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

Town House,
ABERDEEN 08 March 2021

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION HEARING

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet remotely on **MONDAY, 15 MARCH 2021 at 9.30 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.

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

DECLARATION OF INTERESTS

- 1 Members are requested to intimate any declarations of interest (Pages 3 - 4)

GENERAL BUSINESS

- 2 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 - Bingham House, Bingham Road Aberdeen (Pages 5 - 60)

Planning Reference – 200750

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

[Planning search](#)

Planning Officer: Gavin Clark

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

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.

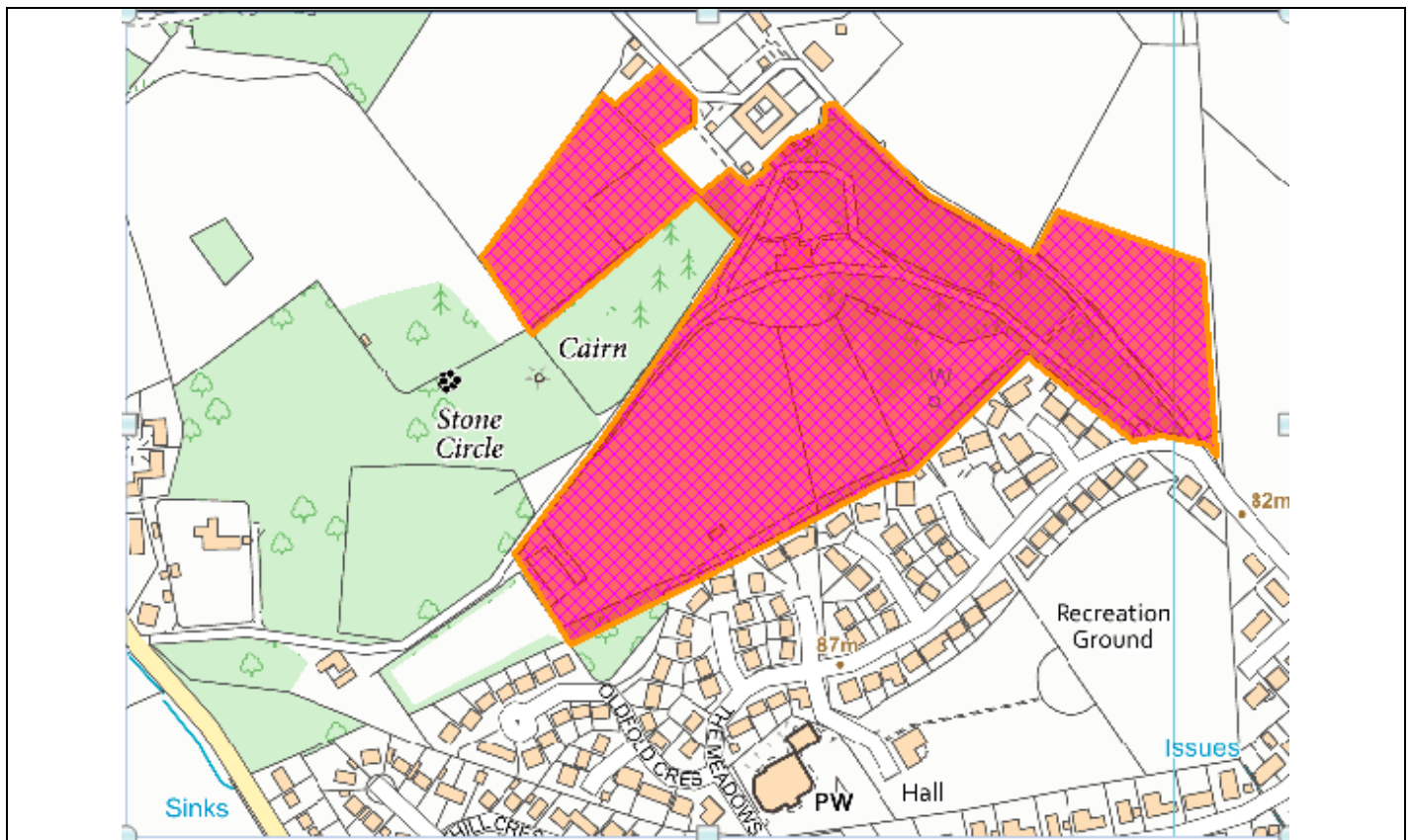
OR

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.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Pre-Determination Hearing (Planning Development Management Committee)</h2>
	<p>Report by Development Management Manager</p>
	<p>Pre-Determination Hearing Date: 15th March 2021</p>

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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APPLICATION BACKGROUND

Purpose of Report

Under section 38A of the Town and Country Planning (Scotland) Act 1997 (the Act), the opportunity to attend pre-determination hearing must be provided in respect of applications for major developments which are considered to be significantly contrary to the vision or wider spatial strategy of the "Development Plan". At the time of writing, the Development Plan comprises the Aberdeen Local Development Plan 2017 and the Aberdeen City and Shire Strategic Development Plan 2020.

This report provides information for the pre-determination hearing required in relation to this planning application for a major development, comprising the '*Erection of active retirement community (circa 60 units in mix of apartments, cottages and houses and 20-bed nursing home) including small-scale local shop and café, community allotments and associated infrastructure*', which is considered to be significantly contrary to the adopted local development plan (the 2017 Aberdeen Local Development Plan).

No assessment of the merits or failings of the proposal is made in this report.

Site Description

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

Relevant Planning History

A proposal of application notice (Ref: 190857/PAN) was submitted in early 2019 for a mixed-use major development incorporating a new retirement community, the extension to and conversion of Bingham 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 Bingham 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 Authority 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.

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

APPLICATION DESCRIPTION

Description of Proposal

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

should be noted that the current application only includes part of the site identified in the Proposal of Application Notice and excluded an area of land to the north-east of the current site boundaries.

As this is an application for Planning Permission in Principle, the precise details of the proposal and its form are yet to be fully developed, although the indicative site plan of the level of development that could be accommodated on site. This application seeks simply to establish the principle of development in this location of the type and scale proposed. The indicative site plan is for illustrative purposes only and includes a general idea on where properties could be located along with the proposed access, areas of open space, SUDS basin and parking areas.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCW9G1BZIO100>

These include:

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

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 Authority). 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 Bieldside and Milltimber Community Council and presented the proposed development to those in attendance. Follow up meetings were held with the Planning Liaison Officer and 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 Pre-Determination Hearing

The proposed development is classed a 'major development' in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal is considered to be a significant departure from the Development Plan by virtue of it being a major mixed-used retirement community led development which is located on land designated as Green Belt and Green Space Network, where policies NE1 and NE2 of the Aberdeen Local Development Plan apply. Policy NE1 states that the "*Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network*" and "*proposals for development that are likely to destroy or erode the character and/ or function of the Green Space Network will not be permitted*". Policy NE2 states that "*no development will be permitted in the Green Belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction/ quarry restoration or landscape renewal*". It also goes on to advise of several exemption criteria that would not relate to the current proposals.

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

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

A previous requirement for such applications to be determined by Full Council has been removed by the recently revised legislation under the Planning (Scotland) Act 2019, and in March of this year Council delegated authority for these statutory hearings and determinations to the Planning

Development Management Committee as part of the Scheme of Governance review. Members agreed, at the Planning Development Management Committee (PDMC) meeting of the 24th of September 2020 for the hearing to be held by the PDMC and the application also thereafter be referred to PDMC for determination.

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

CONSULTATIONS

Archaeology Service (Aberdeenshire Council) – Advise that no works in connection with the development hereby approved 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 hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

- Site 11 (ruined building) – Level 1 Building Survey undertaken of this structure.
- Site 3 (outhouse) – Photographic Survey undertaken of this structure.
- Site 12 – two trenches across this alignment to identify the former formal paths and circular garden features as identified on the 1st Edition OS Map and investigate how they were constructed, materials used etc.
- 10% Evaluation of the area south of the current Binghill House encompassing the majority of the ‘central’ section of development in an attempt to locate the old house of Binghill/Drum well. (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) and also request the delivery of high quality on-site open space provision.

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.

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

Walking and Cycling: It is noted the site proposes to provide internal pedestrian footpath connectivity looping round the overall site, while providing connections to the existing adopted footpath network onto Binghill 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: It is noted that the nearest bus route to the site is on North Deeside Road (south of site). This route provides regular services along North Deeside Road into the heart of the City and City Centre. 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. The matters raised can be summarised as follows:

Objection:

Principle of Development

1. The impact on the green belt/ loss of green belt and farming land.
2. Contrary to Policy NE1 as the development would destroy or erode the character of the Green Space Network.
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.
4. The proposed development would not improve peoples 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”.

5. The development is in the wrong location, at the top of a hill on Binghill 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.
6. The Senior Living Report selectively pulls out part of a report with some offers of support on social and moral grounds.
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.
8. The proposal would set an undesirable precedent for developments of a similar nature in the future.
9. The site is not included for development in either the 2017 ALDP or the Proposed ALDP 2022.
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.
11. The impact of breaching the 95m Deeside Valley contour.
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.
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.
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.
15. The proposed allotments – concerns about noise and vermin.

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.
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.
18. An Environmental Impact Assessment (EIA) should have been undertaken to assess the impact on flora and fauna including wildlife.
19. Wildlife and green areas are becoming sparse and the proposed development would remove an area of natural greenery.
20. The route of the proposed road goes through an area that contains a natural spring and two species of marsh orchid.
21. General impact on the environment in terms of loss of heritage and loss of habitats.
22. The development does not show any representation of environmentally sustainable construction.
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.
24. Landowners should uphold the Scottish Access Code and residents should continue to respect their responsibilities.

25. The new access roads should not disrupt the existing rural paths used by residents.
26. A new footpath is shown leading from the proposed development to Oldfold Crescent, this path goes through untouched woodland area outwith 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.

Traffic

27. The development would result in increased traffic levels.
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.
29. Infrastructure is unable to cope with the additional traffic around Milltimber and road limits of 20mph should be fully applied.
30. There is a risk to children attending the new primary school, which is near the new junction and impacts on children crossing Bingham Road.
31. The proposed café and shop may lead to more traffic on Bingham Road.
32. There are several inadequacies within the submitted Transport Statement.
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.
34. Parking should be moved away from existing houses and should not require any tree removal.
35. Issues with the proposed access to the site, which is located on a bad bend.
36. The assumption of 1 car per 3 residents would be a gross understatement based on the distance and incline to public transport.
37. Impact from construction traffic – who will repair any damage?
38. There is a lack of EV charging infrastructure.

Drainage

39. There are a number of local drainage issues – the area is incapable of taking additional surface water drainage from such a development.
40. Increased flood risk to existing houses downhill due to building on existing fields.
41. Concerns with the location of the proposed SUDS pond, particularly as it is in close proximity to the new primary school and the threat/ danger that this would cause to children.

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).
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.
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 Binghill House.
45. A community building would help ensure that this development would be able to integrate with the existing community of Milltimber.
 46. What evidence do developers have for such provision from the social work department/ health board – there have been no comments from the medial practices.
 47. The development would not help meet the zero carbon targets.
 48. Business developments such as this looking to make a profit should not be encouraged.
 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.
 50. Noise concerns from both construction and because of the development.
 51. The proposal would have an adverse impact on mental health due to the erosion of recreational spaces.
 52. Concerns that other areas of land will be sold off to developers.
 53. The development would have an adverse impact on both leisure and culture.
 54. There would be adverse impacts on the capacity at local schools.
 55. The development would make outdoor learning at the nearby primary school difficult and dangerous.
 56. There are no local amenities in Milltimber – small shops are not attractive to small businesses.
 57. In terms of the Land Reform Act (2003) are there any concerns with providing community facilities on site?
 58. Where are local children expected to play? There is a play area mentioned, where is this to be located?
 59. Where do I walk my dog as all the green spaces are being developed?
 60. The developers should apply for a nursing home (Binghill House) solely without any further houses or associated facilities.
 61. Is this the only way to secure the future of Binghill House and minimise the impact on setting?
 62. Only two blocks from three were built at Tor-na-Dee as there was no further demand.
 63. Adverse impact on burial grounds, stone circle and stone cairn to the north of the tennis courts
 64. Concern in relation to neighbour notification procedures. Feel that due process has not been adequately followed.
 65. Neighbouring landowner has commented that adjacent boundaries would likely be fenced off to protect privacy.
 66. There is no statement on the number of staff proposed.
 67. Impact in relation to amenity value to the community.

Additional Comments Received Following Re-Notification

68. Concerns highlighted in relation to the Community Council's stance of "neutral" in relation to the application.
69. 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.
70. Development at Woodland Grove has been slow and that the developer would not be proceeding with phase 4 of that development.
71. 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.

72. 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.
73. The developer should contribute towards the expansion of the health centre, improvements to the junction on to North Deeside Road and improvements to Bingham Road.
74. 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.
75. 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 of its recommendations and statements contained within the document.
76. 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.
77. No reference to capacity limits for residents and employee vehicles, parking, increased traffic, school traffic and how this would be managed.
78. Local 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.
79. If planning permission in principle is granted what is to stop the developer making significant changes at a later date? Would also request the submission of plans, elevations and material details at this stage.
80. 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?
81. 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.
82. What powers will the Council have to ensure that the proposed shop and café at the outset of the development?
83. Request that copies of the ecological reports be made available on the Council’s website.
84. The developers state that “all comments from technical consultees have been addressed”. What are these and can copies of the responses be provided?

Support:

85. 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.
86. 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.
87. 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 Bingham Farmhouse access road to be safer due to the requirement to remove the hedge row
88. 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.
89. The proposal would have little impact on residential amenity and screening could alleviate concerns.

90. The proposal will encourage people to remain independent as long as possible.
91. 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.
92. 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.
93. The development would make Binghill House an integrated part of the community – providing it with a sustainable future.
94. 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.
95. 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.
96. 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.
97. Creation of job during construction and long term.

Neutral Comments

98. 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.
99. Would support the scheme if all mature trees protected and the areas exempt from new buildings.

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. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

- National Planning Framework (NPF3) 2014
- Scottish Planning Policy (SPP)
- Designing Streets (2010)
- 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 – Bingham House). This also included an area of land to the west. The recommendation was that the site was undesirable and was not taken forward as a development site in the PALDP.

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

- WB1: Healthy Developments
- WB2: Air Quality
- WB3: Noise
- WB4: Specialist Care Facilities
- NE1: Green Belt
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- NE5: Trees and Woodland
- D1: Quality Placemaking
- D2: Amenity
- D4: Landscape
- D5: Landscape Design
- D6: Historic Environment
- D7: Our Granite Heritage
- R5: Waste Management Requirements for New Development
- Low and Zero Carbon Buildings, and Water Efficiency
- H3: Density
- H4: Housing Mix and Need
- H5: Affordable Housing
- VC10: Local Shop Units
- I1: Infrastructure Delivery and Planning Obligations
- T2: Sustainable Transport
- T3: Parking
- CI1: Digital Infrastructure

Other Material Considerations

Historic Environment Records: House and garden depicted on historic OS maps. These show the house with small structures to north and west, set in wooded grounds. East of the house is a fountain. To the north of the house is a quadrangular steading (now Bingham Steadings) with an attached horse mill at the north corner, two small structures to the east and two other buildings to the south. The smaller buildings are now disused, and the steading converted to residential use. Now named Bingham House. The house dates from circa 1840 with substantial additions of 1885-

1889 and a billiard room extension added in 1900. It is two storeys with attic and basement, of three bays and multi-gabled.

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

Scheduled Monuments: Binghill House Stone Circle and Cairn: There are two stone circles (scheduled monuments) approximately 50m and 100m west of the application site boundary.

The trees along the first 110 metres of driveway up to Binghill House are covered by a Tree Preservation Order (TPO 125: Binghill Road).

NEXT STEPS

A report will be prepared by officers for the Planning Development Management Committee with a full and detailed assessment of the proposed development and making a recommendation to Members.



PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

STATUTORY PRE-DETERMINATION HEARING

15th March 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**

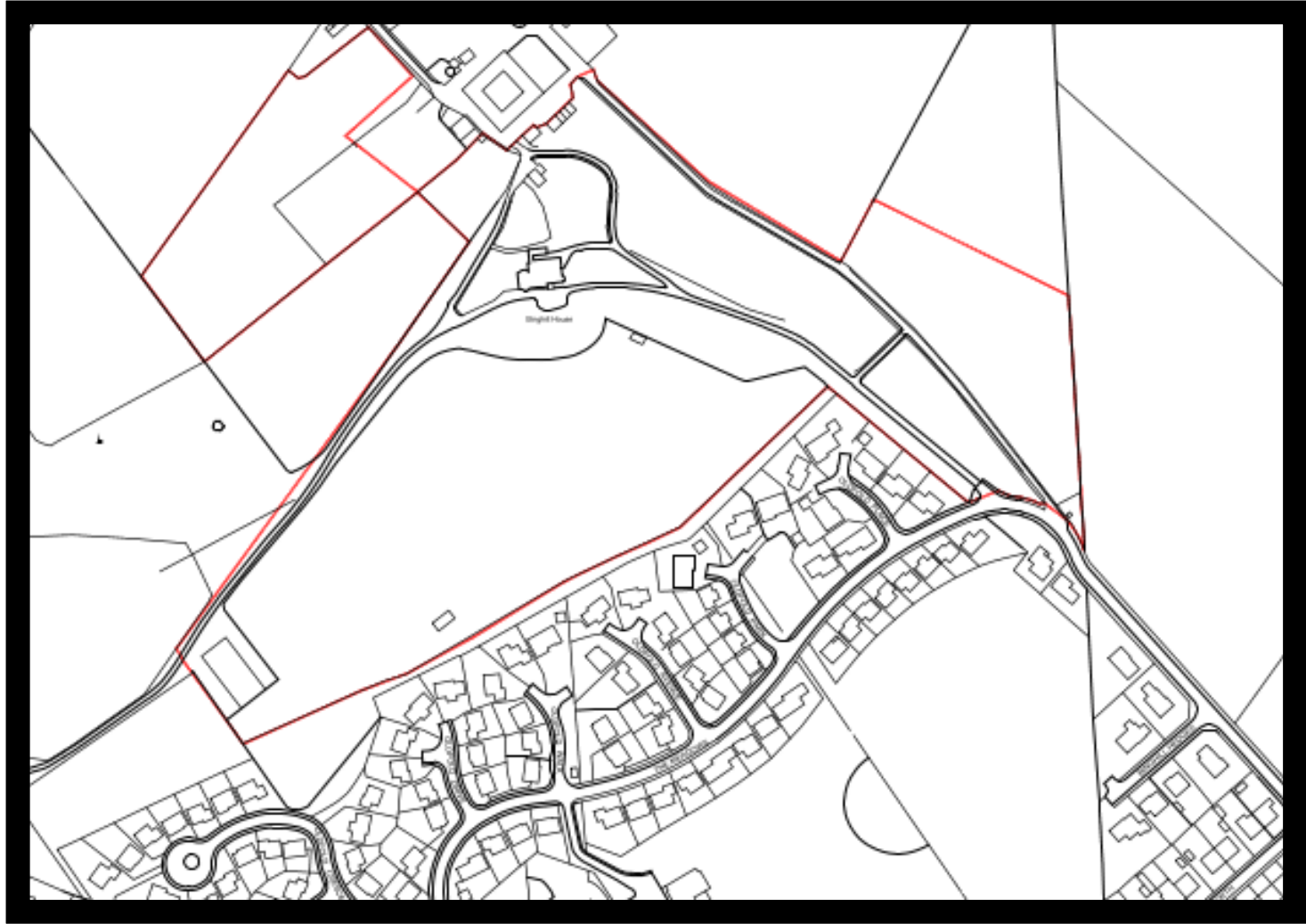
**CONTLAW
ROAD**

MILLTIMBER

NORTH DEESIDE ROAD



LOCATION PLAN



AERIAL PHOTO





EXISTING SITE ENTRANCE – FROM BINGHILL ROAD



**EXISTING ENTRANCE TO STEADINGS – PROPOSED LOCATION FOR
NEW ACCESS**



**EXISTING ACCESS TO STEADINGS & PROPOSED LOCATION OF
“LOOP” ACCESS ROAD**



LOOKING EAST FROM EXISTING ACCESS TO STEADING BUILDINGS



LOOKING SOUTH-EAST FROM STEADING ACCESS TOWARDS OLDFOLD DEVELOPMENT





EXISTING DRIVEWAY – LOOKING NORTH



LOOKING SOUTH-EAST (FROM BINGHILL HOUSE)



LOOKING SOUTH-WEST (FROM BINGHILL HOUSE)



PANORAMIC VIEW OF SOUTHERN SECTION OF APPLICATION SITE





LOOKING SOUTH FROM CENTRAL AREA WITHIN SITE





VIEW LOOKING EAST FROM LOWER SECTION OF THE SITE





VIEW FROM SOUTH-EAST LOOKING NORTH-WEST



VIEW LOOKING WEST







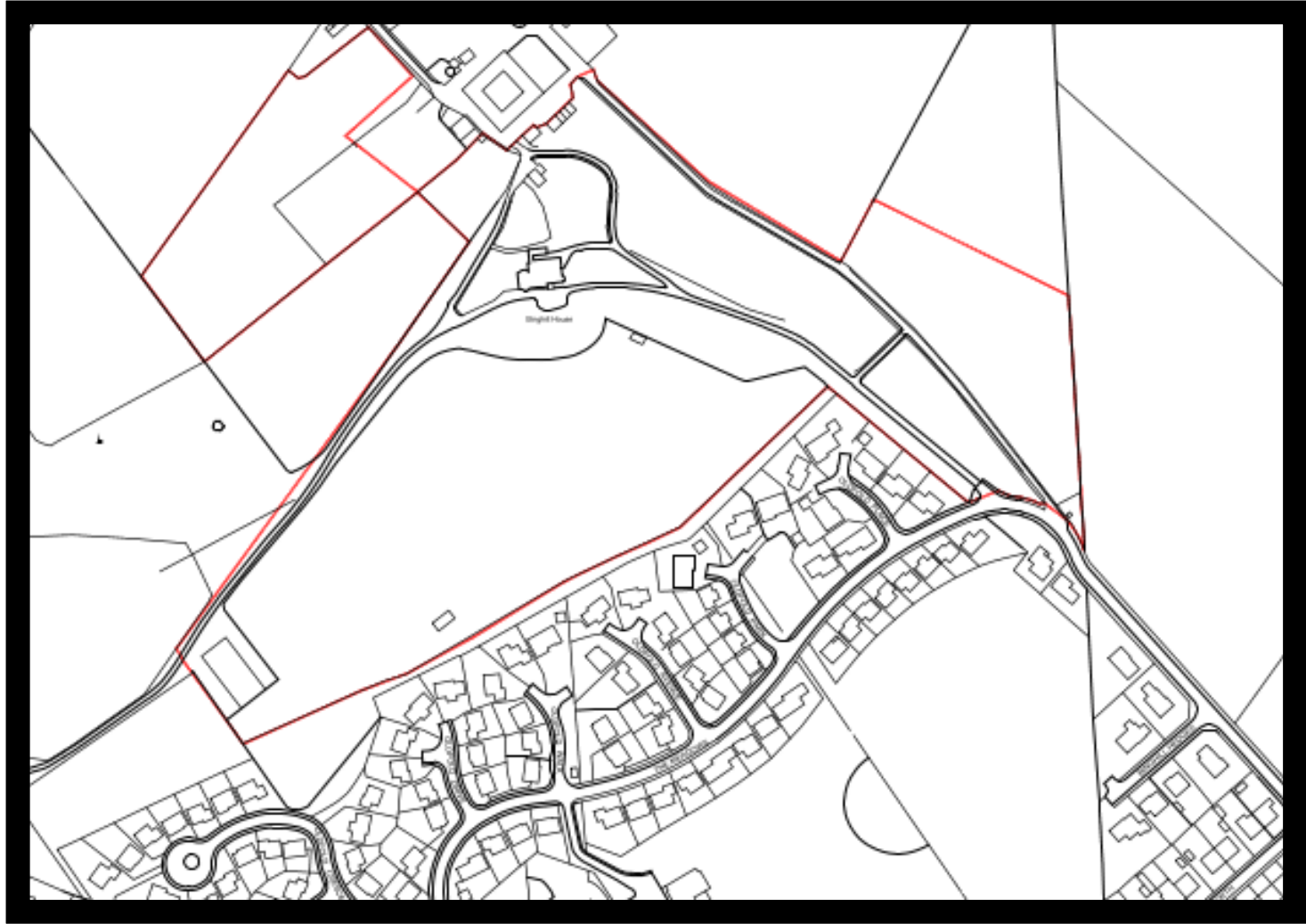


LOOKING NORTH-EAST FROM CENTRALLY WITHIN THE SITE





LOCATION PLAN

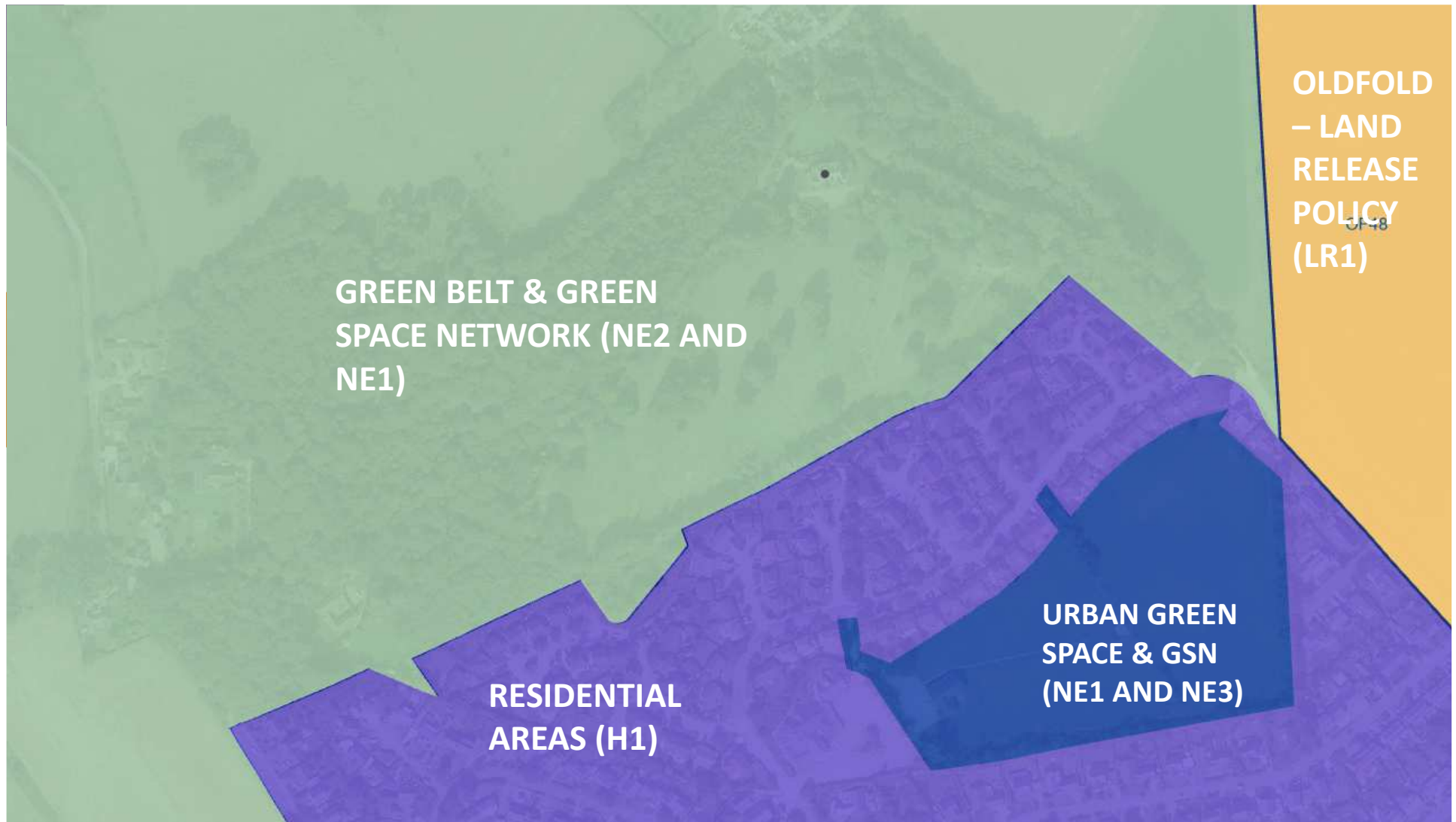


AERIAL
PHOTO



INDICATIVE SITE PLAN





2017 Aberdeen Local Development Plan Zonings

PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN

GREEN BELT AND GREEN AND BLUE INFRASTRUCTURE (NE1 AND NE2)

OLDFOLD LAND RELEASE

RESIDENTIAL AREAS – H1

GREEN AND BLUE INFRASTRUCTURE – NE2



BACKGROUND

- Application was subject to statutory Pre-Application Consultation
- Applicants and officers presented to the Pre-Application Forum in September 2019
- Pre-Application Consultation Report forms part of the current submission



ABERDEEN LOCAL DEVELOPMENT PLAN

- Site is zoned within the Green Belt and Green Space Network in the ALDP
- NE1 states that the “Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network” and “proposals for development that are likely to destroy or erode the character and/ or function of the Green Space Network will not be permitted”.
- Policy NE2 states that “no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/ quarry restoration; or landscape renewal”



ABERDEEN LOCAL DEVELOPMENT PLAN

Further states that proposals for development associated with existing activities in the Green Belt will be permitted but only if all of the following criteria are met:

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



ABERDEEN LOCAL DEVELOPMENT PLAN

- NE2 makes no provision for development on the level proposed in the current application.
- Represents a ‘significant departure’ from the Development Plan
- Significant departure necessitates a Pre-Determination Hearing – PDMC meeting of September 2020 established that this hearing would be before PDMC, rather than Full Council.



ABERDEEN LOCAL DEVELOPMENT PLAN

- Bingham House is a Category “C” listed building, and was listed in November 2014.
- Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act places 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 possesses.



PROPOSED ABERDEEN LOCAL DEVELOPMENT PLAN

- Approved by Full Council in March 2020
- Represents the ‘settled view’ of the Council on what the next LDP should contain
- The Green Belt and Green Space Network (Proposed as Green and Blue Infrastructure) designation is carried forward to the Proposed Aberdeen Local Development Plan.
- Statutory consultation on Proposed Plan from May-Aug 2020
- Responses being reviewed and processed with 261 supporting its continued exclusion from the PALDP



REPRESENTATIONS

- 173 representations received (147 in objection, 24 in support and 2 neutral comments)
- Cults, Bielside and Milltimber Community Council object to the proposal.
- Developer Obligations advise of contributions towards the core path network, healthcare facilities and community facilities.
- Colleagues in Roads have provided various comment and have raised no objection to the application.
- All other technical consultees are content with the proposal and other aspects could be controlled via condition.

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