

Public Document Pack



To: Councillor Henrickson, Convener; Councillor Bouse, Vice-Convener; and Councillors Alphonse, Blake, Boulton, Cooke, Copland, Cormie, Crockett, Houghton, MacKenzie, McRae and Thomson.

Town House,
ABERDEEN 17 August 2022

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 25 AUGUST 2022 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

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.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 7 - 8)

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 23 June 2022 - for approval (Pages 9 - 12)
- 4.2. Minute of Meeting of the Pre Determination Hearing of 1 June 2022 - for approval (Pages 13 - 28)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 29 - 32)

GENERAL BUSINESS

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works (Retrospective) - Johnston G Block, University of Aberdeen (Pages 33 - 46)

Planning Reference – 220244

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 temporary removal of a section of walling - Albyn Hospital, 21 - 24 Albyn Place, Aberdeen (Pages 47 - 64)

Planning Reference – 211797

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

[Link.](#)

Planning Officer: Matthew Easton

- 6.3. Detailed Planning Permission for the erection of 2 storey modular unit comprising 8 classrooms, store and toilets and partially covered walkway linking to existing school, for a temporary period not exceeding five years - Buckburn Academy Aberdeen (Pages 65 - 96)

Planning Reference – 220847

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

[Link.](#)

Planning Officer: Alex Ferguson

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1. Planning Permission in Principle - residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities - Tillyoch, Culter House Road, Peterculter, Aberdeen (Pages 97 - 160)

Planning Reference – 211699

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

[Link.](#)

Planning Officer: Aoife Murphy

- 7.2. Planning Permission in Principle for a residential development (up to 24 two storey units) with amended access, open space and ancillary infrastructure - Heatherly, Wellington Road, Aberdeen (Pages 161 - 194)

Planning Reference – 211072

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

[Link.](#)

Planning Officer: Robert Forbes

- 7.3. Planning Permission in Principle for the erection of 2 dwelling houses with associated access and landscaping works - rear of 602, 600 And 598 Holburn Street, Aberdeen (Pages 195 - 218)

Planning Reference – 220648

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

[Link.](#)

Planning Officer: Robert Forbes

- 7.4. Detailed Planning Permission for the erection of a fence, decking and gate to front (retrospective) - Ground Floor Flat, 69 Hardgate Aberdeen (Pages 219 - 236)

Planning Reference – 220622

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

[Link.](#)

Planning Officer: Alex Ferguson

- 7.5. Detailed Planning Permission for the erection of a restaurant (class 3) with drive thru facility (sui-generis) including installation of 2no. customer order displays, post height restrictor and play frame; car parking, landscaping and associated works including demolition - Rosehill House, 202 Ashgrove Road West Aberdeen (Pages 237 - 268)

Planning Reference – 220529

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

[Link.](#)

Planning Officer: Lucy Greene

OTHER REPORTS

8.1. Guidance on Outdoor Seating - PLA/22/183 (Pages 269 - 282)

DATE OF NEXT MEETING

9.1. Thursday 29 September 2022 at 10am

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

This page is intentionally left blank

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 29.11 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.

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 23 June 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Copland, Cormie, Crockett, Houghton, MacKenzie, McRae, van Sweeden (as substitute for Councillor Cooke) and Thomson.

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 26 MAY 2022

1. The Committee had before it the minute of the previous meeting of 26 May 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

7 LANGSTANE PLACE ABERDEEN - 220509

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

that the application for Detailed Planning Permission for the installation of a flue to the existing mechanical extract system to the side (east) elevation at 7 Langstane Place Aberdeen, be approved unconditionally.

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

The Committee resolved:-

to approve the application unconditionally in line with the officer recommendation.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 June 2022

19 SOUTH AVENUE ABERDEEN - 220584

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

that the application for Detailed Planning Permission for the erection of 2 dwelling houses with associated works at 19 South Aberdeen, be refused for the following reasons:-

1. The proposed development does not take sufficient cognisance of the site context, would have a significant detrimental impact on the streetscape and visual amenity when viewed from both North Deeside Road and South Avenue and on the character and appearance of the surrounding area, and would constitute an overdevelopment of the site. This is reflected through the introduction of a new, secondary building line between existing dwellings fronting onto South Avenue; relatively high plot development ratios; short rear gardens that, in the case of Plot 1, does not meet the minimum length as set out in Supplementary Guidance “The Subdivision and Redevelopment of Residential Curtilages”; and short separation distances between the two buildings, all of which would have an adverse visual impact on the character and appearance of the surrounding area.

All of these aspects would result in the proposal not complying with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

2. The proposed design of the building, in particular due to its scale, height, massing, use of flat roofs and high level windows on prominent elevations; and elevated position in relation to South Avenue, and, due to the lower boundary wall and artificial plateau to the north of the building, when viewed from North Deeside Road in relation to neighbouring properties along North Deeside Road, would result in a building that would be unduly prominent in views along North Deeside Road; would have an overbearing impact on the street scene; and would be out of context in relation to other dwellings along North Deeside Road. This would have a detrimental impact on the character and appearance and visual amenity of the surrounding area.

All of these aspects would result in the proposal not complying with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

23 June 2022

3. The overall bulk and volume of development alongside the east boundary of the residential curtilage of 21 South Avenue, in addition to the construction of a solid wall with an overall height of c.9m at a short distance next to this dwelling, is considered to have an overbearing and oppressive impact on the existing 1.5 storey dwelling at 21 South Avenue to the detriment of their residential amenity.

All of these aspects would result in the proposal not complying with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

4. The proposed rear garden serving Plot 1 with a maximum length of 7m would not meet the minimum criteria in relation to provision of external garden space as set out in Supplementary Guidance Subdivision and Redevelopment of Residential Curtilages. Given the size of the dwelling proposed, it is therefore considered that insufficient external amenity space would be provided to adequately serve a dwelling this size.

The proposal would therefore not comply with the relevant parts of policies H1 (Residential Areas); D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; policies H1 (Residential Areas); D1 (Quality Placemaking) and D2 (Amenity) of the 2020 Proposed Local Development Plan and relevant sections of Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

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

The Committee resolved:-

to refuse the application in line with the officer recommendation.

56 PARK ROAD ABERDEEN - 220509

5. This application was withdrawn by the applicant and therefore was not considered.

- **Councillor Henrickson, Convener**

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 1 June 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Clark (as substitute for Councillor McRae), Cooke, Crockett, Houghton and Thomson.

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.

PLANNING PERMISSION IN PRINCIPLE - RESIDENTIAL DEVELOPMENT (CIRCA 250 UNITS) WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND COMMUNITY FACILITIES - LAND AT TILLYOCH, CULTER HOUSE ROAD, PETERCULTER - 211699

1. The Committee conducted a site visit prior to the hearing. The Committee was addressed by Ms Aoife Murphy, Senior Planner, who summarised the proposal for the overall site.

The Convener explained that the Committee would return to the Town House to commence the hearing.

At the start of the hearing, the Committee heard from the Convener who began by welcoming those present at the hybrid Pre-Determination Hearing and providing information on the running order. The Convener explained that the site under review at the hearing was for a residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities at land At Tillyoch, Culter House Road, Peterculter. The Convener explained that the first person to address the hearing would be Ms Aoife Murphy, Senior Planner 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 Ms Aoife Murphy, who addressed the Committee in the following terms.

Ms Murphy explained that the site was located to the north of Peterculter, extended to nearly 20 hectares and encompassed the existing Equestrian Centre and pet resort, grazing land and areas of ancient woodland to the south east and west, which were also covered by Tree Preservation Orders and noted to the south east was the Peterculter Local Nature Conservation Site.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

Ms Murphy advised that the site was bound by Malcolm Road to the west, a minor road to the north, Culter House Road to the east, off which the existing access to the site was gained and to the south by Bucklerburn Road, a portion of which was also identified as Core Path 86, beyond which lay the residential area of Peterculter.

In terms of topography, Ms Murphy indicated that the site sat on the south, south western side of a slope and rose upwards from Malcolm Road towards the north of the site. Malcolm Road sat at approximately 55m Above Ordnance Datum (AOD) and the centre of the site at approximately 95m AOD, equating to a level difference of 40m, with the very north of the site sitting at approximately 105m.

Ms Murphy explained that as the application was for planning permission in principle, no details of the final layout had been submitted for assessment. The purpose of the application was to establish the principle of development with finalised details of layout and house types assessed at subsequent planning application stages, such as Matters Specified in Conditions.

Ms Murphy advised that the application constituted a major development as per the Development Management Regulations 2013 and as such the application required pre-application consultation, which was undertaken via a virtual means in September 2021. The application was also presented at the Pre Application Forum in September 2021. Also in relation to the Environmental and Impact Regulations 2017, the proposal was screened by the Planning Service to establish the likely effects from the development on the environment and it was established that the application would require an Environmental Impact Assessment (EIA). An EIA Report was duly submitted in December 2021.

During her presentation, Ms Murphy split the site into four distinct areas.

Area one was the parcel of land to the north and it was noted as per the indicative site plan it would accommodate 40-50 units, open space and associated infrastructure.

In relation to area two, it was located within the centre of the site and would accommodate approximately 200 units, 62 of which would be affordable, providing 25% affordable housing. Also proposed within this area were wildlife corridors, areas of open space identified in green, Sustainable Urban Drainage System (SUDS) located to the south of the site, community facilities and associated infrastructure such as roadways.

In regard to area three, this portion of the site was located to the south east and accommodated existing and established ancient woodland, also protected by a Tree Preservation Order. This area was also identified as the Local Nature Conservation Site. Ms Murphy noted that to the north of this area was the existing access to the equestrian centre, which was to be retained to provide emergency access to the proposed development.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

Finally area four was the west of the site and it accommodated the proposed 6-9m wide access road. Access was to be taken from Malcolm Road via a new access point measuring in excess of 40m in width and the plan was for the road to extend north before splitting in two, both roads would then lead south and east into the residential development. A SUDs was also proposed and would be located to the south east of the proposed access and east of Malcom Road. An existing tree belt bounded the most western boundary of the site and it was noted that like the previous area, the area was identified as ancient woodland and was covered by a Tree Preservation Order. Ms Murphy also advised that given the extent of the topography of this area, the proposal would result in extensive cut and fill being required for the proposed road.

In terms of the current Aberdeen Local Development Plan 2017, Ms Murphy advised that the site sat within the Greenbelt. Two opportunity sites could be seen to the east and south west. OP109 was for 19 homes and OP52 was for 8 homes. The residential area of Peterculter lay to the south.

In relation to the Proposed Local Development Plan 2022, a portion of the site was to be allocated as OP53, a housing opportunity for 250 homes. The Proposed Plan was agreed by Full Council in March 2020 and was currently undergoing examination by Scottish Ministers.

Ms Murphy advised that in relation to the position of the current Local Development Plan and its zoning, the site fell within the Green Belt and under Policy NE2, there was a presumption against development unless it was associated with essential activities in the greenbelt such as agriculture. There were some exceptions allowed under this policy, but this related to small-scale development.

Ms Murphy explained that the majority of the site was also Green Space Network, with Policy NE1 advising that there was a presumption against development that would erode or destroy the character and function of the Green Space Network. Based on the existing zoning and designations, Ms Murphy advised the Planning Service was of a view that in principle the development would be contrary to Policies NE1 and NE2 of the current Local Development Plan and as such the proposal represented a significant departure from Development Plan Strategy and therefore necessitated the requirement of this Pre-Determination Hearing with final determination being made by Members in due course.

Ms Murphy indicated that in terms of the proposed plan, the majority of the site was proposed to be allocated as OP53 for a residential development, however the access road fell outwith the allocation and still lay in the Greenbelt. It was noted that whilst the Proposed Aberdeen Local Development Plan was a material consideration and represented the settled view of the Council, it was still undergoing examination by Scottish Ministers and the Reporter and was yet to be adopted. As such the current Local Development Plan 2017 was still the primary document against which the application should be assessed.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

Ms Murphy also provided information on the representations received. 301 had been received in total. 295 of these objected to the proposal, 4 were in support and 2 provided a neutral stance.

In terms of Developer Obligations, contributions would be required for the Core Path Network, Healthcare Facilities and a commuted sum for the remaining 0.5 units of Affordable Housing. Both Developer Obligations and Education had advised that based on the most up to date school roll forecasts there was sufficient capacity at both Peterculter Primary School and Culter Academy. Finally, the Environmental Policy had expressed concerns regarding the impact of the access road on the ancient woodland and the resultant impact on the natural heritage of the site. Further concerns had been expressed regarding the indirect impacts on the natural heritage of the Peterculter Local Nature Conservation Site and insufficient survey information having been provided to assess the impact of the development. As such, further information was formally requested by the Planning Service on the 23 May 2022, in respect of these concerns.

Ms Murphy concluded by outlining the next steps in relation to the application. A report would be prepared by officers for a forthcoming meeting of the Planning Development Management Committee containing a full assessment of the proposed development and with a recommendation to members.

The Committee then heard from Mr Michael Cowie, Engineer, in relation to the roads aspects.

Mr Cowie explained that as the proposal was for approximately 250 units and as per the Aberdeen City Council Supplementary Guidance, this would require the provision of a minimum of two separate vehicular accesses in order to serve the site. However Mr Cowie indicated that the indicative proposals indicated that the site would only be served by one vehicular access via Malcolm Road to the west of the site. Mr Cowie advised that this level of provision was thoroughly discussed with Roads Officers. The discussions also advised of the requirement for a wider access junction onto Malcolm Road with wider road widths for the first section until the road splits off into two separate roads serving different areas of the site, at such points the roads should reduce in width to a more typical residential design. This would retain access for emergency vehicles should there be incidents of cars broken down or temporary road works and this would all be subject to further detailed design as part of future applications and Section 21 Roads Construction Consent applications. In addition to this, the site also proposed to have a separate 'Emergency Only' access from Culter House Road in the eastern corner of the site, therefore there should not be any additional residential traffic on Culter House Road as this was always advised to be unsuitable.

In terms of associated trips for the site, Mr Cowie indicated that this was presented within the supporting Transport Assessment (TA), with an estimated 151 and 141 vehicular trips during the peak periods. Since the opening of the AWPR the volumes upon Malcolm Road had significantly reduced and the impact of the associated trips of

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

this development was not considered to impact Malcolm Road as it would still be below that in which it previously operated.

Mr Cowie explained that as the site lay to the north of the existing Peterculter area there was a requirement to provide suitable pedestrian connectivity between the site and the existing network and it was confirmed that this was proposed but the finer detail would be subject to condition and future applications given the nature of Planning Permission in Principle. This provision would provide connectivity to the nearest local amenities such as shops, community centre and the local primary school which should also form part of the necessary 'safe routes to school'.

Mr Cowie highlighted that the layout was only indicative and the internal design would be subject to condition(s) in terms of layout design, road widths, paths, drainage etc which should all be as per the Council's standards. Additionally, parking provision throughout the site would require to be as per the Council's supplementary guidance which included the like of electric vehicle provision, disabled (if necessary) and visitor parking, all done via conditions.

Mr Cowie advised that at this stage, Roads Development Management believed that the proposal provided adequate level of provision for access and connectivity to the existing area of Peterculter but given this was a Planning Permission in Principle application much of the finer detail and design was subject to future Matters specified applications.

Members then asked questions of Ms Murphy and Mr Cowie and the following information was noted:-

- Discussions had commenced with the local bus operators in order to have public transport to and from the site and to make the site accessible;
- There would be pedestrian routes from the site to the local village of Peterculter.

The Convener then invited the applicant to address the Committee, and the speakers consisted of Elaine Farquharson-Black (Brodies), Julie Robertson (Halliday Fraser Munro) and Mark Peters (Fairhurst). Also available to answer questions were Steve Keenon (First Endeavour), Andrea Stewart (Halliday Fraser Munro) and Nigel Astell (Astell Associates).

Ms Farquharson-Black commenced the presentation for the applicant and advised that the site was currently an equestrian centre and cattery and it comprised 8 large buildings, a dwelling house, a cattery for 140 cats, an outdoor riding school which covered around 12 acres, hard standing parking for 200 cars and parking for 80 horse boxes/lorries.

Ms Farquharson-Black indicated that in March 2018, the Council embarked on a review of the 2017 Local Development Plan (LDP) and at the pre-Main Issues Stage, Culter Community Council advised the Council that there was a critical need for new homes for growing families in the Culter area, after the Reporter deleted nearly 70% of the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

planned housing provision in the last LDP and expressed concern that their community would wither if their vibrant young families kept having to move away. The Community Council wanted a greater mix of house types - small, large, detached, semi-detached, terraced, bungalows, low-cost housing and retirement homes. Ms Farquharson-Black highlighted that the application sought to provide that much needed housing, including 25% affordable housing, a community and transport hub, open space, a community growing area and pedestrian and cycle networks.

Ms Farquharson-Black explained that the 20 minute neighbourhood was one of the current buzz terms in planning and it was about having access to your daily needs within a 20 minute walk or cycle.

Ms Farquharson-Black referred to their slideshow and indicated that it showed that all the key facilities: shops, school, medical centre, leisure facilities, library, hall were within a 20 minute walk of the site which would make it a very sustainable location. She noted that the Council had confirmed that there was capacity to accommodate pupils from the development within the local primary school and Cults Academy. Contributions had been agreed with the Council which would go towards healthcare and improving the existing core paths in the area.

Ms Farquharson-Black advised that the site was designated as part of the Green Belt and Green Space network in the current LDP with an ancient woodland within the site and the current access to the equestrian centre and cattery ran through the woodland. Given the existing development which had taken place on the site, Ms Farquharson-Black advised that it must be considered to be a brownfield site and thus suitable for redevelopment in accordance with national and local policies and following the submissions from the Community Council, the Council decided to allocate the land for 250 homes in the proposed LDP to meet the community's wish for more family housing in the village.

The bulk of the site was identified as site OP53, with the ancient woodland proposed as part of the Greenspace Network.

As part of the examination into the proposed LDP, Ms Farquharson-Black advised that the Council had confirmed that the site provided doorstep opportunities for outdoor recreational access to natural open space and an opportunity for the woodland areas to be sensitively managed to enhance biodiversity.

Ms Julie Robertson then went through the development design approach for the site. Ms Robertson explained that in order to establish the design approach to the development, the context and characteristics of the surrounding area were considered. The strong landscape and woodland setting provided the starting point to consider how the development would sit within its surroundings and had guided the built and natural elements of the indicative proposal.

Ms Robertson noted that the ancient woodland, which was also a local nature reserve, in the southeast of the site was a key natural asset within the area and this would be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

retained as part of the proposal. In addition, the proposal ensured that the pedestrian routes within the woodland would be retained with access for both residents and the existing community. The development adjacent to this area had also been designed to ensure a landscape buffer between dwellings and the trees to protect tree roots and growth as well as protecting wildlife.

Ms Robertson advised that the ancient woodland to the west as part of the proposed new access road had been carefully considered with the new road designed to minimise impact on the existing trees. A tree management plan had been submitted as part of this proposal which included a management and tree planting scheme for the site and also incorporated the area of ancient woodland outwith the application site boundary but within the applicant's control. The tree species proposed as part of the scheme would seek to regenerate and enhance an area which had undergone historic felling and had to date been unmanaged. This development would therefore enable the management and enhancement of this area. The applicant had indicated their commitment to also provide off-site compensatory planting, using the ancient woodland soil that would be removed for the road and carefully transporting it to a suitable site to enable regrowth and regeneration. In addition, the applicant would offer both areas of ancient woodland for community ownership in tandem with clubs such as the Scouts and Guides and the applicant would be responsible for the first 10 years' maintenance at its own cost.

Ms Robertson further highlighted the creation of wildlife corridors north to south and east to west within the development would also make a positive contribution with linkages to the existing and surrounding green network. The importance of retaining and encouraging wildlife and enabling their movement through the site had also been ensured through the creation of badger tunnels under the road as well as landscape buffers between the new housing and treelines to protect wildlife, in particular red squirrels. In addition to wildlife movement these corridors would also provide pedestrian green links within a landscape setting contributing to a sense of place and health and wellbeing.

To contribute further to the existing green network, Ms Robertson advise that areas of open space were provided throughout the development with a landscaped area of open space along the western edge, an area of open space in the north and an area of open space and play in the central hub. The proposal had been designed to create green links between these spaces using street trees and the wildlife corridors therefore creating a sense of place as well as promoting recreational opportunities.

In terms of connectivity, Ms Robertson explained that the site had existing informal pedestrian paths running north to south on the western edge as well as existing links through the ancient woodland in the southeast. In addition to encouraging active travel options, Ms Robertson advised that the indicative layout demonstrated the ability of the site to accommodate public transport links including a bus stop in the central hub of the site which was within 400 metres from all parts of the development.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

Ms Robertson then provided details on the character areas of the application site and noted that the site lent itself to the creation of 3 character areas which would provide interest and choice as you moved through the site.

Character area 1 in the north of the site provided a low density area of private housing around an area of greenspace. The area would be landscaped and the use of trees along the boundaries would provide a landscape buffer between existing uses and woodland outwith the site boundary.

Character area 2 was around the central hub. The central hub would provide an area for gathering, play and access to public transport. The density would therefore be more medium density with a mix of house styles for private sale. This area would also include the wildlife corridor which ran east to west within the site.

Character area 3 would have a strong backdrop with the existing ancient woodland and would provide a mix of density and tenure providing housing choice and interest. This area would include the wildlife corridor and landscape setting of the western edge which provided a welcoming natural approach to the development.

Ms Roberson noted that in summary the key characteristics of the masterplan included:

- the delivery of housing choice through a mix of house sizes (2,3, 4 and 5 bed homes), a mix of house design (detached, semi-detached, terraces and cottages) and a mix of tenure with 25% provision for affordable housing;
- the creation of a new access road from the west;
- the retention and strengthening of the landscape and woodland setting;
- the creation of a central hub to provide a community focus and gathering space within the development;
- the strong existing pedestrian links within the site therefore retaining and enhancing active travel opportunities; and
- the promotion of sustainable transport options through a roads layout that was compatible for use by buses and the inclusion of a bus stop in the central hub.

Mr Mark Peters then provided details regarding the access road.

Mr Peters explained that the Council's Roads Standards typically required 1 point of access for serving up to 50 residential units and between 50 and 100 residential units there was a need to provide at least 1 additional emergency access. Once development exceeded 100 residential units, 2 permanent points of access should be provided.

The proposals at Tillyoch were for circa 250 residential units, and therefore when applying the Council's standards there was a need for two permanent points of access. The first and preferred option to provide access to the site was via the existing access on Culter House Road. However, following investigations, including a full topographical survey, it was established through discussions with the Council's Roads Officers that they would be unable to provide a road which would meet the required Roads Standards.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

The second option to provide access to the site was via the unclassified road to the north west of the site. Following investigations they were again unable to provide a road which would meet the required Roads Standards, while the road was also private. The third option was to provide access to the site via two junctions on Malcolm Road which would meet the Roads Standards to suit unit numbers. However Mr Peters explained that whilst this option was technically viable, it was not the preferred solution since it would have led to a large number of trees being removed.

Mr Peters explained that the requirement for 2 permanent points of access for development over 100 residential units was not National Guidance, with other local authorities in Scotland permitting up to 250 residential units with only 1 point of access and an emergency access. However he noted that the Council did provide some flexibility where there were known constraints, such as engineering, environmental and land ownership.

Mr Peters indicated that subject to agreement with the Roads Department, they would permit more residential units under the general access requirements. Where two permanent points of access could not be provided, the Council would permit the development of only a single access with additional emergency access as long as the access road was 9m wide up to the point where a 2nd internal access road was provided. This would be permitted on the basis that a 9m wide road was effectively the width of 3-lanes which therefore allowed the temporary closure of a 3m section of the road if ever required. This might be required for road works, maintenance or as a result of an accident, but would still permit 2-way vehicle movements over the remaining 6m and importantly continued access for residents, service vehicles and buses.

Mr Peters indicated that it was agreed with Roads officers in November 2020 that the principle of a singular widened section of access to/from Malcolm Road was acceptable along with the provision of an emergency access from the top of the site linking to Culter House Road, which would also provide an additional link for pedestrians and cyclists.

Therefore, when taking account of the road design standards, review of the three access options, discussions with the Roads Department and further re-design to meet the requirements of the residential layout and existing trees, Mr Peters indicated that it was concluded that the access road layout as submitted was the best access road option available.

In relation to complying with planning policy, Mr Peters explained that the proposal would be a departure from the current Local Development Plan, however noted the 2017 LDP went out of date on 21 January 2021. He also advised that when the Council approved the Proposed Local Development Plan 2022, the current zoning no longer reflected the Council's most up to date thinking on the use of land.

In regards to policy NE2, Green Belt, Mr Peters advised that the Council had already assessed the site's suitability for housing and decided to remove it from the Green Belt.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

In removing the land from the Green Belt in the Proposed LDP, the Council had already concluded that its development would not impact on the aims of the Green Belt policy and noted that the principle of residential development on this site had been established.

In relation to policy NE1 – Green Space Network, Mr Peters explained that the south east corner of the site was identified in the Proposed LDP as part of the Greenspace Network and this area would be protected and enhanced to provide increased accessibility into the countryside, in line with policy objectives.

Regarding policy NE5 – Trees and Woodland, Mr Peters noted that the south east corner comprised Ancient Woodland and formed part of the Nature Conservation site. The existing access through it would remain as an emergency access, but the woodland would be maintained and enhanced.

Mr Peters explained that the access road to the west would also go through Ancient Woodland. As part of the development, the applicant would retain existing healthy trees in this area, remove the bracken and undertake new planting. They would also provide off site compensatory planting. In time, the new planting and landscaping would provide an attractive entrance to the development, screening it from Malcolm Road. Overall, the woodland, wildlife and landscaping of the site would be enhanced significantly as part of the development.

Mr Peters indicated that the Council had confirmed as part of the LDP examination that there was no conflict with the proposed allocation of the site for housing and the requirements of Policies NE2, NE3 and NE5 which would still apply to the development. The Council had advised that including the ancient woodland and Local Nature Conservation Site within the site boundary meant that these areas would have an additional level of protection through planning condition. The Council had also identified the potential to strengthen the Green Network through the masterplanning exercise.

Mr Peters advised that the application did conflict with the 2017 LDP, but that now being out of date, paragraph 33 of Scottish Planning Policy should be triggered and the presumption in favour of development which contributed to sustainable development would be a significant material consideration for the determination of the application.

Mr Peters explained that one of the key principles of sustainable development was economic benefit and noted this was a £60m development, which would create circa 100 direct construction jobs plus indirect jobs. Once completed, residents' spend would add approximately £1.25M per annum to the local economy and he noted that the economic benefits of the development were significant.

Mr Peters indicated that the Proposed LDP zoned the site for housing and was already a material consideration which carried significant weight as it represented the Council's settled view on the use of the site.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

In conclusion Mr Peters highlighted that the Council's allocation of the site for housing in the Proposed LDP had established the principle of residential development on the site and the legal balance was therefore very heavily tilted in favour of departing from the out of date Green Belt zoning and granting consent for this well designed and sustainable extension of Peterculter and the provision of 250 much needed family and affordable homes.

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

- in relation to broadband provision, this would be covered when the Detailed Planning Application was submitted;
- parking provision would meet the required standards as set out by the Council;
- the dry stone wall at the north of the site would hopefully be retained;
- electric vehicle charging points would be provided in line with the requirements;
- there would be no flatted properties in the development;
- the applicant was working with the Scottish Government in order to achieve Passive Housing for the development.

The Committee then heard from Mr Peter Brawley, who was speaking on behalf of Culter Community Council. Mr Brawley explained that Peterculter fell just within Aberdeen City boundary and had its own primary school, village hall, church, medical centre, shops and pubs and it had a strong sense of community with an active Community Council and a village Gala each year.

Mr Brawley advised that over the years, the Community Council had received requests for more sensibly priced housing, either owned or rented, and predominantly for modest houses with small gardens to allow young families to move out of flats but to remain in Peterculter. Mr Brawley noted that the last significant housing development in Peterculter was the Bucklerburn development about 30 years ago which consisted of 70 large houses.

Mr Brawley advised that the development was for 250 houses, of which 25% would be affordable housing of 2-4 bedroom homes for rent. Mr Brawley indicated this would mean that the population of Peterculter would increase by roughly 1000 to 6000, which would be an increase of 20%.

Mr Brawley advised that the feedback from the consultation was predominantly negative in relation to this proposal. Mr Brawley also indicated that it had been stated that the Community Council objected to the development, however advised that in fact they did not support it and their main concerns were the following:-

- The destruction of Ancient Woodland for the access roads together with the consequent impact on wildlife;
- The capacity of the local schools, particularly Culter Academy;
- The capacity of the local medical centre, particularly as current constraints related to the difficulty in recruiting doctors rather than the size of the surgery;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

- Roads concerns, particularly the proposed junction where the access road would join Malcolm Road and the likelihood of additional traffic on Culter House Road; and
- Drainage, both surface water drainage at properties below the site and long standing issues with the sewer at the proposed tie in point.

Mr Brawley also advised that an additional point was the location of Tillyoch, being at the top of a steep hill and about 1km from the village centre. He noted that one of the aims of housing developments in Scotland was to maintain a 20 minute neighbourhood to encourage people to walk or cycle instead of using cars. Mr Brawley indicated that although Tillyoch was just within a 20 minute walk of the village centre, it was a very steep walk due to the hill and he felt that most people would choose to use their cars to get to the village centre and the shops.

Mr Brawley also advised that there was a shortage of parking spaces in the village and the extra houses and car usage would only make the problem worse and noted that there was a proposal to extend the route of the number 19 bus into Tillyoch.

Mr Brawley asked that should the application be approved, that the following matters be secured by condition or developer obligations:-

- Appropriate Developer contributions to fund expansions of Lower Deeside education and medical facilities;
- The creation of compensatory future woodland in light of the loss of Ancient Woodland above Malcolm Road;
- A requirement for buffer zones on the Tillyoch site around all the woodland which was being retained, whether that woodland was on the development site or on neighbouring property;
- The provision of an appropriate form of junction for the development onto Malcolm Road by means of a roundabout or traffic lights;
- The shortest route into Aberdeen from Tillyoch would be via Culter House Road, which was a quiet very narrow road and the Community Council were concerned that this road would become very busy, so asked that this be investigated and prevent Culter House Road being overly used; and
- The usual condition requiring a scheme of drainage to be submitted and approved.

In conclusion Mr Brawley advised that a substantial majority of all the views they had heard were against the development however he noted that genuinely affordable housing would be welcomed in the community by young families.

The Committee then heard from Mr Maurice Manning who was against the proposed development. Mr Manning explained that the development was out of scale for a village the size of Peterculter and noted that there would be a 20% increase in the population of Peterculter if the development went ahead. He advised that there was a need for affordable housing in Peterculter but the development was too big for a village

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

the size of Peterculter. He noted the lack of dentists in the area and an overwhelmed medical practice. Mr Manning also expressed his concern for the ancient woodland, the 50 metre boundary and the vulnerability of the ground.

The Committee then heard from Mr Carl Gerrard who was also against the proposed development. Mr Gerrard explained that from practical experience, it would take in excess of 20 minutes to walk from the proposed development and noted that from the very top of the development, walking 800metres would only just get you out of the development and nowhere near the village. He noted that the elevation difference and the challenge to walking times was recognised in developer feedback to the public comments and the proposed bus service was suggested as an alternative solution for people.

As an example, Mr Gerrard indicated that in order to get a pint of milk from the shop in Peterculter from the development, you could either walk for an hour there and back, pay for 2 bus fares or take the car. He highlighted the use of individuals' cars as the preferred method. He also indicated that to walk to the local pharmacist downhill would take 29 minutes and 34 minutes back as the journey was uphill.

Mr Gerrard also noted the definition of the 20 minute neighbourhood and how the journey should be 20 minutes in total.

At this juncture, the Convener departed the meeting and was replaced in the chair by the Vice Convener for the remainder of the meeting.

The Committee then heard from Mr Robert Brew who was also against the proposed development. Mr Brew explained that he was a member of the local Community Council and also a representative on the Parent Forum for Cults Academy but he was speaking on a personal capacity. Mr Brew explained that he had concerns with the availability forecast for Cults Academy and felt there were inaccuracies in relation to availability for future pupils. Mr Brew also advised that development on the green belt would set an unwelcome precedent. Mr Brew shared his concerns for the ancient woodland and the nature conservation and noted that the area was rich with wildlife. Mr Brew intimated that it was the wrong development in the wrong place and asked that it be refused.

The Committee then heard from Mr Mark Shields who was also against the proposed development. Mr Shields explained that in his response to the development he had raised a number of concerns in relation to the following:-

- i) impacts on ancient woodland, the greenbelt and the local conservation site;
- ii) road safety concerns
- iii) pressure on local services;
- iv) surface water run off risk;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

- v) loss of green belt and greenspace;
- vi) conservation concerns; and
- vii) the Aberdeen Local Development Plan.

Mr Shields advised that the intended access road from Malcolm Road to the proposed Tillyoch development would run through a site that was designated as greenbelt and ancient woodland and would result in approximately 40% reduction in area of that site.

Mr Shields explained that the developer in the application acknowledged that the construction of the access road reducing the ancient woodland was a major impact from the project. He advised that the access road through the ancient woodland was also justified on the basis that the majority of the trees in the ancient woodland had been felled. However, those trees were felled without authorisation, not by the developer, but did lead to Aberdeen City Council serving a Tree Preservation Order and resulted in the Forestry Commission Scotland pursuing prosecution for the unauthorised felling of trees.

Mr Shields indicated that tree coverage was important because in the Aberdeen Local Development Plan it acknowledged that “Aberdeen has one of the lowest tree coverage percentages in Scotland.” Mr Shields noted that Aberdeen City Council in the Aberdeen Local Development Plan proceeded to confirm that they “would therefore seek to protect and enhance Aberdeen’s existing stock of trees and woodland.” He also advised that when referring to Policy NE5, the Council confirmed that the policy “supported the Planning Authority’s duty to make adequate provisions for the preservation and planting of trees, Scotland’s Forestry Strategy and Scottish Government’s Policy on Control of Woodland Removal”. Also, Policy NE5 stated that “Development should not result in the loss of, or damage to, trees and woodlands.”

Mr Shields advised that the proposed access road via the ancient woodland would connect the development with Peterculter via Malcolm Road and based on the number of house and allocated parking spaces there would be an expectation of somewhere between 400 and 550 additional cars using Malcolm Road on a daily basis one way, with the number of journeys likely to be at least double when considering service vehicles and proposed bus journeys.

Mr Shields indicated that Malcolm Road was around 5.7 metres wide at its narrowest sections and as a local resident he regularly witnessed vehicles being unable to pass each other on the road, with vehicles often having to either stop and reverse to a wider section of road or alternatively mounting the footpath in order to pass, which was not safe for pedestrians. Mr Shields outlined that with the proposal to extend the bus route to the development and with the increase in number of vehicles from the development this would exacerbate this issue and would discourage cyclists and pedestrians from using that section of Malcolm Road and would result in an increased reliance in car usage from the development.

Mr Shields also advised that the proposed development would also result in the loss of greenbelt and loss of the natural border of Peterculter and it was stated in Policy NE2

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1 June 2022

that development on greenbelt would not be permitted unless any of the exception criteria provided in Policy NE2 were met. Mr Shields felt that the proposed development did not meet any of the exception criteria and therefore did not align with Aberdeen City Council's Policy NE2. He advised that only part of the site was included in the proposed Aberdeen Local Development Plan 2022 and was only added following a last minute recommendation in the meeting of 2nd March 2020. In addition he explained that the part of the site for the access road through the ancient woodland and greenbelt was never included in either the 2017 or 2022 Local Development Plans. Therefore the proposed development, in particular the access road through ancient woodland and greenbelt did not align with Scottish national planning policy, Scottish national policy on ancient woodlands or Aberdeen City Council local development planning policies NE1 (Green Space Network), NE2 (Green Belt) or NE5 (Trees and Woodland).

The Vice Convener thanked all those who attended the hybrid hearing, specifically those who had presented their case, submitted representations and provided information. He advised that the Interim 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 Dell Henrickson, Convener**

This page is intentionally left blank

	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			25 August 2022						
4	598-602 Holburn Street - 220648	To approve or refuse the application for erection of two houses		Robert Forbes	Strategic Place Planning	Place	1		
5	Wellington Road Cove - 211072	To approve or refuse the application for residential development (24 units)		Robert Forbes	Strategic Place Planning	Place	1		
6	Albyn Hospital - 211797	To approve or refuse the application for temporary removal of a section of walling		Matthew Easton	Strategic Place Planning	Place	1		
7	Johnston G Block University of Aberdeen - 220244	To approve or refuse the application for change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works		Aoife Murphy	Strategic Place Planning	Place	1		
8	Bucksburn Academy - 220847	To approve or refuse the application for modular classroom unit		Alex Ferguson	Strategic Place Planning	Place	1		
9	Ground Floor Flat - 69 Hardgate Aberdeen - 220622	To approve or refuse the application for the application for erection of fence, decking and gate to front (retrospective)		Ross McMahon	Strategic Place Planning	Place	1		
10	Rosehill House - 220529	To approve or refuse the application for McDonald's drive-thru		Lucy Greene	Strategic Place Planning	Place	1		
11	Tillyoch - Peterculter - 211966	To approve or refuse the application for residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
12	PRE APPLICATION FORUM - Land at Greenferns (OP 28 and OP 33)	Major residential led, mixed-use development of c. 1,650 homes comprising retail and commercial provision, leisure and community uses and associated infrastructure including access roads, landscaping and engineering works		Gavin Clark	Strategic Place Planning	Place			

	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									
13	PRE APPLICATION FORUM - Land at Greenferns Landward (OP 22)	Major residential led, mixed-use development of c. 1,570 homes comprising retail and commercial provision, leisure and community uses, gypsy travellers site and associated infrastructure including access roads, landscaping and engineering works		Gavin Clark	Strategic Place Planning	Place			
14	PRE APPLICATION FORUM - FORMER Cordyce School - 220815	Major residential development with associated infrastructure, open space and landscaping		Dineke Brasier	Strategic Place Planning	Place			
15			29 September 2022						
16	OP51, Peterculter - 190314	To approve or refuse the proposed residential development including mix of private, affordable and retirement housing consisting of approximately 49 homes with associated access roads and landscaping.		Gavin Evans	Strategic Place Planning	Place	1	D	Applicant failed to provide requested supporting information by the agreed deadline
17	Pinewood F3 - 211773	To approve or refuse the application for the erection of 16no houses with associated landscaping, access and infrastructure		Gavin Evans	Strategic Place Planning	Place	1		
18	54 Claremont Street - 220640	To approve or refuse the application for the change of use from class 1 (shops) to class 11 (assembly and leisure)		Roy Brown	Strategic Place Planning	Place	1		
19	Bank Cottage - 6 Sunnybank Road - 220896	To approve or refuse the application for the erection of garden shed (retrospective)		Jemma Tasker	Strategic Place Planning	Place	1		
20	Nothcote Lodge, Craigton Road - 220772	To approve or refuse the application for erection of nursery, including car parking, landscaping and associated infrastructure		Aoife Murphy	Strategic Place Planning	Place	1		
21			Future applications to PDMC (date of meeting yet to be finalised.						
22	3 Whitehall Road - 220210	To approve or refuse the application for change of use from class 1(shops) to class 3 (food and drink) and installation of extract grills		Roy Brown	Strategic Place Planning	Place	1		
23	94 Sunnyside Road - 220050	To approve or refuse the application for sub-division of residential curtilage and erection of end-terraced dwellinghouse		Roy Brown	Strategic Place Planning	Place	1	R	Application withdrawn by the applicant.

	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									
24	Former Treetops Hotel site - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1		
25	26 Hollybank Place - 211807	To approve or refuse the application for demolition of an existing commercial unit and erection of 11 no. residential apartments over 4 storey with associated hard and soft landscaping works		Roy Brown	Strategic Place Planning	Place	1		
26	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1		
27	Caledonia, Malcolm Road Peterculter - 220426	To approve or refuse the application for erection of 25 dwellings, road access and ancillary infrastructure / landscaping		Alex Ferguson	Strategic Place Planning	Place	1		
28	Birchwood House upper flat - 220410	To approve or refuse the application for resurfacing of external amenity area to form parking/turning area (retrospective)		Jemma Tasker	Strategic Place Planning	Place	1	R	Application withdrawn by the applicant.
29	14 Victoria Street - 220613	To approve or refuse the change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp		Dineke Brasier	Strategic Place Planning	Place	1		
30	Caranoc Whithom, Cairnlee Road - 220211	To approve or refuse the application for the demolition of existing residential building and erection of replacement building to create 20 co-house apartments with associated bin and bike store and other associated works		Gavin Clark	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
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
31	Land South Of North Deeside Road (Milltimber South) - 220865	To approve or refuse the application for approval of matters specified in conditions: 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (CEMP); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (LZCT Statement); 13 (Watercourse) ,14 (Watercourse, SEPA); 15 (Green Measures); 16 (BHMP); 17 (Archaeology); 18 (Badger Survey), 19 (Surface Water), 20 (Scottish Water); 21 (Residential Travel Pack) for erection of 75 residential units in connection with planning permission in principle ref. 200535/PPP		Gavin Clark	Strategic Place Planning	Place	1		
32	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
33	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365 - date to be confirmed.	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			
34	PRE APPLICATION FORUM - Land adjacent to existing electricity substation Willowdale Place Aberdeen - 220562	To hear from the applicant on proposed application for a major development for the extension to an existing 132kV electricity substation including grid supply point to be accommodated in a new building, associated plant and infrastructure, ancillary facilities (including hardstanding area), and road alterations and improvement works at land adjacent to the existing substation, Willowdale Place Aberdeen		Alex Ferguson	Strategic Place Planning	Place			

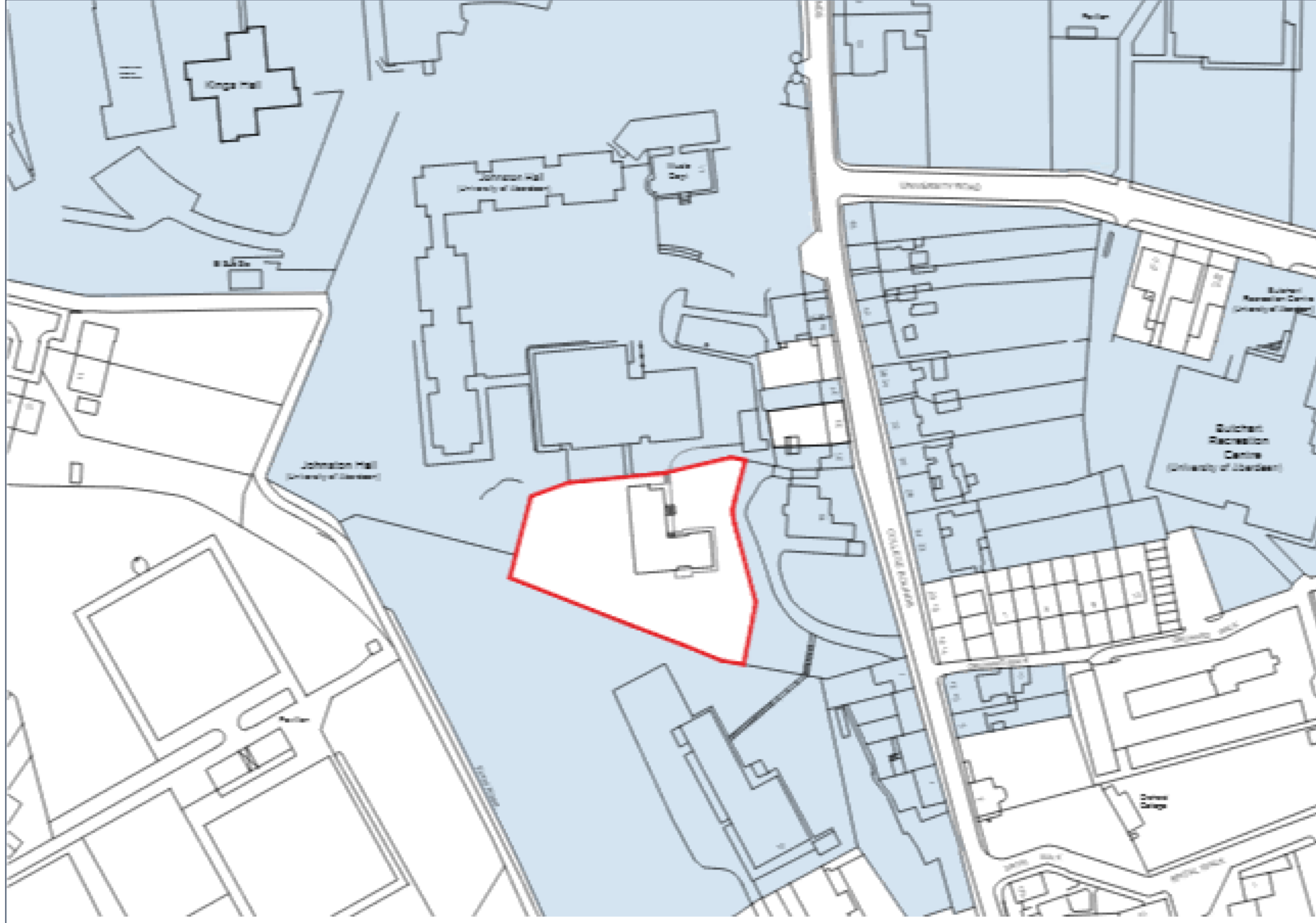
Planning Development Management Committee

Change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works (Retrospective)

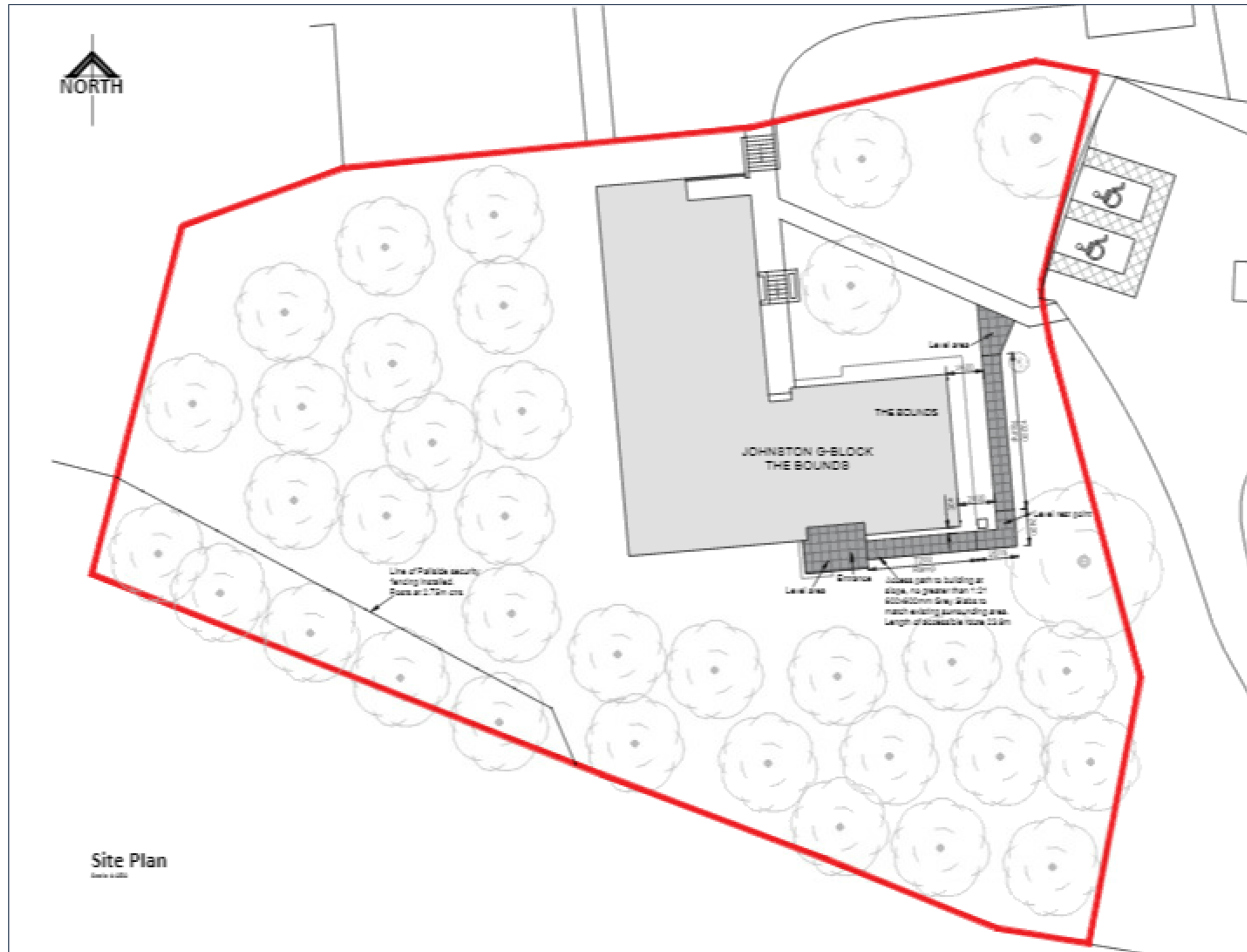
Johnston G Block, University of Aberdeen, College Bounds, Aberdeen, AB24 3DX

Detailed Planning Permission - 220244/DPP

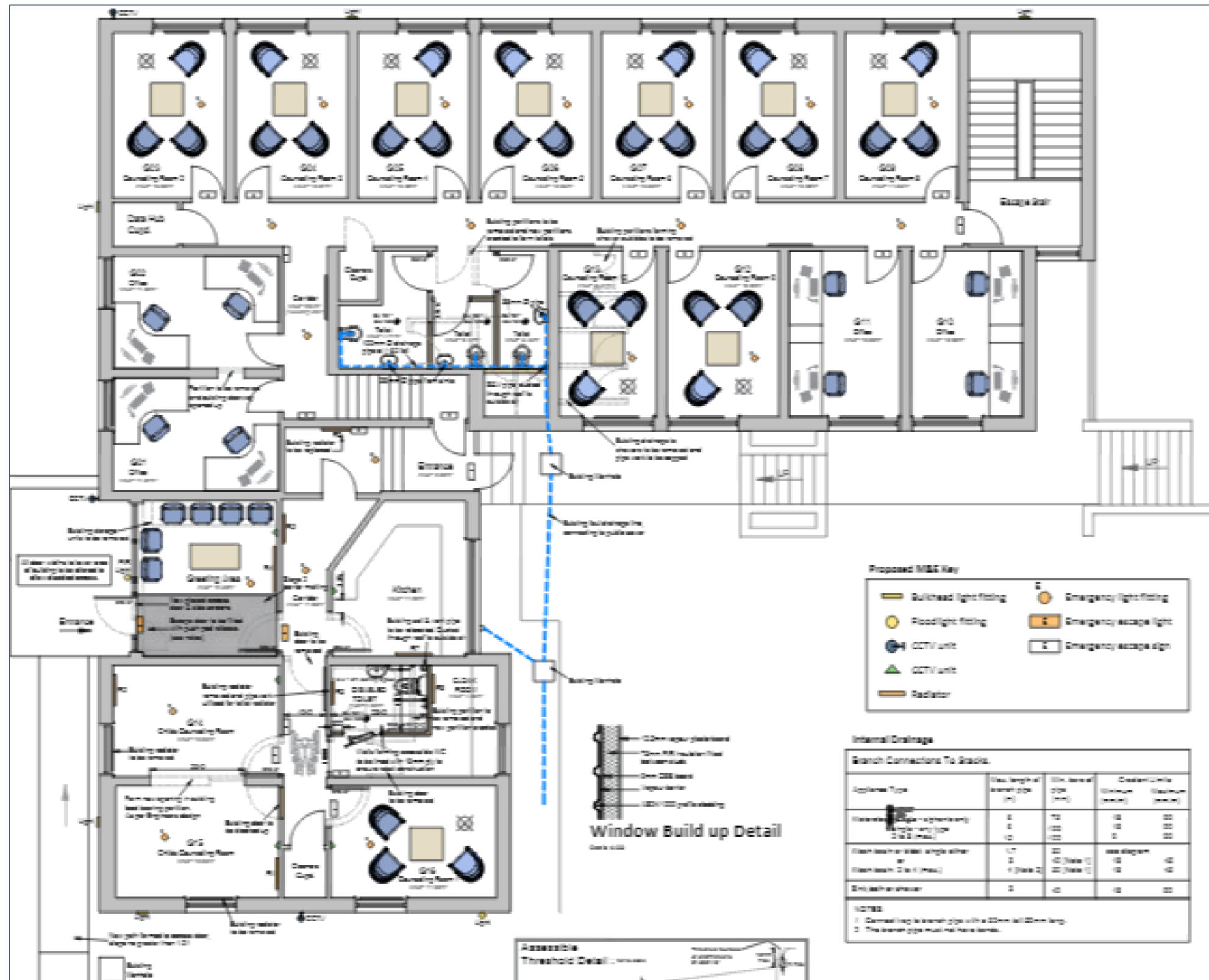
Location Plan



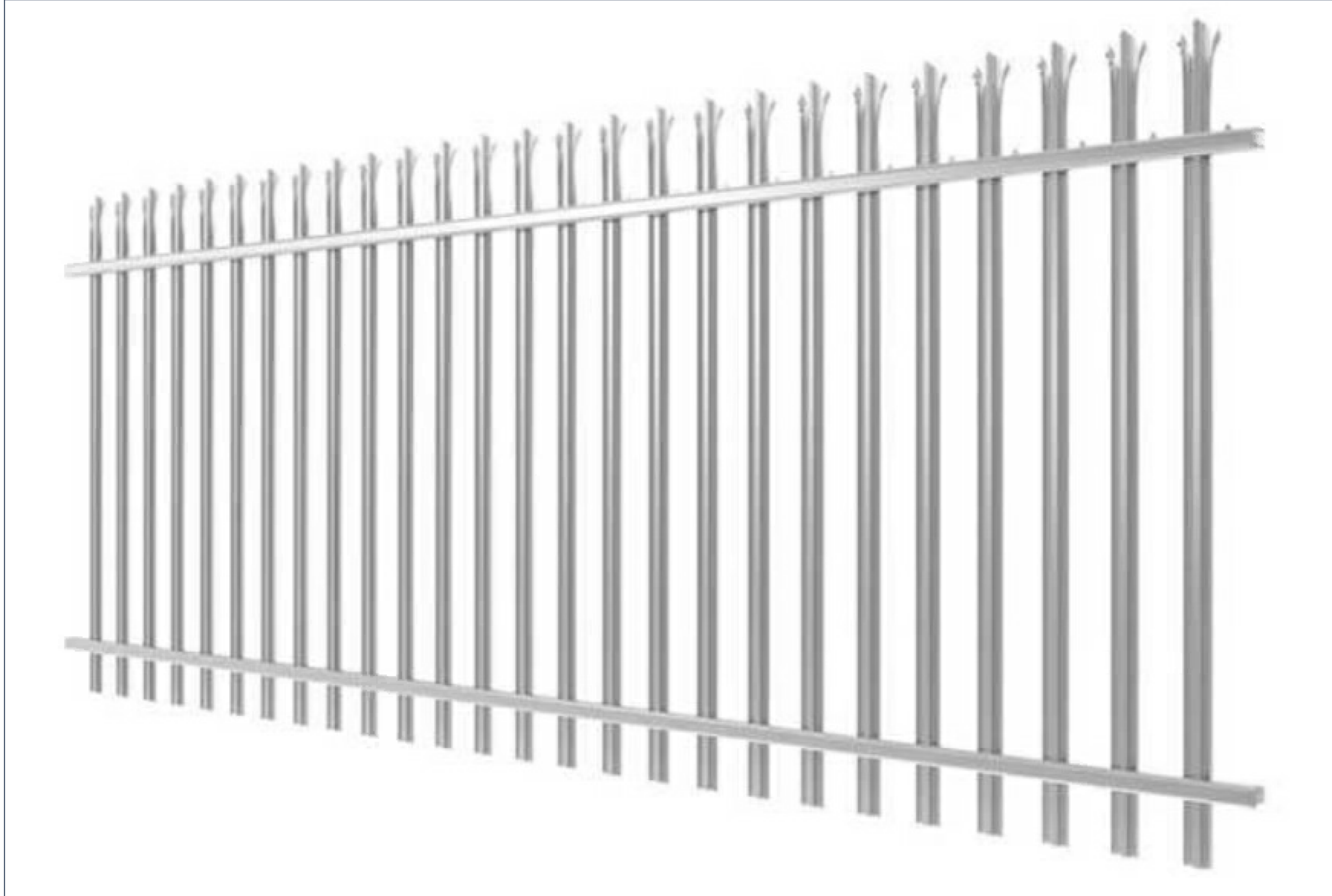
Site Plan



Proposed Floor Plans



Proposed Elevations – Fencing



Site Visit Photos

Images taken from
west elevation



Site Visit Photos

**Image taken
from south
elevation -
entrance**

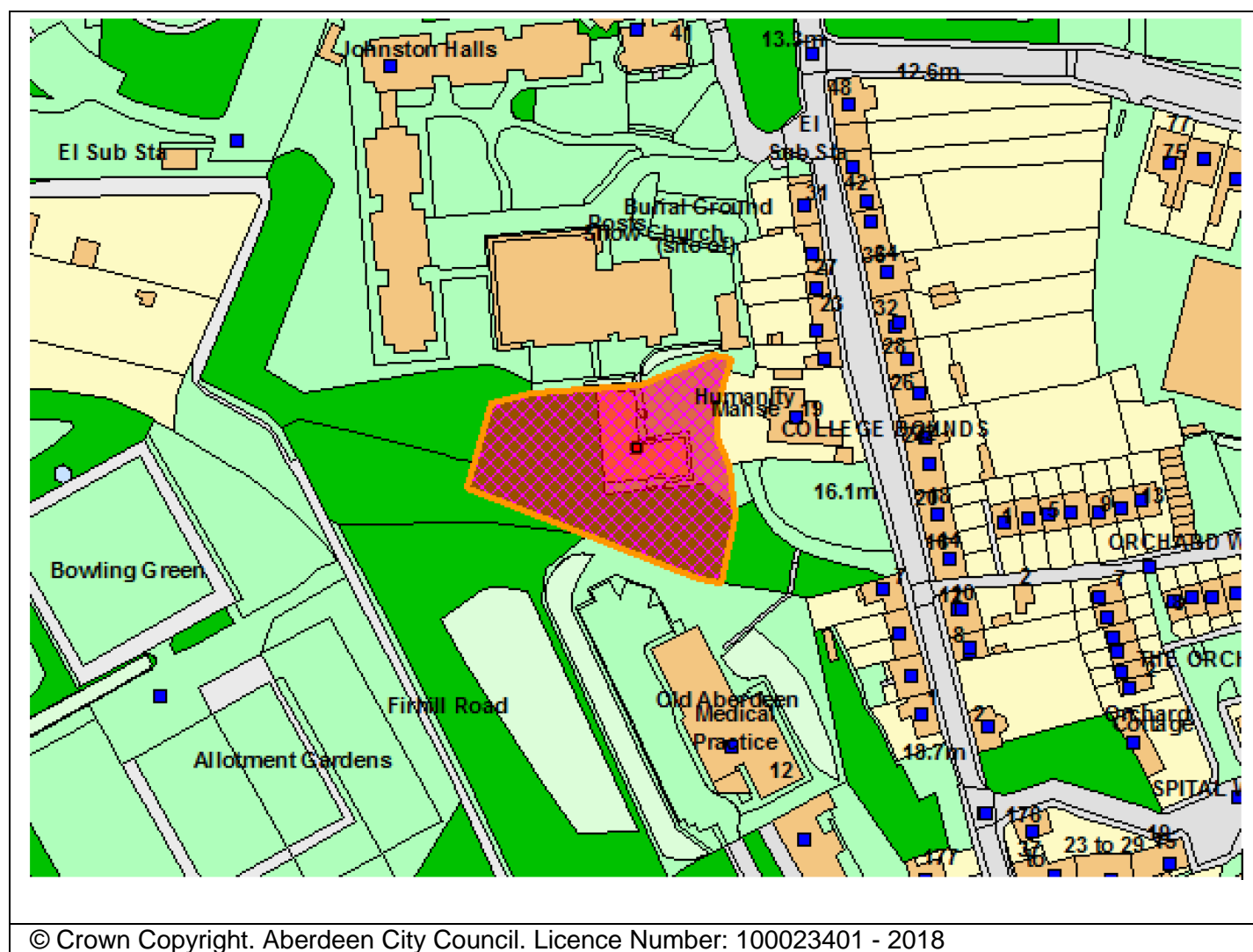


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Johnston G Block, University of Aberdeen, College Bounds, Aberdeen, AB24 3DX
Application Description:	Change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works (Retrospective)
Application Ref:	220244/DPP
Application Type	Detailed Planning Permission
Application Date:	7 March 2022
Applicant:	Mr Chris Forman
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Aoife Murphy



RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application relates to a site within the Old Aberdeen Campus of the University of Aberdeen, which accommodates an existing 'L' shaped building, dating from the 1960s. Existing university buildings, including the refectory building, Johnson Halls of Residence and the Humanity Manse bound the site to the north and east, respectively, while Old Aberdeen Medical Practice is located to the south and a wooded area to the west. The site is accessed via College Bounds, which lies further east of the site and there are also a number of residential properties in the vicinity of the site.

In terms of the use of the building, it was not possible for the Planning Service to identify the use of the building from information provided by the applicant or previous permissions. However, the applicant acknowledged that Council Tax is still being paid on the building, which means that at some point in the past it was used as a place of residence, therefore without any further information, it is considered that the most recent use of the property is residential. It is worth noting that at some point during the application process, the building has been brought into a class 2.

The building itself is undesignated but does fall within the Old Aberdeen Conservation Area. There are a number of Category B listed buildings in the area, including the Humanity Manse just east of the site.

Relevant Planning History

210733/DPP – Detailed Planning Permission for the formation of glazed disabled access including access path; installation of LED flood lights and CCTV with associated works – Approved 17 July 2021.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for a change of use to class 2 (financial professional and other services) so that the building can continue to be used as a counselling facility for those who attend and work at the University but also for members of the public. This use was implemented during the course of the application process. The applicant is also seeking permission for 2m high security fencing, which has already been erected approximately 2-6m from the southern application site boundary, with the aim of preventing through footfall and prohibit unnecessary access to the site. In light of the above, all works to be considered under this application are retrospective.

Some internal works are proposed to accommodate the class 2 use, but these works do not require consent.

Amendments

An amended site plan has been submitted at the request of the Planning Service with the accurate location of the security fencing erected to the south of the site clearly shown.

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=R7UX8XBZKYS00>

Arboricultural Method Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there has been an unresolved objection from the Community Council, as such the application falls outwith the Scheme of Delegation.

CONSULTATIONS

Old Aberdeen Community Council – has raised an objection with regards to the lack of detail submitted with the application in relation to the proposed fencing and concerns regarding the potential detrimental impact this would have on visual amenity and disruptive impact on the wooded area.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed.

Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following policies are relevant –

Policy CF1 - Existing Community Sites and Facilities

Policy D1 - Quality Placemaking by Design

Policy D4 - Historic Environment

Policy NE5 - Trees and Woodland

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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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.

The following policies are relevant –

Policy CF1 - Existing Community Sites and Facilities, Policy D1 - Quality Placemaking, Policy D2 – Amenity, Policy D6 - Historic Environment and Policy NE5 - Trees and Woodland are relevant in this case.

Other Material Considerations

Old Aberdeen Conservation Area Appraisal

EVALUATION

Principle of Development

The site is located within the University of Aberdeen Campus and is zoned as Existing Community Sites and Facilities, as such the proposal will be assessed against Policy CF1 - Existing Community Sites and Facilities, which applies to all land zoned to health, education and other community facilities. Proposals for new or extended uses of these types on these sites will be supported in principle.

In this case, the Planning Service are aware that the building has been previously used by the University in some capacity with the proposed use being part of the University’s continued daily activities as well as a service for the wider community. As such, it is considered that the change of use to Class 2 is acceptable and the principle of development can be supported in this case.

Impact on the Historic Environment

Both Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment will be required to assess the impact on the historic environment, which in this case relates to surrounding listed buildings, their settings and the Old Aberdeen Conservation Area. Given that the building is a more recent addition to the area and given its location, which it set back from the public road and bound by sufficient screening to the east, it is not considered a change of use would have any impact on the character of these built assets or that of the surrounding conservation area.

While the fence along the southern boundary would be a more modern addition, with a query raised by the community council in respect to visual amenity, it is noted that such fencing does exist in the vicinity, specifically associated with the neighbouring medical practice to the south. Furthermore, the fence would be in a location that is not readily visible to the public and would be solely for security purposes to prevent through footfall and prohibit unnecessary access to the site. Overall, it is considered that the fence would have no resultant adverse or undue impact on the conservation area.

Overall, it is considered that the proposal complies with both Policy D1 - Quality Placemaking by Design and Policy D4 - Historic Environment.

Trees

The community council has advised that they have concerns regarding the erection of fencing, the lack of detail submitted with the application and the resultant impact on trees. The community council were given opportunity to review the submitted method statement, however, to date no response has been received meaning that the concerns raised still stand. As such their comments must be considered as an objection to the proposal.

In this case and due to the location of the trees within existing woodland, it was considered prudent to request the submission of an Arboricultural Method Statement, in order to assess the proposal against Policy NE5 - Trees and Woodland. The method statement has been reviewed by the Planning Service and it is considered that it is acceptable in terms of ensuring minimum impact on the rooting environment of the existing tree stock, with the main mitigation being the exclusion of any mechanical machinery during the completed works and the excavation work having been undertaken by hand. While the works are retrospective the applicant has confirmed that they have been carried out in line with the submitted statement, despite the tense in which it has been written. While there is likely to be some root damage caused by the works, the Arboricultural Method Statement satisfactorily covers the pruning and protection of exposed roots during the excavation work. Additionally, post holes located approximately 2.75 metres apart, mean that any root damage caused to individual trees will be minimal and well within tolerable limits. As such, the Planning Service are satisfied that the proposal complies with Policy NE5 - Trees and Woodland.

Proposed Aberdeen Local Development Plan

In relation to this particular 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.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposed works, including the change of use and erection of fencing is considered to be acceptable when assessed against the relevant policies, in that the proposed Class 2 use supports the existing Community Sites and Facilities zoning and would have no impact on the character of the surrounding Old Aberdeen Conservation Area. Furthermore, the proposed fencing has a limited impact on the existing tree stock due to the means of construction. As such, the proposal complies with Policy CF1 - Existing Community Sites and Facilities, Policy D1 - Quality Placemaking by Design, Policy D4 - Historic Environment and Policy NE5 - Trees and Woodland of the Aberdeen Local Development Plan 2017, as well as the relevant policies contained within the Proposed Aberdeen Local Development Plan 2020.

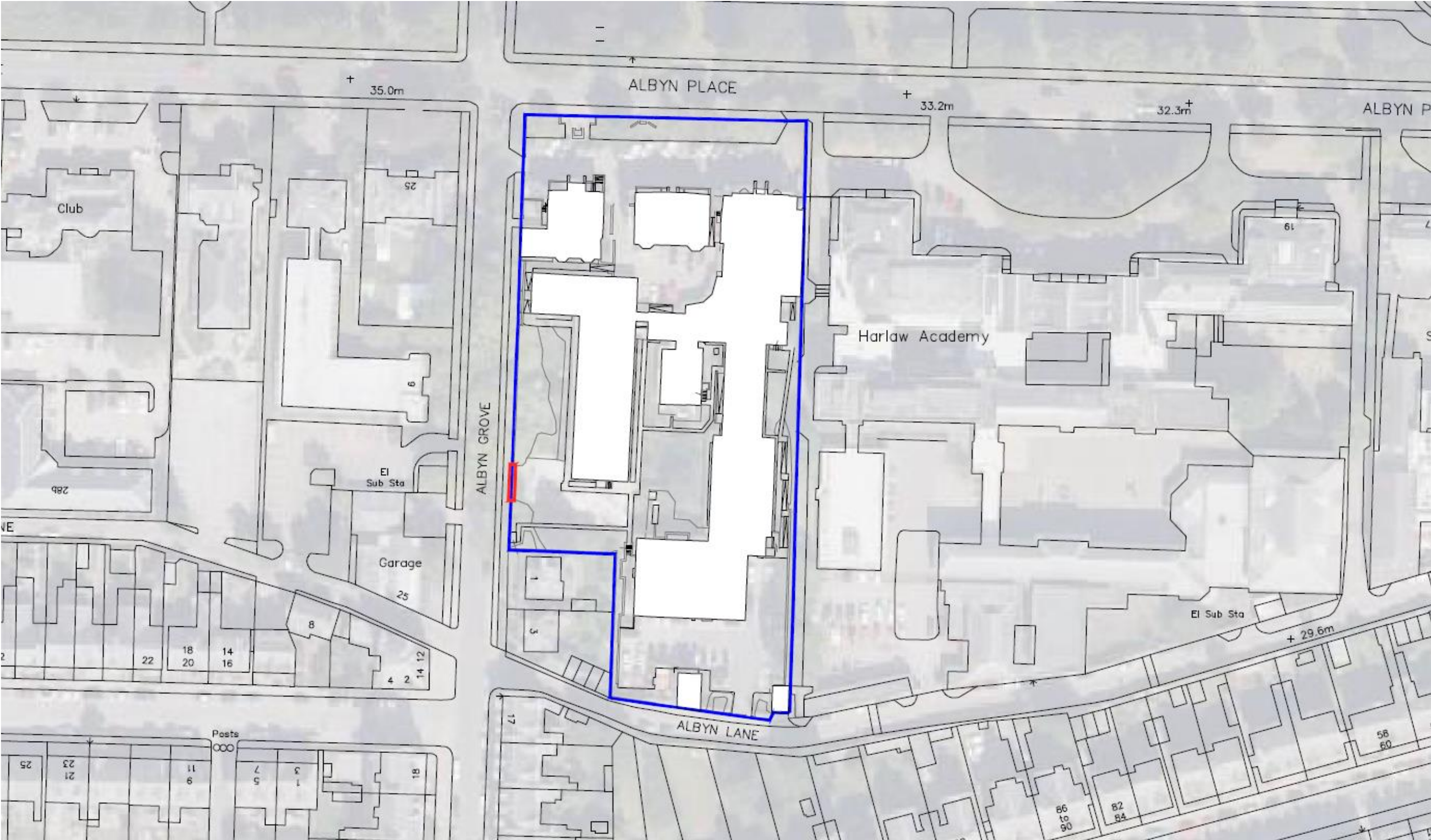
Planning Development Management Committee

Temporary removal of a section of walling

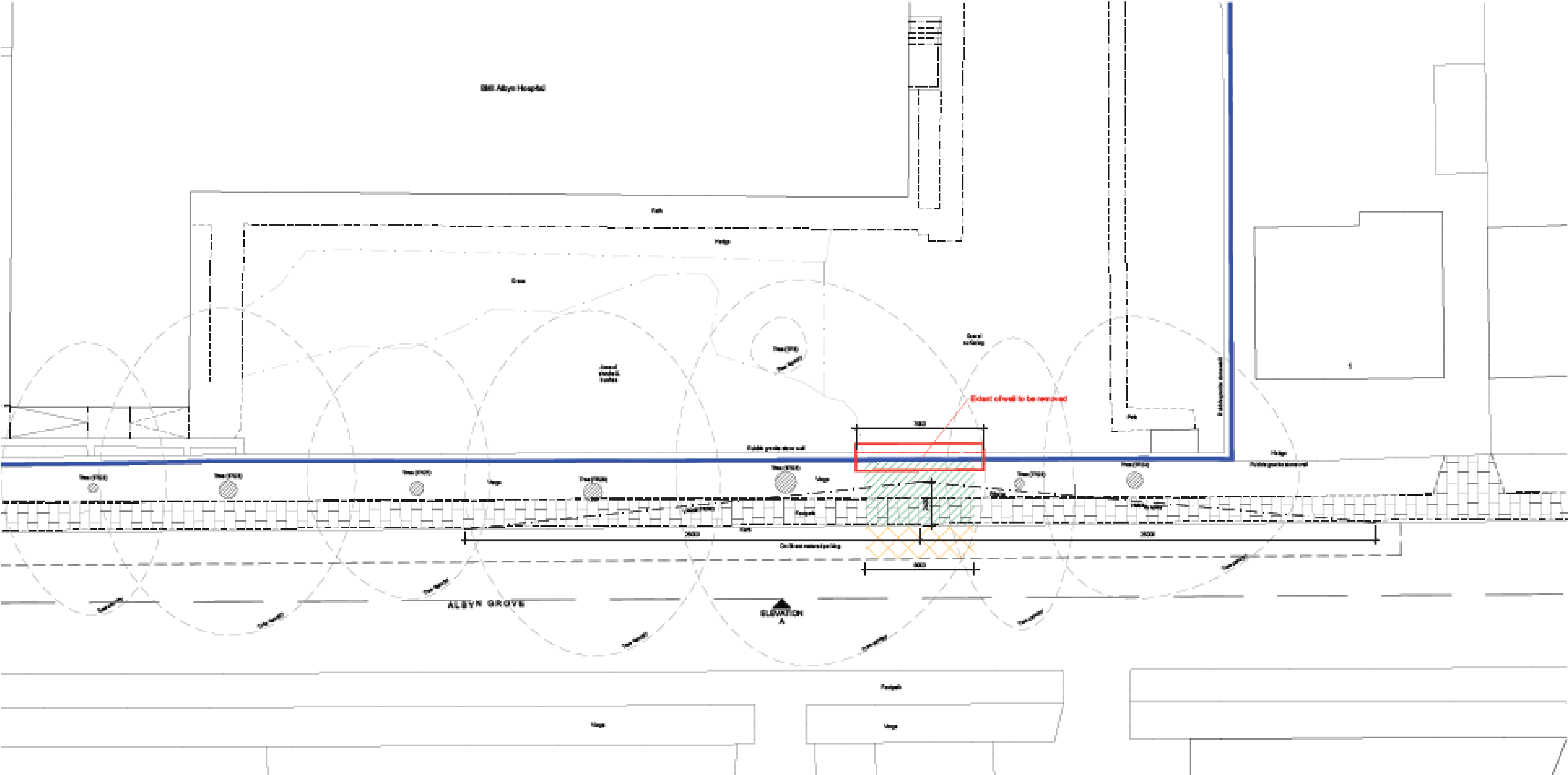
Albyn Hospital, 21 - 24 Albyn Place, Aberdeen, AB10 1YE

Detailed Planning Permission (211797/DPP)

Location Plan



Site Layout Plan



Elevation from Albyn Grove

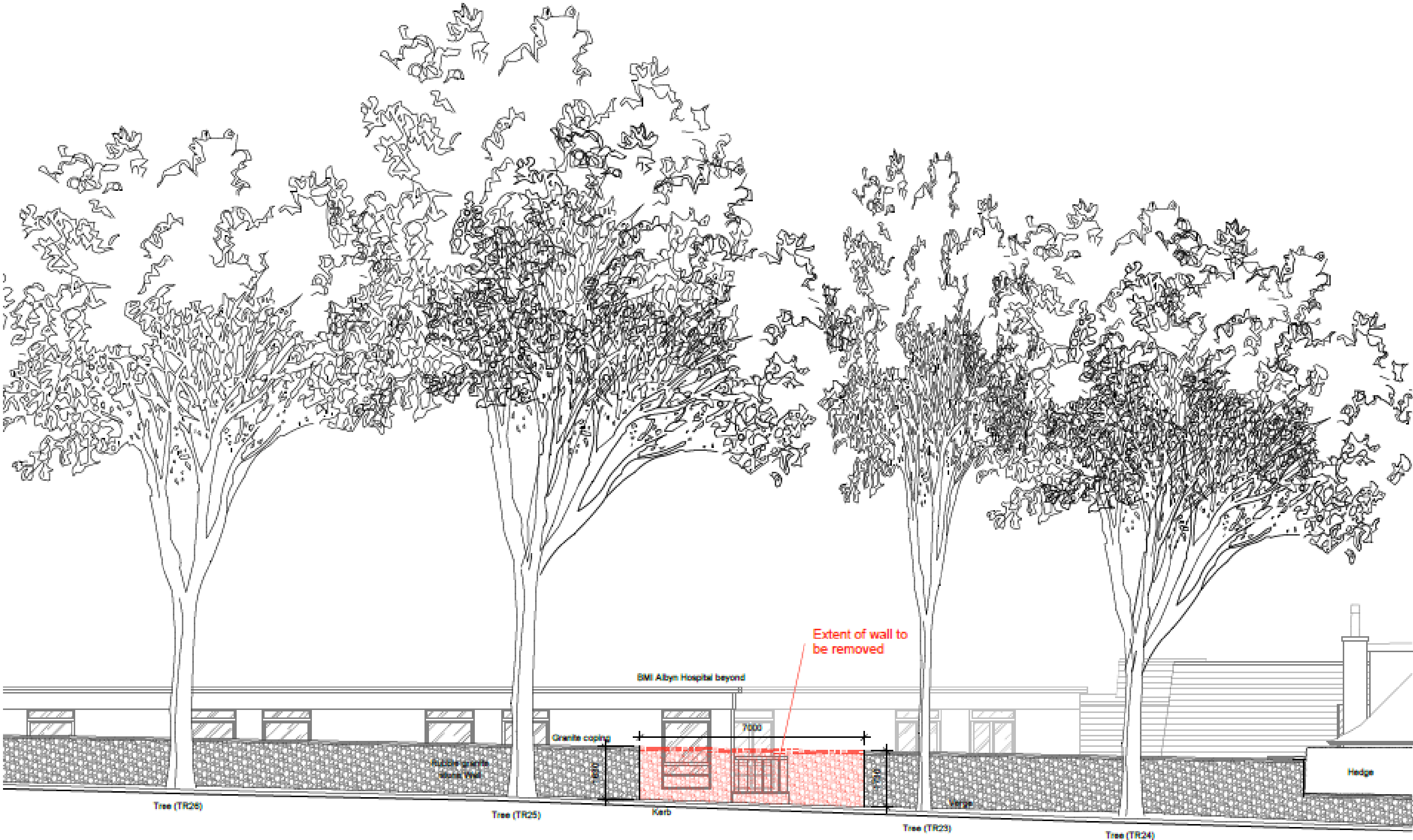


Photo – from Albyn Place looking south



Photo – from Albyn Place looking north



Photo – Extent of wall to be removed

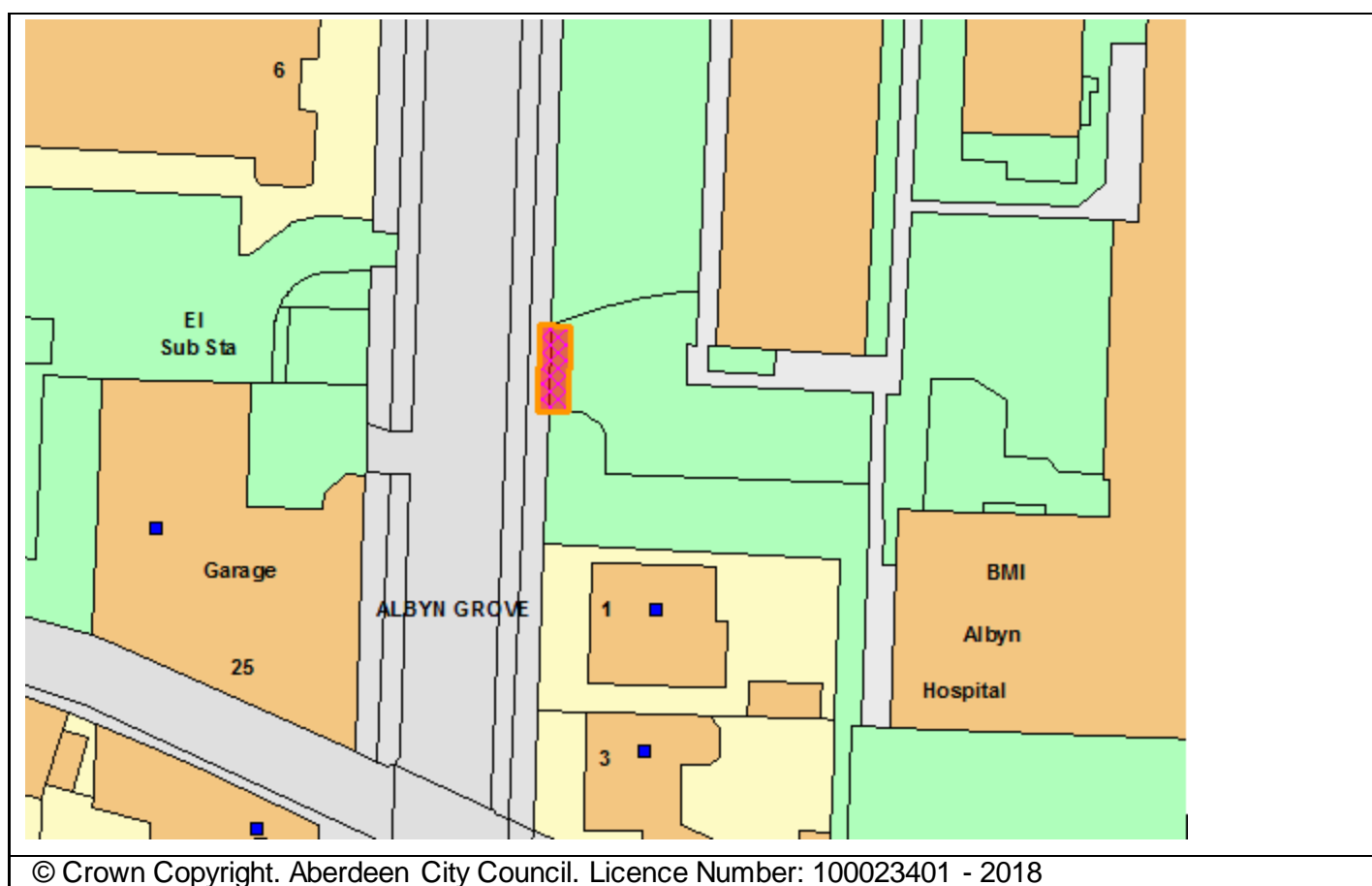


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Albyn Hospital, 21 - 24 Albyn Place, Aberdeen, AB10 1YE
Application Description:	Temporary removal of a section of walling
Application Ref:	211797/DPP
Application Type	Detailed Planning Permission
Application Date:	5 January 2022
Applicant:	BMI Healthcare Limited
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Matthew Easton



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application relates to Albyn Hospital located on the south side of Albyn Place, at the corner of Albyn Grove.

The hospital comprises three early 19th century granite villas (21, 22–23 and 24 Albyn Place) which face Albyn Place and an extensive complex of 20th century single storey flat roof extensions to the rear (south). 21 and 24 Albyn Place are category C listed, whereas 22–23 Albyn Place is category B. The site is within the Albyn Place and Rubislaw Conservation Area.

The specific area which this application concerns is the boundary wall on the west side of the site, which separates the hospital grounds from Albyn Grove. The wall is of a rubble granite construction and is 71m long, varying in height between approximately 1.5m to 1.7m along its length. It is listed as part of the hospital building listings.

Situated between the wall and pavement on Albyn Grove is a verge around 1.8m wide in which there are several large street trees. On the east side of the Albyn Grove carriageway is on-street pay and display (maximum 3 hour stay) or residents' permit parking (zone N) which operates between 08:00 and 20:00 Monday to Saturday.

To the west, across Albyn Grove are 25 & 26 Albyn Place, which are both offices, the Albyn Garage lies opposite on the west side of Albyn Grove; and to the south at the corner of Albyn Grove and Albyn Lane are 1 and 3 Albyn Grove which are traditional granite 1½ storey detached dwellinghouses. The wider area to the south and west is residential, whereas to the north along Albyn Place is more commercial in nature.

Relevant Planning History

- Detailed planning permission (200870/DPP) and listed building consent (200871/LBC) were approved in February 2021 for refurbishment and installation of replacement windows, roof refurbishment with associated works.
- Detailed planning permission (210894/DPP) and listed building consent (210893/LBC) were approved in February 2021 for removal of existing roof mounted equipment and the erection of an air handling unit (AHU); installation of two condenser units with internal alterations and other associated works.
- Detailed planning permission (211019/DPP) and listed building consent (211020/LBC) were refused by the Planning Development Management Committee in January 2022 for the erection of a two-storey extension with plant room to rear; erection of entrance extension with ramp to front and side; alterations to car parking and landscaping and other associated works. The applicant subsequently appealed the decisions to the Scottish Ministers (PPA-100-2128 and LBA-100-2019) and in May 2022 the appeals were allowed, with planning permission and listed building consent granted subject to conditions.
- A listed building consent (211796/LBC) corresponding with this planning application is pending and will be determined by delegated powers.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the temporary removal of a 7-metre section of the boundary wall between the hospital site and Albyn Grove. This would allow a temporary access to be created for construction vehicles during the development of the previously approved hospital extension. The removal of the wall is sought for a period of 18 months, after which it would be rebuilt. Tree root protection measures would be installed across the access, between the existing trees. No trees are proposed to be removed.

Amendments

None.

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=R4H369BZJ5V00>

- Arboricultural Method Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because Queen's Cross and Harlaw Community Council has objected.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

The site is located in the inner city and lies within controlled parking zone (CPZ) N.

The new site access would require access through existing CPZ 'Pay & Display' on-street parking provision. There is no concern with the principle of this for a temporary period to allow site access during construction works on-site. However, a temporary traffic regulation order (TTRO) would need to be promoted by the applicant to temporarily remove on-street parking and implement 'at any time' waiting restrictions in its place, with the existing arrangement re-instated on completion of the construction works. The applicant would also be required to apply to the roads authority for a temporary Section 56 roads construction consent (RCC) for the temporary access.

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

1. The removal of the wall is no longer required because the applications for the extension were refused.
2. A new access is not required to facilitate the installation of air conditioning units.
3. There are already limited parking spaces in the area and the removal of the wall and temporary access would result in the loss in a minimum of three on-street parking spaces.

REPRESENTATIONS

One representation has been received from the neighbour residing at 1 Albyn Grove. The matters raised can be summarised as follows –

1. The applications for the extension to the hospital are still pending and have attracted objections.
2. There will be no requirement to remove the wall if the applications for the extensions are refused.
3. The period of 18-months is excessive and would cause problems in terms of parking and traffic.
4. The hospital has outgrown its site and should relocate elsewhere.
5. Residents are fed up with the daily HGV deliveries to the hospital via Albyn Lane, which blocks access and causes congestion.

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.
- Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent
- Managing Change in the Historic Environment: Boundaries
- Managing Change in the Historic Environment: Setting

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- Policy CF1 (Existing Comm Sites & Facilities)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy NE5 (Trees and Woodland)

Supplementary Guidance and Technical Advice Notes

- Trees and Woodlands

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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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.

The following policies are relevant –

- Policy CF1 (Existing Community Facilities)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy NE5 (Trees and Woodland)
- Policy T3 (Parking)

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Appraisal

EVALUATION

Principle of Development

Land Use Zoning

The hospital, along with the rest of Albyn Place, sits within the West End Office Area as defined in the Aberdeen Local Development Plan 2017 (LDP). The LDP identifies the area as a prestigious, high quality office location on the edge of the city centre, which also contains a mix of other uses, including schools, hotels, flats and a hospital. It indicates that the Council will encourage and promote the continued development of this area as a focus for office development. In such areas, Policy B3 (West End Office Area) applies, however it is silent on the existing activities other than in relation to office use.

Policy CF1 (Existing Community Sites and Facilities) also applies and indicates that existing healthcare sites shall be used primarily for healthcare and/or related medical and educational purposes. It goes on to say proposals for new or extended uses of these types on these sites will be supported in principle.

The existing use is well established, with a hospital present at the site since 1955. It has also been extended many times over the years. Therefore, as the removal of the wall would facilitate the construction of the new extension to the hospital that benefits from planning permission and support its continued use, the proposal is in line with Policy CF1.

The Council's approach to development in the West End Office Area has changed in the Proposed LDP 2020. Reflected in the proposal to rename the area the 'West End Area', the PALDP outlines a shift to encouraging and promoting the continual development of the area as a focus for a mix of uses, including residential. Policy VC6 states that *'applications for all development, including changes of use, must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity. All proposals must respect the special historic and architectural character of the West End.'* Policy VC6 does not change the approach to considering whether the principle of extending the healthcare use is acceptable.

The determining factors of the application are therefore the impact the specific proposal would have on the character of the area and the amenity of the surrounding area in terms of its built heritage, impact on trees and parking, which are considered in the following sections.

Extension Permissions

At the time of submission of this application, detailed planning permission (211019/DPP) and listed building consent (211020/LBC) applications for the extension to the hospital were still pending.

Although they were refused by the Planning Development Management Committee, they were later approved on appeal to Scottish Ministers. Representations submitted by a neighbour before determination of those applications, indicated that the current application should not be approved as the extension applications were undetermined (*issues 1 and 2 raised in representations*). Similarly, after the initial refusal, the Community Council indicated that as the extension applications were refused there was no requirement to remove the wall (*issue 1 raised by the community council*). It was also suggested that a new access is not required to facilitate the installation of air conditioning units which had been approved earlier (*cc issue 2*). However, as planning permission and listed building consent for the extension have been granted, the situation has moved on, with the points raised no longer relevant.

Other Matters

Although the planning authority is required to consider the application submitted, rather than any hypothetical alternative that may or may not be feasible, it is worth noting that should the application be refused, access for construction vehicles into the site would still be required in respect of the extension development. The hospital, as applicant has advised that the only other means of potential access would be via the service area on Albyn Lane, however due to the limited space and dimensions of the lane, this solution would likely be logistically significantly more complicated and disruptive than what is proposed, potentially lengthening the construction period. Albyn Lane serves other properties to the east, including residential premises, Harlaw Academy and offices.

Impact on Conservation Area and Setting of Listed Buildings

Policy D4 (Historic Environment) indicates that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy (superseded by Historic Environment Policy for Scotland) and its own supplementary guidance and conservation area character appraisals and management plans. 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 and conservation areas will be supported.

Scottish Planning Policy (paragraphs 141 and 143) reflects the legislative requirements in relation to conservation areas and listed buildings set out in the Material Considerations part of this report. SPP requires that, where planning permission is sought for development 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. Proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

Historic Environment Policy for Scotland (HEPS) is the Government's national policy statement on built heritage and sits alongside SPP. Historic Environment Scotland's guidance on boundary features is also relevant.

The wall is of a granite rubble construction, enclosing the hospital behind, which is a typical arrangement in the middle section of Albyn Grove, reflected on the opposite side of the road by a similar but taller wall which encloses the properties behind. The wall contributes to the character of the street and conservation area. It also contributes to the setting of the listed hospital villa buildings. Therefore, any adverse impact the proposal may have must be balanced against the positive aspect of facilitating the construction of the extension.

The appearance of the section of wall which it is proposed to remove, having a lighter shade of mortar, would suggest that it has already been removed and rebuilt at some point in the past, possibly to allow the construction of the earlier extensions. Therefore, it would be the most appropriate location for a temporary opening as it would largely avoid affecting any previously unaltered wall fabric, rather focusing on the section which has previously been removed.

Notwithstanding, there would be a temporary adverse impact upon the character of the conservation area whilst the wall was removed due to the absence of the section which would interrupt the continuity of the boundary along the street. However, this impact would cease on reinstatement of the wall. Any long-term impact from the reinstated section appearing different from the remainder of the wall would be no worse than before by removing a section which has already been altered in the past.

In summary, it is considered that whilst there would be an adverse impact on the conservation area and setting of the listed buildings, that impact would be temporary, and the level and manner of intervention proposed would be the minimum required to achieve access into the site. On reinstatement, the character of the conservation area and setting of the listed buildings would be preserved. To ensure the reinstatement is carried out in a satisfactory manner, a condition has been attached requiring a methodology to be submitted specifying how the wall would be removed and reinstated.

Traffic and Parking

The removal of the wall and associated temporary access into the site would require parking bays on Albyn Grove to be temporarily suspended. The spaces are within Controlled Parking Zone N, which operates between 08:00 and 20:00 Monday to Saturday. Concern is raised by the community council with this as it is indicated there are already limited parking spaces in the area (*cc issue 3*).

Whilst there would be a reduction in two to three parking spaces available for residents and visitors to the area, this would be for a temporary period and is unavoidable if access is to be provided into the site from Albyn Grove. No objection has been raised by the Councils Roads Development Management Team, although it is noted that a separate temporary traffic regulation order and a roads construction consent would be required from the Council in its capacity as roads authority, which the applicant is currently progressing.

Trees

Policy NE5 (Trees and Woodland) indicates that there is a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Development should be sited to minimise adverse impacts on trees, with measures taken to protect trees and ensure their long-term management. Where trees may be impacted, protection measures and/or compensatory planting must be agreed.

There are street trees present along Albyn Grove, to the immediate left of the proposed wall opening is a 20m high Norway maple and to the right is a 25m common horse chestnut. An Arboricultural Method Statement has been submitted to demonstrate that the access can be created without damaging the adjacent street trees. The trees would have a wooden framework and boarding installed around their trunks to protect from physical damage. To protect roots from damage a temporary a cellular confinement system would be constructed filled with aggregate and then finished with a porous tarmac. This structure would continue to allow moisture filtration and gaseous exchange to roots. The proposed tree protection measures are considered acceptable.

Duration of Consent

The applicant has advised that the wall opening, and access would be required for 18 months. Concern is raised in representations that this is excessive, however no reason as to why that is considered to be the case is provided (*issue 3*). The applicant advises that the 18-month period is required to facilitate construction of the extension. This is considered reasonable, and a condition is proposed to require the reinstatement of the wall to be complete by the end of the 18-month period, or once construction is complete, whichever is earlier.

Other Matters

It is indicated in representations that the hospital has outgrown the site, causing disruption on Albyn Lane from deliveries, and should relocate to or to another suitable area (*issue 4 and 5*). However, the planning authority is required to consider the application submitted, rather than any hypothetical alternative that may or may not be feasible.

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 removal of the wall would facilitate the construction of the new extension to the hospital and support its continued use, there would be no tension with Policy CF1 (Existing Community Sites & Facilities).

There would be an adverse impact on the conservation area and setting of the listed buildings, however, that impact would be temporary, and the level and manner of intervention proposed would be the minimum required to achieve access into the site and is considered acceptable. On reinstatement, the character of the conservation area and setting of the listed buildings would be preserved, in accordance with Policy D4 (Historic Environment) and associated built heritage policies and guidance.

Whilst there would be a reduction in the number of parking spaces available for residents and visitors to the area, this would be for a temporary period and is unavoidable if access is to be provided into the site from Albyn Grove.

The proposed tree protection measures are considered acceptable and in accordance with Policy NE5 (Trees and Woodlands).

CONDITIONS

(01) DISMANTLING AND REINSTATEMENT METHODOLOGY

That no development shall take place unless a methodology for the dismantling, storage and reinstatement of the section of wall to be removed has been submitted to and approved in writing by the planning authority. Thereafter, unless otherwise agreed in writing with the planning authority, development shall be undertaken in accordance with the approved methodology.

Reason – to ensure the character of the conservation area and setting of the listed buildings would be preserved

(02) TREE PROTECTION

That no development shall take place unless the tree protection measures, specified in the Arboricultural Method Statement for Temporary Construction Access, produced by Ground Control Limited (ref: J210593, dated 20 December 2021) and associated submissions, or such other measures agreed in writing with the planning authority for the same purpose, have been fully implemented.

Reason – to ensure the protection of the street trees on Albyn Grove.

(03) REINSTATEMENT OF WALL

That unless otherwise agreed in writing by the planning authority, the section of wall which is to be removed shall be reinstated by 1 March 2024 or on completion of construction works which require the access, whichever is the earliest.

Reason – to restrict the period for which the wall is removed to the minimum required and to ensure the character of the conservation area and setting of the listed buildings would be preserved.

ADVISORY NOTES FOR APPLICANT

(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or 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.

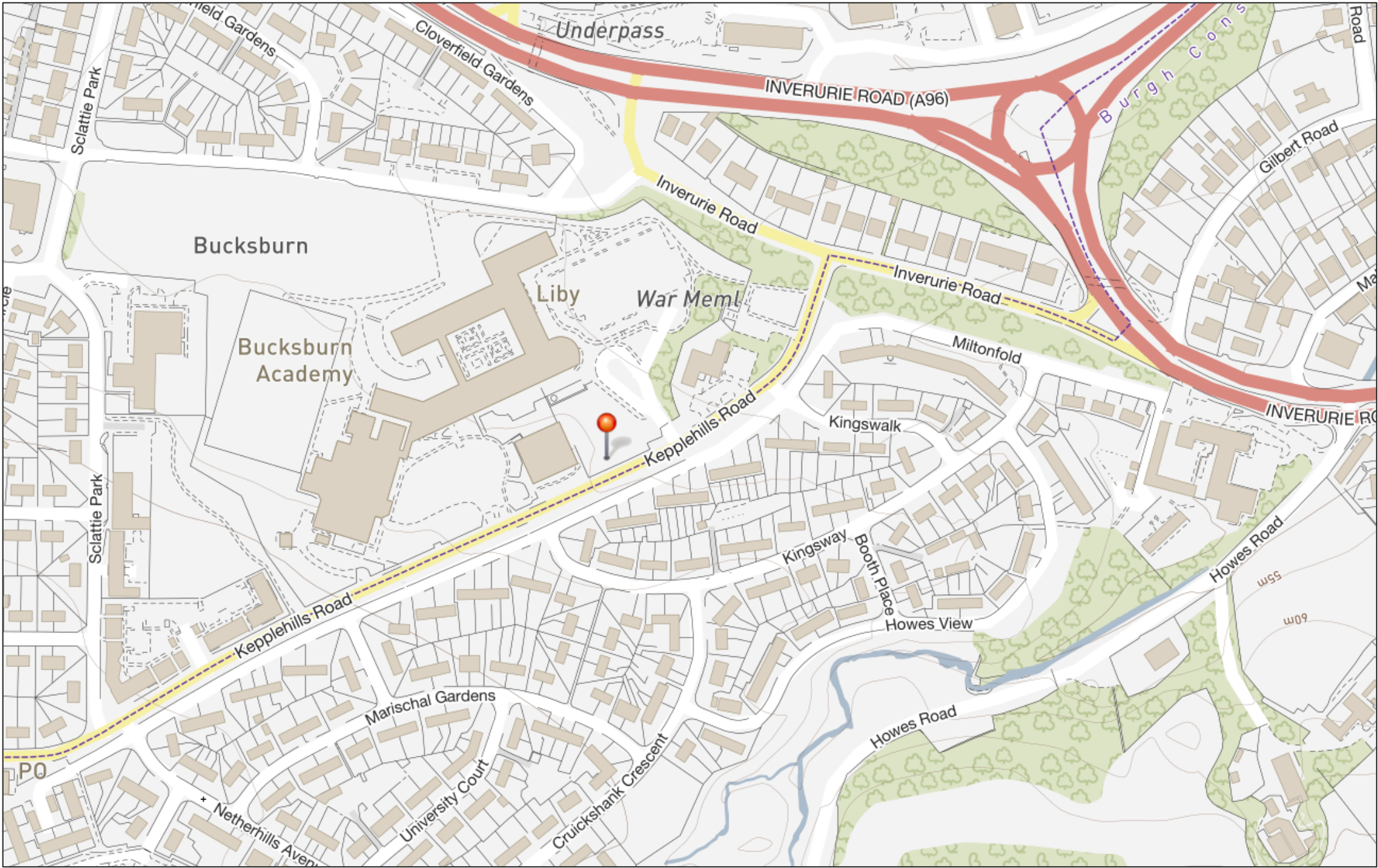
Planning Development Management Committee

Erection of 2 storey modular unit comprising 8 classrooms, store and toilets and partially covered walkway linking to existing school, for a temporary period not exceeding five years

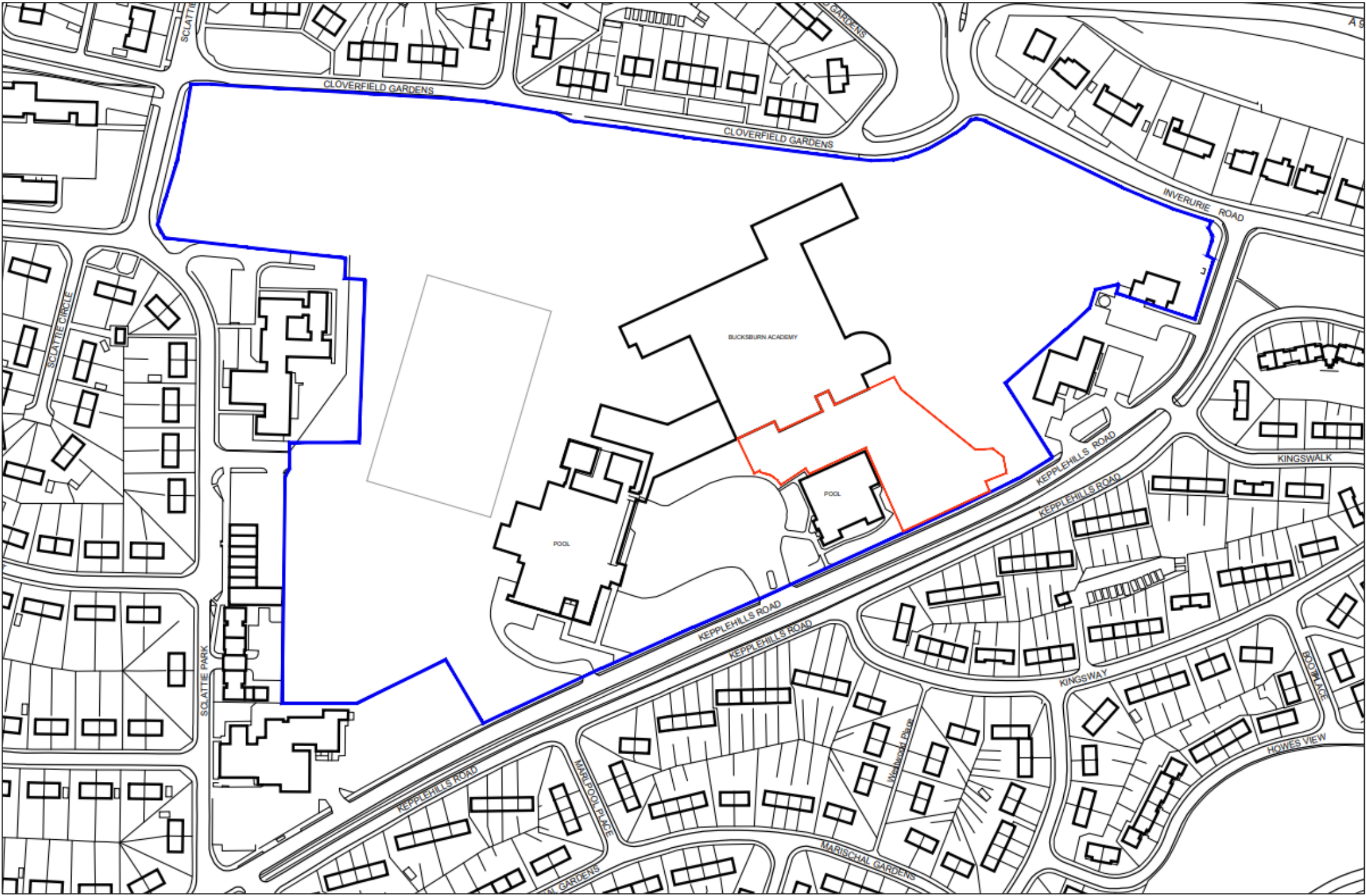
Bucksburn Academy

Detailed Planning Permission
(220847/DPP)

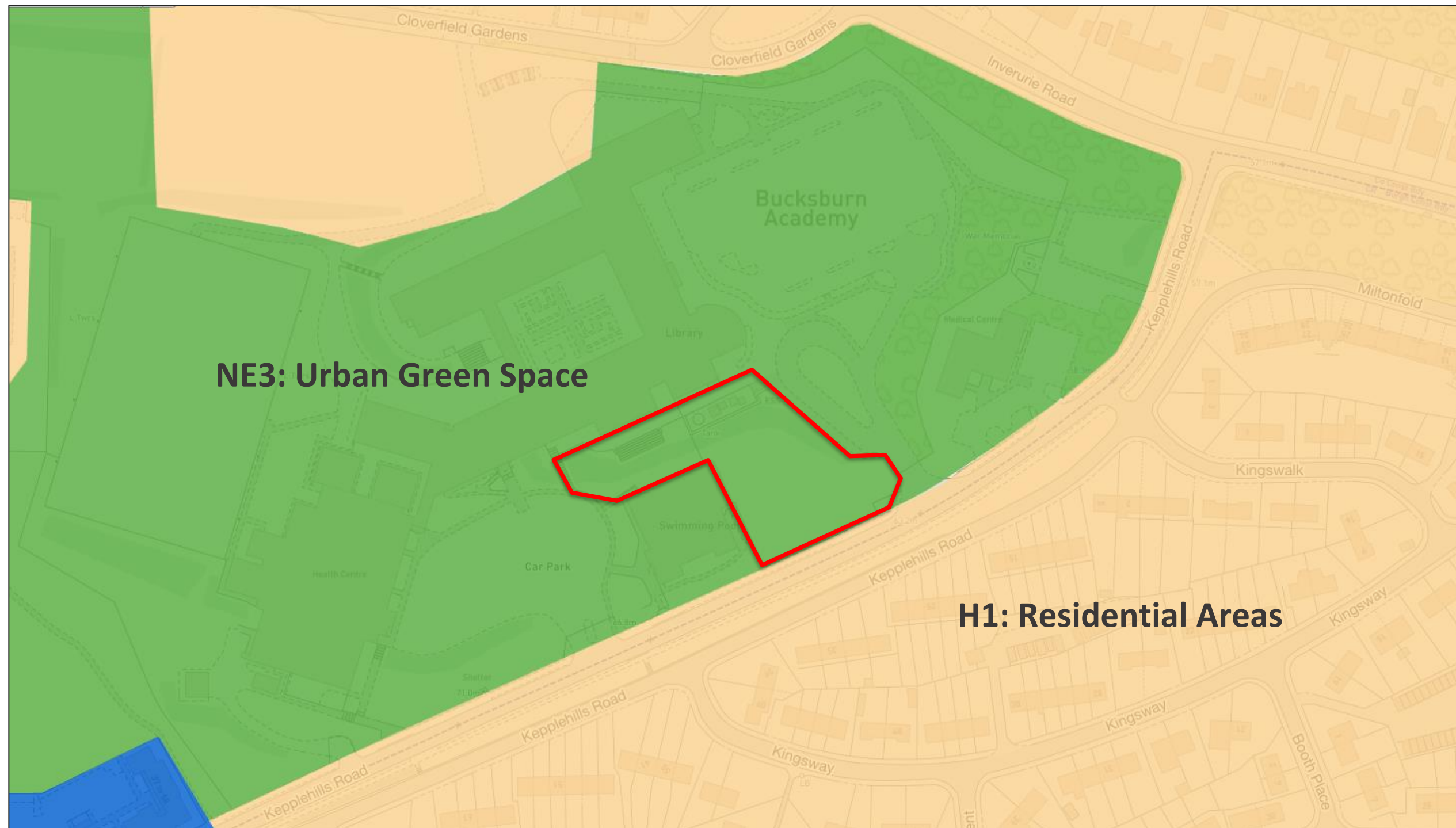
Location - GIS



Location Plan



ALDP Zoning



Contextual Aerial View



Contextual Aerial View



Site Photos



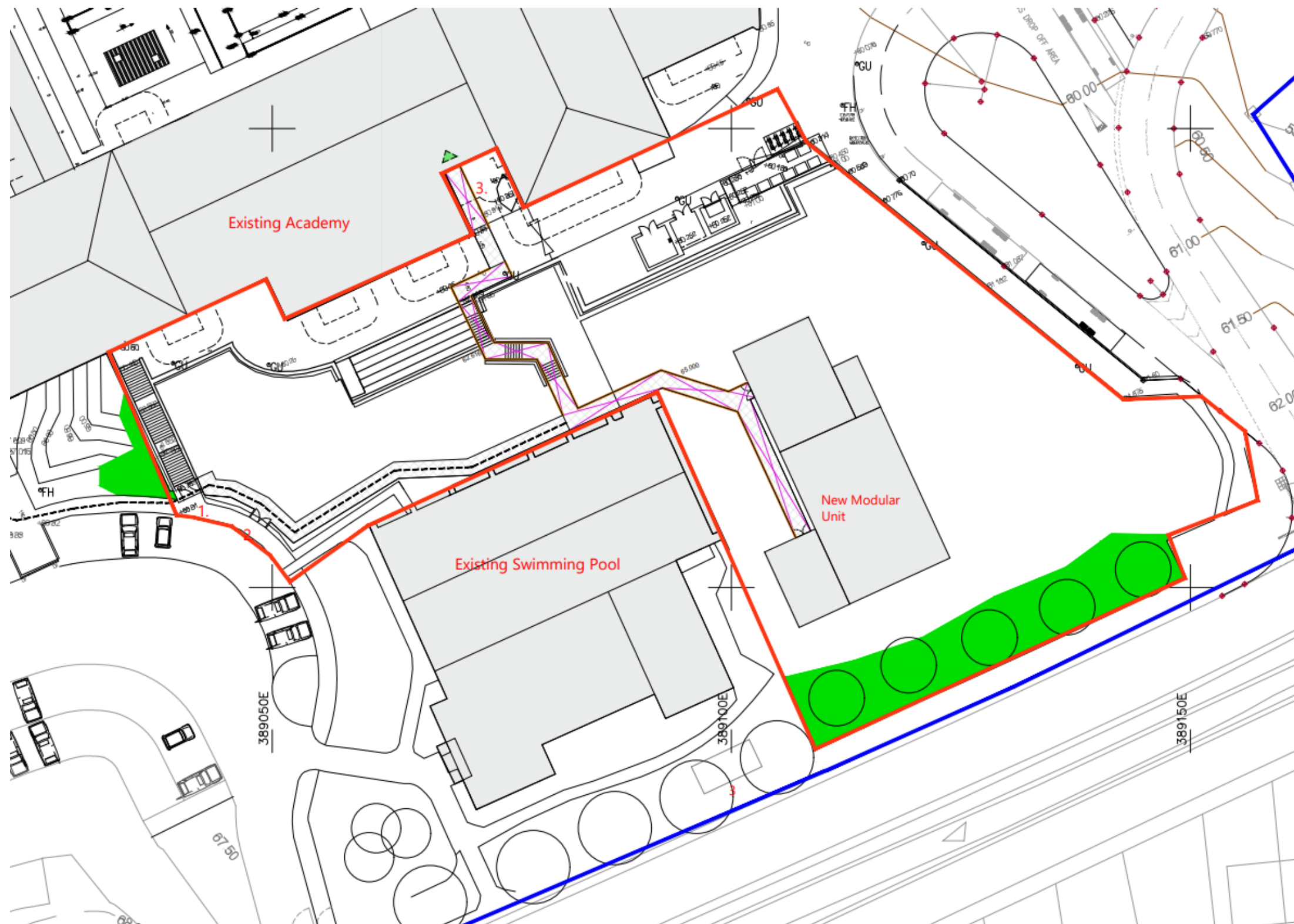
Site Photos



Site Photos

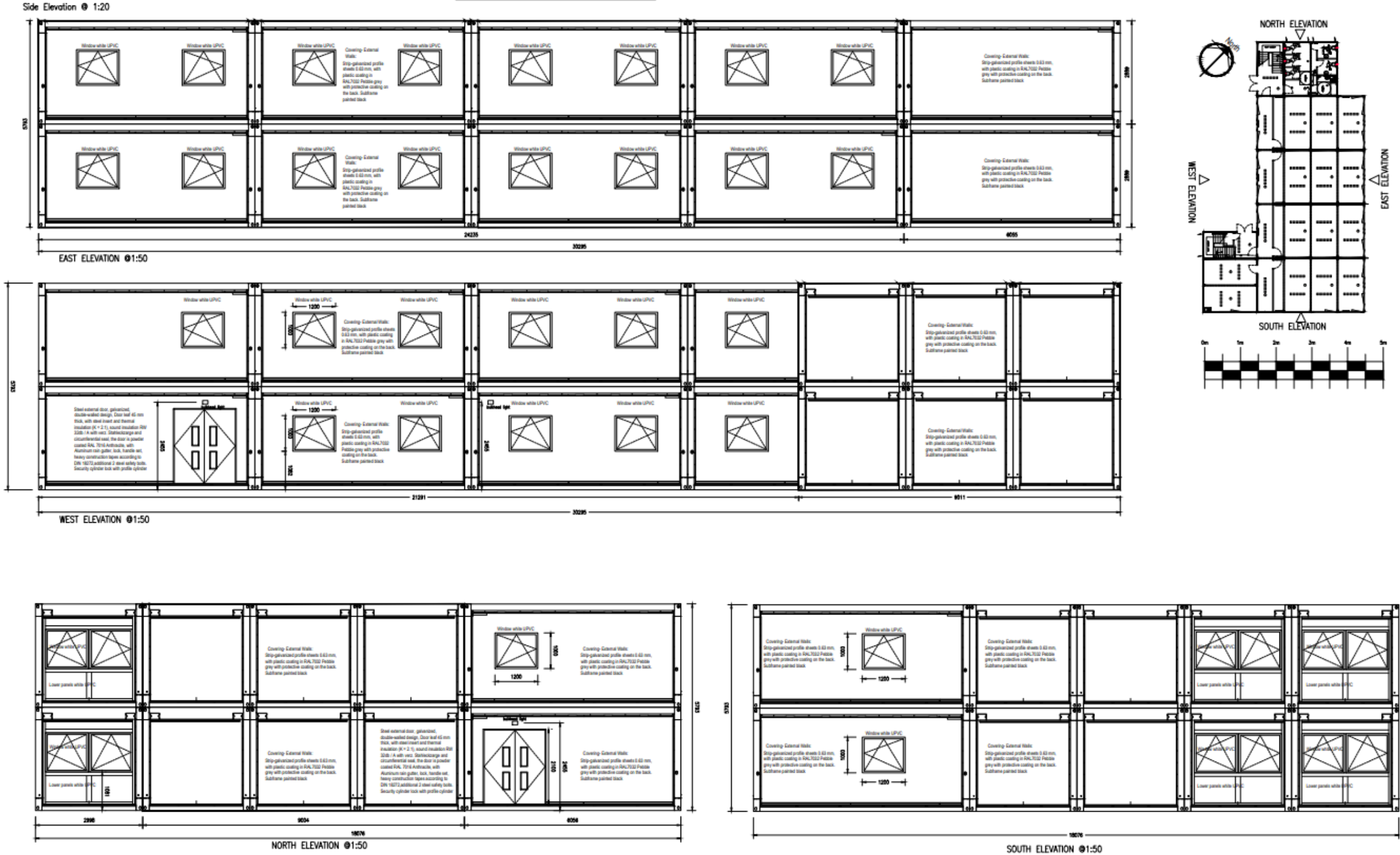


Proposed Site Layout Plan

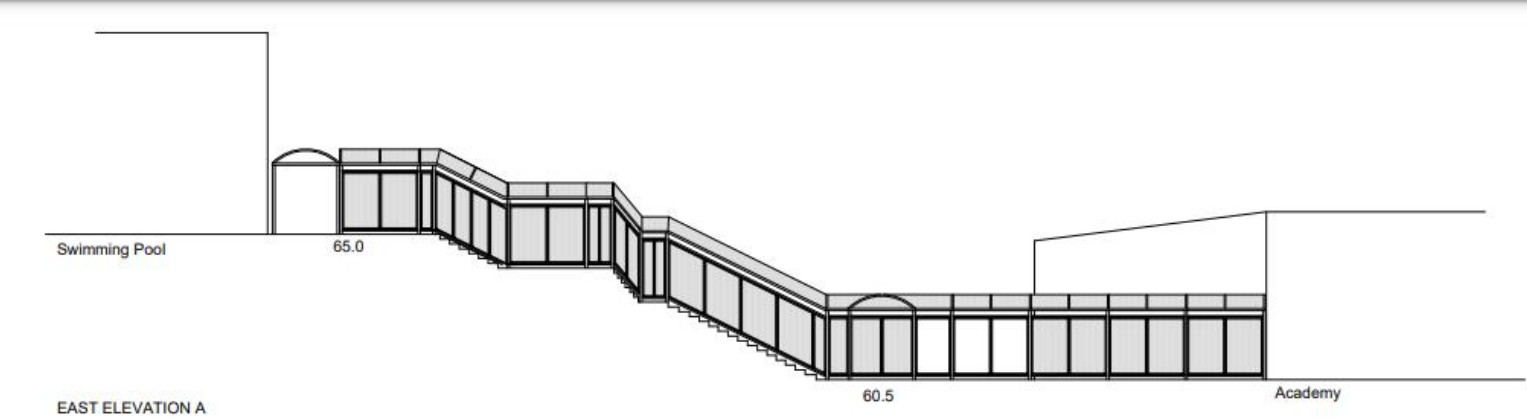


Elevations

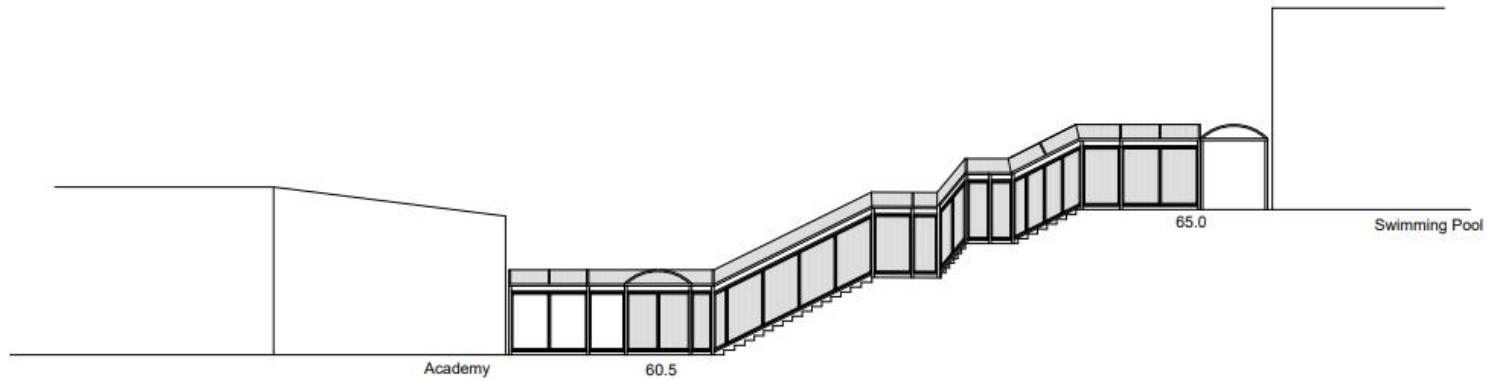
DO NOT SCALE – IF IN DOUBT ASK



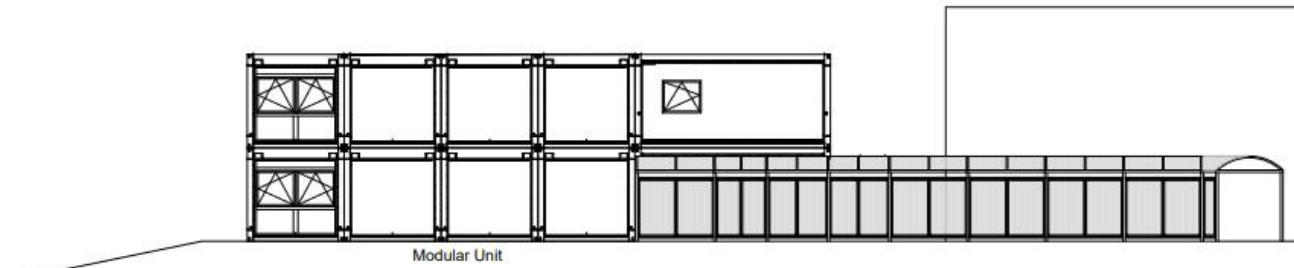
Covered Walkway Elevations



EAST ELEVATION A



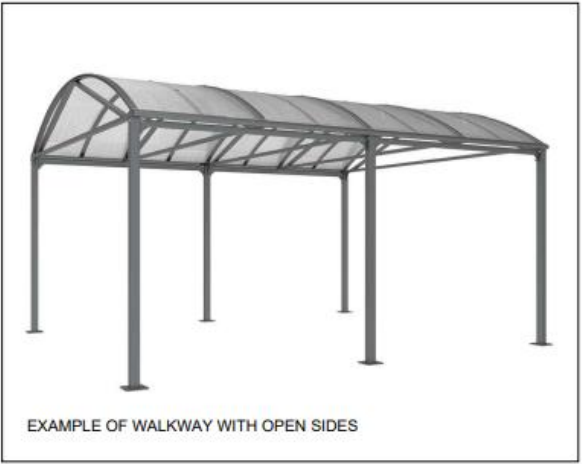
WEST ELEVATION B



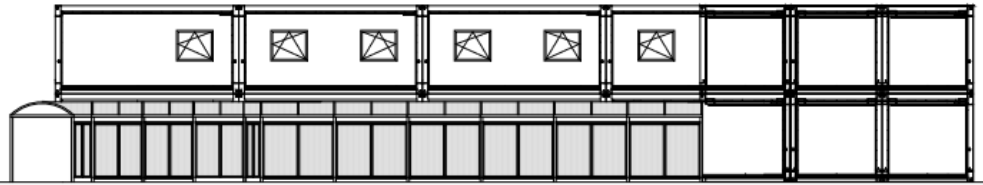
NORTH ELEVATION C



EXAMPLE OF WALKWAY WITH COVERED SIDES

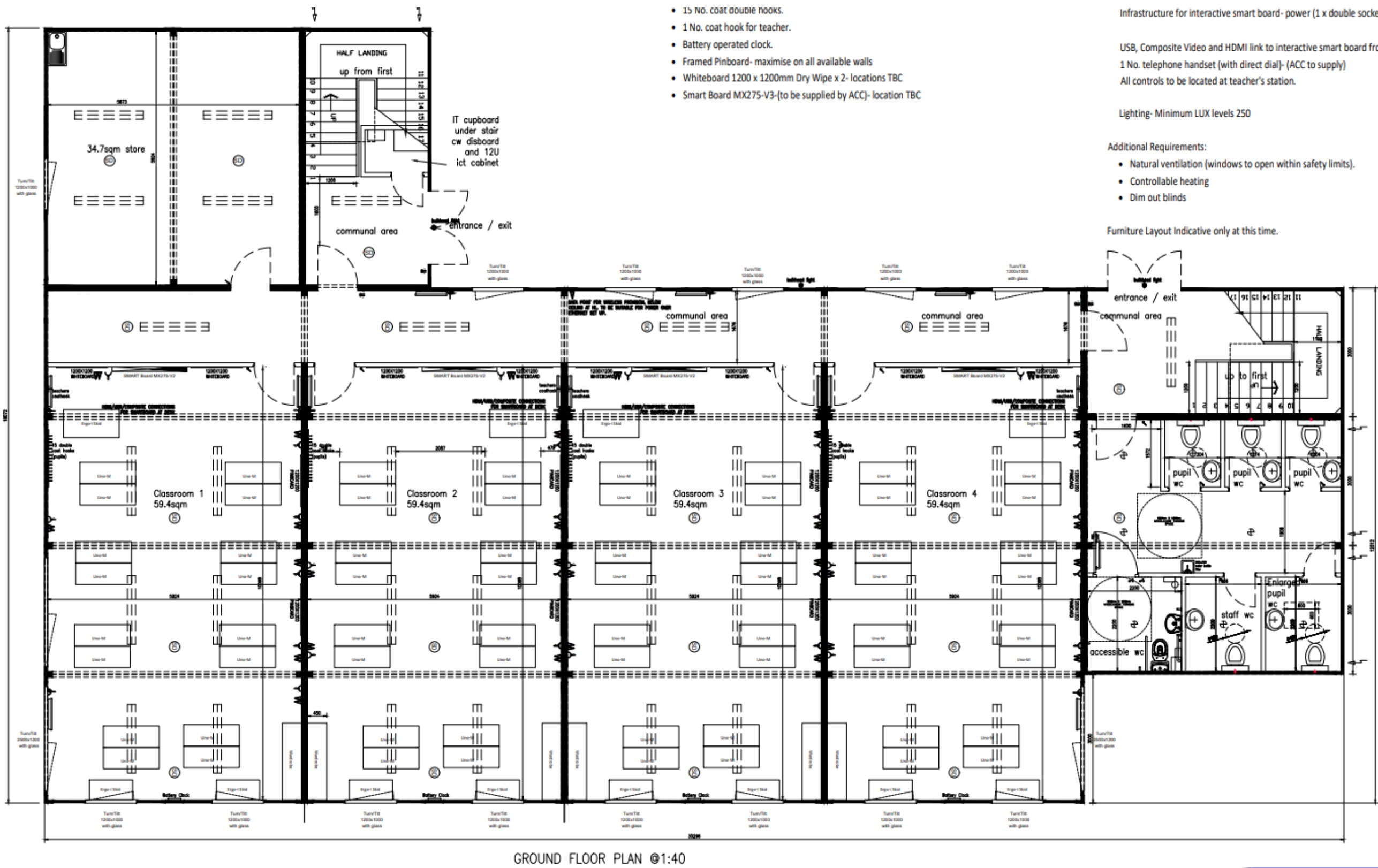


EXAMPLE OF WALKWAY WITH OPEN SIDES



WEST ELEVATION D

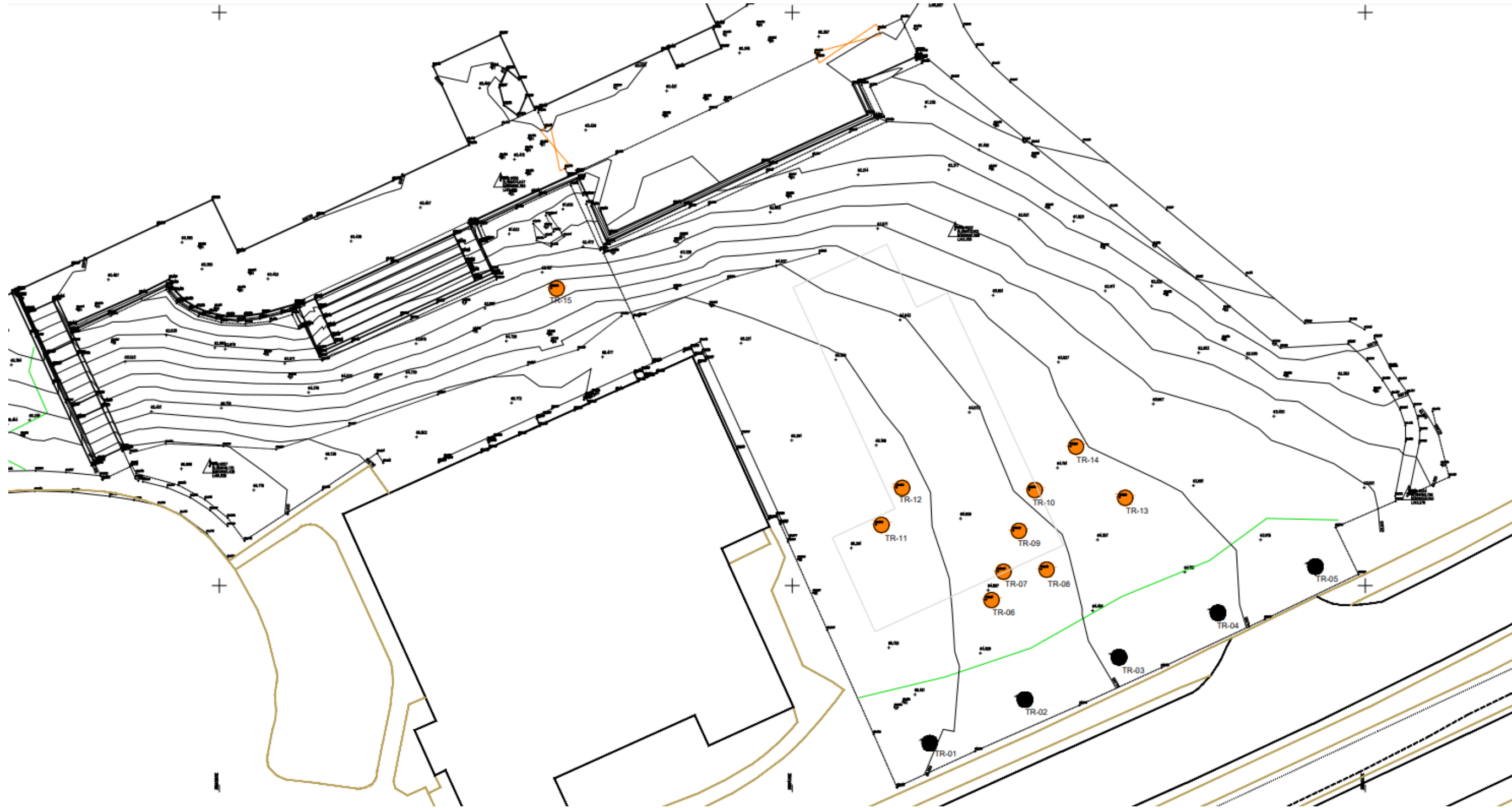
Ground Floor Plan



First Floor Plan



Tree Retention and Removal Plan



Proposed Drainage Layout



This page is intentionally left blank

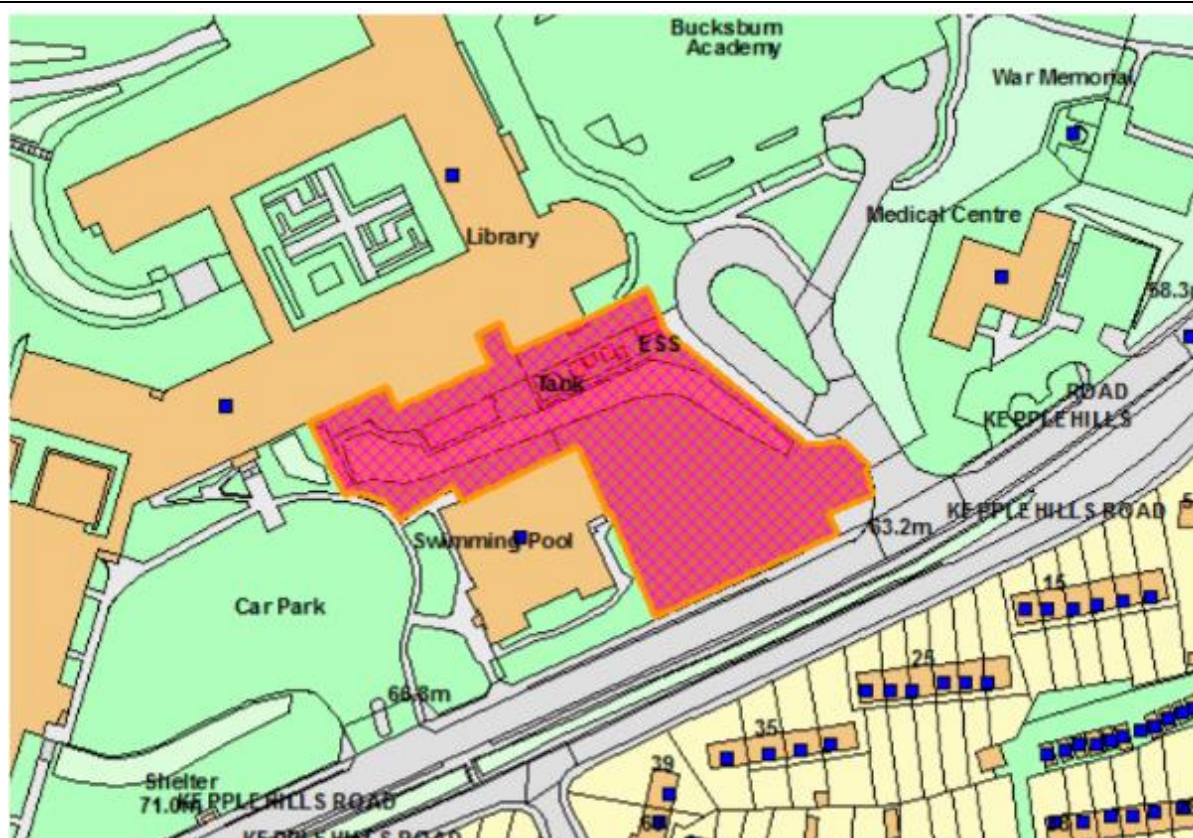


Planning Development Management Committee

Report by Development Management Manager

Committee Date:

Site Address:	Bucksburn Academy, Kepplehills Road, Aberdeen, AB21 9DG
Application Description:	Erection of 2 storey modular unit comprising 8 classrooms, store and toilets and partially covered walkway linking to existing school, for a temporary period not exceeding five years
Application Ref:	220847/DPP
Application Type	Detailed Planning Permission
Application Date:	12 July 2022
Applicant:	NYOP Education (Aberdeen) Limited
Ward:	Dyce/Buckburn/Danestone
Community Council:	Buckburn and Newhills
Case Officer:	Alex Ferguson



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Approve Conditionally (Time Limited)

APPLICATION BACKGROUND

Site Description

The application site comprises a 4,000sqm section of land adjacent to the main vehicular entrance to the Bucksburn Academy campus - a secondary school with associated open space and sports facilities situated on the northern side of Kepplehills Road in Bucksburn. The site predominantly incorporates an area of grassed open space that lies between the vehicular access to the school to the east, Bucksburn public swimming pool to the west and the main school building of Bucksburn Academy to the north. The grassed area incorporates a line of five mature trees along the front of the site (adjacent to Kepplehills Road), with multiple smaller trees interspersed throughout the green space.

Relevant Planning History

041192 – Planning permission was granted in 2005 for the demolition of an existing school and for its replacement with a new secondary school (now Bucksburn Academy), with associated amenities, including community and sports facilities.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the temporary installation of a two-storey modular building within the grounds of Bucksburn Academy for a period of up to 5 years. The two storey, flat-roofed modular building is proposed to contain eight classrooms, a store and toilets, in order to address over-capacity issues with the existing school whilst a permanent solution is sought. The modular building would be detached, sitting on an area of soft-landscaped open space adjacent to the main vehicular entrance to the school campus, and it would be linked to the main school building by a covered walkway. The building would be finished with grey metal sheeting and white pvc-framed windows.

The school roll as of August 2022 is expected to be 880 pupils. The additional accommodation would increase the capacity of the school by c. 240 pupils from 683 to 923 pupils. It is expected that the temporary accommodation would result in the need for an additional 5 staff members.

Amendments

- The application description was amended to include the proposed temporary period for the modular building, of up to five years;
- A Supporting Statement was submitted, explaining the background and setting out the requirement for the temporary building, in order to address overcapacity issues at the school; and
- An amended proposed drainage layout was submitted, moving the new drainage infrastructure further away from the established trees adjacent to Kepplehills Road, outwith their root protection 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=RECKCEBZHI000>

- Supporting Statement
- Transport Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local community council (Bucksburn & Newhills Community Council) have objected to the application, therefore the application requires to be determined by the Planning Development Management Committee, in accordance with the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The proposal comprises the addition of temporary classroom facilities to an existing secondary school. There is existing infrastructure in place which enables pupils and staff to access the school safely at present. Based upon the increased numbers of pupils and staff anticipated as a result of the temporary classroom provision, there is already sufficient car parking available to cover the increased private vehicle trip generation, which should be small, with most pupils expected to walk to take the bus to school. There would not be any adverse impact on the local road network and the proposed drainage arrangement for the temporary building is acceptable.

ACC - Waste and Recycling – No objection.

Aberdeen International Airport – No objection. The proposed development would not conflict with airport safeguarding criteria and would not compromise the safe operation of the airport. Given the nature of the proposed development, it is possible that a crane may be required during the construction phase, therefore some information is provided in relation to safe practice for working with cranes in close proximity to aerodromes, for the applicant to be aware of. This is included as an Advisory Note.

Bucksburn and Newhills Community Council – Object. The issue of overcrowded schools in the Bucksburn area has been raised with the Council previously and it is therefore disappointing to see an application for temporary accommodation at Bucksburn Academy, rather than a permanent solution. Temporary school accommodation is often retained well beyond its initial temporary lifespan.

Permanent accommodation should be provided because although the school is supposed to be accommodating on a temporary basis for children from Bucksburn as well as Kingswells and Countesswells, the extensive house building in Bucksburn will surely mean that extra permanent classes are necessary.

REPRESENTATIONS

Two representations have been received – one objecting to the application and one neutral, albeit requesting that various conditions are attached should the application be approved. The matters raised in the representations can be summarised as follows:

- The proposed temporary classrooms are not consistent with Policies D1 (Quality Placemaking by Design) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP);
- The need for emergency teaching space at Bucksburn Academy is appreciated and if permission is granted, a 3-year time limit should be imposed, after which they should be

removed;

- A time limit condition should be attached to any planning permission, ensuring that the 5-year design life of the building is not exceeded;
- A further condition should be attached to any consent, requiring the removal of the temporary building at the point in which a permanent solution has been found and is operational;
- No information has been provided to set out if / how the remainder of the school facilities (such as sports pitch, dining hall provision etc) would have capacity for the additional pupils that will arise as a result of the use of the temporary classrooms;
- There appears to be a deficit in toilet and wash basin facilities for the number of pupils anticipated. Has drinking water provision been catered for?;
- It is critical that a permanent solution is found for children in the Bucksburn/Bankhead/Stoneywood area.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- B4: Aberdeen Airport
- CF1: Existing Community Sites & Facilities
- D1: Quality Placemaking by Design
- NE3: Urban Green Space
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- R6: Waste Management Requirements for New Development
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel

Supplementary Guidance and Technical Advice Notes

- Green Space Network and Open Space
- Transport and Accessibility
- Temporary Buildings
- Trees and Woodlands

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP 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 PALDP (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 PALDP;
- the level of representations received in relation to relevant components of the PALDP and their 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 –

- B3 (Airport and Perwinnes Radar)
- CF1 (Existing Community Facilities)
- D1 (Quality Placemaking)
- NE2 (Green and Blue Infrastructure)
- NE4 (Our Water Environment)
- NE5 (Trees and Woodland)
- R5 (Waste Management Requirements in New Development)
- T2 (Sustainable Transport)
- T3 (Parking)

EVALUATION

Policy CF1 (Existing Community Sites & Facilities)

Although the site is not zoned in the Aberdeen Local Development Plan 2017 (ALDP) as an Existing Community Site or Facility, Policy CF1 also applies to existing health, education and other community facilities in other ALDP zonings. Policy CF1 notes that:

‘Existing nursery, primary, secondary and special school land and properties shall be used mainly for educational purposes. Proposals for new or extended uses of these types on these sites will be supported in principle.’

The proposed development would provide 8 additional classrooms for use by Bucksburn Academy pupils, in order to address over-capacity issues, on a temporary basis for a period of up to 5 years, whilst a more permanent solution is sought. The use of a small section of the existing school campus for extended / additional secondary education provision is thus acceptable in principle, in accordance with Policy CF1.

Policy NE3 (Urban Green Space)

The application site forms part of the wider Bucksburn Academy campus which is zoned in the ALDP as Urban Green Space (Policy NE3). Policy NE3 states that:

‘Permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport.’

In all cases, development will only be acceptable provided that:

- 1. There is no significant loss to the landscape character and amenity of the site and adjoining area;*
- 2. Public access is either maintained or enhanced;*
- 3. The site is of no significant wildlife or heritage value;*
- 4. There is no loss of established or mature trees;*
- 5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved health benefits to the replaced area and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads.*
- 6. They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and*
- 7. Proposals to develop outdoor sports facilities, including playing fields and sports pitches should also be consistent with the terms of Scottish Planning Policy.’*

The proposals are assessed against each of the above seven criteria of Policy NE3 as follows:

There is no significant loss to the landscape character and amenity of the site and adjoining area;

The proposed modular building would cause some harm to the landscape / townscape character and the visual amenity of the area. The two-storey building would be of a utilitarian design and would sit in a relatively prominent location, adjacent to the main entrance to Bucksburn Academy. The harm caused to the landscape setting and visual amenity of the area would be somewhat mitigated by the partial screening provided by the line of mature trees along the front of the site

however, and the temporary nature of the proposals would also ensure that any harm would not be permanent, as a condition can be added requiring the site to be reinstated to its current condition, following the removal of the temporary development.

Public access is either maintained or enhanced;

The site comprises informal green space within the Bucksburn Academy campus. The area is not readily useable for members of the public but nevertheless, access to the green space and the surrounding area would not be wholly compromised by the development, which would take up less than 50% of the green space.

The site is of no significant wildlife or heritage value;

Although soft-landscaped, the site is largely laid to lawn and not of any significant wildlife or heritage value. No protected species would be affected by the development.

There is no loss of established or mature trees;

A line of five mature trees runs along the front of the site, in relatively close proximity to the proposed development. The original drainage proposals for the development would have seen sub-terranean drainage channels and an attenuation tank installed within the root protection areas of some of the trees. The plans were subsequently amended however, to move the drainage infrastructure further away from the trees, such that any RPA incursion would be minimal, if at all. The trees are thus proposed to remain and their long-term health would not be adversely affected.

Several smaller trees within the area of green space would be felled in order to facilitate the installation of the modular building. These trees are not mature or established however, they do not contribute significant towards the character or amenity of the area and their loss is considered to be acceptable, subject to a condition requiring replacement planting to take place as part of a site reinstatement, following the removal of the modular building in due course.

Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved health benefits to the replaced area and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads.

No replacement green space would be provided – although the development is proposed for a temporary period, thus the site could be reinstated to green space thereafter.

They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development

There are no waterbodies or watercourses on or adjacent to the site.

Proposals to develop outdoor sports facilities, including playing fields and sports pitches should also be consistent with the terms of Scottish Planning Policy.'

The site comprises an area of informal green space and does not consist of a formal sports facility or pitch.

Policy NE3 Summary

The proposed development would see a section of informal grassed open space within the grounds of Bucksburn Academy built on to provide additional classrooms for the school, in order to

address over-capacity issues. The section of the open space would not be redeveloped for recreation or sport, therefore the proposals conflict with the primary aim of Policy NE3. However, it is noted that the modular building proposed to host additional classrooms would be a temporary solution, with consent being sought for a period of up to 5 years, whilst a more permanent solution is found. Whilst the loss of an area of existing green space and some trees would not be ideal, the temporary nature of the proposed development, allowing for full reinstatement of the site to its present condition in the future, is a significant material consideration weighing in favour of the proposals, as there would not be any permanent harm to the urban green space.

In identifying the various criteria that may be applicable in Scottish Planning Policy's (SPP) presumption in favour of development that contributes to sustainable development, Paragraph 29 of SPP notes that policies and decisions should: *'support delivery of infrastructure, for example transport, education, energy, digital and water'*. The provision of additional classrooms, helping to address over-capacity issues for the existing school, is thus also a material consideration of significant weight and the development is considered to contribute to sustainable development.

Therefore, whilst there is a tension between the proposals and the wording of Policy NE3, the Planning Service is satisfied that the temporary nature of the proposed development, its necessity in order to address school capacity issues and its compliance, in principle, with Policy CF1 - are material considerations of sufficient weight to justify the approval of the application, subject to full site reinstatement at the expiry of the time limited consent, despite the aforementioned tension with Policy NE3.

Design

Policy D1 (Quality Placemaking by Design) requires all development to be of a high-quality design, appropriate for its context. The proposed modular building would be of a utilitarian design which, particularly given its relatively prominent location would not, in the Planning Service's opinion, be suitable as a permanent solution, as its design, siting and appearance would cause harm to the character and visual amenity of the area, and the building would not be particularly welcoming for permanent use as classrooms.

However, as noted above, the applicant does not seek to retain the building on a permanent basis and instead it is proposed to be installed for a period of up to 5 years. As such, the Council's supplementary guidance (SG) on Temporary Buildings is applicable. The Temporary Buildings SG states that:

'In considering applications for planning permission, the Council will expect temporary buildings to be sensitively located so as to minimise any detrimental visual intrusion onto the surrounding area. Temporary buildings should:

- Be located appropriately. Normally this will mean to the rear of existing buildings. Rarely will a temporary building situated at the front of the principal elevation of a building be acceptable, especially where it is visible from a public area, such as a road, path, lane or public open space. A location at the side of a building may be acceptable if it is not visible from a public area and is adequately screened.*
- Avoid the loss of existing parking spaces or turning areas.*
- Avoid landscaped areas, especially those with established tree or shrub planting. In exceptional circumstances this may be unavoidable, and where this is the case, appropriate justification must be provided to demonstrate why development in landscaped areas is necessary. In such circumstances, a Condition will be attached to any planning permission*

requiring new landscape proposals to be established in an agreed timescale following the removal of the temporary building.

In addition to the General Principles noted above, applicants will need to demonstrate that a modular / demountable building is sited in an appropriate location, is of a suitable design for its context, and would not adversely impact the amenity of neighbouring uses.

In recognition of their more permanent nature and higher quality, modular / demountable buildings, a case may be made for allowing the approval of the building for an initial period longer than three years, however this will not exceed five years except in exceptional circumstances. The Council will consider each case on its individual merits.'

Whilst it is acknowledged that the proposed building would be sited in a prominent location, to the front of the existing school, on a landscaped area with trees, adjacent to the main entrance and highly visible from Kepplehill Road, the Planning Service is satisfied that the school campus occupies a constrained site, with little other space capable of feasibly hosting the proposed building. The only alternative sites within the school grounds would require the loss of either car parking or sports pitches/facilities, neither of which would be acceptable and neither of which would be in close enough proximity to the main school building to prevent the classrooms from being overly detached.

Therefore, whilst the retention of the proposed building on a permanent basis cannot be accepted, given the aforementioned material consideration in terms of the requirement for the building and the lack of alternative suitable sites, the Planning Service is satisfied that the proposed siting of the building at the front of the school campus would be acceptable, on balance, for a temporary period. As per the Temporary Buildings SG, the modular nature of the building is such that the case can be made for its retention beyond the typical three-year maximum period for temporary buildings. The applicant wishes to retain the building for a period of five years, allowing ample time for a permanent solution to be found. The Planning Service is satisfied that the justification constitutes an exceptional circumstance and is thus sufficient to allow a five-year consent to be granted, in accordance with the SG guidance on modular buildings. As per the SG, a condition is necessary requiring new landscape proposals to be established following the removal of the building.

The proposals are therefore considered to be generally compliant with Policy D1 of the ALDP and the Temporary Buildings SG, despite some tension with both, given the temporary lifespan of the proposed building and the overriding justification for its installation.

Impact on trees

Policy NE5 (Trees and Woodland) incorporates: *'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. Permanent and temporary buildings and services should be sited so as to minimise adverse impacts on existing and future trees.'*

The proposed modular building would result in the loss of several existing trees within the central part of the site. However, the trees that would be lost are relatively young, small and do not contribute significantly towards any of the above criteria. Their loss, whilst not preferable, is considered to be acceptable given the aforementioned material considerations weighing in favour of the application, and subject to compensatory replacement planting taking place on the site in future, following the removal of the modular building from the site in due course. A condition is therefore necessary requiring the applicant to submit appropriate replacement tree planting details, as part of a site reinstatement scheme.

There are five existing mature trees that form part of a longer line of trees along the front of the site to Kepplehills Road. These trees contribute significantly to the local landscape character and amenity and their loss, or any damage to them, would conflict with the requirements of Policy NE5. Initially it was proposed for some drainage infrastructure for the modular building to be sited within the RPA's of some of the trees, which could have harmed their long-term health. Subsequent amendments to the proposals have seen the proposed drainage infrastructure positioned further away from the trees, such that there would not be any incursion into their RPA's, and the trees would not be adversely affected. The amended proposals are thus considered to be acceptable in accordance with Policy NE5.

Flooding and Drainage

Policy NE6 (Flooding, Drainage & Water Quality) requires development to not be at any significant risk of flooding itself, and also that the development would not pose any risk of flooding to other properties nearby. The application site is not itself at risk of flooding, and the applicant has submitted a proposed drainage layout, showing how the building would be drained, with connections into the school's existing surface water and foul water sewers proposed. A cellular storage tank would also be installed, helping to attenuate the flow of surface water into the surface water sewer. The Council's Roads Development Management team consider the proposed drainage infrastructure to be acceptable and the development would be adequately drained, in accordance with Policy NE6.

Waste Management

Policy R6 (Waste Management Requirements for New Development) requires all development to have adequate space for the suitable storage and collection of any waste generated by the development. Any waste generated by the additional classrooms would be stored in, and collected from, the school's existing bin stores. The proposals are thus compliant with Policy R6.

Transport & Accessibility

Policy T2 (Managing the Transport Impact of Development) requires new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Policy T3 (Sustainable and Active Travel) requires new developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport.

The proposed development would provide 8 additional classrooms for the existing school, on a temporary basis for a period of up to 5 years. The applicant has submitted a Transport Statement which demonstrates that the school's existing transport and accessibility infrastructure is sufficient to enable the additional pupils and staff likely to be accommodated within the proposed development to travel to and from the school safely. It further outlines that there is sufficient car parking availability at present to cover the increased number of private trips generated, which would be small, as most pupils would be expected to walk, cycle, or take the bus to school. As such, there would not be a negative impact on the local road network.

The existing cycle parking facilities at the school are shown to be underutilised at present, therefore the increase in pupils as a result of the development would not result in a deficit in cycle parking provision and pupils could access the school by bicycle should they wish. The proposals are thus considered to allow for the school to continue to be accessed via sustainable and active modes of travel, with little additional private vehicle trip generation anticipated, in accordance with Policies T2 and T3.

Aberdeen Airport Safeguarding

Policy B4 (Aberdeen Airport) requires all development falling within safeguarded areas identified on the airport safeguarding map to be subject to consultation with the Aberdeen Airport Safeguarding Team, in order to ensure that any proposed development would not compromise the safe operation of the airport. Aberdeen Airport's Safeguarding team have reviewed the application and they do not object to the proposals, noting that they do not conflict with safeguarding criteria and would not adversely affect the safe operation of the airport. The proposals are thus compliant with Policy B4. The Airport have however requested that the applicant be aware of general information in relation to the operation of cranes in close proximity to an aerodrome. This information has been added as an advisory noted for the applicant to be aware of.

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.

Bucksburn and Newhills Community Council

The Community Council have primarily objected to the application on the basis of the temporary nature of the proposals, and due to the lack of a more permanent solution being proposed. They also note that such temporary education infrastructure has, in the past, been retained on a more permanent basis at other schools.

The Planning Service acknowledges that the temporary nature of the proposed building is not ideal and that the facilities would not be acceptable if retained on a long-term or permanent basis – hence the aforementioned time limit recommended, which would require the building to be removed by no later than 5 years following the grant of permission.

Matters Raised in Representations

The majority of matters raised in the representations received are addressed in the foregoing evaluation. The remainder can be addressed as follows:

- *No information has been provided to set out if / how the remainder of the school facilities (such as sports pitch, dining hall provision etc) would have capacity for the additional pupils that will arise as a result of the use of the temporary classrooms*

Response: This is not a material planning consideration and is dealt with under separate legislation.

- *There appears to be a deficit in toilet and wash basin facilities for the number of pupils anticipated. Has drinking water provision been catered for?;*

Response: This is not a material planning consideration and is dealt with under separate legislation.

- *It is critical that a permanent solution is found for children in the Bucksburn/Bankhead/Stoneywood area.*

Response: It is not the role of the Planning Service to address overcapacity issues in schools but the Service does agree that a permanent solution should be found and thus

recommends that the consent be limited to a maximum period of 5 years, whilst an appropriate permanent solution can be designed and delivered.

RECOMMENDATION

Approve Conditionally (Time Limited)

REASON FOR RECOMMENDATION

The proposed development would be within the grounds of Bucksburn Academy and would be ancillary to its ongoing use for secondary education. The proposals are therefore compliant, in principle, with Policy CF1 (Existing Community Sites & Facilities) of the Aberdeen Local Development Plan 2017 (ALDP). The development would not be for sports or recreation and would not replace the existing green space with another similar area of green space in the surrounding area, therefore the proposals are not fully compliant with Policy NE3 (Urban Green Space). Furthermore, the utilitarian design of the proposed building, and its prominent location adjacent to the entrance to the school, would cause some harm to the visual amenity of the area and would not be suitable on a permanent basis, thus the proposals also conflict with Policy D1 (Quality Placemaking by Design). However, the building is required on a temporary basis in order to address overcapacity issues at Bucksburn Academy whilst a more acceptable permanent solution is sought. The delivery of facilities to allow the provision of education is a material consideration of significant weight and is considered to contribute towards sustainable development, in accordance with Scottish Planning Policy. Subject to conditions, the time-limited nature of the proposals would also allow for the loss of green space and any harm to visual amenity to be temporary and for the site to be reinstated to its current state following the removal of the building in future. Thus whilst the proposals conflict with aspects of Policies NE3 and D1 of the ALDP, the Planning Service considers that there are material considerations of sufficient weight to allow the development on a time-limited basis, in accordance with aspects of the Council's Temporary Buildings supplementary guidance.

The development would not result in the loss of, or damage to, any mature or established trees that contribute significantly towards visual amenity or local landscape character, thus the proposals are compliant with Policy NE5 (Trees and Woodland). The development would not be at risk of flooding and would be adequately drained, in accordance with Policy NE6 (Flooding, Drainage & Water Quality), would utilise existing waste management facilities at the school, in accordance with Policy R6 (Waste Management Requirements for New Development) and would be suitably accessible by sustainable and active modes of travel, without significantly increasing private vehicle trip generation, in accordance with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel). The development would also not compromise the safe operations of Aberdeen Airport, in accordance with Policy B4 (Aberdeen Airport).

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.

CONDITIONS

(1) TIME LIMIT AND SITE REINSTATEMENT / REPLACEMENT PLANTING

That the hereby approved building shall not remain on the site beyond a period expiring 5 years following the date of the grant of planning permission, or beyond the date in which an alternative,

permanent solution becomes operational – whichever is sooner. No later than 3 months prior to the removal of the building, a scheme for the reinstatement of the site (including details of new landscaping and tree planting) shall be submitted to and agreed in writing by the Planning Authority and thereafter the agreed scheme shall be implemented no later than the first planting season following the removal of the building from the site.

Reason: In order to preserve the character and visual amenity of the area in the long-term, as the proposed building would only be acceptable as a temporary installation and is not of a suitable design for permanent retention. Also in order to reinstate the site to soft landscaping to ensure no permanent loss of urban green space, and to ensure compensatory replacement planting in lieu of the trees to be felled to facilitate the development.

ADVISORY NOTES FOR APPLICANT

(1) CRANE OPERATIONS

The applicant should be aware of the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note

4 – Cranes (available at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>).

Aberdeen International Airport can be contacted / consulted at abzsafeguard@aairport.com

(2) WASTE MANAGEMENT

- 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

Additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

This page is intentionally left blank

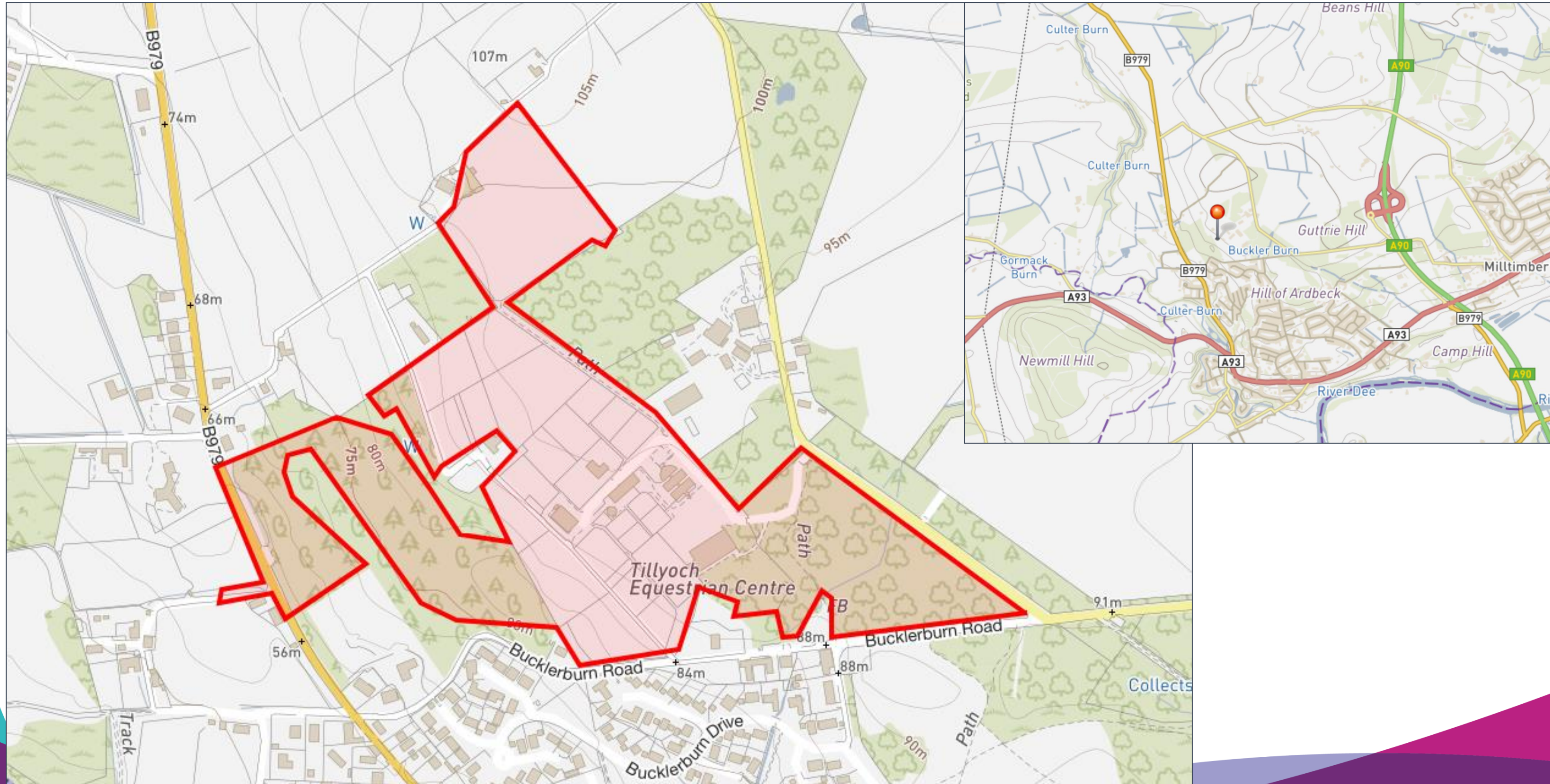
Planning Development Management Committee

Residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities

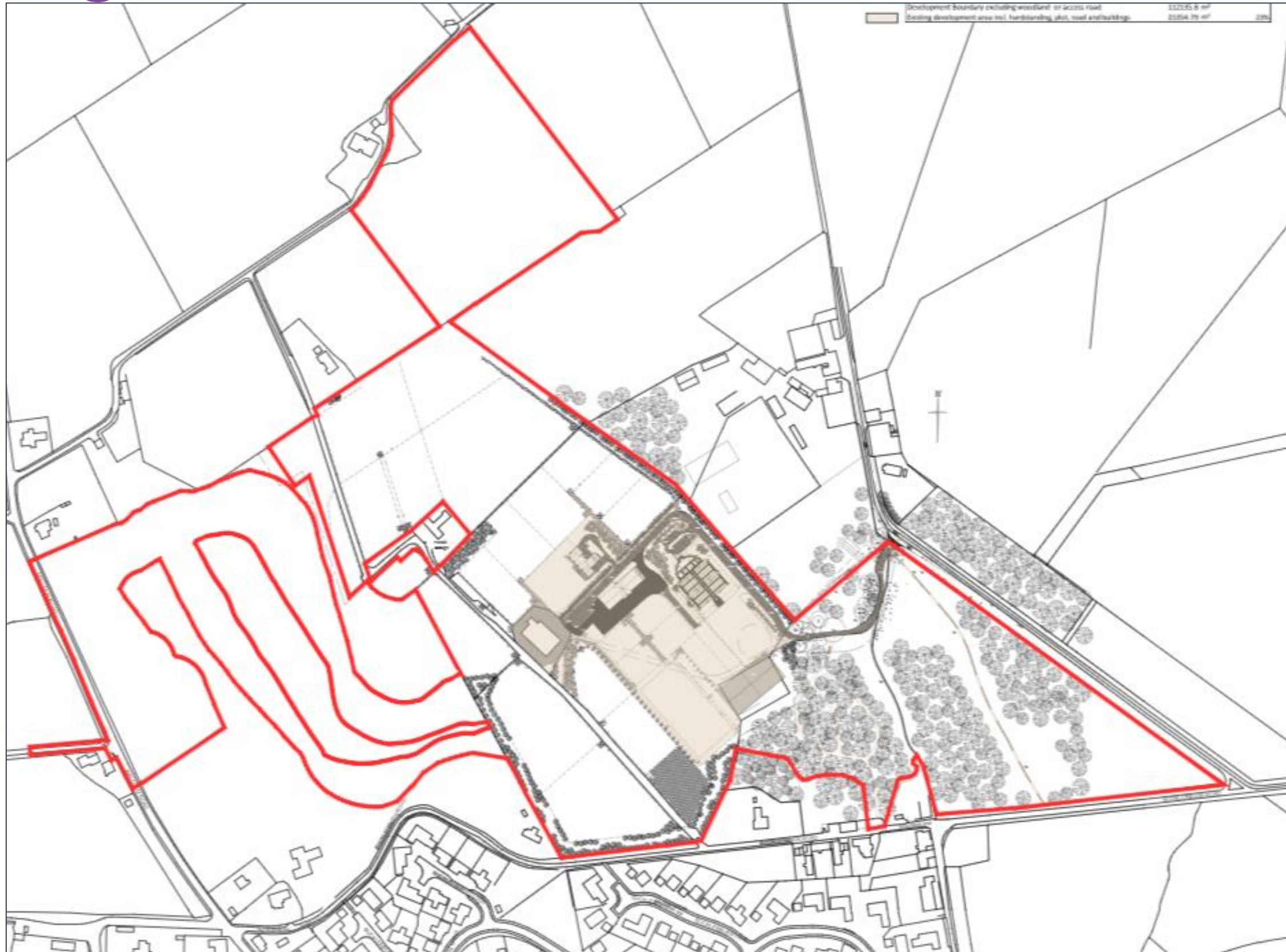
Land at Tillyoch, Peterculter

Planning Permission in Principle – 211699/PPP

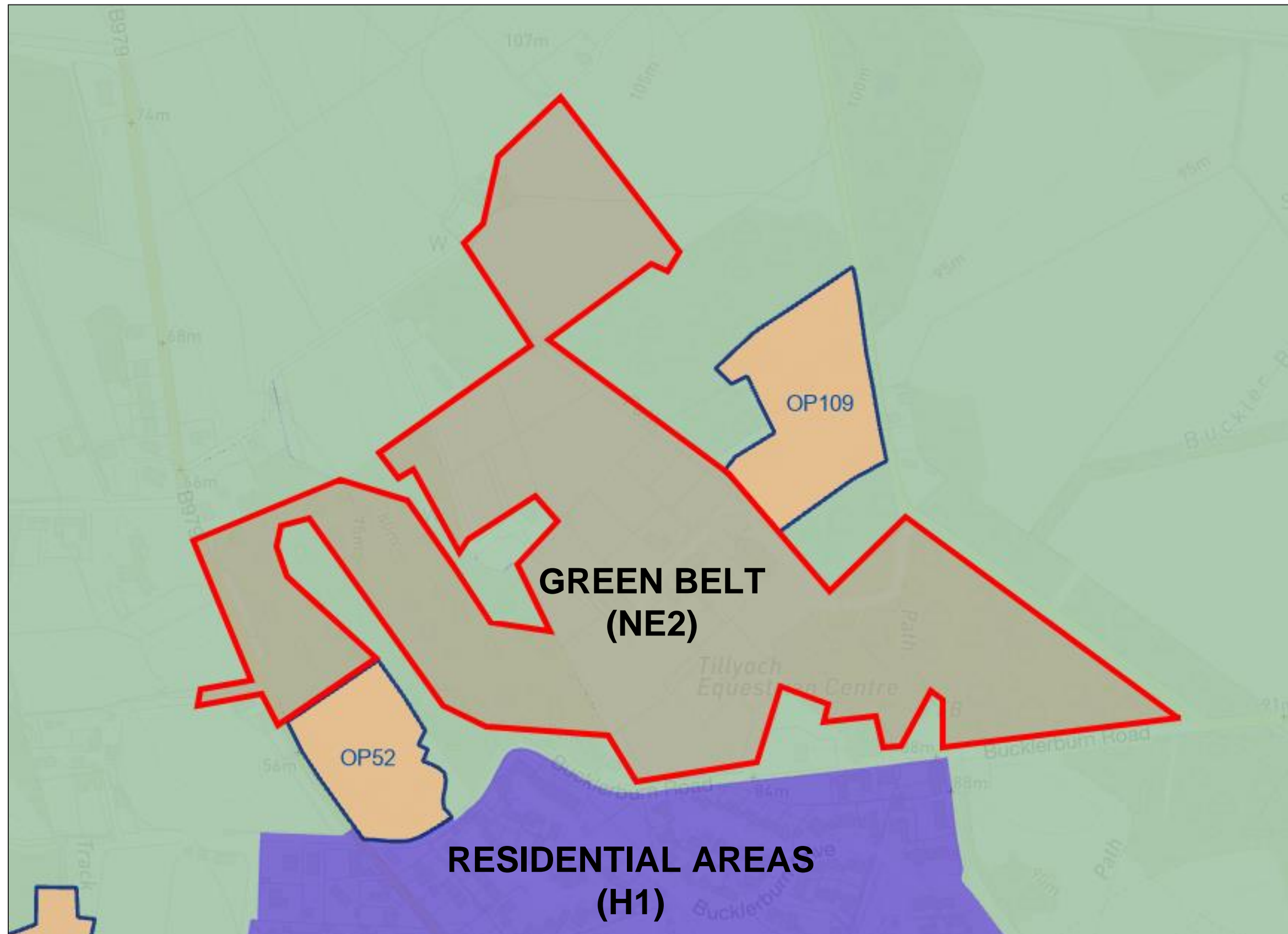
Location – Local & Wider Context (GIS)



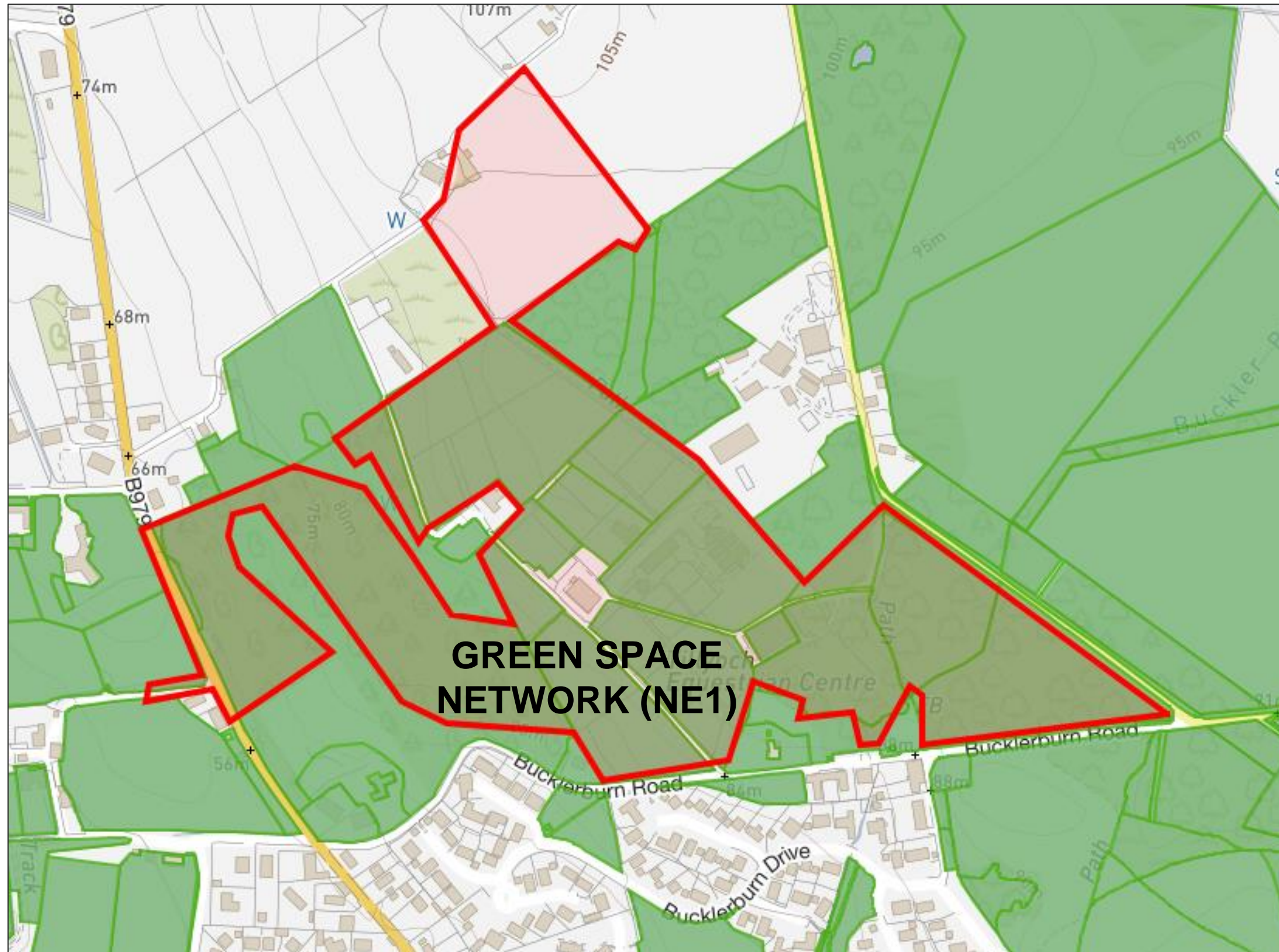
Existing Site Plan



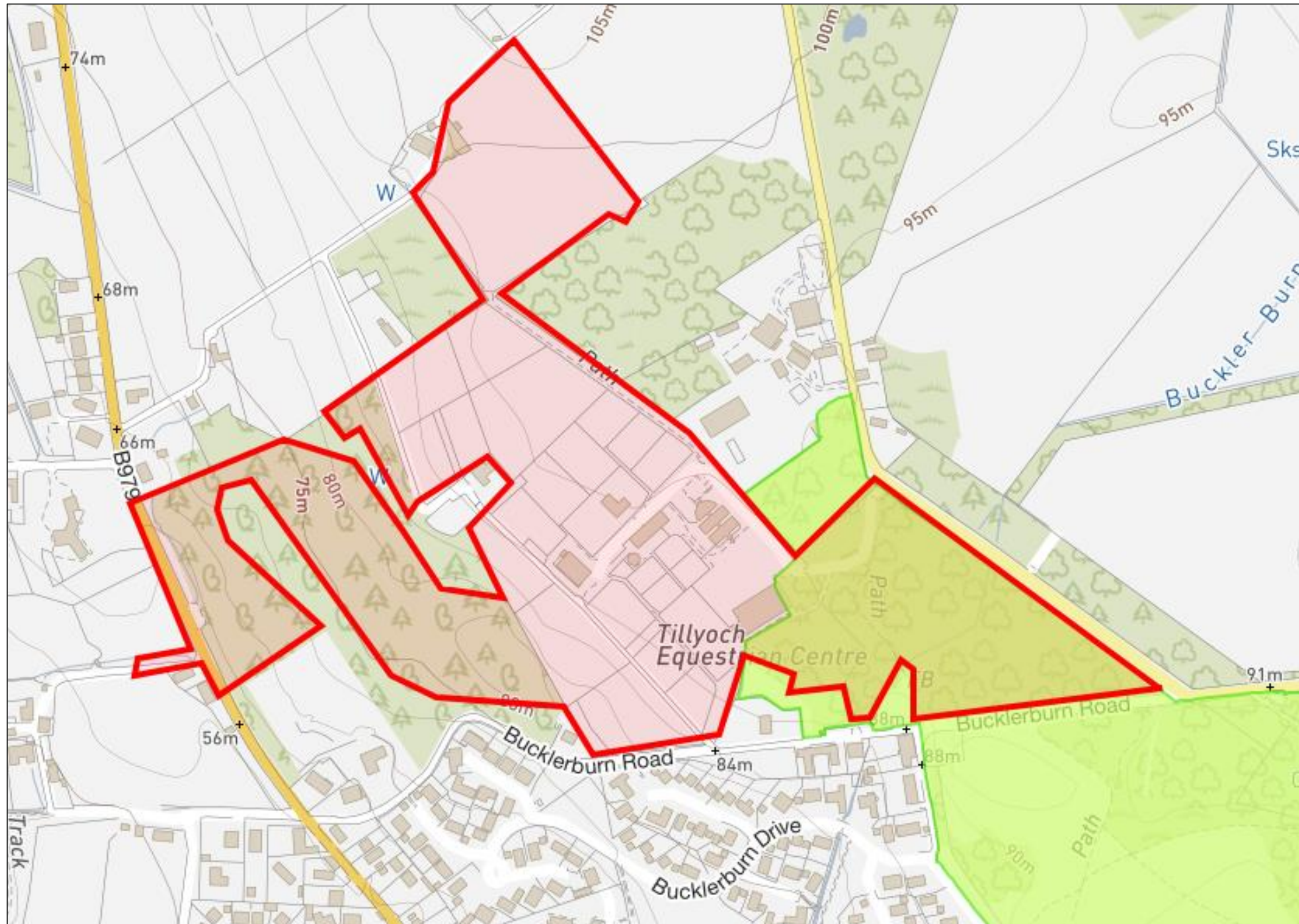
2017 ALDP - Zoning



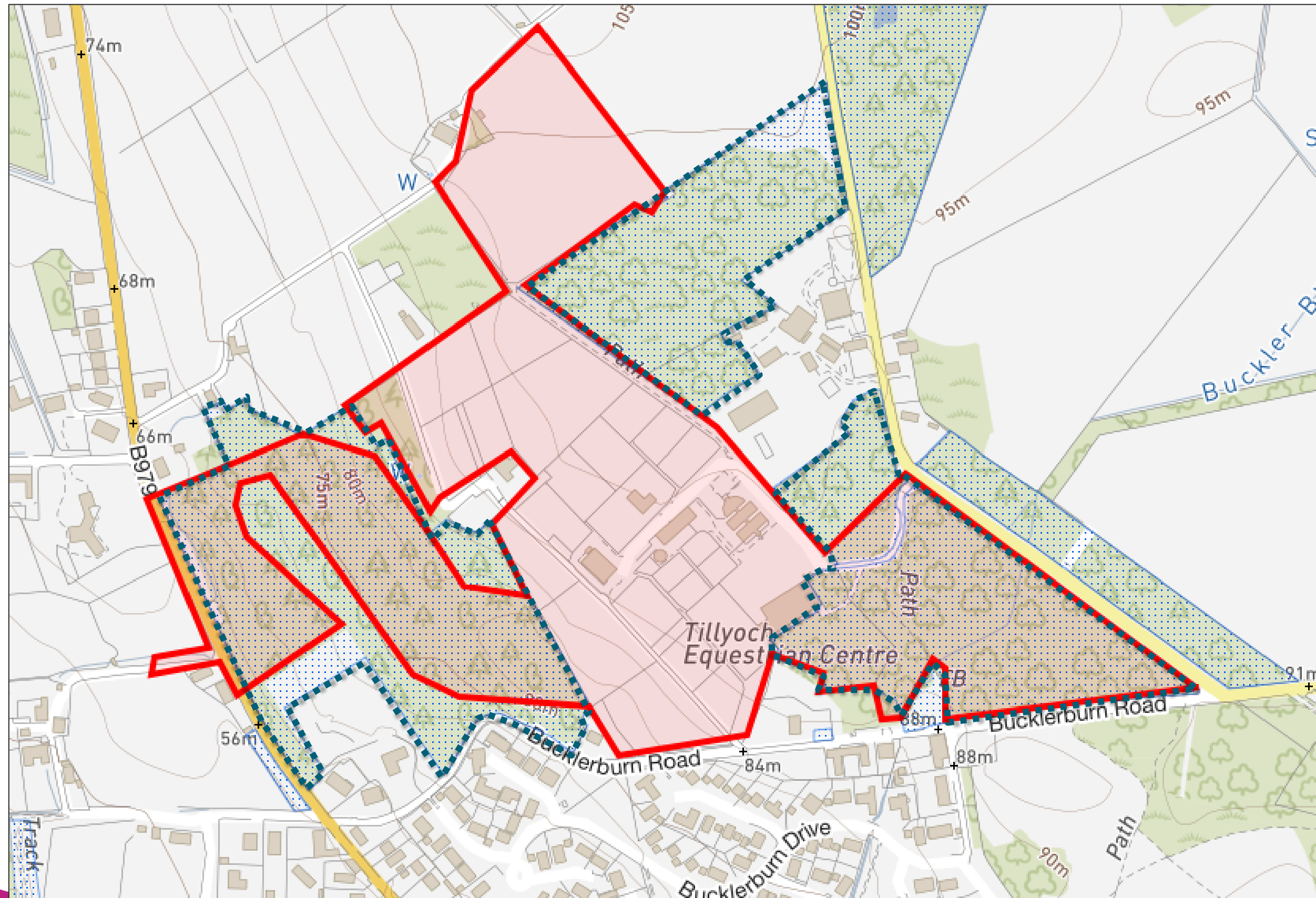
2017 ALDP – Green Space Network



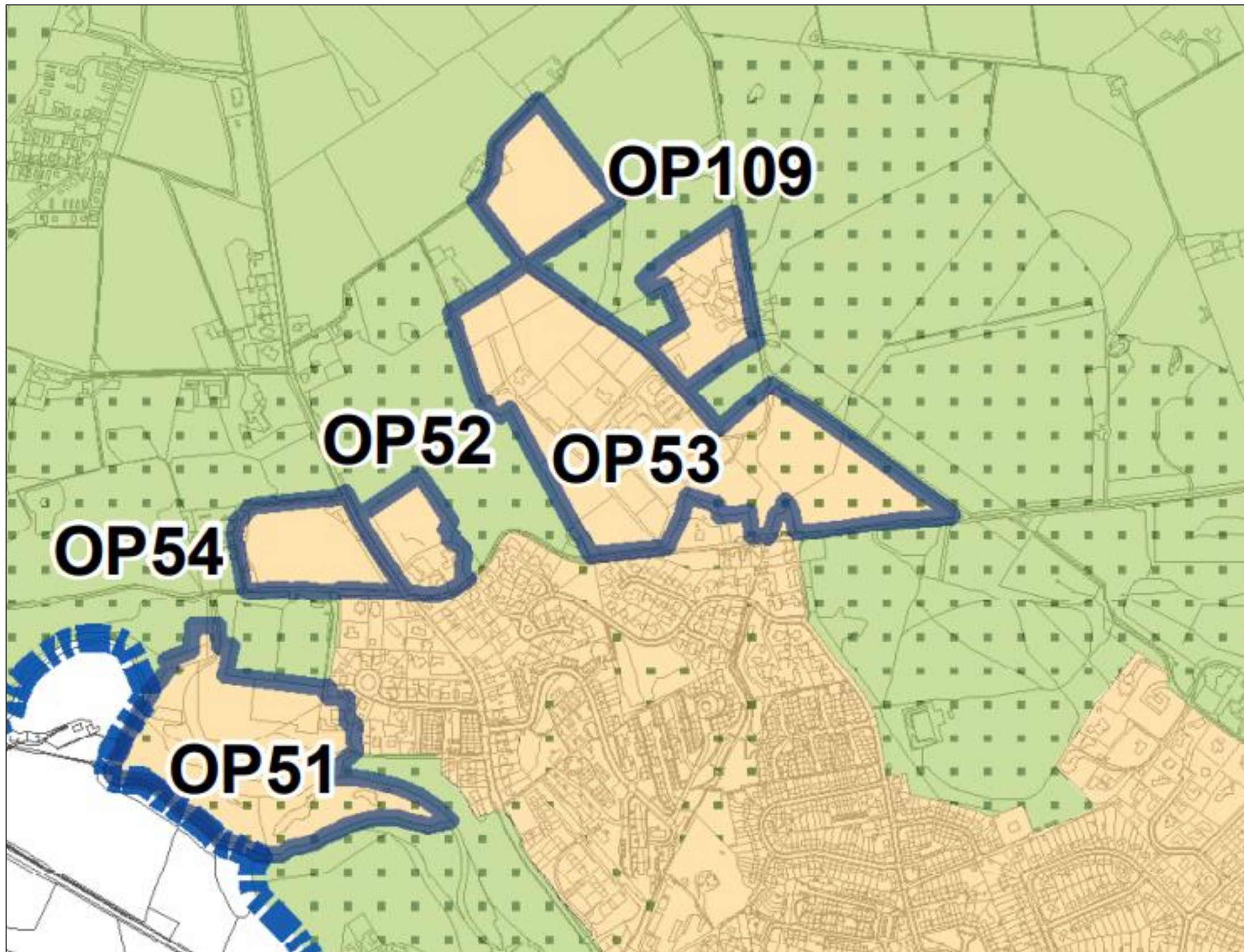
Peterculter Local Nature Conservation Site



Tree Preservation Orders & Ancient Woodland



Proposed ALDP – Zoning



Proposed Indicative Site Plan



Site Photos – Malcolm Road



Looking north



Looking south

Site Photos – from existing path

Looking west from the site towards woodland



Looking east from the site towards existing dwellings



Aerial Image looking northeast - Location of Access Road



Image from Google

Aerial Image looking north -

Location of Residential Development



Image from Google

Aerial Image – Peterculter LNCS



Image from Google

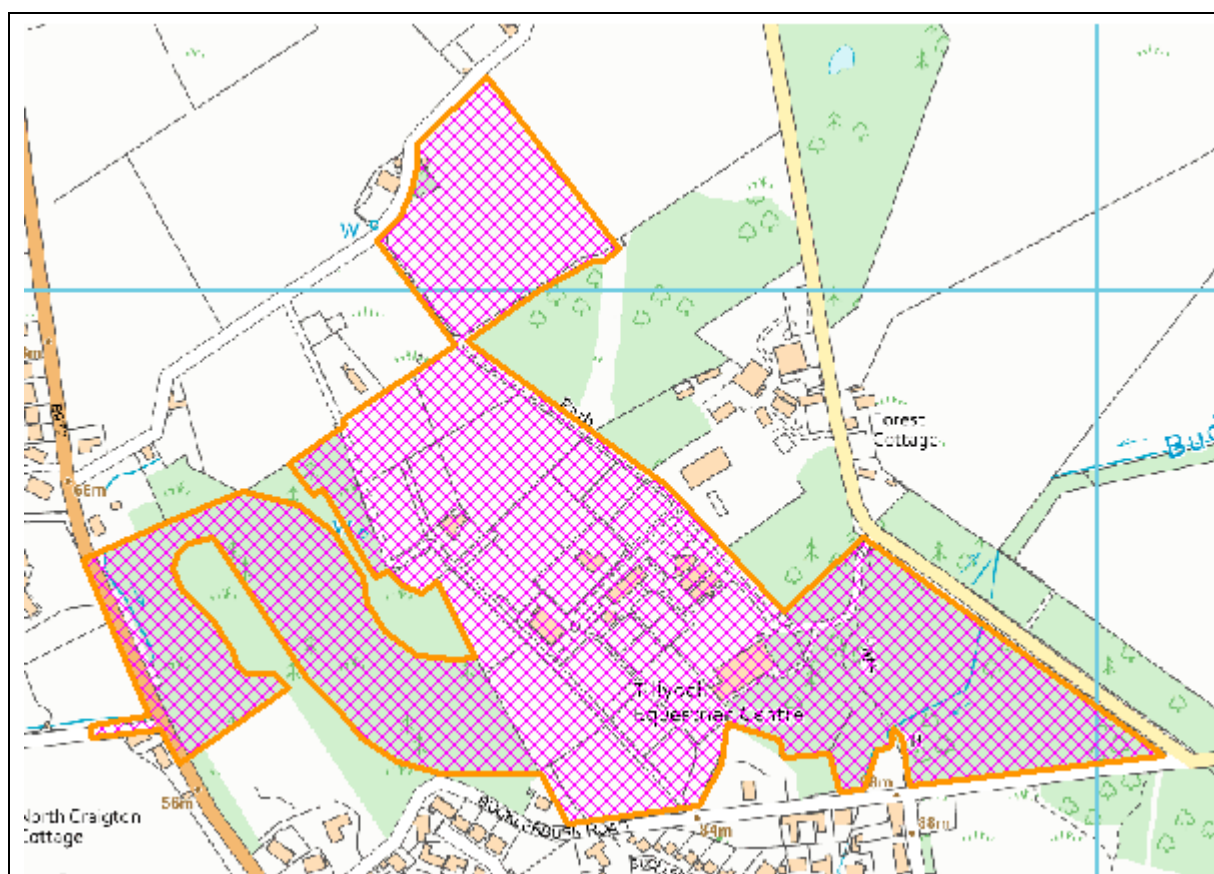
This page is intentionally left blank

Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Land at Tillyoch, Culter House Road, Peterculter, Aberdeen, AB14 0NS
Application Description:	Residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities
Application Ref:	211699/PPP
Application Type	Planning Permission in Principle
Application Date:	1 December 2021
Applicant:	First Endeavour (Tillyoch) LLP
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Aoife Murphy



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

1. RECOMMENDATION

1.1 Refuse

2. APPLICATION BACKGROUND

2.1 Site Description

2.1.1 The site is located to the west of Aberdeen City, to the north of Peterculter and falls within the city's designated Green Belt. The site extends to an area of approximately 19.96Ha and encompasses a large area of agricultural land, Ancient Woodland and woodland currently protected by various Tree Preservation Orders (TPO's) and the Tillyoch Equestrian Centre, comprising fields, paddocks and associated buildings. The site is also designated as Green Space Network (GSN) and the south eastern corner of the site falls within the defined Peterculter Local Nature Conservation Site (LNCS). The site comprises two parts, the Tillyoch Equestrian Centre occupying a relatively flat, elevated site with wooded backdrop, and the sloping western part of the site, that drops down from the Equestrian Centre to the B979 Malcolm Road.

2.1.2 The site is bound by agricultural land, woodland and public roads, including Malcolm Road (B979) to the west, Culter House Road to the east, Bucklerburn Road to the south and a minor road to the north. A number of residential properties are located in close proximity to the site, including Parkhill Cottage. The northern edge of the built-up area of Peterculter lies opposite the site to the south of Bucklerburn Road. Two Local Development Plan 2017 opportunity sites can be found directly to the east and south west of the site, OP109 - Woodend for 19 homes and OP52 - Malcolm Road for 8 homes, respectively.

2.1.3 While the site is not allocated within the current Aberdeen Local Development Plan (ALDP) 2017, part of it has been identified within the Proposed Aberdeen Local Development Plan (Proposed ALDP) 2020, as an Opportunity Site, OP53, a development opportunity for 250 houses. The Proposed Plan was agreed by Full Council on 2 March 2020 and is currently undergoing Examination by Scottish Ministers. While most of the site and the area in which housing development would sit is within the boundary of OP53, the proposed access road from Malcolm Road falls outwith the boundary and is therefore, located in the Green Belt and on GSN as defined within the Proposed ALDP.

2.2 Relevant Planning History

2.2.1 200009/PAN – Proposal of Application Notice for a mixed-use development of affordable, council, elderly and accessible housing, home for heroes, care home and relevant community facilities – Agreed subject to additional public notification, 10 February 2020.

2.2.2 210936/PAN – Proposal of Application Notice for a major residential development (approximately 250 units) of affordable and private housing with associated infrastructure, open space, landscaping, community facilities and energy centre – Agreed subject to additional public notification, 13 July 2021. Presentation to Pre-Application Forum 30 September 2021.

2.2.3 211342/ESC – Request for EIA Screening Opinion in relation to proposed major residential development (approximately 250 units) of affordable and private housing with associated infrastructure, open space, landscaping, community facilities and energy centre – Confirmed EIA Required, 11 October 2021.

2.2.4 211513/ESP – Request for EIA Scoping Opinion in relation to proposed major residential development (approximately 250 units) of affordable and private housing with associated

infrastructure, open space, landscaping, community facilities and energy centre – Response provided 17 November 2021.

3. APPLICATION DESCRIPTION

3.1 Description of Proposal

3.1.1 Planning permission in principle (PPP) is sought for a residential development of 250 units, associated infrastructure, open space, landscaping and community facilities. As the application is for PPP, finalised details of the proposed buildings, such as elevations and floor plans have not been submitted. However, a site plan has been submitted showing an indicative layout of the site and housing mix and setting out the anticipated development format and density to be considered through the current application. The site can be divided into four sections as follows:

- The northern portion of the site would accommodate 40-50 detached and semi-detached properties as well as community gardens and open space.
- The main section of the site would accommodate most of the housing including detached and semi-detached properties, terraces and some four-in-a-block flats, a community building as well as open space and play area. A bus terminus would also be proposed in this area. This section of the site would also accommodate affordable housing provision, (equating to approximately 62 units) and a SUDS area to the south of the site. Wildlife corridors and buffer planting are proposed around this part of the site.
- The south eastern area incorporates part of the existing Peterculter LNCS. No residential development is proposed in this location although a 3m wide emergency access road along with footpath and wildlife corridor connections is proposed here.
- The proposed access road would be located to the west of the residential site. A single junction would be formed on the B979 Malcom Road, with a road extending north before splitting to provide two access roads into and out of the proposed housing site which would lie to the east at a higher level. A SUDS area would also be located south east of the proposed junction with the public road.

3.2 Amendments

3.2.1 The indicative layout has been amended to increase landscape buffers and the number of wildlife corridors around the proposal.

3.3 Supporting Documents

3.3.1 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=R36PQJBZICW00>

- Planning Statement
- Pre-Application Consultation Report
- Design Statement
- Environmental Impact Assessment Report
- Environmental Impact Assessment: Non-Technical Summary
- Transport Assessment
- Tree Survey Report & Arboricultural Assessment
- Environmental Survey Report

3.3.2 Revisions and Further Submissions:

- Design Statement / Masterplan
- Drainage Assessment & Flood Risk Statement
- Tree Survey
- Response to Public Comments (x2)
- Roads Options Overview
- Response to Planning Service Comments (x2)
- Addendum to Ecological Impact Assessment
- Response to Environmental Policy Comments

3.4 Reason for Referral to Committee

3.4.1 The application has been referred to the Planning Development Management Committee (PDMC) because it is a major development in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, is considered to be a significant departure from the Development Plan, is the subject of an objection from Culter Community Council and has been the subject of more than five objections from third parties. The application therefore falls outwith the Council's Scheme of Delegation.

3.5 Pre-Application Consultation

3.5.1 This application is accompanied by a Pre-Application Consultation Report, as required for all planning applications for major developments.

3.5.2 The applicants held a statutory pre-application consultation event virtually due to the COVID pandemic. Consultation material was available on a dedicated website from 11 August to 1 September 2021 with feedback accepted until 8 September 2021. The online interactive event was held on 18 August 2021 from 2 to 8pm with an additional event held on 25 August 2021. The events were advertised in the local press at least 7 days prior to the event. Posters were also delivered and posted to local business and community facilities and notifications were sent to all properties in close proximity to the site as required by the Planning Service. Formal notification of the consultation was also sent to Culter Community Council and Local Ward Members.

3.5.3 Material was displayed on the website along with details of the site and the proposed development. Consultation boards were also put on display in local community facilities prior to the online event.

3.5.4 The applicant also presented to the Council's Pre-Application Forum on 30 September 2021, during which the following details were discussed:

- Housing layout;
- Tree survey;
- What community facilities would be appropriate;
- Issues in relation to traffic issues in the local area;
- Discussions with bus operators for a link into the site and to look at ways to accommodate buses in the development; and
- Replanting on the road as part of the design process.

3.6 Pre-Determination Hearing

3.6.1 The proposed development is classed as a 'major development' and a significant departure from the Development Plan. Under Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the planning authority was therefore required to give those who made representations an opportunity to appear before and be heard by a committee of the authority at a Pre-Determination Hearing.

3.6.2 A Pre-Determination Hearing was held by PDMC on 1 June 2022. The hearing saw Members addressed by the following:

- Officers from Aberdeen City Council on the planning and roads considerations pertinent to determining the planning application;
- The applicant and the applicant's representatives;
- A representative of Culter Community Council; and
- Five, 3rd party objectors.

3.6.3 The following points were covered by the applicant's presentation:

- Need for new housing in the area, with the proposal having 25% affordable provision;
- 20-minute neighbourhoods and the development being in a sustainable location;
- Consideration to the site being brownfield due to existing development;
- Overall design approach with consideration given to existing context;
- Access road has been designed to minimise impacts on trees;
- Addition of wildlife corridors;
- Connectivity to existing links and encouragement of active travel;
- Details of the access road;
- Compliance with principle Policies NE1, NE2 and NE5; and
- Paragraph 33 of Scottish Planning Policy.

3.6.4 Questions were asked in relation to the matters of transportation, including public transport and accessibility, parking provision, electric vehicle charging points, existing boundary features, type and tenure of residential development and broadband provision.

3.7 **Environmental Impact Assessment**

3.7.1 The proposal was subject to an Environmental Impact Assessment (EIA) Screening Opinion issued by Aberdeen City Council. This confirmed that the project falls within Schedule 2 Class 10(b) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and required an EIA Report. A further Scoping Opinion was carried out to establish the scope of the EIA Report. An EIA Report was accordingly submitted with the planning application.

3.7.2 The EIA Report advises on the findings of an EIA carried out on the proposed development. EIA is the process of compiling, evaluating and presenting all the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures. The range of potential impacts considered in the EIA Report fall under the following chapter headings: Introduction covering the proposed development; the site and need for the development and alternative sites; Ecological Impact Assessment; Arboricultural Impact Assessment; Landscape and Visual Impact Assessment; Green Belt and Green Space Network Statement; Construction Environmental Management Plan; and Transportation. Having set out the impacts of the development in each of these areas, the EIA Report seeks to outline appropriate mitigation and residual effects.

3.7.3 The EIA Report, dated December 2021, was supplemented by additional information requested in February 2022 which seeks to provide clarification to the planning authority on some aspects of the EIA Report. In May 2022 further information was requested under Regulation 26 of the aforementioned regulations in order to properly assess the ecological impact of the development proposal. This further information included a detailed description of the west woodland parcel and associated species list; a woodland National Vegetation Classification survey on the Peterculter LNCS; a Woodland Site Assessment for invertebrates; a Breeding Birds Survey; and Bat Surveys. The information was submitted in

June 2022 and resulted in further advertisements and neighbour notifications being undertaken.

4. CONSULTATIONS

ACC - Contaminated Land Team – notes that there is unlikely to be significant land contamination, with the greatest potential associated with the existing equestrian centre. The team notes that care should be taken to demolish these buildings to ensure land is not contaminated as a result. The Service recommends an informative that in the event of any contamination found the Planning Service are notified immediately, with the extent of the contamination investigated.

ACC - Developer Obligations – notes that contributions will be required and details the following:

- Core Path Network - £93,000
- Healthcare Facilities - £144,250
- Affordable Housing - 62.5 units (62 units on site and 0.5 units by a commuted sum).

ACC - Environmental Health – has provided comments in relation to a Construction Environmental Management Plan, dust management, air quality and noise from construction. Such information would require to be assessed by the Service at the time of a subsequent planning application or Matters Specified in Conditions (MSC) application. The Service therefore has no objection to the development at this time as these matters can be controlled by condition.

ACC - Environmental Policy – has significant concerns regarding the overall impact of the development on the existing Ancient Woodland and trees in the western part of the site and the resultant impact on the natural heritage of the site and the inadequate mitigation proposed. Further concerns are expressed regarding the indirect impacts on the natural heritage of the Peterculter LNCS and the GSN. Consider that the development's impact on natural heritage has been understated. Overall, the development is not considered to be compliant with the relevant policies of the current ALDP or the associated Supplementary Guidance.

ACC - Housing – advises that social rented accommodation is in greatest need; therefore, the affordable housing provision should be 62 units on-site as social rent. The remaining 0.5 unit contribution should be provided as a commuted sum.

The Service notes that the developer should enter early discussions with a RSL regarding the purchase of these units as social rent, noting that the exact size and type will be agreed through further discussions with the Planning Service in consultation with Housing. The proposed affordable housing should proportionally reflect the development, in that if the open market units are predominately houses then the affordable units should be the same.

ACC - Roads Development Management Team – has reviewed the submitted Transport Assessment as well as all subsequent information submitted in relation to accessibility and impact on local roads network and has advised that overall, it has no objection to the application subject to several conditions to be reviewed at a future MSC or subsequent application stage.

ACC - Schools Estates Team – the site falls within the catchment areas for Culter Primary School and Culter Academy. There is sufficient capacity at Culter Primary School to accommodate the number of pupils expected to be generated by the proposed development.

The team has also advised that no contributions would be required from the developer for Cults Academy as there is sufficient capacity.

ACC - Structures, Flooding and Coastal Engineering – accept the findings of the Drainage Impact Assessment and associated drawings, noting that this is a conceptual design. While the Service has no objection, a detailed assessment and drawing would be required at a MSC or subsequent planning application stage.

ACC - Waste and Recycling – notes the required facilities for each unit as;

- 1 x 180 litre wheeled bin for general waste 1050mmH x 546mmW x 645mmD.
- 1 x 240 litre co-mingled recycling bin for recycling 1066mmH x 575mmW x 583mmD.
- 1 x 240litre wheeled bin for food and garden waste 1066mmH x 575mmW x583mmD.
- 1x kitchen caddy and caddy liners.

The Service notes specifics in relation to the proposal which would need to be considered at the time of a subsequent MSC application:

Site plans shows cul de sac roads proposed however safety policy requires collection vehicles to be in a forward gear at all times;

- Swept path analysis would be required for plots 125-131;
- Plots 125-131 will require a hardstanding area for bins to be positioned on collection day. Bins are not to be left on the road;
- All bins to be presented at front of properties unless agreed;
- All properties facing onto car parking spaces or with a pavement at front of property will all require a hardstanding area for bins to be positioned on collection day; and
- Further 2 properties north of the development to hardstanding area at end of driveways for bins to be positioned on collection day.

Aberdeen City and Shire Strategic Development Planning Authority – no response received.

Aberdeen International Airport – advises that from an aerodrome safeguarding perspective, the proposed development could conflict with safeguarding criteria. As such the Airport has advised attaching a condition regarding further details of any development that exceeds 45m above ground level. An informative regarding the use of cranes would also be required.

Archaeology Service (Aberdeenshire Council) – the proposed development impacts on one site of surviving medieval/post-medieval rig & furrow (HER Ref No NJ80SW0131) and the site of a 2009 evaluation (NJ80SW0373). Given that the 2009 survey of the rig & furrow remains didn't locate any significant finds, it is unlikely that either site places any form of constraint on the proposed development.

Considering the wider landscape evidence however, due to the Bronze Age activity to the east at Beanshill and the closer medieval activity documented around Tillyoch, it is recommended that a "programme of archaeological works" condition is attached to any approval.

Health and Safety Executive (HSE) – the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, as such HSE does not need to be consulted on any developments within the site.

Historic Environment Scotland (HES) – has no comments to make on this proposal.

NatureScot – no comment to make on the proposal and agrees with the Planning Service's stance on the Habitats Regulation Assessment.

Police Scotland – no objection but encourages the applicant to obtain the 'Secure by Design' award and recommends that the development achieved the Police SBD accreditation.

Scottish Environment Protection Agency (SEPA) – notes that the Buckler Burn flows through a forested area to the east of the site and may cause flooding. Currently this area is not proposed for development and should this remain the case, SEPA has no objection to the development. A condition is requested to ensure that no development takes place in this area. It is also noted that a watercourse adjacent to Malcolm Road should be kept free of development with an appropriate buffer zone. Further consideration could be given to green / blue infrastructure, rainwater harvesting and SUDs with biodiversity and amenity value through detailed design.

Scottish Forestry – state that it is unable to comment on this application due to the trees being protected by a TPO.

Scottish Water – has no objection, but at the time of writing cannot advise if there is sufficient capacity at the Invercannie Water Treatment Works for a public water supply to serve the development. In relation to foul waste, there is sufficient capacity at the Nigg PFI Waste Water Treatment Works. The applicant will be required to submit a formal application to Scottish Water to obtain connection.

Culter Community Council – do not support the proposal due to the following:

- Capacity of medical centre;
- Capacity of schools, particularly Cults Academy;
- Destruction of Ancient Woodland;
- Impact on wildlife;
- Drainage considering the longstanding issues that the existing properties experience; and
- Roads concerns, in particular the junction with Malcolm Road and additional traffic on Culter House Road.

The Community Council also notes a number of aspects they would like conditioned or funded by developer obligations should the application be approved, related to:

- Appropriate drainage scheme;
- Appropriate junction with Malcolm Road via a roundabout or traffic lights;
- Compensatory woodland planting;
- Improved educational and medical facilities;
- Provision of buffer zones around woodland; and
- Road Safety Risk Assessment on Culter House Road.

5. **REPRESENTATIONS**

- 5.1 Three hundred and one (301) representations were received upon the first round of neighbour notifications and advertisements of the application from December 2021 to January 2022, of which two hundred and ninety-five (295) objected to the development, four (4) were in support and two (2) provided neutral comments. Following the submission of further information, the Planning Service re-notified neighbours and re-advertised the application during June-August 2022. This period of public consultation resulted in a further eight (8) representations, all of which objected to the proposal.

- 5.2 A total of three hundred and nine (309) representations have therefore been received in which three hundred and three (303) object, four (4) are in support and two (2) have provided neutral comments. The issues raised in all representations are summarised below:

Objections

Woodland

- Damage to protected woodland;
- Development destroys Ancient Woodland and its soil, which is already under threat;
- Loss of Ancient Woodland noted as 40%;
- Loss of and damage to trees and their roots;
- Existing Tree Preservation Orders in place;
- Woodland is an important feature and would be fragmented as a result of development;
- Woodland should be retained for people to enjoy – local amenity;
- Woodland provides greater benefit than housing;
- Previous illegal felling of woodland to make way for development;
- While felling took place, the soil is still intact – which underpins woodland;
- No appropriate mitigation proposed;
- Relocation of Ancient Woodland soil not justified;
- Replanting unacceptable;
- Replanting would take years to establish;
- Inaccurate redline boundary shown in Arboricultural Assessment;
- Application would set precedent for destroying Ancient Woodland;
- Concerns regarding intensification of recreational activity within and near the existing woodland;
- Distance of road and excavation from neighbouring property and damage to existing trees outwith site;
- Relocation of Ancient Woodland soil is not outlined as a risk in the EIA.

Green Belt / Green Space Network / Open Space

- Damage to Green Belt;
- Existing Green Space Network designation;
- Loss of valued and used Green Belt;
- Green Belt should be protected;
- Scale of development and its location would undermine character of the Green Belt;
- Loss of valued and fracturing of green space;
- Loss of open space;
- Loss of agricultural land;
- Existing areas used by many as amenity area/for recreation (walking).

Principle of Development

- Inappropriate location;
- Inappropriate density;
- Overwhelming scale;
- Overdevelopment of the site;
- Issue with the term “affordable housing” and how it is applied;
- Site not suitable for affordable housing;
- Insufficient provision of affordable housing;
- Low percentage of low cost housing;
- Not in line with 20 minute neighbourhood principle outlined in draft NFP4;
- Smaller development would lead to more land being left undeveloped;

- Height of development will lead to visibility due to topography;
- Existing topography of the site an issue;
- Not in keeping with landscape character;
- Impact on the character of the area;
- Little open space or landscaping proposed;
- Use of unnatural material;
- No essential need for development;
- Development dissects site and existing links;
- Development of site encourages urban sprawl, Core Path 52 is a clear boundary to north of village;
- Development will be visible in the landscape and will result in a visual impact and severe impact on landscape;
- No mention of screening to hide the development;
- Development does not meet the needs of the whole community;
- Poor quality of houses;
- This development will lead to further development into OP-52, 54 and 109.

Local Facilities/Amenities

- Insufficient infrastructure in Peterculter – primary school/academy, medical practice and dentist all at capacity;
- Lack of local amenities;
- Increased stress and pressure on limited local amenities, including shops and community facilities;
- No sufficient provision of infrastructure, e.g. public transport and leisure/sport facilities etc., to facilitate development;
- Poor infrastructure that cannot support proposed development.

Local and Natural Heritage

- Natural habitat needs to be preserved;
- Access road impacts wildlife;
- Destruction of habitats;
- Loss of and impact on habitats including protected species;
- Displacement of wildlife;
- Site within Local Nature Conservation Site;
- Potential irreparable damage to Local Nature Conservation Site;
- Biodiversity at risk;
- Development would be a barrier for wildlife;
- No appropriate mitigation proposed;
- Existing impact on local wildlife due to AWPR;
- EIA does not represent full value of wildlife/ecology – question validity of authors assessment;
- Surveys not adequate, sufficient nor do they meet guideline requirements;
- Recent EIA addendums do not address concerns regarding wildlife and ancient soil connectivity;
- Bracken is not necessarily an indicator of poor-quality habitat - species beneath;
- More detailed surveys should be requested;
- Equestrian fields are not surveyed appropriately.

Environment

- Environment should be protected;
- Existing capacity an issue for surface and foul water infrastructure;

- Potential flooding issues due to drainage conditions and surface water run off;
- Not a net zero development;
- Conflict and impact on climate change priorities/net zero targets, green areas should be retained and more trees needed;
- Carbon emissions and impact from development;
- Not sustainable development;
- Conflict with decision made at COP26;
- Destruction of carbon sink;
- Impact on air and water quality;
- Noise and light pollution;
- Safety concerns over SUDs provision;
- Impact on existing watercourses;
- EIA underplays environmental impact from development;
- No proper environmental assessment undertaken;
- Contamination of underground water systems;
- Mitigation not sufficient and ineffective;
- Loss of public right of way through site;
- Recent EIA addendums do not address concerns regarding wildlife and ancient soil connectivity.

Transport/Access

- Access road inappropriate, inadequate, poorly sited, of poor quality and will have a detrimental impact on area;
- Increased traffic and congestion;
- Limited/bad visibility and existing junction on Malcolm Road;
- Existing traffic and parking issues in Peterculter even with AWPR in place;
- Increase in commuter traffic;
- Road safety concerns due to rise in traffic;
- Reliance on vehicles;
- Existing roads/infrastructure insufficient for development and require upgrades;
- Insufficient existing/narrow footpaths and poor lighting;
- Inappropriate transport links;
- No public transport connections;
- Proposed connections do not consider topography of the site;
- Malcolm Road not suitable for pedestrian traffic;
- Intensification of pedestrians through existing housing developments;
- Topography makes access difficult - access would require significant regrading;
- Misleading cycle routes;
- Conflicts with active travel priorities;
- Development residents will use existing shorter routes, e.g. Culter House Road would be used as a rat run;
- Development would result in increase of traffic on Culter House Road;
- Design Statement does not fully consider the impact of proposed access;
- Culter House Road not included in the Transport Assessment;
- Good route out of site onto Culter House Road;
- Excessive HGV use during construction.

National and Local Policies

- Proposed Aberdeen Local Development Plan with Reporter – previous assessment of site undesirable and was not an allocation – site added late in the process with area to the west (access road proposal) not part of the allocation;

- Proposal does not comply with local policies;
- Proposal is contrary to national policies within Scottish Planning Policy;
- Development does not align with draft NPF4.

General

- Not an efficient use of the site;
- Existing undeveloped brownfield sites and allocated opportunity sites elsewhere in the city;
- High number of unoccupied dwellings – 2,500 units vacant;
- Unoccupied/oversupply of properties across the city;
- Inadequate brownfield capacity study;
- City centre regeneration required;
- No need for another housing development;
- Housing projections outdated;
- Current market conditions – Countesswells Development Limited in administration as an example;
- Loss of existing equestrian facility;
- Development increases Peterculter population by 10% - demand on facilities and infrastructure;
- Proposal does not enhance existing village or area;
- Negative impact on physical and mental health and wellbeing;
- Increase in population;
- Development would create an isolated community;
- No benefit for residents or future of village;
- No employment provisions/employment sites/industrial sites nearby which encourages car usage;
- Impact on rural area;
- Too far removed from village;
- Encroachment on established homes;
- Historic surroundings;
- Site is used to graze animals;
- Neighbours not notified;
- View will be destroyed;
- Not needed due to Oil and Gas industry downturn;
- Public consultation unsatisfactory with unanswered questions;
- Decisions must be consistent e.g. Miltimber South application sets precedent and recent Leggart Brae decision;
- Existing over allocation of housing at Milltimber.

Support

- Mix of housing needed;
- Good for community if development modified;
- Disappointed that it is no longer 100% affordable housing provision – 25% is good;
- Altered bus route would benefit retirement park.

6. **MATERIAL CONSIDERATIONS**

6.1 **Legislative Requirements**

- 6.1.1 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, unless material considerations indicate otherwise.
- 6.1.2 Section 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 advises that the planning authority must not grant planning permission for EIA development unless an environmental impact assessment has been carried out in respect of that development and in carrying out such assessment the planning authority must take the environmental information into account.

6.2 **National Planning Policy and Guidance**

- National Planning Framework 3 (NPF3) 2014
- Scottish Planning Policy (SPP) 2020
- Creating Places (architecture and place policy statement)
- Designing Streets (2010)

6.3 **Development Plan**

Aberdeen City and Shire Strategic Development Plan 2020

- 6.3.1 The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan.
- 6.3.2 The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting sustainable economic growth, the need to use resources more efficiently whilst protecting our assets and taking on the urgent challenges of climate change. To achieve those objectives, the SDP aims to:
- make sure the area has enough homes and job opportunities to support the level of services and facilities needed to maintain and improve quality of life;
 - protect and, where appropriate, enhance our valued assets and resources, including biodiversity, the historic and natural environment and our cultural heritage;
 - help create and support sustainable mixed communities, and the provision of associated infrastructure, which will meet the highest standards of placemaking, urban and rural design, and cater for the needs of the entire population;
 - encourage opportunities for greater digital connectivity across the City Region; and,
 - make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are available and attractive choices.

Aberdeen Local Development Plan 2017

- 6.3.3 Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed LDP must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant LDP has been beyond this 5-year period. The Proposed ALDP 2020 has been submitted to the Planning and Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed ALDP 2020 has commenced with Reporters appointed. Material consideration will be given to the Proposed

LDP 2020, in the context of the progress of its Examination, in the assessment of planning applications.

6.3.4 Given the extant LDP is beyond its five-year review period consideration, where relevant, weight should be given to paragraph 33 of the SPP (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

6.3.5 The following policies are relevant –

- Policy NE1 - Green Space Network
- Policy NE2 - Green Belt
- Policy D1 - Quality Placemaking by Design
- Policy H3 - Density
- Policy H4 - Housing Mix
- Policy D2 - Landscape
- Policy I1 - Infrastructure Delivery and Planning Obligations
- Policy H5 - Affordable Housing
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel
- Policy T4 - Air Quality
- Policy T5 - Noise
- Policy B4 - Aberdeen Airport
- Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites
- Policy CF2 - New Community Facilities
- Policy NE4 - Open Space Provision in New Development
- Policy NE5 - Trees and Woodlands
- Policy NE6 - Flooding, Drainage and Water Quality
- Policy NE8 - Natural Heritage
- Policy NE9 - Access and Informal Recreation
- Policy R2 - Degraded and Contaminated Land
- Policy R6 - Waste Management Requirements for New Development
- Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency
- Policy CI1 - Digital Infrastructure

6.4 **Supplementary Guidance (SG) and Technical Advice Notes (TAN)**

- Affordable Housing SG
- Air Quality SG
- Flooding, Drainage and Water Quality SG
- Green Space Network and Open Space SG
- Landscape SG
- Natural Heritage SG
- Noise SG
- Planning Obligations SG
- Resources for New Development SG
- Transport and Accessibility SG
- Trees and Woodlands SG
- Aberdeen Masterplanning Process TAN
- Materials TAN

6.5 Proposed Aberdeen Local Development Plan 2020

6.5.1 The 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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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.

6.5.2 Within the Proposed Plan, the majority of the application site is allocated as OP53 and zoned as Residential and partially as Green Space Network. OP53 Tillyoch, Peterculter, extends to 15.25Ha and is allocated as a housing opportunity for 250 houses. The Proposed Plan also notes the following: *Flood Risk Assessment required. A Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee SAC. As part of this process it is likely a Construction Environmental Management Plan will also be required.*

6.5.3 The allocation of the site was not proposed by officers through the LDP Main Issues Report (MIR), therefore there were no representations received regarding the site as part of the consultation process in respect of the MIR.

6.5.4 The site was however added as an allocation within the Proposed ALDP at the Full Council meeting on 2 March 2020 for the following reasons:

“The final site at 1f we would like to see accommodated in the proposed plan is OP53 Tillyoch. The site received planning approval in January 2009 to develop the Tillyoch Pet Resort and Equestrian Centre. On the site presently there are 8 large buildings with a variety of uses, a large dwelling house and a cattery for 140 cats, the outdoor riding school covers around 12 acres, there is hard standing parking for 200 cars and parking for 80 horse boxes/lorries. The current zoning is greenbelt, I would kindly suggest this site is more brownfield than greenbelt. The site sits adjacent to Bucklerburn Road which goes onto School Road, access exists for pedestrians and cyclists, current approved and functioning vehicular access for the site is onto Culter House Road. The site sits between further two sites which were allocated in the 2017 LDP, OP109 for 19 houses and OP52 for 8 houses. Currently there is capacity at the Primary school, Culter Academy capacity would require to be addressed. We have given heavy weighting to the Community Council's Local Place Plan where they identified a critical need for new homes for growing families and to their response to the pre-main issues report, quoting from their response they have said “our community will wither if our vibrant young families keep having to move”. We recognise a balance needs to be achieved in protecting the natural environment and providing housing hence our intention to retain the Green Space Network on the woodland in the south east of the site. Sensitive development is required ensuring consideration is given to existing neighbours and the natural environment, this will then provide we believe, an area that will contribute to the wider community's enjoyment.”

- 6.5.5 The allocation of the site in the Proposed LDP attracted a significant number of third-party representations (82 in total, 80 in objection and 2 in support) during the public consultation period between May and August 2020. These representations are currently unresolved until the outcome of the Proposed ALDP Examination is known, through the publication of the Report of Examination by the Scottish Government Planning and Environmental Appeals Division, expected in late 2022.
- 6.5.6 The Proposed ALDP therefore supports the principle of residential development on part of the application site. It should be noted that the area between Malcolm Road and the proposed housing, where the access road infrastructure is proposed, remains zoned as Green Belt and GSN in the Proposed ALDP.
- 6.5.7 The following policies are relevant to this proposal:
- Policy WB1 - Healthy Developments
 - Policy WB2 - Air Quality
 - Policy WB3 - Noise
 - Policy NE1 - Greenbelt
 - Policy NE2 - Green and Blue Infrastructure
 - Policy NE3 - Our Natural Heritage
 - Policy NE4 - Our Water Environment
 - Policy NE5 - Trees and Woodland
 - Policy D1 - Quality Placemaking
 - Policy D2 - Amenity
 - Policy D4 - Landscape
 - Policy D5 - Landscape Design
 - Policy R2 - Degraded and Contaminated Land
 - Policy R5 - Waste Management Requirements from New Developments
 - Policy R6 - Low and Zero Carbon Buildings and Water Efficiency
 - Policy H1 - Residential Areas
 - Policy H3 - Density
 - Policy H4 - Housing Mix and Need
 - Policy H5 - Affordable Housing
 - Policy CF2 - New Community Facilities
 - 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
 - Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

6.6 Other Material Considerations

Housing Land Audit 2020 – Aberdeen City & Aberdeenshire Councils, December 2020

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

The Scottish Government's policy on the Control of Woodland Removal
Planning Advice Note 75 - Planning for Transport (PAN 75)
Draft National Planning Framework 4 (NPF 4) 2020

7. EVALUATION

- 7.1 The application requires to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan 2020 (SDP) and the ALDP 2017. The emerging policy context, as set out in the Proposed ALDP 2020, approved by Council on 2 March 2020, representing the 'settled view' of the Council and currently undergoing Examination by Scottish Ministers, is also a relevant material consideration.
- 7.2 Having regard to the provisions of the Development Plan the key issues in considering the principle of development are:
- the zoning of the site as Green Belt and GSN in the current ALDP 2017, with part of the site remaining within this zoning in the Proposed ALDP 2020;
 - the zoning of part of the site in the Proposed ALDP as an Opportunity Site for 250 homes (OP53) and the relevance of Policy H1 (Residential Areas);
 - the adequacy of the housing land supply;
 - whether the development would provide a quality residential environment that is suitably connected to existing facilities in Peterculter;
 - whether the development would contribute to sustainable development;
 - the presence of Ancient Woodland and three TPO's to the east and west of the proposed residential development and over the proposed access road; and
 - the impact of the proposed development on natural heritage.
- 7.3 The site is not allocated within the ALDP 2017, however part of it has been identified within the Proposed ALDP as OP53, a housing opportunity for 250 houses. While the proposed housing development falls within the boundary of OP53, as previously noted the proposed access road from Malcolm Road falls outwith the boundary and would, therefore, remain designated as Green Belt and GSN within the Proposed ALDP.
- 7.4 In order to address each of the issues highlighted above, the principle of development will be considered below, with the following sections looking first at the proposed residential development, followed by an assessment of the proposed access road, then other aspects of the principle of development will be assessed against the relevant policies of the current ALDP and SDP. The proposal will then be assessed against the Proposed ALDP as well as any other material considerations that may be relevant.

Principle of Development

7.5 Aberdeen Local Development Plan 2017 (ALDP)

Residential Development

- 7.5.1 The site on which the proposed residential development would be located is zoned as Green Belt and GSN within the current ALDP. As such, Policy NE2 - Green Belt and Policy NE1 - Green Space Network are relevant to the assessment of the principle of development.
- 7.5.2 The aim of the Green Belt is to maintain the distinct identity of Aberdeen by defining its physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.

- 7.5.3 With the foregoing in mind Policy NE2 is explicit in stating 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.’*
- 7.5.4 Although there are various exceptions to the above statement, these principally apply to small-scale development associated to existing activities or essential infrastructure. There is no provision in Green Belt policy for the formation of new housing development other than replacement dwellings or the small-scale conversion of former agricultural buildings. The residential development at the scale proposed is therefore contrary to Policy NE2.
- 7.5.5 The applicant has made reference to the site being brownfield within their supporting information and it is noted that some of the site has been developed relative to the existing use as an equestrian centre and cattery, in that sheds, stables and a dwelling have been erected and areas of hardstanding formed. The term ‘brownfield’ is outlined in the ALDP Glossary and that of SPP, which states that *“brownfield land is defined as land which has previously been developed. The term may include vacant or derelict land; land occupied by redundant or unused buildings [...]”*. For the avoidance of doubt, areas of hardstanding are generally excluded from the definition of brownfield land with such land typically having been occupied by a building or structure of some sort. In this case the buildings are very much still in use and the site is not vacant or derelict, therefore the site does not meet the definition of brownfield. Additionally, owing to the extent of the application boundary, the site incorporates areas of woodland and fields used for grazing. As such, while the applicant is claiming the site is brownfield, overall, the Planning Service would deem the site to be greenfield, comprising land zoned as Green Belt in the ALDP.
- 7.5.6 In relation to GSN, 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, 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.’*
- 7.5.7 Large parts of the site to be developed are currently in use as an equestrian centre with most of the fields used as grazing and with this in mind it can be accepted that there is limited biodiversity value within this area. Importantly, however, this area functions as part of the wider GSN corridor that runs from west to east (or vice versa), linking the existing and re-emerging Ancient Woodland, to the west of the proposed residential development site, to the Ancient Woodland and Peterculter LNCS located to the east and with other woodland and habitats beyond in close proximity.
- 7.5.8 The proposed development would see housing and associated infrastructure, including roads, built on the GSN and around the northern and western edges of the LNCS and within close proximity to the existing areas of Ancient Woodland, which are also protected by TPO’s. While this application is for PPP, an indicative site layout plan has been submitted showing the location of wildlife corridors and green space. It is considered that the location of these within a proposed relatively urban residential setting would not allow for the unhindered movement of species between these areas. Further assessment of this adverse impact will be outlined below, suffice to say at this point that it is considered that the development would detrimentally impact upon the function and wildlife value of the land zoned as GSN, particularly the areas around the LNCS and the existing woodland and thus would erode the character and function of the GSN contrary to Policy NE1.
- 7.5.9 The site is located in an area of Green Belt and GSN which due to its topography is clearly visible from the surrounding road network and also from further afield. It, therefore, provides

a distinct and natural green edge to Peterculter immediately to the south. It is considered that the development would significantly and permanently change the character and landscape value of this section of the GSN and Green Belt, resulting in the suburbanisation of open land, which is lightly developed and has a clear rural character and appearance. Taking the foregoing into account it is considered that the development of the site for housing would have a significant adverse impact on the Green Belt, GSN and landscape setting of Aberdeen. The reasoning behind the conclusions regarding landscape impact are detailed in paragraphs 7.20 -7.26 of this report.

- 7.5.10 In light of the above, the proposal for the formation of a major housing development on this site is considered contrary, in principle, to Policies NE1 and NE2 and its approval would represent a significant departure from the current ALDP. In circumstances such as this, where a development is considered to be contrary to the provisions of the Development Plan, Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the Planning Service to consider whether there are any material planning considerations that would allow a departure from policy. This is addressed later in this report.

Access Road Infrastructure

- 7.5.11 The land on which the access road would be built is zoned within the current ALDP as Green Belt and GSN, as such Policy NE2 - Green Belt and Policy NE1 - Green Space Network are relevant. The site is noted as being woodland within the Open Space Audit, is designated as Ancient Woodland and is covered in its entirety by TPO 256. As such, Policy NE5 - Trees and Woodlands is also pertinent to this aspect of the proposal.
- 7.5.12 The aims and objectives of Policies NE1 and NE2 have been outlined above and in terms of Policy NE5 it states that *“there is 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”*.
- 7.5.13 As noted above, Policy NE2 - Green Belt only allows development for essential purposes relating to specific uses. As a larger scale residential development this proposal is not one of these identified specific uses. In terms of the exceptions allowed under this policy, they principally apply to small-scale development associated to existing activities, noting that the policy does allow for essential infrastructure where it cannot be accommodated anywhere other than the Green Belt. The applicant considers that the access road is essential infrastructure. However, Policy NE2 specifically identifies essential infrastructure as developments such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites. Although this list is not exhaustive, the Planning Service does not consider that the access meets the policy requirements in relation to essential infrastructure or small-scale development related to existing activities. Furthermore, it has not been ‘planned through the masterplanning of opportunity sites’ as the site is not yet confirmed as an opportunity site and the road has not been part of a masterplanning exercise. As such this aspect of the proposal is contrary to Policy NE2.
- 7.5.14 In terms of the GSN the development would result in the loss of trees and the destruction of natural heritage, which is of high biodiversity value. As such, it is considered that this development would conflict with Policy NE1, in that it would erode the character and/or function of the GSN. The site is also designated as Ancient Woodland and protected by a TPO. While the full assessment against Policy NE5 will be undertaken at paragraph 7.45 below, it is considered that in terms of the principle of development, the unwarranted loss of and damage to trees, which contribute to nature conservation, landscape character, local amenity and climate change adaptation and mitigation is contrary to Policy NE5.

7.5.15 The proposed formation of an access from the B979 Malcolm Road to the west of the proposed housing development is considered contrary, in principle, to Policies NE1 and NE2 and its approval would represent a significant departure from the current and adopted ALDP. Furthermore, the proposal is considered contrary to Policy NE5 of the same plan for the reasons outlined above. As with the residential development, 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 Service to consider whether there are any material planning considerations that would allow a departure from policy and this is assessed below.

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

7.6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that the application requires to be determined in accordance with the Development Plan, while Section 24 states that, in a SDP area such as Aberdeen, the Development Plan comprises both the SDP and adopted ALDP, together with any supplementary guidance issued in connection with these plans.

7.6.2 There is no primacy given in the legislation to either of these plans in the decision-making process, as such relevant policies in both the SDP and the ALDP should be afforded equal consideration. However, it is accepted that as of January 2022, the ALDP is now beyond this 5-year period. As such, where relevant, weight should be given to paragraph 33 of the SPP 2020 which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

7.6.3 In this case, while the extant LDP is beyond its 5-year period, the SDP which forms the other key element of the adopted Development Plan is up to date, having been published in August 2020. While it does not identify specific development sites or allocations, as these are set out in the LDP, it does contain several key objectives and targets which it seeks to ensure are incorporated at a local level into LDP's and thus taken into consideration in the determination of applications. Some of the key objectives and targets of the SDP relevant to this application are as follows:

- For LDP's to maintain a 5-year supply of effective land for housing at all times;
- To make sure that development safeguards and, where appropriate, enhances, the City Region's historic and natural environment and that development will not lead to its loss or damage.
- The Spatial Strategy will direct development to areas that can be accessed by a greater choice of more environmentally friendly forms of transport.
- LDP policies will ensure the design and layout of new developments are easily accessed and promote movement within, and links outwith, for walking, cycling and public transport. Each of these objectives is considered in more detail below.

Housing Land Supply

7.6.4 The SDP, formally approved in August 2020, includes a housing land allowance of 5,107 homes in the Aberdeen City area between 2020 and 2032. It is considered that this allowance can be met in the Proposed ALDP even without the allocation of OP53, as there is a sufficient number of allocations identified elsewhere in the Plan. The SDP allowances are designed to ensure that there is a continuing 5-year effective housing land supply, as required the Scottish Planning Policy. The Aberdeen City and Aberdeenshire Housing Land Audit for 2021 shows that this requirement is being met in the Aberdeen Housing Market Area - there is currently a 6.5-year effective housing land supply when measured against the SDP Housing Supply

Targets for 2021-25. When measured against the SDP Housing Land Requirement for 2021-25 (which includes a 20% generosity allowance) there remains a 5.4-year effective housing land supply.

Safeguarding the Natural Environment

- 7.6.5 The SDP notes the importance of protecting the green belt, stating that, *‘The green belt around Aberdeen will continue to protect the character and landscape setting of the city and make sure that development is directed to appropriate locations. It will do so whilst protecting the most important undeveloped areas that contribute to the environment and provide the city with its setting. The green belt is an area that should be positively planned for and involve integration of approach across Council boundaries.’*
- 7.6.6 As noted above, the proposal would see a significant housing development and access road built on Green Belt land, contrary to Policy NE2 of the adopted ALDP and also contrary to the aims of the SDP.

Sustainable and Active Travel

- 7.6.7 For the reasons noted in the section below in the evaluation on Transport Impacts, Sustainability and Access Road Infrastructure discussed at 7.34 - 7.43 below, the application site is not considered to be suitably located so as to sufficiently encourage the use of sustainable and active travel by future residents and does not therefore contribute to ‘sustainable development’. As such, the proposals are also considered to be contrary to the aims of the SDP in respect of transport and accessibility and therefore does not contribute to sustainable development as outlined in paragraph 33 of SPP.

Summary

- 7.6.8 The Proposed ALDP includes part of the application site as an allocated site, namely OP53, for the development of 250 homes. The application must however be considered in the context of its current Green Belt zoning within the ALDP 2017, which still stands as the adopted Development Plan policy for the site and is afforded more weight in the decision-making process than the Proposed ALDP, given that the Report of Examination has not been published and there remain outstanding objections on the allocation of site OP53. The fact that the OP53 allocation cannot be delivered in terms of the current proposal without requiring land from the Green Belt compounds this situation and reduces the weight that can be afforded to the Proposed ALDP. Further consideration is provided below on the status and weight to be given to the Proposed ALDP 2020, but for the aforementioned reasons, the proposed development is considered to be contrary to the Development Plan, comprising the SDP as and ALDP and does not contribute to “sustainable development” in terms of paragraph 33 of SPP.
- 7.7 Proposed Aberdeen Local Development Plan (Proposed ALDP)**
- 7.7.1 The Proposed ALDP 2020 represents the ‘settled view’ of the Council and is currently undergoing Examination by Scottish Ministers, as such it is a relevant material consideration. Therefore, consideration will be given to the relevant policies in order to assess the principle of development. These policies are Policy NE1 - Greenbelt, Policy NE2 - Green and Blue Infrastructure, Policy NE5 - Trees and Woodland and Policy H1 - Residential Areas.
- 7.7.2 At the meeting of the Full Council in March 2020 it was agreed to allocate land at Tillyoch as an Opportunity Site for 250 homes, OP53 – Tillyoch, and to rezone some of the current application site as a residential area, to be assessed under Policy H1 - Residential Areas, thereby removing some of the Green Belt and GSN zonings of the current ALDP. As a result, although overall contrary to the adopted ALDP for the reasons given in the foregoing evaluation, the principle of developing some of the site for housing is supported by the Proposed ALDP. The proposed road access to the site is however outwith the allocation in

the Proposed ALDP and would remain as Green Belt and GSN, as well as being designated as woodland in the Open Space Audit and accommodating Ancient Woodland and subject to a TPO.

- 7.7.3 The materiality and weight to be afforded to the Proposed ALDP is an important factor in the consideration of the current application. The Proposed Plan is described as the 'settled view', following the agreement on its content by Full Council and agreement prior to Examination which began in June 2021. It is a material consideration, however the current ALDP is given more weight in determination of planning applications.
- 7.7.4 The extant LDP takes primacy in considering planning applications unless material considerations indicate otherwise. The Proposed ALDP is a material consideration and weight can be applied to it in respect of the current application. Whilst it is with the Scottish Government for Examination, the Report of Examination is not expected until later this year, therefore adoption of the plan is unlikely be until Winter 2022 at the earliest. As such, there is a possibility that the content of the Proposed ALDP may be altered prior to adoption, in that site allocations and policies could be amended by the Scottish Government Reporter(s) as part of the Examination process, indeed the site could also be removed as an allocation in the Proposed Plan. Therefore, it would be premature to recommend approval of this application at this time on the basis of this draft allocation.
- 7.7.5 The allocation of the site was not proposed by officers through the MIR, therefore no representations were received regarding the site during this part of the LDP process. Following the allocation of the site for housing in the Proposed ALDP by Full Council, a further period of public consultation took place over the Summer of 2020. A total of 82 representations (80 in objection) were received in response to the allocation of the site for housing in the Proposed ALDP. These representations remain unresolved and are being considered by Reporters as part of the Examination process. This, combined with the level of representation opposed to the planning application, is a significant material consideration.
- 7.7.6 Considering that the extant ALDP takes primacy and the status of the Proposed ALDP is potentially subject to change, the Planning Service must determine planning applications within the context of a Plan-led process in order to provide certainty. Given the uncertainty of the content of the Proposed ALDP in respect of the OP53 allocation at this stage, it is not possible to afford material weight to it that would outweigh conflict with Policy NE1 - Green Space Network, NE2 - Green Belt and Policy NE5 - Trees and Woodland at this time. The Proposed ALDP is not considered to be of sufficient weight to merit overriding the extant and adopted ALDP. The Planning Service is therefore giving more weight to the site's current Green Belt and GSN status, as well as the designation of part of the site as Ancient Woodland and the unaltered nature of the area where the road access is proposed in the Proposed LDP. The Planning Service therefore considers that this application is premature in terms of the LDP process, with parts of the proposal, such as the access road, conflicting with relevant principal adopted planning policies of both plans.
- 7.7.7 In terms of paragraph 33 of SPP, decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a Development Plan is more than five years old. Having given careful consideration of the proposal against the requirements of paragraph 33, leads to the conclusion that the proposal does not contribute to sustainable development due to the resultant adverse impacts on Ancient Woodland and the landscape, and the lack of access by sustainable means of transport or active travel as detailed within this report. Notwithstanding the foregoing, it is especially pertinent that the site simply cannot be developed without forming an environmentally damaging access road across land that remains zoned as Green Belt and

GSN in both the adopted and the Proposed ALDP's. The proposal remains contrary to the relevant policies outlined within both LDP's meaning that support for development offered by paragraph 33 of SPP is not considered applicable in this instance.

7.8 Environmental Impact Assessment

- 7.8.1 As part of the EIA Screening/Scoping process, it was considered necessary to ascertain the likely environmental impact on the Green Belt and GSN. This has been covered within a section of the applicant's EIA Report, with the report advising that due to the proposed allocation of the site within the Proposed ALDP, that that impact whilst permanent, will only result in a slight negative residual effect on the Green Belt. The EIA report also concludes that the residual effect on the GSN will be a slight positive due to the provision of mitigation in the form of green space provision, wildlife corridors, woodland preservation and proposed compensatory planting. The foregoing sections of this report have concluded that the status of the Proposed ALDP is insufficient justification for the loss of Green Belt or GSN, and that in any case, part of the site would remain unallocated under the Proposed Plan. In light of the above and for additional reasons set out further within this report, it is considered that the impact and residual effect of the development on the Green Belt and GSN would be significant and adverse.

7.9 Summary

- 7.9.1 In terms of the principle of development, due regard has been had to all material considerations, including the current ALDP, the SDP and the Proposed ALDP and it is considered that the proposals cannot be supported in the context of the Development Plan Strategy. The proposal clearly conflicts with the relevant policies of the current ALDP, there is no justification or need for this housing allocation at this time in terms of housing land supply and the application is premature given the status of the Proposed ALDP. The proposed access road area remains as Green Belt / GSN in the Proposed LDP. The development is not considered to be a sustainable development given its location and as such does not encourage the use of sustainable and active travel by future residents. It is not therefore considered to contribute to 'sustainable development' as referred to in paragraph 33 of SPP that allows for a suitable sustainable development to be progressed within the context of out-of-date development plan policies. The development is considered to result in a significant impact on the Green Belt, GSN, Ancient Woodland and TPO, and does not comply with the SDP or SPP.

Masterplan Process

- 7.10 The Aberdeen Masterplanning Process TAN, indicates that masterplans will be developed for residential sites with an area over 2 hectares or 50 houses or more. Whilst the allocation in the Proposed ALDP does not identify the need for a masterplan, it was considered necessary to obtain some masterplan information from the applicant, even at this PPP stage, to understand how the proposed layout, albeit indicative, was formulated. A Design Statement Masterplan document was prepared and submitted with this application for assessment. It is considered that the updated version of this document is sufficient in being a supporting document and meeting the criteria of the TAN, however, does not allay some concerns relating to layout etc. identified below.

Layout, Siting and Design

- 7.11 In terms of layout siting and design, Policy D1 - Quality Placemaking by Design advises that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of a detailed context appraisal, which gives due diligence to well considered landscaping and transportation opportunities to ensure connectivity. Policy H3 - Density is also important as it sets out the most appropriate density for residential sites,

whether they be allocated or windfall sites. The policy sets out a number of criteria that must be given consideration, these are as follows. The site must:

- *meet a minimum density of 30 dwellings per hectare (net). Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space;*
- *have consideration of the site's characteristics and those of the surrounding area; and*
- *create an attractive residential environment and safeguard living conditions within the development.*

- 7.12 The developable area of the site is approximately 11Ha in size, across which there would be 250 residential units sited, equating to a density of approximately 22 dwellings per hectare. This figure is lower than the minimum density outlined by Policy H3. However, Policy H3 does also note that new development must have consideration of the site's characteristics and those of the surrounding area.
- 7.13 Existing developments to the south of the site, within the established Peterculter residential area, have an average density of 13 units per hectare. The areas to the west, north and east of the application site are largely greenfield land with a sporadic development pattern which consists of a mix of an occasional detached, rural dwelling and clusters of dwellings which all result in an extremely low density.
- 7.14 However, while the development may have a lower density than is required by Policy H3 and can generally be considered acceptable, there are concerns with regards to full compliance with Policy D1 - Quality Placemaking by Design and the overall layout of the development site in terms of the site's characteristics and those of the surrounding area. Whilst the application boundary largely reflects that in the Proposed ALDP, that does not mean that the whole site is necessarily appropriate for development. Cognisance needs to be taken of the six essential qualities as outlined by Policy D1, specifically that the development should be welcoming, safe and pleasant and easy to move around when arriving at a proposed layout and while this application is only for PPP the Planning Service does have some concerns at this early stage.
- 7.15 With regards to the housing area to the north, its layout does not take cognisance to its rural context, proposing a rather high density development given it is surrounded on all sides by agricultural land with appropriate buffers or landscaping not proposed, apart from a partial buffer located along the western and northern boundaries. Overall, due to the irregular shape of the site on which the residential development sits, it is considered that the parcel to land to the north would be detached and segregated from the remainder of the site and would not sit comfortably within its context. Its remote location would mean that it is removed from proposed community facilities within the site as well as being very remote from the existing facilities and amenities in Peterculter, leading to issues with sustainability, which will be considered in further detail at paragraph 7.40 below.
- 7.16 In respect to the main body of the development, again there appears to be a lack of recognition given to the surrounding rural context and there is a lack of appropriate or meaningful landscaping to enhance the setting of the new development.
- 7.17 The site currently forms part of the Green Belt and is rural in its location. In terms of the layout and siting of this development, it is considered that the proposal leads to the urban creep of Peterculter into the Green Belt, taking insufficient consideration of the existing context and characteristics particularly the northern housing area. Overall, there are

concerns at this stage regarding potential compliance with Policy D1 - Quality Placemaking by Design.

- 7.18 Policy H4 - Housing Mix requires housing developments of larger than 50 units to achieve an appropriate mix of dwelling types and sizes, including smaller one and two-bedroom units. It notes that the mix should be achieved for both the open market (mainstream) and affordable housing contributions. In this case, given the development is for PPP, no details of the finalised mix have been proposed, therefore at this time a full assessment against Policy H4 cannot be undertaken. However, should the application be approved, conditions would be required to ensure such information is submitted.
- 7.19 Policy NE4 - Open Space Provision in New Development advises that the Council will require the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. There are concerns regarding the adequacy of the proposed 3.21Ha of open space proposed owing to its location, the incorporation of the SUDs and its usability, but as this is a PPP application, a full assessment would need to be considered under a subsequent application. Overall, the proposed figure of 3.21Ha appears sufficient to meet the requirements of Policy NE4, with a full assessment being undertaken at a later date should the application be approved.

Landscape Character and Landscape Visual Impact Assessment

- 7.20 Given the prominent location of the development it was considered important to request the submission of a Landscape Visual Impact Assessment (LVIA) as part of the EIA Report, to assess the potential impact of the development on the existing landscape character. As per NatureScot guidance, the landscape in this case is characterised as 'Wooded Estates – Aberdeen' the key characteristics of which are; well-wooded with large areas of broadleaf woodland, mixed plantations and policy plantings; some areas of pasture are present with these often used as horse paddocks closer to the urban area; views tend to be short range being strongly contained by woodland; and nearby urban areas are often well-screened by woodland and this can give a sense of detachment from the city.
- 7.21 In terms of the LVIA, given that the application is for PPP, there are limitations to preparing the submitted photo montages, of which there are seven, located around the development site. The submitted LVIA advises that there are no significant constraints beyond the site's designation as Green Belt and GSN, stating that there is scope to protect key aspects of these designations by maintaining woodland and tree cover to the east and south.
- 7.22 In terms of the Zone of Theoretical Visibility, the modelling prepared shows that the development will be visible for at least 5km in certain directions. To the north and east this would be restricted to approximately 1.5km to 2km due to the rising topography of the land and existing wooded features. To the south, it is likely that the site would be visible from a southern portion of Peterculter and beyond, with visibility decreasing after that due to the rising landscape. The development would be most visible from the west and north west with views across the Culter and Gormack Burn Valleys and the A93 gateway road, which is a result of the site's elevated position.
- 7.23 Seven viewpoints have been considered, these are where the potential impact on the landscape will be most significant. While there will be some visibility of the site from the south, these will not be short range views and are not considered sufficiently adverse to raise any significant concerns. From the east, views will mainly be restricted due to the existing landscape topography. However, upon reviewing the photo montages, it is considered that the areas where the development would cause the most concern in terms of visual impact are from the north (Viewpoint 1 and 2) and from the west (Viewpoint 3, 3a, 4 and 4a). From

the north, the residential development would be visible due to the topography of the site and characteristics of the surrounding area. While from the west, again owing to the elevated topography of the site, both the residential development and the proposed access road, would be clearly visible within the existing landscape. The applicant has advised that mitigation for such visibility would be buffer landscaping and planting, however, there is concern that extensive planting would be required. The planting necessary to ensure this landscape buffer, particularly around the access road is potentially unfeasible and unlikely to be able to establish itself for some time, due to the steeply sloping topography of the site, specifically when considering the necessity for step embankments and cut and fill needed for the access road and the difficulty of planting on such terrain. Additionally, the level of planting required would intake a significant area of the open space provision with the application site, which would result in issues with that aspect of the proposal.

7.24 As it stands the cumulative impact of the development on the landscape is concerning. In reaching a balanced assessment of the proposal, it is considered that there would be an adverse landscape impact should the development be approved as the landscape character would be permanently and detrimentally affected by the development with insufficient mitigation proposed.

7.25 Policy D2 - Landscape advises that developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, creates local identity and promotes biodiversity. In this case, it is considered that the development would not enhance the setting and visual impact of the area, in that extensive mitigation would be required to reduce any adverse effects, mitigation that is not deemed to be sufficient, particularly in terms of the impact of the access road. As such, the proposal is considered contrary to Policy D2 - Landscape.

7.26 **Environmental Impact Assessment**

7.26.1 In terms of the impact on landscape character the EIA Report looks at several categories of sensitivity to change, including visibility, building development, transportation, extraction/landfill, agricultural and forestry and recreation. The results of that assessment note that there will be no impact from transportation or extraction and landfill, a low / low (slight) impact on visibility, agricultural and forestry and recreation and a medium (moderate) impact as a result of built development. The assessment goes on to say that the site is already developed to a degree through the current land use and as long as woodland areas are protected and enhanced landscape character can be protected. Mitigation is proposed through the maintenance of tree cover on the boundaries, as well as enhancement of this element through the development proposal. The residual effects within the EIA Report state that any effect will be slight (negative/positive) – moderate (negative) depending on what aspect you are reviewing, although it notes that the change to the landscape will be permanent.

7.26.2 Overall, there is some ambiguity as to how these conclusions were reached, as noted above, the proposed development would be clearly visible within the landscape, especially from a number of viewpoints as shown in the LVIA and overall will result in the loss of approximately 20Ha of Green Belt and GSN, ultimately changing the character of the area forever. The mitigation proposed, which largely proposes compensatory planting and landscaping buffers, would take years to establish itself within the landscape and which is potentially unfeasible due to the topography of the site, with the construction of the proposed development, specifically the access road, resulting in the loss of a significant area of woodland and tree cover. As such, the Planning Service do not agree with the findings of the EIA Report in relation to this aspect and it is considered that the development would result in significant adverse effect on the landscape character of the Green Belt, in terms of the site and surrounding area and is therefore contrary to Policy D2 Landscape.

Developer Obligations

- 7.27 In instances where a development would either individually or cumulatively place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, Policy I1 - Infrastructure Delivery and Planning Obligations requires the developer to meet, or contribute towards, the cost of providing or improving such infrastructure or facilities.
- 7.28 The Council's Developer Obligations team were consulted on the application and advise that the following developer obligations would be payable:
- Core Path Network - £93,000
 - Healthcare Facilities - £144,250
 - 0.5 affordable housing unit by a commuted sum
- 7.29 The Core Path contribution is required toward the enhancement of Core Paths 51, 52 and/or 86, which are located in close proximity to the application site. The Healthcare contribution is required towards the internal reconfiguration works to increase capacity at Peterculter Medical Practice or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity.
- 7.30 Policy H5 - Affordable Housing requires a minimum of 25% of all units in new residential developments of 5 or more dwellings to be affordable. The applicant has confirmed that 62 of the 250 units would be affordable with the remaining 0.5 units being secured by a commuted sum. The indicative site plan has shown the location of these units within the proposed site, but no details of the type of affordable housing or tenure are known.
- 7.31 Housing Strategy notes that the developer should enter into early discussions with a RSL regarding the purchase of these units as social rent, noting that the exact size and type will be agreed through further discussions with the Planning Service in consultation with Housing and at a subsequent application stage should permission be granted. However, the proposed affordable housing should proportionally reflect the development, in that if the open market units are predominately houses, the affordable units should be the same.
- 7.32 It is noted that one of the reasons this site was included in the Proposed ALDP was in order to provide family housing within Peterculter. The Council's Housing Strategy for this area does not however identify such a specific need. The requirement for affordable housing is city wide and there is no identified or urgent need for it to be located in Peterculter. The proposals meet the requirements of Policy H5 in terms of affordable housing provision, but does not offer anything over and above this.
- 7.33 In order to ensure compliance with Policy H5 and to satisfy Housing Strategy, further details of the provision would be subject to a condition at a subsequent application stage. Additionally, in order to secure the provision of affordable housing on this site, a Section 75 Legal Agreement would be required. Subject to this, it is considered that the proposals meet the requirements of Policy H5.

Transport Impacts, Sustainability and Access Road Infrastructure

- 7.34 In order to assess the transport impacts, a Transport Assessment has been carried out and submitted in support of this application and a transportation chapter has also been included in the EIA Report. The Roads Development Management Team has reviewed this information and has provided a response in respect to walking and cycling, public transport,

parking, development access, internal roads layout, construction consent, local roads network, residential travel plan and safe routes to school. It is also noted that Policy T2 - Managing the Transport Impact of Development requires new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. While Policy T3 - Sustainable and Active Travel states that: *“new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. 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”*.

7.35 In order to cover all aspects relating to transport impacts, sustainability and the access road infrastructure, the Planning Service will look at the following:

- Parking;
- EV Charging;
- Internal Road Layout;
- Impact on Local Road Network;
- Sustainability and connectivity;
- Proposed Access Points; and
- EIA.

7.36 **Parking**

7.36.1 With regards to both vehicular and cycle parking within the site, no details regarding bedroom numbers have been provided, as this application is for PPP. This is expected with these types of application, but should the application be approved, the applicant would need to take into account the parking standards contained within the Transport and Accessibility SG. For a site located within the outer city these are as follows:

- Mainstream residential – 2 spaces per dwelling (up to 3-bedrooms) and 3 spaces per dwelling (4-bedrooms or more).
- Residential flats – 1.5 spaces per flat/unit.
- Affordable Accommodation – 0.8 spaces per unit.

7.36.2 Furthermore, should flats be proposed, the applicant will be required to provide necessary disabled parking provision within communal parking courts.

7.36.3 In terms of cycle parking, with dwellings it is accepted that bicycles can be safely stored within each residential curtilage. However, should flats form part of any future proposal, cycle parking would also be required to be provided per unit and such provision would need secure and covered. Such detail would be requested by conditions.

7.37 **EV Charging**

7.37.1 Due to the Scottish Government initiative for almost complete decarbonization of road transport by 2050, new residential developments are required to provide electric vehicle provision, further information on this can be found within Transport and Accessibility SG. However, again given the PPP nature of this application, further details of the provision would be required within any subsequent applications. Such detail would be requested by conditions.

7.38 Internal Road Layout

- 7.38.1 As this application is PPP, the proposed internal roads layout shown on the submitted plans is indicative and is therefore subject to change. Upon initial review of the layout, it would appear that the internal road layout provides the appropriate road/footpath widths, visibility splays and radii. However, some form of traffic calming measures would be required. Additionally, a full assessment of the access to the northern parcel of land would be required as it is currently proposed to utilise a priority junction, such an assessment would be undertaken at a subsequent application stage with details requested by conditions.

7.39 Impact on Local Road Network

- 7.39.1 Based on the standard TRICS assessment contained within the Transport Assessment, there is an indication that the proposed residential led development would generate approximately 151 and 141 two-way vehicular trips during the typical AM and PM peak period hours respectively. This would result in an increased volume of traffic on Malcolm Road (B979) connecting with arterial routes, i.e. North Deeside Road (A93) to the south then the AWPR to the east. As advised by the Roads Development Management Team, it is noted and accepted that traffic volumes on Malcolm Road (B979), in particular, and North Deeside Road (A93) (inc. those traveling through the junction connecting these roads) have reduced significantly since the opening of the AWPR. This is because the AWPR route provides more direct and suitable links between existing main arterial and 'A-class' routes in and around Aberdeen and Aberdeenshire. As such and based on the information submitted, the Roads Development Management Team have no concerns regarding any impact on the surrounding road network, nor have they highlighted that there would be any requirements to upgrade the existing junction to the southwest of the site where Malcolm Road meets North Deeside Road.

7.40 Sustainability and Connectivity

- 7.40.1 Both the ALDP and SPP seek to ensure that all proposed development allows for sustainable and active travel and for positive connections between proposed and existing development. Policy T2 of the ALDP states that *"new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel"* whilst Policy T3 indicates that *"new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport"*.
- 7.40.2 The indicative site plan shows a number of internal paths and connections to existing development to the south and Peterculter beyond, mainly via the existing Core Path network. While developer contributions are being sought to enhance these paths, the Planning Service must examine whether this site is sufficiently sustainable and provides appropriate connections outwith the site.
- 7.40.3 At the time of the Pre-Determination Hearing, the applicant's agent provided information in terms of distances to and from the site. This information is also contained within the Design Statement Masterplan. The agent has advised that the isochrones used to calculate the distances from the site are based on the walking times from Google Maps and the general SPP and PAN 75 guidance that 400m equates to a 5-minute walk. Based on this calculation 1600m would be a 20-minute walk and is referenced as 'an acceptable walking distance / time' within SPP and PAN75. Furthermore, the agent advises that the Transport Assessment Guidance, prepared by Transport Scotland, also refers to between 20 and 30-minutes as acceptable walking time, which is equivalent to around 2400m. Additionally, with the ongoing reform of the planning system in Scotland, there is now more of a drive to create 20-minute neighbourhoods, with draft National Planning Framework 4 advising that such neighbourhoods have the potential to reduce emissions and improve our health and wellbeing. It is important to recognise that the reference to a 20-minute walk is an 'out and

back' round trip rather than a single trip.

- 7.40.4 A proper and full assessment of the accessibility of the site by sustainable transportation requires more than a simple calculation of whether the proposal falls within the maximum walking distances from local facilities. It is also necessary to make a qualitative assessment of the ease of use and attractiveness of those walking (and cycling) routes, in order to estimate how likely it is that future residents would utilise sustainable and active travel to access existing facilities and amenities in Peterculter.
- 7.40.5 In this case, theoretically the existing amenities, including the primary school and facilities in Peterculter, lie within 20 minutes of the site. However, the applicant's calculations start from the southern boundary of the site, not from centre of the residential development and certainly not from the proposed units in the northern portion of the site. Additionally, these calculations do not consider the topography of Peterculter. The centre of Peterculter is located at a lower elevation than the site (averaging about 50 vertical metres) and has a steep incline as you walk from the designated town centre uphill towards the site. The applicant's distance based calculations do not consider the time it would take to walk along the proposed access road linking the site to Malcolm Road and into Peterculter, which the applicant is proposing as part of the pedestrian access. The distance from the approximate centre of the site to the local shop within the designated town centre is approximately 1.5km equating to approximately 20 to 25 minutes one way. However, this calculation does not take into account the uphill trajectory from the existing residential area, which could increase travelling time by approximately 10-15 minutes. Additionally, when specifically looking at the route along pavements up and down Malcolm Road, these would connect via an uncontrolled pedestrian crossing, to an existing pavement on the west side of public road. This pavement currently serves existing properties on Malcolm Road, however it terminates opposite Bucklerburn Road. The pavements are staggered and would require pedestrians to cross Malcolm Road and the access to Bucklerburn Road before regaining the pavement to continue along Malcolm Road. The Planning Service has concerns regarding the increase in footfall along this public footpath and potential safety risks arising from the public crossing the road at a diagonal where there is no pedestrian crossing. Furthermore, there are concerns that the existing pavement layout would act as a deterrent to using sustainable transport modes, such as walking and cycling.
- 7.40.6 Therefore, although new active travel infrastructure and connections into existing infrastructure would be provided, theoretically enabling residents to access local facilities and amenities via active travel i.e., walking or cycling, the Planning Service considers that the quality of the pedestrian environments along the available routes to be poor – whether this be via the proposed core path connections or via Malcolm Road which is relatively heavily trafficked. This is mainly due to the topography and level changes between the site and the nearest facilities, which in the opinion of the Planning Service, would act as disincentives and barriers to the use of active travel by residents. This in turn would result in a car dependent development which is not considered to be sustainable as required by the aforementioned policies.
- 7.40.7 In terms of public transport, as noted a bus terminus would also be proposed. A memo from the applicant, First Endeavour LLP, has been provided stating that a meeting with First Bus took place in 2020 noting that the bus company confirmed their interest in extending the existing No 19 service into the proposed Tillyoch development with vehicle access from Malcolm Road and a terminus located within the development. Subsequently, in January 2022, First Bus confirmed their continuing interest in extending the current service into the proposed development, given that the access roads and estate roads have been designed to accommodate bus service with a terminus within the proposed development. Neither the Planning Service nor the Roads Development Management Team has received confirmation

or communication from any bus operators, with both Services only being aware of the potential service extension due to the submitted memo. While public transport access is possible and the applicant has contacted the bus operators, there is no commitment or guarantee at this stage that the development would be served by public transport.

- 7.40.8 In light of the above, specifically the lack of safe and appropriate accessibility by walking and cycling, the proposal is considered to be contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel, which require developments to maximise opportunities for sustainable and active travel. Furthermore, it is also considered that this aspect of the proposal fails to comply with Policy D1 - Quality Placemaking by Design, which requires a proposal to give consideration to transportation opportunities to ensure connectivity, with one of the six qualities being 'easy to move around'. In this case, it is considered that the development does not provide appropriate connectivity outwith the site and is therefore lacking in terms of acceptability.

7.41 **Proposed Access Points**

- 7.41.1 In terms of the access to and from the site, there is a requirement that for residential developments of over 100 units have two access points and an emergency access. This is an Aberdeen City Council specific requirement and not a nationally applied standard. However, in this case, during scoping and pre-application discussions between the applicant and the Roads Development Management Team, it was apparent that achieving two separate points of access to the site would not be possible due to the nature of the surrounding roads network. As such, it was agreed between the Roads Development Management Team and the applicant that an acceptable alternative proposal in terms of technical roads requirements would be for one vehicular access to be provided onto Malcolm Road, that would then split into two roads before extending into the residential development. The applicant was requested to submit a summary of the background to the current access and road alignment with details of other options that were considered. This information outlines that other options, such as the upgrading of the existing access from Culter House Road would not satisfy current roads standards, with the proposed access being the only viable option. However, despite this being the case, this access is still not considered to be appropriate. While the road appears to work from an engineering point of view, the Planning Service has serious concerns over this part of the proposal. The main areas of concern relate to the extensive cut and fill that would be required due to the level changes, the fact that the site would result in the loss of a large area of Ancient Woodland, trees protected by TPO 250 and the overall landscape impact. For these reasons the proposed access is considered inappropriate.

- 7.41.2 In terms of the emergency access, this would be via the existing access from Culter House Road. No alterations are proposed and as this route is existing, it should have no impact on the Ancient Woodland or LNCS in the southeast corner of the site.

7.42 **Environmental Impact Assessment**

- 7.42.1 The EIA Report advises that the proposed development in terms of transport impacts would have a slight and negligible impact on the environment, as such no mitigation is required. However, it is considered that due to the level of development proposed, which is currently on an unallocated site, that the overall transport impact would be significant and would result in a permanent change to the character of the existing environment. As mentioned above, the development is likely to result in an increase in car trips to and from the site and the proposed access road would result in the permanent loss of a significant area of Ancient Woodland and TPO trees, which is also designated as Green Belt and GSN.

7.43 Summary

- 7.43.1 To summarise, the proposed development is proposing to incorporate connections into the existing pedestrian network, providing measures to minimise traffic generated and to maximise opportunities for the use of sustainable and active travel. However, it is considered that the distance to the nearest employment, recreation, retail and other facilities within Peterculter, would not *'make it quick, convenient and safe for people to travel by walking and cycling'* as required by Policy T3 - Sustainable and Active Travel, due to the poor-quality pedestrian and cycle environment and topography between the site and those facilities. Therefore, it is considered that the development would in all likelihood be accessed predominantly via private vehicles and it would not be suitably accessible by sustainable means of transport.
- 7.43.2 The Planning Service also have significant concerns regarding the overall impact on the existing character of the land on which the access road would be located, given that this would result in the permanent loss of Ancient Woodland, TPO trees, Green Belt and GSN, which is considered to result in a significant effect on the environment, as well as failing to comply with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

Natural Environment

- 7.44 Given the location and character of the site and the level of development proposed, this section covers all relevant aspects of natural environment, regarding trees, woodland and ecology.
- 7.45 **Trees and Woodland**
- 7.45.1 The ALDP states that *"the protection of tree and woodland cover contributes to the aims of sustainable development and will enhance the services provided by woodland ecosystems"*. Groups of trees, hedgerows and woodlands throughout Aberdeen all provide important benefits, in that they improve air quality, help us mitigate and adapt to climate change, create a healthier and more desirable living environment and provide habitat for urban wildlife. Furthermore, Policy NE5 - Trees and Woodland states that *"there is 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"*. Buildings and services should be sited to minimise adverse impacts on existing and future trees and appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will need to be submitted and agreed with the Council before any development activity commences on site. Additionally, details of tree and hedgerow planting should be submitted as part of the proposal's landscape strategy.
- 7.45.2 An Arboricultural Impact Assessment has been submitted in support of this application and a chapter has also been included within the submitted EIA Report, which considered the environmental impact of the development.

Site Status

- 7.45.3 Turning first to the status of the trees, specifically the trees within the western and south eastern portions of the site; both these areas are designated as Ancient Woodland, which are long established and of plantation origin. The trees within these areas are also protected by TPO's specifically TPO 256 to the west and TPO 210 to the south east. The area to the west was illegally felled some time ago and the section below provides some background on that and the current status of the woodland.

History and Context – Woodland to the West

- 7.45.4 To provide context in respect to the area to the west, on which the access road is proposed, a felling licence was granted to fell existing Scots Pine trees between 1990 and 1995. The felling was carried out by the landowner at that time. A subsequent Felling Licence application was refused by Forestry Commission Scotland (now Scottish Forestry) in February 2009. At that time the woodland consisted of naturally regenerated native broadleaves that had become established following the felling of Scots Pine in the 1990's. The woodland was deemed to be of good quality for its natural beauty, conservation, amenity and landscape value and such felling of the woodland at that time was not considered to be in the interests of good forestry, the amenities of the district or of conserving or enhancing the flora, fauna, natural beauty and amenity of the land. An application for the restocking of the woodland had been approved but not implemented by the previous owner, who chose not to meet the restocking obligation associated with the felling of the Scots Pine by replanting the site and instead allowed the site to naturally regenerate. This regeneration was subsequently accepted as a substitute for the replanting of the woodland, given that the land use was and is considered to be forestry/woodland.
- 7.45.5 Thereafter, the naturally regenerated woodland on the western part of the application site, which is still designated as Ancient Woodland despite the previous Scots Pine felling, was illegally felled during December 2016/January 2017 resulting in the previous owner being convicted of the offence following a trial held at Aberdeen Sheriff Court in 2018/19. At that time, no restocking obligation or order was imposed by Scottish Forestry on the site as the trees were protected by a TPO issued by Aberdeen City Council. As such, it is not legally possible to issue a restocking direction. It is considered that at present the woodland is made up of natural regeneration that is becoming established following the illegal felling and as noted above this area remains designated as Ancient Woodland.

Proposal and Potential Impact

- 7.45.6 In terms of assessing the potential impact, consideration must be given to SPP, with paragraph 216 stating that “*Ancient semi-natural woodland is an irreplaceable resource*” and as such should be protected from adverse impacts resulting from development.
- 7.45.7 Paragraph 218 of SPP goes on to state that “*The Scottish Government’s Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications*”.
- 7.45.8 The Control of Woodland Removal Policy states: “*There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as ‘Plantations on Ancient Woodland Sites’ (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.*”
- 7.45.9 It is proposed to construct the access road through this western portion of woodland. Due to the level changes of this area and the nature of the access road, which splits into two, it meanders through the woodland, by necessity resulting in the requirement of extensive cut and fill.
- 7.45.10 With regards to the submitted Arboricultural Impact Assessment, it advises that 47 individual trees will be removed to facilitate development. Whilst 29 of these trees are noted as being

removed on health and safety grounds it is considered that this is a requirement mainly due to the proposed change of use and the health and safety relating to the proposed development.

- 7.45.11 From a review of the report, both the Planning Service and Environmental Policy have concerns that the supporting assessment significantly underplays the number of individual trees that are likely to require to be removed to facilitate the development, which is likely to be significantly higher given the level of impact on certain trees that are currently marked for retention. While the supporting tree survey advises that approximately 47 individual trees are proposed to be felled. The same report advises that an area of Ancient Woodland, approximately 2.3Ha in size, will be lost to the proposed access road, but that this area consists of mainly bracken and scrub vegetation, with some young and semi-mature trees, which have not been surveyed.
- 7.45.12 Due to the topography of the site and the cut and fill operations required for the access road, it is considered that a much larger area of woodland will be lost. Consideration must also be given to the number of young and semi mature trees that were not surveyed, but represent significant regeneration of the woodland following the felling on site. Furthermore, the redline boundary tightly bounds the proposed access road, giving the applicant no leeway for the construction of the road. It is expected that the ground outwith the site, which has been confirmed to be within the applicant's control, will need to be used in order to undertake the construction of the proposed road. For example, machinery will need to be located outwith the redline boundary so that the extensive cut and fill required for this part of the proposal can take place. The use of this land by such machinery will result in the loss and damage of many more trees that have not been taken into account within the submitted assessment and on land that is not the subject of the current planning application.
- 7.45.13 The EIA advises that 40% of the Ancient Woodland would be lost due to the construction of the proposed access road. However, as outlined above this loss will be significantly higher due to the level of construction works involved.
- 7.45.14 In terms of justification, the applicant advises that, due to the previous felling of this woodland back in 2016 and 2017, a large majority of the woodland has been lost and that the resultant growth of bracken, has further threatened the quality of this area and contends that the construction of the access road will aid the regeneration of the remaining woodland. As noted above the survey has only taken into account the more mature trees on site, however, a site visit has revealed that, irrespective of the presence of bracken, there are many more smaller trees on the site that are not accounted for in the tree survey including significant and strong regeneration of native Birch, Rowan, and Willow, as well as small amounts of Sycamore. It is considered that the area is dominated by young trees and the EIA conclusion that the roadway would be located in areas of scattered trees and dense bracken is incorrect in that regard. Taking this into account it is considered that the area has been significantly undervalued in terms of its value as Ancient Woodland. Furthermore, while the applicant states the proposed access road will aid the regeneration of the remaining woodland by removing the bracken, it is considered that the proper management of the woodland by the owner would be a far better way to aid this area of naturally regenerating woodland rather than the construction of a new road and loss of a significant number of trees.
- 7.45.15 With regards to mitigation, it is noted that compensatory planting is proposed within the site and is noted in both the EIA Report and tree survey, with the contoured road banking replanted to the extent of approximately 0.8ha. Furthermore, it is proposed that an area of 2.3ha outwith the site boundary will be found to carry out compensatory planting. This site would not be registered in the National Forest Inventory or Ancient Woodland Inventory. Trees and shrubs planted as part of the compensatory planting will be indigenous species.

Additionally, some of the Ancient Woodland soil obtained from excavations for the proposed access road will be spread over this new area as this soil already has an established soil seed bank and fungal community that will colonize the new area of woodland. Similarly, stumps from the felled trees will also be relocated to this compensatory area.

- 7.45.16 The Planning Service has asked for information in relation to the proposed location of the 2.3ha of compensatory planting, given that it would require to be the subject of a planning condition that was enforceable, to ensure that it would be delivered and that any non-compliance could be enforced. No such information was submitted in response to this request and accordingly the Planning Service cannot advise whether any suitable location is being considered that would allow for the delivery of compensatory planting. Furthermore, in terms of the compensatory planting along the access road embankments, due to the gradient, the Planning Service has concerns that they will not be suitable and would lead to hazards along the proposed access road. As such, while it is part of the proposal, there are significant concerns regarding the feasibility of compensatory planting on the site itself. In terms of the reuse of the Ancient Woodland soil, there are also concerns that this is not possible nor would it be successful owing to the sensitive nature of the soil. No evidence has been provided to the contrary.
- 7.45.17 Overall, it is considered that the proposals for mitigation in the forms proposed are not acceptable and are lacking in detail. As it stands the proposed access road would result in the significant loss of trees and woodland, especially Ancient Woodland and trees that are protected by a TPO. Neither the submitted assessments nor the proposed works justify the loss of such an area, which has important value for the character of the surrounding area, improves air quality, help us mitigate and adapt to climate change, creates a healthier and more desirable living environment and provides habitat for wildlife. The impact on wildlife habitat will be discussed in more detail in the section below. Furthermore, under section 159(a) of the Town and Country Planning (Scotland) Act 1997 the planning authority has a duty to ensure that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. Given the lack of information as noted above, such a condition would not be possible.
- 7.45.18 In summary the access road proposal results in the removal of a significant number of trees and does not propose sufficient or appropriate compensatory planting. This would result in an overall net loss of tree cover within the city and is in direct conflict to our duty to ensure where possible that adequate provision is made for the preservation of existing tree stock or planting of trees. There is no overriding justification to go against the existing TPO in order to adequately access a potential development allocation that is not yet confirmed in the next ALDP. In terms of the content of SPP, it is not clear what the public benefit of the removal of tree and Ancient Woodland would be and as it stands the proposed removal of Ancient Woodland contravenes the Scottish Government's Control of Woodland Removal Policy and therefore SPP. The proposal is also considered contrary to Policy NE5 - Trees and Woodlands, as it results in the fragmentation and disconnection of important forest networks.

Woodland to the South East

- 7.45.19 This area of woodland is protected by TPO 210. No significant works are proposed to this area as part of the proposal. However, the erection of 250 units in this location will see an increase in the use of this area by members of the public through recreational uses. This raises questions of the maintenance of this area and therefore the overall future of the woodland. Further information would be required in this regard.
- 7.45.20 In conclusion, the significant concerns regarding the impact on Ancient Woodland area to the west and the overall loss of trees as a result of the access road, results in the development being unacceptable and contrary to Policy NE5 - Trees and Woodlands.

7.46 Environmental Impact Assessment – Trees and Woodland

- 7.46.1 The EIA Report acknowledges that the site contains Ancient Woodland and the fact that a TPO covers the full extent of these trees, stating that there is a presumption against felling trees, but that any Ancient Woodland lost needs to be compensated elsewhere. The report also notes that much of TPO 256, namely the area of woodland to the west of the site has already been felled. In respect to the area to the west, the report advises that approximately 3Ha of Ancient Woodland (40%) will be lost to the proposed access road. It is noted that this is contradictory to the information contained within the supporting tree survey, which advises that 2.3Ha would be lost. As such, the Planning Service considers there to be some ambiguity between these reports as to the actual extent of tree loss.
- 7.46.2 In terms of impact, the report states that the loss of trees and Ancient Woodland would be permanent, resulting in a major negative impact without mitigation, reduced to a slight negative impact with mitigation in place, which would take the form of additional planting. In terms of the Ancient Woodland to the south east of the site, the EIA Report advises that there will be no impact. In respect to the area of Ancient Woodland to the west, in assessing these findings of the EIA Report, it is considered that with regards to the reduction in size of the area by approximately 40%, would result in a major potential impact.
- 7.46.3 In terms of the proposed mitigation, the applicant advises that “*although dense areas of trees are avoided*”, as outlined in the above section, replanting is proposed to take place along the contoured road banking to the extent of approximately 0.8ha. Further to this, compensatory planting is proposed outwith the site boundary on a 2.3Ha piece of land, with some Ancient Woodland soil obtained from excavations to be spread over this new area. Additionally, it is proposed that tree protection fencing will be utilised to protect trees that will remain on site.
- 7.46.4 In response to these findings, it is considered by the Planning Service and Environmental Policy that the roadway will not avoid the dense area of natural regeneration of native Birch, Rowan and Willow on the Ancient Woodland, reference to which is neglected throughout the EIA Report. Furthermore, it is not considered that the proposed planting detailed above is satisfactory compensation, as set out above.
- 7.46.5 The section on residual effects advises that in terms of trees to be felled, a number of these need to be removed for health and safety reasons, with others needing to be removed as they are within the Zone of Influence of the proposed development. Overall, a relatively small portion of tree loss is proposed for the housing development as such this will have little impact and is acceptable. In terms of Ancient Woodland loss, mitigation is proposed to compensate this loss resulting in a moderately positive impact given that the area, which has been previously felled, contains areas of dense bracken and non-indigenous trees. The report does however neglect to mention the natural regeneration of the area of Ancient Woodland, which has been clearly highlighted throughout the above paragraphs. It is considered incorrect and inaccurate to state that “*The area is being colonized by dense areas of bracken and non-indigenous trees such as sycamore*”. This is considered to undermine the current and future value of the area of Ancient Woodland and overall, it is considered that the residual effect would be negative should the area of Ancient Woodland to the west be removed to allow for the proposed access road. Furthermore, there is significant doubt regarding the feasibility of all compensatory planting proposed as noted above.
- 7.46.6 In light of the above it is considered that the effect on the environment due to the loss of trees and Ancient Woodland would be significant, despite what is outlined in the EIA Report.

7.47 Ecology and Environmental Impact Assessment

- 7.47.1 The ALDP states that “*the protection, preservation and enhancement of natural heritage, in terms of both sites and species, are important aims of this Plan. All new development should*

seek to protect geodiversity and enhance biodiversity, which may include restoring degraded habitats, and must avoid further habitat fragmentation". While Policy NE8 - Natural Heritage states 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".

- 7.47.2 Given the status of this site and the inclusion of the western and south-eastern portions of woodland within the site boundary, the application requires to be sufficiently supported by information related to ecology. This was also highlighted through the EIA Screening and Scoping Opinions issued by the Service. As such an Environmental Survey Report as well as a chapter in the EIA Report were submitted in support of this application. Further to this an addendum was submitted in response to queries raised by Environmental Policy.
- 7.47.3 The EIA Report and Environmental Survey Reports considered a number of species, with surveys carried out in respect to invertebrates, birds and bats. The content of the reports have been reviewed and the information below is the Planning Service's overall assessment of all information submitted. Concern has been highlighted by Environmental Policy with regards to the timing of the surveys, however this is related to the point at which this information was requested.
- 7.42.4 In terms of invertebrates, it is noted that the survey has been carried out in a short survey window, however, the survey does show that the site is of good quality for such a species and the presence of Lepidoptera (butterflies and moths) shows that there is a strong birch regeneration in the woodland, which correlates with the information highlighted in the preceding paragraphs. In terms of mitigation, this survey provides a Deadwood Management Plan to enable some habitat creation in the woodland to the west.
- 7.47.5 With regards to birds, there are concerns that the survey does not acknowledge the net loss of bird habitat in the long term, especially considering that the reports states that there will be a 40% loss of habitat due to the proposed construction of the access road. It is also considered that the area of woodland to the west is of more value to birds than is potentially stated in the report. Furthermore, it is considered that the reference to the impact upon the breeding bird population only be in the short term, is deemed to be incorrect. Given the extent of the woodland that would be lost by the road development and the fact that any compensatory planting would not start until after the construction of the road is complete, as well as the time it would take for the planting to establish itself, means that the impact on breeding birds will be significant. Additionally, a large majority of the woodland would be replanted off site, leading to a disturbance and displacement of habitat.
- 7.47.6 In respect to the bat surveys carried out, the survey coverage of the existing buildings and the site itself, the information is overall acceptable. The reports note that varying numbers of bats utilise the woodland edge rather than then the woodland itself, also noting that very little activity is noted within the woodland to the east.
- 7.47.7 Wildlife corridors have been shown on the indicative site layout plan, these run west/east providing potential access between areas of woodland. However, as noted above it is considered that the location of these, within a proposed relatively urban residential setting, would not allow for the unhindered movement of species between the areas. It is further considered that these corridors do not provide sufficient buffers around them to prevent disturbances from domestic pets. Environmental Policy has noted that such wildlife corridors should be in excess of 30m in width, 20m wider than what is being proposed. Furthermore, it is considered that while these corridors are shown to connect the site to the area to the west, as noted above it is likely that this area would be lost as a result of the development, meaning that habitats would be lost. Any planting proposed would take years to establish, as such there would be no benefit to the wildlife corridors at this time. Badger tunnels are

also proposed at two points on the proposed access road, however, as mentioned above, the loss of woodland in this area would leave to the loss of foraging habitats, rendering such proposals unnecessary due to the loss of habitat.

Summary

- 7.47.8 Overall, it is acknowledged that there will be a loss of woodland, especially woodland to the west, which from the information highlighted above is ecologically healthy. While mitigation is proposed and could in theory alleviate concerns with regards to the natural heritage impact some of this would not be a short-term fix and ultimately the construction of the access road would result in an unacceptable impact upon many species using the site, the fragmentation of habitats and the permanent loss of foraging areas and as such the proposal is considered contrary to Policy NE8 - Natural Heritage.

Environmental Impact Assessment

- 7.47.9 In respect to the EIA Report, it is noted that the potential effects on ecology will be adverse, whether it is a low or moderate impact, with the applicant stating that after mitigation the area will be improved, with the development having an overall positive impact on the area. However, it is considered that overall, the EIA Report fails to acknowledge the natural regeneration of the Ancient Woodland to the west, which as noted above, is a hive of activity for biodiversity. Its loss, regardless of the proposed compensatory planting, would lead to a significant impact on the ecological value of the site. While some of the mitigation is welcome, it does not replicate the existing situation and does not warrant the approval of this application.

7.48 Habitats Regulation Appraisal

- 7.48.1 OP53 of the Proposed ALDP 2020 advises that a Habitats Regulations Appraisal is required to accompany development proposals in order to avoid adverse effects on the qualifying interests of the River Dee Special Area of Conservation (SAC). Such an appraisal has been carried out and it has been found that the proposal will not adversely affect the integrity of the SAC. This has been reviewed by NatureScot, who are in agreement with this finding.

7.49 Peterculter Local Nature Conservation Site

- 7.49.1 Due to their proximity to each other, Peterculter LNCS is made up of the former District Wildlife Sites – Woodend, Guttrie Hill, Culter House Woods and Hill of Ardbeck. The area which relates to this application, is ‘Woodend’ located in the south east corner of the site. This area is mainly comprised of upland birch woodland with small areas of mixed woodland, other broadleaved woodland, other pine woodland and other coniferous woodland. There are a number of priority habitats and species including the red squirrel. There is also a substantial area covered by a TPO. Consideration has been given to the impact on woodland and habitats under the above section and as noted there is no proposed development taking place in this area. However, it is acknowledged that should the development be approved, then it is likely to result in an intensification of use for recreational purposes resulting in disturbance to the LNCS. Should the application be approved, further information would be required at a future application stage.

Drainage and Flooding

- 7.50 In respect of Policy NE6 - Flooding, Drainage and Water Quality, a Drainage Assessment and Flood Risk Assessment have been prepared and submitted in support of the application.

7.51 Drainage

- 7.51.1 In terms of drainage, Policy NE6 advises that a Drainage Impact Assessment (DIA) will be required for new development proposals. 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.

- 7.51.2 In respect of this proposal, the DIA advises that there is no existing infrastructure within the development site, but both foul and surface water sewers are present on Malcolm Road at its junction with Bucklerburn Road and further sewers are located within the residential development to the south.
- 7.51.3 In relation to foul drainage for the proposed development, the assessment advises that sewers would be provided within the site, along with a single disconnecting chamber to be located within each curtilage of the residential units. The assessment also notes that Scottish Water are progressing a Network Impact Assessment study to establish the capacity with the existing network.
- 7.51.4 With regards to surface water drainage, new sewers would be provided within the site to deal with all run off, whether it be from the proposed roads, footpaths, residential units or other buildings or parking bays. These sewers will then discharge to the proposed detention basins, one located to the south of the proposed access road and the other to the south west of the residential development. However, a detailed drainage design would be required for the site with associated sensitivity tests to assess flood risk from the drainage system. Such detail would be required by condition should the application be approved.

7.52 Flood Risk

- 7.52.1 Turning to flood risk, Policy NE6 states that development will not be permitted if; it would increase the risk of flooding, be at risk itself from flooding; adequate provision is not made for access to waterbodies for maintenance; or it would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse. Within the Proposed ALDP, OP53 does advise that a Flood Risk Assessment would be required.
- 7.52.2 The Flood Statement submitted shows that the application has looked at fluvial flows, sewer and drain flooding, pluvial flow and groundwater. The statement advises that there is no risk of flooding from the development, additionally the SEPA Flood Map indicates that there are no known flooding issues for this site.
- 7.52.3 In terms of flood risk, SEPA has advised that based on the indicative site plan provided, the forested area appears to be remaining as it currently is, with the development being set well back from the Buckler Burn, therefore, the development is unlikely to be at risk of flooding. As such, SEPA have no objection to the application on flood risk grounds subject to a condition that the area around Buckler Burn remains undeveloped. Although the site plan submitted is indicative owing to other matters regarding the south east corner, it is considered prudent to restrict development in this area by way of a condition, should the application be approved.
- 7.52.4 There also appears to be a water feature running along the B979 Malcolm Road, running from north to south along the western site boundary. SEPA note that this should be left free of development with an appropriate buffer zone in place. Based on the plan submitted, the majority of the watercourse remains untouched with a separation of approximately 9m from the location of the proposed excavation for the access road, however, the southern part of the watercourse conflicts with part of the proposed access. If the application is approved further details would be required.
- 7.52.5 SEPA has also noted that the developer could also consider measures such as:
- Designing SUDS with biodiversity and amenity value;

- Multi-functional green infrastructure and space with green space incorporating native planting and tree species and create a diverse range of habitats;
- Incorporating green/blue infrastructure and linking it to enhance connections to neighbouring sites to benefit wildlife as well as benefits for active travel and recreational connections;
- Rainwater harvesting and sustainable water reuse measures - green roofs - environmental education (interpretive boards etc.); and
- Supporting active travel.

7.52.6 SEPA also supports measures to address and reduce the impacts of climate change and to improve the water environment.

7.52.7 The Council's own Flooding Team has considered the information submitted and upon submission of further discharge rate details, the Service is satisfied at this stage. However, as noted above, further design detail of the infrastructure is required to ensure compliance with Policy NE6 - Flooding, Drainage and Water Quality and the Flooding, Drainage and Water Quality SG, such information would be required via condition.

Access and Informal Recreation

7.53 Policy NE9 - Access and Informal Recreation requires new development to not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths and other paths and rights of way. It also seeks to ensure that, wherever possible, developments include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

7.54 At present there are informal paths that run through the site within the woodland to the east and along part of the western boundary of the residential development and a Core Path/track that runs along the southern boundary. All of these provide pedestrian access between the site and Peterculter to the south, the LNCS, Culter House Road and beyond. It is expected that these will not be impacted by the development, with the applicant also proposing to improve connections throughout the site to the surrounding area. In terms of access to Malcolm Road, this will be provided via an uncontrolled pedestrian crossing connecting the site to the existing footpath network along the public road. This will not impact on existing access links.

7.55 However, although submitted with the application, a further Construction Environment Management Plan (CEMP) would be required via a suspensive condition in the event that a willingness to approve is given. The CEMP would need to incorporate details of how the existing access routes, used by the public, would be maintained during the construction works.

Community Facilities

7.56 The application notes the provision of community facilities on site, but there is a lack of detail about what this actually entails at this time and due to the application being for PPP. As such, a full assessment against Policy CF2 - New Community Facilities cannot be undertaken. Should permission be granted, a condition would be required to ensure details of this aspect of the proposal are submitted for assessment to ensure compliance with the aforementioned policy.

Aberdeen Airport

- 7.57 Policy B4 - Aberdeen Airport requires all development to ensure that the continued safe and efficient operation of Aberdeen International Airport. While the site lies a significant distance from the airport, the Planning Service are required to consult with them due its substantial size of the development. In this case, Aberdeen International Airport have examined the proposals from an aerodrome safeguarding perspective and consider that the proposed development could conflict with safeguarding criteria, unless a condition requiring the submission of details of any building or structure that exceeds 45m is submitted for approval by the Planning Service in consultation with the airport. Additionally, the Airport have requested that the applicant be made aware of the requirement for the safe use of cranes during the construction phase.
- 7.58 In light of the above, it is considered that while there is no objection from the Airport, further detail is required to satisfy Policy B4, but such information could be secured via a condition and an advisory.

Health and Safety Executive (HSE)

- 7.59 Owing to the proposal being an EIA development, the Planning Service are required to consult with the HSE. HSE has confirmed that the site does not lie within the consultation distance of a major hazard site or major hazard pipeline and therefore HSE do not require further consultation. As such, no further assessment is required against Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites.

Historic Environment

- 7.60 Policy D4 - Historic Environment requires development to not adversely impact upon archaeological remains of either national or local importance. Aberdeenshire Council's Archaeology Service has reviewed the proposal and advise that the proposed development impacts on one site of surviving medieval/post-medieval rig & furrow (HER Ref No NJ80SW0131) and the site of a 2009 evaluation (NJ80SW0373). The rig & furrow remains were surveyed at the time of the 2009 work and at that time the records were updated to reflect the true extent of those remains, which are far larger than currently depicted on the Council's maps. Given that the remains have been surveyed and that the evaluation work ahead of the new buildings at Tillyoch didn't locate any significant finds, the Service can confirm that neither site places any form of constraint on the potential development.
- 7.61 However, considering the wider landscape evidence, including both for the Bronze Age activity to the East at Beanshill and the closer medieval activity documented around Tillyoch, it is recommended that, should the application be minded for approval, a Programme of Archaeological Works condition is applied. Subject to the imposition of that condition, it is considered that the proposed development would not cause any harm to the historic environment, in accordance with Policy D4.

Contaminated Land

- 7.62 Policy R2 - Degraded and Contaminated Land requires that all land that is degraded or contaminated, is either restored, reclaimed or remediated to a level suitable for its proposed use. In this case, the site has been assessed by the Council's Contaminated Land Team, who consider that there is unlikely to be any significant land contamination at the site, with the greatest area for contamination being within the area occupied by the buildings associated with the existing equestrian centre. Therefore, care should be taken during demolition of these buildings to make sure that no contamination is caused as a result. The

Contaminated Land Team have advised the use of an advisory note should permission be granted.

Waste and Recycling

- 7.63 Policy R6 (Waste Management Requirements for New Development) requires all new developments to have sufficient space for the storage of general waste and recyclables, with details of storage facilities and means of collection to be included as part of any application. As this application is for PPP no details for waste have been submitted, however it has been confirmed that the access road is a sufficient width to allow a refuse vehicle to enter and exit the site safely. Further detail of waste provision for each unit and the acceptability of the refuse vehicle accessing collection points will be considered at a subsequent application stage should the application be approved.

Low and Zero Carbon Buildings, and Water Efficiency

- 7.64 Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency requires all new buildings to meet at least 20% of the buildings regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. The policy also requires all new buildings to incorporate water saving technologies and techniques, to reduce pressure on water abstraction from the River Dee.
- 7.65 Given that the application is for PPP, the details required to satisfy the requirements of Policy R7 are not yet known. In the event that the application is approved, suspensive conditions would be added to the permission requiring the incorporation of appropriate low and zero carbon and water saving technologies. Therefore, subject to the imposition of such conditions, the proposals are considered to meet the requirements of Policy R7.

Digital Connectivity

- 7.66 Policy CI1 - Digital Infrastructure requires all new residential development to have access to modern, up-to-date, high-speed communications infrastructure. Details of broadband availability for the site are not yet known at this stage but in the event that the application is approved, a condition would be attached to any permission, requiring the delivery of high-speed broadband for all premises, prior to occupation, in order to meet the requirements of Policy CI1.

Proposed Aberdeen Local Development Plan

- 7.67 The above evaluation gives due consideration to the principle of development in light of the proposed allocation of part of the application site as OP53 within the Proposed ALDP, however as noted above, the extant ALDP and SDP takes primacy at this point, given the content of the Proposed ALDP is going through an examination, potentially subject to change, and that Tillyoch is an unresolved issue that is subject to a substantial level of public objection. As such, given the uncertainty of the content of the Proposed ALDP at this stage, it is considered that less weight can be afforded to it as a material consideration, and cannot be afforded sufficient weight to merit overriding the extant and adopted ALDP.
- 7.68 In terms of the principle of development, the Planning Service is affording more weight to the site's current Green Belt and GSN status, as well as the designation of part of the site as Ancient Woodland and woodland within the Open Space Audit. While the application is considered to be premature in terms of the LDP process, it is noted that parts of the proposal, such as the access road, conflict with relevant policies of both the Adopted and the Proposed ALDP, including Policy NE1 - Greenbelt and Policy NE2 - Green and Blue Infrastructure of

the Proposed ALDP.

- 7.69 Other relevant policies contained within the Proposed ALDP are highlighted under paragraph 6.5.7 above, however these policies substantially replicate the wording of current ALDP policies, with an assessment having been carried out in respect to these. Therefore, for the reasons noted above, the proposal is considered to conflict with a number of policies within the Proposed ADLP, such as Policy NE3 - Our Natural Heritage, Policy NE5 - Trees and Woodland and Policy T2 - Sustainable Transport. Conflict with Policy D2 - Landscape, due to the irrevocable change to the landscape character of the site and the surrounding area has also been highlighted, along with concerns regarding Policy D1 - Quality Placemaking and the overall layout of the site at this stage.

Environmental Impact Assessment

- 7.70 The application required the submission of an EIA Report. A range of potential impacts are considered in the EIA Report. In respect of the chapters relating to the Ecological Impact Assessment; Arboricultural Impact Assessment; Landscape and Visual Impact Assessment; Green Belt and Green Space Network Statement; and Transportation, these have been given due consideration above and overall, it is found that there is some ambiguity in terms of the potential significant environmental impacts. It is considered that appropriate mitigation has not been proposed and that the residual effects of the development are likely to be significant.
- 7.71 In respect of the Construction Environmental Management Plan, this chapter required to look at the level of pollution on the environment resulting from the development, which shows that the principal likely impact is to come from the construction of the development with a moderate negative impact overall. However, what also needs to be considered is the impact from the permanent change and operation/occupation of the site as a residential development within what currently is Green Belt, which has not been given due consideration. While many aspects in relation to pollution and impacts on the environment can be mitigated against, there are concerns that there will be an increase in reliance on private transport given the nature of the site. This will result in a degree of pollution and impact on air quality and fundamentally climate change, especially considering the level of trees to be removed from this site to allow for the development.
- 7.72 Overall, the findings within the EIA Report are considered to be presented in favour of the development. This is not the purpose of an EIA and based on the assessment of the Planning Service it is considered that there would be significant environmental impacts should this development be approved. This is reflected in the Recommendation below.

Legal Agreement and Head of Terms

- 7.73 As noted under the Developer Obligations section above, specifically paragraphs 7.27 and 7.28, contributions would be required towards the Core Path Network, Healthcare Facilities as well as 0.5 affordable housing units by a commuted sum. Additionally, the affordable housing provision of 62 units would need to be secured on site. As such, should the application be approved then a section 75 Legal Agreement would be required. It is noted that the applicant has agreed to the Heads of Terms outlined within the Developer Obligations Assessment.

Representations

- 7.74 A total of three hundred and nine (309) representations have been received in which three hundred and three (303) object, four (4) are in support and two (2) have provided neutral

comments. The objections and concerns raised have been separated into the following headings, a full list is provided above:

- Woodland
- Green Belt / Green Space Network / Open Space
- Principle of Development
- Local Facilities/Amenities
- Local and Natural Heritage
- Environment
- Transport/Access
- National and Local Policies
- General

7.75 In respect to these headings and the comments received, these have been given due consideration and all material considerations raised have been taken into account in the assessment of this application. It is noted that some of the comments raised were not material and as such these have not formed part of this assessment. All other comments raised that have not been addressed in the body of the report will be considered below.

7.76 Woodland

- Woodland should be retained for people to enjoy – local amenity – *while the Planning Service are of the opinion that the woodland should be retained, it is privately owned as such, its use as a local amenity is dependent on the landowner.*
- Previous illegal felling of woodland to make way for development – *while the Planning Service are aware of the illegal felling on site, there can be no assumptions made that it was carried out to make way for development. Furthermore, this happened prior to the application being submitted and as such cannot be taken into account.*
- Application would set precedent for destroying Ancient Woodland – *each application is assessed on its own merits and any other application for development on Ancient Woodland would need to be given due consideration based on its context.*

7.77 Green Belt / Green Space Network / Open Space

- Loss of agricultural land – *should the application be approved, there would be a loss of agricultural land.*
- Existing areas used by many as amenity area/for recreation (walking) – *while the Planning Service are aware that the area is used for amenity purposes, it is privately owned as such, its use as a local amenity is dependent on the landowner.*

7.78 Principle of Development

- Smaller development would lead to more land being left undeveloped – *the Planning Service are required to assess planning applications as submitted.*
- Use of unnatural material – *the development would see the significant use of materials that are not found on site, such as construction and building materials.*
- Poor quality of houses – *the application is for PPP, as such no details of the units have been provided.*
- This development will lead to further development into OP-52, 54 and 109 – *These sites are allocated within the current ALDP, as such the development of this site, has no bearing on the potential development of these sites.*

7.79 Local Facilities/Amenities

- Insufficient infrastructure in Peterculter – primary school/academy, medical practice and dentist all at capacity – *the site falls within the catchment areas for Culter Primary School*

and Culter Academy and it is considered that there is sufficient capacity at Culter Primary School to accommodate the number of pupils expected to be generated by the proposed development. It has also advised that no developer obligations would be required from the developer for Culter Academy as there is sufficient capacity. In terms of healthcare facilities, contributions are required towards these as noted under Developer Obligations section.

- *Lack of local amenities – this is not a material planning consideration and cannot form part of this assessment.*
- *Increased stress and pressure on limited local amenities, including shops and community facilities – this is not a material planning consideration and cannot form part of this assessment.*
- *No sufficient provision of infrastructure, e.g. public transport and leisure/sport facilities etc., to facilitate development – the matter of public transport has been addressed above. In terms of leisure/sport facilities, this is not a material planning consideration and cannot form part of this assessment.*

7.80 Environment

- *Not a net zero development – this cannot be assessed at this time owing to lack of relevant details.*
- *Safety concerns over SUDs provision – the SUDs are proposed part of the open space provision, further details would be required as to how this would work from safety perspective.*
- *Loss of public right of way through site – a path provision is to be retained through the development.*

7.81 Transport/Access

Several concerns regarding transport and access were highlighted, but these have not been raised as an issue by the Roads Development Management Team, these are as follows:

- *Limited/bad visibility and existing junction on Malcolm Road.*
- *Existing traffic and parking issues in Peterculter even with AWPR in place.*
- *Increase in commuter traffic.*
- *Existing roads/infrastructure insufficient for development and require upgrades.*
- *Development residents will use existing shorter routes, e.g. Culter House Road would be used as a rat run.*
- *Development would result in increase of traffic on Culter House Road.*

Other comments:

- *Intensification of pedestrians through existing housing developments – given the nature of the proposal, this approval of the development would increase the number of pedestrians slightly but this is not a material planning consideration.*
- *Culter House Road not included in the Transport Assessment – no access, other than emergency access, is proposed along Culter House Road and therefore does not need to be included within the Transport Assessment.*
- *Good route out of site onto Culter House Road – this is proposed to be an emergency access only and is not sufficient for 'normal' access to and from the site.*
- *Excessive HGV use during construction – this will be considered through a subsequent CEMP should the application be approved.*

7.82 General

Several general concerns were highlighted, but some of these are not a material planning consideration for the assessment of this application, these are as follows:

- *Not an efficient use of the site.*
- *Existing undeveloped brownfield sites and allocated opportunity sites elsewhere in the city.*

- High number of unoccupied dwellings – 2,500 units vacant.
- Unoccupied/oversupply of properties across the city.
- Inadequate brownfield capacity study.
- City centre regeneration required.
- No need for another housing development.
- Current market conditions – Countesswells Development Limited in administration as an example.
- Loss of existing equestrian facility.
- Development increases Peterculter population by 10% - demand on facilities and infrastructure.
- Increase in population.
- No benefit for residents or future of village.
- Site is used to graze animals.
- View will be destroyed.
- Not needed due to Oil and Gas industry.

Other comment:

- Neighbours not notified – *all neighbours within 20m of the application site boundary were notified. Additionally, adverts were placed both in the Evening Express and Edinburgh Gazette.*

7.83 With regards to the representations reviewed which were in support of or provided neutral comments on the development, these too have been given due consideration in the above evaluation.

Conclusion

- 7.84 It is considered that the development would constitute a significant departure from Development Plan Strategy and be contrary to Policy NE1 - Green Space Network and Policy NE2 - Green Belt of the adopted ALDP 2017, as it proposes a form of development that is not considered acceptable in the Green Belt and would result in the loss of valuable Green Belt land as well as eroding the character and function of both the Green Belt and Green Space Network.
- 7.85 Although it is acknowledged that the Proposed ALDP 2020 is a material consideration and part of the site has been allocated in that as an opportunity site for residential development, the Plan is currently undergoing Examination by Scottish Ministers and the allocation of the site has been the subject of a significant level of unresolved objection. The application is therefore considered to be premature and the allocation of part of the site for housing in the Proposed ALDP cannot be afforded sufficient weight to justify a departure from the adopted ALDP, which, along with the SDP is considered to be the primary document against which the application is assessed.
- 7.86 In the Proposed ALDP, the access road would still remain as Green Belt and GSN and would therefore be contrary to the relevant policies of the Proposed ALDP in its own right. Additionally, there is sufficient housing land supply and therefore no urgent need to develop the site to meet housing demand within the city. Furthermore, the development does not contribute to sustainable development for the reasons highlighted within this report and as such paragraph 33 of SPP is not relevant.
- 7.87 The proposal as a whole, would result in an adverse impact on the existing landscape character, given that it would result in a permanent change to the use of the site and as a result of this, the long distance views from the north and west would be significantly altered. The land to the north and west is currently Green Belt land and this change would therefore

adversely affect the open rural landscape character of the area, contrary to Policy D2 - Landscape as well as Policy NE2 - Green Belt of the current ALDP.

- 7.88 The development is not considered to be sustainable due to its remote location, distance and lack of safe and desirable connections to the amenities and services within Peterculter, as such the proposal is considered contrary to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.
- 7.89 Specifically in relation to the proposed access road, as well as having an adverse impact on landscape, it is considered that this part of the development would result in the unacceptable form of development within a significant area of Ancient Woodland and the loss of a substantial number of trees that are protected by a TPO within the application boundary. Moreover, and again due to the location of the access road and sensitive nature of the site on which it would sit, it is considered that such a development would have a direct negative effect on natural heritage, which is considered to be ecologically healthy. The loss of the woodland would result in an unacceptable impact upon many species using the site, the fragmentation of habitats and the permanent loss of foraging areas. As such, the development, specifically the access road aspect of the proposal, is considered contrary to Policy NE5 - Trees and Woodlands and Policy NE8 - Natural Heritage.
- 7.90 Overall, the development is considered to represent a significant conflict with the Development Plan Strategy and fails to comply with a number of relevant policies within the ALDP. Furthermore, the proposal is not considered to contribute to sustainable development and there are no other material considerations that would provide sufficient justification to support this application as a departure from the Development Plan Strategy. The application is therefore recommended for refusal.

8. RECOMMENDATION

- 8.1 Refuse

9. REASON FOR RECOMMENDATION

1. That the proposed development is considered to represent the erosion of the character and function of the designated existing Green Space Network. Due to its location and scale, the proposal does not meet any of the exception criteria highlighted within Green Belt policy. Furthermore, the proposed access road is not considered to be essential infrastructure. As such, the development is contrary to Policy NE1 - Green Space Network and Policy NE2 - Green Belt of the Aberdeen Local Development Plan 2017 and would represent a significant departure from the adopted Development Plan Strategy.
2. That the development would result in the large-scale alteration of the existing rural landscape character of the site and surrounding area, to its detriment. This would harm the strategic landscape framework of the area, which is a key part of the city's setting, especially when viewed from the gateway route of the A93 from the west. As such, the proposal is contrary to Policy D2 - Landscape of the Aberdeen Local Development Plan 2017.
3. That due to its location, which is considered removed from the established area of Peterculter, the proposal does not constitute sustainable development and sufficient measures have not been taken to maximise opportunities for sustainable and active travel and to minimise the use of the private car. As such the development is considered contrary

to Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017.

4. That the proposed access road and junction from the B979 would result in the unacceptable loss of a significant area of Ancient Woodland and a substantial number of trees that are protected by Tree Preservation Order 256 located within the application boundary. Sufficient acceptable mitigation has not been proposed. The proposal is accordingly considered contrary to Policy NE5 - Trees and Woodland of the Aberdeen Local Development Plan 2017 and Policy NE5 - Trees and Woodland of the Proposed Aberdeen Local Development Plan 2020.
5. That the proposed access road and junction from the B979, due to the related loss of a significant area of Ancient Woodland and trees covered by a Tree Preservation Order, would adversely impact on the natural heritage and ecological integrity of the site. Sufficient acceptable mitigation has not been proposed. The proposal is accordingly contrary to Policy NE8 - Natural Heritage of the Aberdeen Local Development Plan 2017 Policy NE3 - Our Natural Heritage of the Proposed Aberdeen Local Development Plan 2020.

10. CONDITIONS IN THE EVENT OF A WILLINGNESS TO APPROVE

10.1 If the Committee is minded to give a willingness to approve the application, it is recommended that this should be subject to a legal agreement to ensure payment of the required developer obligations and to secure the associated affordable housing provisions as contained within the Development Obligations response. It is also recommended that conditions should be attached to any grant of planning permission in relation to the following items:

- Full details of the layout of the site and elevational details of any dwelling or building, as well as the materials proposed to be used;
- Details of the community facilities;
- Full details of the proposed access to Malcolm Road, internal road and footpath layouts, including pedestrian crossing points, parking (vehicle & cycle) provision and EV charge points in line with Roads Development Management Team comments;
- Residential Travel Pack;
- Safe Routes to School;
- Details of the interaction with the existing watercourses;
- A full Drainage Impact Assessment, including details of the SUDs basins;
- A full landscaping scheme, with detail of hard and soft landscaping as well as an implementation and mitigation plan;
- Play facilities details;
- A Programme of Archaeological Works;
- Full details of waste provision and collection;
- Low & zero carbon technologies and Water efficiency measures;
- Tree Protection Measures;
- Full details of compensatory planting;
- Full details of ecology mitigation – wildlife corridors, badger tunnels, bat boxes etc.
- External lighting;
- Construction Environment Management Plan; and
- Limiting the development near the Buckler Burn and details of the development near the Burn adjacent Malcolm Road.

Please note this list is not exhaustive.

Planning Development Management Committee

Proposal: Residential Development (24 Houses)

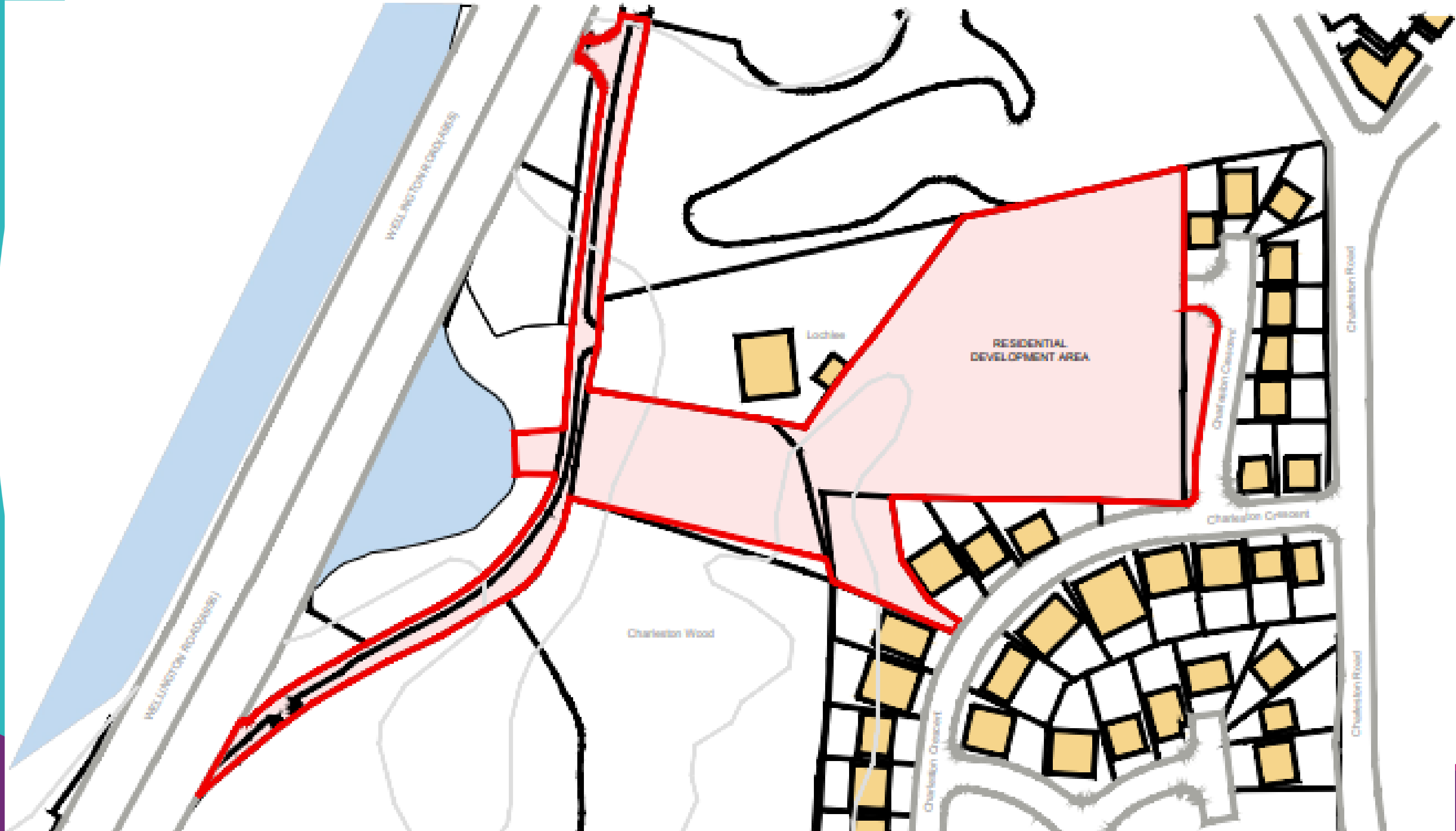
Address: Heatherly, Wellington Rd, Cove

Application Reference: 211072/PPP

Aerial View / Context (Google Image)



Location Plan



Aerial View (main site habitat survey area : Google Image)

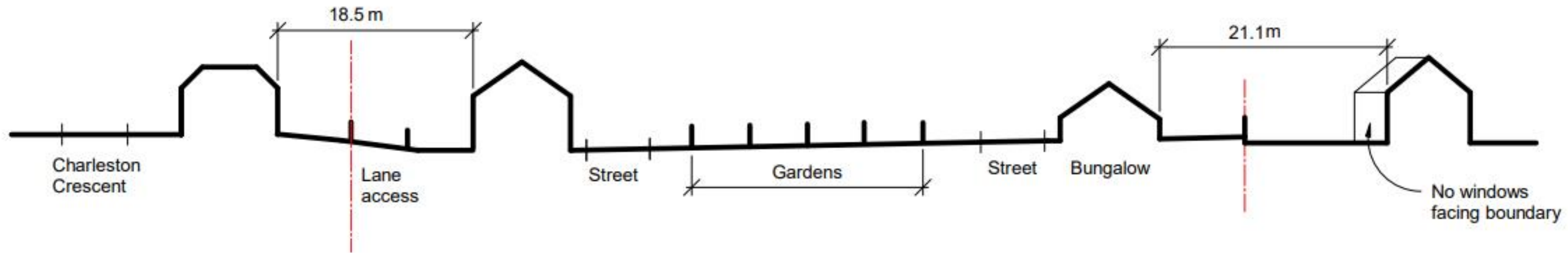
BON ACCORD



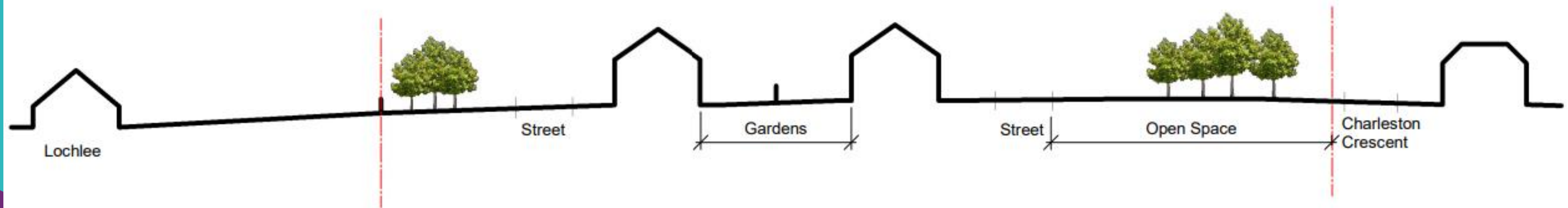
Indicative Site Layout



Indicative Site Sections



Section A-A

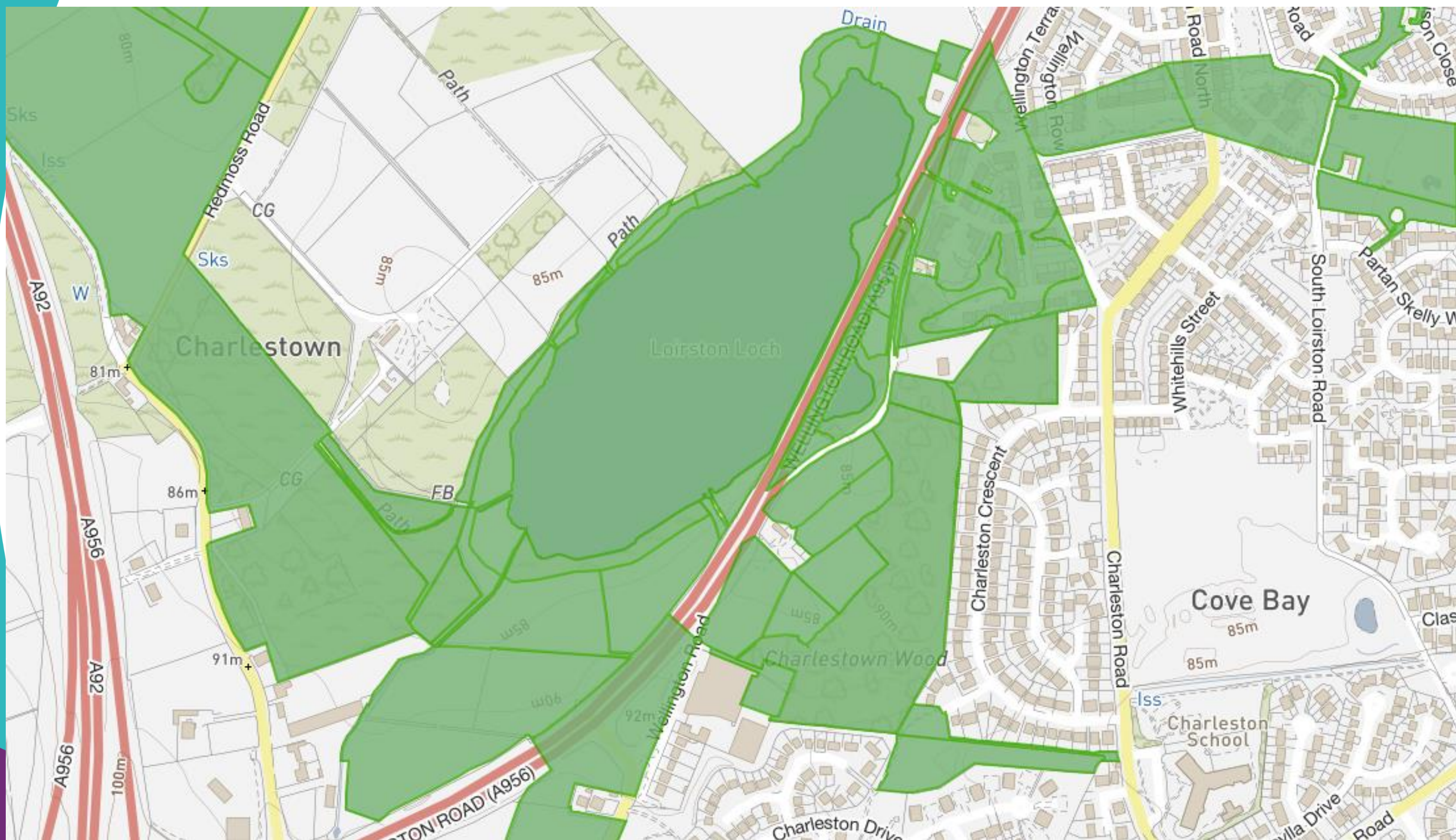


Section B-B

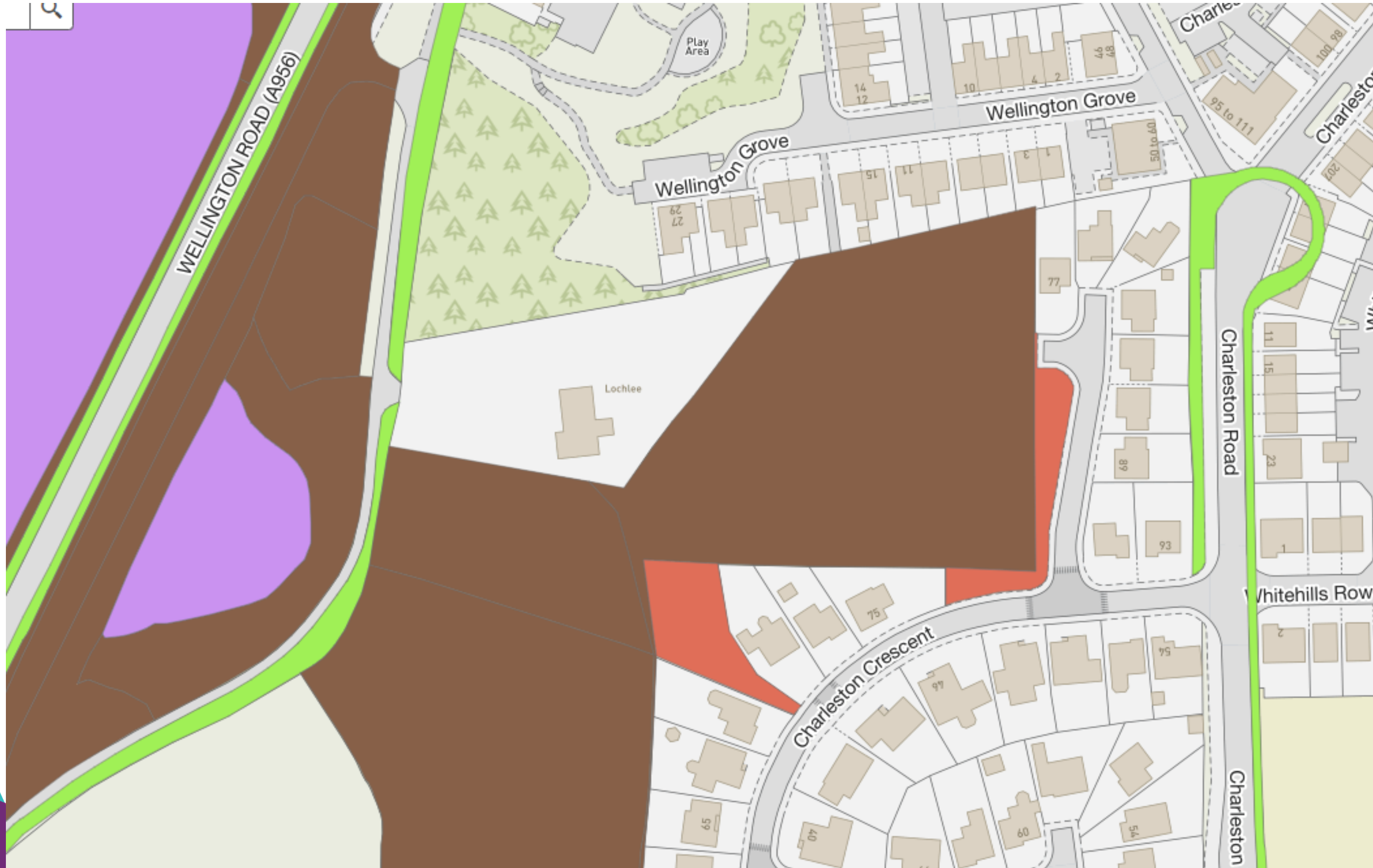
Context Map - Loirston Loch LNCS extent : ACC GIS



Greenspace Network Extent : ACC GIS



Open Space Map (2010 Audit): ACC GIS



Habitat Survey (Ecology Report Extract)



Figure 3. Map of site showing Phase 1 habitats.

3D Perspective from South: Google Image



3D Perspective from East : Google Image



3D Perspective From North: Google Image



View into site from Charleston Cres. (Google Image)



View South from site to existing housing

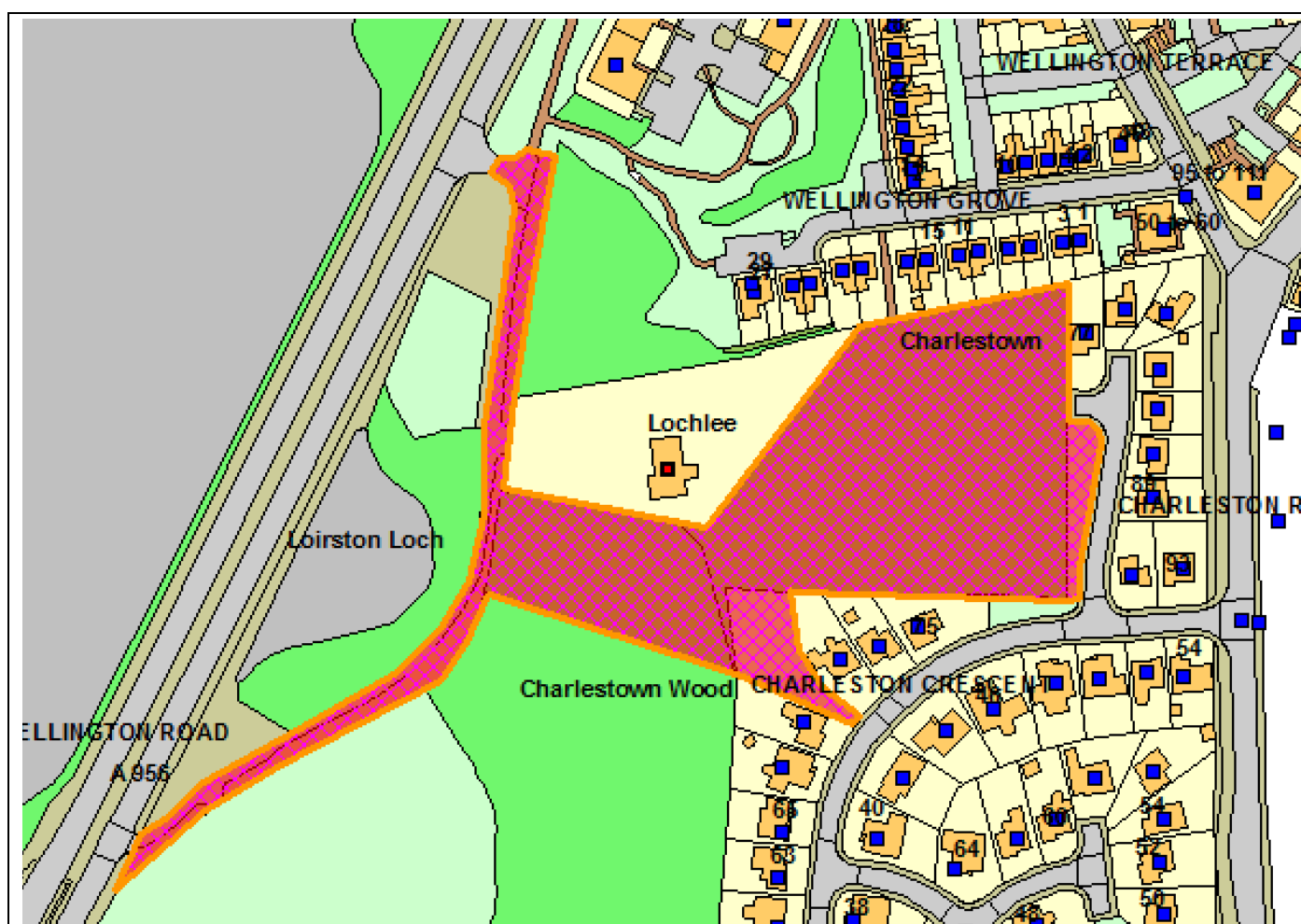


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25th August 2022

Site Address:	Heatherly, Wellington Road, Aberdeen, AB12 3LJ
Application Description:	Residential development (up to 24 two storey units) with amended access, open space and ancillary infrastructure
Application Ref:	211072/PPP
Application Type	Planning Permission in Principle
Application Date:	11 August 2021
Applicant:	Robert Duncan and Sheila Harrison
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove and Altens
Case Officer:	Robert Forbes



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

This 1.5ha site comprises open space which forms part of a wider area of woodland (Charleston Wood), and adjacent land. There are areas of regenerating willow scrub and unmaintained grass / scrub on parts of the main eastern area of the site, which was previously subject to historic quarrying and land raising / infilling. The western part of the site contains some larger trees which are remnants of a more extensive historic woodland area and may have been associated with the historic use of part of this area as garden ground associated with a demolished detached house (Heatherly). The southern and eastern fringes of the eastern part of the site also contains areas of grassed amenity space which were laid out as part of an adjacent suburban housing development and contain no planting. The site also comprises the carriageway and verge of Old Wellington Road, which is accessed from Wellington Road and forms the eastern edge of Loirston Loch Local Nature Conservation Site (LNCS). The main eastern part of the site is relatively level and elevated above the surface level of the loch. The western section of the site slopes towards the loch. There are no core paths or rights of way within the site.

Wellington Grove comprises 2 storey semi-detached houses and a block of 3 storey flats. The rear of the houses faces directly to the site. The houses on Charleston Crescent are a mix of 2 storey detached houses and bungalows. To the north-west of the site is a detached house (Lochlee) which is accessed via Old Wellington Road and is oriented east-west.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought to develop 24 houses (3- and 4-bedroom units) and associated works. No flats are proposed. The indicative layout shows a mix of detached, semi-detached and terraced houses. All houses would have private gardens, although those associated with the terraced houses would be of restricted size. The Planning Statement states there would be a mix of private and 25% affordable houses.

Vehicle access is proposed from the existing adjacent residential development to the east (Charleston Crescent) with the housing restricted to the eastern part of the site.

A total of 2,084 square metres of open space is proposed at the east and west edges of the housing area. Although public open space is proposed as part of the development, no formal recreational open space (e.g. sports pitches / facilities or allotments) are proposed. Open SUDS features (detention basins) would be significant elements of the open space within the eastern part of the site. The western part of the site would remain undeveloped with public access provided by a path link. This would provide a potential pedestrian link to Old Wellington Road to the west of the site. No direct pedestrian access link is proposed to the housing development to the north of the site (Wellington Grove).

Amendments

Reduction in the number of houses proposed from 27 to 24 and amended vehicle access point to Charleston Crescent (instead of Old Wellington Road). Revised housing layout and development mix.

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=QWWK11BZM2H00>

- Planning Statement
- Drainage Impact Assessment (DIA)
- Noise Impact Assessment (NIA)
- Transport Statement (TS)
- Tree Report
- Ecological Survey
- Geotechnical Summary
- Grampian Housing Letter

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received.

CONSULTATIONS

ACC - Contaminated Land Team – Advise that the site may have been subject to historic land filling. Note that no environmental risk assessment has been undertaken and that reliance is placed on removal of made ground to make the site suitable for its future use (residential). Currently, it is unclear how the made ground is to be removed and the foreign debris (“non-inert material”) segregated. Recommend that an environmental risk assessment is undertaken in order to establish if the site would be suitable for the proposed end use.

ACC - Environmental Health – No objection. Advise that the NIA is accepted subject to implementation of recommended noise mitigation measures.

ACC - Roads Development Management Team – No objection. Note that a TS has been submitted and the revised indicative layout proposes to take vehicular access via Charleston Crescent, which is acceptable in principle. Advise that no off-site junction assessment / road upgrade works are needed. Advise that the proposed indicative internal road layout, which shows areas of shared surface and conventional road with segregated pavement, is acceptable in principle. Advise that further details of on-site car parking provision / design are required. Note that Charleston Road is served by regular bus services. Given the planning permission in principle nature of this application, the exact layout and design of internal layout, access, parking, drainage and servicing shall be purified via future Matters Specified in Conditions (MSC) applications and appropriate conditions. Submission of a residential travel plan should also be conditioned. No car club contribution is requested.

ACC - Housing – No objection. Advise that ALDP Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more. For developments of 20 units or more, the expectation is that the affordable housing will be delivered on-site. Social rented accommodation is in greatest need; therefore, the affordable housing provision should be 6 units provided on-site as social rent. The developer should enter into early discussions with a RSL regarding the purchase of these units as social rent.

ACC - Schools Estates Team – No objection. The 2018 School Roll Forecasts show that Charleston School has a rising roll and is expected to exceed capacity. Factoring the proposed dwelling units into the 2018 school roll forecast for Charleston School shows that the development will result in a maximum additional over capacity level of 7 pupils. A contribution is therefore required, to be used either for the reconfiguration of Charleston School, to create sufficient additional space to accommodate pupils from the development, or to be used towards the cost of the construction of

the proposed new school, should the new school be likely to be in place prior to Charleston School exceeding its capacity.

ACC - Developer Obligations – Advise that contributions are required in relation to upgrades of the core path network (£10,044), primary education (£18,445), healthcare (£15,579), open space (£4,941) and community facilities (£49,370).

ACC - Land and Property Assets – No objection.

Scottish Water – No objection. Advise that there is currently sufficient capacity for a foul only connection in the Nigg Wastewater Treatment works to service the development. For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. The proposed development will be fed from Invercannie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently.

North East Scotland Biological Records Centre – No species records for the site. Note that the site lies close to Loirston Loch, one of the largest bodies of water in the district. That site consists of open water, reed beds and marshy grassland and is important for overwintering wildfowl. Bats are present in the wider area.

Scottish Forestry – No comment. Advise that the application should be determined in accordance with local and national policy in relation to development in woodland, together with related policy guidance.

Cove and Altens Community Council – Object on the basis of the lack of a masterplan for cove bay and the following specific reasons:

- Inadequate vehicle access
- Inadequate pedestrian accessibility
- Loss of mature trees
- Adverse impact on greenspace network / biodiversity / scrub
- Loss of wildlife habitat
- Unsuitable vehicle access from Wellington Road
- Need for enhanced street lighting
- Access from Charleston Crescent results in loss of greenspace / amenity area
- Speculative development contrary to ALDP policy
- Lack of need for more housing in the area

REPRESENTATIONS

A total of 17 objections have been received from nearby residents raising the following matters: -

- Site is understood to be within the green belt / a nature reserve. Assurance was made at time of existing adjacent housing development that land would not be built on.
- Inadequate information regarding proposed layout.
- Loss of privacy / overlooking impact on adjacent housing (e.g. due to elevated site levels).
- Traffic generation / road safety concerns.
- Proposed access (via Wellington Rd) would cause disturbance and traffic noise and create a vehicular short cut through a residential area.
- Potential impact on a play park due to vehicle access via Wellington Road.
- Proposed road access to the west is onto a popular walking / cycling route.

- Noise and dust generation during construction.
- Poor connectivity to Lochside Academy / adverse impact on safe routes to school due to increased traffic.
- Adverse impact on school capacity.
- Loss of recreational / green space.
- Loss of mature trees.
- Adverse climate change impact due to loss of green space.
- Potential impact on deer, foxes and birds / other wildlife (e.g. loss of nesting sites).
- Lack of amenities and green space in area.
- Further housing development not needed in the area.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) is a relevant consideration in the determination of all planning applications. It expresses a presumption in favour of development which contributes to sustainable development.

Scottish Government Control of Woodland Removal Policy (COWRP) sets out national policy for woodland / forestry and its potential removal when affected by development. Its guiding principles are that:

1. There is a strong presumption in favour of protecting Scotland's woodland resources. In line with Scottish Government's wider objective to protect and expand Scotland's woodland cover, applicants are expected to develop their proposal with minimal woodland removal. The first consideration for all woodland removal decisions should be whether the underlying purpose of the proposals can reasonably be met without resorting to woodland removal. Where woodland removal is justified, the compensatory planting (CP) area must exceed the area of woodland removed to compensate for the loss of environmental value.

2. Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for CP may form part of this balance. The proposal for CP should be judged in light of 1 above.

3. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits.

PAN 33: Contaminated Land (2017) provides advice on the implications of the contaminated land regime for the planning system.

PAN 67: Housing Quality (2003)

PAN 68: Design Statements (2003)

PAN75: Planning for Transport (2005)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The current SDP was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The ALDP is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. Formal examination of it has commenced, with reporters appointed. Material consideration will be given to the Proposed Aberdeen Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given that the ALDP is beyond its five-year review period, consideration, where relevant, should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following ALDP policies are relevant –

H1: Residential Areas
 H3: Density
 H5: Affordable Housing
 D1: Quality Placemaking by Design
 D2: Landscape
 I1: Infrastructure Delivery & Planning Obligations
 NE1: Green Space Network
 NE3: Urban Green Space
 NE4: Open Space Provision in New Development
 NE5: Trees and Woodland
 NE6: Flooding, Drainage & Water Quality
 NE8: Natural Heritage
 NE9: Access and Informal Recreation
 R2: Degraded & Contaminated Land
 R6: Waste Management Requirements for New Development
 R7: Low & Zero Carbon Buildings & Water Efficiency
 T2: Managing the Transport Impact of Development
 T3: Sustainable and Active Travel
 CI1: Digital Infrastructure

ALDP Supplementary Guidance (SG) and Technical Advice Notes (TAN)

Affordable Housing SG
 Flooding, Drainage and Water Quality SG
 Green Space Network and Open Space SG
 Landscape SG
 Natural Heritage SG
 Planning Obligations SG
 Resources for New Development SG

Transport and Accessibility SG
 Trees and Woodlands SG
 Loirston Development Framework APG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the PALDP and their 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: H1- Residential Areas; H3- Density; H4- Housing Mix and Need; H5- Affordable Housing; NE2 – Green and Blue Infrastructure; NE3- Our Natural Heritage; NE4-Our Water Environment; NE5- Trees and Woodland; D1- Quality Placemaking; D2- Amenity; D5- Landscape design; R2- Degraded and Contaminated Land; R5 - Waste Management Requirements for New Development; R6- Low and Zero Carbon Buildings and Water Efficiency; R8- Heat Networks; I1 - Infrastructure Delivery and Planning Obligations; T2 -Sustainable Transport; T3- Parking; CI1- Digital Infrastructure.

Other Material Considerations

Scottish Government Climate Change Plan 2018 - 2032 (CCP)

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA).

ACC Open Space Audit 2010.

EVALUATION

Principle of Development

Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. The ALDP is not prescriptive regarding the end uses of the site. It zones the eastern part of the site within a general residential area, as distinct from the western section which lies within an open space area. Although the eastern part of the site lies within a general residential zoning, not all land within such a general zoning requires to be built on. The presence of undeveloped green spaces within such areas contributes significantly to their amenity. Furthermore, the site is not identified specifically as an opportunity site for residential or other development within either the ALDP or the PALDP. There is no historic or valid planning permission for its development for residential or any other purpose. Thus, the principle of development of the application site for housing has not previously been accepted. In light of the loss of woodland and open space resulting from the development, the proposal would not accord with the presumption in favour of development which contributes to sustainable development as expressed in SPP and the wider objective of woodland expansion as expressed in the CCP. The specific policy matters raised by the proposal are addressed below.

Housing Land Supply

Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market, which has become volatile. The application is essentially a speculative proposal which would potentially deliver 6 affordable houses and thus would have no significant effect on affordable housing supply. It is considered that wider housing need will be met by existing approved sites, identified on a city-wide basis for housing development through the statutory planning process and through the development of appropriate windfall sites. Given that there is no identified shortfall in housing land, as there are many allocated / partly developed housing sites for development of the nature envisaged by the proposal development, including other greenfield sites in similar suburban locations, there is considered to be no basis for approval of the development on the basis of housing land supply. Although the ALDP is now over 5 years old, the PALDP is at an advanced stage of progress and identifies major sites for residential (housing) development in the area, including nearby land at Cove, Stationfields, and Loirston, all of which are being implemented. It is considered that there is no shortfall in the supply of land for residential development within the Aberdeen area that may justify setting aside the expectations of the ALDP.

Contaminated Land

PAN 33 states that *“Where development is to take place on contaminated land, a key element of the 'suitable for use' approach is to ensure that land is made suitable for the proposed new use (or other uses allowed under the Use Classes Order); this is the responsibility of the planning authority. Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal.”*

Due to historic landfilling on the eastern part of the site (where the housing is proposed) and in the wider area, there is a risk that ground may have been contaminated and it is unclear to what extent this results in risk to human health, the wider environment and the proposed residential end use of the site. Whilst a geotechnical summary has been provided and it is known that remediation has taken place in relation to adjacent housing development, a significant level of uncertainty remains. The conclusion of the geotechnical summary is that the made ground within the eastern part of the site, where the housing is proposed is “not suitable to construct a new housing development”. The degree of site investigation undertaken does not therefore provide sufficient clarity to conclude that a condition requiring remediation would sufficiently address the expectations of ALDP policy R2. There is also a need to ensure that any remediation works do not result in impact on the water environment, particularly given that the site drains towards Loirston Loch. It is therefore considered appropriate that a precautionary approach to development is applied in this instance.

Impact on Existing Amenity

The submitted NIA has been reviewed and is considered to demonstrate that suitable mitigation measures could be implemented on site by condition in order to protect occupants from external noise disturbance (e.g. traffic noise). The proposed end use results in no insurmountable adverse noise impact on existing residents. Although there would be a degree of noise / dust impact and disturbance during construction, such impacts would be transient and do not warrant refusal.

Notwithstanding that residential use is in theory compatible with adjacent uses, the proposed open space and limited potential for planting within the site, it is considered that the overall loss of the existing open space within the site would result in an overall negative impact on the amenity of the wider area. The presence of the existing open space is a positive asset which is enjoyed by existing residents and contributes positively to the amenity of the wider area. Its removal and the urbanisation of the east part of the site would significantly erode the wooded character of the site.

Noting that the site layout and section drawings are stated as being ‘indicative’, the suggested site layout shows proposed buildings at the north and south edges of the site which result in privacy

concerns due to possible overlooking of existing houses. There would be around 18m separation from the closest existing facing house windows. Existing private gardens, which would be around 9m away, would potentially be overlooked at close proximity. Given the existing open space / open context of such houses, and the absence of any adjacent housing to the north, this is considered to be a significant impact. The rear upper floor windows of the proposed terraced houses at the south edge of the site would directly overlook the private garden ground of the detached houses at 71-75 Charleston Crescent. It is noted that these properties currently benefit from an open aspect over the site which contributes to their amenity. Given the two storey, terraced nature of such proposed houses and the requirement to provide daylighting to rooms it is considered that this impact could not readily be resolved by use of a condition, notwithstanding that the layout is indicative, as a similar amenity concern exists at the north edge of the site and the scale of development is such that the terraced houses could not be acceptably relocated within the east part of the site. Due to the limited size of the proposed rear gardens of the terraced houses, the absence of a strategic landscaping buffer, and the expectation of occupants of the proposed houses for sunlight penetration, it is considered that the overlooking concern could not be adequately addressed by imposition of a condition requiring screen planting. It is therefore considered that the indicative site layout does not demonstrate that the amenity concerns resulting from the proposed mixed housing development can be adequately mitigated. The proposal is therefore considered to result in likely adverse impact on the amenity of the occupants of existing houses.

A similar privacy concern exists with the relationship of the development with the 2-storey housing on Wellington Terrace to the north of the site. However, the proposed houses would be lower density and do not include terraced units. It is therefore considered that this impact could reasonably be addressed by imposing a condition requiring that all houses at the north edge of the site are bungalows, notwithstanding that the indicative layout and section shows that some of these units would be 2 storey. Whilst there would be a limited degree of shadow cast and loss of direct sunlight to adjacent residents to the north (particularly during the winter) due to the limited height of the buildings and the spacing between buildings, it is considered that this would not fundamentally compromise existing amenity.

As regards the impact on the houses to the east of the site on Charleston Crescent and the detached house to the west of the site, it is considered that the indicative layout and section demonstrates that the proposed houses would be sufficiently distant from the existing houses that there would be no impact on their privacy, sunlighting or daylighting. The proposed layout would allow scope for some intervening tree / shrub planting to provide suitable softening of the development. The proposed open space area at the eastern site frontage would afford some opportunity for enhancement by tree and shrub planting, albeit the extent of this would be constrained by the proposed SUDS feature.

Design Considerations

As the proposal is for planning permission in principle, limited information has been submitted to enable assessment relative to the expectations of ALDP policy D1 and D2. The general scale form and massing of the development would be in keeping with the modern housing development to the north of the site but would be of a significantly higher density than that of the adjacent suburban housing to the south and east of the site. The amenity aspects of this are considered above. Notwithstanding the expectations of ALDP policy H3 regarding housing density, the proposed use of terraced housing at the southern edge of the site is considered to result in an adverse impact on existing amenity such that the proposed layout / density is considered to be problematic.

Greenspace Impact

The site forms part of the greenspace network which is designated by the Council as an ecological resource. It is accepted that parts of the wider network have been developed to the north of the site for housing development, as highlighted in the supporting Planning Statement. However, in contrast with the current application, that was as a result of designation of such land as a specific opportunity

for residential development through the local development plan process.

The supporting Planning Statement claims that the role of the greenspace designation at the site is solely to provide an ecological link from Charleston Wood to Loirston Green. However, irrespective of its potential role as an ecological corridor, the site has intrinsic value as a greenspace, positive landscape asset, green lung and potential wildlife habitat. The development would erode this role by significantly reducing the extent of Charleston Wood and its associated value.

As the proposal would result in erosion of the physical extent of the green space network and reduction of its ecological, wildlife and landscape value, it would directly conflict with ALDP policy NE1. It is considered that this impact could not be adequately addressed by use of conditions or developer contributions towards off site greenspace / open space enhancement given the extent of woodland loss.

Open Space Impact

The proposal would result in a reduction in the extent of open space within the Cove area and, conversely, an increase in the demand for open space. The site has been identified as open space within the ACC Open Space Audit and forms part of a larger area that was historically amenity woodland. The space is identified in the Audit as an area of Semi-Natural Space. This is defined by PAN 65 as:

“Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas. “

Whilst it is accepted that there is a significant amount of open space within the wider Cove area, much of that consists of close mown grass, with no significant vegetation and therefore limited value as a wildlife resource, in contrast with the scrubland / woodland nature of the site.

On the basis of the public comments provided in the representations the site is valued by local residents as an undeveloped informal wildlife area (albeit it is undesignated, unmaintained and has no formal public access paths). It is also noted that the ecology report states that there is a large number of dog walkers using the site of the proposed housing area, presumably for recreational purposes, thereby evidencing that it is used. As the proposal results in the loss of urban green space and no replacement green space is proposed outwith the site in the locality, it directly conflicts with ALDP policy NE3.

It is considered that the proposed houses could potentially be provided on an alternative site (e.g. part of the allocated housing site nearby at Loirston) thereby avoiding the loss of open space within the site.

Although the indicative layout plan shows that significant open space could potentially be provided within the site, in accordance with the expectations of ALDP policy NE4, and delivery of such within the site could be conditioned, the usability of significant parts would be compromised due to the proposed SUDS features. It is noted that no formal recreational open space (e.g. sports pitches / facilities or allotments) are proposed. Although this deficiency could in part be met by developer obligations, the scale of open space contribution (less than £5,000) would have limited effect.

Tree / Woodland Impact

The submitted tree survey notes that the development would result in loss of all tree groups within the eastern part of the site. These primarily comprise 4 individual groups of scrub willow (7-9m high).

It is noted that much of the historic ancient woodland at Cove has been lost, such that surviving fragments arguably have increased value as “wild” spaces. Whilst the site contains no protected

trees, is not included within the ancient woodland inventory and the eastern part of the site contains no mature trees, it does contain significant groups of actively regenerating scrub woodland which are of aesthetic and amenity value, both to existing adjoining residents which overlook the site and as a general public asset. The loss of such woodland is contrary to the objective of SPP, ALDP policy NE5 and the Council's wider ambitions to expand woodland cover within the city, particularly given the historic woodland cover which existed at the site.

Although there would be limited scope for provision of some replacement tree planting within the proposed development and on the grassed areas at the south and east edges of the site, which may partly address the loss of woodland, no mitigatory planting proposals have been provided. Such limited replacement planting would not address wider concerns regarding the substantive woodland loss and overall reduction in the extent of Charleston Wood. Furthermore, the proximity of existing / proposed houses would be likely to constrain the potential scope and nature of such planting.

In terms of COWPR, the proposal is considered as a change of use, from woodland to an urban use. No justification for woodland removal has been provided and the nature of development does not justify the loss of woodland. The COWRP expresses a presumption in favour of protecting Scotland's woodland resources. The biodiversity interest of the site is considered below. Under the guiding principles of the COWRP, woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting (CP) may form part of this balance. The guidance states that woodland removal, with CP, is most likely to be appropriate where it would contribute significantly to:

- helping Scotland mitigate and adapt to climate change;
- enhancing sustainable economic growth or rural / community development;
- supporting Scotland as a tourist destination;
- encouraging recreational activities and public enjoyment of the outdoor environment;
- reducing natural threats to forests or other land; or
- increasing the social, economic or environmental quality of Scotland's woodland cover.

In this case, there would be no climate change benefit, as woodland removal has a negative carbon footprint and the works are not required for climate adaptation. The works do not relate to community development and are not located in a remote rural area. The works do not relate to reducing threats to forests or increasing the social, economic or environmental quality of Scotland's woodland cover. The proposed use would not be a rural economic development and does not relate to tourism or encouraging recreational activities and public enjoyment of the outdoor environment. Thus, the proposal does not satisfy the above criteria and is contrary to ALDP policy NE5. There would be no significant additional economic or public benefit and the development is not considered to outweigh the conflict with COWRP and ALDP policy NE5. Loss of woodland would also conflict with the climate change mitigation objectives of SPP given the carbon sequestration benefits of woodland.

It is noted that there is a general lack of woodland within the wider Cove area. The continued presence of woodland within the application site is therefore of importance and would be eroded by the development. It is considered that the proposed houses could potentially be provided on an alternative site (e.g. part of the allocated housing site nearby at Loirston) thereby avoiding the loss of woodland within the site.

Drainage / Flood Risk

It is noted that foul drainage from the development would connect to the existing public sewer and Scottish Water have confirmed that adequate foul drainage capacity exists. Thus, there is no basis for refusal of the proposal on grounds of foul waste capacity / generation or conflict with that aspect of policy NE6.

The submitted DIA states that due to the topography of the site it does not appear to be susceptible

to flooding. However, part of the east of the site, where the housing is proposed, is identified as being at medium risk of surface water flooding (i.e. 1 in 200 year flood risk area) within the SEPA flood risk maps. As the proposal is not a major development and does not lie within an area at risk of river / coastal flooding, consultation with SEPA site is not required in this instance. However, as the proposal would result in an increase in the number of buildings at potential risk of flooding and no flood risk assessment (FRA) has been submitted, the proposal would conflict with ALDP policy NE6.

The proposal would result in a significant increase in the extent of building and hard surfacing within the site (e.g. roads and driveways) relative to the existing situation and thus an increased risk of surface water flooding / pollution (e.g. during construction works and associated with the proposed urban use / parking areas). The submitted DIA has been assessed by ACC Roads, in relation to possible impact on roads, and they accept its recommendations. Surface water SUDS features are proposed within the proposed open space areas within the east part of the site and in the form of porous paving. The proposed SUDS features would increase the surface water storage capacity on site and the DIA claims that this will improve the current potential flooding situation. and would be adequate to address the risk of surface water flooding to occupants of the development and adjacent land. However, in the absence of a specific FRA for this site, this remains to be demonstrated. Furthermore, the DIA shows that overland surface water flood flow would be to Loirston Loch, such that there would be a degree of risk of pollution to the Loch during certain extreme flood events resulting from the change of use, relative to the existing undeveloped nature of the site (e.g. in the event that the surface water storage capacity proposed on site is inadequate).

Whilst a condition could be imposed to ensure that appropriate SUDS measures are implemented on site in accordance with the sustainability objectives and in order to minimise risk of surface water pollution discharge to Loirston Loch, it cannot therefore be concluded that the development would not adversely impact of the water quality at the Loch. Thus, there remains tension with this aspect of policy NE6 and related SG. The potential ecological risks associated with such pollution are considered below.

Natural Heritage Impact

Although no detailed ecological survey has been submitted in support of the application, an ecology report has been submitted on the basis of a site survey undertaken during one day in August 2011, outwith the bird breeding season. It is noted that the report only considers some direct habitat impacts resulting from the development and does not consider possible longer term indirect impacts such as increased risk of surface water pollution, increased disturbance to wildlife due to increased pet ownership and use of domestic chemicals (e.g. herbicides / pesticides), direct impact during construction and associated with site excavation / off site soil disposal and the potential path linkage works to Old Wellington Road, including street lighting. The report makes no recommendation for compensatory woodland creation.

It is noted that the site contains no designated sites of wildlife value and is not designated as a nature conservation area. It does, however, lie adjacent to Loirston Loch LNCS. Given the distance of the proposed development area within the site from Loirston Loch, the revised access proposal, the presence of intervening trees / woodland / main road and that there are adjacent housing developments of similar scale and greater height, it is considered that the development would not adversely impact on the use of that designated site as an overwintering area for birds. It would not impact on the flight paths into the loch for waders / geese or other large birds or otherwise directly impact on their associated habitat. Given the presence of a major road (A956) which has been constructed within the LNCS and severs the eastern section of Loirston Loch, and the presence of nearby housing development, the physical context of Loirston Loch has been subject to significant urbanisation. It is therefore likely that the section of the LNCS closest to the development, which has been severed by Wellington Road, is of more limited wildlife interest and the development would not fundamentally compromise that interest.

The information provided by Nesbrec does not indicate a high degree of wider sensitivity or the likely presence of protected species within the main part of the application site where the housing is proposed. It does, however, indicate that many bird species and bats are present in the area. The loss of the willow scrub and ruderal vegetation would result in a loss of habitat which is likely to be used by certain bird species (e.g. warblers and common garden birds). Although bats may be present in the surrounding area, there are no Nesbrec records of bat sightings at the site. The submitted ecology report has assessed the suitability of the site for relevant protected mammals and states that no evidence of their presence was found. The willow scrub on the site and other surveyed trees are considered to have no bat roosting potential. It is therefore considered unreasonable to require a more detailed bat survey in this instance. It is noted that foxes and deer are not a protected species and thus no surveys can reasonably be required. The presence of foxes and deer in the area is not evidenced by Nesbrec records. Although they may be present in the site and in the surrounding area, the mixed woodland area on the western part of the main site area would be unaffected by the works (other than due to proposed path works).

A condition could be imposed to ensure that appropriate tree protection, ecological enhancement measures suggested in the ecology report and soft planting are implemented on the site in order to mitigate the development impact. Incorporation of suitable nesting boxes within the buildings and on the site would also be appropriate. However, overall, the development would result in a likely net ecological detriment due to the loss of existing undeveloped areas / woodland / scrub habitat and further fragmentation of Charleston Wood as a woodland habitat. Its potential long-term value as an ecological resource and woodland area would also be reduced as, in the long term, the unmaintained sporadic scrub area is likely to revert to more mature woodland. The development would therefore not be in accordance with the objective of ALDP policy NE8 and related guidance.

Given the deficiencies of the ecology report and supporting information and the absence of proposals for substantive compensatory woodland creation, it is considered that the proposal would have a negative long-term impact on the ecology of the area.

Traffic Impact

The submitted TS has been reviewed by ACC Roads service who have no objection to the development and do not require off site road works. Given the limited scale of the development it is accepted that the vehicle traffic generation associated with the use would have a limited impact and can be accommodated on the existing network. It is accepted that the development would result in increased motor vehicle traffic using Charleston Crescent, particularly increased use of the cul de sac at its northern end. However, no road safety concerns have been raised by ACC Roads. The development would not prejudice potential access by fire services to existing houses.

It is considered that the development would have adequate connectivity to existing public transport on Charleston Road which provides a regular bus connection to the city centre (First bus route 3).

Active Travel Connections / Safe Routes to School

PAN 75 states that:

“34. All new and re-development proposals should be designed for safety and the convenience of all users. Good design and layout of a development can significantly improve the ease of access by non-car modes.”

The TS states that in terms of sustainable travel, the site “integrates well with the surrounding residential area”. However, that conclusion is not reflected by the proposal as submitted.

The safe routes to school assessment within the TS is significantly deficient as it does not consider the need for pedestrian and cycle connectivity to Lochside Academy. Whilst there would be potential

for active travel connection to Old Wellington Road, no such formal path link is proposed by the TS as part of the development, and this is not shown on the submitted layout plan. The TS refers to a potential informal pedestrian connection using this route. However, given the need to provide a safe cycle and walking route to Lochside Academy (to the north of the site) and the absence of any existing or proposed direct path linkage to the north (via both Old Wellington Road and Wellington Grove) it is considered that the sustainable transport findings of the TS are overstated. There would also be a requirement to provide lighting on Old Wellington Road to enhance its safety and this is not addressed in the TS. Although there is a tarred path running from Wellington Grove to the site boundary, it is not proposed to link to it. It is unclear that the applicant would have a right to connect onto it as it is not adopted by the Council. In order to enable pedestrian and cycle access and disincentivise car use, both such links are necessary. It is considered that the deficiencies of the physical path linkage identified above would not be addressed by use of a residential travel pack as referred to in the TS. A revised layout and TS would be required to address such concerns. In the absence of proposals for the physical delivery of such linkage, it is considered that the approval of the development would conflict with ALDP policy T3 and result in undue car usage.

Whilst there would be potential to create path links, limited information has been provided that adequate pedestrian and cycle connections could be provided to accord with the expectation of ALDP policy T3. In particular, it is unclear that a direct pedestrian and cycle link to the residential development to the north of the site, which provides the most direct route to existing supporting retail / other facilities could be achieved. Whilst it would be possible to condition the provision of pedestrian connections to the roads to the west, south and east of the site, it is apparent that no direct connection to the north of the site is proposed. The proposed layout would prejudice the creation of such a link. Thus, there would be clear conflict with the objectives of ALDP policy T3 and SPP. Whilst revision of the layout to include such linkage may be possible, that would reduce the development capacity of the site.

It is accepted that a condition could be imposed to require a new pedestrian / cycle route connecting to Old Wellington Road in accordance with the objective of ALDP policy NE9, although the submitted layout does not show such a link path. It is noted that Old Wellington Road does not form part of the designated cycle network however, it is likely that occupants of the site would opt to use it rather than the footway immediately adjacent to Wellington Road, as that experiences heavy traffic flows and is thus not attractive.

Vehicle Access / Servicing

The proposal has been amended to address safety concerns regarding use of Old Wellington Road as a vehicle access, which is not now proposed, and avoid the potential creation of a vehicle connection through the site from Wellington Road to Charleston Crescent. Whilst the proposed access from the east is considered to address safety concerns and is acceptable in principle to ACC Roads, alternative access albeit it would have an impact on an existing grassed open space area within the adjacent housing development which is used as an informal kick about area. No insurmountable servicing concerns are considered to exist given the potential for turning of large vehicles (e.g. bin lorries) within the site without the need to reverse, subject to creation of a loop road.

Parking

PAN 75 states that:

- “32. For implementation at a local level a zonal approach (to car parking) is recommended. Measures that can influence parking can include:*
- A maximum number of parking spaces being provided, underpinned where appropriate by a minimum to avoid undesirable off-site overspill parking.”*

The indicative layout demonstrates that sufficient provision could be made for residential car and

cycle parking and associated access to accord with the objective of ALDP policy T2. Provision of EV charging infrastructure could also be conditioned. However, the indicative layout demonstrates that roads and car parking would be an overly dominant visual element of the streetscape (e.g. in the vicinity of plots 22-25) and thus there is a degree of tension with the expectations of ALDP policy D1. Notwithstanding that the proposal is for planning permission in principle, this is a relevant design concern. Furthermore, the proposed communal car parking for the proposed terraced housing would be remote from the houses and would therefore potentially be at risk of misuse and may be likely to result in uncontrolled resident vehicle parking close to the house on verges / open space and potential obstruction to pedestrian access and vehicle movement. Amendment of the layout and likely reduction in the extent of open space would be required to address such concerns.

Energy and Water Efficiency

Whilst no indication of likely apparatus or detailed technical information has been submitted in relation to provision of energy and water saving technology on site, as the proposal is for permission in principle and the details of the building design are not known, there would be potential to address these matters by suspensive condition in order to achieve the requirements of ALDP Policy R7 and related SG. Thus, notwithstanding such uncertainty and the general SPP objective of sustainable development, there would be no basis for refusal of the application because of conflict with policy R7.

Other Technical Matters

Whilst the proposed use would generate waste, there would be adequate space for provision of suitably screened waste and recycling bins within the external areas of the site and gardens. Provision of waste and recycling storage within the site could be conditioned in accordance with the expectations of ALDP policy R6 and related SG.

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location adjacent to suburban housing and thus no conflict with ALDP policy CI1. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure, which is delivered by private companies. It is noted that the roll out of full fibre broadband within the city is continuing (in part funded by the Scottish Government) and such services are available in the area. Thus, it would not be reasonable to impose conditions requiring service upgrades. No evidence exists that the development would adversely impact on existing TV reception or other telecommunications signals.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy or guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, as guidance referred to in this policy (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed. Whilst there is no planning policy requirement to consider or ensure electrical or gas connections, given the proximity of the site to existing development, it is presumed that this would not be an insurmountable technical challenge.

Precedent

Whilst the supporting Planning Statement refers to a recently approved planning permission for housing development at Garthdee as a precedent for loss of open space (ref. 210843/DPP) each application must be considered on its merits. That development proposal did not lie adjacent to a LNCS, in contrast with the current proposal. Furthermore, that development was exclusively for affordable (social rented) housing, as opposed to mainstream / mixed tenure housing and was specifically identified as an opportunity site through the PALDP (OP89: Kaimhill Outdoor Centre). Thus, that approval is not considered to establish a directly relevant precedent.

Socio-Economic Considerations

Whilst the development would create a degree of short-term employment during its construction, such economic benefit would not be significant in the context of the wider city region and is not considered to outweigh the adverse impacts identified above. There would be no longer term economic / employment benefits resulting from the proposal. It is recognised that there are limited non-residential supporting uses in immediate area, reflecting its suburban context, and the proposal would increase demand on existing facilities. Setting aside the matter of developer obligations addressed below, the proposed residential use would result in no substantive wider social benefits and would not result in the creation of additional supporting uses which some local residents consider to be deficient. There is no history of planning permission on the site for such development. Whilst a letter has been submitted by Grampian Housing Association it is noted that they have no direct interest in the site or planning application.

Other Concerns Raised in Objection

Concerns raised regarding impacts on trees, wildlife, open space, recreation, pedestrian connectivity / safe routes to school, vehicle access, traffic generation, road safety, school capacity, privacy / overlooking, climate change impact, noise / dust impact during construction, lack of amenities / community facilities are addressed above.

It is accepted that the development is of a speculative nature and has emerged outwith the statutory local development plan process. As the site does not lie within the green belt area as identified in the ALDP, there would be no impact on the extent of the green belt or conflict with related green belt policy. As regards alleged assurances that the site would not be built on, no evidence has been provided. It is presumed that such comments may have been made by developers in relation to adjacent private housing developments. The likely amenity impacts of the development are discussed above.

As the site is not allocated for development in either the ALDP or PALDP, no masterplan or development framework has been developed for the site, in contrast with the nearby Loirston area, development of which is ongoing. The absence of a wider masterplan for the Cove area is not considered to be a relevant consideration given the primacy of the development plan, the advanced stage of the PALDP and the situation regarding housing land supply within the Aberdeen area.

The alleged lack of need for more housing development in the local area is not supported by any specific evidence but conflicts with the HNDA and the expert advice of ACC Housing Service of a continued need for provision of affordable housing. Such alleged lack of need is not a material grounds for refusal of residential development. However, given the scale of existing housing approvals it is anticipated that any such demand would be met by the development of existing allocated sites and does not warrant approval of the development.

Heads of Terms of any Legal Agreement

Adequate physical infrastructure exists to service the development or can be enhanced in accordance with the objective of ALDP policy I1. In order to address the matters raised by the developer obligations consultee, any approval would require to be deferred pending the conclusion of a legal agreement with the Council. Such agreement would be required to address contribution requirements towards core path network (£10,044), primary education (£18,445), healthcare facilities (£15,579), open space (£4,941), community facilities (£49,370). The required delivery of affordable housing could also be addressed by a legal agreement in accordance with the expectations of ALDP policy H5.

Proposed Aberdeen Local Development Plan

Although the ALDP is now beyond its 5 year time frame, the PALDP is at an advanced stage of preparation and does not identify the site as an opportunity site for development. In relation to this

particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is unacceptable in terms of both Plans for the reasons previously given.

Conclusion

The application site has not been identified as a specific opportunity site for housing development through the statutory local planning process and is subject to significant local objection, including from the local community council. Its development would result in a number of fundamental policy conflicts in relation to loss of open space, loss of woodland, pedestrian / active travel connectivity and flooding / contamination risks. There is no proposed or approved masterplan or development framework for the site and other housing sites are under development or allocated in the local area. The proposal does not result in substantive social or economic benefits that may be considered to outweigh the adverse policy and environmental impacts. Given these concerns, and whilst aspects of the development form could be regulated by condition, it is considered that the development would not accord with the presumption in favour of sustainable development expressed in SPP. The other material considerations do not warrant approval.

Should Committee resolve to approve the application it is recommended that approval be deferred pending conclusion of a legal agreement in relation to delivery of affordable housing on site and the requested developer obligations and that conditions be imposed addressing the following matters:

- Site layout
- Vehicle access / parking provision / turning
- Pedestrian and cycle access and storage of bicycles
- Pedestrian / cycle connections
- Tree protection measures / compensatory tree planting
- Landscaping and open space provision
- Wildlife enhancement measures
- Foul drainage connection
- Surface water drainage / SUDS measures
- Micro-renewable energy and water efficiency
- Site Investigation / Remediation of Contamination
- Noise attenuation measures for occupants
- Building materials / detailing
- Site / Plot Boundaries
- Bin storage

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Open Space / Green Space / Woodland Loss

As the proposal would result in erosion of the physical extent of the green space network, loss of woodland and reduction of its ecological, wildlife and landscape value, it would directly conflict with Aberdeen Local Development Plan (ALDP) policy NE1: Green Space Network and ALDP policy NE5: Trees and Woodlands and related guidance. It is considered that this impact could not be adequately addressed by use of conditions or developer contributions towards off site greenspace / open space enhancement / compensatory woodland given the extent of woodland / open space loss and lack of compensatory planting. As the proposal would result in the loss of urban green space and no replacement green space is proposed outwith the site in the locality, it directly conflicts with ALDP policy NE3: Urban Green Space.

2. Residential Amenity

It has not been demonstrated that 24 houses can be satisfactorily accommodated on the site without causing undue overlooking of existing adjacent private residential garden ground. The proposed development would result the loss of existing valued open space / woodland within the site. Overall, the development does not therefore satisfy the amenity expectation of Aberdeen Local Development Plan (ALDP) policy H1: Residential Areas.

3. Pedestrian Access / Active Travel Connectivity

Inadequate pedestrian connectivity with existing housing to the north of the site is proposed and it has not been demonstrated that adequate safe routes to Lochside Academy would be provided, such that the proposal conflicts with the objective of ALDP policy T3: Sustainable and Active Travel.

4. Contamination Risk

Inadequate information has been provided to demonstrate that the site is suitable for the proposed residential end use and that the proposed development would not pose a risk to occupants / the wider environment due to historic ground contamination. Thus, the proposal would not accord with the requirements of PAN 33 and it cannot be concluded that the development would satisfy the expectations of ALDP policy R2: Degraded & Contaminated Land.

5. Flood Risk

Notwithstanding the submission of drainage assessment and potential use of SUDS within the site inadequate information has been submitted to demonstrate that the proposal would comply with ALDP policy NE6: Flooding, Drainage & Water Quality as no flood risk assessment has been provided.

Planning Development Management Committee

Proposal: Erection of 2 detached houses

Location: Rear of 598-602 Holburn Street

Application Reference: 220648/PPP

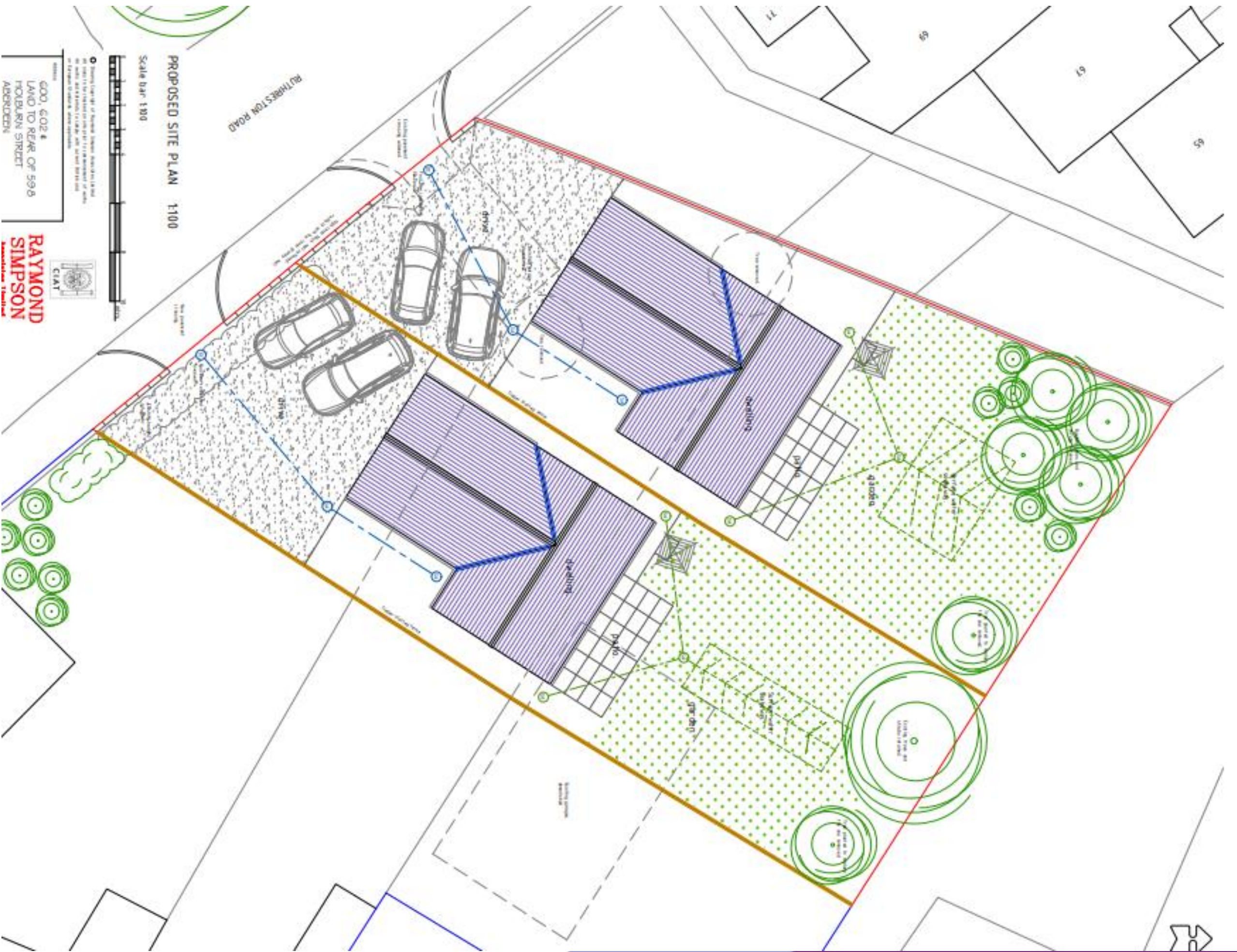
Location Plan



Aerial View From south (Google Image)



Page 198

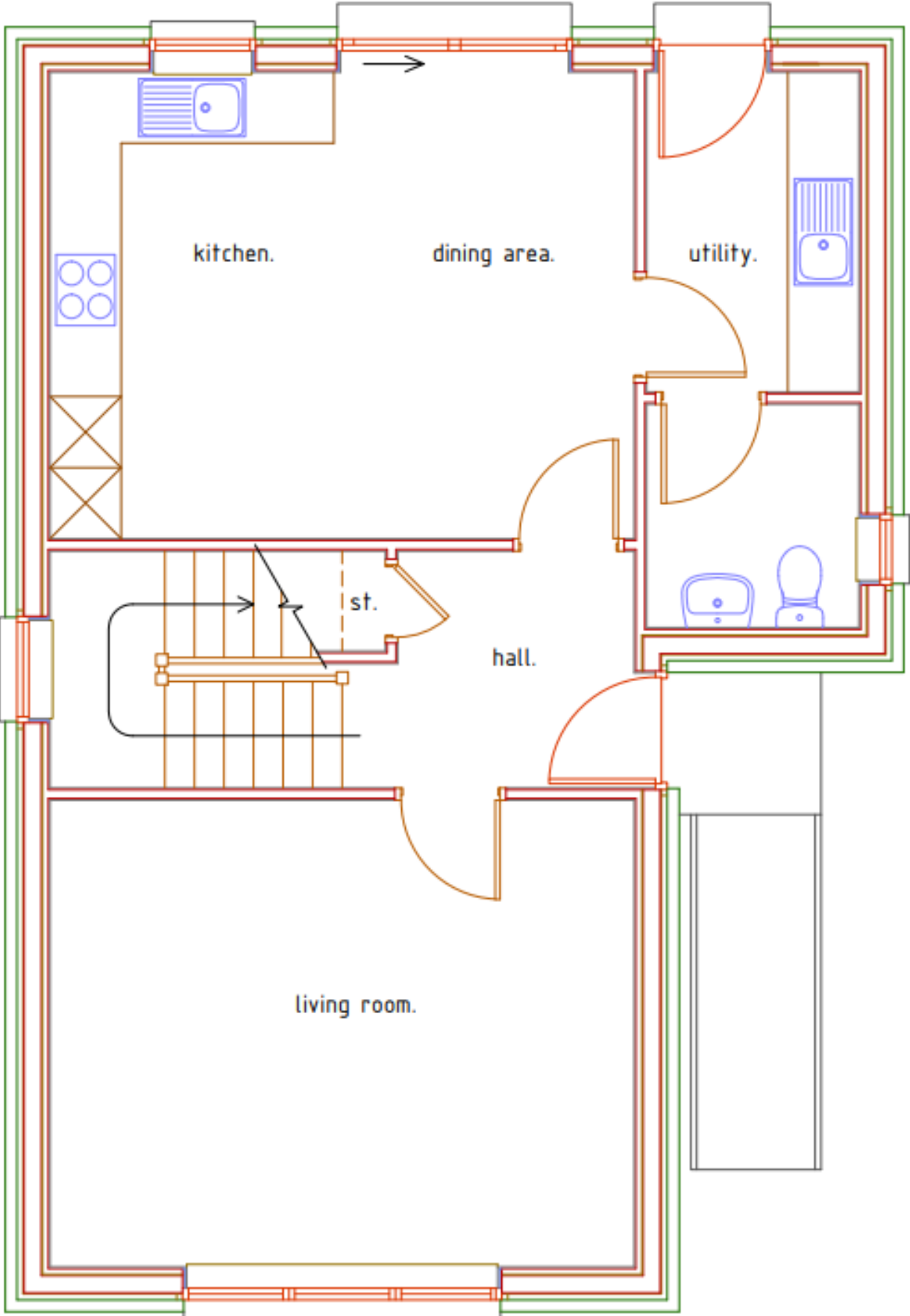


Proposed Site Plan

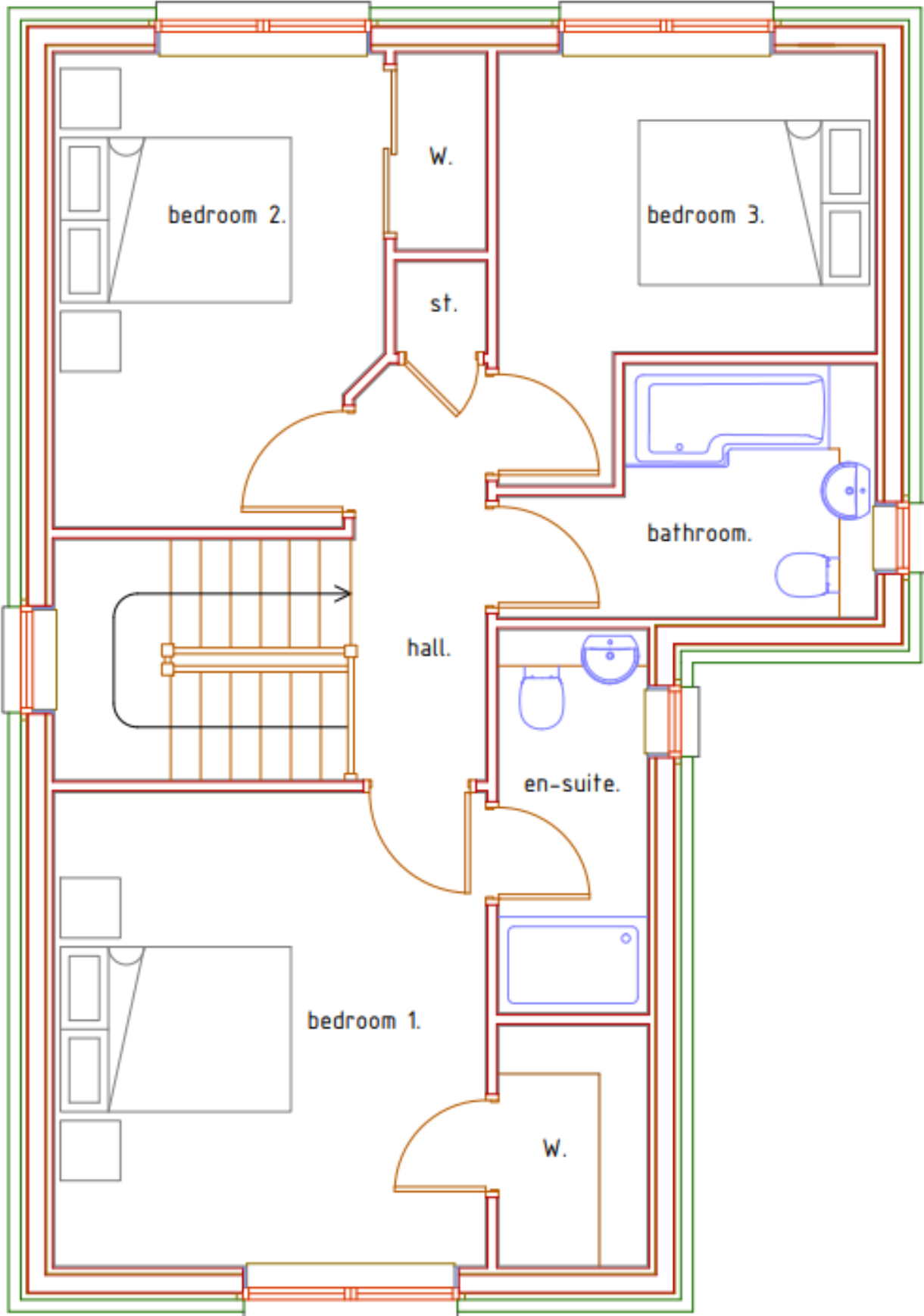


Page 200





GROUND FLOOR PLAN 1:50
(INDICATIVE)



FIRST FLOOR PLAN 1:50
(INDICATIVE)

3D Perspective from west (Google Image)



3D Perspective from East (Google Image)



View west on Ruthrieston Rd. (Google Image)



Boundary with Housing to West (Google Image)

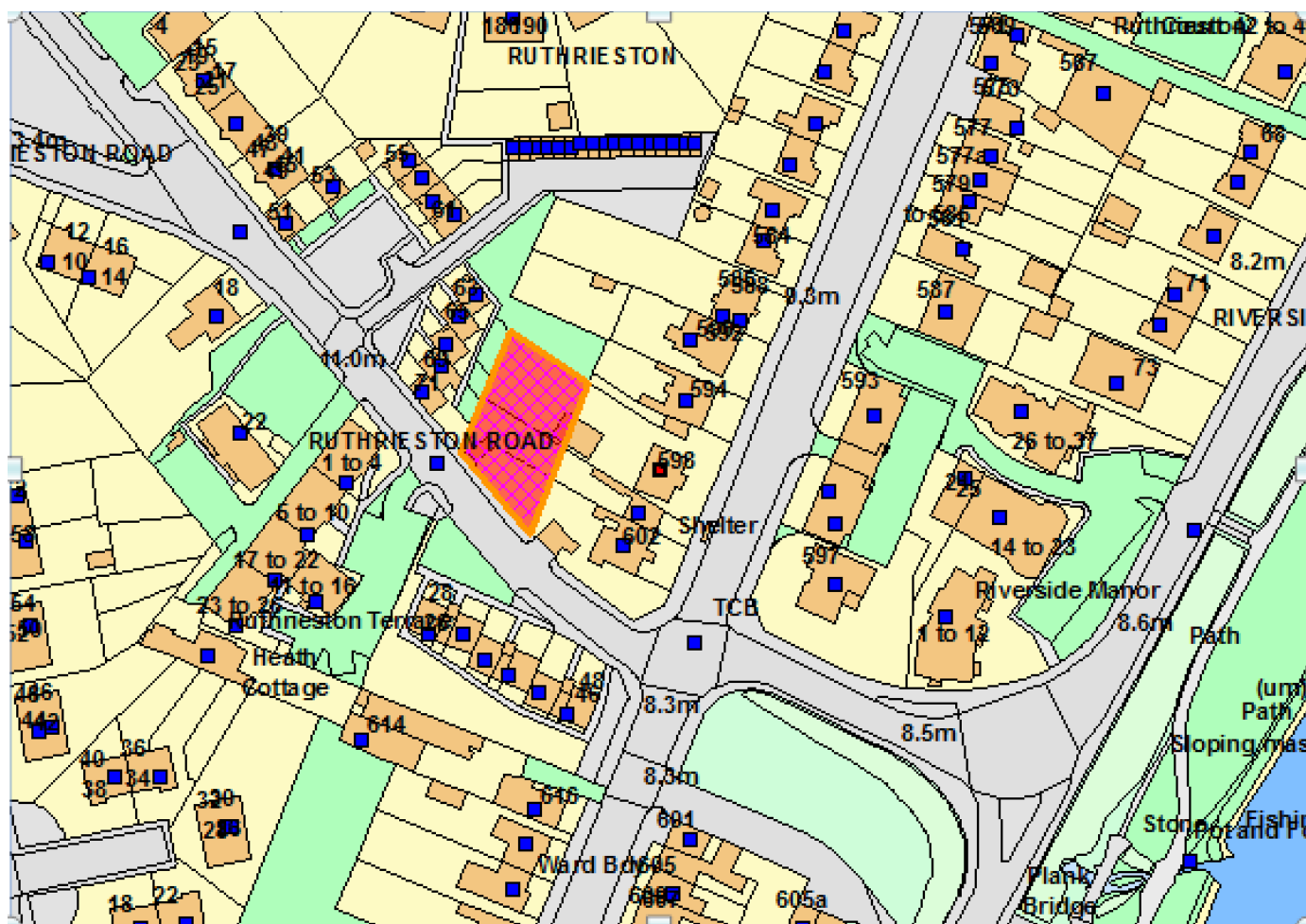


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Rear of 602, 600 And 598 Holburn Street, Aberdeen, AB10 7LJ,
Application Description:	Erection of 2 dwelling houses with associated access and landscaping works
Application Ref:	220648/PPP
Application Type	Planning Permission in Principle
Application Date:	20 May 2022
Applicant:	Mr Kenneth Dunn
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Robert Forbes



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site lies within the built-up area and comprises parts of the rear gardens of 3 houses, part of a large garage located at the rear of 598 Holburn Street, associated boundary walls and a domestic garage accessed via Ruthrieston Road. It extends to 716sqm and has a frontage onto Ruthrieston Road which is bounded by a blockwork wall. The houses at 598, 600 & 602 Holburn Street are 1½ storey properties. There are a range of ages, forms and style of dwellings in the vicinity, including 2 storey terraced houses to the west and 2-3 storey flats to the south-west and south. A large mature copper beech tree lies to the south of the site overhanging Ruthrieston Road. There are other less mature trees within the site.

Relevant Planning History

Detailed planning permission granted for domestic garage at rear of 598 Holburn Street in 1992 (ref. 912394).

Planning permission refused at Committee for erection of a house at rear of 598 Holburn Street (ref. 931639 / 93/1648) - 13.03.94 – subsequent appeal dismissed.

Subsequent enforcement history regarding commercial use of the garage located at the rear of 598 Holburn Street in 2016. (137110 - 136473). An enforcement notice requiring the cessation of such use was served in September 2006 and complied with.

Pre-application enquiry for the erection of 3 no. dwelling houses and 4 garages (retaining the 2 existing dwellings at 602 and 600 Holburn Street), ref. 211768/PREAPP

APPLICATION DESCRIPTION

Description of Proposal

Planning permission in principle is sought for the erection of 2 no. detached 3 bedroomed houses. The indicative drawings submitted with the application indicate each house would be 2 storeys high and would have pitched roofs. The bedrooms would be located on the upper floor. Each house would have a gable frontage and access onto Ruthrieston Road. The proposed site plan, which is not marked as 'indicative', shows the house frontages would be set at an oblique angle to Ruthrieston Road. The houses would be set back from that street by 7-9m. Off-street car parking would occupy the entirety of the front gardens. No garaging or ancillary storage for the proposed houses is proposed. The plot for each house would be created by amalgamating the rear parts of 3 separate existing residential curtilages. The rear gardens of each house would be around 150 square metres in extent (around 13 – 15m deep).

Amendments

None.

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=RC6EGHBZFZ700>

- Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because in excess of 6 objections have been received.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Request that appropriate conditions are attached regarding surface water drainage, parking and electric vehicle charging.

ACC - Waste and Recycling – No objection. Request that a condition is imposed regarding provision of refuse / recycling bins.

Scottish Water – No objection, but unable to confirm if there is sufficient waste-water treatment capacity (at Nigg) or water supply capacity (at Invercannie).

Ferryhill and Ruthrieston Community Council – Not currently established.

REPRESENTATIONS

A total of 8 objections have been received raising the following matters:

- Overdevelopment of the site;
- Conflict with the established character of the area;
- Loss of historic granite walling;
- Car parking impact / reduction of on street parking capacity;
- Impact on pedestrian safety;
- Adverse impact on visual amenity;
- Adverse impact on residential amenity due to loss of greenspace, daylight and wildlife;
- Adverse biodiversity impact;
- Impacts during construction;
- Conflict with ACC guidance regarding the Subdivision & Redevelopment of Residential Curtilages due to amalgamation of garden ground;
- Conflict with related ACC guidance / policy (H1, H2, H3, D1, D5, T3, NE4);
- Planning history of refusals related to the site;
- Creation of an adverse precedent for similar proposals.

A total of 3 supporting representations from the joint owners of the site have been received raising the following matters:

- The existing garden ground is overgrown.
- The granite houses on Holburn Street require investment.
- The rear garden of 594 Holburn street has previously been subdivided (acquired by the Council).
- Vehicle access to the site already exists.
- Ruthrieston Road is quiet and suitable as an access point.
- Loss of on street parking would be minimal.
- ACC Roads have no objection.
- Trees on the site have no protection.
- Private garden ground would be provided.
- Nearby open space would provide amenity for occupants.
- The houses would not have windows overlooking neighbours.
- Existing boundary walls would be retained, other than a new granite wall to the frontage.
- There is no existing distinct character due to the varied urban context.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

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

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The current SDP was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The ALDP is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 (PALDP) was submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. Formal examination in public of it has commenced with reporters appointed. Material consideration will be given to the PALDP, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of SPP which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

H1: Residential Areas
 H3: Density
 D1: Quality Placemaking by Design
 D2: Landscape
 D5: Our Granite Heritage
 NE4: Open Space Provision in New Development
 NE5: Trees and Woodland
 NE6: Flooding, Drainage & Water Quality
 NE8: Natural Heritage
 T2: Managing the Transport Impact of Development
 T3: Sustainable and Active Travel

ALDP Supplementary Guidance (SG)

Sub-division & Redevelopment of Residential Curtilages SG
 Trees and Woodlands SG
 Flooding, Drainage and Water Quality SG
 Green Space Network and Open Space SG
 Transport and Accessibility SG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and it has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- 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. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP. The following PALDP policies are relevant: H1- Residential Areas; H3- Density; H4- Housing Mix and Need; H5- Affordable Housing; D1- Quality Placemaking; D2- Amenity; D5- Landscape design; R5 - Waste Management Requirements for New Development; R8- Heat Networks; I1 - Infrastructure Delivery and Planning Obligations; T2 -Sustainable Transport; T3- Parking; CI1- Digital Infrastructure.

Other Material Considerations

Aberdeen Open Space Audit 2010

EVALUATION

Principle of Development

Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. The urban location of the site is such that residents would benefit from access to existing established facilities / amenities. Whilst the delivery of housing within the built-up area of the city within a residential area and in an accessible location accords in principle with the SPP presumption in favour of development that contributes to sustainable development and ALDP policy T3, the acceptability of the specific proposal requires to be assessed relative to detailed policy and guidance.

Appraisal relative to Curtilage Splitting Guidance

ALDP Sub-division & Redevelopment of Residential Curtilages SG states that:

“New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces... The density of the surrounding area should be reflected in the development proposals for the new and existing property... The amalgamation or joining together of the gardens of existing dwellings to accommodate a new dwelling or dwellings and associated garden ground will not be permitted.”

It is appreciated that there is range of forms, scales, ages and density of development in this section of Holburn Street such that the pattern of development in the context is of a varied character including traditional Victorian villas with large gardens and more high-density modern flats and terraced houses. Notwithstanding such varied character, the existing large mature gardens and associated greenspace on the site are positive features of the existing character which would be eroded by the development due to loss of existing gardens. It is therefore considered that, whilst there is no uniformity of the existing built form, the character of the area would be eroded by the development in conflict with the objective of the above SG.

Whilst the proposed houses have a street frontage, the proposed plots for the houses are created by the amalgamation of existing garden ground, such that the proposal directly conflicts with ALDP SG regarding Sub-division & Redevelopment of Residential Curtilages. Other detailed considerations raised in the SG are addressed below.

Density / Density Considerations

The density of development proposed would not be reflective of the immediate historic built context, whereby houses on Holburn Street predominantly have generous garden grounds, such that there would be conflict with ALDP SG regarding Sub-division & Redevelopment of Residential Curtilages, and ALDP policy H3. As the site does not exceed 1 hectare, there is no requirement to address the criteria set out in policy H3. The scale and positioning of the proposed houses relative to the street and adjacent houses, and absence of greenspace within the front gardens is considered to be indicative of overdevelopment of the site. It is therefore considered that the proposal also conflicts with the wider design quality objectives of ALDP policies D1 and D2 and SPP.

Although the proposal is for permission in principle, the layout plan is not indicative and requires to be assessed. The proposed offset positioning of the house frontages to the road frontage does not relate to either the street or the building line of the houses to the southeast. Alternative layouts / design solutions are not explored within the planning statement and no design statement has been provided. Although the Planning Service advised in its written response to the pre-application enquiry submitted previously by the applicant that various supporting drawings and documents would be required as part of a subsequent planning application (for example, elevations of the proposed houses, cross sections, street elevations, landscaping plans, building materials, sunlight/daylight assessments and tree report), the applicant did not provide these. Cross sections and street elevations are required to properly assess the relationship with the street/ existing houses. A revised solution of reduced density (e.g. a single detached house fronting Ruthrieston Road and associated parking) with increased private garden grounds may better address / respond to some of the concerns raised in objection. However, a revised proposal would still require to be assessed against the requirements of the Sub-division & Redevelopment of Residential Curtilages SG.

Details of landscaping proposals and soft planting are required to properly address the expectations of ALDP policy D2. Amalgamation and alteration of the existing plot boundaries would result in removal of existing granite boundary walls and would therefore conflict with the objective of ALDP policy D5. However, the site plan indicates that the existing blockwork wall at the pavement edge would be replaced with a low-level granite wall. A condition could be used to ensure re-use of granite from existing garden walls in accordance with the objective of ALDP policy D5.

Impact on Existing Amenity

There would be potential overshadowing of the existing houses to the west of the site which would conflict with the objective of ALDP policy H1. Cross sections, street elevations and daylight / sunlight analysis are required to assess this and the relationship with the street/ existing houses. As no such information has been provided it is not possible to adequately assess the impact on existing houses and thus it has not been demonstrated by the applicant that the proposal would not cause harm to the amenity of adjacent or nearby residents.

As regards potential overlooking of adjacent houses (e.g. the terraced houses to the west), the rear window of 69 Ruthrieston would be around 10m from the west elevation of the closest house, such that there would be significant potential for adverse impact. The proximity of the proposed westernmost house to the west boundary is considered to result in an unsatisfactory relationship. It is noted that no room windows are shown on the indicative floor plans of the houses. The proposed window on the stair landing would overlook adjacent property at close proximity but could be replaced by a rooflight window. Although the floor plans are indicative a suspensive condition could be imposed precluding the introduction of windows / clear glazing on the west elevations to prevent

overlooking at close quarters and protect existing privacy.

The proposal has an adverse impact on existing amenity by reason of the removal of garden ground and its replacement with built development of inappropriate form as evidenced by the absence of greenspace or garden ground at the public frontages of the buildings.

It is therefore considered that the proposal conflicts overall with the amenity objectives of ALDP policy H1.

Open Space / Greenspace Impact

The application does not affect existing designated public open space as defined in the Open Space Audit as the development is of private garden ground, but it does affect the historic relationship of built and garden spaces.

No public open space would be provided within the development and no off-site enhancement of open space is proposed, such that there would be a degree of conflict with the objectives of ALDP policy NE4. The extent of garden ground for the existing houses and greenspace within the site would be substantially reduced. Whilst the proposed extent of private garden ground would be generous by modern standards, there would be a significant loss of green space (garden ground) associated with the existing houses. The proposed private gardens would be located to the north of the houses and would be partly shaded by the proposed buildings and adjacent houses such that their usability would be constrained to an extent. Whilst private garden ground would be provided for occupants, the public frontage of the houses would be devoid of greenspace or tree planting, in contrast with the existing situation and therefore would result in a poor level of amenity. Overall, it is considered that the degree of tension with ALDP policy does not warrant refusal in itself but is indicative of overdevelopment of the site.

Tree Impact

No tree survey / arboricultural report has been provided in order to assess the impact on existing tree stock. The proposed houses would lie close to and be partly shaded by the mature beech tree to the south. Detailed analysis of the impact of the development and potential risks to this tree (e.g. both during construction and due to proximity / shading and potential complaint by prospective occupants) is required but has not been provided. The submitted site plan states that the proposals would result in removal of two existing smaller, less prominent trees within the site. However, it appears that other trees and shrubs would also be lost. Limited replacement planting is proposed within the proposed rear gardens, but these would not be visible from the street. Whilst the submitted plan indicates that other existing trees would be retained it is unclear if this is feasible due to proximity to proposed soakaways and associated construction works. The potential for replacement tree planting would be constrained by proximity to proposed buildings and existing structures / services.

Whilst there would be potential for limited replacement tree planting on site, inadequate information has been submitted in order to assess the overall impact of the development on existing trees and greenspace and thus it has not been demonstrated by the applicant that the proposal would be in accordance with the objectives of ALDP policy NE5 and related SG.

Drainage

The proposed development is below the threshold whereby a drainage impact assessment is required. The proposed development would result in loss of undeveloped garden ground and an increase in hard surfacing, thereby resulting in increased rates of surface water discharge to Ruthrieston Road. Although the site itself is not at risk of flooding, such that there is no requirement for a flood risk assessment, the nearby roadway at the junction of Holburn Street and Ruthrieston Road has a medium risk of surface water flooding. The additional surface water drainage discharge from the proposed driveways would exacerbate such risk. Although SUDS features are proposed

in the rear gardens and could be conditioned, as no drainage strategy is provided it is unclear if these are deliverable or have been suitably designed. Due to the change in levels across the site, the proposed SUDS would not address surface water flow from the driveways. Reduction of the scale (footprint) and density of development would better accord with the sustainability objectives of ALDP policy NE6 and related guidance by enabling exploration of novel SUDS solutions and provision of soft planting within the proposed front garden area to soften the visual impact of the development.

Biodiversity Impact

The proposal would result in the loss of existing trees, vegetation and soils and therefore would have an inevitable degree of adverse impact on biodiversity. However, the proposal does not impact on any designated wildlife site. There are no records of protected species being present on the site and the scale of the development is below the threshold whereby a formal ecology assessment is required. Although bats are likely to be present nearby due to the proximity of the river and mature trees, the proposal does not result in the direct loss of mature trees or buildings with roosting potential and thus a survey is not required.

Overall, there would be no conflict with policy NE8 and the degree of impact on biodiversity is in itself not considered to warrant refusal.

Parking / Traffic Impact

Provision of off-street car parking and cycle storage for prospective occupants would be required to address the expectations of ALDP policy T2 and could be addressed by condition. The submitted site plan shows 2 external parking spaces for each plot, with associated manoeuvring space.

The proposed introduction of new vehicle accesses onto Ruthrieston Road would result in removal of existing on-street car parking and potential conflict with pedestrian movement due to manoeuvring of vehicles over the footway. Although ACC Roads Service do not object to the proposed arrangement on safety grounds it is accepted that removal of existing parking is a legitimate concern related to residential amenity as this would reduce available parking for existing residents. Minimisation of proposed vehicle access points is therefore desired. The proposed eastern driveway access would result in an overall reduction of the footway and thus conflict with the objective of ALDP policy T3. The proposal would result in the loss of the garage / parking for 600 King Street.

Servicing of the houses would be via Ruthrieston Road and would not be problematic due to its minor nature and low traffic flow / speeds.

Infrastructure Impact

The site lies within the urban area such that physical infrastructure and service connections and supporting facilities are readily available. However, the scale of the development is below the threshold where developer obligation contributions would be sought to address potential infrastructure deficiencies (e.g. education capacity).

It is proposed to connect to the existing public wastewater and water supply infrastructure which accords with the expectations of ALDP policy NE6. As Scottish Water are unable to confirm that there is adequate water supply or treatment capacity to service the development and it is unknown if adequate public infrastructure exists, there is a degree of conflict with ALDP policy I1. However, the minor scale of the development is such that the development would not place significant burdens on existing water infrastructure. In response to other recent development proposals Scottish Water have advised that capacity exists at Nigg. Therefore, the degree of potential conflict with policy I1 does not warrant submission of further supporting technical analysis or refusal in this instance.

It is presumed that there is adequate telecoms services (e.g. phone, internet) at the site given its location within an urban area and thus no conflict with ALDP policy C11. It is noted that neither the

applicant nor the Council has any responsibility for provision of telecommunications infrastructure, which is delivered by private companies. It is noted that the roll out of full fibre broadband within the city is continuing (in part funded by the Scottish Government) and such services are available in the area. Thus, it would not be reasonable to impose a condition requiring any service upgrade. No evidence exists that the development would adversely impact on existing TV reception or other telecommunications signals.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy / guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design and the objectives of SPP. However, as guidance referred to in policy R8 (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

Whilst the development would place burdens on existing facilities and infrastructure, the scale of such impact does not warrant refusal.

Refuse Storage

Whilst the proposed use would generate waste, waste uplift would be by wheelie bins. There would be adequate space for provision of suitably screened waste and recycling bins within the external areas at the frontage / side of the houses and no physical measures (e.g. bin store) or condition is needed in this instance to ensure accordance with ALDP policy R6 and related SG.

Energy and Water Efficiency

Whilst no detailed technical information has been submitted in relation to provision of energy and water saving technology on site, in order to demonstrate compliance with Policy R7 and related SG, such information could be made subject of a suspensive condition. Thus, there would be no basis for refusal of the application because of conflict with policy R7. Rainwater captured on site could be stored in water butts and used for watering plants. Non-potable water could also in theory be stored in tanks and used for purposes such as flushing toilets.

Matters Raised in Representation

The opinion that the granite houses within the site may require investment is not supported by evidence and does not warrant approval of development of the site. Maintenance of existing property is an unrelated duty of the owner.

Whilst it is alleged that gardens at the site are overgrown, that is a matter of opinion and does not justify approval of planning permission for its development. An alternative opinion would be that the mature vegetation and trees within the rear parts of the gardens are of value. The existing rear garden ground provides an attractive variety of vegetation of greenspace and amenity value, including screening of adjacent facing windows to the west.

Whilst the rear part of the garden of 584 Holburn Street has previously been incorporated into adjacent public open space, such that the original plot boundary of that property has been altered, it has not been built on. The fact that it is used as grassed open space does not justify approval of development of adjacent land.

It is accepted that vehicle access to the site already exists from Ruthrieston Road and that is a suitable and safe access point. However, the proposed additional vehicle access point would result in removal of existing on street parking for existing residents and would not be mitigated.

Whilst the trees on the site have no statutory protection, they exist and have amenity value. The planning authority has a statutory duty when determining planning applications to ensure adequate

provision is made to their protection, or where planning permissions granted, for their preservation or for the planting of trees.

Whilst private rear garden ground would be provided for occupants, the public frontage of the houses would be devoid of greenspace or tree planting, in contrast with the existing situation and therefore would result in a poor level of amenity.

The reliance on existing public open space is indicative of borrowed amenity / overdevelopment. The proposal would result in no enhancement of adjacent public open space and would result in a significant loss of existing greenspace.

It is accepted that the context of the site is of a varied urban character and that there is scope for varied architectural treatments in such a context. However, the loss of garden ground and form of development proposed is unacceptable for the reasons set out above.

The proposed houses are shown to have a west facing stair window facing neighbouring houses. It is considered that privacy and boundary treatment concerns could be designed out and potential overlooking could be addressed by condition.

It is noted that the planning history of refusal at the site is of considerable age and was determined on the basis of previous development plan policy. Unfortunately, online planning appeal records held by the Scottish Government Planning & Environmental Appeals Division do not extend back to 1994 and thus no record of the planning appeal decision for erection of the house at 594 Holburn Street is available.

As the site does not lie within an H2 policy area, ALDP policy H2 is not relevant in this instance.

Although there would be inevitable impact and disturbance during construction, such impacts would be of a transient nature and do not therefore warrant refusal.

As each application requires to be considered on its merits and there is no equivalent situation in the immediate area, it is considered that the proposal does not raise precedent concerns for the immediate context. However, there are many parallel situations throughout the city whereby potential house plots could be created by amalgamation of parts of rear gardens and that is a valid precedent concern.

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 not acceptable in terms of both Plans for the reasons previously given.

Other Considerations

The proposal results in no wider public or amenity benefits (e.g. economic, social or environmental) that would warrant setting aside the above policy concerns and justify approval. Notwithstanding the presumption in favour of development that contributes to sustainable development as expressed in SPP, there are no other identified material considerations which weigh in favour of approval.

Should Committee resolve to approve the application it is recommended that in addition to the standard conditions relating to permission in principle that conditions are imposed in relation to the following specific matters:

- Building design / materials;
- Plot / boundary treatments / granite re-use;

- Tree protection / planting;
- SUDS;
- Foul drainage / service connections;
- Landscaping / garden ground provision;
- Off-street car parking provision / EV charging infrastructure;
- Provision of secure cycle storage;
- Provision of micro-renewables and water efficiency measures;
- Privacy measures / prevention of overlooking.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Lack of information

Insufficient information has been provided in order to enable full analysis of the potential adverse impact of the development in relation to loss of / impact on trees, drainage, daylight and sunlight impact on adjacent houses and garden ground to the west and thus it has not been demonstrated that the proposal complies with policies NE5: Trees and Woodland, NE6: Flooding, Drainage & Water Quality and D1: Quality Placemaking by Design and related guidance within the Aberdeen Local Development Plan 2017 (ALDP). Cross sections and street elevations are required to assess amenity impacts and the relationship with the street/ existing houses. As these have not been provided, it has not been demonstrated that the proposal complies with the requirements of policies H1: Residential Areas and D1: Quality Placemaking by Design.

2. Supplementary Guidance Conflict

The proposal directly conflicts with ALDP Sub-division & Redevelopment of Residential Curtilages supplementary guidance as formation of the proposed house plots would require combining parts of three separate gardens.

3. Amenity / Overdevelopment

The scale and positioning of the proposed houses relative to the street and adjacent houses, and absence of greenspace within the front gardens is considered to be indicative of overdevelopment of the site. The proposal has an adverse impact on existing amenity by reason of the removal of garden ground and its replacement with built development of inappropriate form as evidenced by the offset positioning of the house frontages relative to the street and the building line to either the northwest or southeast and the absence of greenspace or garden ground at the public frontages of the buildings. It is therefore considered that the proposal conflicts with the design quality objectives of ALDP policies D1: Quality Placemaking by Design, D2: Landscape, H3: Density and Scottish Planning Policy.

4. Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals on corner sites throughout the city whereby house plots could be formed by the amalgamation of parts of existing rear gardens.

This page is intentionally left blank

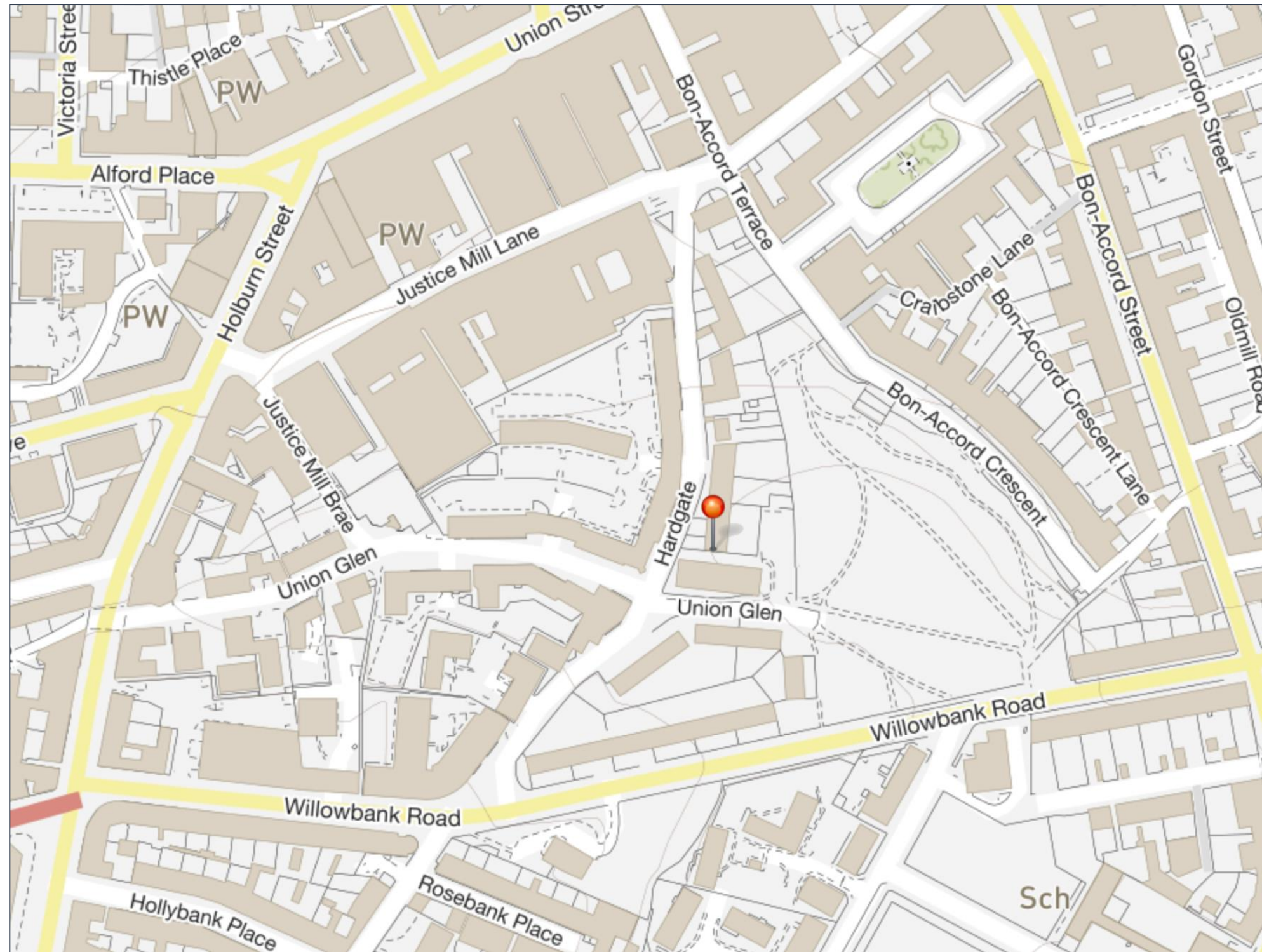
Planning Development Management Committee

**Erection of fence, decking and gate to the front
(Retrospective)**

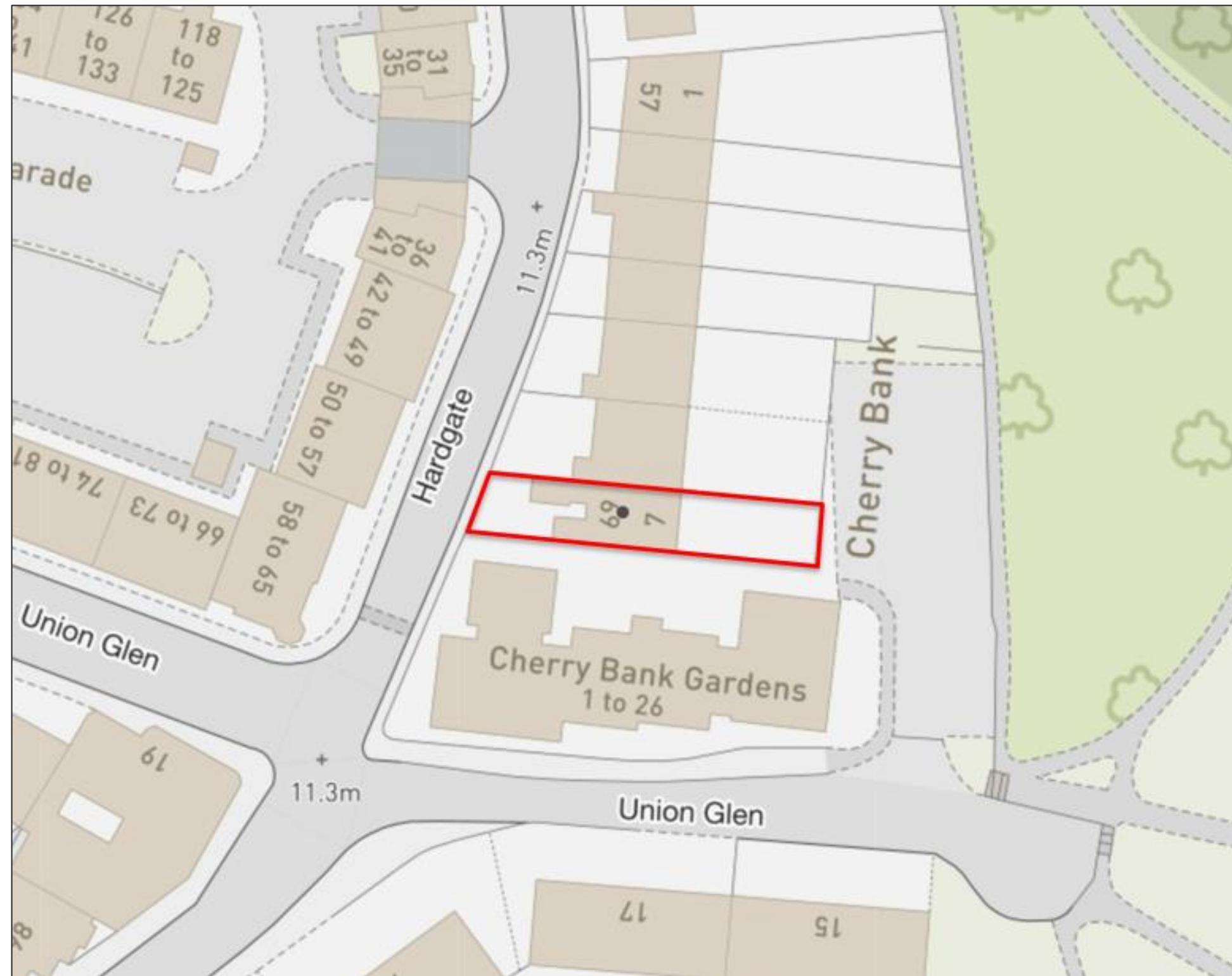
Ground Floor Flat, 69 Hardgate, Aberdeen

Detailed Planning Permission
(220622/DPP)

Location - GIS



Location Plan



Contextual Aerial View



Page 223



Elevations

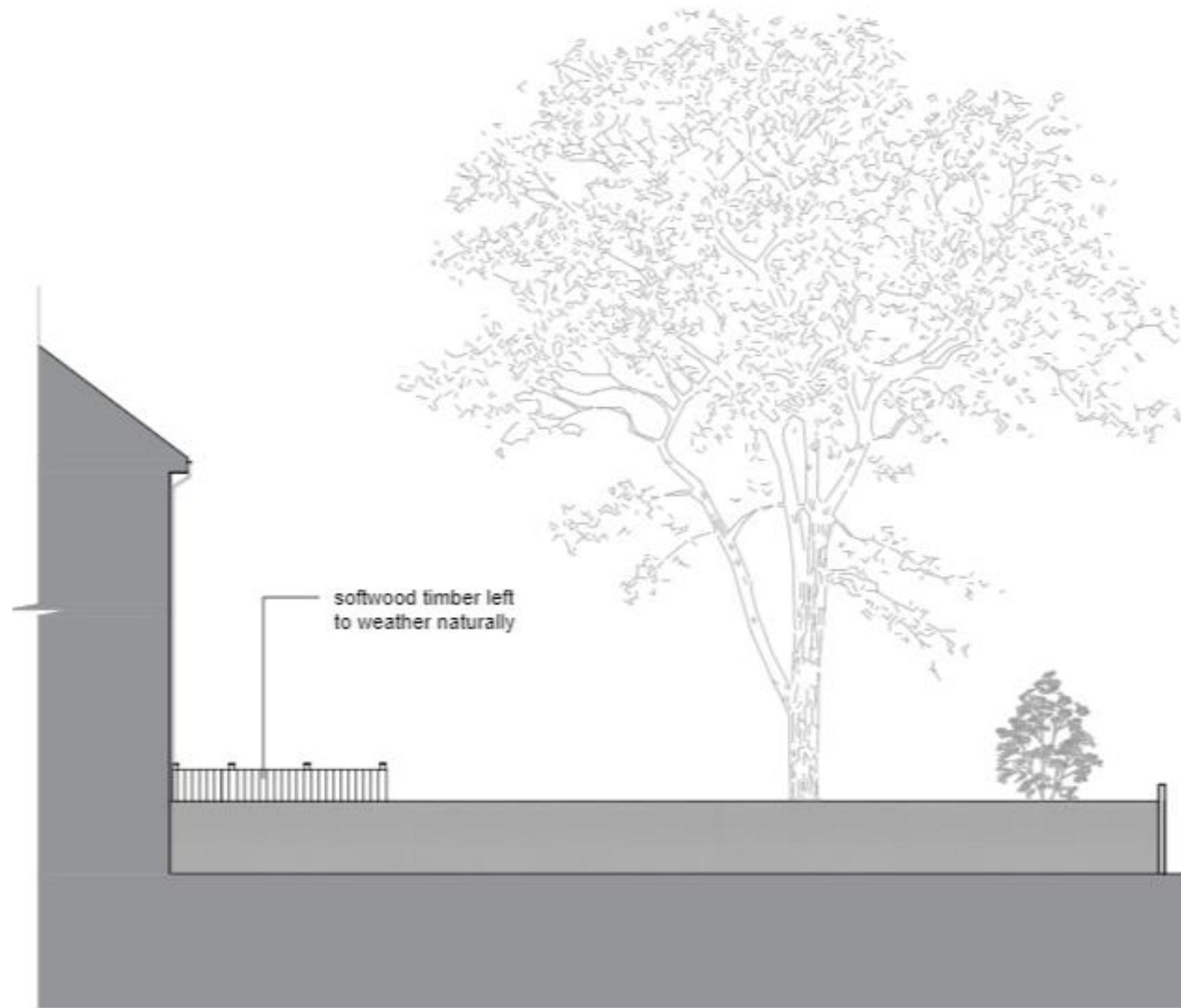


East Elevation



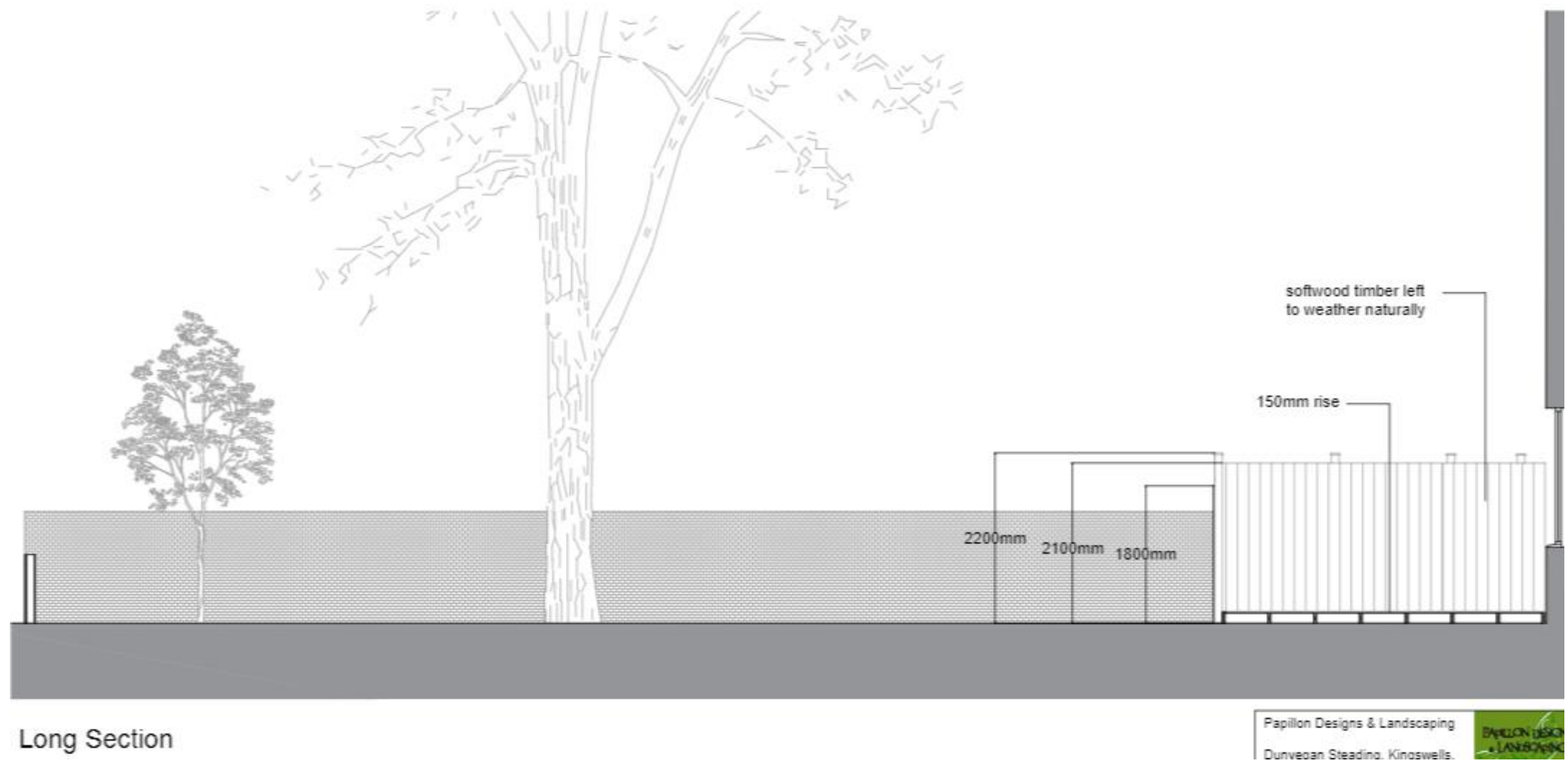
North Elevation

Elevations



South Elevation

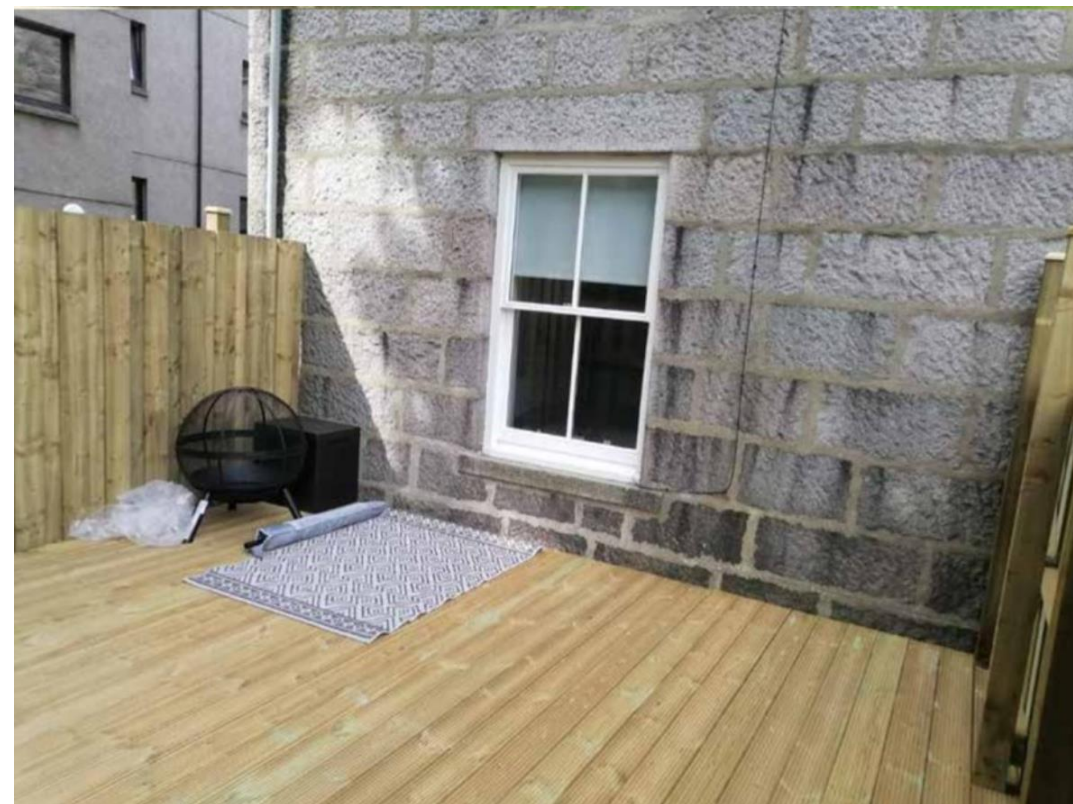
Cross-Section



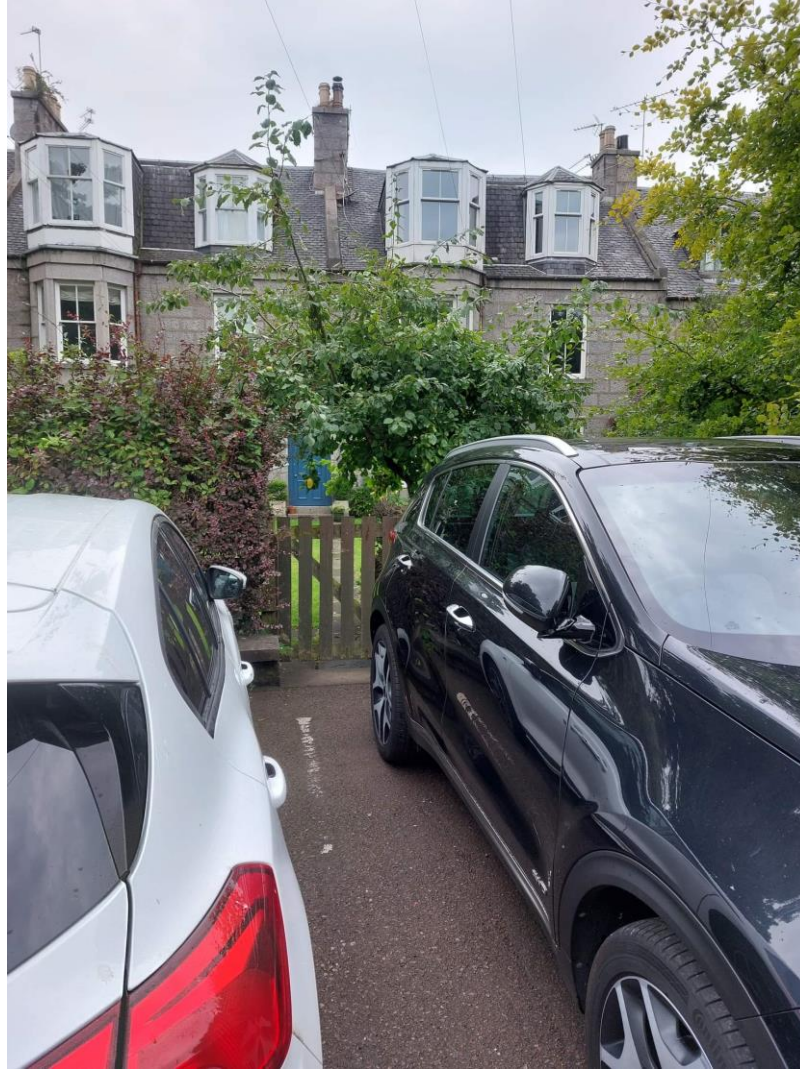
Site Photos



Site Photos



Site Photos

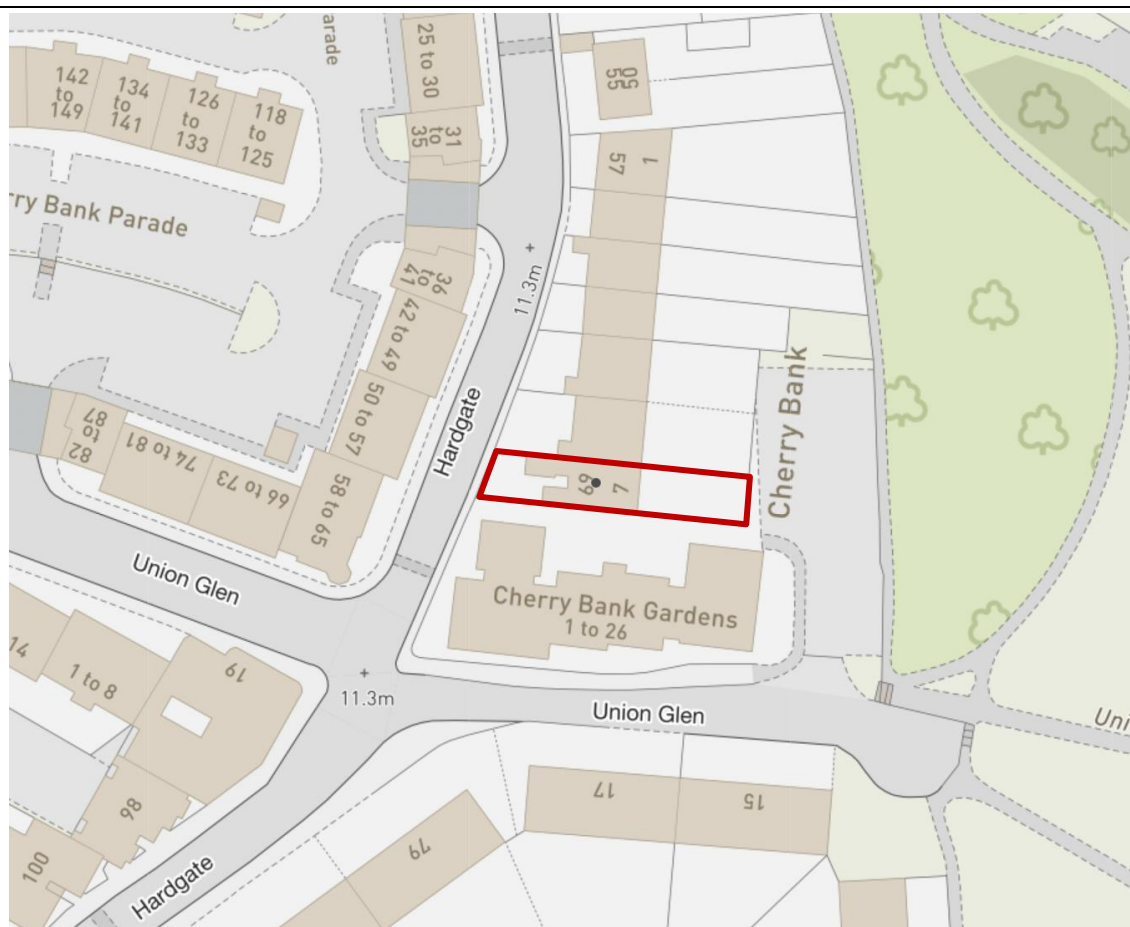


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 25 August 2022

Site Address:	Ground Floor Flat, 69 Hardgate, Aberdeen, AB11 6UX
Application Description:	Erection of fence, decking and gate to front (retrospective)
Application Ref:	220622/DPP
Application Type	Detailed Planning Permission
Application Date:	17 May 2022
Applicant:	Ms Susan Anderson
Ward:	Torry/Ferryhill
Community Council:	City Centre
Case Officer:	Ross McMahon



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 - 2018

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a ground floor flat forming part of a traditional end-terraced flatted block, of slate and granite construction, located to the east of Hardgate to the north of its junction with Union Glen. The application site is located within the Bon-Accord Crescent/Crown Street Conservation Area.

Relevant Planning History

None relevant.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is retrospectively sought for the installation of an area of raised decking and an associated fence/boundary enclosure. Located within the front garden of the flatted block, the decking and its enclosure sit adjacent to the front window of the associated ground floor property and measures c.5m in width, projecting c.4.4m from the principal elevation of the block. The decking is raised c.150mm above ground level and is surrounded by a timber fence on all sides measuring between 1.8m and 2m from ground level, and nine c.2.2m high 100x100mm timber posts located to the perimeter of the decking area. A timber gate is located adjacent to the communal footpath and principal entrance serving all three properties within the block. A new 1.8m high, 900mm wide timber gate has also been installed to the eastern boundary of the site.

Amendments

The description of the development has been updated to reflect the fact that the works have been carried out to the 'front' of the property rather than the 'rear'.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RC0OWYBZFUG00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has attracted six or more representations that express concern with the proposal. Consequently, the proposal falls out with the Scheme of Delegation.

CONSULTATIONS

City Centre Community Council – No response received.

REPRESENTATIONS

A total of thirteen letters of representation have been received, all of which express concern with the proposal. Representations are summarised as follows:

- *The development location has been undertaken to the front of the property rather than the rear, as described by the applicant.*
- *The erected structure is an eyesore and negatively impacts the conservation area.*
- *The design and materials specification are not in keeping with the surrounding area.*
- *Devalues adjacent property.*

- *Affects building home insurance policy.*
- *Flooding concerns.*
- *Fire hazard.*
- *Overdevelopment of land under the ownership of the applicant.*
- *Use of the development may attract rodents.*
- *The development will overshadow adjacent garden ground.*
- *Loss of light to adjacent property windows.*
- *Loss of a view.*
- *The replacement gate far taller than existing and not in keeping with the established fence/gate height.*
- *The agent is not an architect and therefore not necessarily aware of conservation area rules.*
- *Upper floor windows are no longer able to be cleaned due to deck.*
- *Approval of the development would set an undesirable precedent.*

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Development Plan

Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)

Aberdeen Local Development Plan 2017 (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)

Supplementary Guidance (SG)

- Householder Development Guide SG

Other Material Considerations

- Bon-Accord Crescent/Crown Street Conservation Area Character Appraisal (CACA)

Proposed Aberdeen Local Development Plan 2020

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

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

The foregoing can only be assessed on a case-by-case basis. The following policies of the PALDP are of relevance in the assessment of this planning application:

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)

EVALUATION**Principle of Development**

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

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. complies with SG.

There would be no loss of open space given the nature and type of development proposed, in that the proposal relates to the curtilage of a private flat, or within communal areas, wholly located within the building's established curtilage. The area of the proposed deck does not cover more than half of the open front garden area. As such, and with regard to proviso 1, the proposal would not amount to overdevelopment of the site. Therefore, in terms of establishing the acceptability of

the principle of the proposal in the context of Policy H1, provisos 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's Householder Development Guide SG (hereafter referred to as 'SG'), below.

Design & Amenity

Policy D1 (Quality Placemaking by Design) 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. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Proviso 2 of Policy H1 (Residential Areas) states that householder development will be approved in principle if it does not have an unacceptable impact on the character and amenity of the surrounding area. Additionally, the Council's SG, in discussing boundary enclosures specifically, states that, in all instances, the scale and form should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.

Policy D4 (Historic Environment) states that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HEPS and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. 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 and historic gardens and designed landscapes, will be supported.

HEPS (p. 13) in its policies for managing the historic environment, states that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance; when considering changes to specific assets and their context, detrimental impacts should be avoided.

The implemented deck, associated boundary enclosure and gate has an unacceptable impact on the character and amenity of the surrounding area, which, in this location, is characterised by open aspect gardens with a high degree of exposure to surrounding streets. The works, in principle, are not supported on the basis of their location i.e. adjacent to the principal elevation of a traditional property and further the design, layout, height, size and composition of the works are wholly out of character with the associated traditional tenement and the remainder of the street and its defining characteristics. The works have a significant detrimental impact on visual amenity in a prominent and public location resulting in an imposing, defensive and interruptive structure in an otherwise open environment. If approved, the application would establish a precedent that would be difficult to resist elsewhere in the immediate vicinity and surrounding areas. The proposed front gate, owing to its height relative to surrounding boundary treatments/enclosures which sit at a lower height, is, for the reasons set out above, also considered to result in a detrimental impact on the visual amenity of the wider area.

In light of the above, the implemented works fail to comply with Policy D1 (Quality Placemaking by Design), proviso 2 and 4 of Policy H1 (Residential Areas) and the Council's Householder Development Guide SG, in that they result in an adverse impact on the character and visual amenity of the surrounding area. The proposal would cause significant harm to the Bon-Accord Crescent/Crown Street Conservation Area and therefore would neither preserve or enhance it in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland and therefore Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017.

Residential Amenity

In respect of residential amenity, the Council's SG states that boundary enclosures will not be

permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.

In terms of daylight and sunlight, respective calculations, namely the 45-degree rule, as set out in Appendix 2 of the Council's SG, demonstrate that the height and position the erected fence relative to adjacent property, including habitable room windows and private garden areas, is such that there would be no significant adverse impact. Accordingly, it is considered that the proposal complies with the Council's SG in respect of ensuring that residential amenity is suitably maintained.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan, apart from Policy D2, which is a new policy aimed at protecting residential amenity. However, it is considered that this aspect has been sufficiently assessed by current policies. Given the above assessment it is considered that the proposal is unacceptable in terms of both Plans.

Matters Raised in Representations

Regarding the matters raised via representations, those matters pertaining to precedent, visual impact and residential amenity have been addressed above. The size, scale and nature of the development is such that it is unlikely to exacerbate localised flooding conditions to a degree that would cause concern in planning terms. Matters relating to devaluation of property, property insurance, fire hazards, loss of a view etc. are not a material planning consideration and as such has not been taken into account in the assessment of this application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The implemented deck, associated enclosure and front entrance gate fail to comply with the relevant policies of the Aberdeen Local Development Plan, namely Policy H1 (Residential Areas) Policy D1 (Quality Placemaking by Design) in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The works, owing to their public location and visibility, coupled with the design, size, scale and material finish, are wholly out of character with the prevailing characteristics of the immediate and wider area and in turn result in a significant detrimental impact upon visual amenity. The works cause significant harm to the Bon-Accord Crescent/Crown Street Conservation Area in this location and therefore would neither preserve or enhance it in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland and therefore Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that warrant approval of the application.

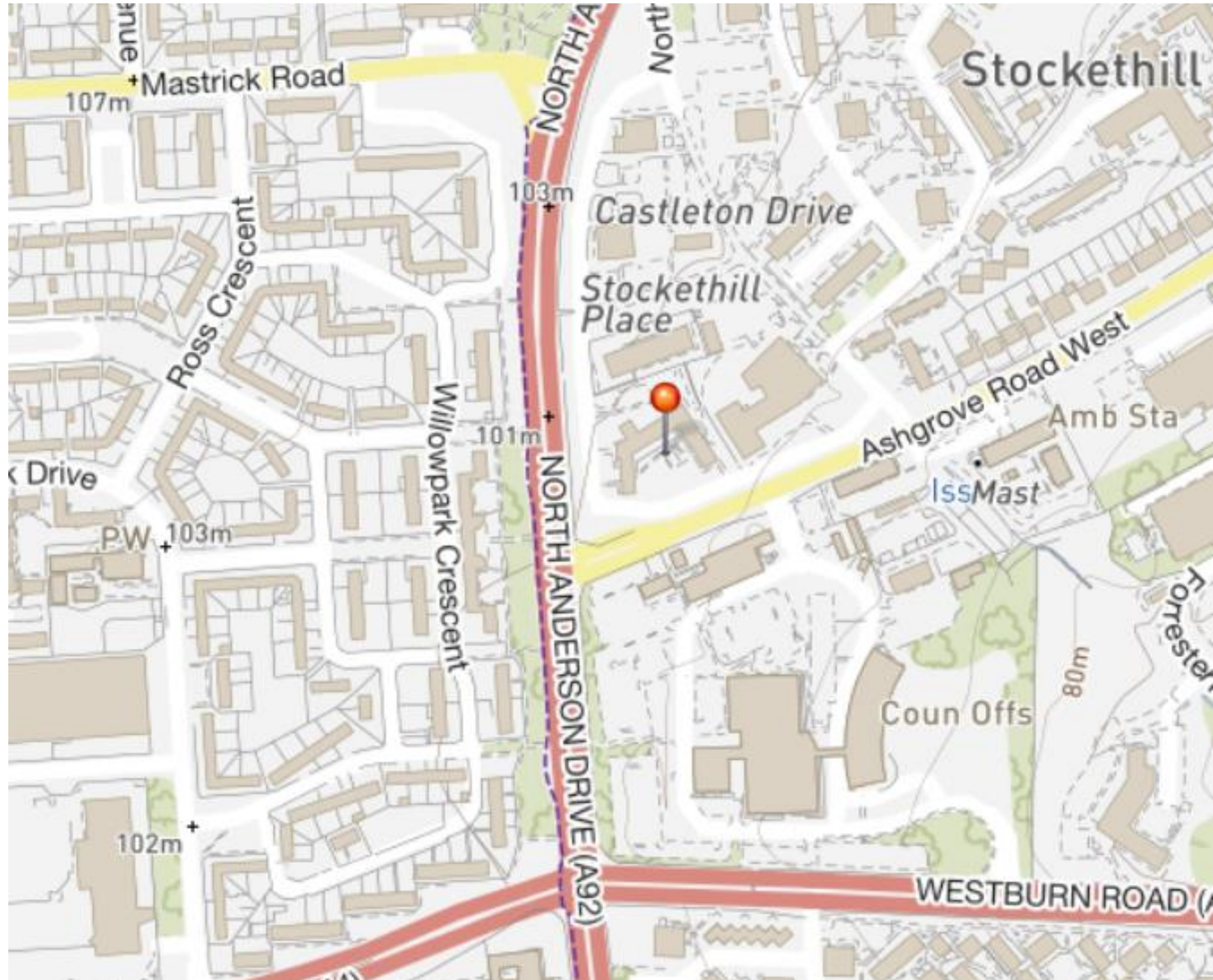
Planning Development Management Committee

Erection of restaurant (class 3) with drive thru facility (sui-generis) including installation of 2no. customer order displays, post height restrictor and play frame; car parking, landscaping and associated works including demolition

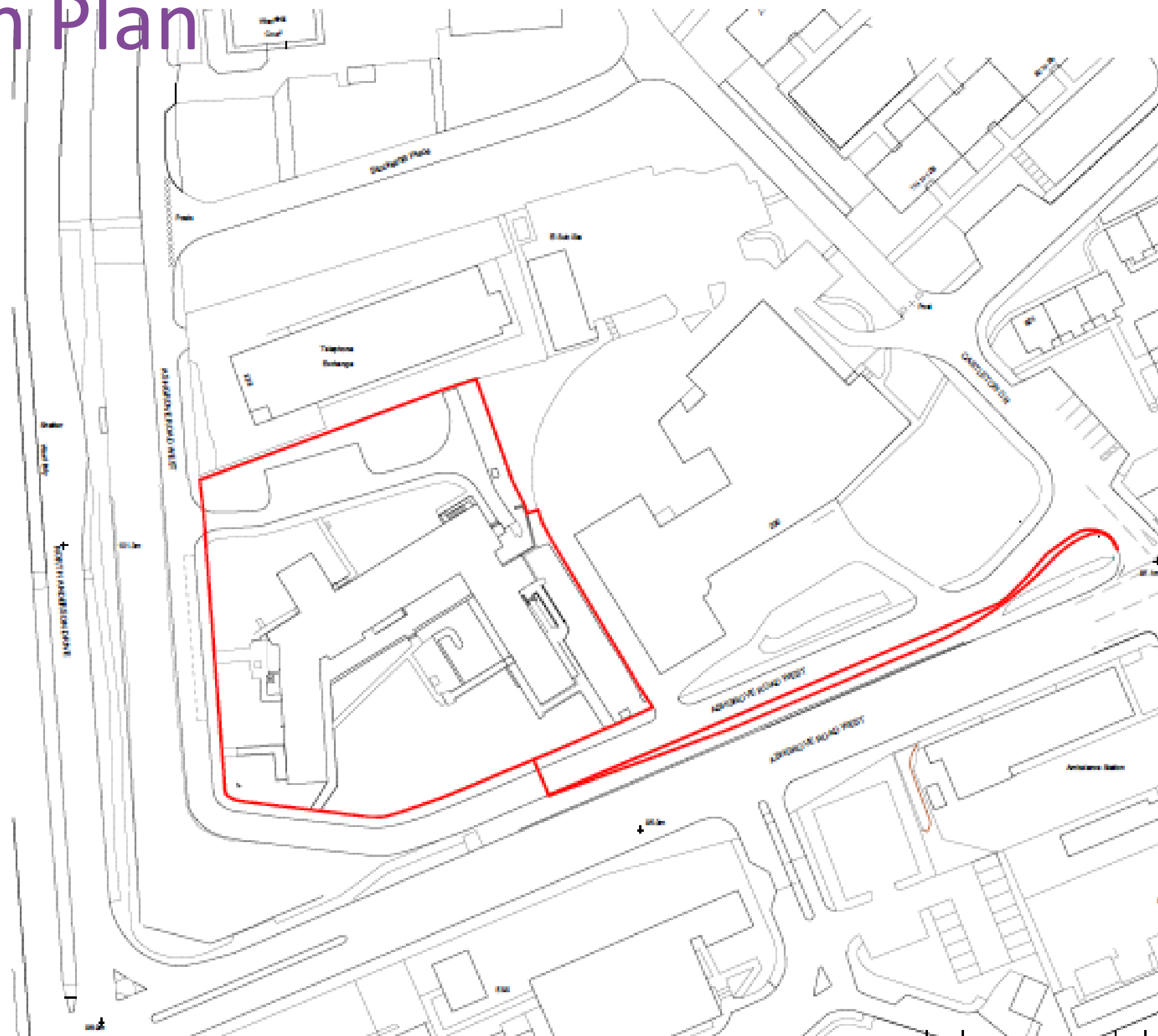
Rosehill House, 202 Ashgrove Road West, AberdeenAddress

Detailed Planning Permission
(220529/DPP)

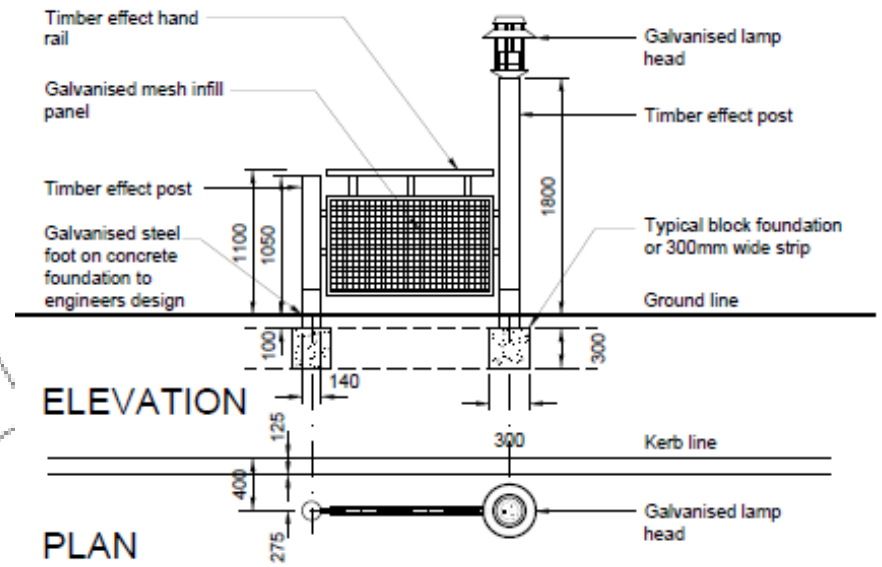
Location - GIS



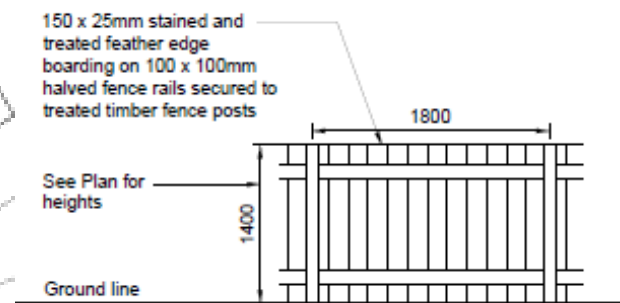
Location Plan



Site layout plan

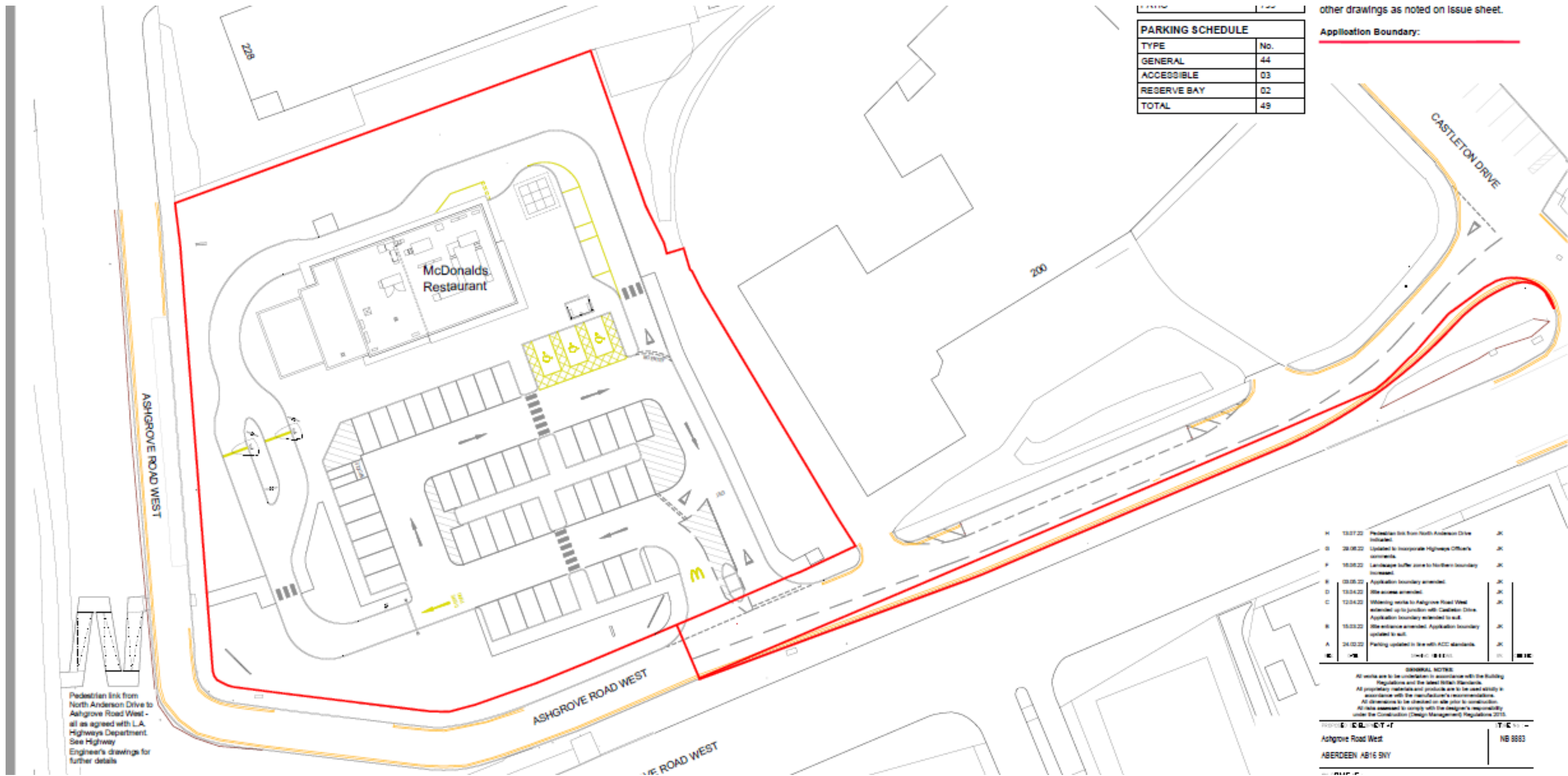


PEDESTRIAN GUARDING &
LAMP POST DETAIL
@1:50

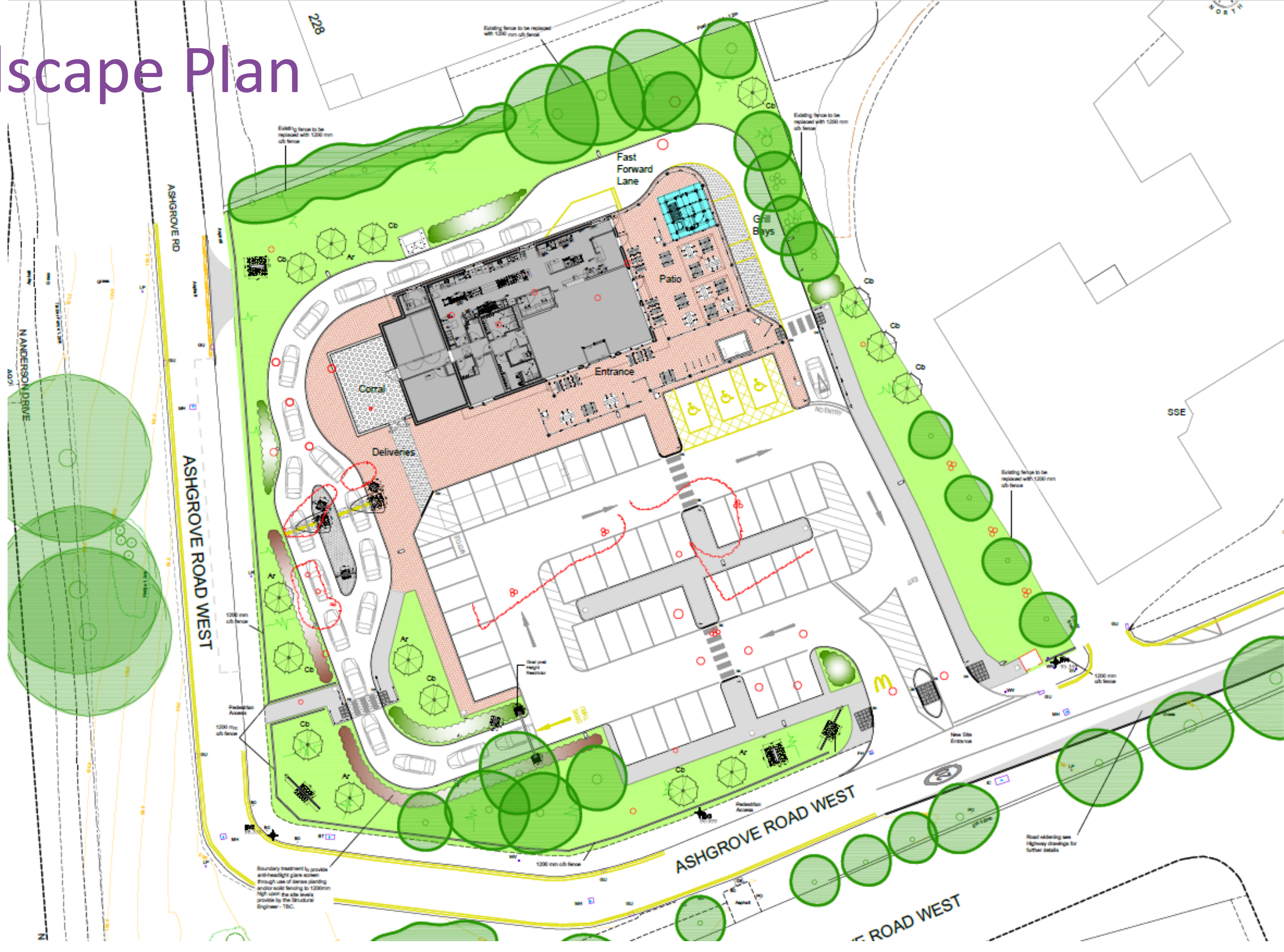


ELEVATION
CLOSE BOARDED FENCE

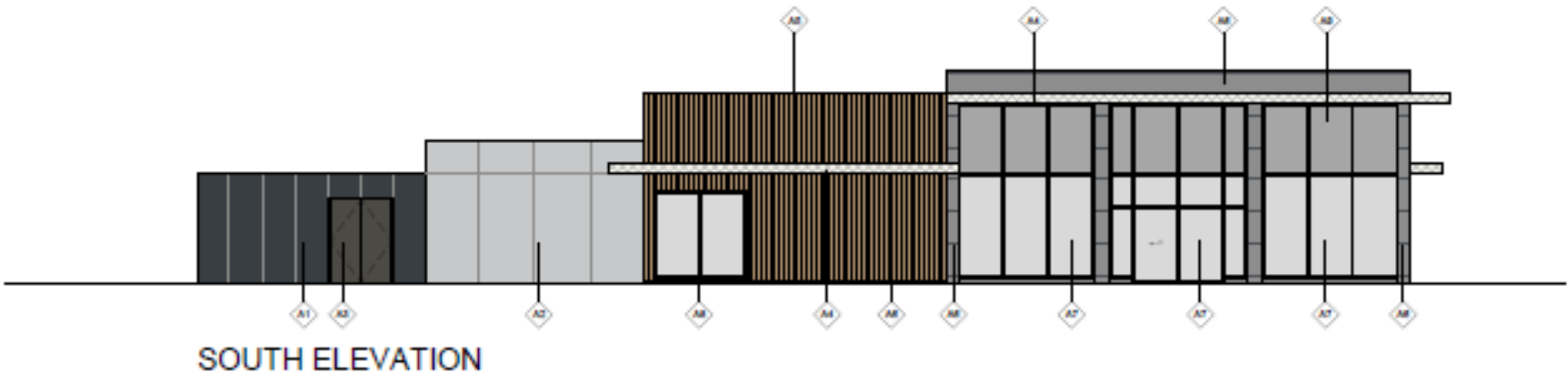
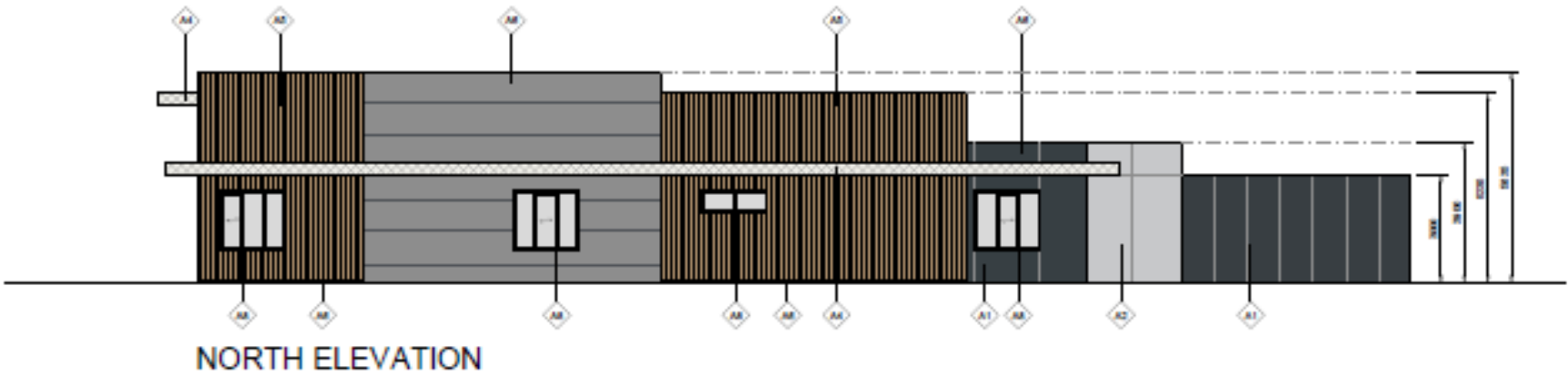
Layout Plan - Roads



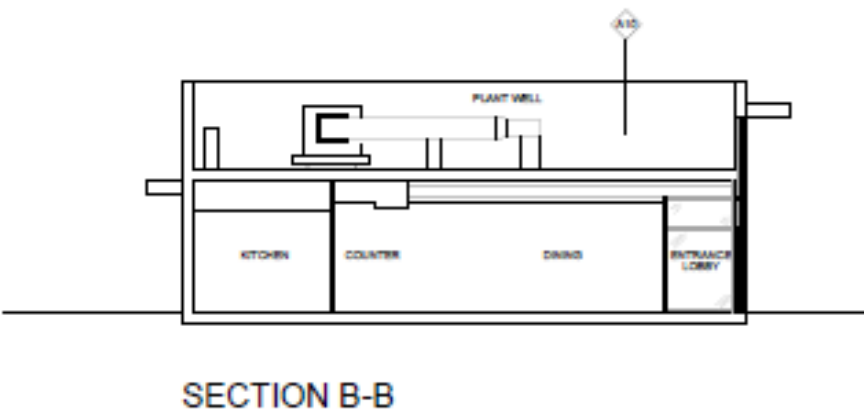
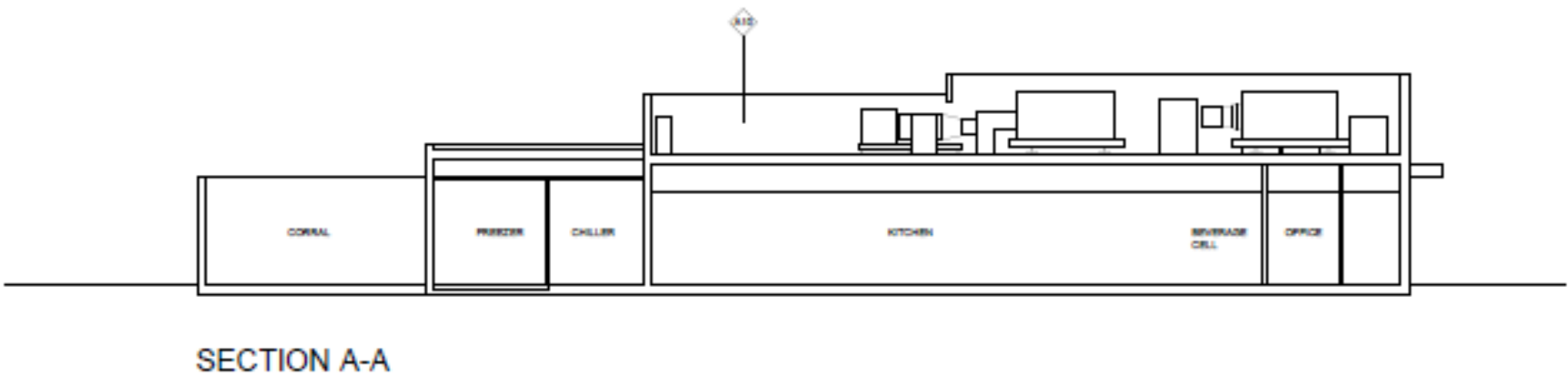
Landscape Plan



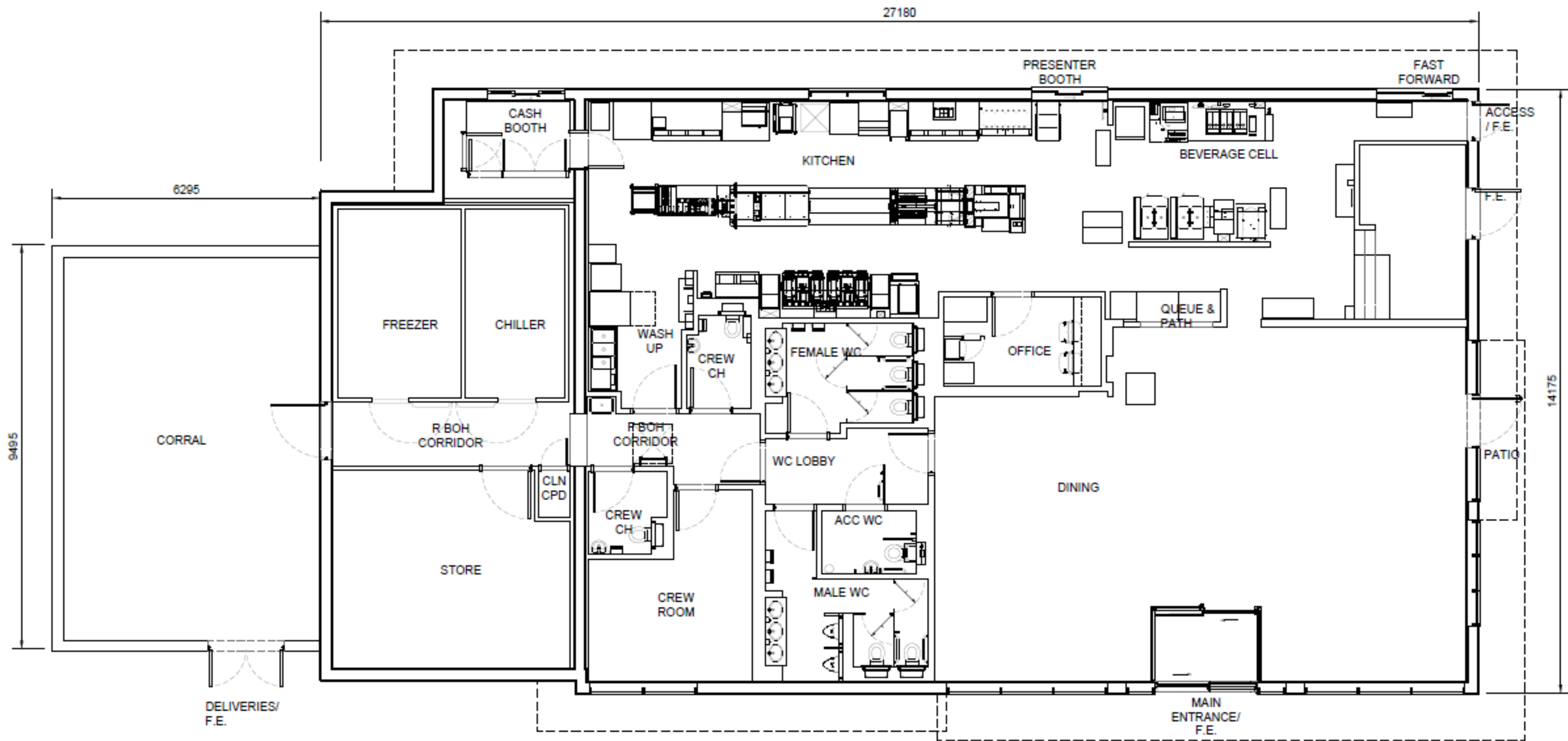
Elevations and Sections



- A1 Corral Grey cladding panels
- A2 Restaurant & Stores Stone effect cladding panels
- A3 Security Doors PPC RAL 7022 Umbra Grey
- A4 Canopies PPC RAL 9016 Traffic White
- A5 Restaurant Random mix of timber effect cladding panels
- A6 Restaurant Dark grey engineering brick
- A7 Restaurant Glazing PPC RAL 9005 Jet Black frames
- A8 Window and Doors PPC RAL 9005 Jet Black frames
- A9 Opaque Glazing PPC RAL 9005 Jet Black frames
- A10 Plant Area Vertical profile metal sheets RAL 9005 Blackl

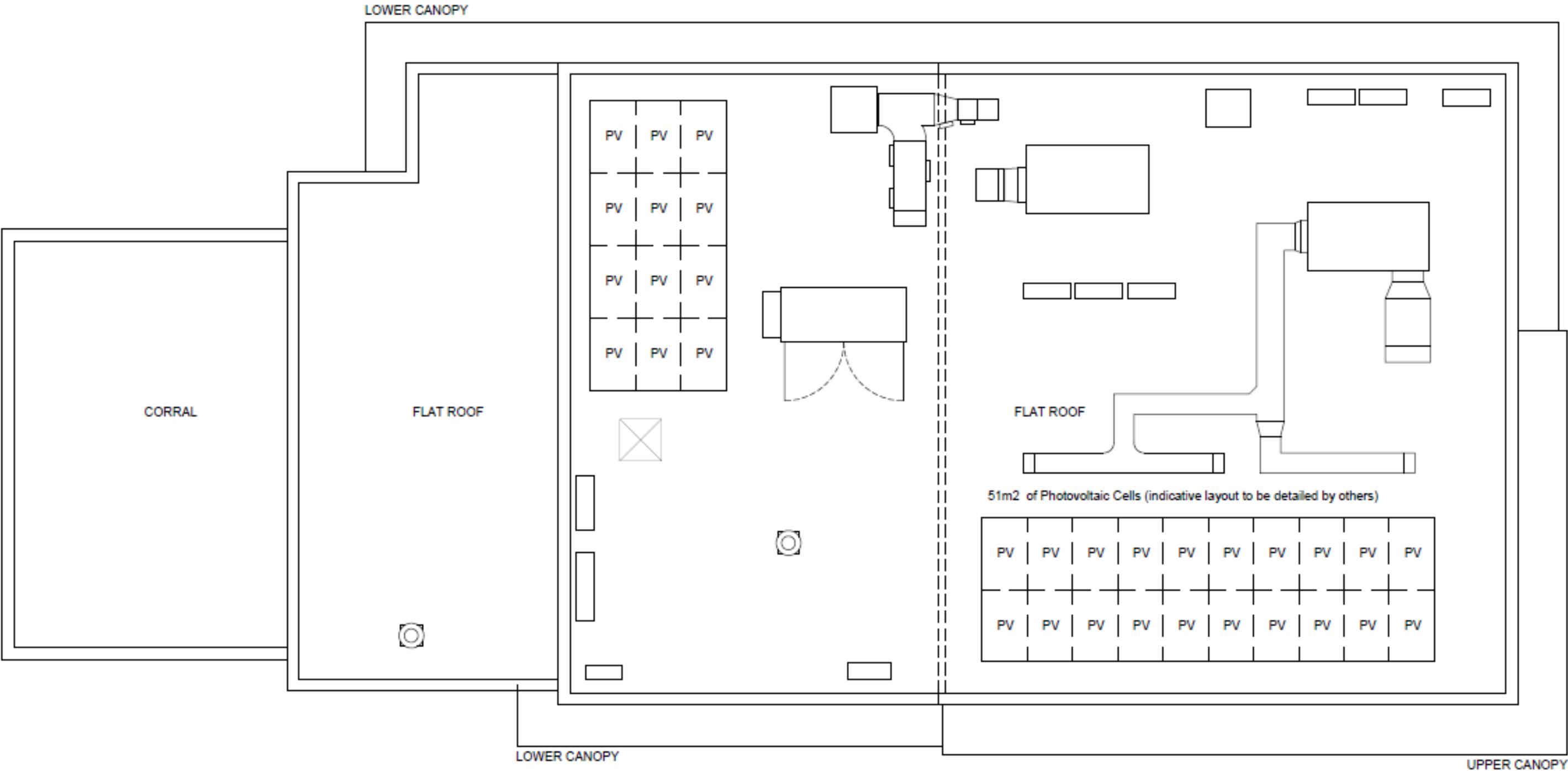


Plans



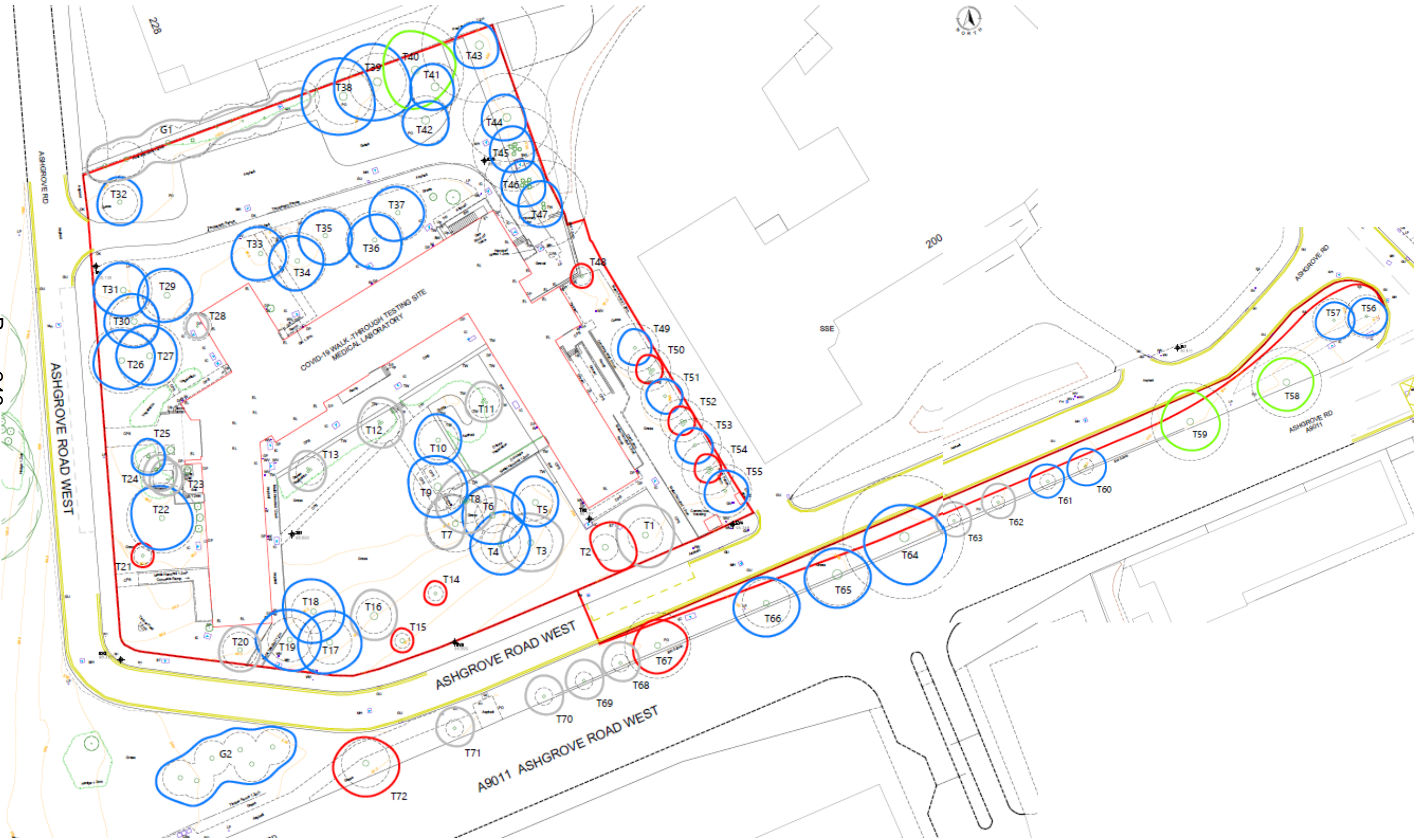
GROUND FLOOR PLAN

Plans



ROOF PLAN

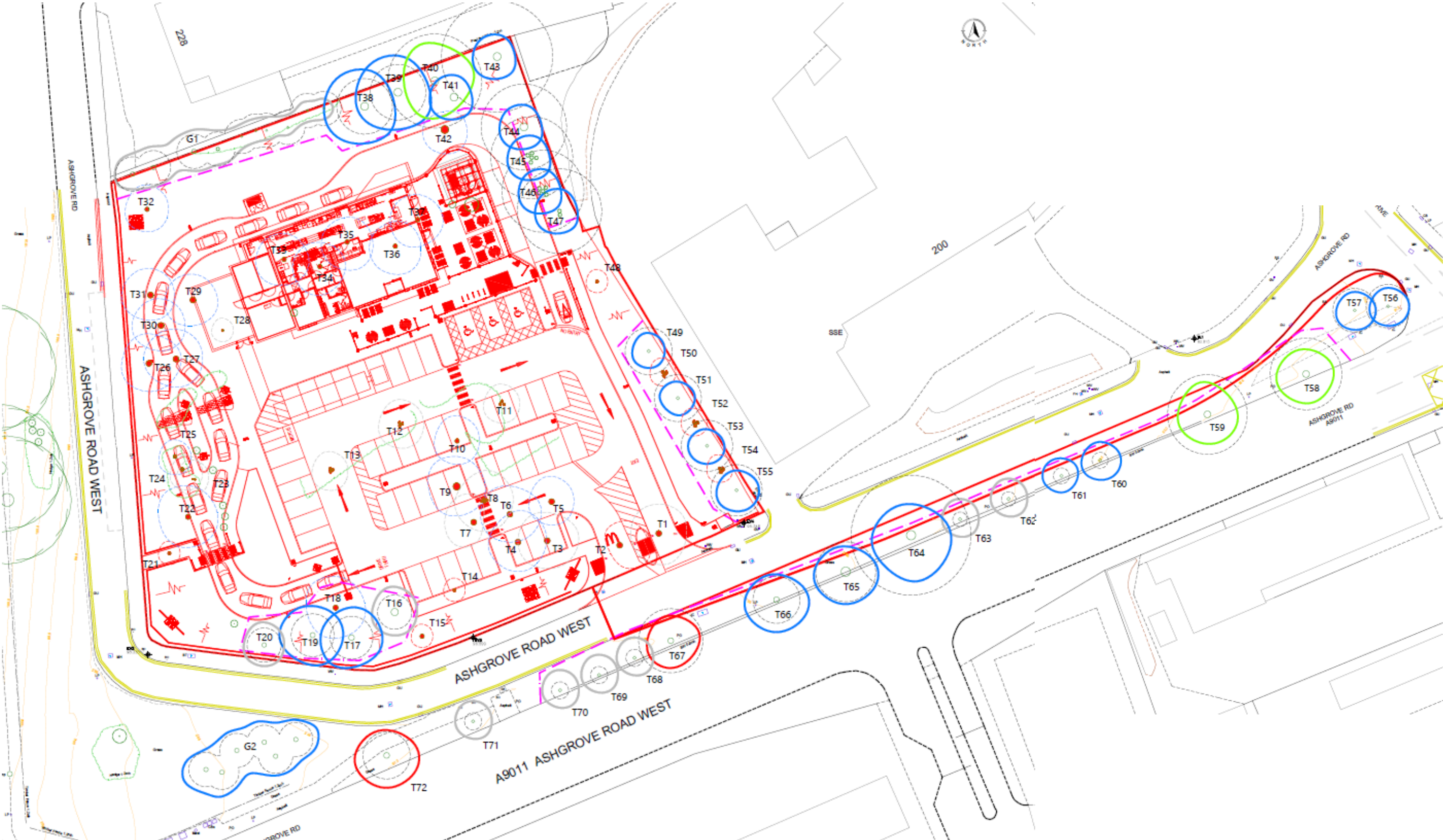
Tree Survey



Tree Survey – with proposed building



Trees indicated to remain (from application submissions)



This page is intentionally left blank

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site lies on the junction of Ashgrove Road West and Anderson Drive adjacent to the SSE Headquarters (which also now houses Scottish Gas Network offices) and close to the NHS Foresterhill site and Aberdeenshire Council's Woodhill House lying to the south east and south. Immediately to the north is a telephone exchange building. It is a roughly square shaped site of approximately 0.54ha in size and occupied by a vacant former social care day centre building of one and two storeys, as well as a large number of mature trees. The building has a narrow, roughly 'U' shaped footprint, a small off-street car park lies within the northern area of the site. The building was most recently used as a temporary covid testing centre.

The nearest residential properties are those to the south within the Woodhill House site (approximately 45m from the edge of the site), those on the west side of Anderson Drive (approximately 77m from the site) and Woodhill Court, a sheltered housing block of 18 storeys, which lies 94m to the north, with the three storey telephone exchange building in between.

The site has a gentle south east facing slope with the high point at the north west corner and low point approximately 4m lower, at the south east corner. A platform was created for the 'Un' shaped footprint of the existing building. At the south west corner of the site there is a fall of just under 2m between the North Anderson Drive (A92) level and that at the site boundary.

The site is accessed from an 'inset' road that joins Ashgrove Road West to the east of the SSE offices. The inset road runs parallel to the site boundary along the south and west site boundaries; landscaped verges with mature trees lie between the inset road and the transport routes of Anderson Drive and Ashgrove Road West. There are double yellow lines along the outer side of the inset road and on corners, with stretches available for parking in between, similarly there is a length of road available for parking alongside the SSE offices to the east. The existing vehicular access serving the site is at the north west corner. Three pedestrian access points exist on the south and west site boundaries. Along Ashgrove Road West A9011 (ARW), which is over 12m wide in this area there are parking bays on both sides of the road along the stretch between North Anderson Drive (NAD) and the junction with Castleton Road, which provides access to the inset road and the application site.

Relevant Planning History

Application Number	Proposal	Decision Date
211197/CRW	Utilisation of the site as a walk-in COVID-19 testing facility	19.08.2021
		Status: Permitted Development
220545/ADV	Installation of 4no. illuminated digital display screens; 2 non-illuminated free-standing banners; 1 illuminated play land sign and 28 non-illuminated car parking directional signs	Status: Pending
220546/ADV	Installation of 3no. illuminated logo signs; 6no. illuminated lettering signs and 1no. digital booth display screen	Status: Pending
220547/ADV	Installation of 2no. illuminated freestanding totem signs	

APPLICATION DESCRIPTION

Description of Proposal

The application proposal is for a single detached building to be used as restaurant, takeaway and with 'drive thru' collection. This would be sited at the northern part of the site with car parking and internal road network proposed to the south. The building would provide a single storey of floorspace, with plant accommodated on the roof and concealed behind extended elevations, resulting in a 'stepped' elevational appearance. A 'corral' area would be formed by an enclosure on the west side of the building. Externally there would also be ancillary structures including customer order displays on the two drive thru lanes, a playframe, patio with outdoor tables to the south and east of the building, fencing and lighting to the outdoor seating area and a cycle store to the front.

The restaurant would provide seating for seventy six people, within a floorspace area of 78m². There would be a further 46.4m² floorspace of ancillary public areas and 198m² of kitchen / staff / back of house area. The 'corral' includes areas for deliveries and also for refuse management, with a refuse compacter on site.

Elevational cladding materials to the main building would be a roughly equal mix of: timber effect cladding panels in variety of shades and dark grey engineering brick. There would be full height glazed windows and doors on the southern frontage, and white canopies at two fascia levels. The 'corral' and stores areas would be clad in dark grey and lighter grey stone effect panels. Sections through the building show plant on the roof of the restaurant area, with the maximum overall height being just over 5.8m.

Pedestrian access within the site is shown via a path to the west onto the inset road with a further ramped path providing a route onto the footway on North Anderson Drive(NAD) and pedestrian 'zebra' type crossings within the car park leading to the footway on Ashgrove Road West (ARW) to the south. A further pedestrian route, which would avoid walking through the car park, would lead between ARW along the east side of the car park to a crossing of the drive thru lane and into the building through the frontage patio.

The plans indicate a 1.4m high timber close boarded fence around the site perimeter, with steel mesh panels within 'timber effect' posts, handrails and approximately 2m high lampposts around the pedestrian and patio areas close to the building.

The landscaping plan shows the existing trees retained on the site boundaries, together with grassed and landscape planted borders. Fifteen trees would be planted, these would be split between red maples and hornbeams, with the trees being 'heavy standards' of height 3.5 – 4m at planting. There would also be hedge planting (hornbeam proposed) around the south west corner adjacent to the drive thru lane, with shrub planting also in patches along the lane.

The plans show forty seven (47 no.) car parking spaces with the car park, with three of these being for disabled people. There would be two further spaces accessed from the drive thru lane (grill bays). Two motorcycle bays are shown and a bike store.

The applicant's agent's submissions states that the premises would employ more than 120 full and part-time staff in total, with fifteen being indicated as on site at any one time.

Proposed signage on the site and building is included in separate applications as noted within the Planning History section below.

Amendments

The building location has been moved 3.7m southward on the site to reduce the impact on existing trees. The barriers to restrict vehicular width at the site entrance have been added.

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=RAZT58BZMY200>

Drainage Impact Assessment Issue 2 by Glanville Consultants June 2022
Drainage Maintenance Plan Issue 2 by Glanville Consultants July 2022
Construction Environmental Management Plan Issue 2 by Glanville Consultants June 2022
Transport Assessment Revision A Issue 3 by ADL, July 2022
Travel Plan by ADL July 2022
Noise Impact Assessment Rev B by ENCON, June 2022
Air Quality Assessment, Rev A by ENCON, June 2022
Ecological Appraisal & Preliminary Bat Roost Assessment, by ENCON, April 2022
Landscape Maintenance Plan, by ENCON, April 2022
Low and Zero Carbon Report, Issue 1, by CDM Partnership, April 2022
Odour Assessment, First Issue, by ENCON, March 2022

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are more than six objections.

CONSULTATIONS

ACC - Roads Development Management Team – Overall, there is no objection on roads grounds with any outstanding matters being capable of being addressed by condition.

The site is accessible in terms of walking and cycling, as well as crossings. Footpath is shown to link onto NAD to the west, however, there should be further discussion over the location as it should link with the bus stop further north. People will use desire lines rather than more indirect existing routes. This should be the subject of condition on any approval.

Parking exceeds standards, which are 1 space per 10m² and would equate to thirty six spaces plus three disabled. Forty six spaces are provided plus three disabled. It is considered that additional parking would help prevent over-spill onto surrounding streets.

It is noted that cycle parking and motorcycle parking area proposed, the cycle parking is shown within a shelter.

Swept paths for vehicle access including cars and delivery vehicles have been provided as requested and these are acceptable.

Internal road layout is acceptable and permits a large number of vehicles within the site, which will help prevent vehicles queuing out of the site.

The applicant estimates, based on surveys of other McDonalds drive thrus, that the predicted peak traffic is 144 trips in the weekday AM peak, 133 trips in the PM peak, and 270 trips on the Saturday peak. They then note that 69% (weekday) and 81% (weekend) of these trips are already on the network, which would reduce the traffic generated to 44 combined Friday AM peak trips, 72 combined Friday PM trips, and 51 combined Saturday peak trips, they then conclude by saying “it is considered that this level of additional traffic would have no material impact on the operation of the local road network” and, consequently, no junction analysis has been undertaken.

The following have been accepted:

- Ashgrove Road West (side road) / Castleton Drive – Ratio of Flow to Capacity (RFC) increases from 0.05 to 0.38 (Saturday peak)
- Castleton Drive / Ashgrove Road West (main road) – RFC increases from 0.08 to 0.37 (Saturday peak)
- Ashgrove Road West (main road) / North Anderson Drive signalised junction – Degree of Saturation increases from 39.6% to 74% (Saturday peak)

These show large increases, however, are still below the allowable threshold (0.85 / 85%).

The applicant proposes the following mitigations:

- Realigning the inset Ashgrove Road West / Castleton Drive junction;
- Widening Ashgrove Road West inset to formalise the on-street parking adjacent to the SSE offices and to provide a 5.5m two-way carriageway past these parking bays to facilitate access to McDonalds;
- A new access to the site from Ashgrove Road West inset, with the existing access being closed and the footway reinstated. The new access will have a pedestrian refuge which will aid pedestrian crossing and restrict the site from being serviced by oversized vehicles.

These measures are acceptable, subject to detailed swept path plans. Due to the substantial increase in traffic it is required that the applicant resurface the inset road from the junction with Castleton Drive to the proposed site access and this should be the subject of condition on any approval.

The revised Travel Plan is acceptable.

The site is proposed to be serviced by an 11m rigid vehicle (not HGV) with deliveries three to five times per week. With traffic management taking place, the vehicle would overrun car spaces to undertake deliveries. This is acceptable.

A Drainage Impact Assessment has been submitted, cellular attenuation needs to be increased to provide for a 1 in 200 year even plus climate change. Further information is also required, these matters could be covered by condition.

ACC - Environmental Health - The amended Noise Impact Assessment by Encon Associates (Revision A, 30th May 2022) associated with the proposal was reviewed. The proposed development being in close proximity to the North Anderson Drive Noise Management Area has also been considered. The following observations were made:

1. The findings night-time assessment at the southern residential properties (within Woodhill House site) advises an excess over the background sound level of +12dBA, which indicates likelihood of significant adverse impact, depending on context. Additionally, during the

night-time at the western properties the report advises an excess of rating level over the background sound level of +5dBA, which indicates likelihood of adverse impact, depending on context.

The extent of these noise emission exceedances over background (and the limit of 5 dB below background applied by the Environmental Health Service (EH)), present unacceptable conditions for residents at night. The EH Service is therefore unable to support 24-hour operations. The Service would however accept the proposal provided time restrictions are applied along with critical noise mitigation measures achieving at least an equivalent effect of those measures contained within the assessment. These must include:

- a) operation and opening hours of the restaurant shall not take place between the hours of 00:00 (Midnight) and 06:00 daily.
- b) deliveries and waste collections shall not take place between the hours of 23:00 and 07:00.
- c) installation of a close boarded fence 1.4m high sound barrier as indicated within the site layout plan.
- d) Installation of the specified equipment complying with either A-weighted sound pressure level at 1m or as a sound power level detailed.
- e) Installation of a rooftop parapet sound barrier shielding fixed plant and equipment preventing line of site between the plant and the receptors.

In terms of air quality, an air quality impact assessment was submitted, the scope was agreed with the EH service, and included all traffic visiting the site. In relation to traffic pollutant levels at sensitive receptors the findings of the report were accepted, including that mitigation measures in relation to road traffic emissions are not necessary and the conclusion that *'The assessment has predicted a negligible impact on NO₂, PM₁₀ and PM_{2.5} as a result of operational traffic'*.

A condition would be required in relation to dust control management during demolition and construction.

In relation to odour the Service accepts the proposed development provided application of the critical odour mitigation measures achieving at least an equivalent effect of those measures contained within the assessment takes place. These include (but not be limited to);

- a) A built-in Hi-Catch filter on all fryer and grill hoods to remove 98% of airborne grease at source
- b) A Purified Air ESP 4500E electrostatic precipitator within the extract duct before the extract fan to remove grease and smoke particles
- c) A Plasma Clean Xtract 2100 Ozone injection unit within the extract duct before the extract fan to remove and neutralise odours
- d) The proposed system will include access doors at 3m intervals within the extract ductwork to allow for cleaning.

The EH Service would also recommend an advisory note is attached to any planning permission advising strict adherence to the managerial controls detailed within the report relating to cleaning and maintenance.

It is also recommended that a Construction Environmental Management Plan be required by condition, to manage impacts of noise, vibration and dust during construction.

ACC - Natural Environment Policy Team – Ecological appraisal and bat roost inspection are acceptable, an emergence and activity survey is recommended.

The proposal shows an unacceptable loss of trees, even with new planting there is an overall loss of habitat and biodiversity and increase in impermeable surface. Habitat loss conflicts with policy NE8 'Natural Heritage'. It is recommended that further measures should be considered in this proposal to enhance biodiversity and go further with compensation in the design to replace the habitats that are proposed to be lost.

A green roof should be considered for the restaurant as compensation for biodiversity. A well designed green biodiverse roof could include sedums, grasses and wildflowers whilst providing an undisturbed area for wildlife.

The building on site along with the trees proposed for felling should be removed outside of bird nesting season to follow best practice. If tree removal or building demolition is required in the nesting bird season, an ecologist will be required to survey the site

The landscape plan shows hornbeam hedging, which is not native to NE Scotland, given the location hawthorn would be acceptable.

This proposal requires a significant number of trees to be removed and proposes limited low quality replacement planting resulting in an overall net loss of tree cover within the city.

The proposal is contrary to Policy NE5 Trees and Woodlands. Policy NE5 sets 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. Proposed development should be sited so as to minimise adverse impacts on existing and future trees. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction.

The tree survey suggests that 38 of the 55 trees on site would be removed to facilitate the development. This is a significant underestimate in the opinion of the EP Team. The development will result in a significant impact on the root protection areas of trees 38–41 and 43-47(all these are in the north east corner of the site) . The impact is so great that it is not considered that it will be feasible to safely retain trees 38-41 and trees 44-47.

The level of actual tree loss is likely to be 45 out of the 55 trees located within the site boundary. Landscaping proposals suggest approximately 15 small replacement trees will be planted. The proposal does not meet the aims of Policy NE5. It would appear to be feasible to facilitate development on this site and meet the aims of both national and local planning policy in terms of tree retention and replacement tree planting.

The open space forms part of a wider area of habitat and green space which would be lost and replaced with surfaced roads and parking areas. Some open space and new planting is proposed however, there is still an overall loss, whilst an alternative proposal should seek to achieve a reduced footprint, reduction in hard surfacing and improve the biodiversity and quality of open space.

Aberdeen International Airport – The proposal could conflict with safeguarding criteria unless conditions are attached relating to bird hazard management and the use of cranes.

ACC - Waste and Recycling – The development would receive a business waste collection and ACC is not the only contractor available. High level advice is provided on refuse storage and collection, in particular:

Different contractors provide a different collection of waste and recycling services.

- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the premises responsibility to manage and dispose of any waste correctly.
- Waste (Scotland)2012 requires all businesses to separate paper, cardboard, glass, plastic and metals. Where food waste is greater than 5kg per week they are also required to separate their food waste.

Scottish Water – No objection. Unable to confirm capacity for water; there is capacity for foul only at waste water treatment works.

ACC – Developer Obligations – No requirements.

ACC – Land and Property Assets – No comments or objections.

Police Scotland – Recommends that the applicant consult with the Policy Architectural Liaison and give consideration to any crime reduction measures suggested. Further informal discussion confirmed no undue concern in relation to anti-social behaviour.

Rosehill and Stockethill Community Council – No comments received.

REPRESENTATIONS

Ninety (90 no.) representations have been received (86 objections, 4 in support), including from the Scottish Ambulance Service, whose depot is located on the south side of ARW, opposite the Castleton Drive junction. The matters raised can be summarised as follows –

- Residents of sheltered housing to the north raise concerns about how ambulances and taxis would negotiate the road (access to the flats is via the inset Ashgrove Road West), with delays causing life threatening consequences.
- Scottish Ambulance Service state that increased traffic flows will have a detrimental impact on target response times to immediately life threatening call outs. The station is the largest in the area and serves the greatest proportion of the Aberdeen area. In particular the traffic egressing Castleton Drive turning right (westwards) is highlighted and the lack of mitigation. It is stated that around half the ambulances exiting the station turn right (eastwards) and rely on road users to give way. Increasing the traffic exiting Castleton Drive and turning right would increase the probability of an accident. There is an existing box junction. The Service notes that flashing red lights would be a possible mitigation measure. Half the exiting ambulances pass through the ARW / NAD junction, additional traffic queuing here would increase by more or less 100%. This makes the use of emergency driving measures including driving in the carriageway of oncoming vehicles, more likely to be required. There have been serious and fatal accidents and these would become more likely. One possible measure here would be to re-design the traffic signal control to provide a 'rapid response green wave' from ARW onto NAD so that traffic can be dispersed. The application is not supported, however, if approved a condition is requested limiting access to 11m delivery vehicles, including during construction.
- Increase in noise from traffic, customers and people attracted to mill around the premises.

- Air quality impact largely from traffic.
- Discarded food and wrappings, including by Academy pupils walking from Northfield
- Vermin linked to discarded food.
- Air quality and climate change impact from traffic emissions.
- Risk of anti-social behaviour and nuisance.
- Many residents of Woodhill Court are elderly with mobility impairment, increased traffic would seriously impact their ability to leave the building.
- McDonald's could cause obesity including amongst local school children with a number of schools nearby.
- A drive thru would be out of character with the local community.
- The application does not justify change of local plan zoning.
- Traffic Assessment does not reflect true traffic impact within Stockethill residential area. Also stated that ACC has not considered road safety implications of alternate traffic routes to and from the site – these are described as via Castleton Drive from the north (Stockethill Crescent and from the north along the North Anderson Drive / Ashgrove Road West slip road accessed from the Foresterhill Road / Anderson Drive / Cairncry Road roundabout – due to legal parking, these access routes are essentially single track.
- It is queried how large vehicles would access the premises without impacting local traffic.
- Queued traffic at the ARW / Castleton Drive junction, together with vehicles parked in the eastern end of the bays will cause a bottleneck with vehicles potentially utilising the exclusion box outside the ambulance station.
- Junction of ARW and NAD has a raised 'cobblestone' central reservation, which makes it very difficult for queued traffic to move out of the way for ambulances
- Increased traffic at Lang Stracht / NAD junction would also risk delays for ambulances
- Increased east bound traffic at the ARW / NAD junction would risk delays for ambulances
- From Northfield Academy children will take the most direct route, not necessarily crossing NAD or the slip roads at designated points,
- Speeding traffic in Stockethill area has caused damage to parked cars (on North Anderson Drive slip road).
- Layout of Ashgrove Road West is misrepresented in supporting statements.
- Pedestrian access – from the west this requires crossing North Anderson Drive (NAD), with significant risk to children, pensioners, people with limited mobility, cyclists and walkers. There are five crossing points of North Anderson Drive between the junctions with Ashgrove Road West and junction with Cairncry / Foresterhill Road, three of these lead to crossing points on the slip roads, whilst two pedestrian crossings have controlled lights. Increased traffic will cause risk to pedestrians crossing to the footway on the east side of the slip roads.
- Use of traffic statistics likely to underestimate the impact of traffic flow
- Truck movements as shown on swept path analysis would be impeded by parked vehicles and this has not been taken into account.
- Parking bays on both sides of Ashgrove Road West A9011 have not been shown on plans
- Removal of trees for road widening required for access.
- Conflict of interest as ACC is the landowner and planning authority.
- There are 6no. McDonald's within the city limits, with 4no. of these being drive thrus. All are in retail or industrial areas.
- Sequential testing is invalid as it applies to retail uses.

The following matters were raised in support of the application:

- That McDonald's would be a great addition to the area, people enjoy it and it would bring life and brightness.
- McDonald's would add to the variety of food available in the area
- The proposal would bring jobs and opportunities.

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

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- B2 – Specialist Employment Area
- D1 – Quality Placemaking by Design
- NE5 – Trees and Woodland
- D2 – Landscape
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel

T4 – Air Quality
 T5 - Noise
 NE6 – Flooding, Drainage and Water Quality
 NE8 – Natural Heritage
 R6 – Waste Management Requirements for New Development
 R7 – Low and Zero Carbon Buildings and Water Efficiency

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance on the following:

Traffic and Transportation
 Natural Heritage

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 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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.

The following policies are relevant –

B2 – Business Areas
 NE5 – Trees and Woodland
 D1 – Quality Placemaking
 D2 – Amenity
 D4 - Landscape
 T2 – Sustainable Transport
 T3 – Parking
 WB2 – Air Quality
 WB3 - Noise
 NE2 – Green and Blue Infrastructure
 NE3 – Natural Heritage
 NE4 – Our Water Environment
 R6 – Waste Management Requirements for New Development
 R7 – Low and Zero Carbon Buildings and Water Efficiency

EVALUATION

Principle of Development

The site lies within an area identified as 'Specialist Employment Area', under Policy B2 Specialist Employment Areas. This zoning applies to the area comprising Woodhill House, ambulance depot, SSE offices, telephone exchange and the application site. The policy states that only Class 4 (Business) uses will be permitted in order to maintain a high quality environment. Activities such as

research, design and development are encouraged. Facilities that directly support such uses may be permitted where they enhance the attraction and sustainability of the area for investment.

Policy B2 states that:

“Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.”

A drive thru restaurant would not fall within Class 4 and does not include any of the activities noted in the policy. Business uses in the area consist of the SSE / SGN office on the neighbouring site to the east, Aberdeenshire’s Head Quarters at Woodhill House to the south, the Telephone Exchange to the north and the Scottish Ambulance Service depot to the south east. The proposed restaurant / drive thru would be easily accessible on foot to employees within the SSE offices to the east, this office with a capacity of 200-250 and 80 parking spaces, has its own canteen. Employees of the ambulance service would need to cross ARW to the east side of Castleton Drive (as there is no pavement on the west side) from there the walk along the inset road is short. For Woodhill House the route is more convoluted as a direct crossing of ARW would be hampered by there being no pavement on the north side and a retaining wall of roughly 0.5m along the back of the parking bay. Woodhill House employees would therefore need to walk along to Castleton Drive, even so, the walk would be approximately 450m and take around five minutes. Woodhill House has a canteen. There does not appear to be a case for concluding that the proposal would directly support existing specialist business uses or in terms of its use, increase the attraction to business within the zoning.

As a contribution to the built and natural environment, the proposed drive thru would be associated with relatively high volumes of vehicles queuing, and the associated requirement for large areas of hard surfacing. The plan shows a large area of the site as car parking and for vehicles moving through the site to collect food. As is covered further below, mature trees would be lost for the proposal and the amount of green space would be significantly reduced. This would not result in a use that would enhance visual attractiveness, environmental sustainability or sustain investment in the area for business and investment in the uses noted - research, design and development, knowledge driven industries and related education and training.

It is clear that the proposal would not primarily meet the needs of businesses and their employees. The proposal is therefore contrary to the zoning policy B2: Specialist Employment Areas. The site is similarly zoned within the Proposed Plan 2020 (PLDP) under Policy B2: Business Zones. The wording of the policy is slightly different in that it states:

“Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Business Zone for investment. Such facilities should be aimed at meeting the needs of businesses and employees with the Business Zone rather than the wider area.” (underlining indicates different wording). The word ‘primarily’ after ‘aimed’ has been removed and the words ‘rather than the wider area’, have been added. Taking into account this wording difference, it is considered that the proposal would be aimed at the wider area and be also contrary to the PLDP zoning policy B2.

Whilst the proposal is considered not to comply with Policy B2 in this particular location and instance, it is noted that a similar mixed use proposal may be considered differently in an industrial or business area that contains a larger number, variety of sizes and different mix of premises, where it could potentially provide a service that meets the needs of employees and business. It is understood that the application site has been on the market for less than one year. No marketing information has been provided in support of the current proposal being the only option put forward for the redevelopment of the site.

Trees

Policy NE5 in the adopted LDP 2017 states that:

“There is a presumption against all activities and development that will result in the loss of... trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.”

It further requires that buildings be sited so as to minimise adverse impacts on existing and future trees and that trees are protected during development. Where trees are impacted there should be provided details of compensatory planting.

The proposal would result in the site, other than a perimeter strip around the site being built over with the building, and vehicle parking and movement areas.

The revised tree survey report surveyed seventy two individual trees and two groups, both within the site and between ARW and the inset road. There are fifty five trees within the site. None of these are not covered by Tree Preservation Order (TPO), nor are they within a conservation area.

Thirty trees would be removed to make way for the development, the report states that a further eight trees would be removed for health reasons. Seventeen trees and one group would be retained. The report concludes that removal of trees outwith the site could be avoided by use of a cellular confinement system where road widening would be required within the root protection area.

Of the thirty trees for removal that are healthy, twenty of these are Category B2 trees, of ‘moderate quality’, and ten trees are categorised as C2 ‘low quality’. Of the trees to be removed:

- Trees T1 to T15 in the survey are local within the southern area of the site and consist of cherries, alder, silver birch, hawthorn, cotoneaster and holly of heights between 4m and 13m. The best of these are five ‘B2’ trees which silver birches, cherry and alder and are generally the taller ones within the group.
- Trees T21 to T32 are along the western side of the site. The best quality trees are an alder of 15m in height, 5no. maples of 7 – 12m in height, a silver birch and a mountain ash.
- Trees T33 to T37 are all moderate quality maples in a formal arrangement along the edge of the existing car park to the central north area of the site, whilst T42 is on the edge of the trees in the north eastern corner.

Trees outside the side between the inset road and ARW, built into a stone retaining wall that forms the north side of ARW, are also highly visible within the area. Two of these are high quality Category A sycamores.

The Council’s arboricultural officer considers that additional trees would be likely to be lost, namely those in the north east corner of the site, so that up to forty five of the fifty five trees could be lost due to damage caused by works within their root protection areas.

Effectively all trees along the western boundary of the site would be lost. Replacement planting would consist of four trees dotted along the southern stretch of this site boundary, with hedging along part of the drive thru lane and three trees to the rear of the drive thru lane. At present trees effectively screen the buildings on the site, sitting relatively close to it, and form a group along the northern boundary, with other trees outside the site. These are seen beneath the much higher canopies of three large trees on the side of NAD and their loss is significant in visual terms. Fifteen replacement trees are proposed in total together with hedging and shrubs. The view of the site would be very much more open than at present and the site would be largely hardsurfaced, with views being both of the building, which in itself is not particularly large, but significantly of the extensive hard surfaced area in the southern, most visible extent of the site, together with a large number of vehicles, that would be likely to be present certainly at peak times of the day.

It is therefore considered that due to the loss of trees and resulting detrimental change in the character of the site, the proposal is contrary to Policy NE5: Trees and Woodland, in the adopted LDP, and to the equivalent policy NE5 in the PLDP.

Noise, Air Quality and Residential Amenity

The relevant sources of noise from the proposal are roof top plant, traffic, milling, comings and goings of customers on foot outdoors and noises associated with vehicles, such as car doors slamming.

The noise assessment considered those sources with the exception of people within the outdoor areas of the site and coming and going on foot.

Policy requires submission of Noise Impact Assessment (NIA) in these cases and there is a policy presumption against noise generating developments close to noise sensitive uses, such as housing. Sheltered housing lies to the north (approximately 94m away) with other housing as mentioned, to the south and west. The proposal is not immediately adjacent housing, and there are busy roads to the west and to a lesser extent to the south. The Environmental Health Service consider that in terms of the submitted NIA, the proposal could be made acceptable in terms of the sources covered, by the attachment of conditions limiting hours of opening and requiring installation of measures such as close board fencing and screening. The application was submitted as a 24 hour a day operation, however, the applicant has indicated a willingness to accept the hours mentioned by the Environmental Health Service, namely 0600 until midnight.

Activity of people would likely be focussed on the immediate environs of the building, although customers on foot would leave the site onto surrounding pavements with the potential for an increase in groups along ARW and crossing NAD to the residential area beyond. The NAD inset road is a less obvious route, as direct routes from housing within Stockethill would be more likely via Castleton Drive. Overall, it is considered that any disturbance from customers on foot is unlikely to be sufficient to be considered as a reason for refusal of the application.

In terms of visual amenity, taking into account that Woodhill Court is a sheltered housing block and the residents are more likely to spend longer periods of time in their homes, there would be views of the site from levels high enough to see over the telephone exchange building, however, the south elevation of that block facing the site, is the only one without balconies. In addition, the outlook from the flats would be across a wider area, although the site is close by, the change is not considered to have a significantly adverse impact on the residential outlook such as it would impact on amenity.

Consideration of the potential impact of air quality was via a submitted assessment report and this concluded, taking into account all sources, including customers trips to the site based on the conclusions of the transport assessment, that mitigation measures would not be necessary. A condition would be required in relation to dust during the pre-operational phase.

Odour impact was also considered and an assessment report submitted. The EH service accepted the findings providing that mitigation measures are put in place to have an effect equivalent to that identified in the assessment. The measures include equipment that would remove air borne grease and smoke particles, as well as odours, from the air prior to it exiting the building.

Disturbance from noise, vibration and dust during construction could be adequately controlled via a suitable plan submitted in a compliance with a condition.

In terms of anti-social behaviour, the supporting statement notes that restaurants maintain a strict protocol for ensuring noise and disturbance are kept to a minimum. Managers receive conflict resolution training and there are crime reduction measures included within the design criteria including on the landscape plan. The Police do not express concern about this matter. Overall it is considered that anti-social behaviour is not a reason for refusal of the application and there are measures in place to help ensure it does not detract from residential amenity.

Litter

The supporting statement points out that dropping litter is an offence and that the planning system cannot address unlawful acts. The applicant proclaims a commitment to tackling litter in a variety of ways. These include three daily litter patrols, where any litter within 150m of the site is collected. Litter bins are provided, anti littering messaging is on signage and packaging.

The planning service does not disagree with the applicant's approach or statements in relation to litter and further considers that the applicant would have an interest in avoiding negative publicity that might arise from litter being connected to the company brand. In the event of Members being minded to approve the application, it is considered that the provision of litter bins could be suitably addressed by a condition.

Access, Traffic and Transportation

The Roads Development Management Team do not object to the proposal and consider that outstanding matters may be adequately dealt with by condition.

It is noted that objectors have serious concerns in relation to traffic increase. The increase is significant, however, the accepted modelling is evidence based and although showing significant increases, junctions would remain functional, being under the 0.85 flow to capacity ratio. The proposals for widening the ARW inset are also considered acceptable, with additional space for parking outside SSE and allowing for rigid delivery vehicle use.

In order to avoid further impact on the Castleton Drive junction from larger delivery vehicles overrunning the footway, if the proposal were approved, it would be proposed to install a physical width restriction at the entrance to the site and to condition the submission of a delivery management plan which would limit the type of vehicles used for deliveries. Both of these measures, which are accepted by the applicant, would deter the use of articulated lorries.

The level of parking and internal layout of the site is considered acceptable with the revised layout plan. It is noted that the level of parking and space for queuing vehicles is considered to be generous and sufficient to prevent vehicles queuing onto the public road.

The impact of traffic associated with the proposal on ambulance movements is a concern that has been raised by objectors and the Scottish Ambulance Service itself. It can be seen that the Transport Assessment shows a significant increase in traffic through the junctions nearby. The Roads DM Team accept the figures within the TA. The junctions would, nevertheless, remain within capacity. It would appear obvious to conclude that where an ambulance station is located close to a junction such as here, any increase in traffic at the junctions would potentially cause delay to ambulances. By the nature of their purpose, very small delays can have significant effects on response times.

In tandem with the above, a use is proposed on the application site that is traffic movement heavy by its nature. Putting these two matters together, it may be considered reasonable to conclude that impact on ambulance movements justifies a reason for refusal of the application.

However, setting aside whether the proposed use complies with the zoning policy for the site, it is important to note that the junctions, utilising the accepted traffic figures within the TA, would remain within capacity. In a hypothetical scenario where a specialist employment use, in line with the LDP zoning were proposed on this site, with similarly high traffic movements, it would be clear that the relevant consideration would relate to capacity of the junction.

In terms of mitigation measures, the installation of emergency services flashing lights has been suggested as a possible improvement, similar to what exists adjacent to the Central Fire Station on Mounthooly Way. It is sometimes competent to require off site works to take place as part of mitigation for impacts created by a development. There is no justification or requirement for the installation of the emergency service flashing lights in this case.

Consideration has been given to the function of the 'yellow box junction' (keep clear area) which exists on the south side of ARW outside the ambulance station. The Ambulance Service also highlights the particular conflict of ambulances heading eastwards and traffic from Castleton Drive turning westwards. This existing yellow box provides ambulances with clear access to turn left and head westwards. The extension of the yellow box to cover both sides of the road would assist in the scenario described by the Ambulance Service, or where either cars were queued right back to the ARW / Castleton Drive junction (considered extremely unlikely), or large vehicles are waiting to exit the Castleton Drive junction to turn left (eastwards) – these would then need to wait until their exit is clear before manoeuvring. This is a measure that has been the subject of discussion with the Roads DM Team and could be required by condition if the application were to be approved.

With regard to the Ambulance Service suggestion relating to the traffic signal control on the ARW / NAD junction and the rapid response green wave capability, the Roads DM Team consider that the impact is not sufficient to justify requiring the applicant to provide such a mitigation.

In terms of matters raised in objections in relation to roads matters, these have largely been dealt with above. It is also noted that parking bays on ARW and the inset road have been taken into account in the analysis.

Health Developments

The matter of the potential health impact of both the lifestyle choice of drive thru fast food and of consuming the food itself are raised in objections. No direct health related policy exists in the current LDP, however in the Proposed LDP, Policy WB1 – Healthy Developments states that developments are required to provide health environments, reduce environmental stresses, facilitate physical activity and promote physical and mental well-being. Major applications (which this is not) would be required to submit a Health Impact Assessment. Reference is made to Aberdeen Planning Guidance on this matter, and this guidance is not yet available. The pre-ambles to the policy provides background information that leads to the inclusion of this policy. Amongst this the Council's Local Outcome Improvement Plan 2016-2026 (LOIP) is highlighted. The LOIP notes wide divisions in health outcomes with worse outcomes in the poorest communities. The LOIP includes the aim of helping individuals and communities to look after health by the choices they make and lifestyles adopted. The creation of healthy places is dependent on a number of policies being considered holistically and as such a number of criteria are mentioned, including: access to active travel, compact walkable neighbourhoods, access to natural open spaces, reducing noise pollution and carbon emissions. It is highlighted that the Planning Act 2019 brings health to the forefront.

It is noted that the Stockethill area, in which this site is located, is included within the Scottish Index of Multiple Deprivation 2020 within the Most Deprived 20% in Scotland. As such the area would fall into those referred to in the LOIP in terms of helping individuals and communities to make lifestyle choices that look after health. Furthermore, considering the factors mentioned above, it could be concluded that both 'fast food' and drive thru collection might run contrary to the aims of the Health and Wellbeing section of the PLDP.

However, in terms of this planning application it is considered that there is at best a casual link that could be drawn between some of the food sold by the applicant, the method of collection and poor health. At present, the PLDP policy is not supported by planning guidance that would provide further basis on which to assess the application. In addition, it is considered that the policy cannot be afforded sufficient weight to support a refusal on the basis of health and wellbeing. The LOIP is a material consideration in the determination of planning applications. Balanced against this is some of the food that would be sold in the application premises and the level of deprivation reported in the local area. A high level, lay-persons review of information online on the applicant's products, reveals a wide variety in nutritional value, fat and salt content between different products. Added to this would be the price and regularity of consumption. Overall, in terms of this planning application, there is an insufficiently strong link between the food that would be sold by the applicant and the aims of the LOIP, for health impact and lifestyle choice to be used as part of any refusal of the application based on the nature of the community in which the site lies.

Flooding and Drainage

The application site lies outside the flood plain as indicated on SEPA maps and there are no watercourses on the maps. The report states that the site is too small for swales or basins and that permeable paving has been trialled and rejected by the applicant. The proposal is based on attenuation cells and the capacity needs to be increased in accordance with comments from the Roads DM Team. This matter could be covered by condition if the application were to be approved.

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.

If Members were minded to approve the application, consideration should be given to conditions including relating to the following:

- trees and landscaping,
- hours of opening,
- mitigation measures within the Noise and Air Quality reports,
- dust management,
- pedestrian access,
- cycle parking,
- works to roads including for delivery vehicle access,
- physical measures to restrict width of vehicles accessing site,
- extension of yellow box junction,
- requirement for electric vehicle charging points,
- a management plan for deliveries (including vehicle types),
- drainage impact assessment – surface water drainage,
- demolition works and tree removal should be outside the bird nesting season
- litter management.
- Low and Zero carbon emissions measures

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

That the proposal falls within Class 3 (Food and Drink) and sui generis sections of the Use Classes Order and not within Class 4 (Business) as required by Policy B2: Specialist Employment Areas. The proposal it is not a use that would primarily meet the needs of employees and businesses in the area, on the contrary the premises would largely serve those from outside the area. There is no evidence that a mixed use premises including a restaurant with drive thru facility would increase the attractiveness of the area to sustaining business investment, either in terms of the use provided or the visual appeal of the area. It is noted that the two largest occupiers within the Specialist Employment Area have canteen facilities within their premises. The proposal is therefore contrary to Policy B2: Specialist Employment Areas in the adopted Aberdeen Local Development Plan 2017 (ALDP), and the equivalent policy B2: Business Areas, in the Proposed Local Development Plan 2020 (PLDP).

That the proposal would result in the loss of at least thirty trees within the site, many of which are highly visible from the public areas around the site, contribute to the character of the wider area, and contribute towards nature conservation and biodiversity. The site would be developed to an extent where only a perimeter strip of landscaping would remain and the proposed replacement planting of trees, hedges and shrubs would not compensate for the trees lost, nor provide sufficient mitigation. The proposal is therefore considered to be contrary to Policy NE5: Trees and Woodland, within the ALDP 2017 and the equivalent policy NE5: Trees and Woodland, within the PLDP.

It is considered that there are no factors that outweigh the policy consideration in respect of specialist business uses and trees that would merit approval and the proposal is therefore contrary to the development plan for the reasons noted above.

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	25 August 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Guidance on Outdoor Seating
REPORT NUMBER	PLA/22/183
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Donna Laing
TERMS OF REFERENCE	5. Adopt non-statutory planning management guidance

1. PURPOSE OF REPORT

- 1.1 This report presents a draft guidance note on Outdoor Seating. The report seeks approval to undertake public consultation on the document, with the results of the consultation and any revisions to the document reported back to this Committee for approval within the next six months.

2. RECOMMENDATION(S)

That the Committee: -

- 2.1 Approve the content of the draft Guidance on Outdoor Seating (Appendix 1);
- 2.2 Instruct the Interim Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish the draft Guidance on Outdoor Seating document for a four week non statutory public consultation; and
- 2.3 Instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Guidance on Outdoor Seating to a subsequent Planning Development Management Committee within the next six months.

3. CURRENT SITUATION

- 3.1 During the coronavirus (Covid-19) pandemic the Scottish Government used its powers to support the temporary relaxation of some planning controls via the COVID 19: Relaxing Planning Control guidance. Amongst other things this included relaxations around provision of outdoor seating.

- 3.2 A cross service group within Aberdeen City Council was subsequently set up to support and work with business in line with Scottish Government and Chief Planner guidance and to consider proposals for temporary outdoor areas. This group included officers from Environmental Health, Planning, Building Standards, Licensing and Comms, and engaged with Police and Emergency Services as necessary. During this time, the group dealt with over 100 proposals from businesses for temporary outdoor seating, the majority being independent traders, cafes, restaurants and bars. This group also prepared and kept updated an online Guide for Businesses which, as well as signposting businesses to relevant legislation, set out the principles where outdoor trading would be supported.
- 3.3 At the August 2021 City Growth and Resources Committee, under the City Centre Masterplan Review, and in the context of Scottish Government restrictions around physical distancing in place at that time, the Committee resolved to maintain current arrangements for the approval of temporary outdoor trading proposals through the cross service group described above until 23:59 on 24 January 2022. After this date, necessary formal consents for outdoor seating would therefore be required, including planning permission.
- 3.4 Officers have since identified a need for additional guidance on outdoor seating proposals for applicants. The Draft Guidance on Outdoor Seating (attached at Appendix 1) is proposed to be taken forward as a trial non statutory planning document in the first instance. With the review of the Local Development Plan well underway, the updating of associated planning guidance documents will follow in due course. Rather than wait for the review of the wider suite of planning documents to be completed, it was felt a standalone planning document was required in the short term to provide clarity on the expectations around outdoor seating from a planning perspective. The success of the document will be monitored and evaluated and may form part of further non-statutory Aberdeen Planning Guidance under the adoption of the emerging Aberdeen Local Development Plan 2022.
- 3.5 It is felt a guidance note to help applicants identify the planning criteria for the erection of outdoor seating, and to support them to identify where other services or consents may be required, would be helpful. It will also ensure planning officers have clarity on what to consider when making decisions on outdoor seating. Outdoor seating in this context can take the form of chairs and tables outside of a premises, or larger covered structures to accommodate further seating. There is currently some limited planning guidance on street cafes within the Harmony of Uses Supplementary Guidance document. The proposed Draft Guidance on Outdoor Seating supplements rather than replaces this Supplementary Guidance and identifies further situations where guidance on outdoor seating is needed, such as in private car parks, on open space, and sets parameters for timeframes of seasonal outdoor seating.
- 3.6 Without the document there may be applications for inappropriately located outdoor areas leading to conflict between pavement uses and vehicles. The impact on surrounding amenity, including impact to neighbouring uses and built heritage, also has to be considered to ensure outdoor seating areas minimise unsocial noise, are well designed and are positive additions to local areas.

- 3.7 The Draft Guidance on Outdoor Seating provides criteria for applicants to support them through the planning system. It flags where further consents may be required from other departments beyond the planning service (e.g. Roads and Licensing). The document will help applicants, planning officers and other stakeholders and will ensure a consistent approach to decision making.
- 3.8 A four-week period of consultation in public will be undertaken in Autumn 2022. The consultation will be undertaken electronically with documentation available for inspection via the Council website. The consultation will be communicated via an advertisement in a regional newspaper and also through the Council's website, the Local Development Plan newsletter and social media platforms.
- 3.9 Comments on the consultation will be submitted using the Council's consultation hub (Citizen Space), email or by post. These comments will be reviewed, synthesized and reported back to a subsequent Planning Development Management Committee within the next six months.
- 3.10 At a national level the Scottish Government is looking to review its Permitted Development Rights. Permitted Development Rights are proposals where no planning consent is required, or planning consent is required only in certain instances. Moveable outdoor furniture was part of the remit of the recent consultation on Permitted Development Rights, and a response to this consultation was submitted by officers on behalf of Aberdeen City Council. With the possible reworking of Permitted Development Rights associated for moveable outdoor seating as a result of this national picture, and the COVID 19: Relaxing Planning Control guidance coming to an end on 30 September 2022, it is felt interim planning guidance for Aberdeen is required.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of preparing the document is met through existing staff time resourcing budget.
- 4.2 The guidance document will help to mitigate any increase in applications and queries which will result in added pressure on the finances and staff resources of the Council's planning service.

5. LEGAL IMPLICATIONS

- 5.1 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will, where this is applicable, be subject to assessment in line with the principles and standards set out in the document.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 A Strategic Environment Assessment (SEA) screening report will be submitted to the SEA gateway and the results reported back to subsequent Planning Development Management Committee within the next six months.

- 6.2 A Habitats Regulations Appraisal (HRA) is not required for the Draft Guidance on Outdoor Seating as it does not specifically recommend any actions or projects.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Not delivering the aims of the City Centre Masterplan and Local Development Plan relating to the future of Aberdeen.	Encourages outdoor seating to facilitate a vibrant and welcoming city.	L	Yes
Compliance	Ensuring that planning permission is sought for outdoor seating.	The document provides advice on planning consent.	L	Yes
Operational	By not provided guidance, officers could, over time, provide inconsistent advice.	The document provides clarity, consistence and certainly in terms of what is required for planning permission.	L	Yes
Financial	Not having timely guidance could lead to uncertainty at Planning application stage, potentially leading to more staff time spent processing	The document should reduce the number of queries and provide clarity, consistence and certainly in terms of what is required for planning permission.	L	Yes

	applications and a greater number of planning application appeals.			
Reputational	Not providing guidance opens the possibility of inconsistency and misinformation.	The document sets parameters for development based on location, design and amenity.	L	Yes
Environment / Climate	Ensures Net Zero Route map is considered in the design of proposals	The document notes proposals have to consider energy use and emissions.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<p>The proposal within this report support the delivery of the following aspects of the policy statement: -</p> <p>A vibrant city – make Aberdeen a more attractive place to live, work, study and visit.</p>
<u>Aberdeen City Local Outcome Improvement Plan</u>	
Prosperous Economy Stretch Outcomes	Supports outcome 2 by supporting the labour market to recover from impact of Covid-19, and by allowing people to linger longer in spaces.
Prosperous People Stretch Outcomes	Support outcome 11 by facilitating spaces where individuals can interact socially.
Prosperous Place Stretch Outcomes	Supports outcome 13 by focusing on impact on proposals on Net Zero Route map.
Regional and City Strategies <u>Regional Strategies:</u>	Supports the City Centre Masterplan by helping to facilitate a vibrant and welcoming city.

<p>Aberdeen City and Shire Strategic Development Plan 2020</p> <p><u>City Strategies and Strategic Plans:</u></p> <p>City Centre Masterplan, Aberdeen Local Development Plan 2017, Proposed Aberdeen Local Development Plan 2020.</p>	<p>Support the Aberdeen City and Shire Strategic Development Plan 2020, the Aberdeen Local Development Plan 2017, and the Proposed Aberdeen Local Development Plan 2020 by ensuring Aberdeen is an excellent place to live, visit and do business, and where the built, historic, and natural environment will be protected.</p>
---	--

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required.
Other	Not required.

10. BACKGROUND PAPERS

- 10.1 [Aberdeen City and Shire Strategic Development Plan 2020](#)
- 10.2 [Aberdeen Local Development Plan 2017](#)
- 10.3 [Proposed Aberdeen Local Development Plan 2020](#)
- 10.4 [City Centre Masterplan and Delivery Programme 2015](#)
- 10.5 [Harmony of Uses Supplementary Guidance](#)

11. APPENDICES

- 11.1 Appendix 1 – Draft Guidance on Outdoor Seating

12. REPORT AUTHOR CONTACT DETAILS

Name	Donna Laing
Title	Senior Planner
Email Address	DLaing@aberdeencity.gov.uk
Tel	01224 523512

Planning Guidance for Outdoor Seating

Guidance Note

August 2022

Introduction

This guidance note should be read in conjunction with Aberdeen Local Development Plan 2017 (ALDP2017). The ALDP 2017 is the planning document for Aberdeen City; it provides planning policy for the whole of the city. Outdoor seating as discussed in this document can take the form of chairs and tables outside of a premises, or larger covered structures to accommodate further seating. Planning permission is generally required for outdoor seating. The following ALDP2017 Policies will be used to assess outdoor seating applications. This list is not exhaustive as each application will be assessed on its own merits and set of circumstances:

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment for applications in Conservation Areas / in curtilage or affecting the setting of Listed Buildings

Policy T3 – Sustainable and Active Travel

Policy T4- Air Quality

Policy T5 – Noise

Policy NE5 – Trees and Woodland for applications where trees are present

Policy NE3 – Urban Green Space for applications in parks, playing fields, sports pitches, woods, allotments or any other area of urban green space

Policy NE1 – Green Space Network

Planning permission is not the only consent which may be required for outdoor seating. Other consents must be obtained separately. A café permit may be required from the Roads Authority. If alcohol is to be served an application also needs to be made to the Licensing Board. Applicants are encouraged to contact the Licensing Board and Roads Authority early on in the process to discuss their proposals, and before submitting a planning application. If a structure is to be erected a Building Warrant may also be required. This document covers planning considerations only. Proposals should also be mindful of energy use and emissions - Aberdeen has an approved a Net Zero Routemap which strives to ensure the city becomes net zero by 2045.

General Principles for all outdoor seating and structures

Location

- Proposals for outdoors seating should consider the both the immediate and wider context in which they will be situated.
- As a new addition to the area, the agent of change principle is applied- whereby the applicant is responsible for ensuring their proposals does not cause unnecessary harm to the existing amenity of the surrounding area.
- Proposals in conservation areas and within the curtilage of, or potentially affecting the setting of, a listed building need to ensure the proposals protect and respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings and conservation areas.
- The location of existing permanent street furniture should be considered in any design (e.g. bins, benches, bus stops, bollards).

Design

- Outdoor seating should be of a high quality, and continuity of design with any surrounding premises is encouraged.
- Appropriate landscaping and “greening” using planting is encouraged, this could be in the form of planters and/or green walls to form an enclosure where appropriate.
- Any perimeter enclosures over one metre should be partially ‘see-through’ in order to maintain visibility of activity. Any perimeter enclosures less than one metre should be of a high quality and appropriate design to provide shelter and clear delineation of the area.
- Furniture and fixtures must not be fixed into the street or pavement surface. Furniture and fittings may need to be removed and stored inside each evening – this will depend largely on the type of furniture / structure proposed and the location of the occupation.
- New Structures should generally not be attached to any building and must be of an appropriate high quality, particularly within a Conservation Area or within the curtilage of a Listed Building.

Be a good neighbour

- Outdoor seating areas should be visible from existing premises and kept under supervision.
- Outdoor seating areas should not prevent access to neighbouring properties.
- Residential amenity should be respected, especially noise and lighting impact.
- Suitable arrangements for the storage and collection of refuse must be made.
- External public address systems or amplified music will not be acceptable at unsociable hours. Planning applications are subject to consultation with the Environmental Health Service who may require conditions to be applied any planning permission.
- A clear route must be maintained to allow other footway users to pass the outdoor seating area or any queue without obstruction. Crossing the footway to reach an outdoor seating area should generally be avoided.

Specific Guidance -the following guidance should be considered in line with the general principles above.

Outdoor Seating on Streets

Subject to the general principles the Council supports and encourages the provision of street cafes in the form of outdoor seating in:

- fully pedestrianised areas (where vehicles have no right of entry);
- In areas supported through the City Centre / Beach Masterplan proposals; and
- areas where pavements are wide enough to accommodate the proposed street café.

It is important that street cafes are properly designed, administered and managed to ensure that they meet the high standards expected in Aberdeen. They should not obstruct public space or create a hazard for pedestrians.

Planning applications for street cafes on the pavement where adequate space is not provided to allow pedestrians a straight, obvious and unobstructed route past will not be supported. Such a route should not pass through the area used by the tables and chairs. Applications for street cafes which occupy more than half the total width of the footway will not be supported.

Privately Owned Car Parks

Modifying areas of privately owned car parking within the curtilage of a building or immediately adjacent, such as in front of hotels, to provide outdoor seating may be acceptable.

The Council supports and encourages active travel and public transport journeys; however consideration will need to be given to the impact of the removal of car parking in some areas. Accessible spaces for people with mobility impairments, including wheelchair users, and designated for that use must be retained or reworked into any proposal. Suitable drop off points must also be retained or included in any proposal.

Typically, no more than 50% of the car parking should be removed; this percentage could be increased if the need for the existing level of car parking is deemed to be more than necessary, for example if active or sustainable travel options are available and promoted, or if sufficient public or on-street car parking is available in the immediate area. Adequacy of car parking is not the only consideration and proposals must be balanced against the potential impact on amenity of the surrounding area from noise, visual impact, adverse impact on the historic environment and other factors.

Public open space

Open space within the city comprises greenspace and areas of civic space such as squares or other paved or hard surfaced areas with a civic function.

Redevelopment of green public open space is generally not supported. Policy NE3: Urban Green Space will be used to assess such applications. Relevant considerations include the scale of the existing space, the scale of the proposed outdoor area, the percentage of greenspace proposed to be used, potential enhancement of the greenspace, and if more appropriate areas are available as an alternative to accommodate the proposals.

Outdoor seating within civic spaces will be supported, however this will be dependent on space available, the scale of the proposal, the percentage of space left over and the design of the proposal.

When a proposal to develop public open space of any form is put forward, a justification for the proposal will be required explaining what alternative options were considered, why this is deemed the most appropriate location and how the proposal will sit successfully within the site without a detriment to the wider public use of the space or the character of the area. The proposed use must not alter the primary use of the open space, dominate the open space or remove the primary uses of the open space.

Seasonal consents / Time Limited Applications

Planning permission may be sought for outdoor seating and movable structures which are themed on seasonal events. If this is the case, we would encourage applicants to apply for a time limited application, whereby the days and months of occupation over a 2 year period are submitted as part of the planning application. This could relate to summer or winter months where there is more business demand and public desire for outdoor seating.

Belmont Café Quarter

This is an area that has recently become a thriving hub for food and beverage offerings and outdoor seating provision as a consequence of physical distancing and COVID- 19 regulations.

Through the City Centre Masterplan, the Belmont Street Quarter is earmarked as a key area to help transform the city into a vibrant, prosperous place in which to live, work, visit and thrive. The proposal for this area is to continue the café culture where outdoor seating would contribute to the vibrancy and vitality of the area. This guidance note and the principles within it will be of use for assessing any outdoor seating applications submitted. Given the nature of the area, any structures proposed should be semi-permanent, lightweight, and positively contribute to the townscape / historic character.

Who to Contact?

A number of different consents may be required for outdoor seating applications. The following links identify who you should be contacting:

Applicants are encouraged to contact the Licensing Board and Roads Authority early on in the process to discuss their proposals, and before submitting a planning application

- To apply for a café permit, please see the Roads Authority - <https://www.aberdeencity.gov.uk/services/business-and-licensing/licences-and-permits/pavement-cafe-permit-application>
- If alcohol is to be served, please apply to the Licensing - <https://www.aberdeencity.gov.uk/services/services-business/licences-and-permits/licensing>

- To apply for planning permission, please contact the Planning Authority - <https://www.aberdeencity.gov.uk/services/planning-and-building/planning-applications/apply-planning-permission>
- Pre-application planning advice can also be sought - <https://www.aberdeencity.gov.uk/services/planning-and-building/planning-applications/apply-planning-permission/pre-application-advice>
- If a structure is to be erected please contact Building Standards about a Building Warrant - <https://www.aberdeencity.gov.uk/services/planning-and-building-standards/building-standards/apply-building-warrant>

This page is intentionally left blank