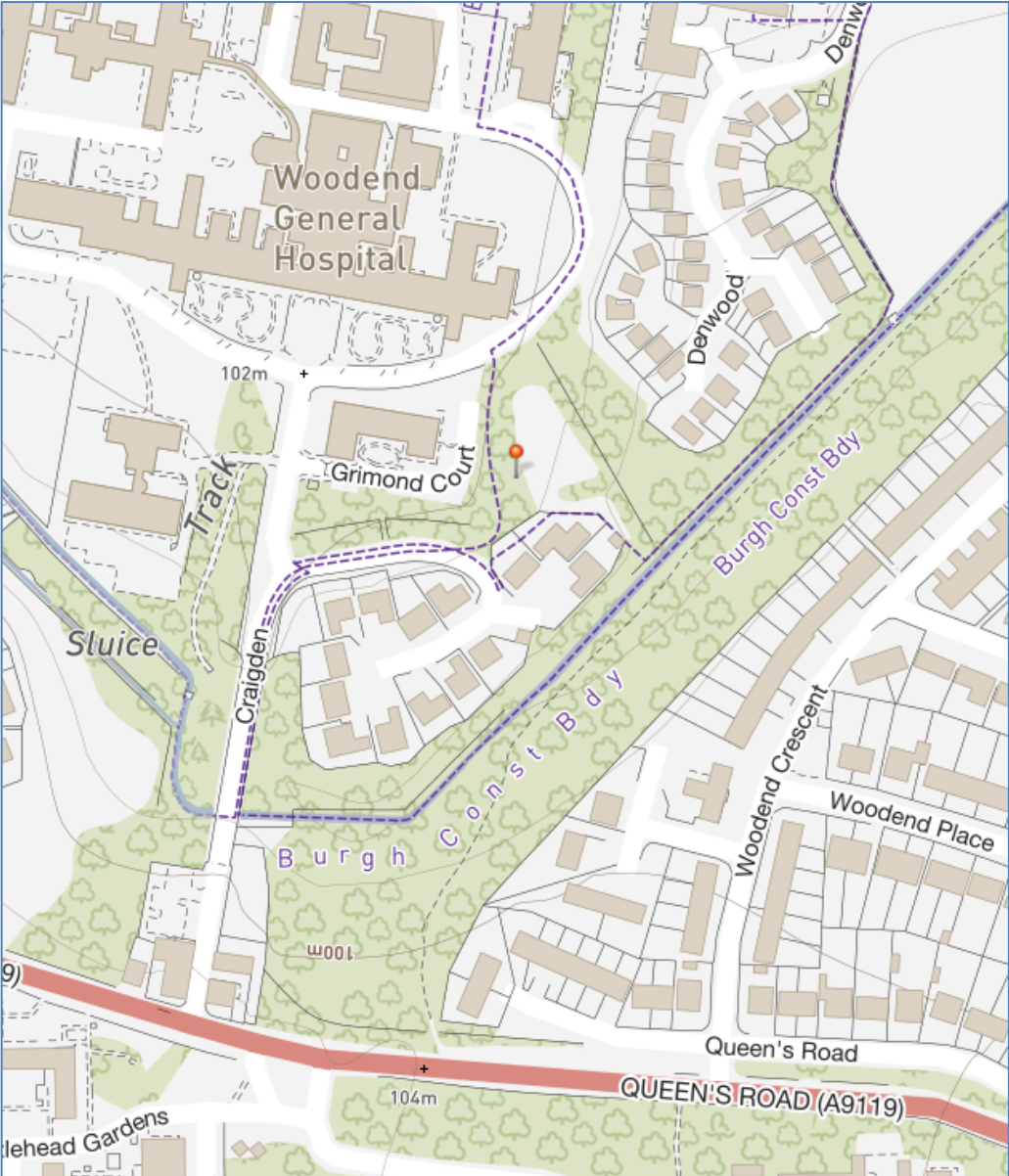
Land North of 15 Craighden, Aberdeen

Application reference: 210283/DPP

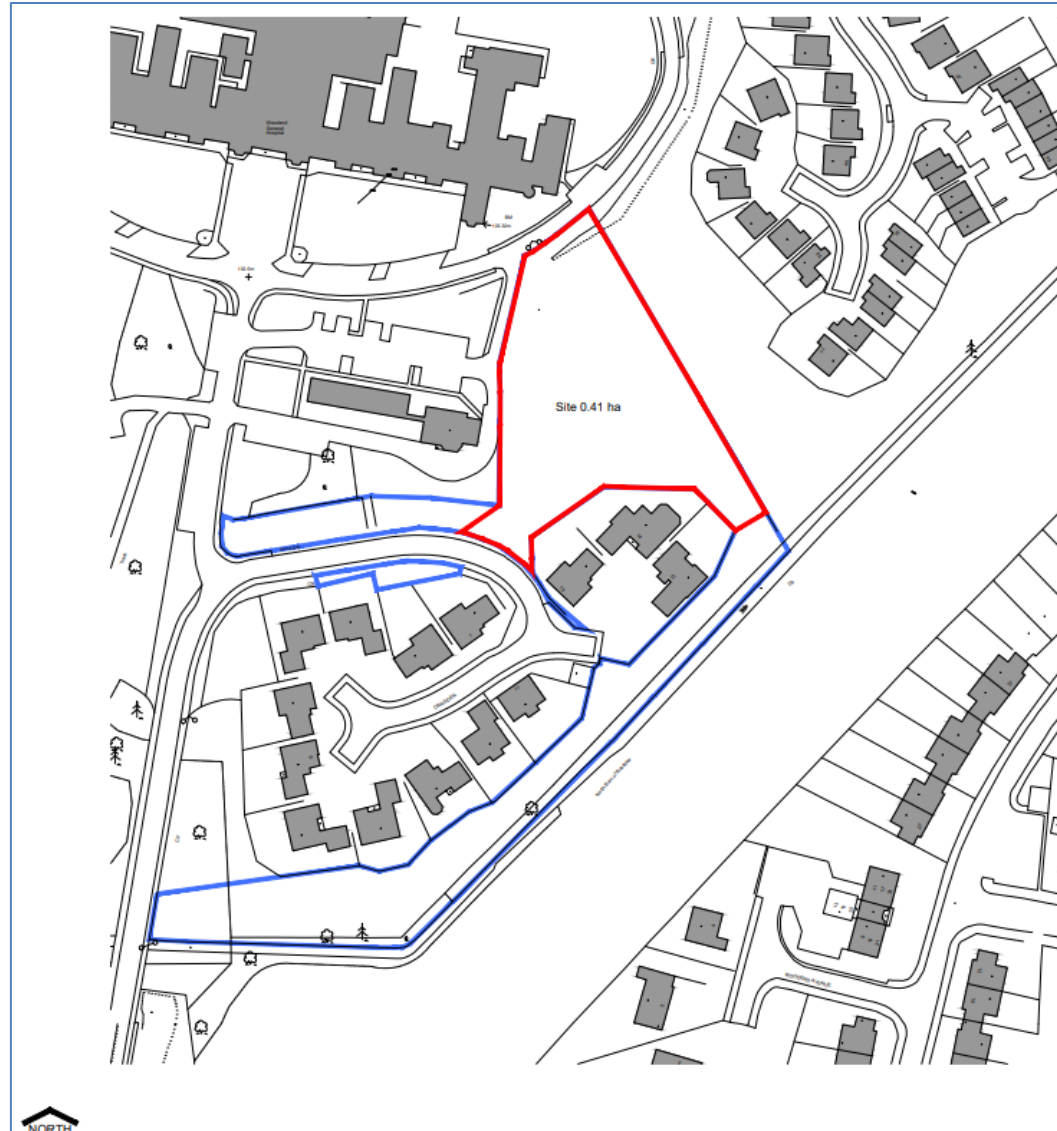
Site Location



Site Location



Site Location



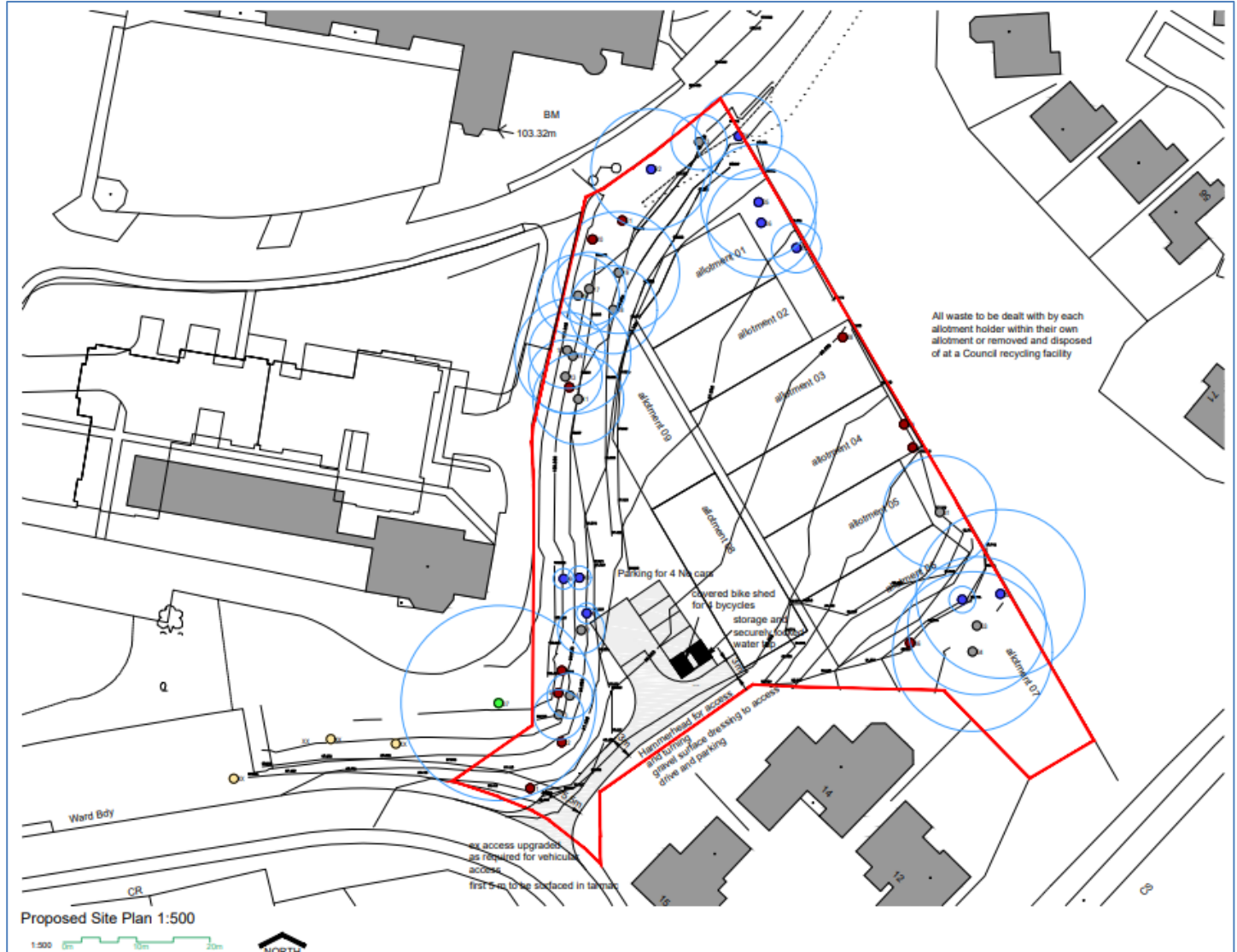
Site Location



Existing Site Plan



Proposed Site Plan



Proposed Bike Store

Store Construction Specification

Horizontal clad timber fence to cycle store.

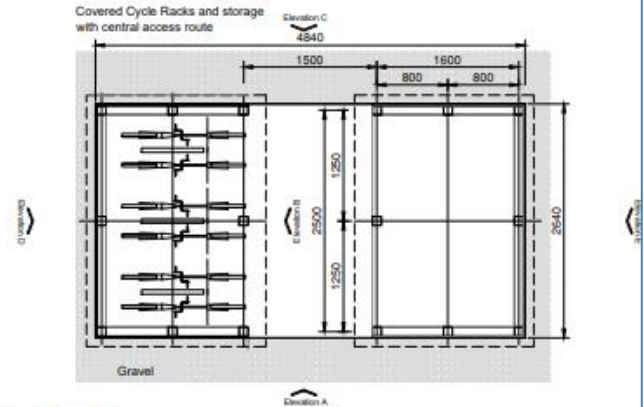
100mm square posts with 22x140mm horizontal fencing painted dark green. All elements screwed together with ss screws.

All timber to be pressure treated and suitable for external situation.

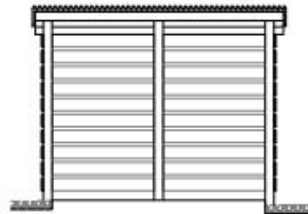
Timber posts to be embedded in suitable concrete footing of post mix concrete.

Stainless steel Sheffield cycle stands fitted to concrete slab within covered cycle store areas as indicated on plan.

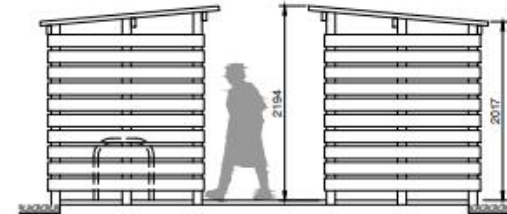
Roof to be corrugated fibre cement sheeting (black) fixed with proprietary fixings to 100x50mm treated timber purlins spanning between timber posts and centre timber.



Store Plan 1:50



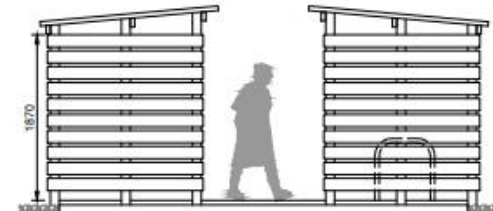
Elevation B 1:50



Elevation A - South East 1:50



Elevation D South West 1:50
Elevation E North East 1:50



Elevation C North West 1:50

Site Photo

Proposed Access



Site Photo

Looking north east



Site Photo

Looking north



Site Photo

Looking towards western boundary



Site Photo

Looking south towards access and 15 Craighden



Site Photo

Looking south west towards 14 and 15 Craighden

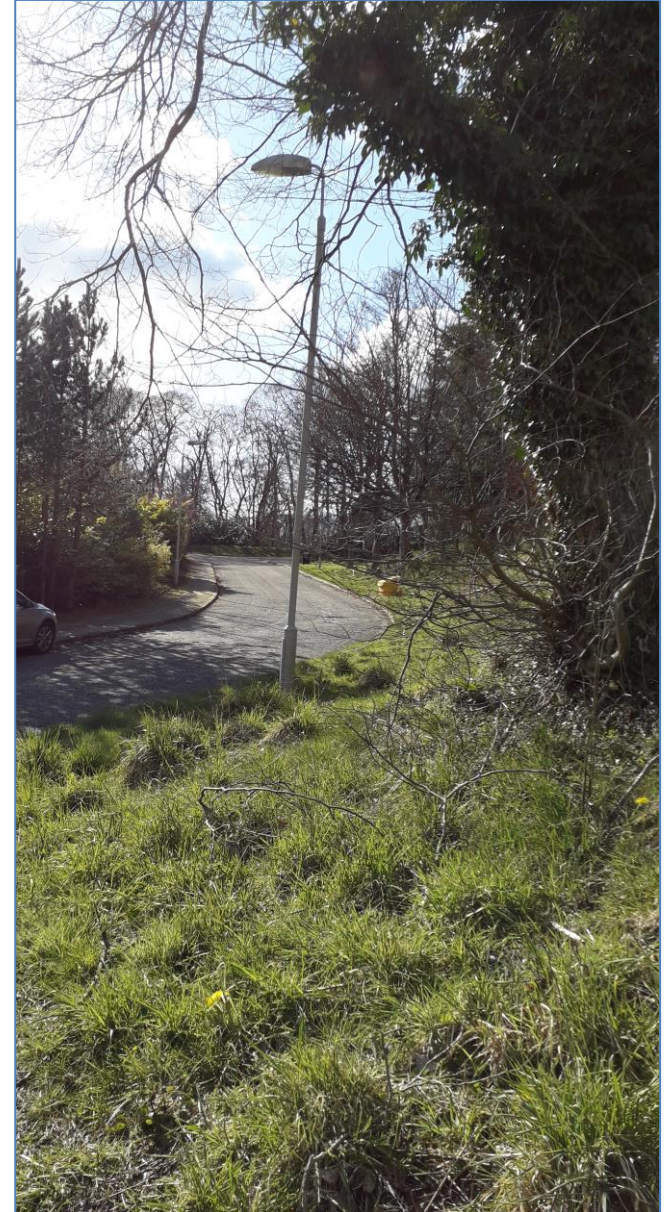


Site Photo

Public Road



Looking south east



Looking west

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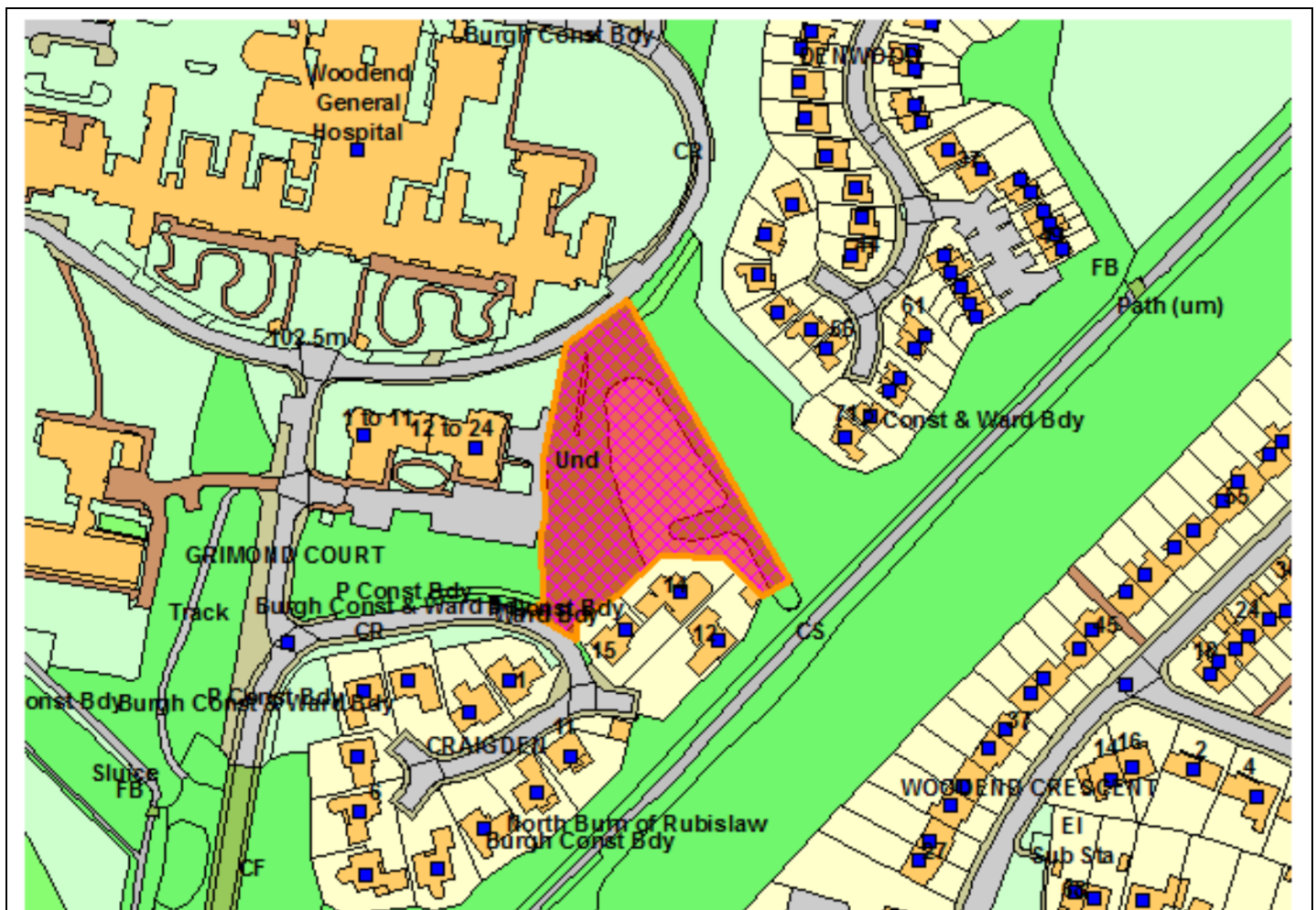


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20 May 2021

Site Address:	Land North Of 15 Craighden, Aberdeen, AB15 6YW
Application Description:	Formation of access, parking area and covered bike shed for allotments with associated works
Application Ref:	210283/DPP
Application Type	Detailed Planning Permission
Application Date:	8 March 2021
Applicant:	Rubislaw Estates Ltd.
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Woodend
Case Officer:	Aoife Murphy



RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site extends to approximately 0.41 hectares in size and lies to the north of Queen's Road between an area of housing 'Craigden' and the Woodend Hospital site. The site accommodates an area of green open space. This is amenity space associated with the existing housing at Craigden. The topography of the site varies substantially, with the area to the west being higher than the area to the east, this is evident when looking at the residential properties that lie either side of the site, those located at Grimond Court are located higher than the detached dwellinghouses at 12, 14 and 15 Craigden, with the difference being several metres.

Mature trees surround the site. The entire site is subject to Tree Preservation Order (TPO) 251. To the south east, beyond the existing dwellings at Craigden is the North Burn of Rubislaw. In the south east corner, the land drops steeply towards the burn. Designated Core Path 27 runs alongside the burn. Within the central area of the site, the land slopes gently towards the south east and this area contains rough grass. Some garden waste has been deposited on the site and was evident at the time of the site visit.

The entrance to the site from Craigden appears to have been a former track, which is located to the south west of the site. To the north west of the entrance, and along the western boundary, the land is graded steeply up towards the flatted block at Grimond Court. The southern boundary is bound by existing garden fences, of timber construction and measuring approximately 1.8m high, which separate the site from 14 and 15 Craigden; both of which have windows at upper level on their north west elevations. The house at 14 Craigden also has a conservatory on the north east elevation, which is clearly visible in its entirety from the application site.

Relevant Planning History

190815/PPP – Detailed Planning Permission for Erection of two-storey 21-bed (circa) care home with associated access, car parking and landscaping – Refused, 30 January, 2020.

98/0493 (980484) – Detailed Planning Permission for change of two house types on plots 2 and 3 approved under 97/1658 – Approved, 13 May 1998.

97/1658 (971630) – Detailed Planning Permission for construction of 94no. Residential Units, Formation of Access Road and Car Parking and Associated Works – Approved, 14 January 1998.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for the formation of a vehicular access and 4 car parking spaces and bicycle storage. The proposed vehicular and cycle facilities are proposed to serve a future allotment use in the north eastern part of the site. It should be noted that the planning application site boundary extends beyond the area looking to be developed to accommodate the aforementioned facilities. Tarmac surfacing would be applied to the initial 5m section close to the junction with the adopted road, with the remainder being gravelled. The cycle shed and store would be built in timber with corrugated cement fibre roofs.

The supporting information and plans set out that the proposal is related to allotments to be formed within the site. From a recent site visit, the Planning Service can advise that the allotments have not yet been formed and the site remains open and accessible to the public. In terms of

permission for the allotments, the applicant has been advised that planning permission is not required, as the formation of allotments in this location would not constitute development. Section 26(2)(e) of the Town and Country Planning (Scotland) Act 1997 advises that the use of land for agriculture does not constitute development, therefore, planning permission is not required for this use. Additionally, Section 277 of the same Act outlines the definition of agriculture which includes horticulture and therefore includes the use of allotments. As such, the Planning Service do not require an application for the change of use from amenity ground to allotments. Through the current application therefore, only the acceptability or otherwise in planning terms of the proposed access and parking area is to be assessed.

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=QPGF9PBZHAG00>

Tree Survey Report, prepared by Astell Associates, March 2021.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal as per 1. vii of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – has advised that it has no objection to this proposal.

Woodend Community Council – no comments received.

REPRESENTATIONS

12 representations have been received (11 objections and 1 neutral). The matters raised can be summarised as follows –

- Area has been used by many as amenity ground since the first lockdown in March 2020
- Site was originally for community use and should remain as such
- Loss of designated amenity space/green space/open space
- Concerns regarding potential future development on the site
- Development required for successful allotments - sheds/paths etc. resulting in impacts on privacy
- Proposal would restrict access and reduce ability to enjoy open space
- Access to the site is unsuitable
- Increased traffic and parking at Craigden
- Lack of parking within the site
- Road network congested with parking from nearby hospital
- Road safety concerns
- Concerns raised regarding dumping within the site
- Concerns regarding environmental impact
- Loss of trees, protected by TPO (past and proposed)
- Site contains Japanese Knotweed
- Impact on wildlife and wildlife corridor linked to Maidencraig Nature Reserve

- Concerns regarding proposed deer fencing
- Concerns regarding proposed tree protection fencing
- Flood risk from proposed parking area
- Impact on the character of the amenity area
- Impact on privacy and overlooking of surrounding properties
- Lack of compliance with local policies and other guidance including Scotland's Allotment Site Design Guide 2013 and Aberdeenshire Planning Advice on Allotments
- The boundary between site and Grimond Court will need to be maintained during construction and life of the proposal and Grimond Court should not be utilised during construction for parking
- Use of allotments not requiring planning permission
- Ground conditions not suitable for allotments
- Concerns regarding commercial aspect of the proposal
- Insufficient drawing relating to Tree Survey Report

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 was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen Local Development Plan (2017)

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy H1 - Residential Areas

Policy NE1 - Green Space Network

Policy NE3 - Urban Green Space

Policy NE5 - Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020. The Proposed Aberdeen Local Development Plan constitutes the Council's settled view as to what the final content of the next adopted Aberdeen Local Development Plan 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 Aberdeen Local Development Plan (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed Aberdeen Local Development Plan;
- the level of representations received in relation to relevant components of the Proposed Aberdeen Local Development Plan and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policy NE2 - Green and Blue Infrastructure, Policy NE5 - Trees and Woodland, Policy H1 - Residential Areas, Policy T2 - Sustainable Transport and Policy T3 - Parking are relevant in this case.

EVALUATION

Principle of Development

The site falls within a residentially zoned area and therefore requires to be assessed against Policy H1 - Residential Areas. The entire site however is also designated as Green Space Network and functions as amenity space for the surrounding housing development, in line with the original 1998 permission. As such the proposal also requires to be assessed against Policy NE1 - Green Space Network and Policy NE3 - Urban Green Space.

With respect to Policy H1, the Local Development Plan advises that within existing residential areas, proposals for non-residential uses will be refused unless they are considered complementary to residential use or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. In this case the proposal would see the formation of a formal vehicular access and parking area towards the south west of the site and it is not considered that these elements would result in any conflict or nuisance on the current levels of residential amenity. The development will see a small increase in the number of people visiting the area, given what the parking area is proposed to serve but this is not considered to be so significant that it results in a conflict with Policy H1 or warrants refusal of this application. Transport and parking impacts are considered below.

Turning to Policy NE1, it aims to protect and enhance the recreational and landscape value of the Green Space Network and advises that 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 NE3 also advises that development that would see the loss of existing areas of urban green space will not be supported.

Indeed, upon reviewing this proposal at pre-application stage the applicant was advised that while the formation of the access and parking area would see the loss of the some open space, the proposed use would serve the wider area of open space and encourage the use of the land by members of the public. However, since that advice was given, the Planning Service have reviewed the planning history of the site in more detail, namely planning applications 97/1658 (971630) and 98/0493 (980484) relating to the existing adjacent residential development at Craighden.

The plans relating to application 97/1658 and the later application 98/0493, show the application site designated as open space as part of the residential development. Condition 13 of 97/1658 is also relevant and reads as follows:

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

The above condition was purified by the planning authority on approval of a plan showing the area with a planting scheme and a letter from the Green Belt company confirming in principle that it would adopt and maintain the open space and wooded areas. It is therefore clear that the area was approved under the above application as open space for the Craighden development. It is recognised that more recently, some types of recreational use of the area have been constrained by a lack of management. The area is also included within the Council's open space audit as part of a wider open space that includes the North Burn of Rubislaw corridor. The open space scores

16 out of 20 in the audit, which looks at a number of factors including biodiversity, sense of place, community and health, giving it a high value.

As such, it is considered that the proposed access and parking area would result in a detrimental impact on the character of the Green Space Network and would also result in the loss of an area of urban green space, which was designed to serve the surrounding residential properties.

While the proposal in itself is small scale and on its own is not considered detrimental, when coupled with the fact that it would lead to the complete loss of this area of open space from the surrounding residents, its development is considered inappropriate. While the development does not directly conflict with the criteria of Policy H1, it does conflict with the criteria of Policy NE1 and NE3, which are considered to be equally important, given the site's Green Space Network designation and function as open space associated with residential development. On balance, therefore the development cannot be supported by the Planning Service owing to the reasons highlighted above.

Notwithstanding the above, the applicant could proceed to form the proposed allotments as they do not require consent, however, this could only be done without the proposed vehicular access and associated parking area.

Impact on Trees

The site contains a number of mature trees which appear to run along the site's west, north and eastern boundaries. These trees are protected by a TPO, which extends to other trees outwith the application site. There are further trees to the north east, east and south east of the site, which are not covered by a TPO. Concerns regarding the felling of trees within the site was raised by members of the public, but it is considered that no works to protected trees took place and any felling that took place was to unprotected trees outwith the site boundary.

In order to adequately assess the development impact on these trees a Tree Survey Report, Arboricultural Assessment Layout and a Tree Protection and Management Layout have been submitted. The report outlines that 37 trees were surveyed with 10 of those trees requiring to be removed for safety reasons, these are identified as trees 5, 6, 12, 20, 21, 28, 29, 29B, 30 and 36. The remaining 27 would be retained. It is also noted that trees identified as 1 and 2 on the associated drawing have already been removed.

In order to assess the proposal against Policy NE5 - Trees and Woodlands, the Planning Service need to consider the two main concerns relating to the proposed development, the first being the immediate short-term impact and the second being the longer-term impact. While only those aspects considered to be development will be assessed under this application, the Planning Service must take into account the extensive red line boundary and therefore any works to or potential impacts on trees within the TPO area also need to be considered.

It is considered that due to the sloping nature of the site it is likely that there will be an impact on trees 7 and 8 due to excavation associated with the parking area. It is likely that excavation outwith the area marked for parking/manoeuvring will be required to form a levelled parking area and to reform the banking to the west of the parking area.

In respect to other immediate impacts, these relate to the root protection areas (RPA) of the existing tree stock and specifically the work required to form the allotment sites which would require heavy cultivation. In total 80-90% of tree roots are present within the top 60cm of soil the cultivation of the allotment soil within the RPA will have the same impact as excavating the site. As such, allotment 1 would have a significant impact on the RPA of trees 18, 19, 25 and 26. Allotments 5, 6 and 7 would have a significant impact on the RPA's of trees 31-35. While trees

32-35 are currently marked for retention, as this area is designated as allotment 7 their retention is not considered compatible with the proposed use.

In light of the above, the proposed use of the site as allotments and the associated access and parking area is not considered compatible with the long-term retention of the existing tree stock. Whilst the site is south facing, it is heavily shaded for a disproportionate amount of time due to the height of the current tree stock. It is considered that the intended use of the site is unlikely to be compatible with the long-term retention of trees in their current form due to the level of shading. There are also concerns relating to future tree loss due to non-compatibility with the proposed use or unnecessary tree work to reduce canopy size which will have a negative impact on the health of the trees.

Policy NE5 sets a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. It also requires development to minimise adverse impacts on existing tree stock. The proposed layout and proposed future use will result in an adverse impact on the existing tree stock and will compromise the retention of the existing trees.

The current submission outlines several arboricultural activities within the extensive red line boundary that are not necessarily required to implement the proposed works due to their distance from the proposed access and parking area, but require to be taken into account as they fall within the application site boundary and are not deemed appropriate. If this application were to be approved, then so would these works, as such, it is considered that the proposal would not be considered compliant with Policy NE5 due to the impact on both existing and protected trees.

Design

The only aspect to be considered with regards to design is the proposed bike store, overall, this are considered to be acceptable and appears to be in keeping with the character of the surrounding area.

Amenity

Concerns regarding impacts on current levels of amenity have been raised through representations. However, it is expected that the impact from the proposed access or parking area would be negligible, especially considering that this area is area of open space and can be used by the public at any time during the day.

Access and Parking

Access to the site would be off Craigden to the north west of number 15 and would utilise an area of ground that appears to have been a former track. Initially the proposed track was considered to be substandard, particularly as there is no footway proposed and which would not permit vehicles to pass one another, or even a pedestrian to walk around an oncoming vehicle. The Roads Development Management Team believed that an access road of at least 5m would be required, which would be suitable to be used by trailers or large vehicles that may bring in heavy goods such as soil, stones, wood, etc. Similarly, roads are required to meet at 90 degrees, however in order to avoid the embankment the access road proposed is quite meandering. In response to this, the applicant has made the road less meandering and has provided a widening at the site access to provide space for a vehicle to pull in to let an oncoming vehicle pass. It is considered that given the nature of what is proposed for this site that this is an appropriate compromise.

There was a further query regarding the level of parking proposed and the applicant's decision to have 4 parking spaces for 9 allotments. The applicant has stated that, due to a lack of explicit standards, they looked to existing allotment sites in Aberdeen, and have provided parking on this site at a ratio of 1 space for every 2 allotments. This is considered to be reasonable.

The turning head should extend 0.5m past the last parking space to facilitate ease of use and this has been provided with the submitted drawings. The southern arm of the hammerhead is less than 3m in width which seems particularly narrow. On top of this the covered bike shed is adjacent to the carriageway and there should be at least 0.5m clearance to prevent collisions. The applicant has provided details regarding this and all aspects are considered acceptable.

As a further note, the Roads Service has advised that this site would be subject to a Section 56 Roads Construction Consent application. As part of this the gradients, widths, alignment, etc. would all be reviewed and, as such, these features are not checked in detail at this stage.

In light of the above, it is considered that the proposal complies with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

Representations

The following concerns have been raised through representations; all concerns not already addressed above will be considered below.

- Area has been used by many as amenity ground since the first lockdown in March 2020 – *The use of the site as amenity ground is considered above.*
- Site was originally for community use and should remain as such – *The use of the site as amenity ground is considered above.*
- Loss of designated amenity space/green space/open space – *The use of the site as amenity grounds is considered above.*
- Concerns regarding potential future development on the site – *The Planning Service is only able to consider the proposal in front of them, any further development would need to be assessed on its own merits.*
- Development required for successful allotments - sheds/paths etc. resulting in impacts on privacy – *The only development proposed is the formation of the access road and car and bicycle parking, any further development required is likely to require planning permission, the assessment of which will assess impacts on amenity.*
- Proposal would restrict access and reduce ability to enjoy open space – *The use of the site is not changing but it is accepted that the proposed allotments would reduce the public's ability to use this area for recreation purposes. However, this aspect cannot be assessed as the allotments do not require planning permission.*
- Access to the site is unsuitable – *The access has been assessed by the Council's Roads Development Team and no concerns have been raised.*
- Increased traffic and parking at Craighden – *Given the size of the site, it is not anticipated that there would be a significant increase of traffic to the area and an adequate level of parking has been provided for within the site.*
- Lack of parking within the site – *This aspect has been assessed by the Council's Roads Development Team and no concerns have been raised.*
- Road network congested with parking from nearby hospital – *This was not raised as a concern by the Council's Roads Development Team. Should indiscriminate parking be an issue Police Scotland should be contacted.*
- Concerns raised regarding dumping within the site – *It is acknowledged that some waste has been deposited in the site, which appears to be garden waste, it would be for the owner of the site to have this removed and ensure that dumping does not take place on site.*
- Concerns regarding environmental impact – *Impacts on trees have been considered above. Given the scale of the development proposed, it is not considered necessary to request any surveys, overall, it is considered that any impact will not be significant.*
- Loss of trees protected by TPO – *This aspect has been addressed above.*

- Site contains Japanese Knotweed – *The applicant has provided information advising that there is no Japanese Knotweed on site and should any be found, it would be for the applicant to dispose of this in the correct manner and in consultation with SEPA.*
- Impact on wildlife and wildlife corridor linked to Maidencraig Nature Reserve – *It is not considered that the development proposed will impact on any wildlife corridors.*
- Concerns regarding proposed deer fencing – *It is noted that the submitted Tree Survey refers to a deer mesh fence to be erected, however, no details regarding this aspect has been submitted with this application. Therefore, this aspect cannot be considered by the Planning Service, should a fence be proposed then details of this would be required and it is likely that planning permission would be needed.*
- Concerns regarding proposed tree protection fencing – *When works are proposed in the vicinity of trees be they protected or otherwise, tree protection fencing would be required, however, this is only for the period of construction or works and should be removed from the site thereafter.*
- Flood risk from proposed parking area – *The access road and parking would require to be internally drained so as not to increase the risk of flooding to other areas.*
- Impact on the character of the amenity area – *This has been addressed above.*
- Impact on privacy and overlooking of surrounding properties – *This has been addressed above.*
- Lack of compliance with local policies and other guidance including Scotland’s Allotment Site Design Guide 2013 and Aberdeenshire Council’s Planning Advice on Allotments – *As noted above the formation of allotments does not require planning permission as such this is not a material consideration, however, the applicant should bear in mind the details within the 2013 Design Guide, but as this is not legislation there is no requirement to do so. With regards to Aberdeenshire Council’s Planning Advice on Allotments, the Planning Service cannot comment on this as it is guidance relating to another planning authority and not a material consideration in the assessment of this application.*
- The boundary between the site and Grimond Court will need to be maintained during construction and life of the proposal and Grimond Court should not be utilised during construction for parking – *The proposal does not contain any works to the between the site and Grimond Court. With regards to parking within Grimond Court, this will for the construction team to ensure there is no impact.*
- Use of allotments not requiring planning permission – *This has been addressed above.*
- Ground conditions not suitable for allotments – *This is for the applicant to consider and not a material consideration.*
- Concerns regarding commercial aspect of the proposal – *This is for the applicant to consider and not a material consideration.*
- Insufficient drawing relating to Tree Survey Report – *The submitted information is considered to be sufficient to assess the potential impact on the trees, which has been outlined above.*

Proposed Aberdeen Local Development Plan

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

Conclusion

While the proposed development would not directly conflict with the criteria of Policy H1 - Residential Areas, it is considered that the development would have an unacceptable impact on the character of the Green Space Network and result in the loss of an area of designated open space with the amenity value, which is not compliant with Policy NE1 - Green Space Network or Policy NE3 - Urban Green Space. The works and activities required to be undertaken to protected trees are not considered appropriate when assessed against the criteria of Policy NE5 - Trees and Woodlands. While the proposal is compliant with Policy T2 - Managing the Transport Impact of

Development and Policy T3 - Sustainable and Active Travel, it is considered that overall the proposed development is unacceptable and there are material considerations that warrant the refusal of this application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed works are contrary to Policy NE1 - Green Space Network and Policy NE3 - Urban Green Space of the Aberdeen Local Development Plan 2017, in that the proposal would erode the character of the Green Space Network and would result in the loss of an established area of urban green space, which directly serves the surrounding residential properties.
2. It is considered that the proposed works and activities within the application site would result in an adverse impact on the existing tree stock and would compromise the retention of the existing trees to the detriment of nature conservation, local character and amenity and climate change mitigation and the information submitted is not considered to be sufficient to negate any concerns. As such the development is not considered to be compliant with Policy NE5 - Trees and Woodlands of the Aberdeen Local Development Plan 2017.



PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

20th May 2021

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

Binghill House, Binghill Road, Aberdeen, AB13 0JL

Application Ref: 200750/PPP

LOCATION PLAN – MILLTIMBER CONTEXT

**APPLICATION
SITE**

OLDFOLD

**BINGHILL
ROAD**

**CONTLAW
ROAD**

MILLTIMBER

NORTH DEESIDE ROAD



LOCATION PLAN



AERIAL PHOTO





Existing/ Proposed Site Access Locations



VIEW FROM EASTERN SECTION OF SITE





LOOKING SOUTH FROM CENTRAL AREA WITHIN SITE

INDICATIVE SITE PLAN



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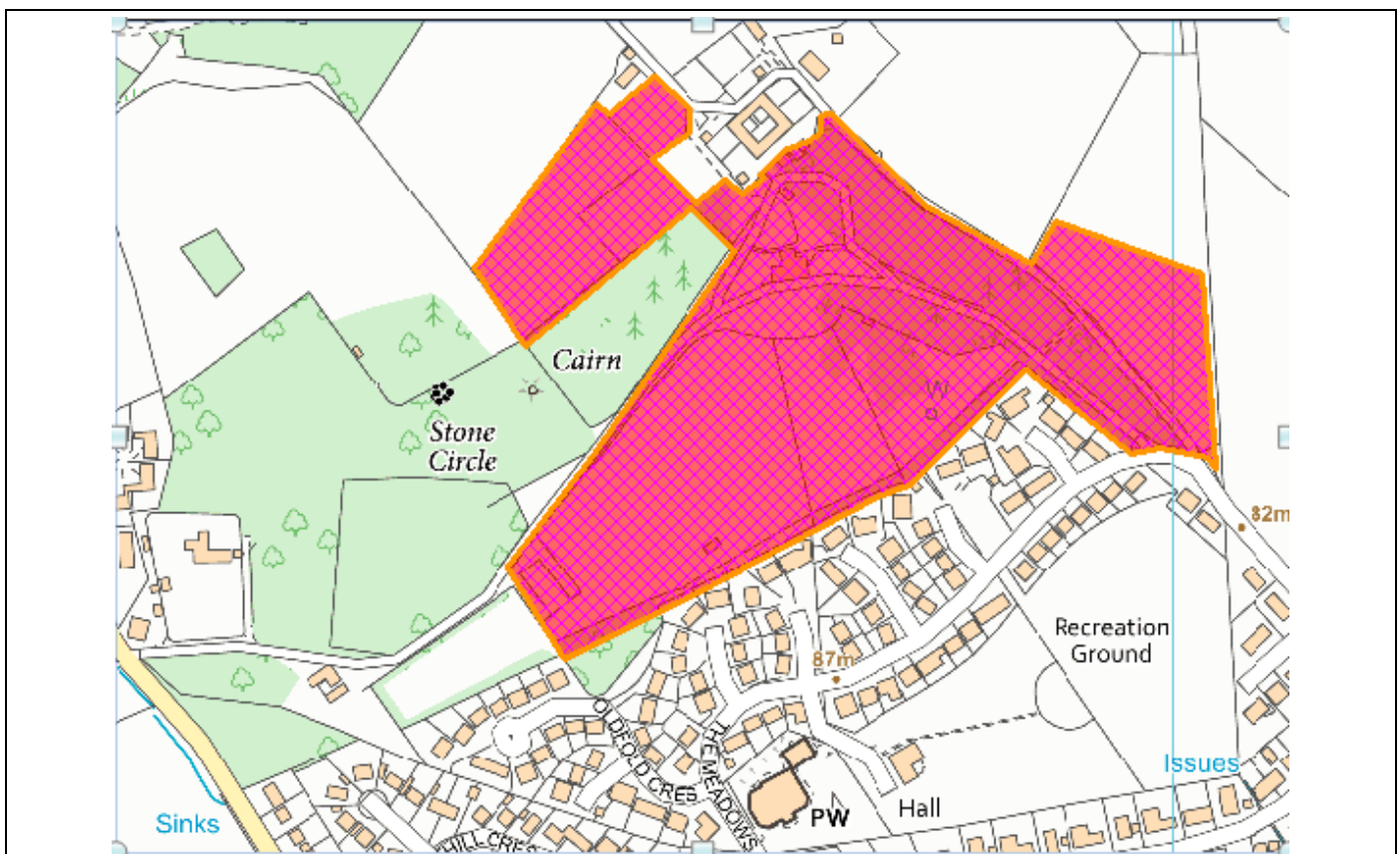


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20th May 2021

Site Address:	Binghill House, Binghill Road, Aberdeen, AB13 0JL.
Application Description:	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
Application Ref:	200750/PPP
Application Type	Planning Permission in Principle
Application Date:	3 July 2020
Applicant:	Mrs Shona Buyers
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site extends to approximately 8.4 hectares and is located to the immediate north of the settlement boundary of Milltimber and is accessed via Binghill Road. The site currently accommodates the Category "C" listed Binghill House (listed in November 2014) and its associated landscape setting, which include mature trees and areas of grassland. The trees at the main access to the site, for the first circa. 110m of the driveway are covered by a Tree Preservation Order (TPO125: Binghill Road). The driveway is in the south-eastern section of the site, running through the existing treeline toward the house, which sits in the northern section of the site.

The site is bound by the settlement of Milltimber to the south, and by areas of agricultural land and woodland on the other sides. A steading development also sits to the north of the site, with further residential properties located on Contlaw Road to the west and the residential development of Oldfold located to the south-east. Two scheduled monuments (Binghill House Stone Circle and Cairn) are located to the north-west of the site, out with the application site boundary.

The application site is allocated as Green Belt (Policy NE2) and Green Space Network (Policy NE1) in the adopted Aberdeen Local Development Plan 2017, with similar allocations contained in the Proposed Aberdeen Local Development Plan 2020 (Green Belt NE1) and Green and Blue Infrastructure (NE2).

Relevant Planning History

A proposal of application notice (Ref: 190857/PAN) was submitted in May 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.

An Environmental Impact Assessment (EIA) screening opinion (Ref: 191893/ESC) was issued in January 2020 advising that an EIA 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). It was the view of the Planning Service that the development did not require an EIA, however, there were potentially significant impacts on the existing green space and ecology. Detailed ecology, habitat, and tree surveys to recognised standards along with appropriate mitigation and a Construction Environment Management Plan would be required to accompany the submission of any application for planning permission.

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.

APPLICATION DESCRIPTION

Description of Proposal

This application seeks Planning Permission in Principle (PPiP) for the erection of what is described by the applicant as an 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.

The indicative layout shows a new access being created from Binghill Road in the south-east section of the site. This area is also shown to accommodate the SUDS basin along with areas of

landscaping. The residential/ mixed use element is shown as being located to the south, south-east and south-west of Binghill House. Allotments are shown to the north-west with a village green to the immediate south of the house and landscaping, footpaths and roads running throughout the site.

It should be noted that as the proposal is for PPIp the above details are for illustrative purposes only and finalised details would be required through any future applications for either detailed planning permission or approval of matters specified in condition. The purpose of the PPIp application is to set out the parameters for an appropriate mix, layout, and scale of development.

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: January 2020: this document includes an archaeological background to the site, a walkover survey, and details of required works/ mitigation measures. Various appendices including historic sites within 1km of the site and photographs were included in the document.

Heritage Planning Statement: Updated January 2021: this document was updated at the request of the Planning Authority. It looked at various aspects including an assessment of the setting of Binghill House, an outline of the proposal, an assessment of impact on setting of the proposals and a summary.

Planning Support Statement: July 2020: provides an introduction, details of the proposal, planning context, discussion, and overall conclusion.

Pre-Application Consultation Report: July 2020: details events that took place prior to submission of the application including consultations undertaken, summary of consultee views and alterations made to the proposal as a result of the consultation and various appendices.

Senior Living Support Statement: July 2020: looks at various issues including demographics, the demand for senior housing, government policy, supply of senior housing, design and details of nursing homes and residential care homes.

Drainage Statement: July 2020: looks at existing site conditions, ground condition, potential flood risk, foul drainage proposals, surface water proposals, construction phase, future maintenance along with various appendices.

Transport Statement: July 2020: discussed the development proposals, expected traffic generation, parking provision, sustainable travel opportunities and an overall conclusion.

Supporting Environmental Walkover Survey: July 2020: looks at various environmental aspects of the proposal including designated sites, a phase 1 habitat survey as well as impacts on a number of animals including badgers, bats, breeding birds, birds of prey, red squirrels, water vole, pine marten and reptiles/ amphibians. Various appendices were submitted in support of the survey including details of trees with bat roost potential and site photos.

Updated Badger Survey and Badger Protection Plan: March 2021: provides details of the site, including locations of badger setts, discussed the impact on the proposals on badgers and details a badger protection plan. Various appendices were also included including details of the location of the setts, and associated photographs.

Landscape Statement: January 2021: provides a landscape context, landscape design principles and details of the indicative site plan.

Tree Survey Report: July 2020: provides details of the site, the Arboricultural impact from the development, discusses zone of influence, tree protection, underground service installation, an Arboricultural method statement and various appendices. Also included were an arboricultural assessment plan and arboriculture impact plan.

Design Statement: January 2021: looked at various areas including the vision of the proposed development, precedent, site details, a site appraisal, design concept, design proposals along with an overall conclusion.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is a major development, it is a significant departure from the adopted local development plan, Cults, Bieldside and Milltimber Community Council have objected to the application and the proposal has been subject to 147 timeous letters of objection; consequently the proposal falls out with the Scheme of Delegation.

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 20th of June 2019 from 1pm – 7pm. An advertisement was placed in the Evening Express on the 12th of 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 Service). These notices included 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.

The applicant has advised that approximately 85 people signed into the public event, but 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 applicant's commentary on whether/ how the proposals have taken them into account.

In addition, members of the design team attended the 23rd May 2019 meeting of Cults, Bielside and Milltimber Community Council and presented the proposed development to those in attendance. Follow up meetings were held with the Planning Liaison Officer and one further member of the Community Council on 27th 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 18th November 2019.

On 20th 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.

Requirement for a Pre-Determination Hearing and Determination of Application

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 development located on an undeveloped and unallocated site within the Green Belt, wherein Policy NE2 'Green Belt' of the Aberdeen Local Development Plan applies, but does not allow for development of this type within its stated exceptions.

Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the Planning Authority was required to give those who make representations an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing. In addition, until 1 March 2020, any planning application which was the subject of a pre-determination hearing under S38A of the Town and Country Planning (Scotland) Act had to be determined by Full Council as per the Local Government (Scotland) Act 1973.

The Planning (Scotland) Act 2019 was passed by the Scottish Parliament in June 2019 and makes substantial changes to the 1997 Act. The implementation of the Act is underway and some of its provisions are now in force. Provisions were brought into force in Quarter 1 2020 removing the requirement for full Council to make decisions on applications where there has been a pre-determination hearing. Therefore, this application may be determined by Planning Development Management Committee.

The proposal was subject to a Pre-Determination Hearing on the 15th of March 2021. The Hearing afforded the applicant and those who submitted written representations on the proposed development the opportunity to verbally present their arguments/ case directly to the Planning Development Management Committee. The minute from that hearing can be found in the Council website along with the agenda pack and a recording of the event:

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=7835&Ver=4>

The hearing was addressed:

- By officers from Aberdeen City Council on the planning and roads considerations pertinent to deciding the planning application.
- By the applicant and the applicant's representatives in terms of the merits of the proposed development; and
- By Cults, Bielside and Milltimber Community Council and three local residents speaking against the development.

Members asked several questions of both the Council officers, the applicant's representatives, and residents. The minute of the hearing has been scrutinised to make sure that any material planning issues and points raised have been addressed in the evaluation of this application.

CONSULTATIONS

Archaeology Service (Aberdeenshire Council) – Advise that, if approved, a condition should require that no works in connection with the development should 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 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 much of the 'central' section of development in an attempt to locate the old house of Binghill/Drum well. (this would be 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 Binghill House Level 1 standing building survey prior to any alterations.

ACC - Developer Obligations – Advise developer obligations are required towards the Core Path Network (£26,784), Healthcare Facilities (£73,697) and Community Facilities (£131,652), Affordable Housing (25% on-site via Low Cost Home Ownership) and request the delivery of high quality on-site open space provision.

ACC – School Estate Team (Education) – confirmed in their response to colleagues in Developer Obligations that given the nature of the development and assuming there will be age restrictions on the occupants, no contributions were required to primary or secondary education.

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). Provision of suitable mitigation measures can address this. Therefore, the following is requested -

- 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. It is therefore requested 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.

Environmental Health 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 – Advise that a Flood Risk Assessment is not required and that any drainage issues should be dealt with by officers 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. It was also noted that mention was made in the response to the potential for a gated community, further clarification was sought from Police Scotland, who clarified that this was not a requirement, more a suggestion.

NatureScot (formerly Scottish Natural Heritage) – whilst they were not formally consulted on the proposals, they confirmed that a badger licence had been granted for the development site.

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

Walking and Cycling: 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 a Matters Specified in Conditions (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 Binghill 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 Binghill Road until such times it can tie in with North Deeside Road and the Deeside Way (part of National Cycle Route) to the south. Binghill 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: 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. It is noted that bus stops for such services are just out with the desired distance of the site but are still considered walkable for future employees. It is also noted that the applicant proposes a shuttle bus to assist residents reaching local amenities.

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 are required to be provided, such as disabled parking, cycle parking (residents/staff) and minibus/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 most trips shall be out with 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 Section 56 RCC.

Scottish Environment Protection Agency – initially objected to the proposal on the grounds of lack of information on potential impacts on Groundwater Dependent Terrestrial Ecosystems. SEPA 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. Following the receipt of additional information, SEPA removed their objection in November 2020.

Scottish Water – 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, Bielside And Milltimber Community Council – following the submission of further information they have confirmed that they object to the planning application. The reasons for objection are that the application is a departure from the Aberdeen Local Development Plan (ALDP) 2017 and the Proposed ALDP 2020, the land is zoned as Green Belt/Green Space Network in ALDP2017 and Proposed ALDP 2020 and that development is above the generally recognised 90m contour.

REPRESENTATIONS

The proposal was initially subject to 173 letters of representation (147 in objection, 24 in support and 2 neutral comments). Following re-notification of neighbours, a further 6 objections were received from parties who had previously commented on the proposal. The matters raised have been summarised and responded to in the section of this report titled "Matters Raised in Representation".

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.

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Scottish Planning Policy (SPP) was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy 2014 as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

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

SPP's identified outcomes include achieving: a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places, a low carbon place – reducing our carbon emissions and adapting to climate change; and a natural, resilient place – helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

Paragraph 15 highlights the role of SPP to set out how these outcomes should be delivered on the ground. By locating the right development in the right place planning can provide opportunities for people to make sustainable choices and improve their quality of life. Paragraph 28 states, as a policy principle, that the planning system should 'support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost'.

As regards the green belt, paragraph 49 advises that, for most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by: directing development to the most appropriate locations and supporting regeneration; protecting and enhancing the character, landscape setting and identity of the settlement; and protecting and providing access to open space.

Again, in the context of development planning, paragraph 52 sets out that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include: development associated with agriculture, including the reuse of historic agricultural buildings, development associated with woodland and forestry, including community woodlands, horticulture, including market gardening and directly connected retailing, recreational uses that are compatible with an agricultural or natural setting, essential infrastructure such as digital communications infrastructure and electricity grid connections, development meeting a national requirement or established need, if no other suitable site is available and intensification of established uses subject to the new development being of a suitable scale and form.

In terms of listed buildings, paragraphs 135 to 137 are also of relevance, these include paragraphs which state that the planning system should promote the care and protection of the designated and non-designated historic environment and also enable positive change in the historic environment.

Changes should be sensitively managed to avoid or minimise adverse impacts on the fabric or setting of the asset and ensure that special characteristics are protected, conserved or enhanced.

In addition, paragraph 141 advises that *“where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building, or its setting should be appropriate to the character and appearance of the building and setting.”*

Paragraph 202, in the context of development management, states that ‘The siting and design of development should take account of local landscape character’, and that ‘developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement’. Paragraph 203 states that ‘Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment’.

Paragraph 214 advises that *“the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.”*

In addition to Scottish Planning Policy, the following National Planning Policy/ Guidance are also considered to be of relevance to the determination of this application:

- Historic Environment Policy for Scotland (HEPS)
- Managing Change in the Historic Environment: Setting

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)

- 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
- CI1: Digital Infrastructure

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

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 Proposed ALDP.

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 and CI1: Digital Infrastructure.

Other Material Planning Considerations

- Housing Need and Demand Assessment 2017
- Housing Land Audit

EVALUATION

Principle of Development

In terms of the principle of the proposal, national and strategic guidance (including the Strategic Development Plan) supports the Green Belt in its role of directing development to appropriate locations, protecting access to open space and protecting and enhancing the character and landscape setting of settlements. SPP identifies types of development that may be appropriate in a Green Belt setting and Policy NE2 (Green Belt) of the ALDP further expands on this.

In respect of Paragraphs 193-203 of SPP, the key considerations are: whether the proposal result in the protection, enhancement and promotion of access to a key environmental resource and whether the nature and/or scale of the proposed development would have an unacceptable impact on its natural environment.

As mentioned above, the application site is located to the immediate north of the settlement boundary of Milltimber and relates to an area of designated Green Belt and Green Space Network land within the curtilage of, and surrounding, the Category C listed Binghill House. The majority of the land to the west, north and east of the site follows a similar designation, with land to the south forming part of the settlement and land to the south-east forming part of the Oldfold land release designation. The proposal would result in built development on a large percentage of the application site, with the applicant indicating within the submitted supporting information that some areas of open space and woodland would be retained within the site. The role of the Green Belt, and the setting of the City as described above would be seriously compromised if the development as proposed were to proceed.

In terms of the ALDP, and as mentioned above, the site is zoned as both “Green Belt” and “Green Space Network” in the Aberdeen Local Development Plan. Policy NE2 “Green Belt” 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.

There are certain exceptions listed in Policy NE2, being proposals related to the provision of essential infrastructure (e.g. electronic communications infrastructure, electricity grid connections), proposals for the conversion and extension of buildings historic or architectural interest, proposals for the replacement of existing houses on a one-for-one basis and proposals for development associated with existing activities in the green belt. Development will only be permitted in these circumstances if all of the following criteria are met: the development is within the boundary of the existing activity; the development is small-scale; the intensity of activity is not significantly increased; and any proposed built construction is ancillary to what exists. In addition, all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

The key issues for consideration are whether the proposed development complies with the uses identified as being appropriate within the green belt, and secondarily the extent of the impact upon

the character and landscape setting of the surrounding area, which the green belts seeks to protect. As mentioned above, Policy NE2 presumes against development, with some exemptions.

In relation to the first point, the proposal is for what is described by the applicant as an active retirement community of circa. 60 units in a mix of apartments, cottages and houses and 20-bed nursing home including small-scale local shop and café, community allotments and associated infrastructure. The proposal would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with an agricultural or rural setting and would not be associated with mineral extraction or landscape renewal.

With regard to the exemptions it is noted that the proposal does not involve development associated with essential infrastructure, or the conversion of an historic building, or a replacement house, or with an existing activity on site (as it could not reasonably or legitimately be argued that the development is an extension of or related to the existing house/residential use of the site), the proposal would not be small scale, the intensity of activities on site would be significantly increased and the development would not be ancillary to what exists on site.

Consequently, the proposal would fail to comply with the aspirations of Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. In circumstances such as this, where a development is considered to be contrary to the provisions of the development plan, Section 25 of the Planning (Scotland) Act 1997 (as amended) requires the planning authority to consider whether there are any material planning considerations that would allow a departure from policy and this is assessed later in this report.

Green Space Network

Policy NE1 (Green Space Network) states that the Council will protect, promote, and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN), which is identified on the Proposals Map. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted and where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments should maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.

Although the proposal does include some connections to the wider path networks from within the site, a significant percentage of the GSN would be lost to facilitate the development, which would result in the loss of most of the wildlife, ecosystem and landscape value of the area. The proposed development would not be capable of mitigating the loss of green space to the degree required to maintain a functioning GSN. Enhanced features as indicated within the supporting statements would not compensate for the loss of this significant area, which would be substantially altered due to the scale of residential development proposed within the curtilage of the site.

The impact on protected species and other landscape designations is discussed further in the “Natural Heritage” section below, but it is the view of the Planning Service that the proposed development would destroy and erode the character and/or function of the GSN in this location and the proposed development would therefore fail to comply with Policy NE1 (Green Space Network) of the ALDP.

Senior Living/ Proposed Development Type

The applicants have submitted various documents in support of the application regarding the proposed use, noting that planning for an ageing population is considered critical to creating successful and inclusive places. The applicant also notes that there is nothing within The Town and Country Planning (Use Classes) (Scotland) Order 1997 which would align with the use proposed and, therefore, there is nothing set in planning law that would constitute “retirement living”. Essentially the proposal would be a housing development that would be restricted by age via a legal

agreement. The applicant considers that retirement villages such as that proposed within this planning application can deliver the type of age-specific housing that the city needs and that the limited scale of development is appropriate for the site.

At the Pre-Determination Hearing (PDH) the applicant stated that the Planning Authority has little control over the inclusion of age-specific housing in the larger allocated housing sites within the city, and furthermore that the type of lower density retirement community development proposed is precluded from all other allocated housing sites because it cannot compete on land values against mainstream house builders. Whilst these comments are noted, no substantive evidence in terms of land values has been submitted by the applicant to support these claims and, with that in mind, there is no reason to conclude that that other, more suitable brownfield sites or sites allocated for residential development within the city could potentially accommodate such development.

The supporting information also argues that the need to cater for a growing ageing population is a national issue that needs tackled at a local scale and that current planning policies and allocations would not be able to deliver an appropriate mix of age-specific housing that the city needs.

The submitted Senior Living Statement discusses national housing challenges, household sizes and the government policy response. Specific reference is made to the current strategy for senior housing contained within the policy document: *Age, Home and Community: A Strategy for Housing for Scotland's Older People: 2012-2021 (Scottish Government 2011)* and noting that further strategies are under development. The supporting statement argues that the proposed development would address the policy initiative by building housing which promotes independent living and would give residents a choice in their housing type, without having to move out of the neighbourhood.

The report also discussed the provision of nursing homes in Aberdeen and noted that four were present within the Cults, Bielside and Milltimber area providing capacity for 217 beds. The applicant argues that the works proposed on site would offer residents the comfort and easy access to nursing services and given the shortage of bed space of this type across the city, the addition of new supply will help satisfy some of the demand for end of life nursing care (in relation to the nursing home provision) and take pressure off local authority provisions. It should be noted that the current form of development for the proposed nursing home is deficient in information regarding layout and external spaces. Further information in this regard would be essential at MSC stage.

The application's supporting documentation considers the specific housing need for elderly persons. The Planning Service does not dispute that there is a demographic trend which indicates an increase in the age groups of persons over 60. This is reflected in population projections from the National Records for Scotland and in the Aberdeen City and Shire Housing Need and Demand Assessment 2017. However, the city-wide need and locational requirements of such bespoke proposals to address specific strategic housing needs are best assessed through the Development Plan process. This proposal on this specific site was a developer bid submitted as part of the Proposed Aberdeen Local Development Plan and has already been rejected by the Council as being unsuitable for residential development as a result of evaluation carried out as part of that process..

There is a suite of policies in both the extant Local Development Plan and the Proposal Local Development Plan which establish a framework for a mix of housing types across a range of sites delivering balanced and mixed communities which should meet the needs of wider society. This would align with the Housing Need and Demand Assessment 2017 which considers that the informal social network of older people is likely to be their local neighbourhood and to move people from that may increase social isolation. It is better to provide a range and mix of sites, across all parts of the city, which allow need to be met within an existing community rather than address it through a proposal which would address such need out with the community and with removed access from its services and benefits.

Whilst the Planning Service note the issues raised in the above three paragraphs, one of the overarching aims of the land use planning system articulated by SPP is to secure the right development in the right place. For the reasons highlighted in this report, it is concluded that this site is not the correct location for the type of development proposed.

Housing Land Supply

As noted above, the application site is designated as Green Belt in the ALDP and thus is not allocated for residential development. The Development Plan is the most appropriate place to consider the need for new housing land and the allocation of specific sites. This is in line with the plan-led system emphasised by SPP.

Aberdeen City Council undertook its call for sites process in 2018 and consulted on its Main Issues Report in 2019 as part of the review of the Local Development Plan. This was the appropriate opportunity to consider new sites for allocation or re-zoning. A bid, B0-47, was submitted for the application site that promoted the allocation of the site as residential and a retirement community. This bid was assessed as part of the call for sites process and it was recommended as undesirable for re-zoning. It was therefore not included in the Proposed Aberdeen Local Development Plan.

The Aberdeen City and Shire Structure Plan 2009 and Strategic Development Plan 2014 set Housing Requirements which were met through housing allocations in subsequent Aberdeen City and Aberdeenshire Local Development Plans. The Strategic Development Plan 2020 has set a Housing Supply Target and Housing Land Requirement for subsequent Aberdeen City and Aberdeenshire Local Development Plans. This has resulted in the need for the Aberdeen City Local Development Plan to allocate a limited amount of housing land for the period 2020-2032. Land is required for a total of 5,107 homes in Aberdeen city and 8,172 homes in the Aberdeen Housing Market Area. These allocations should primarily come through brownfield sites and utilise the current “constrained” supply in the first instance. Both the Aberdeen City Council and Aberdeenshire Council Proposed Local Development Plans comprise sufficient allocations to meet the housing allowances of the Strategic Development Plan 2020.

Such historically generous levels of housing land allocations have resulted in a continuously robust 5-year and post 5-year effective housing land supply across both the Aberdeen and Rural Housing Market Areas (33,671 homes as per the Housing Land Audit 2020).

The Housing Land Audit 2020 shows that for Aberdeen City this has resulted in:

- A five-year effective land supply of 6,542 homes.
- Post five-year effective supply of 10,017 homes.
- Total effective land supply of 16,559.

At a housing market area level this has resulted in:

- The Aberdeen Housing Market Area having a 7.1-year supply.
- The Rural Housing Market Area having a 5.4-year supply.

The consideration of land supply in the context of a planning application is measured against the effective land supply within the Local Development Plan’s area and how this relates to the Housing Supply Target. However, housing land allocations are made and monitored on a housing market area basis as opposed to a Council basis.

This focuses the argument on the amount of currently available land or the effective land supply. Consideration can be given to sites that can start within the 5 years from the date of the Housing Land Audit and what rates of completion are programmed. Therefore, the supply is the land that is made available and the rate that it can be delivered at. Currently there is a robust land supply across the Aberdeen Housing Market Area.

Accordingly, with the above commentary in mind, there is no justification for granting planning permission for the development proposed on this application site, as there is sufficient and a robust supply of housing land - both within the city boundary and also within the Aberdeen Housing Market Area.

Layout, Scale and Design

Issues of layout, scale and design will need to be considered against Policy D1 - Quality Placemaking by Design and Policy D2 – Landscape. Policy D1 advises that all development must ensure high standards of design and have a strong and distinctive sense of place which takes into account the context of the surrounding area and must offer opportunities for connectivity which take in to account the character and scale of the development.

In this instance, the proposal is for PPIp and an indicative site plan has been submitted to demonstrate how a level of development could potentially be accommodated on site in line with that described in the description of development. In terms of the general principles as set out in Policy D1, the proposed development could be seen to promote well-being, and would potentially provide a safe and pleasant environment that would be easy to get around. This indicative drawings submitted shows locations for the residential and mixed-use elements, as well at the vehicular access points, indicative internal road layouts, pedestrian access, and footpath connections. It also gives a general idea of areas of open space, areas of replacement tree planting and the location of the required SUDS/ drainage basin.

Notwithstanding the fact that the site layout is currently indicative due to the type of development proposed, it is considered that the proposal would potentially conflict with the principles of Policy D1. The proposal fails to respond to the sites context, in that it does not show that due consideration has been given to the siting, scale, massing, etc of the development, or natural environment or ecology of the site, or the setting of the listed building. As advised above, proposals should have due consideration for their context, and for the reasons detailed elsewhere in this report, the setting of the site within the Green Belt and the adverse impact on the parkland setting of the listed building indicate that the development has not been adequately designed with that in mind.

Indeed, it has not been demonstrated by the applicant that the number of residential units and overall development for which planning permission is sought could be successfully and appropriately accommodated within the grounds of the listed building without adversely affecting its setting, or without potentially harming the landscape character, setting and ecology of this part of the green belt. The indicative site layout does not provide a harmonious form that could be considered to complement the existing listed building and its landscaped curtilage setting and potentially does not illustrate a high quality new 'village' layout as an extension to the established setting. It is therefore difficult to argue that the proposed development could comply with the general principles of Policy D1 (Quality Placemaking by Design) and the development would therefore fail to comply with the principles of this policy.

Policy D2 (Landscape) requires that developments have a strong landscape framework, which "improves and enhances the setting and visual impact of developments, unifies urban form, provides shelter, creates local identity and promotes biodiversity". Any application must be accompanied by a landscape strategy and management plan, incorporating hard and soft landscaping design specifications.

The applicant has submitted a Landscape Statement in support of the proposals, which indicate that much of the existing tree coverage on the site boundaries would be retained and enhanced with new planting. Colleagues in the Environmental Policy Team have reviewed this document and note that there would be a negative impact with the proposed removal of individual park trees away from the boundaries, as identified within the submitted Tree Survey. As a result of these works it is considered that likely harm would be caused to the Green Belt/ landscape character of the

surrounding area. It should be noted that the impact of the development on existing tree stock is discussed further below.

The Planning Service acknowledge that the concept of creating varied open spaces including a village green, communal garden, wildflower areas, allotments for food growing and a SUDS basin would all bring opportunities to enhance, to some extent, habitats, biodiversity, and landscape in the remaining areas of undeveloped land in the application site. Whilst these proposed enhancements are positive features of the proposal, the proposal is not a development site as identified within the Development Plan the provision of these elements in a much-reduced undeveloped area is not considered to outweigh that wider harm that would be caused to the Green Belt and surrounding landscape character as explained elsewhere in the report.

From a landscape perspective, whilst the indicative site plan shows a generous amount of open space within and surrounding the proposed development, as discussed above, the proposal is not a development site and would result in the substantial loss of open space within a Green Belt/ Green Space Network setting. The indicative proposals also do not show private garden boundaries, which could also reduce the size of communal areas within the site.

Guidance also advises that any new development should be situated out with the Zone of Influence (ZOI) of trees to be retained within the development site to avoid conflict regarding privacy, blocked light, trees falling and avoiding negative impacts on tree conditions, long term health and stability. In this instance, no evidence has been submitted to demonstrate that all of the development would, or could be out with the ZOI and it is therefore difficult to ascertain whether the level of development described could be adequately provided without impacting on ZOI's.

The applicant has also indicated that new tree planting would be required to replenish stock lost because of the development. This would require specimens that were favourable habitat for red squirrels, and those that could support such species should be retained through a modified site layout. As mentioned in the below evaluation regarding trees and woodland, the Planning Service consider that the proposal fails to comply with NE5.

Were planning permission to be approved, robust screening between the development and existing properties to the south is also encouraged. The inclusion of a play area for visiting children and outdoor exercise equipment should also be encouraged. All of the above will be required within a detailed landscaping scheme, which would be required to include details of existing features, replacement tree planting and finalised details of those to be retained, shrub and hedge planting, details of grassed and wildflower areas, details of other habitats and SUDS features, the incorporation of children's play areas and equipment for older generations, details of the proposed allotments, hard landscape elements, construction elements and maintenance/ management details.

It is also noted that several the objectors and the Community Council made comments about the development being located above the 95m contour. A review of Council mapping systems suggests that all Lower Deeside housing areas (Cults, Bielside, Milltimber and Cutler) sit below the 95m contour. There are isolated houses above this level, but the main built up areas do not extend above the 95m contour. The proposal would extend the developed area higher up the valley sides to close to the 105m contour.

Whilst it is noted that the vast majority of the development would be located above this contour, there is potential for the development to be sited in such a way to ensure that the impact is not negative/ adverse in this regard.

It is considered that the development has areas of conflict with Policy D2, given that the proposal has a potentially negative impact in landscaping terms. There is potential for a number of these

issues to be resolved and reviewed by appropriately worded conditions and the tensions with D2 are not considered to be significant enough to warrant refusal of consent regarding this policy aspect.

Policy H3 (Density) discusses the requirement of an appropriate density of development on all housing allocations and windfall sites. It also advises that all residential developments of more than one hectare should have a minimum density of 30 dwellings per hectare and densities should have consideration to the site's characteristics and those of the surrounding area and should create attractive residential environment and safeguard living conditions within the development.

As discussed in other areas of the report, this is not an allocated site, and therefore elements of this policy would not be relevant in this instance. As this is not an allocated site, nor considered to be a development site, the assessment against Policy H3 is of little relevance in this instance.

Policy H4 (Housing Mix) advises that housing development, such as that proposed, will be required to achieve an appropriate mix of sizes, which should reflect the accommodation requirements of specific groups. This mix should include smaller 1- and 2-bedroom units and should be reflected in both the market and affordable housing contributions. This approach helps to create mixed and inclusive communities by offering a choice of housing.

Notwithstanding that the principle of housing on site is not acceptable, if taken in isolation, there is no conflict with the aspirations of this policy given that an appropriate mix of housing is proposed including the proposed nursing homes and individual dwellings. Given the types of development proposed it is not anticipated that larger dwellings would be provided or required.

Mixed-Use Element

It is noted that the proposal also includes provisions for a small-scale shop and café, indicatively shown centrally within the site. These are of a scale typical of such a development and would not require a retail impact assessment to determine the impact on similar uses within the surrounding area. The uses are indicated as being open to all users, although they would not be in a particularly accessible location (given the constraints discussed later in this report) and would be primarily utilised by residents of the retirement community. The retail/ mixed-use element would be contrary to Green Belt policy for the reasoning discussed previously.

Impact on Setting of Listed Building

Policy D4 (Historic Environment) of the ALDP states that *"the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (replaced by HEPS) and its own Supplementary Guidance"*. It further states that *"high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas or historic gardens and designated landscapes, will be supported"*.

Historic Environment Scotland's document: Managing Change in the Historic Environment: Setting provides various areas of guidance regarding the setting of listed building. Amongst other things it advises that *"setting often extends beyond the property boundary or curtilage of an individual historic asset into a broader landscape context"*. The document also provides details on what could contribute to the setting of the listed building, how to assess the impact on change and potential mitigation measures.

Regarding the above potential impacts, the applicant was requested to submit a Heritage Statement (HS) undertaken by an independent party (and revised from their original submission). This reviewed various aspects including the history of the house, an assessment of the setting of Binghill House, outline of the proposal, an assessment of the impact on the setting of the proposals and an overall summary/ conclusion.

The HS contends that the house does not appear to be strongly visible from the south, either from the village or areas of open space to the south, with tree planting retained and used to screen the house, although it does acknowledge that the design of the house suggests a more dominant presence in the landscape. The document also acknowledges that the proposal alters the setting of the house by replacing the land to the immediate south of Binghill House with an informal village green and small-scale housing. It contends that the house would retain its character as a small country villa, set within a green, garden frame, and has a much greater design interaction with its surroundings, and as long views to the south (over existing trees) are retained, and argued that the alterations to the setting are not negative in principle.

The HS has been reviewed by the Council's Senior Conservation Officer who has noted that the document provides a useful analysis of the site but does not share the same conclusions. Section 6.1 of the Heritage Statement states that *'Although the house was therefore separate from the landscape of the parkland with little visual connection, the design of the house, with its large bay windows, implies a certain, more open, relationship with the parkland. Architecturally the house therefore has a somewhat problematic relationship with the landscape as designed: the main south facing façade has grand generous bay windows, yet these never (apparently) took advantage of the views over Milltimber and Deeside. Given that the screening trees are mature and possibly predate the current house it would appear that this was always the case'*. The Planning Service (which includes the Council's Senior Conservation Officer) are of the opinion that the views over the parkland, although somewhat interrupted by trees, are not completely obscured and the relationship is somewhat underestimated by the HS. It should also be acknowledged that trees are part of the view and there is currently no view beyond the site boundary due to the presence of the housing development in the immediate south (other than views from Binghill House over the tops of the houses towards the Dee Valley) – the view is the meadows and the formally planted trees to the south of the house which are distinct from the avenue design of the driveway and the woodland belt surrounding parts of the site (i.e. part of a diversity of planned planting). There is still a clear and positive relationship between the house and the parkland/ field which has always provided the setting of and aspect from the house.

Section 6.4 goes on to state *'The view from the house will be affected by the proposed development as the current car park and front 'lawn' will be made into a village green/square, with a direct relationship with the house: this should not be seen as a negative change. Given the slope, long views from the upper levels of the house should be over the roofs of the proposed buildings towards the Dee valley and should be generally unaffected apart from at low level'*. The Planning Service do not share this contention, noting that the change from a view of open parkland/field and mature trees to a modern housing development is not a positive change in the proposed form and the applicant has not adequately demonstrated that housing/ development could be accommodated without harming the setting.

As set out in section 4 (4.1,4.2 and 4.3.3, 4.6) of the HS, there is a certain amount of separation and screening between the main house and the parkland/field to the front of the property. This may be true to a certain extent, but constructing a retirement village in the grounds of and in front of the main frontage of the listed building, including a village square directly in front of the house would negatively impact on the setting of this building unless greater context evaluation and consideration is given to the form of buildings and open space proposed, notwithstanding the Green Belt allocation in the ALDP and in the PALDP. The proposed development would be in proximity and visible from the listed property and within its curtilage. This would change the short distance views from the main property from a mature landscape of trees and a field to views of a retirement village or at the very least given the topography of the site the roof tops of a retirement village. It is essential that the forms of development within the parkland/field respect the position of the house as a listed building and form a positive relationship which encourages use of the open space between the two area.

As a result of the above assessment, it is the strong opinion of the Planning Service that the proposed development would have an adverse impact on the setting of the Category “C” listed Bingham House, and the proposal would therefore fail to comply with Scottish Planning Policy, Historic Environmental Policy for Scotland, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan and Managing Change in the Historic Environment: Setting.

In terms of archaeology, the comments received have been discussed in the consultation section above, subject to the insertion of such conditions the proposal would be generally compliant with the aspirations of D4 (Historic Environment).

Natural Heritage

Policy NE8 advises that direct and indirect effects on sites protected by natural heritage designations, be they international, national or local, are important considerations in the planning process and will need to be carefully considered in planning applications.

Regarding the above, various documents have been submitted in support of the application including an Environmental Walkover Survey and Badger Protection Plan, along with Tree Surveys (an issue discussed below). The walkover survey concluded that the site has *“moderate ecological value as it possesses many large girthed mature trees and has patches of woodland ground flora including Pignut, Primrose, Lesser Celandine, Comfrey and Bluebell. All other habitats have relatively low ecological value, being species poor and/ or heavily modified”*. The survey goes on to advise that *“there is an abundance of badger signs throughout the site and a number of active setts were found during site surveys”*. The survey also acknowledged that *“although no signs of Red Squirrels were found, there are a large number of records of this species form within the footprint of the development site”*. A number of birds including starling, house sparrow, dunnock, willow warbler and stock dove, along with barn owl are acknowledged as potentially using the site for nesting, although no roosts or nest sites were found during the survey.

As mentioned above, there are active badger setts within the development site and immediately adjacent to it, with numerous signs of badger activity found during the surveys. The survey notes that the proposed development would result in the loss of one badger sett and two inactive badger setts and a quantity of foraging habitat. Two other badger setts within 30m of the exclusion zone may be impacted by the construction works. Any setts which are removed will be replaced. The applicant has advised that SNH (now NatureScot) has granted a badger license to disturb badgers and destroy setts, with appropriate mitigation/ alternative setts required prior to the commencement of any site works. The applicant also proposes the construction of two artificial setts in two areas adjacent to the proposed development site along with monitoring for at least three weeks to ensure badgers find these new setts.

The amended and updated badger information has also been reviewed by officers in the Council’s Environmental Policy Team, who note that the site is an ideal location for badgers, with setts and activity identified within the application site. Overall, they consider the mitigation measures in the Badger Survey to be potentially acceptable but note that some of the measures proposed may not be entirely feasible because some of the artificial setts would be located close to the proposed access roads. Some of the setts are also to be located out with the application site boundary (but on land in the ownership of the applicant). The findings of the Badger Survey/ Protection Plan suggest a level of direct impacts from the proposal on badgers that is potentially contrary to the terms of Policy NE8 despite the mitigation measures proposed.

The applicant has advised that a licence has been granted for the site by NatureScot, which allows for the destruction of two badger setts and the disturbance of one annex and one outlier badger sett for the purposes of the development proposed. NatureScot have confirmed this and advised that the works would be required to be carried out in accordance with the submitted Badger Survey and Badger Protection Plan. As these consents are in place, and NatureScot are generally content with

the mitigation measures proposed, the impact on badgers is not considered to be so extensive that it would warrant refusal of the planning application in this instance. If planning permission was to be granted, it would be expected that an updated Badger Survey and Badger Protection Plan, along with finalised locations of new setts, be submitted prior to the commencement of development, a matter which could be controlled in a future MSC application.

In relation to bats, it is noted that the woodland on site provides suitable foraging habitats for bats, with additional foraging within the surrounding woodland. No evidence of occupation by bats was found in the trees on the site, although it is noted that a number of trees had roosting potential, with eleven of those trees to be removed on health and safety grounds. If these trees were removed, then they would be inspected for roosts over a 24-hour period and any bats found removed and placed in a bat box within adjacent trees. The applicant also proposes the provision of eight bat boxes, which would be mounted on trees within the development site. It should also be noted that if any bat roosts are noted then it would be expected that development would stop on site until any appropriate licences are granted by NatureScot.

In relation to birds, as noted above, the site has the potential to provide suitable foraging and nesting habitats for a variety of species. The mature trees on site have holes and crevices which could provide suitable nesting. The survey recommends that site works are undertaken out with the bird breeding season and that habitats on site could be enhanced by installing bird boxes within areas of woodland around the vicinity of Binghill House.

In terms of red squirrel, the survey noted that there is no evidence of dreys within the development site, but there is evidence of squirrel nibbled cones in the woodland to the north and north west of the driveway. The report does acknowledge that the site is within the core range for red squirrels and there are 33 records of red squirrels in the area. The applicant proposed mitigation by way of a Red Squirrel Survey to identify the presence of dreys prior to commencement of site works, and if such are found then a license from NatureScot would be required to allow works to proceed.

There were no signs of water voles or reptiles, and no records of water voles within 2km of the site. The proposed development would have no negative impact on such species. The same conclusion was reached for Pine Martens, with no suitable den sites uncovered during site surveys.

The various documents submitted in support of the proposal have been reviewed by colleagues in the Environmental Policy Team, who note that sections of the supporting Planning Statement does not adequately describe how natural heritage and biodiversity would be assessed, affected and enhanced by the outline proposal, although it is noted that the information has been described above (and detailed in the walkover survey). Colleagues note the offering contained within the survey, although they consider that significant enhancements could be provided within the development area over and above the suggested bird and bat boxes. They have suggested that a biodiversity section should be included in the more detailed proposals (MSC stage), which in turn should tie in with both the landscaping and architectural elements of the plans and be guided by the ecological impact assessment. Examples of this could include boundary treatments which leave gaps underneath or contain holes large enough for passage of smaller wildlife such as hedgehogs. Swift bricks could also be considered for suitable structures/ buildings.

The Council's Countryside Officer has also commented on the proposal, and notes that a number of roe deer are known to inhabit the surrounding area, and that measures would need to be put in place to ensure that there would be no adverse impact on such species, nothing that there is a requirement on land owners to undertake deer management, where needed, and on the Planning Authority to ensure that the welfare of deer is not negatively impacted by planning or other decisions.

In this instance, it is not in doubt that the removal of a green field site and its replacement would have some impact on the species that are located both within the site and the surrounding area.

The applicant has demonstrated that the appropriate consents are in place regarding some of these species, and the walkover surveys indicate that further mitigation measures could be put in place to ensure that others are not adversely impacted upon. Several further documents would be required at MSC stage to confirm this, were planning permission to be approved. Therefore, whilst there is an element of conflict with Policy NE8 (Natural Heritage) of the ALDP, the impact is not considered to be of such an extent that it would warrant refusal of the current application, given the mitigation measures that could be provided both within the site, and on other land adjacent that was within the control of the applicant.

Trees and Woodland

Policy NE5 notes a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaptation or mitigation. In addition, the Town and Country Planning Scotland Act 1997 (as amended) advises that there is a duty on the Planning Authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of condition, for the preservation or planting of trees.

A Tree Survey and associated information has been submitted in support of the application. This acknowledged that there would be an initial loss of 22 trees, which would likely increase due to some of the proposed interventions such as the use of geogrid to provide roadways and the proposed parking that is indicatively shown in close proximity to trees. Notwithstanding the figure quoted for tree loss, concerns have been raised by colleagues in the Environmental Policy Team regarding the extent that the development imposes on the existing trees zone of influence (ZOI). The indicative site plan shows a significant proportion of the buildings within the ZOI and proposed garden areas to an even greater extent. This could lead to further tree loss due to lack of light, perceived nuisance, and perceived risk. The submitted Arboricultural Impact Assessment explores the impact on several of the specific properties (whilst noting the layout is indicative and the layout is subject to change). This document focuses more on tree failure and impacts on the actual building(s). Whilst it is only one aspect to consider, it is an issue that leads to tree loss and the need for ongoing inappropriate levels of tree works.

The proposed development is clearly contrary to Policy NE5 and its associated SG: Trees and Woodland as the development would result in the loss of trees both in the short and long term, with insufficient space within the development site to adequately compensate for the levels of loss proposed. Whilst the plans are only indicative at this stage there would appear to be very little scope for development on site of the scale proposed without significant impact on the short and long-term retention of existing tree stock.

In addition to the above, as the proposal is for development that does not comply with Green Belt policy and there are no other material planning considerations overriding this, it is considered that the extent of the tree loss is unacceptable, and the proposed development has the potential to harm habitats found within the development site (such as trees being potentially occupied by a number of species such as red squirrel), resulting in a tension with the aspirations of Policy NE8 (Natural Heritage).

Transport and Accessibility

With regards to sustainable and active travel, Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel are relevant to the assessment of the development.

Policy T2 requires all new developments demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Considering what is proposed a Transport Statement (TS) was required to support the proposal along with a Travel Plan.

Regarding the above, the proposal has been subject to consultation with officers in the Roads Development Management Team, who have raised no objection in principle to the development proposed. The applicant has submitted various documents in support of the proposal from a transportation perspective including a Transport Statement (TS) which looked at expected traffic generation, parking provision and sustainable travel opportunities.

The applicant proposes a new T-junction on to Binghill Road, with an additional emergency vehicular access. Various drawings and calculations were included within the TS regarding the proposed junction, and although only indicative, the documentation indicates that such an access would be feasible without having an adverse impact on the surrounding road network. Finalised details on the width of the road and associated footpath provision and other design details could be controlled via an appropriately worded condition. Roads Construction Consent would also be required for these works.

The impact on the local road network has also been reviewed by Roads officers. The evidence submitted through the supporting TS indicates that the development would have no adverse impact on the local network and surrounding junctions, with most trips anticipated to be out with peak periods. Roads Officers therefore have no objection regarding this aspect of the proposal.

On the basis that only an indicative site layout has been provided, the parking requirements for the development are not clearly defined at this stage and would be dependent on the number of bedrooms per flat/ dwelling and the gross floor area of the retail and commercial units, having regard to the Transport and Accessibility SG. If planning permission were to be granted, details of parking space locations and numbers would be subject to a future MSC application. Further details regarding staff parking, cycle parking, minibus parking, motorcycle parking and cycle parking and EV vehicle charging would also be required at this later stage.

As a result of the above consultation response and assessment by Roads officers it is considered that, subject to appropriate conditions, the proposal could comply with Policy T2: Managing the Transport Impact of Development of the ALDP, as well as with the associated Supplementary Guidance: Transport and Accessibility.

In terms of Policy T3 (Sustainable and Active Travel), new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, it is also noted within guidance that any new developments should be within 400m of public transport links. The internal layout of developments must prioritise walking, cycling and public transport penetration. In addition, links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient, and safe for people to travel by walking and cycling. Regarding this proposal, the acceptability of links to the site from the surrounding road networks are thus required to be evaluated.

In terms of walking and cycling, it is noted that the indicative site plan shows pedestrian footpath connectivity around the site internally, as well as providing potential connections into the surrounding network on Binghill Road, Oldfold Crescent; as well as additional connections to the north toward the woodland and agricultural land to the north. In terms of the Oldfold Crescent connection, it is noted that, whilst the applicant has control of this land up to its boundary, they do not control the land beyond this. Whilst the ownership of this is not clear, it is likely to be either owned by the Council or factored to the owners of the properties in this location. Therefore, its delivery would be dependent on agreement/ cooperation with a third party.

The only realistic connection to the south at the time of writing this report would, therefore, be along the proposed access road, or by utilising the existing driveway which would allow connections to Milltimber and North Deeside Road where the bus stops are located. It is anticipated that further

details of internal footpaths, along with proposed connections to the external footpath network could be controlled via condition.

In terms of the site being served by cycle provision, it is anticipated that this would be the above mentioned connections, which would tie in to Bingham Road, North Deeside Road and eventually the Deeside Way (part of the National Cycle Route) to the south. The submitted TS indicates it is also intended to tie into and extend the new pedestrian footpath on the eastern side of Bingham Road, which is being implemented as part of the new Milltimber Primary School. Further details on these connections would also be required with any future planning application.

Comments have also been received regarding public transport, with the nearest connections being more than 1km from the site on North Deeside Road – this is more than double the 400m recommended in guidance. Roads officers acknowledge that these connections are out with the desired distance of the site but are still considered walkable for future employees. It is noted that the applicant proposes delivery of a shuttle bus to assist residents in meeting local amenities. This matter was raised at the PDH, and concerns were raised in relation to the deliverability of the shuttle bus, for example, who would operate it, how the Planning Authority could ensure that it is actually provided, how the Planning Authority could ensure that it is provided indefinitely and who would pay for it. The applicant has responded on this aspect and advised that it remains the intention to provide this facility, and that its retention could be incorporated into the required legal agreement as well as the required Green Travel Plan. The Planning Service have significant concerns regarding the location of the site, and whilst this issue could be controlled and delivered via a legal agreement, it would be a private bus transport that would be utilised solely by occupants of the community.

Whilst Roads officers have raised no objections regarding this aspect of the proposal, the Planning Service retain concerns about the location of the development from a public transportation perspective, being located atop a steep hill on Bingham Road, which would not be easily walkable by proposed residents (given the nature of the proposed development and anticipated age demographics). Whilst it is noted that the applicant proposes to provide a shuttle bus to overcome this issue, which would be controlled by a legal agreement and detailed further within the required Green Travel Plan. Whilst, the above is not an ideal solution, and the proposal fails to comply with elements of Policy T3 in that it would be located a significant distance from transport links, and may not be particularly well connected to the surrounding network, the solutions put forward by the applicant are considered to be a reasonable compromise (if controlled via legal agreement) and the tensions with the aspirations of Policy T3 (Sustainable and Active Travel) are not considered to be so significant as to warrant an additional reason for refusing this application.

The submitted TS also notes the requirement for the submission of a Residents Travel Pack, which would outline appropriate objectives and aims to meet sustainable transport methods. This matter could be controlled via an appropriately worded condition.

Waste/Refuse

Policy R6 - Waste Management Requirements for New Development requires that all new developments should have sufficient space for the storage of general waste, recyclable materials, and compostable wastes where appropriate. Flatted developments would require communal facilities that allow for the separate storage and collection of these materials. The commercial/retail aspect of the development should include recycling facilities, where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.

Regarding the above, the proposal has been subject to consultation with both colleagues in the Waste Management Team and Roads Development Management Team. They have noted that the proposal is for PPIp and offer comments regarding the layout of the development, such as the road to the tennis courts (and the dwellings shown in proximity to these) having no turning head. They

have requested the insertion of conditions requiring details of the storage of waste materials, including the location and potential collection points, a swept path for a refuse collection vehicle and further details for bin stores (if required). They have also advised of the facilities required for the development.

Given the proposal is only for PPIP finalised details of the road layout have not been submitted. The roads would need to be designed in such a way that is suitable for bin, without having knock-on impacts on the positions of buildings and thus possibly the impact on trees. This could only be confirmed once the detailed layout has been drawn up. Waste Management have confirmed no objection to the proposed development and the development could therefore comply with the principles of Policy R6 and its associated SG.

Drainage/ Flooding

As per the requirement of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Impact Assessment (DIA) will be required for both the residential and non-residential aspect of the development. The DIA should detail how surface water and wastewater will be managed. Surface water drainage associated with development must be the most appropriate available in terms of SuDS and avoid flooding and pollution both during and after construction.

Regarding the above, the applicant has submitted a Drainage Assessment in support of the application which looks at various aspects and notes that there are no open watercourses or ditches within the site, nor its immediate vicinity. It also notes that pits were dug, and no ground water entries were encountered. These remained dry to their final depths at the time of investigation. A review of the SEPA flood map also indicated that there was no flood risk associated with the site.

The development proposes connection to the existing foul water sewer which is located to the south of the site and a new foul sewer is proposed within the development which would be put forward for adoption by Scottish Water. The DIA shows the foul drainage connections being made down the existing access road, it may be difficult to do this without causing harm to the protected trees at each side of the access (which are covered by the Tree Preservation Order, therefore a different route may be required, including running along the existing access road. Further details demonstrating this impact would be required at MSC stage, were planning permission to be approved.

In terms of surface water proposals, it is proposed to use permeable pavement construction and for the main tarmac road areas any surface water would be collected via gullies and discharged to the SUDS basin within the south-east section of the site, which would be designed to store up to the 1 in 200 year storm event. The document also indicates that the private houses would be drained to private plot soakaways where possible. The proposed design also includes all roof water from buildings to be collected via a piped system and routed via the SUDS detention basin.

The document has been reviewed by various consultees. Scottish Water have advised that they were unable to confirm water capacity and wastewater capacity at their associated treatment works and advised the applicant to contact them to discuss this matter further. It should be noted that this would be a matter for the applicant to resolve. It is not essential for this to be resolved during the application process.

Colleagues in Council's Flooding Team have advised that a Flood Risk Assessment is not required and that any drainage issues should be dealt with by officers in Roads Development Management. In turn, Roads officers note 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 Section 56 RCC. They offered no objection regarding the information submitted.

SEPA also commented on the proposals. They noted that the management of surface water would be controlled under their regulatory scheme and there was no further information required in this regard. They had no adverse comments on the proposal in terms of drainage or existing groundwater abstractions.

As a result of the above, and subject to the insertion of conditions requiring finalised details of drainage requirements for the whole site at MSC stage, the proposal would not conflict with the aspirations of Policy NE6: Flooding, Drainage and Water Quality or the associated SG: Flooding, Drainage and Water Quality.

Noise/ Air Quality

Policy T4 (Air Quality) advises that proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Service. In addition, Policy T5 (Noise) advises that there will be a presumption against noise generating developments, as identified in a Noise Impact Assessment, being located close to noise sensitive developments.

Regarding the above, relevant information has been submitted to, and reviewed by, colleagues in Environmental Health. They are content that mitigation measures by way of an Air Quality Dust Risk Assessment and Dust Management Plan could be submitted by way of an appropriately worded planning condition to protect the residents of surrounding existing residential properties from risk of dust during works on site. Subject to the insertion of such conditions the proposal would not conflict with the aspirations of Policy T4.

In terms of noise, colleagues in Environmental Health note that a café is proposed as part of the development. It is also highly likely that some catering operations would 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. A Noise Impact Assessment by a suitably qualified noise consultant would be required which would predict impacts of noise associated with the proposal and establish the extent of any noise controls that might be required to be implemented. These matters could be controlled via condition. Environmental Health also request an informative regarding the hours of operation during development. Subject to the insertion of appropriate conditions it is considered that the development would comply with ALDP Policy T5 (Noise).

Developer Obligations

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of infrastructure requirements and contributions will be outlined by the Council, through the Developer Obligations Assessment and will relate to the development, in line with Policy I1 - Infrastructure Delivery and Planning Obligations.

The proposal has been subject to consultation with the Developer Obligations Officer, who has advised that contributions are required towards the Core Path Network (£26,784), Healthcare Facilities (£73,697) and Community Facilities (£131,652) and also request the delivery of high quality on-site open space provision. Colleagues in education have also confirmed that, subject to the conclusion of a legal agreement restricting the age of occupants of the development contributions towards primary and secondary education would not be required due to the nature of the development proposed. The applicant has provided written confirmation that she is agreeable to the above contributions along with the affordable housing discussed below. The above matters

could be controlled via condition (provision of open space), with the required monetary contributions controlled via a legal agreement. Subject to this there would be no significant conflict with Policy I1 of the ALDP.

Affordable Housing

Policy H5 advises that housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. In accordance with para 6.2 of the SG the proposed nursing home would be exempt from the requirement to provide an affordable housing contribution. However, the normal 25% requirement would apply to the remaining 60 units.

Colleagues in Housing have suggested that the affordable housing provisions should be provided by way of Low-Cost Home Ownership (LCHO). They have noted that the type of housing proposed is pretty much untested as LCHO and have no evidence to suggest that there is a requirement for LCHO, but they see it as the only feasible delivery of affordable housing on this site. As per the above policy, the affordable housing requirement for this site equates to 15 units and the preference would be for a mixture of houses and flats to reflect the development as a whole. The provision of affordable housing has been agreed by the applicant and the provision of such facilities could be controlled via legal agreement to ensure that the required contribution is provided on site as per the above request. Provision of such facilities would meet the provisions of Policy H5 (Affordable Housing) and its associated SG: Affordable Housing.

Open Space

Policy NE4 - Open Space Provision in New Development requires new developments to accommodate an area of open space within the development site. As per the policy the Council require at least 2.8Ha per 1,000 people of meaningful and useful open space. The Supplementary Guidance on Open Space states that open space standards are based on number of residents within a new development, which can be calculated using the average number of people who live in each dwelling. These figures are outlined in the Supplementary Guidance.

In this regard it is noted that the proposal is for planning permission in principle, with the indicative site plan indicating various areas of open space throughout the development, both centrally within the site and at the edges of the site, including utilisation of the existing mature trees within the site. A large proportion of the site would remain wooded, especially the eastern part, so it could potentially be questionable whether these areas could be utilised as "open space". That being said, finalised details would be required at MSC/ DPP stage to ensure full compliance with the policy, but it is considered that the development has potential to comply with the aspirations of Policy NE4 and its associated SG relating to Open Space.

Access and Information Recreation

Policy NE9 – Access and Informal Recreation advises that developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel. There is an existing path network in the vicinity of the site, therefore every effort should be made to show connectivity to these areas.

As mentioned in other areas of the report the proposal is for planning permission in principle and finalised elements of these aspects have not been provided. The indicative site plan shows various connections to the south and surrounding area, and whilst the Planning Service have raised concerns regarding the deliverability of the connections to Oldfold Crescent, it is considered that the development could provide suitable connections internally and to the surrounding network, with further details required at later stages. The proposal would not conflict with the aims and aspirations of Policy NE9 at this stage.

Low and Zero Carbon Developments

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

Digital Infrastructure

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located on the edge of the settlement of Milltimber, and a check of the OFCOM website confirms that the site has access to standard and superfast broadband. The proposal would therefore comply with Policy CI1 of the ALDP.

Proposed Aberdeen Local Development Plan (PALDP)

In terms of the PALDP, it is noted that the site would remain zoned as Green Belt and Green and Blue Infrastructure (previously Green Space Network). The wording of these policies generally follows those of the adopted ALDP and for those reasons the principle of development would remain unacceptable for similar reasons. The above report also advises that the developer put forward a bid for the site to be included in the PALDP, which was rejected and considered undesirable to include.

The PALDP does include a couple of new policies, which are of relevance to this application. These are Policies WB1: Healthy Developments and WB5: Specialist Care Facilities.

Policy WB3 advises that *“national and major developments, and those requiring an Environmental Impact Assessment must submit a Health Impact Assessment (HIA) to enhance health benefits and mitigate any identified impacts on the wider determinants of health; this may involve planning obligations.”*

Given the current stage of the PALDP, which is still to be subject to examination by Scottish Government Reporter, it is the view of the Planning Service that a Health Impact Assessment could not be required, which precludes a detailed assessment against this policy, notwithstanding the weight to be attached to it.

Policy WB5 advises that *Proposals for new residential care facilities (such as Care Homes, Nursing Homes, Sheltered Living) should; 1. Be well-connected; located close to public transport links and community amenities for residents and staff, and provide visitor parking; and 2. Meet design and amenity standards in line with other types of ‘residential’ developments.*

In terms of the above, the previous evaluation of the proposed development has raised concerns about the connectivity of the development and the links to public transport, being more than 1km from public transport. The second point of the policy could only be addressed at MSC stage. As a result of the above it is likely that the proposal would have an element of conflict with Policy WB5 (Specialist Care Facilities) of the PALDP. The adopted ALDP has primacy at this time, and the PALDP is still to go through examination by the Reporters. Despite the element of tension with the above policy this would not warrant a reason for refusal of the application.

In relation to this application, the remaining 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.

Matters Raised by Community Council

It is noted that at various times in the application process that Cults Bieldside and Milltimber Community Council have offered indicative conditional support (where it listed 10 matters that would

need to be addressed satisfactorily) and neutral stances toward the proposed development. Following the submission of revised plans they have confirmed that they now object to the proposal on the basis that the application is a departure from the Aberdeen Local Development Plan (ALDP) 2017 and the Proposed ALDP 2020, the land is zoned as Green Belt/Green Space Network in ALDP2017 and Proposed ALDP 2020 and that development is above the generally recognised 90m contour.

The matters in relation to the principle of development have been discussed elsewhere in the report, where the Planning Service agree that the principle of the development fails to comply with the overarching policies of the ALDP and PALDP. The evaluation above also discussed compliance or non-compliance with other policies within the plan, noting a number of which would also comply following the submission of further information at MSC stage.

In terms of the final matter raised regarding development above the 95m contour, it is noted that Policy NE2 is about protecting landscape character and setting. A review of Council mapping systems suggests that all of Lower Deeside housing areas (Cults, Bielside, Milltimber and Culter) sit below the 95m contour. There are isolated houses above this level, but the main built up areas do not extend above the 95m contour. The proposal would extend the developed area higher up the valley sides to close to the 105m contour. The matter has been discussed above.

Matters Raised in Representation

Objection: Principle of Development

1. The impact on the green belt/ loss of green belt and farming land. *Response: the matters in relation to the principle of development have been discussed elsewhere within this report.*
2. Contrary to Policy NE1 as the development would destroy or erode the character of the Green Space Network. *Response: this issue has been discussed elsewhere in the report.*
3. The proposal is contrary to the Strategic Development Plan as it does not make efficient use of the transport network reducing the need for people to travel and make sure that walking, cycling and public transport are attractive choices. *Response: the transport/ sustainability aspects of the proposed development have been discussed elsewhere in this report.*
4. The proposed development would not improve people's living standards and would damage the green belt. Before developing in the green belt, it should be determined whether it is more important to leave a legacy to "conserve, enhance or restore existing landscape facilities". *Response: the matters raised above have been discussed elsewhere in the report, including the principle of development and the impact on the surrounding landscape.*
5. The development is in the wrong location, at the top of a hill on Bingham Road, making it difficult to access, especially for elderly residents. In addition, there are no immediate amenities and there is no other means of transportation other than car. *Response: the matters raised have been discussed elsewhere in this report.*
6. The Senior Living Report selectively pulls out part of a report with some offers of support on social and moral grounds. *Response: The type of development proposed has been discussed in the evaluation section of this report.*
7. There is already adequate provision for retirement living in Milltimber (examples provided include the development at Tor-Na-Dee which has a number of properties for sale). Considerable choice for senior living within the area from residential nursing homes to retirement homes. *Response: the application requires to be assessed against the relevant policies of the development plan and housing land requirements and that the available of properties for sale in the surrounding area is not a material planning consideration.*
8. The proposal would set an undesirable precedent for developments of a similar nature in the future. *Response: the proposal could set an undesirable precedent for developments of a similar nature, if approved., for example it could lead to a precedent for inappropriate development in the green belt etc.*

9. The site is not included for development in either the 2017 ALDP or the Proposed ALDP 2022. *Response: the allocation of the site/ designation has been discussed elsewhere in the evaluation of this report.*
10. The development would have an adverse impact on the character and amenity of the surrounding area and would result in over development of the settlement of Milltimber. The density of development is too high. *Response: it is clear that the development would have an impact on the character and amenity of the area, arising due to the loss of Green belt land and the parkland setting of the listed building. Density is discussed elsewhere in this report.*
11. The impact of breaching the 95m Deeside Valley contour. *Response: this comment is noted, this issue, which has also been mentioned by the Community Council has been discussed in other sections of this report.*
12. The development will have an adverse impact on the amenity of residents at Binghill Steading, particularly due to the location of the car parking facilities. *Response: if planning permission is granted, any finalised layout would need to ensure that there was no adverse impact on neighbouring residential amenity.*
13. Is the proposal an inclusive facility or gated community – there is conflicting information as contained within the supporting information and the consultation response as submitted by Police Scotland. *Response: updated comments have been received from Police Scotland and discussed elsewhere – the proposal is not for a gated community and this was only a suggestion put forward by the police.*
14. The proposal does not including plans for Binghill House – which will be subject to a separate application – this should be included to assess the community needs and intentions of the developer – if not then an application should be submitted for Binghill House and assessed simultaneously. *Response: there was no requirement to include Binghill House in the application. The Planning Service did request the submission of a Heritage Statement, which assessed the impact on the setting of the Category C listed building. This has been discussed elsewhere in the report.*
15. The proposed allotments – concerns about noise and vermin. *Response: the location of the allotments is acceptable and would have been a welcome addition to the scheme. If there were any concerns about noise or vermin then these could be investigated under separate Environmental Health legislation.*

Natural Heritage

16. The development would see the removal of a number of mature trees from within the development site, a number of deciduous trees would be severely damaged at roots during construction works, trees were felled on site prior to submission of the planning application and that there are a number of protected trees within the development site. *Response: this matter has been discussed in the Trees and Woodland section above. It should also be noted that not all trees on site are protected, meaning that these could have been removed prior to the submission of the planning application without any form of consent from the Planning Authority.*
17. The development would have an adverse impact on local wildlife including deer, red squirrels, bats, owls, woodpeckers, red kites, chaffinch, greenfinch, goldfinch etc. The proposal would also adversely impact on badger setts on site. Bat roosts also frequent areas around Binghill House. Comments on works to surrounding development sites – including damage undertaken to existing badger setts. *Response: the impact on species has been discussed in the “Natural Heritage” section above.*
18. An Environmental Impact Assessment (EIA) should have been undertaken to assess the impact on flora and fauna including wildlife. *Response: It was the view of the Planning Service that the development does not require an EIA, however, there were potentially significant impacts on the existing green space and ecology. Detailed ecology, habitat, and tree surveys to recognised standards along with appropriate mitigation and a Construction Environment*

Management Plan would be required to accompany the submission of any application for planning permission.

19. Wildlife and green areas are becoming sparse and the proposed development would remove an area of natural greenery. *Response: issue noted, as the recommendation is to refuse planning permission the existing wildlife habitat and green spaces would be preserved*
20. The route of the proposed road goes through an area that contains a natural spring and two species of marsh orchid. *Response: these issues were not highlighted in the submitted reports. Further ecological assessments may be required if planning permission were to be approved.*
21. General impact on the environment in terms of loss of heritage and loss of habitats. *Response: this issue has been discussed in the "Natural Heritage" section above.*
22. The development does not show any representation of environmentally sustainable construction. *Response: this matter could be controlled in a Construction Environment Management Plan, were planning permission granted.*
23. The existing path networks around fields, past the steadings and around Myrtle Den should be protected. New recreational paths should be created to extend the network and give access to parts of the local heritage. In addition, access to the forests within the upper sections of Myrtle Den should be reopened to the public. *Response: there is no development proposed outwith the site. Developer obligations monies could potentially be utilised to upgrade the surrounding core path networks. It is noted that footpath connections are proposed within the site.*
24. Landowners should uphold the Scottish Access Code and residents should continue to respect their responsibilities. *Response: this is not a relevant material planning consideration.*
25. The new access roads should not disrupt the existing rural paths used by residents. *Response: this would potentially be a civil matter, although if the routes in question were either core paths or rights of way then the Council (in consultation/ agreement with the applicant) would have certain responsibilities in these situations to ensure that alternative routes are provided during development.*
26. A new footpath is shown leading from the proposed development to Oldfold Crescent, this path goes through untouched woodland area out with the ownership of the applicant and the boundaries of this planning application making it an unacceptable and invalid proposal. There is no reference to the path in the transport statement, bringing high levels of pedestrian footfall to Oldfold Crescent, with adverse amenity impact on residents. *Response: this would potentially be a civil matter, if the path cannot be provided, then connectivity with the surrounding area may not be adequate. This issue has been discussed in greater detail within the evaluation section of this report.*

Traffic

27. The development would result in increased traffic levels. *Response: this matter has been discussed elsewhere in this report.*
28. There is poor access to the site via public transport and insufficient public transport in Milltimber. The proposed shuttle bus to North Deeside Road is unlikely to be practical for most residents. Also queries on what guarantees can be provided about the proposed shuttle bus. *Response: these matters have been discussed elsewhere in this report, in the section regarding sustainable and active travel.*
29. Infrastructure is unable to cope with the additional traffic around Milltimber and road limits of 20mph should be fully applied. *Response: this matter has been discussed elsewhere. Officers in Roads Development Management consider that the proposal is acceptable.*
30. There is a risk to children attending the new primary school, which is near the new junction and impacts on children crossing Binghill Road. *Response: no objection has been received from Roads Development Management regarding the proposed junction. It is not anticipated that the increase in car borne journeys as a result of the development would have such an adverse impact on road safety.*

31. The proposed café and shop may lead to more traffic on Bingham Road. *Response: no objection has been received from Roads Development Management regarding this element of the proposal, who do not consider that the additional journeys would be to such an extent that would cause a road safety issue.*
32. There are several inadequacies within the submitted Transport Statement. *Response: the TS has been reviewed by Roads officers RDM and considered acceptable.*
33. Access to the Bingham Farm buildings has not been considered – access to Bingham Farmhouse/ Steadings would involve a sharp 90 degree turn from new access on to existing track – which would not be suitable for refuse vehicles and lorries etc. The road up to the steadings is not suitable in winter and the new junction would further exacerbate this issue. The TS does not consider access to existing properties. Refuse collection from Bingham Farm buildings – there is no indication on the submitted information on where bins would be collected from. *Response: access to properties within the surrounding area has been considered by Roads Development Management, who consider it to be acceptable. If there are access rights/ ownership issues over this area of land, then this is a civil matter between the applicant and the respective owners.*
34. Parking should be moved away from existing houses and should not require any tree removal. *Response: The Planning Service note concerns over the location of parking in proximity to trees and concerns regarding the impact of development has been discussed elsewhere.*
35. Issues with the proposed access to the site, which is located on a bad bend. *Response: Roads Development Management consider the access to the site to be acceptable, with finalised design details required at MSC stage.*
36. The assumption of 1 car per 3 residents would be a gross understatement based on the distance and incline to public transport. *Response: requirements for parking provision have been proposed in accordance with the Supplementary Guidance: Transport and Accessibility and are considered acceptable to Roads Development Management.*
37. Impact from construction traffic – who will repair any damage? *Response: this would be a civil matter, although it would be expected that any damage, if demonstrated as being caused by the development, would be repaired by the applicant.*
38. There is a lack of EV charging infrastructure. *Response: further details on EV charging facilities would be required at MSC stage.*

Drainage

39. There are several local drainage issues – the area is incapable of taking additional surface water drainage from such a development. *Response: the submitted information has been reviewed by colleagues in Roads, Flooding and SEPA, who have raised no objections to the mitigation measures/ details proposed.*
40. Increased flood risk to existing houses downhill due to building on existing fields. *Response: no adverse flooding concerns have been raised by consultees and the submitted information indicates that the area is not within an area at high risk of flooding.*
41. Concerns with the location of the proposed SUDS pond, particularly as it is near the new primary school and the threat/ danger that this would cause to children. *Response: the location of the SUDS basin is considered acceptable, with finalised details required at MSC stage. This could include potential boundary treatments that would lessen any impact.*

Other Matters

42. Too many construction sites around Milltimber (including Milltimber South, Contlaw Road and Oldfold) and there are a number of empty properties already in Milltimber, including retirement flats in existing locations such as Tor-Na-Dee (care home), Hawkhill House (nursing home) and Bingham Grove (over 55s development). Only two blocks from three were built at Tor-na-Dee as there was no further demand. *Response: these comments are noted*

- and have partly been discussed in the above evaluation. The sites are within the adopted development plan or brownfield sites that were considered appropriate for development.*
43. The development should take place on a brownfield site. OP43 – Milltimber Primary School would be a more appropriate location for a village-based retirement cottage/ complex. *Response: this is not a material consideration to the determination of this application.*
44. The whole thrust for planning for the elderly is to keep them integrated in their local communities – if the move is required it should be into centrally located communities and amenities. If ageing population needs are to be met then they should be provided in the current Oldfold plan or elsewhere, to preserve the integrity of Bingham House. *Response: this matter has been discussed within the above evaluation.*
45. A community building would help ensure that this development would be able to integrate with the existing community of Milltimber. *Response: mixed use elements are proposed within the development that could be utilised by the existing community. This includes a café, shop and potentially the proposed allotments.*
46. What evidence do developers have for such provision from the social work department/ health board – there have been no comments from the medical practices. *Response: there was no requirement to consult the social work department/ health board on such proposals. The proposal has been subject to consultation with the Developer Obligations Officer, who has advised of required contributions towards the medical practices. This would have involved consultation with NHS Grampian.*
47. The development would not help meet the zero carbon targets. *Response: this matter is discussed in the low/ zero carbon section above, it is not anticipated that the carbon emissions, for example, from motorised transport to and from the site would be to such an extent that would warrant refusing the application. .*
48. Business developments such as this looking to make a profit should not be encouraged. *Response: this is not a material planning consideration.*
49. The proposed development would have an adverse impact on local amenities, such as GP practices and would not be of a benefit to the community. *Response: the response received from the Developer Obligations Officer confirmed no adverse impact on the local GP practice subject to the provision of appropriate contributions. It is not considered that the development would have an adverse impact on other amenities to such an extent that would warrant refusal on that aspect alone.*
50. Noise concerns from both construction and because of the development. *Response: noise during construction could be controlled via appropriate Environmental Health legislation. Standard informatives will be inserted should permission be granted.*
51. The proposal would have an adverse impact on mental health due to the erosion of recreational spaces. *Response: it is not considered that the impact on mental health would be impacted to such an extent that would warrant refusal of permission.*
52. Concerns that other areas of land will be sold off to developers. *Response: this is not a material planning consideration.*
53. The development would have an adverse impact on both leisure and culture. *Response: the development site has shown footpaths and connections within the site, which would allow connections to the wider area, and would also potentially open the scheduled monuments located to the north. It is not anticipated that there would be an adverse impact in terms of leisure and culture.*
54. There would be adverse impacts on the capacity at local schools. *Response: no school capacity issues have been raised. Also, as a retirement village, it is unlikely that there would be children of school age living within the development. A response from colleagues in Education has been discussed above.*
55. The development would make outdoor learning at the nearby primary school difficult and dangerous. *Response: it is not considered that the impact of the development would have an adverse impact on the adjacent school, given that the development would be located more than 180m from the school site boundary with existing residential properties located between.*

56. There are no local amenities in Milltimber – small shops are not attractive to small businesses. *Response: the applicants have proposed a shop. The Planning Service cannot determine whether it would be attractive or not, and it would be up to whoever was running the shop to make it successful.*
57. In terms of the Land Reform Act (2003) are there any concerns with providing community facilities on site? *Response: this is not expected to be an issue, given the community areas could be in the control of one owner/ factor, and the applicant indicating that the site would be open to members of the public to utilise facilities such as the café and allotments, this is not considered to be a significant issue.*
58. Where are local children expected to play? There is a play area mentioned, where is this to be located? *Response: the provision of such facilities would be controlled via condition, with further details required at MSC stage.*
59. Where do I walk my dog as all the green spaces are being developed? *Response: this is not material to the determination of this application.*
60. The developers should apply for a nursing home (Binghill House) solely without any further houses or associated facilities. Is this the only way to secure the future of Binghill House and minimise the impact on setting? *Response: The Planning Service need to consider the development that is in front of it.*
61. Adverse impact on burial grounds, stone circle and stone cairn to the north of the tennis courts. *Response: these are outwith the development site. The development is unlikely to have an impact on these features.*
62. Concern in relation to neighbour notification procedures. Feel that due process has not been adequately followed. *Response: neighbour notification procedures were carried out correctly. The proposal was also advertised in the local press as potentially impacting on the listed building, along with a site notice presented at the site boundary.*
63. Neighbouring landowner has commented that adjacent boundaries would likely be fenced off to protect privacy. *Response: this would be a civil matter between interested parties. Any fencing on adjacent land may require planning permission in its own right depending on height, design and location.*
64. There is no statement on the number of staff proposed. *Response: this information is not required at the current stage.*
65. Impact in relation to amenity value to the community. *Response: the applicant has indicated that the amenities proposed including the allotments, café and shops would be open to members of the public. The proposal could therefore have an added amenity value to members of the wider community.*

Additional Comments Received Following Re-Notification

66. Concerns highlighted in relation to the Community Council's stance of "neutral" in relation to the application. *Response: it is noted that the Community Council now object to the application following re-consultation.*
67. Concerns that the Council were only re-notifying neighbours within 20m of the application site boundary and not every objector/ contributor who had previously commented on the proposal. *Response: neighbour notification was undertaken in accordance with Planning legislation – this would not have stopped other interested parties commenting on the proposal.*
68. Development at Woodland Grove has been slow and that the developer would not be proceeding with phase 4 of that development. *Response: comments noted, although this is not considered material to the determination of this application.*
69. Support the principle of providing appropriate housing for the elderly and active retirement. However, the principles are also that they should be well integrated into local communities and close to a range of local facilities. Older people should not be isolated from others. These principles are set out in the "Joint Strategy for the Elderly in Grampian". Note that other sites in Milltimber would be suitable for this type of development. *Response: comments noted. The Planning Service are supportive of the principle of such uses, but in the correct locations. The*

above evaluation explains why this is not the correct location for such a use. It should be noted that a search of the internet could find no copy of the document mentioned above. It should be noted that other sites could include sites allocated in the ALDP, with each site considered on its own merits.

70. Note reference to the Community Plan – where there is a general comment for the need for housing for the elderly. The current proposal is totally at odds with the principles and requirements within it. *Response: comments noted, this is not a material planning consideration.*
71. The developer should contribute towards the expansion of the health centre, improvements to the junction on to North Deeside Road and improvements to Binghill Road. *Response: contributions have been agreed with the Developer Obligations Officer toward health care, no contributions were requested from Roads Development Management regarding junction improvements.*
72. The Council should seek comments from the Health Board, social work department and housing department. There is no evidence of the Council seeking advice from any professional with any expertise in care of the elderly or nursing home provision. *Response: input from the bodies identified is not required in order for a full and robust assessment of the proposed development and determination of the planning application to be undertaken by the Planning Service.*
73. The revised documents do not address the issues raised in numerous previous objections. Concerns over whether the Heritage Statement could be truly independent, and concerns with several its recommendations and statements contained within the document. *Response: the findings of the Heritage Statement have been discussed elsewhere within this report.*
74. Concerns that only indicative plans have been submitted and the uncertainties that this brings about – plans lack any dimensions which would help understand the scale of development. *Response: the applicant is only required to submit such a plan for applications for planning permission in principle.*
75. No reference to capacity limits for residents and employee vehicles, parking, increased traffic, school traffic and how this would be managed. *Response: Roads Development Management have indicated that the level of development and thus associated traffic would not adversely impact on the local road network.*
76. Residents have access to many walking paths in and around the area including views from the “eastern garden” much of which is being claimed as benefits to the community. *Response: comments noted.*
77. If planning permission in principle is granted what is to stop the developer making significant changes later? Would also request the submission of plans, elevations, and material details at this stage. *Response: as mentioned previously, the level of information submitted is the minimum necessary at this stage. Whilst further details may have been beneficial, the applicant would be required to submit these at a later stage. Were planning permission to be approved the development would need to be undertaken in line with the parameters of the description of development and “significant changes” could not be made to the proposal.*
78. The development would have an adverse impact on red squirrels, which are found in the surrounding area. The removal of further mature trees would have a disastrous effect on the local red squirrel population – what action is being taken to safeguard these animals? *Response: the impact on red squirrels has been discussed elsewhere in this report.*
79. There is an outbuilding that is not referred to in the submitted plans – the area where it is located suggests a car park would be in its place. Various other concerns with the red line boundary, location of the allotments, access to the allotments and routes through the trees – which may lead to the loss of further trees. *Response: comments noted, finalised details of the layout of the development would be required at MSC stage, this would footpath locations, updated tree surveys and the location of any existing buildings on site.*
80. What powers will the Council have to ensure that the proposed shop and café at the outset of the development? *Response: if deemed important elements of the proposal the Planning*

Authority could control the provision of such facilities via phasing of the development (through the submission of a phasing plan).

81. Request that copies of the ecological reports be made available on the Council's website. *Response: this information is not publicly available. The term "sensitive" or "protected" refers to species that are vulnerable to persecution or over-exploitation. To safeguard them from deliberate harm, known locations of such species should only be made public at an imprecise resolution. The list of sensitive species in Scotland was prepared by Scottish Natural Heritage (now Nature Scot) based on expert conservation advice and scientific overview.*
82. The developers state that "all comments from technical consultees have been addressed". What are these and can copies of the responses be provided? *Response: relevant consultee responses were available to view on the public website.*

Support:

83. The development has been done in a generous and sympathetic way to respect the heritage of the site and realistic to the demand for retirement accommodation in the area. The development would provide a mix of apartments, cottages and houses for over 60s designed to maintain and extend independence. *Response: the principle of development and the layout have been discussed elsewhere in this report.*
84. The site is a prime location for development and is being undertaken by a group of people who care for the area and have been an ally to improvements to the community in the past and would represent a much needed addition to the area. Oil is in decline, and a high-quality retirement village would keep people and their disposable income in the area – benefiting shops, cafes and businesses in the area. *Response: the principle of development and the layout have been discussed elsewhere in this report. For reasoning previously given, this location is not considered acceptable for the proposal brought forward.*
85. The use of the field to the east as a driveway would eliminate the possibility of development on this land and the site entrance is a favourable change that would allow the existing Binghill Farmhouse access road to be safer due to the requirement to remove the hedge row. *Response: it is noted that Roads officers find the proposed road layout acceptable, it wouldn't necessarily stop any future development, although any such proposals would be subject to a separate application.*
86. There is an increased need for care homes/ retirement villages in general - the concept of an active retirement community is appealing and there are few developments that have been built for the ageing population. *Response: comments noted, but development should occur on sites allocated for residential development in the ALDP or on brownfield sites.*
87. The proposal would have little impact on residential amenity and screening could alleviate concerns. *Response: This matter has been discussed elsewhere.*
88. The proposal will encourage people to remain independent as long as possible. *Response: comments noted.*
89. Residents can live independently in housing adapted for difficulties of increasing age with the confidence that care is available nearby as those needs increase. The care home nearby provides further assurances. *Response: comments noted.*
90. Model works well at Inchmarlo - a community integrated into the environment. A similar community would benefit Aberdeen and can be developed to retain the wooded character of the area. *Response: comments noted, and the principle of the development has been discussed elsewhere.*
91. The development would make Binghill House an integrated part of the community – providing it with a sustainable future. *Response: comments noted, and the principle of the development has been discussed elsewhere.*
92. Proposal would give wider benefits to all in Milltimber community of all ages - access for walking and cycling, new facilities shop/ cafe allotments - older people could make a significant contribution to the local community in other ways. *Response: comments noted, and the principle of the development has been discussed elsewhere.*

93. While the Council provides sheltered and very sheltered housing in Aberdeen there is a long waiting list, and these may not be suitable for those wishing a private option. *Response: comments noted, although this issue is not considered relevant to the determination of this application.*
94. The current pandemic has highlighted mental health issues around loneliness and such a village would improve quality of life for many older people living alone and there are many published studies which show how important independent living and physical activity is for older people. *Response: comments noted, and the principle of the development has been discussed elsewhere.*
95. Creation of jobs during construction and long term. *Response: comments noted.*

Neutral Comments

96. Access should be provided to recumbent stone circle and cairn, which would enhance amenities of the area and measures would need to be put in place to protect these structures. *Response: it is noted that the stone circle and cairn are located out with the application site boundary.*
97. Would support the scheme if all mature trees protected and the areas exempt from new buildings. *Response: impact on trees has been discussed elsewhere in this report.*

Matters Raised at Pre-Determination Hearing

It should be noted that many of the issues raised at the PDH and included within the associated minutes of the meeting have been addressed above. The minutes of the PDMC are within the agenda pack for this meeting of the Planning Development Management Committee. These include matters raised by the applicant noting that technical issues with the proposal have been addressed, and clarification that Police Scotland were not looking for the introduction of a gated community. It is noted that the layout of the proposal may have changed due to public comment, but as mentioned above the layout is indicative and subject to change. The issues in relation to loss of trees and open space have also been discussed elsewhere.

The comments about demand for housing are noted, and have also been discussed, where the Planning Service concluded that this is not the correct location for the type of development proposed.

The comments from Professor Hutchison and the applicant are also noted (with regards to senior living) and have been discussed elsewhere. However, in response to some specific comments made by Professor Hutchison, it is not considered that any of the matters raised would alter the Planning Authority's concerns regarding the proposed development. In regards to the applicant's concluding comments, it is noted that the allotments would be open to the community, in terms of the use of e-bikes within the development could be included within the travel plan, the issue with the shuttle bus has been discussed above (regarding sustainable transport) and it should be noted that the conversion of Bingham House does not form part of this application and would likely be subject to a future application were permission to be approved.

The Community Council comments are noted and have been discussed elsewhere in this report.

In terms of the objector's concerns, the level of objection is noted along with details regarding the principle of development in the Green Belt. The loss of trees and demand for the type of development proposed have also been discussed, along with impact on health facilities, access to the site, wildlife, other potential sites for the development, and the suitability of the site.

Overall, it is considered that the matters raised by the applicants, Community Council and objectors have been addressed within this report.

Conclusion

The above evaluation concluded that the proposed development conflicts with a number of the policies contained within the adopted Aberdeen Local Development Plan.

- The principle of development fails to comply with Policies NE1 (Green Space Network) and NE2 (Green Belt) of the Aberdeen Local Development Plan,
- The applicant has failed to adequately demonstrate how a level of development could be accommodated on site without adversely impacting on the setting of the Category “C” listed building, therefore conflicting with elements of Policy D1 (Quality Placemaking by Design) and D4 (Historic Environment), along with various other national documents
- The proposal would result in the loss of a number of mature trees within the development site, thereby conflicting with Policy NE5 (Trees and Woodland) and
- The proposal would fail to comply with similarly worded policies in the Proposed Aberdeen Local Development Plan, which also does not support the principle of development on site.

The report also notes tension and non-compliance with other policies contained within the document including T3 (Sustainable and Active Travel), D2 (Landscape) and NE8 (Natural Heritage), although the Planning Service were of the view that these tensions are considered to be not significant enough to warrant refusal of planning permission in their own right.

The proposal is therefore recommended for refusal for the reasons detailed below. It should be noted that if Members are minded to approve the application contrary to officer recommendation, this would need to be subject to the conclusion of a legal agreement and a suite of conditions which are detailed at the end of this report.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposal would not be for purposes considered essential for agriculture, woodland, or forestry, it would not be a recreational use associated with an agricultural or rural setting and would not be associated with mineral extraction or landscape renewal. In addition, whilst it could be argued that the proposal is within the boundaries of an existing activity, it is not small-scale, it would significantly increase activity on site and would not be ancillary to what exists. The proposal would also destroy or erode the character and/ or function of the Green Space Network. Consequently, the proposal would fail to comply with Scottish Planning Policy, Policy NE1 (Green Space Network) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, as well as with Policies NE1: Green Belt, NE2: Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan.
2. The proposed development has not demonstrated sufficient consideration for its context and has not demonstrated an acceptable form of proposed development that respects the setting of the Category “C” listed Bingham House, nor has the applicant adequately demonstrated how an acceptable level of development could be accommodated on site whilst having due consideration for its surrounding context. The proposal would therefore fail to comply with Scottish Planning Policy, Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Setting, Policy D1 (Quality Placemaking by Design), Policy D4: Historic Environment of the Aberdeen Local Development Plan and with Policy D1 (Quality Placemaking) and Policy D6 (Historic Environment) of the Proposed Aberdeen Local Development Plan.
3. The proposed development would see the removal of a minimum of 22 trees, with the potential for further tree loss due to development potentially being undertaken within the Zone

of Influence of a number of trees. The proposal is therefore contrary to Policy NE5 (Trees and Woodland) of the Aberdeen Local Development Plan, its associated Supplementary Guidance: Trees and Woodland and Policy NE5: Trees and Woodland of the Proposed Aberdeen Local Development Plan in that these policies have a presumption against all activities and development that will result in the loss of, or damage to, trees and woodland that contribute to nature conservation, landscape character, local amenity or climate change adaptation or mitigation

COMMITTEE RESOLUTION TO APPROVE

If Members are minded to approve the application contrary to officer recommendation it is recommended that this should be:

Subject to a legal agreement to ensure (i) payment of the required developer obligations and associated affordable housing provisions as contained within the Development Obligations response; and (ii) an age restriction on the occupation of the housing to ensure that at least one member of the household is over 55 in line with the type of development proposed by the applicant and to ensure that there is no requirement for a contribution towards mitigating the impact of the proposal on education (local school capacity); and (iii) provision of a shuttle bus to allow connections to the wider network.

Members should also attach the following conditions:

Standard timing condition for Planning Permission in Principle and submission of Matters Specified in Conditions and commencement of development. This would include a detailed levels survey of the site and cross section showing proposed finished ground and floor levels of all buildings relative to existing ground levels at a fixed datum point.

Details of layout, design and external appearance of all buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and recyclables; boundary enclosures around individual homes and other premises; and details of play zones, play equipment and all other areas of open space, including the allotments to be provided and a phasing Plan for the delivery of the development, including the proposed access road, landscaping, footpath connections and areas of public open space. A condition regarding phasing and associated mechanisms for the delivery of the café, shop allotments and nursing home is also likely to be required if members consider these to be material considerations in favour of the development.

From a road's perspective, details of the layout and finish of roads including the new access onto Binghill Road and the proposed emergency access, visibility splays, parking, footpaths and cycle paths, details of servicing arrangements for both the residential, care home and commercial elements of the proposal, the submission of a residential travel pack and staff travel pack, travel plan, an updated drainage impact assessment and connections to the wider network. Waste Management have also requested conditions requiring details of the storage of waste materials, including the location and potential collection points, a swept path for a refuse collection vehicle and further details for bin stores (if required).

In terms of archaeology, a written scheme of investigation including 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. The works should include surveys of the ruined buildings, trenches to identify former paths, a 10% evaluation of the area to the south of Binghill House and a standing buildings survey of Binghill House.

In terms of Environmental Health considerations, (1) An Air Quality (Dust) Risk Assessment and (2) Dust Management Plan (based on the outcome of the Dust Risk Assessment). In addition, a condition would be required in relation to a (3) suitable extract ventilation assessment for equipment associated with the café which 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 and a (4) 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.

From a natural heritage perspective, (1) an Ecological Impact Assessment with more detailed proposals including plans for appropriate biodiversity enhancements, (2) a more detailed assessment of the bat roost potential for trees including a bat activity survey, (3) a seasonal breeding bird survey, (4) an updated badger survey with details of licencing conditions/ plans, (4) plans for immediate pre-works checks and detailed within a Construction Environment Management Plan (5) Invasive non-native species mitigation plan, (6) detailed biodiversity enhancements , (7) a detailed landscaping scheme, (8) an updated tree survey along with details of tree protection measures and the storage of materials on site, (9) further details showing the location of proposed bat and bird boxes, (10) the submission of a breeding birds survey, should development be undertaken during the breeding bird season, (11) the submission of a red squirrel survey and (12) an updated Phase 1 habitat survey and (13) details showing the enhancement of green/ blue infrastructure and sustainable placemaking.

Other information that would be required would be (1) low/ zero carbon details, (2) details relating to the provision of full fibre broadband, (3) confirmation from Scottish Water of water and wastewater connections.

Informatives would also be required regarding working hours during the commencement of development, advice on Police Scotland's "Secured by Design" initiative and details of the waste management requirements for the development.

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