

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 22 September 2022

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 29 SEPTEMBER 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

BUSINESS

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

MOTION AGAINST OFFICER RECOMMENDATION

1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

2.1. Determination of Urgent Business

DECLARATION OF INTERESTS 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 1 September 2022 - for approval (Pages 7 - 16)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 17 - 20)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the change of use from class 1 (retail) to class 11 (assembly and leisure) - 54 Claremont Street Aberdeen (Pages 21 - 42)

Planning Reference – 220640

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

[Link.](#)

Planning Officer: Roy Brown

- 6.2. Planning Permission for proposed residential development including mix of private, affordable and retirement housing consisting of approximately 44 homes with associated access roads and landscaping - site OP51 off Cornyhaugh Road, Perterculter, Aberdeen, (Pages 43 - 90)

Planning Reference – 190314

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

[Link.](#)

Planning Officer: Gavin Evans

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1. Detailed Planning Permission for the erection of a garden shed (retrospective) - Bank Cottage, 6 Sunnybank Road Aberdeen (Pages 91 - 110)

Planning Reference – 220896

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

[Link.](#)

Planning Officer: Jemma Tasker

PRESENTATION

- 8.1. Presentation on Developer Obligations

DATE OF NEXT MEETING

- 9.1. Date of Next Meeting - Thursday 3 November 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

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Agenda Item 1.1

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 and any conditions to be attached 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. The Convener will call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 1 September 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Allard (as substitute for Councillor McRae), Alphonse, Blake, Boswell (as substitute for Councillor Thomson for articles 9 to 12) Boulton, Clark (as substitute for Councillor Cormie), Copland, Fairfull (as substitute for Councillor Cooke for all items except article 10), Farquhar (as substitute for Councillor MacKenzie), Houghton (for all items except article 7), Thomson (up to article 8) and Tissera (as substitute for Councillor Crockett).

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.

ANNOUNCEMENT

1. The Convener advised that item 7.5 on the agenda (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 at Rosehill House, 202 Ashgrove Road West, Aberdeen) had been withdrawn and would not be considered.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 23 JUNE 2022

2. The Committee had before it the minute of the previous meeting of 23 June 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PRE DETERMINATION HEARING OF 1 JUNE 2022

3. The Committee had before it the minute of the Pre Determination Hearing of 1 June 2022, for approval.

The Committee resolved:-

to approve the minute as a correct record.

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COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

JOHNSTON G BLOCK, UNIVERSITY OF ABERDEEN - 220244

5. 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 change of use from residential to class 2 (financial professional and other services); installation of security fencing and associated works (Retrospective), at Johnston G Block, University of Aberdeen, be approved unconditionally.

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

The Committee resolved:-

to approve the application unconditionally.

ALBYN HOSPITAL, 21 - 24 ALBYN PLACE, ABERDEEN - 211797

6. 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 temporary removal of a section of walling at Albyn Hospital, 21 - 24 Albyn Place, Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DISMANTLING AND RESINSTATEMENT 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.

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(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.

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

The Committee resolved:-

to approve the application conditionally, with condition 1 amended to read:-

(1) 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. The methodology shall (i) include details of where the stone will be stored during the period the wall is removed; and (ii) aim to ensure that any difference in final appearance of the reinstated section of wall (both stones and mortar) compared to the remaining sections of wall is kept to the minimum possible.

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.

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7. 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 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, at Bucksburn Academy Aberdeen, be approved subject to the following condition:-

(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.

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

The Committee resolved:-

to approve the application with an amended condition, to read:-

TIME LIMIT AND SITE REINSTATEMENT / REPLACEMENT PLANTING

That the hereby approved building, covered walkway and all associated drainage infrastructure 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, walkway and drainage infrastructure, a scheme for the reinstatement of the site (including details of new landscaping and replacement 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 and walkway would only be acceptable as a temporary

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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.

TILLYOCH, CULTER HOUSE ROAD, PETERCULTER, ABERDEEN - 211699

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

That the application for Planning Permission in Principle for a residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities, at Tillyoch, Culter House Road, Peterculter, Aberdeen, be refused for the following reasons:-

1. 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. 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. 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. 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

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Woodland of the Aberdeen Local Development Plan 2017 and Policy NE5 - Trees and Woodland of the Proposed Aberdeen Local Development Plan 2020;

5. 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.

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

The Convener moved, seconded by Councillor Copland:-
that the application be refused in line with the officer recommendation.

Councillor Houghton moved as an amendment, seconded by Councillor Boulton:-
that there be a willingness to approve the application conditionally, with the conditions detailed in the committee report, subject to entering into a Section 75 agreement for developer obligations as outlined in the report, with an extra condition covering the retention of drystone walls within the site. The reasons for approval were as follows:-

1. It is recognised that a substantial part of the site was zoned for development in the Proposed Local Development Plan and the principle development on this site had been accepted as the settled view of the Council and this should be given significant weight and was considered to outweigh the adopted plan which was outwith the 5 year period and therefore out of date.
2. It is recognised that the access road would cross land which was green belt and green space network in both the adopted and proposed local development plan and that this area would result in the loss of ancient woodland and trees protected by Tree Protection orders and their associated wildlife value, however the mitigatory measures proposed by the applicant in terms of tree planting and long term maintenance of the woodland were considered to be sufficient to adequately mitigate the wildlife, landscape, trees protected by TPO and ancient woodland designation.
3. The development was considered to be sustainable in that there were safe active travel routes available to the nearby community facilities and shops in Peterculter and access is to be provided to enable the future provision of a bus service to the site therefore complying with Policies T2 and T3.
4. The proposal would provide housing which meets the needs of the local community, providing affordable housing and family homes.

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5. On balance there were sufficient material considerations to outweigh the green belt and green space network policy in the adopted Local Development Plan.

On a division, there voted:- for the motion (7) – the Convener, and Councillors Allard, Blake, Clark, Copland, Fairfull and Thomson – for the amendment (6) – the Vice Convener and Councillors Alphonse, Boulton, Farquhar, Houghton and Tissera.

The Committee resolved:-

to adopt the motion and therefore refuse the application in line with the officer recommendation.

HEATHERLY, WELLINGTON ROAD, ABERDEEN - 211072

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

That the application for Planning Permission in Principle for a residential development (up to 24 two storey units) with amended access, open space and ancillary infrastructure, at Heatherly, Wellington Road, Aberdeen, be refused for the following reasons:-

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

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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.

The Committee heard from Robert Forbes, Senior Planner, 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.

REAR OF 602, 600 AND 598 HOLBURN STREET, ABERDEEN - 220648

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

That the application for 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, be refused for the following reasons:-

1. Lack of information

Insufficient information had 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 had not been provided, it had not

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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 had 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 was 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.

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

The Committee resolved:-

to refuse the application.

GROUND FLOOR FLAT, 69 HARDGATE ABERDEEN - 220622

11. 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 a fence, decking and gate to front (retrospective), at ground floor flat, 69 Hardgate Aberdeen, be refused for the following reasons:-

The implemented deck, associated enclosure and front entrance gate failed 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

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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, were 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 caused 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 failed to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020. On the basis of the above, it was considered that there were no material planning considerations of sufficient weight that warranted approval of the application.

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

The Committee resolved:-

to refuse the application.

GUIDANCE ON OUTDOOR SEATING - PLA/22/183

12. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which presented a draft guidance note on Outdoor Seating and also sought 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.

The report recommended:-

that the Committee –

- (a) approve the content of the draft Guidance on Outdoor Seating at Appendix 1;
- (b) 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
- (c) 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.

The Committee resolved:-

to approve the recommendations.

- **Councillor Dell Henrickson, Convener**

	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			29 September 2022						
4	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.	On agenda	Gavin Evans	Strategic Place Planning	Place	1		
5	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	D	Developer obligation package still to be agreed
6	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)	On agenda	Roy Brown	Strategic Place Planning	Place	1		
7	Bank Cottage - 6 Sunnybank Road - 220896	To approve or refuse the application for the erection of garden shed (retrospective)	On agenda	Jemma Tasker	Strategic Place Planning	Place	1		
8			03 November 2022						
9	Draft procedure for Representations	At Council on 25 August 2022, it was agreed to instruct the Interim Chief Officer - Strategic Place Planning to draft a procedure to allow all interested parties, including ward members, to make representations at Planning Development Management Committee and report this draft procedure to the November meeting of that Committee for approval; and note that said Chief Officer will continue to develop local engagement on planning matters, including through the network of community councils		David Dunne	Strategic Place Planning	Place	5		
10	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		
11	Zoology Building, University of Aberdeen - 220946	To approve or refuse the application for installation of 12no telecommunications antennae and ancillary equipment on rooftop		Alex Ferguson	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
12	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		
13	328 Stoneywood Road - 220880	To approve or refuse the application for erection of garden room with wood burning stove flue to front		Jemma Tasker	Strategic Place Planning	Place	1		
14	PRE APPLICATION FORUM - Land adjacent to existing electricity substation Willowdale Place Aberdeen - 220562	To hear from the applicant in regards to an 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			
15									
16			12 January 2023						
17			09 February 2023						
18			09 March 2023						
19	Guidance on Outdoor Seating	At the meeting of PDMC on 1 September 2022, it was agreed to approve the content of the draft Guidance on Outdoor Seating; 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 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.		Donna Laing	Strategic Place Planning	Place	5		
20			20 April 2023						
21			25 May 2023						
22			22 June 2023						
23			24 August 2023						
24			21 September 2023						
25			02 November 2023						
26			07 December 2023						

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	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									
27			Future applications to PDMC (date of meeting yet to be finalised).						
28	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		
29	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		
30	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		
31	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		
32	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		
33	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		
34	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
	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									
35	6 Golden Square - 220366	To approve or refuse the application for the change of use from class 4 (business) to form 13 residential flats, with the formation of an upper level extension with green roof and decking and associated works including installation of replacement windows, formation of access door to rear; installation of window openings		Dinke Brasier	Strategic Place Planning	Place	1		
36	56 Park Road - 221074	To approve or refuse the application for erection of 30 Flats		Robert Forbes	Strategic Place Planning	Place	1		
37	242 North Deeside Road - 221042	To approve or refuse the application for the change of use to Hot food take-away		Robert Forbes	Strategic Place Planning	Place	1		
38	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
39	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			



Planning Development Management Committee

Change of use from class 1 (retail) to class 11 (assembly and leisure)

54 Claremont Street

220640/DPP
(Detailed Planning Permission)

Location Plan



2019 Satellite Image



Ground Floor and Basement Plan

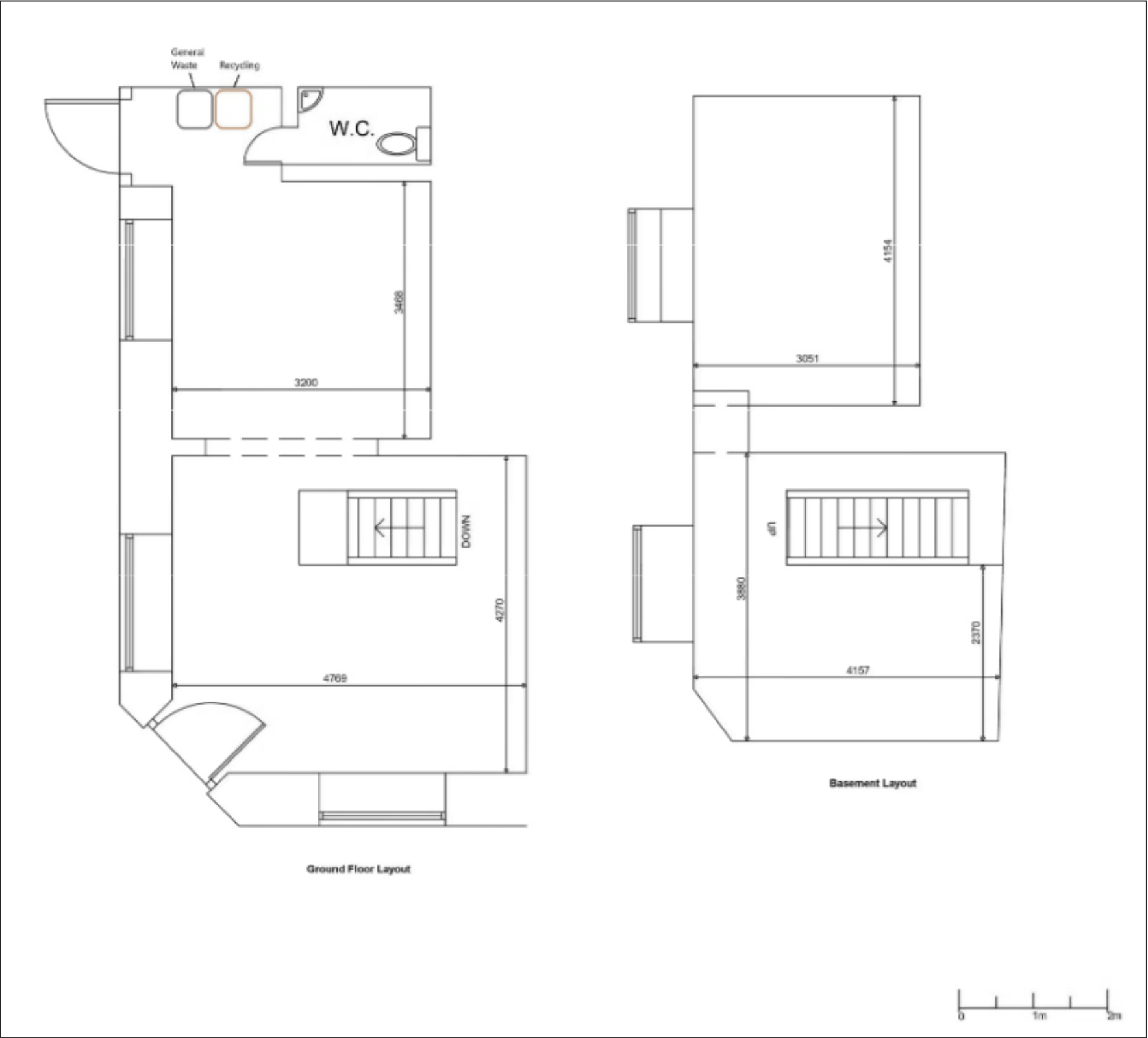


Photo of Site from South

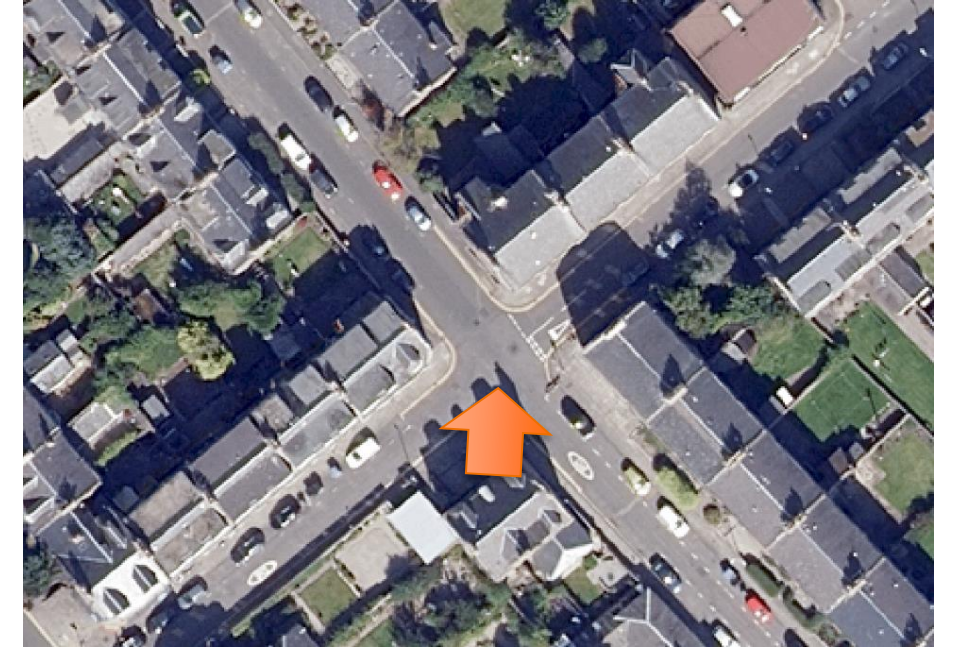
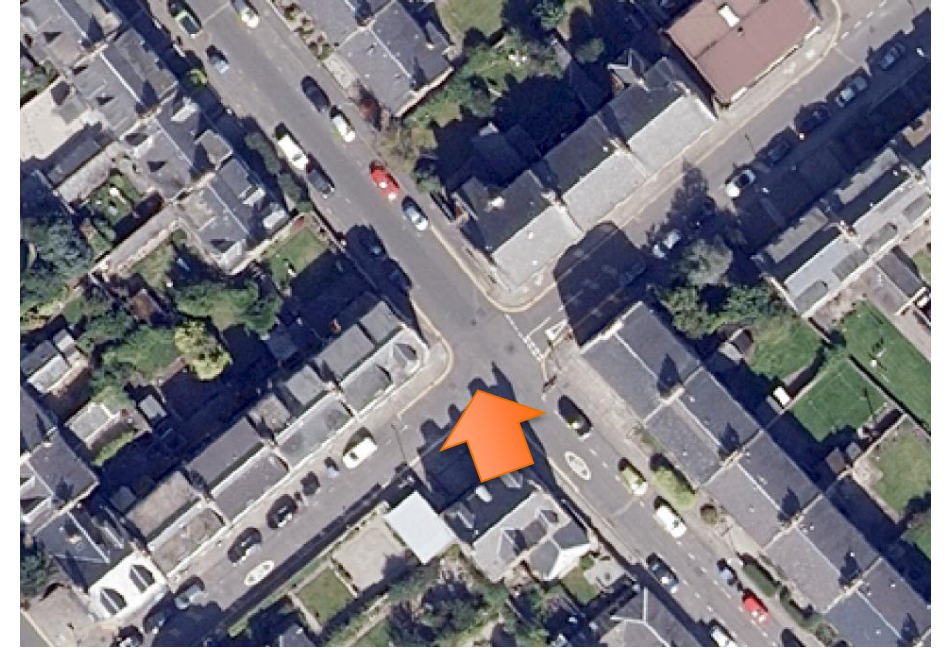
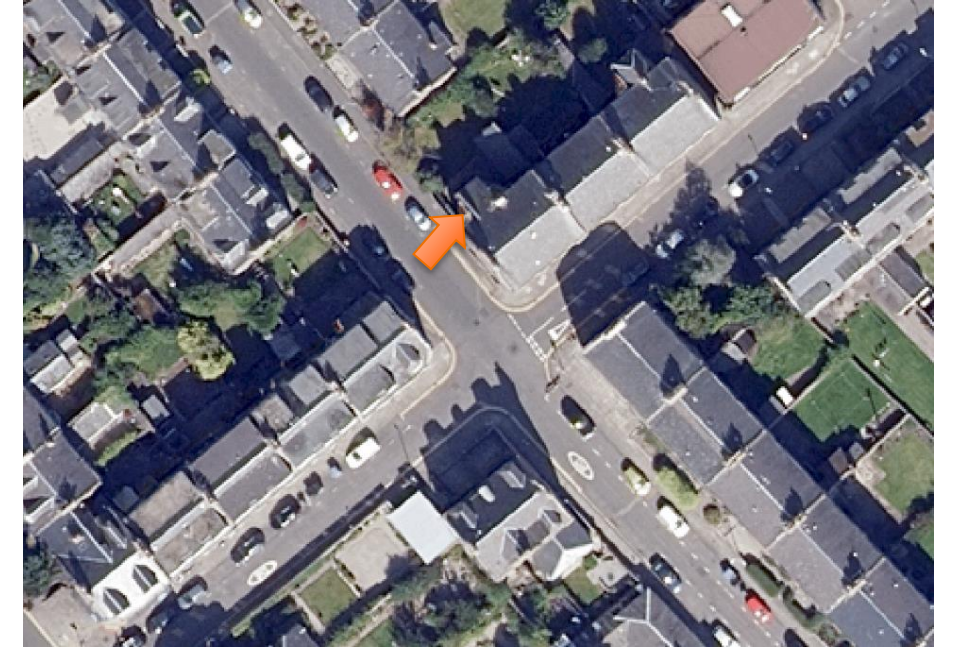


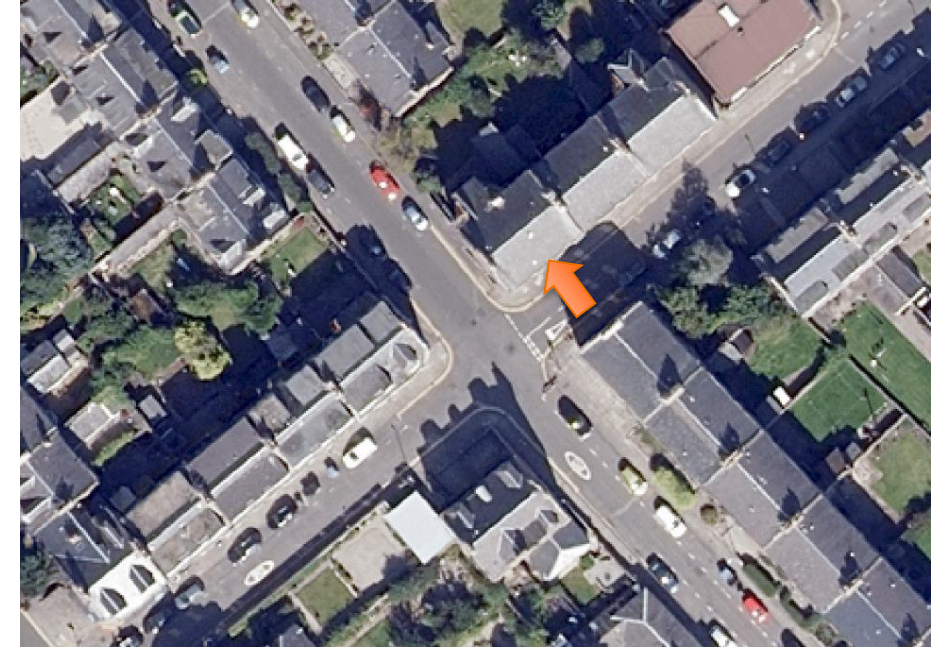
Photo from South towards Claremont Place



Google Image of Site and Entrance to Upper Storey Flats



Site Photo from Claremont Street



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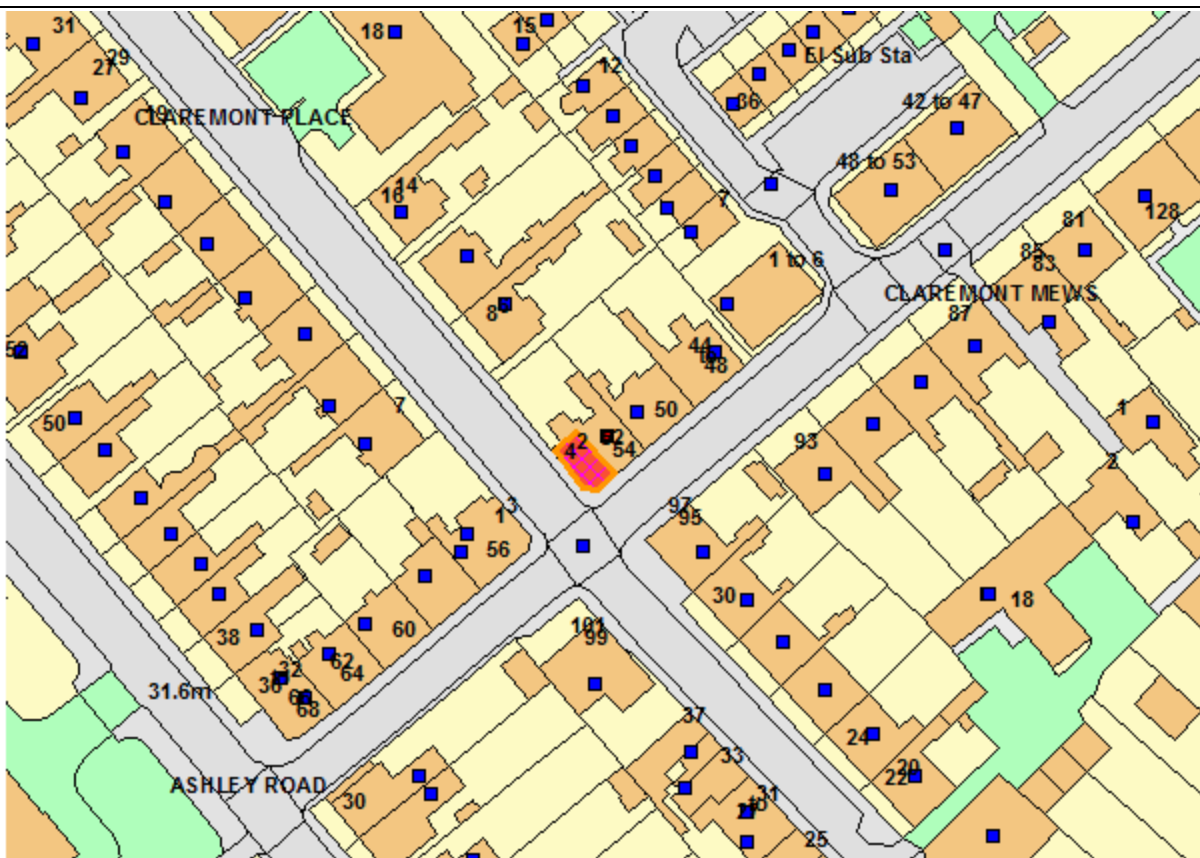


Planning Development Management Committee

Report by Development Management Manager

Committee Date:

Site Address:	54 Claremont Street, Aberdeen, AB10 6RA
Application Description:	Change of use from class 1 (retail) to class 11 (assembly and leisure)
Application Ref:	220640/DPP
Application Type	Detailed Planning Permission
Application Date:	18 May 2022
Applicant:	Mr Martin Jamieson
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Ashley And Broomhill
Case Officer:	Roy Brown



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a ground floor commercial unit within a historic 3-storey granite-built tenement building in a residential area. The unit is currently vacant and was most recently in Class 1 (retail) use by 'Curated Stories'.

The upper stories of the building contain the 3 residential flats of 4 Claremont Place, which are accessed from the rear of the building and 52 Claremont Street, a residential tenement adjoins the unit to the northeast. The building has a corner frontage with a southeast facing principal elevation that fronts Claremont Street and a southwest elevation that fronts Claremont Place. In line with many corner units in the area, it would have originally been constructed and used as a shop.

Whilst the surrounding area is densely residential in character, the application site is to the immediate north of the Chattan Place Neighbourhood Centre and there are several local shop units in the surrounding area.

The surrounding streets are located within a Controlled Parking Zone (CPZ). Few of the properties in the surrounding area have off-street parking provision.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the change of use of the building to Class 11 (assembly and leisure) from Class 1 (retail). The unit has a floor space of c.40sqm at ground floor level and c.27sqm at basement level.

The unit would be operated as an event space for offering leisure learning classes. Activities would include painting, cake decorating, flower arranging and pottery painting. It would also be used for the hosting of small private events (of fewer than 50 people) and that this could include 'paint and sip' classes, whereby visitors would bring their own food and drinks and paint.

No physical changes are proposed externally. A bin storage area would be provided internally. This development therefore solely considers the use of the unit as Class 11 (assembly and leisure).

Amendments

The application has been revised since submission so that a bin storage area would be provided internally rather than at the rear.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RC331DBZFWS00>

Supporting Statement (Prepared by Applicant)

Supporting statement in response to pre-application advice provided by the Planning Service for the proposal. Information has been provided to demonstrate the lack of demand for the retail use, to justify that the development would cater for a local need and to demonstrate that cycle storage would not be possible.

It also sets out superseded arrangements for waste storage to be located at the rear. As revised, waste is proposed to be stored internally.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because 6 or more letters of objection have been submitted with respect to the application.

CONSULTATIONS

Environmental Health Service – As food products are noted in the supporting statement, no objection if:

- A condition is applied to prohibit cooking activities likely to give rise to odour emissions; or
- They wish to cook on the premises, an extract ventilation system is provided, and odour and noise impact assessments are submitted and agreed.

The applicant has since confirmed acceptance of the suggested condition.

Environmental Health have also confirmed that there are no concerns with respect to noise from patrons.

Waste and Recycling Team – No objection – The development is classified as commercial and therefore receives a business waste collection. General information has been provided regarding commercial developments. Internal bin storage would be acceptable.

Roads Development Management Team – No objection – The application site is accessible to public transport provision as there are bus stops within 250m on Great Western Road.

No off-street parking spaces serve the site. The parking standards in the Supplementary Guidance: 'Transport and Accessibility' show that the existing and proposed use classes have similar parking requirements. It is thus considered that the change of use would have no net-detriment in the level of parking provision.

As the site is in a CPZ, parking is controlled in the area and there is no scope for indiscriminate parking. 'Pay & Display' parking measures would allow customer parking and turnover. Following concerns raised in the representations with respect to the impact on parking for the neighbouring residential properties, they reiterate these comments, highlighting that 'Pay & Display' parking measures would ensure turnover and note that the CPZ is not solely for use by residents but also visitors.

Whilst they would prefer safe cycle parking spaces to be provided on-site, they accept the supporting comments that this would not be possible and, given the small nature of the development, consider it acceptable. The suggested area presented for cycle stands would not be possible as it is neither within the control of the applicant nor Aberdeen City Council, as it is not adopted.

Ashley and Broomhill Community Council – No response received.

REPRESENTATIONS

Six objections from third parties have been received. The objections have raised concerns with respect to the following matters:

- Increased noise, which would negatively impact neighbouring residential amenity, health and wellbeing.
- Increased parking congestion in the area.
- Increased traffic would adversely impact road safety.
- The insufficient size of the unit for Class 11 use given it only has one restroom. Alternative locations would be more appropriate.
- Conflict with the ALDP and the Proposed ALDP in terms of impact on amenity, inadequate evidence for the need for the use and lack of demand for continued retail use.
- Neighbour notifications were not sent to all neighbouring properties.
- Concern for the safety of families, the elderly, single women, and children if it would be a drinking establishment.
- Drainage, if chemicals are improperly disposed.
- Precedent.
- The initially proposed location for bin storage.

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.

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 H1 - Residential Areas
Policy NC7 - Local Shop Units
Policy D1 - Quality Placemaking by Design
Policy R6 - Waste Management Requirements for New Development
Policy T2 - Managing the Transport Impact of Development
Policy T3 - Sustainable and Active Travel
Policy T5 - Noise

Supplementary Guidance (SG)

Transport and Accessibility
Noise

Proposed Aberdeen Local Development Plan 2020

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. 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 H1 - Residential Areas
Policy VC10 – Local Shop Units
Policy D1 - Quality Placemaking
Policy D2 - Amenity
Policy R5 - Waste Management Requirements for New Development
Policy T2 - Sustainable Transport
Policy T3 - Parking
Policy WB2 - Air Quality
Policy WB3 - Noise
Policy VC2 - Tourism and Culture

EVALUATION

Principle of Development

The application site is in a residential area, zoned within Policy H1 – Residential Areas of the ALDP, and the proposal relates to the change of use of an existing local shop unit to Class 11 (Assembly and Leisure).

Policy H1 states that any proposed loss of local shops would need to comply with Policy NC7 - Local Shop Units of the ALDP. It also states that within residential areas, proposals for non-residential uses will be refused unless:

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

These matters are considered in the below evaluation.

Loss of Local Shop Unit and Need for Proposed Use

The proposal would accord Policy NC7 if:

1. The applicant can demonstrate a lack of demand for continued retail use of the premises;
2. The proposed new use caters for a local need; and
3. The proposed use retains or creates a live and attractive frontage.

Lack of Demand for Continued Retail Use

Paragraph 3.30 of the ALDP states that proposals for a change of use where lack of demand is a factor should provide evidence that the property has been actively marketed for six months or more and should provide a statement(s) from prospective occupiers explaining their reasons for the property being unsuitable for retail use.

The supporting statement states that the site has been vacant since July 2020 and has been advertised locally for lease since then and a photograph of a 'To Let' sign (with a contact phone number) in the shop window from 4 August 2021 has been submitted as evidence. Corroborative of this, a Google Street View image from October 2020 appears to show the same 'To Let' sign and the signage from the previous operator was no longer present, implying the site was vacant. Furthermore, it has been known to the Planning Service that the unit has been vacant for at least 6 months. Notwithstanding the market conditions for a new operator were very unlikely to have been favourable during the pandemic, the unit appears to have been vacant for approximately 2 years. The Planning Service therefore accepts the evidence that the site has been unoccupied for more than 6 months.

Therefore, whilst no evidence has been submitted to explain why the property is unsuitable for retail use from prospective occupiers, premises has been vacant for significantly longer than 6 months, suggesting that current market conditions do not favour its continued retail use and therefore satisfactory evidence has been submitted to demonstrate a lack of demand for continued retail use of the premises, in compliance with Policy NC7 of the ALDP.

Catering for Local Need

In terms of catering for a local need, the supporting statement includes positive comments from members of the public in response to a social media post regarding their proposal. Whilst there is no evidence to corroborate the authenticity of these and no representations have been submitted in support, there are several local shops in the surrounding area. However, none of the commercial units in the local area are in Class 11 use. As such, whilst evidence of direct need has

not been provided, this proposal would provide an accessible and local premises in such a use, to the benefit of the local community, in accordance with Policy NC7 of the ALDP.

Paragraph 3.26 of the ALDP states that local shops outside defined centres play an important role in helping maintain sustainable communities. Given the close proximity of the application site to the Chattan Place and St Swithin Street Neighbourhood Centres and the existence of other retail units outside of these centres within close proximity to the site, the loss of the retail use would not result in the local community having no access to local shops. Conversely, the introduction of a new use to the area may increase footfall, to the benefit of existing shops.

Retention of Active Frontage

The proposal would retain an active frontage as no physical changes are proposed to the frontage. As such, the shop frontage would be retained, which would maintain the vitality of the surrounding area. It would also ensure that the proposal is reversible and that the site could be returned to retail use in the future.

Summary - Loss of Local Shop Unit and Need for Proposed Use

As there is a lack of demand for continued retail use of the premises, the proposed use caters for a local need; and the proposed use retains a live and attractive frontage, the proposal would accord with the aims of Policy NC7 – Local Shop Units of the ALDP.

Residential Amenity

There are residential flats above the unit (4 Claremont Place) and in the ground floor flat to the northeast, 52 Claremont Street. To consider whether the proposed use is complimentary to the surrounding residential uses and consider whether the development would detrimentally impact existing levels of residential amenity, consideration is given to potential impact from noise, odour and parking availability.

The Qualities of Placemaking referred to in Policy D1 – Quality Placemaking by Design of the ALDP seeks development to avoid unacceptable impacts on adjoining uses, including noise and smell.

Policy H1 states that within residential areas, proposals for non-residential uses will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Noise

Given the small floorspace of the unit and the types of events noted by the applicant in terms of leisure learning classes, it is unlikely that there would be visitor numbers close to 50 people regularly.

The Environmental Health Service have been consulted and raised no concerns with respect to noise generation from the use, notably in terms of noise from visiting patrons.

During the day and early evenings, the proposed use would result in limited levels of noise, particularly in the context of background noise in the area. It would therefore not result in noise to a degree whereby the existing level of residential amenity of the neighbouring properties would be adversely affected.

The Noise SG requires that average indoor ambient noise levels for residential properties should be lower at night than during the day, between 2300 Hrs and 0700 Hrs. Background noise is likely to be significantly lesser in the area during such hours, meaning neighbouring residential properties would likely be more sensitive to any increase in noise levels in the area.

To minimise any noise inside and outside the premises during these hours, and thus protect the existing levels of residential amenity afforded to the residential properties in the area, it is reasonable and necessary to impose a planning condition to limit hours of operation to between 08:00 and 22:00 on any given day between Monday and Saturday and to between 10:00 – 21:00 on Sundays, which would allow time for visitors to leave the premises before 2300 Hrs.

Subject to this condition, the proposal would not adversely affect the existing level of amenity afforded to the neighbouring residential properties in terms of noise by any significant degree, in accordance with Policies H1 - Residential Areas, D1 - Quality Placemaking by Design and T5 - Noise of the ALDP; and the Noise SG.

Odour

Whilst no cooking operations are proposed, and this has been confirmed by the applicant, one of the proposed activities relates to food. It is therefore necessary to impose an appropriately worded condition to prevent cooking activities that would be likely to give rise to odour emissions, to prevent any risk of malodour being produced that could adversely affect the existing level of amenity afforded to the neighbouring residential properties. Subject to this condition, the proposal would not adversely affect the residential amenity of the neighbouring residential properties in terms of malodour, in accordance with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

Parking Availability

It is recognised that there is limited parking provision on the surrounding streets of Claremont Place, Claremont Street and Chattan Place serving the surrounding residential properties, most of which have no private off-street parking provision. There are approximately 85 residential flats without off-street parking provision on Claremont Place whereas there are approximately 40 spaces on this street.

The Maximum Parking Standards suggest that the proposed Class 11 use would generate very similar levels of parking demand to the existing retail use, albeit a Class 11 use could reasonably be expected to generate less frequent visitors by car than Class 1 retail. The maximum requirement for the previous retail use was 1 space per 30sqm, and thus approximately 2, whereas the proposed use would require 1 space per 27sqm, also approximately 2 spaces.

The application site is in a Controlled Parking Zone. The previous retail use was eligible for two business parking permits and the proposed use would be eligible for the same number. The CPZ is operational Monday – Saturday 8am – 8pm with maximum stays for visitors being 3 hours. Any number beyond this would be controlled by ‘pay and display’ measures during the operational hours of the CPZ, the hours when parking demand would be expected to peak. In the event there was no spaces on the street, due to the turnover it would be for short periods and there would likely be spare capacity elsewhere within the CPZ.

Whilst the supporting information suggests the proposed activities would include ‘fewer than 50 people’, given the minor floorspace and expected space required for the suggested leisure classes, it is unlikely that there would be close to 50 people at the same time visiting regularly.

The site is located in the inner-city and is within close proximity to bus routes. As such, visitors would likely walk or use public transport to access the premises.

Considering the likely similar levels of parking demand of the proposed use compared to the existing use, CPZ controls in the area and its accessible inner-city location, the proposed Class 11 use would have negligible impact on the existing level of parking provision in the surrounding area. The Roads Development Management Team concord with this position.

As such, the proposed change of use would not adversely affect the existing levels of amenity afforded to the neighbouring residential properties in terms of adversely impacting existing levels of parking provision, in accordance with Policy H1 – Residential Areas of the ALDP.

Sustainable Transportation

Policy T2 – Managing the Transport Impact of Development of the ALDP states that commensurate with the scale and anticipated impact, new developments must 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 of the ALDP states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport.

As set out above, the proposal would negligible impact on the existing levels of parking provision in the area. The proposed location for cycle parking spaces suggested in the supporting statement would not be feasible as it is neither an adopted footway nor within the control of the applicant. As such, the proposal would not provide cycle parking spaces, in conflict with the Transport and Accessibility SG. Nevertheless, the application site is within 250m of the bus stops / routes on Union Grove to the north and Great Western Road to the south. It is located in the inner-city and thus it is accessible for pedestrian travel. The CPZ controls would likely discourage travel to the site by private cars.

Commensurate with the scale and anticipated impact, the proposed Class 11 use would have a negligible impact on the local transport network and, as far as feasible, the proposal would be accessible by means of sustainable and active travel. The proposal would therefore accord with the aims of Policies T2 – Managing the Transport Impact of Development and T3 – Sustainable and Active Travel of the ALDP.

Waste Storage and Collection

Policy R6 - Waste Management Requirements for New Development of the ALDP states that all new developments should have sufficient space for the storage of general waste, recyclable materials, and compostable wastes, where appropriate, and that details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste.

The proposed plans show that the bins would be stored inside the building. These would be moved onto the street on collection day.

To ensure that this bin storage area is provided, an appropriately worded condition will be applied to ensure that this area is provided in advance of the unit being brought into use. Subject to such a condition, bin storage would be provided, in accordance with the aims of Policy R6 - Waste Management Requirements for New Development of the ALDP and the 'Resources for New Development' SG.

Proposed Aberdeen Local Development Plan 2020

Policy T3 – Parking of the Proposed ALDP states that in inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Whilst no off-street parking provision is provided, nor would it be feasible, the site is in close proximity to active travel and public transport options. As such, the limited level of parking for the site would accord with the aims of this policy.

Otherwise, 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.

Matters Raised in Representations

The matters raised with respect to its assessment against the Development Plan, its location in a residential area, the impact on amenity, health and wellbeing, parking congestion, bin storage and the authenticity of evidence submitted have been addressed above.

The concern raised with respect to the initial proposal to store bins at the rear, have been addressed through the submission of revised plans to provide bin storage internally.

The Environmental Health Service and Roads Development Management teams were consulted to address representations raised with respect to noise and transport matters respectively and they reiterated their initial comments and position.

The change of use would have no impact on road safety. It would have no material impact on the risk of vehicles parking indiscriminately or driving at illegally high speeds. The enforcement of indiscriminate parking would be a matter for parking wardens and the control of vehicles driving at illegal speeds would be a matter for the police.

With respect to concern about patrons drinking alcohol, permission is sought for the change of use to Class 11 (Assembly and Leisure) and not a licensed premises. Planning permission would be required separately for the change of use to a licensed premises (sui generis). An application would also separately need to be made to the Licensing Board to decide whether to grant a license for the serving of alcohol. The planning conditions to minimise noise and prevent adverse odour would ensure that the amenity of the adjacent residential properties would not be adversely affected.

The proposal would not in itself result in a precedent for unwelcome development. Every planning application is assessed on its own merits, and this proposal is considered acceptable based on its own.

With respect to concern that some neighbours were notified, it is indeed the statutory requirement under Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 for the Planning Authority to send notifications to all premises within 20 metres of the application site. All such neighbours have been notified, including the flats of 4 Claremont Place, and 21 days have been provided to make a representation, as shown on the Neighbour Notification List dated 10th June 2022. As such, these statutory requirements have been fulfilled by the Planning Authority.

The other matters raised are not material planning considerations that can be considered in the assessment of this application.

With respect to the safety of families, the elderly, single women, and children, notwithstanding the proposal would increase natural surveillance to the benefit of safety, the prevention of crime is a matter that would be ensured by the police. The disposal of waste and materials would ultimately be an environmental health matter. The number of toilets provided for the premises would be considered under separate building regulations requirements.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Satisfactory evidence has been submitted to demonstrate the lack of demand for continued retail use of the premises, the proposed Class 11 (Assembly and Leisure) use would serve a local need and the proposal would retain an active frontage as no physical changes are proposed to the frontage. As such, it would accord with Policy NC7 – Local Shop Units of the Aberdeen Local Development Plan 2017 and Policy VC10 – Local Shop Units of the Proposed Aberdeen Local Development Plan 2020.

Subject to the conditions to prevent unreasonable noise at night and malodour, the proposal would not adversely affect the existing levels of residential amenity afforded to the neighbouring residential properties in terms of noise and malodour, in accordance with Policy T5 – Noise of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘Noise’; and WB3 – Noise of the Proposed Aberdeen Local Development Plan 2020.

Given its minor floor space, the likely similar levels of parking demand from the proposed use compared to the existing use, existing controlled parking measures and its accessible inner-city location, the proposal would have negligible impact on the existing level of parking provision in the surrounding area. As such, it would not adversely affect the existing levels of amenity afforded to the neighbouring residential properties in terms of impacting parking provision.

The proposal would therefore not adversely affect the amenity afforded to the surrounding residential area, in accordance with Policy H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017; and Policies H1 – Residential Areas and D1 – Quality Placemaking of the Proposed Aberdeen Local Development Plan 2020.

Notwithstanding no cycle storage would be provided, the proposal would be accessible by modes of sustainable and active travel given its accessible city location and proximity to bus stops, in accordance with Policies T2 – Managing the Transport Impact of Development and T3 - Sustainable and Active Travel of the Aberdeen Local Development Plan 2017; and Policy T2 – Sustainable and Active Travel of the Aberdeen Local Development Plan 2020. Given its inner-city location, the absence of parking provision would accord with the aims of Policy T3 – Parking of the Proposed Aberdeen Local Development Plan 2020.

The proposed use would have acceptable bin storage and collection arrangements in accordance with Policy R6 – Waste Management Requirements for New Development of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘Resources in New Development’; and Policy R5 - – Waste Management Requirements for New Development of the Proposed Aberdeen Local Development Plan 2020.

CONDITIONS

- 1) That the hours of operation for the Class 11 use hereby approved shall be limited to between 08:00 and 22:00 on any given day between Monday and Saturday and to between 10:00 and 21:00 on Sundays.

Reason: In the interests of the amenity of the neighbouring properties.

- 2) That no cooking, frying or baking operations (including, but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling or broiling) shall be carried out on the premises.

Reason: In in the interests of preventing malodour and ensuring the existing level of residential amenity afforded to the neighbouring properties is retained.

- 3) That the use hereby approved shall not be implemented unless the waste storage area identified on the submitted floor plan (Ref: 004 Rev A), has been completed in its entirety, unless details of a variation have been submitted to, and approved in writing by the Planning Authority.

Reason: To ensure bins are not stored on the street, in the interests of pedestrian accessibility and safety.



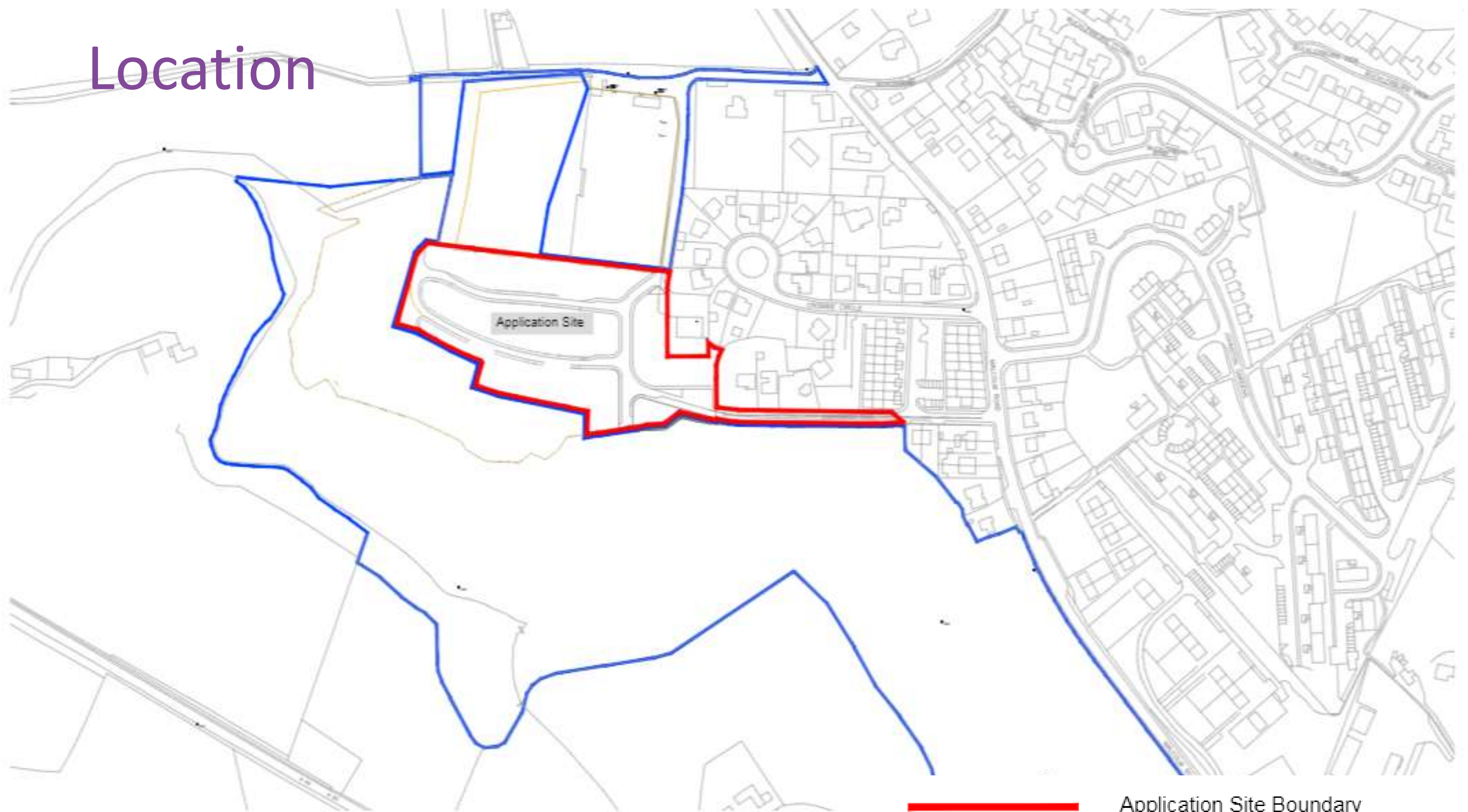
Planning Development Management Committee

Proposed residential development including mix of private, affordable and retirement housing consisting of approximately 44 homes with associated access roads and landscaping

**Site OP51 Off Cornyhaugh Road
Peterculter**



Planning Permission in Principle
190314/PPP

Location

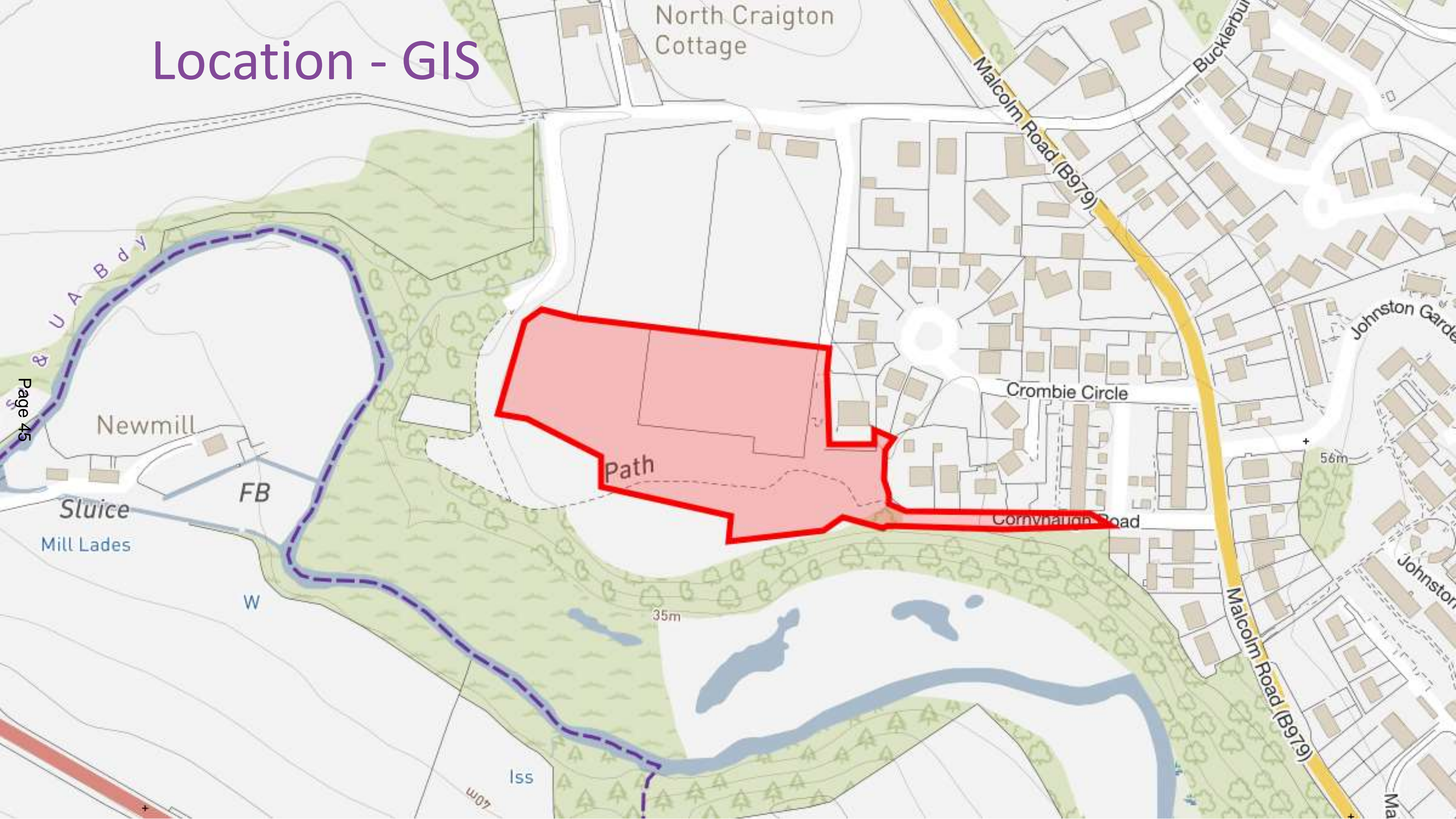


Site Location 1:2500

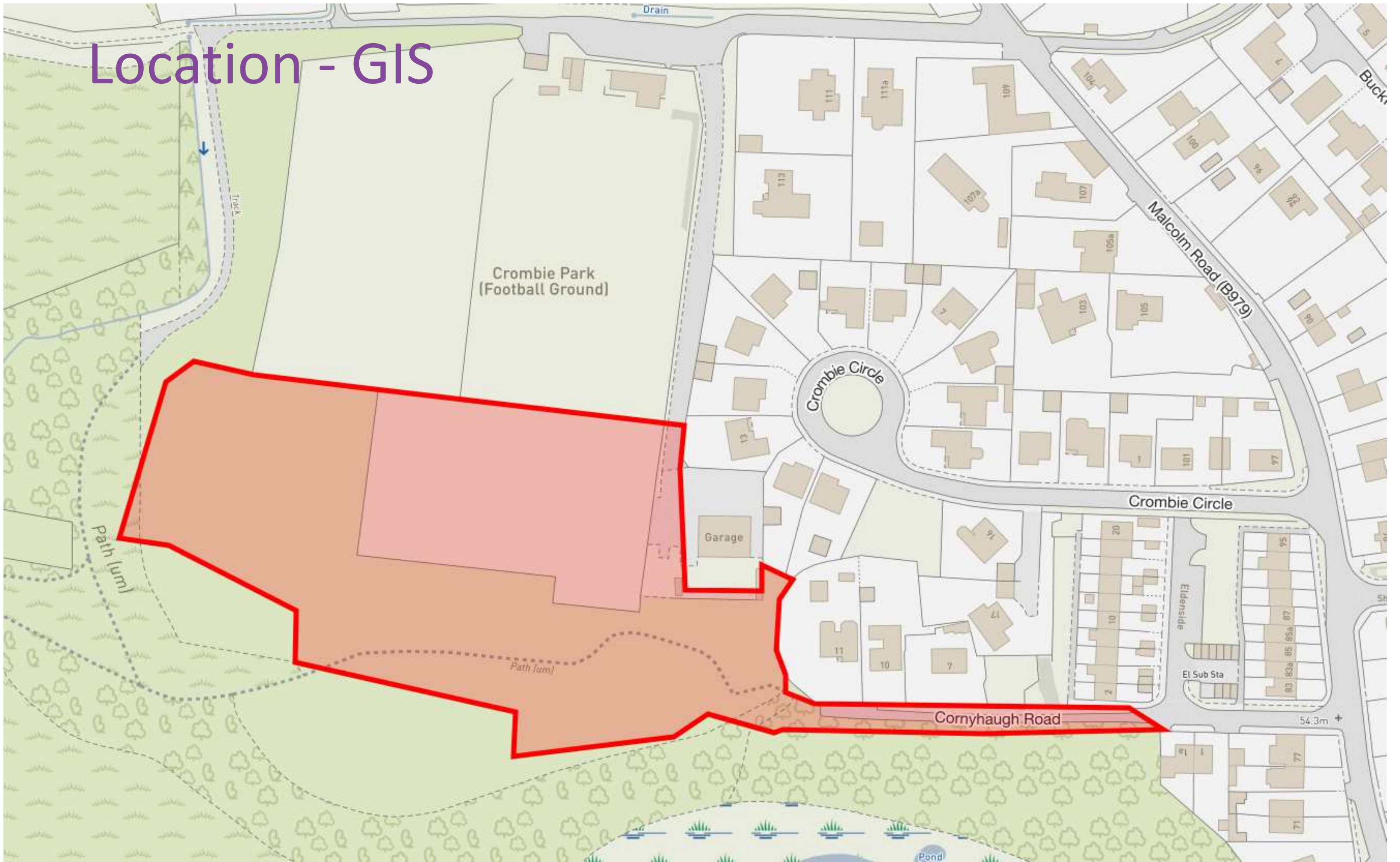
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-  Application Site Boundary
-  Land also in the ownership - control of applicant

Location - GIS



Location - GIS



Current ALDP Zoning

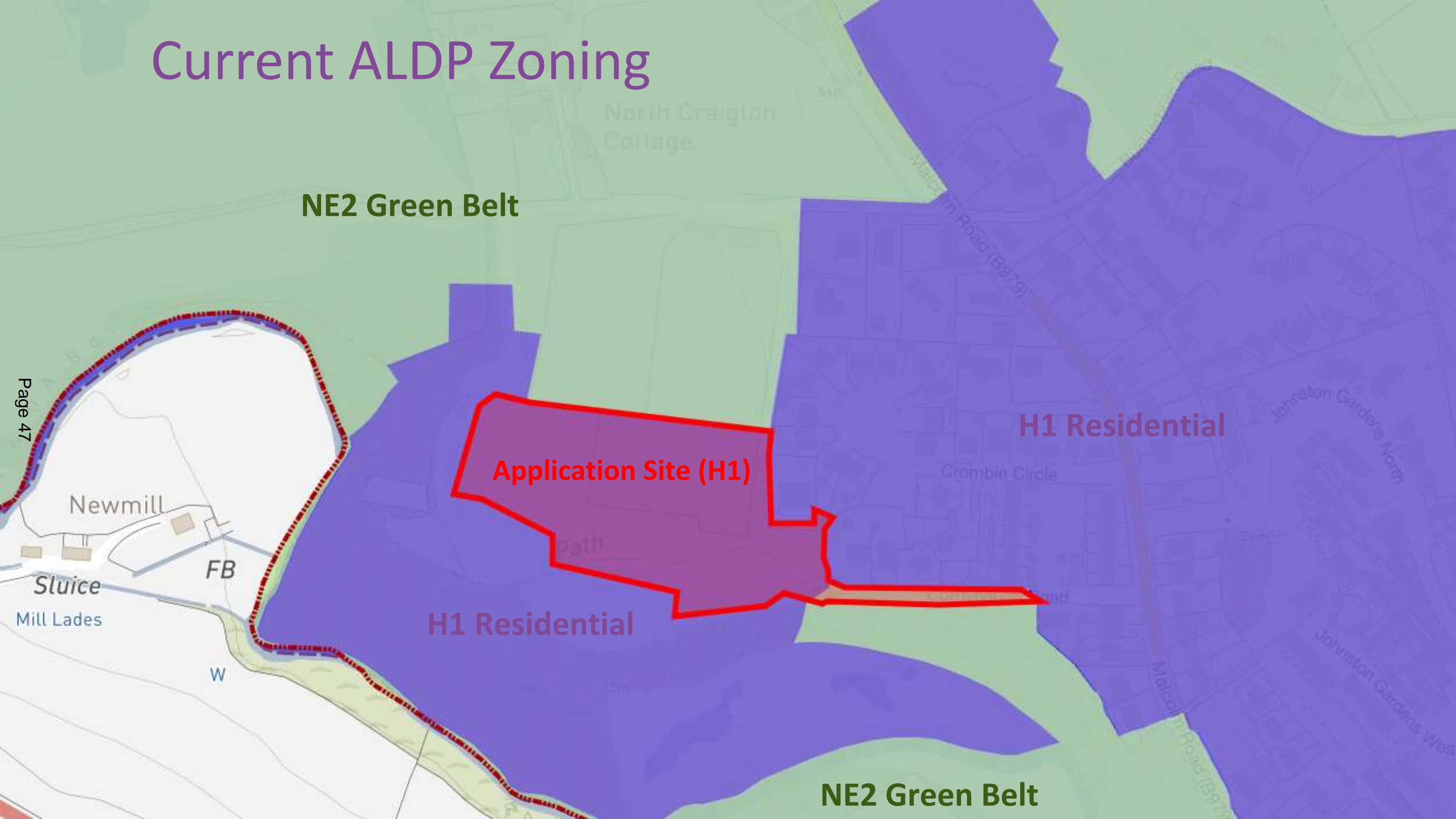
NE2 Green Belt

H1 Residential

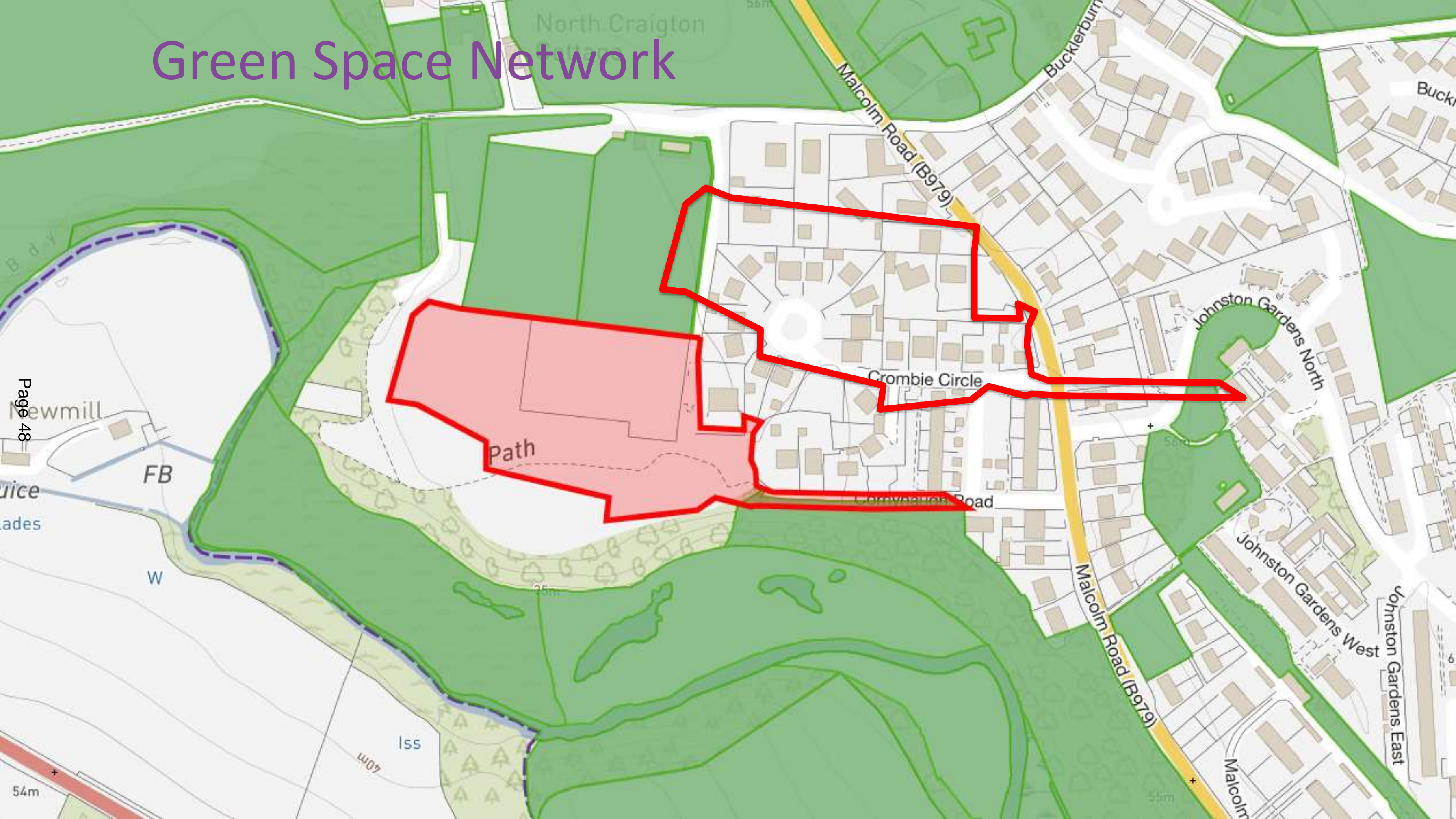
Application Site (H1)

H1 Residential

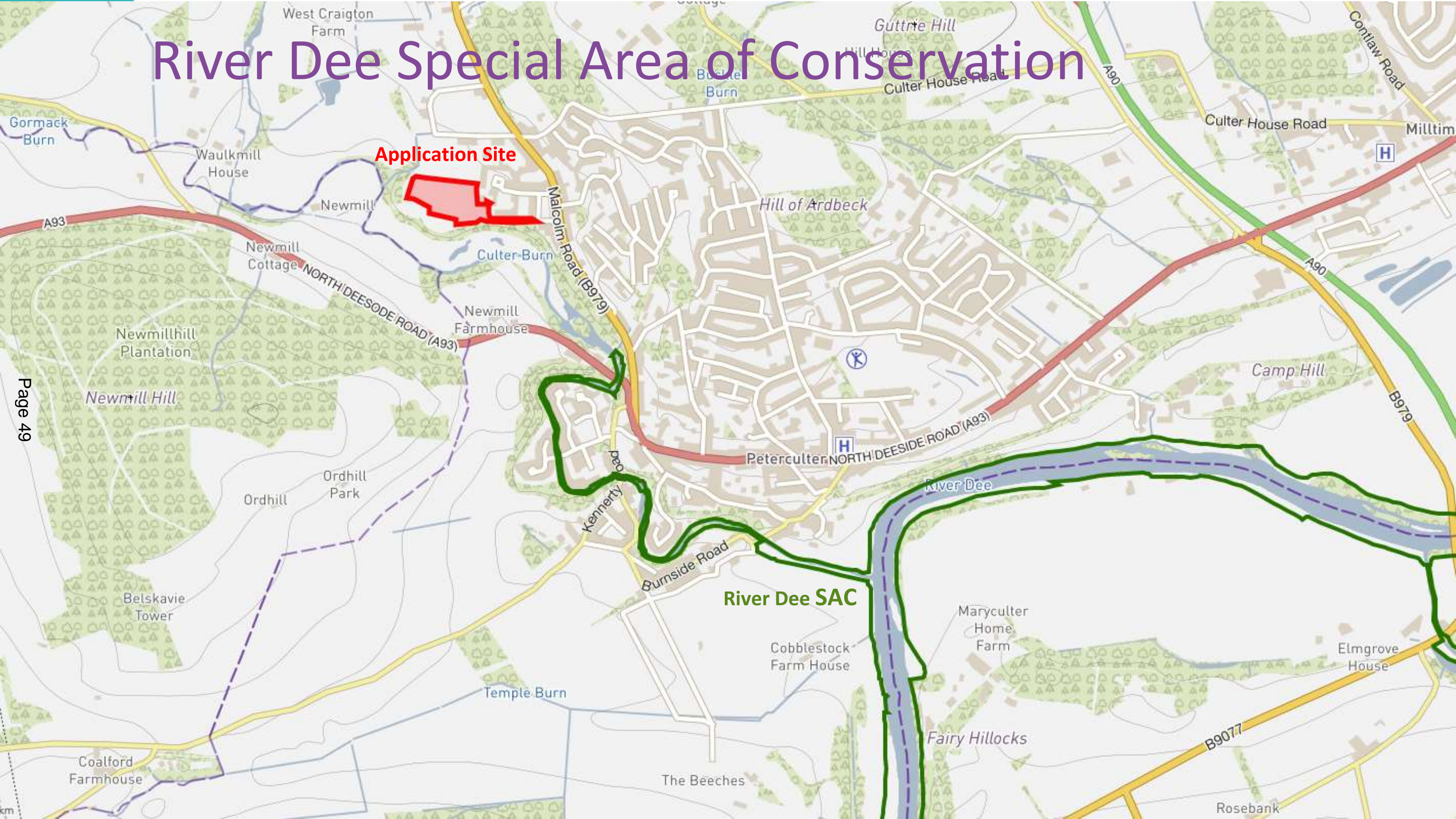
NE2 Green Belt



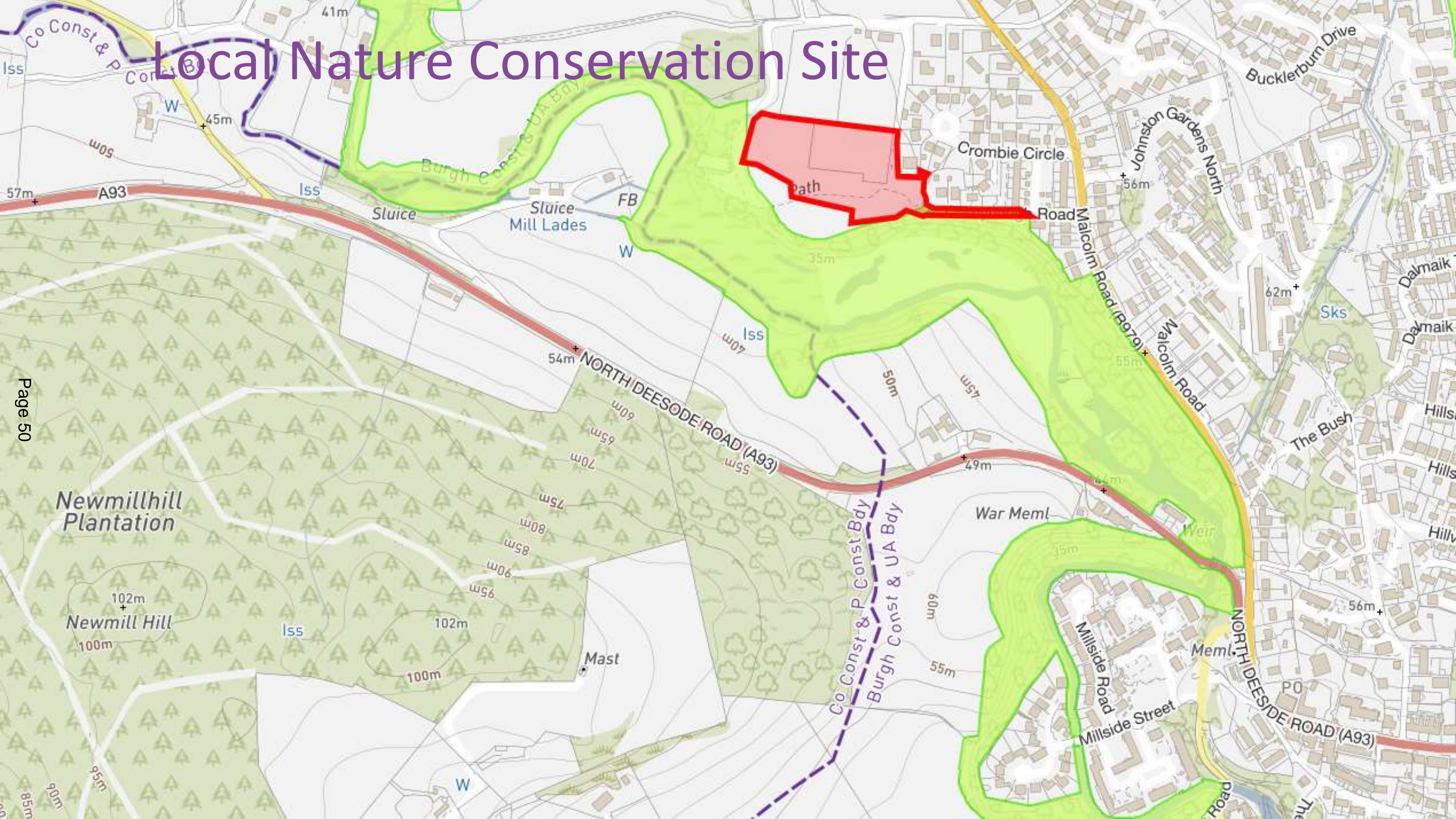
Green Space Network



River Dee Special Area of Conservation



Local Nature Conservation Site



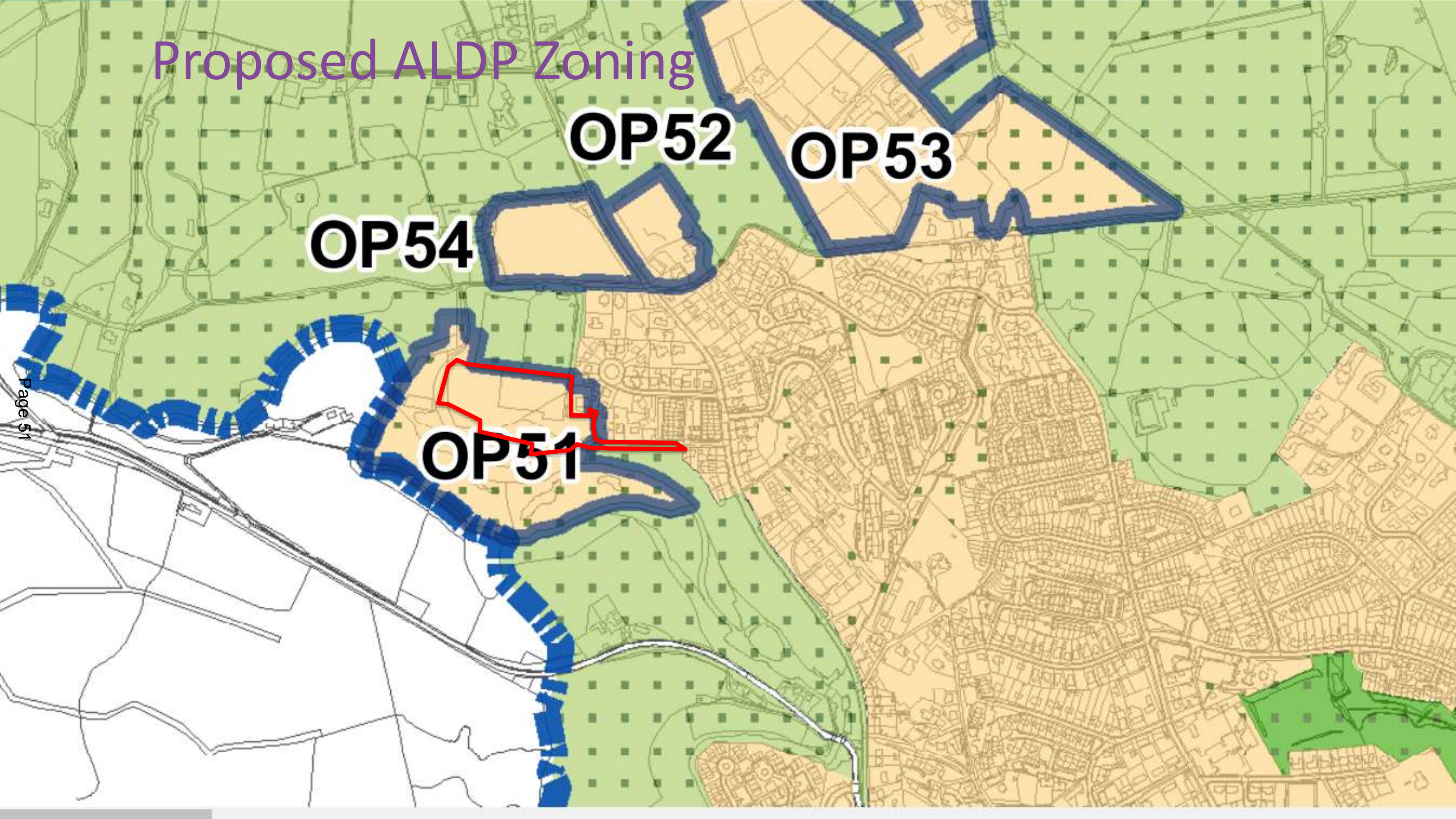
Proposed ALDP Zoning

OP52

OP53

OP54

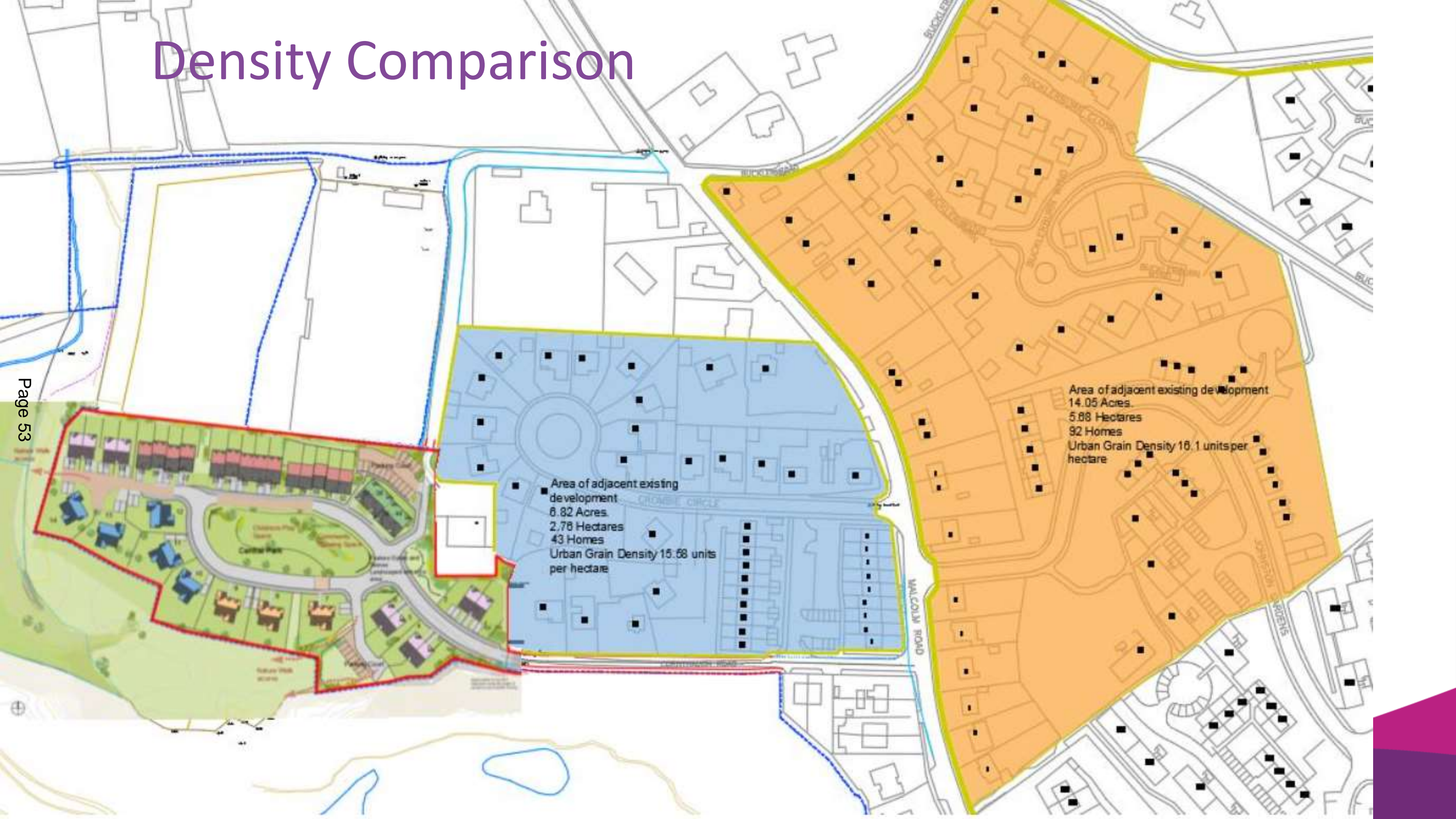
OP51



Proposed Illustrative Site Plan



Density Comparison



Aerial Images



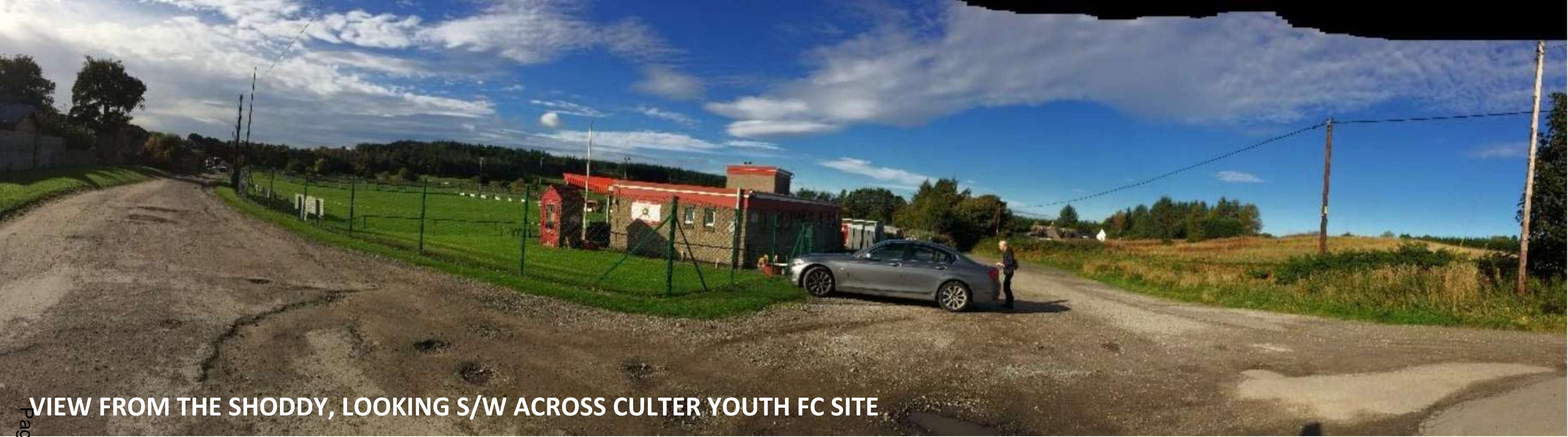
Aerial Images





WESTERN END OF CORNYHAUGH ROAD, LOOKING WEST





VIEW FROM THE SHODDY, LOOKING S/W ACROSS CULTER YOUTH FC SITE





LOOKING EAST ACROSS SITE TOWARDS CROMBIE CIRCLE



VIEW FROM A93 NORTH DEESIDE ROAD, LOOKING EASTWARDS ACROSS
CULTER BURN AND APPLICATION SITE, TOWARDS CROMBIE CIRCLE

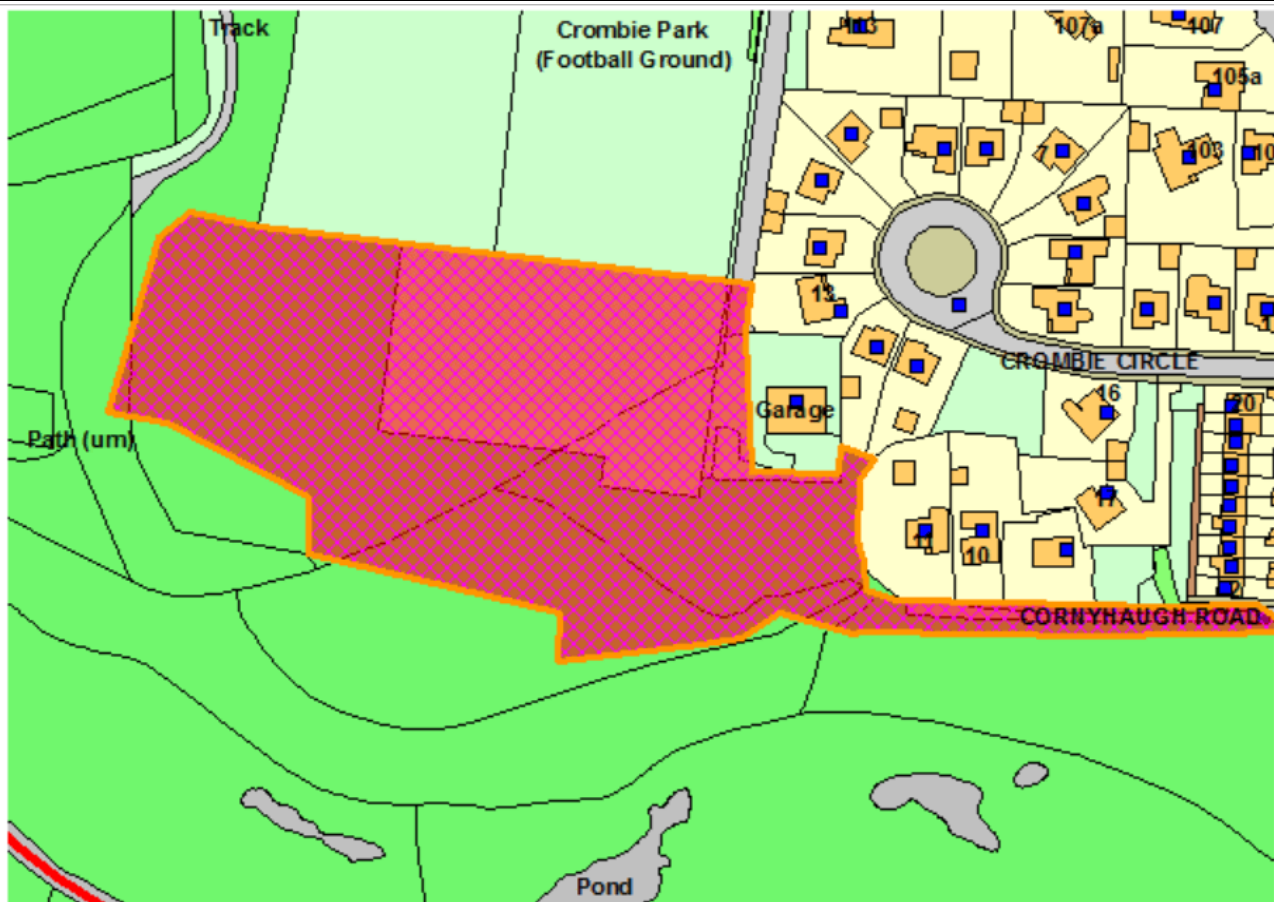


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 29 September 2022

Site Address:	Site OP51 Off Cornyhaugh Road, Perterculter, Aberdeen,
Application Description:	Proposed residential development including mix of private, affordable and retirement housing consisting of approximately 44 homes with associated access roads and landscaping
Application Ref:	190314/PPP
Application Type	Planning Permission in Principle
Application Date:	22 February 2019
Applicant:	Gordon Investment Corporation Limited
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Gavin Evans



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND**Site Description**

The application site extends to approximately 1.9ha and is located on the western edge of Peterculter, with residential streets to the East towards Malcolm Road and Culter Youth Football Club's playing fields to the North. There is also an existing vehicle garage/MOT testing station located immediately adjacent to the eastern site boundary.

The Culter Burn runs to the south and west of the site at a lower level (circa 15m) and, as a tributary to the River Dee, forms part of the River Dee Special Area of Conservation (SAC), though the boundary to the SAC itself is approximately 400m south of the site.

It is understood that the site has historically served as part of a landfill associated with a local papermill.

Relevant Planning History

App. Number	Proposal	Decision Date
090157	Change of use from tip to playing fields	Approve Conditionally 26.03.2009
100140	Proposal of Application Notice for development comprising 19 Houses, hydro-electric scheme, fish pass for salmon, new pathway opening access to ancient and historic woodland	Further consultation required 28.04.2010
171447/PAN	Proposal of Application Notice for Major residential development including mixed use of specialist and retirement housing consisting of approximately 150 homes	No further consultation required 11.01.2018
180262/PPP	Proposed residential development including mix of private, affordable and retirement housing consisting of approximately 99 homes with associated access roads and landscaping	Application Withdrawn 08.02. 2019

APPLICATION DESCRIPTION**Description of Proposal**

This application seeks Planning Permission in Principle (PPiP) for a residential development of approximately 44 homes, along with associated works such as landscaping and formation of site access and internal roads. The development proposal would take access from Cornyhaugh Road to the east, would adjoin existing housing on Crombie Circle and would result in the removal of a training pitch used by Culter Football Club.

As this is an application for Planning Permission in Principle, the precise details of the proposal and its form are yet to be fully developed. This application seeks simply to establish the principle of a development in this location of the type and scale proposed. An indicative layout plan has been presented to demonstrate how a development of 44 units could be accommodated, however

this layout is not fixed and, if approved, further applications for the approval of matters specified in conditions would be required to consider such matters in detail.

Amendments

In agreement with the applicant, the application was amended to alter the indicative site layout and reduce the number of units proposed from 49 to 44. Units were removed from the central area of open space, flats were introduced towards the North-Eastern corner of the site and the mix of unit types was revised.

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=PNCJXPBZLCI00>

These include:

- Masterplan / Design and Access Statement
- Planning Statement
- Transport Statement
- Noise Impact Assessment
- Ground Investigation Report
- Flood Risk Assessment
- Drainage Strategy
- Landscape Visual Impact Assessment (LVIA)
- Tree Survey
- Extended Phase 1 Habitat Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee (PDMC) because the number of representations which express objection (18) exceeds the threshold stated in the Council's approved Scheme of Delegation.

CONSULTATIONS

Sport Scotland –No objection, subject to the imposition of conditions and appropriate mechanism to secure replacement pitch provision.

SportScotland reiterates Scottish Planning Policy's position on safeguarding outdoor sports facilities from development other than in specified circumstances, including where a facility would be replaced by a new facility of comparable or greater benefit for sport in a location that is convenient for its users. Highlights that this national policy position is echoed by ALDP policy NE3 (Urban Green Space). Provides some suggested wording for inclusion in any mechanism to secure a replacement sports pitch, setting out qualitative standard that any new pitch must meet. In order to ensure that use of retained pitches would not be affected, SportScotland recommends that a mitigation scheme is secured by condition, outlining how houses will be constructed such that there is no adverse effect on the continued use of these pitches.

ACC - Roads Development Management Team – No objection. Note that this is a PPIp application, and that the layout provided is indicative, so there will be an opportunity for detailed consideration and comment on layout and other matters via the AMSC process. Nevertheless, the arrangements for vehicular access to the site via the upgrading of Cornyhaugh Road (including 2m wide footway on its southern side and likely inclusion of traffic calming measures) are acceptable in principle and the indicative site layout demonstrates that acceptable on-site car parking can be accommodated. A secondary emergency access would be available along The Shoddy, with demountable bollards installed to restrict use by development traffic. The submitted Transport Statement has been reviewed and satisfactorily demonstrates that the level of traffic generated by the proposed development would have a negligible effect on the surrounding road network. The RDM response accepts that the site would be sufficiently accessible to existing public transport services on Malcolm Road.

It is noted that Cults Primary School is within walking distance, however school buses would be necessary to access Cults Academy. It is noted that appropriate safe routes to school must be demonstrated at the MSC stage, and conditions on any PPP approval should secure this.

The indicative layout demonstrates that the requisite number of parking spaces can be accommodated within the site, however full assessment of car parking provision based on the final layout will take place via consideration of future AMSC applications.

Conditions will also be required to obtain final details of car parking (including Electric Vehicle (EV) charging points), cycle parking, roads layout, crossing points, surface water drainage arrangements, refuse arrangements and appropriate Residential Travel Pack to make residents aware of sustainable travel options.

Scottish Water – No objection. Note that there is currently capacity at Invercarnie Water Treatment Works and Nigg Waste Water Treatment Works for water and waste water connections respectively. Capacity cannot be reserved, and there will be a requirement for a separate application to Scottish Water for connection once planning permission has been obtained.

Scottish Environment Protection Agency – SEPA initially objected to the application on the grounds of a lack of information relating to potential impacts on Groundwater Dependent Terrestrial Ecosystems (GDTE). Following the submission of a related National Vegetation Classification (NVC) survey of wetland areas, SEPA has confirmed its agreement with the report's conclusion that, although there are wetlands present and one had the potential to be a GWTDE, due to its location and lack of other GWTDEs in the area, it is probably receiving water from the river during floods and surface water and is not a GWTDE. SEPA therefore removes its objection to the proposed development.

SEPA has confirmed it has no objection to the development on flooding grounds, noting that the entire red-line boundary of the site lies outwith the area we understand from the FRA to be functional floodplain. As no part of the development including any ground works or boundaries is within the flood plain, SEPA has no objection to the application on flood risk grounds.

Note that proposals involve foul drainage connection to the public sewer and as such have no objection to this aspect of the proposals.

Recommendations for conditions relating to the provision of a site-specific Construction Environmental Management Plan (CEMP) and environmental enhancement via incorporation of blue-green infrastructure in SEPA's earlier response still stand.

ACC - Structures, Flooding and Coastal Engineering – Initial response advised that the submitted Flood Risk Assessment (FRA) required to be updated to account for the FEH13 rainfall

model. A revised FRA was provided and ACC's Structures, Flooding and Coastal Engineering subsequently confirmed it has no objection on flooding grounds.

ACC - Housing – No objection. Welcome the inclusion of bungalows to meet the needs of older people. Would welcome any involvement in early discussions regarding the size and type of affordable housing that is delivered on site. Support expressed for a representative mix in any on-site affordable housing provision. Recommends that the developer enters into early discussions with Registered Social Landlords and ACC to see if there is any interest in the affordable housing being delivered as social rent or Mid-Market Rental.

ACC - Schools Estates Team – No objection. Note that the site lies within the catchment areas for Culter Primary and Cults Academy, respectively. School Roll Forecasts indicate that there is existing primary education capacity to accommodate the development, however the development would result in Cults Academy exceeding capacity, therefore a financial contribution is required towards increasing secondary education capacity, through reconfiguration of existing spaces and/or permanent extension of the building.

ACC - Waste and Recycling – No objection. Response provides general advice on facilities for waste storage and collection points, as well as accessibility of the road layout for refuse vehicles. It will be necessary to use an appropriately worded planning condition to secure this information as part of further application(s) for the approval of matters specified in conditions.

ACC - Environmental Health – No objection. Comments set out below:

Noise

A Noise Impact Assessment (NIA) was requested on the basis of Potential for impact on the proposed development from commercial premises (MMC Motors) to the east of the site and noise associated with use of the playing fields used by Culter FC (crowd noise, ball strikes against fence panels). ACC's Environmental Health service has reviewed this NIA and accepts its findings, subject to provision of a revised assessment based on the finalised layout, which includes consideration for adapting the internal layout of the units as a means of mitigation and application of the critical noise mitigation measures.

Light sources

Potential for impact on dwellings from artificial light sources at Culter FC premises. Consider that suitable mitigation can address this. Impact assessment, carried out by a suitably qualified consultant, will be required (scope detailed in response).

Air Quality

Consider that existing air quality is good in the area. Increased traffic flow would be anticipated as a result of the development, however the impact on relevant concentrations would be imperceptible and there is no significant risk of national air quality objectives being exceeded.

ACC - Developer Obligations – No objection. Notes a requirement for the following obligations to be secured, based on the impact of the development on local infrastructure and LDP Affordable Housing requirements:

Transportation infrastructure

To be advised direct by ACC's Roads Development Management Team.

Core Paths

A contribution of £16,638 is required towards the enhancement of Core Paths 52 and/or 86, which are located in close proximity to the proposed development.

Primary Education

No mitigation required as Culter Primary would not operate over capacity based on current School Roll Forecasts.

Secondary Education

No mitigation required as Cults Academy would not operate over capacity based on current School Roll Forecasts.

Healthcare Facilities

Contribution of £25,338 required towards internal reconfiguration works to increase capacity at Peterculter Medical Practice or such other healthcare facilities serving the development, as existing facilities are currently operating at or over capacity.

Open Space

No mitigation required as the indicative proposals incorporate a range of open space areas in accordance with policy NE4 of the ALDP. This position will be reviewed at MSC stage to ensure adequate provision is made on-site for open space in the final design and layout.

Community Facilities

Contribution of £80,454 required towards Culter Library and Central Library, which have plans to create additional capacity to accommodate additional users as a result of development.

Sports and Recreation

No contribution required.

Affordable Housing

Policy H5 of the ALDP seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing. In this instance, the affordable housing requirement equates to 11 units, with an expectation for on-site delivery in accordance with the preferred hierarchy set out in section 4.1 of the Council's Affordable Housing Supplementary Guidance. It is noted that Social rented accommodation is currently in greatest need, therefore discussions with Registered Social Landlords are recommended at an early stage, with further input from ACC Planning and Housing services at the MSC stage. It is noted that AH units should be reflective of the type and size of units in the remainder of the proposed development.

ACC – Contaminated Land Team

Refers the Planning Service to an earlier response in relation to application 180262/PPP, for approximately 99 homes on the same site. That earlier response notes the former use of the land as a landfill site, but notes that the site does not appear to be affected by significant contamination and extensive remedial works are not considered necessary. Contaminated Land colleagues express satisfaction that the provision of 600mm of clean cover soils within any soft landscaped areas will be protective of human health in terms of direct contact pathways. The applicants' submissions specify a requirement for a gas proof membrane and passive venting within buildings as a precautionary measure, which is supported as a sensible approach due to the potential for earthworks to result in secondary gas generation.

Contaminated Land colleagues recommend that conditions are applied to any planning permission in order to:

(i) secure submission and agreement of a further scheme to address any significant risks from contamination, in accordance with the procedures outlined in Planning Advice Note 33: Development of Contaminated Land.

(ii) restrict occupation of any buildings until any requirement for long-term monitoring and reporting specified within the approved scheme of contamination is being undertaken and a report verifying the completion of any remedial works to address contamination issues have been carried out in full has been submitted and approved.

Police Scotland – No objection to the development, but make the following points for consideration in detailed design:

- Site is located in a low crime area.
- Comments that the general layout of the site is good from a ‘Crime Prevention through Environmental Design’ (CEPTED) perspective and raises no issues from a policing point of view.
- Recommends that the developer liaise with Police Scotland Designing Out Crime service at each stage for more detailed advice.
- Encourage the applicant to attain the ‘Secured by Design’ award.

Culter Community Council – Supports the proposal.

The proposed development would contribute towards the delivery of family housing within the local community, with a focus on smaller units which are more affordable to local people. Notes that this is the only significant housing allocation in the community, so is the best equipped to provide for the needs of the growing community. Contends that the development is of an appropriate design and scale (noting an earlier proposal for 120 units), subject to conditions on matters including:

- historic site contamination
- protection of the natural environment during construction and thereafter
- measures to control impacts relating to construction traffic (including construction of a fully paved access road prior to construction of houses commencing)
- traffic calming on access roads
- completion of hard and soft landscaping (including footpaths) prior to occupation of dwellings

The Community Council notes that parking provision for the new football pitch appears inadequate. Further parking or a separate access from the lane east of the pitches should be required by condition.

REPRESENTATIONS

A total of 21 representations were received in relation to this application, of which 18 stated objection to the proposals. These issues raised are summarised below:

- Respondents argue that new housing development should not take place on green belt.
- Others note that the reduction in the number of houses proposed (compared with earlier applications) is an improvement.
- Increased traffic along Cornyhaugh Road. Associated safety concerns, due to presence of play space at the rear of 83-95 Malcolm Road.
- Concern regarding potential loss/lesser availability of on-street car parking on Cornyhaugh Road. Suggest that developer is required to provide alternative parking if Cornyhaugh Road parking is restricted in any way.
- There is no support for this development in the local community.
- Road safety concerns.
- Highlights that the significant change in the character of road traffic use of Cornyhaugh Road would adversely affect amenity locally, including associated noise and pollution. Consideration should be given to minimising/controlling these impacts.

- The development access is considered to be insufficient to meet the needs of the development.
- Loss of greenspace, which currently has habitat, recreational and health benefits.
- Impact on the environment, including Peterculter Burn itself.
- Reduced access to outdoor space in the local community, with associated impact on wellbeing of residents.
- Increased strain on GP, bus and school services (the local primary school and academy are described as being at/beyond capacity already).
- Too many housing developments in the local area, and there is an oversupply of housing of this type.
- Evidence suggesting a lack of affordable housing is out of date.
- Additional traffic would make driveway reversing manoeuvres opposite the junction of Cornyhaugh Rd/Malcolm Rd hazardous.
- Queries how children would be expected to access school or bus stops on a road without pedestrian crossings.
- Disputes applicants' characterisation of dirt bikes as a nuisance and queries the rationale for concluding a housing development is preferable.
- Potential ecological impacts. Specific reference is made to deer, pine martens, otters, red kites, other birds, hedgehogs, bats, rabbits, field mice and scarce waterside habitat.
- Loss of existing trees.
- Queries what evidence is provided to support claim that more retirement/'downsizing' accommodation is required.
- Potential historic site contamination.
- Queries the source for the conclusion that there is an ageing population (at least locally).
- Suggests that this proposal is a fundraising activity as council's are unable to manage finances, and 40% of Council Tax paid goes to fund council employees' pensions.
- Disputes statement that there was general support for the principle of the development at the time of the previous application (180262/PPP)
- Highlights discrepancies in between application description and commentary in supporting documents (e.g. 'approximately 49 homes' vs 'not to exceed 150 homes').
- Relocation of football pitch to the boggy lower terrace means it may be more frequently unavailable, and no apparent provision is made for parking or pedestrian movements around the new pitch.
- Queries why the relocated football pitch is not part of this application.
- Property was purchased on the understanding that Cornyhaugh Road would be a pedestrian access only.
- Arrangements for access during construction are unclear from the submissions. States that access via 'The Shoddy' road is not appropriate nor permitted.
- The form of the development (inc. 3-storey homes) and building materials are not in keeping with the character of the area.
- Queries the methodology adopted for the Ground Investigation Report.
- The revised site layout and masterplan fail to address the findings of the submitted Noise Impact Assessment.
- The proposed location for 3-storey flats is close to existing noise sources and it is contended that noise mitigation measures should have been fully detailed.
- Contends that The Shoddy should be resurfaced before construction work starts in order to minimise disruption from noise and dust.

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

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

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.

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)

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 D1 – Quality Placemaking by Design
Policy D2 – Landscape
Policy I1 – Infrastructure Delivery and Planning Obligations
Policy T2 – Managing the Transport Impact of Development
Policy T3 – Sustainable and Active Travel
Policy T4 – Air Quality
Policy T5 – Noise
Policy H1 – Residential Areas
Policy H3 – Density
Policy H4 – Housing Mix
Policy H5 – Affordable Housing
Policy NE1 – Green Space Network
Policy NE3 – Urban Green Space
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 R6 – Waste Management Requirements for New Development
Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency
Policy CI1 – Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Aberdeen Masterplanning Process TAN
- Transport and Accessibility
- Noise
- Planning Obligations
- Affordable Housing
- Landscape
- Natural Heritage
- Green Space Network and Open Space
- Trees and Woodland
- Flooding, Drainage and Water Quality

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 application site and the remainder of the wider 2017 ALDP OP51 opportunity site are zoned as 'residential' in the Proposed Local Development Plan 2020 (PLDP). The site retains its opportunity site designation in the Proposed Plan, with the same accompanying text. The PLDP therefore supports the principle of residential development on the Peterculter Burn site, albeit for a lower number of units (19) than is proposed in this application.

The following policies are relevant –

- Policy WB1 - Healthy Developments
- Policy WB2 - Air Quality
- Policy WB3 - Noise
- 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 I1 - Infrastructure Delivery and Planning Obligations
- Policy T2 - Sustainable Transport
- Policy T3 - Parking
- Policy C11 - Digital Infrastructure

EVALUATION

The planning authority is required to determine this application in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan presently comprises the Aberdeen and Aberdeenshire Strategic Development Plan (2020) and the Aberdeen Local Development Plan (2017). The emerging policy context, as set out in the Proposed Aberdeen Local Development Plan (approved by Council on 2nd March 2020 and representing the 'settled view' of the Council) are also relevant material considerations.

Having regard to the provisions of the development plan the key issues in considering the principle of development are:

- the zoning of the land in the current Aberdeen Local Development Plan and the relevant policy H1 - Residential Areas.
- the relationship between the proposed residential development and the other elements of the OP51 allocation.
- the extent to which existing noise-generating commercial uses might be prejudiced by new noise-sensitive residential development in this location.
- whether the development would provide a quality residential environment that is suitably accessible to schools, public transport services and local facilities.
- Environmental impacts, including any likely effects on the qualifying interests of the River Dee Special Area of Conservation and the possible landscape and visual impacts of the proposal in this edge-of-settlement location.

Notable material considerations include Scottish Planning Policy (SPP) and the emerging policy context presented by the Proposed Local Development Plan following its approval by Council in early March 2020, which maintains the H1: Residential zoning of the application site and supports the principle of residential development.

Zoning / Principle of residential development

The application site lies within an area zoned as H1 – Residential Areas in the Aberdeen Local Development Plan 2017 (ALDP) and forms part of a larger Opportunity Site (OP51 – Peterculter Burn) which outlines the site’s potential to accommodate a development of “19 homes, a hydro-electric scheme, fish pass, football pitch, changing facilities and car parking for Culter Youth Football Club and a new pathway opening up access to existing woodland”.

The OP51 designation also identified a requirement for applications to be accompanied by a Flood Risk Assessment and a Masterplan, setting out measures needed to avoid damage to the existing Local Nature Conservation Site (LNCS) and a requirement for a Construction Environmental Management Plan to ensure that adverse effects on the River Dee Special Area of Conservation (SAC) are avoided.

Policy H1 (Residential Areas) sets out that proposals for new residential development in areas zoned H1 will be acceptable in principle provided that:

1. it would not constitute over-development;
2. development would not have an unacceptable impact on the character and amenity of the surrounding area;
3. proposals would not result in the loss of valuable and valued areas of open space, as defined in the 2010 Aberdeen Open Space Audit; and
4. proposals would comply with relevant supplementary guidance to the ALDP.

On this basis, it is considered that the acceptability of this proposal lies in consideration of its merits in terms of: design, placemaking and other areas of detail. This is explored in detail below.

A Masterplan document has been provided in support of this application. The LDP requirement for a Masterplan would generally only apply where 50 or more homes are proposed, however this requirement comes from the OP51 opportunity site designation. Its scale and detail are commensurate with the scale of development proposed. Within the Masterplan document is discussion of the other elements detailed within the OP51 allocation. This highlights that proposals for the construction of a hydro-electric power generation scheme, fish pass and access road were

consented in January 2014, via application ref 121787, and subsequently renewed with the approval of application ref 161722/DPP. The fish pass has since been delivered on land outside the current application boundary, but within the wider OP51 opportunity site. As the fish pass and hydro power scheme formed part of the same planning permission, the partial implementation of that consent means that permission for the hydro power scheme will not lapse and therefore remains 'live' and capable of implementation. Neither of these elements of the OP51 allocation would be prejudiced by residential development on the footprint currently proposed. The Masterplan also highlights that the delivery of a new pitch for Culter Youth Football Club on this site is not practicable due to the exceptional construction costs that would arise from the land's historic landfill use. As a result, CYFC are seeking to deliver a new all-weather pitch elsewhere within the community, potentially freeing up a larger developable area within OP51 for residential units, exceeding the 19 units specified in the allocation. The implications of this will be discussed further within this report, but in principle it is accepted that the proposed development would not serve to prejudice delivery of any other element of the OP51 allocation. The relationship between the proposed residential development and neighbouring uses, both residential and commercial, will also be explored in more detail later in this report.

Environmental Impacts

Environmental Impact Assessment (EIA) Screening

The planning authority has concluded that statutory Environmental Impact Assessment would not be required, as the proposed development was not anticipated to result in significant effects on the environment. Nevertheless, whilst the statutory EIA process was not considered to be warranted in this instance, there are still environmental matters to be considered by the planning authority in making its decision.

Habitats Regulation Assessment (HRA)

In terms of relevant environmental designations, it is recognised that the area immediately to the south of the site, along the route of the watercourse, is designated as the Culter Burn Local Nature Conservation Site. The Culter Burn is itself a tributary of the River Dee, and the boundary of the River Dee Special Area of Conservation (SAC) includes a section of the Culter Burn, approximately 400-500m to the south-east of the application site.

The Culter Burn is designated an SAC due to its populations of freshwater pearl mussel, Atlantic salmon and otter (referred to as its 'qualifying interests'). It is noted that the proposed development is not directly connected to, or necessary for, the conservation of the site. Consideration then turns to the question of whether the proposed development would be likely to have significant effects on the qualifying interests of the SAC, either during construction or in the operational phase, without the adoption of any mitigation measures.

This development would involve ground disturbance/earthworks which could affect water quality via surface water discharging into the Culter Burn. In this instance, whilst it is recognised that the site topography and degree of separation from the watercourse serve to reduce the likelihood of significant effects, and the risk of pollution can be satisfactorily addressed through conditions requiring submission and implementation of a Construction Environment Management Plan (CEMP), there remains a pollution pathway which has the potential to adversely affect water quality within the watercourse and by extension affect the qualifying interests of the SAC unless appropriate mitigation measures are in place. With mitigation, it is considered that the proposal would not adversely affect the integrity of the designated site. On that basis, it has been concluded that Appropriate Assessment (AA) is required, and consultation has been undertaken with NatureScot on the potential impacts and the required mitigation measures. NatureScot's response confirms its agreement with the Planning Service's conclusion that the proposal would not adversely affect the interests of the River Dee SAC, subject to the conditions outlined in the

submitted Habitats Regulations Appraisal (HRA) and reflected in this report and recommendation, and therefore has no objection to this application.

Natural Heritage

The proposed development has potential to affect a number of environmental designations which, though outside the current application site, are within the wider OP51 site. These include Tree Preservation Orders, Green Space Network, the Culter Burn Local Nature Conservation Site and, further afield, the River Dee Special Area of Conservation. Given the presence of habitats potentially suitable for protected species, an extended Phase 1 Habitat Survey has been carried out. 11 habitat types were identified within the survey area, which is described as *'a mosaic of semi-improved neutral grassland and tall ruderal vegetation, with small areas of dense scrub and semi-natural broadleaved woodland, with swamp, broadleaved woodland, dense scrub and running water present on adjoining ground'*. The habitats present within the site and surrounding buffer area are described as providing suitable foraging and commuting resources for badgers, bats, red squirrel, otter and birds, however no requirements for protected species licences were identified. The survey has identified evidence of bats foraging along the burn corridor, however there is no evidence of bats roosting within the site. No evidence of red squirrels or badgers was identified by the survey, and whilst there was evidence of otter activity on the north bank of the Culter Burn (120m south of the site), no resting places were found. The report notes that records suggest that red squirrels are likely to be prevalent locally, however the grassland habitat within the site is not considered suitable for red squirrel and it is likely that the woodland to the south and residential gardens to the east are used for commuting. Whilst the woodland and scrub habitats present within the wider OP51 site are assessed as offering suitable foraging habitat for a range of birds, due to the high level of disturbance from dog walkers it is unlikely that the grassland and tall ruderal vegetation within the application site itself is suitable for ground nesting birds. The report concludes that the habitat would not be suitable for Scottish Biodiversity List (SBL) species nesting.

Following consultation with SEPA, additional information was provided in order to establish potential impacts on Groundwater Dependent Terrestrial Ecosystems (GWDTE). A National Vegetation Classification (NVC) Survey was submitted and demonstrated the proposed development overlaid upon vegetation maps. This information allowed SEPA to withdraw their earlier objection, on the basis that there are no GWDTE present, with one existing area of wetland instead being fed by the river during periods of flood and by surface water. Environmental Policy Team colleagues within the Planning Service have recommended that a Lighting Assessment be provided in order to consider potential impacts on wildlife in the context of surrounding habitats. This can ensure that any necessary mitigation measures are adopted to minimise impacts on the natural environment. A Construction Environmental Management Plan (CEMP) will be required to mitigate the impact of the development on natural heritage assets, including the River Dee SAC. SEPA's consultation response reiterates the importance of a CEMP for reasons of pollution prevention and environmental management. Subject to these safeguards, it is considered that the proposal satisfies the requirements of policy NE8 (Natural Heritage) of the ALDP.

Green Space Network

Policy NE1 (Green Space Network) of the ALDP sets out that the Council will *'protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network'*, and that proposals for developments that are likely to *'destroy or erode the character and/or function'* of the GSN will not be permitted.

There are areas of land along the Culter Burn corridor and immediately to the north of the site which form part of the Council's designated Green Space Network (GSN), however these areas lie outwith the current application site, and so would not have any direct impact on the character or function of the Green Space Network, and therefore the presence of this designation on neighbouring land does not inhibit development within the application site itself. The submitted

masterplan outlines that land under the applicants' control within the wider OP51 site would retain natural open space around the development footprint and allow for the provision of recreational routes, maintaining the wildlife, recreational, access and landscape value of the GSN and ensuring compliance with policy NE1 (Green Space Network) of the ALDP.

Trees

ALDP policy NE5 (Trees and Woodlands) states a presumption against all development that would 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'*. A Tree Survey has been submitted in support of this application, though it is noted that the survey extends significantly beyond the application site and includes much of the wider OP51 site. It is also highlighted that a Tree Preservation Order (TPO) covers areas of ground along the Culter Burn route to the south and west of the application site boundary, but within the wider OP51 designation. There is sufficient distance between the proposed development and those TPO areas to ensure that protected trees are not affected by the development.

The submitted survey identifies 103 individually surveyed trees, along with five tree groups. Of those, four veteran trees were afforded an A categorisation, with the remaining 99 trees found to be in a fair condition and generally assigned a B quality categorisation. The survey notes that there are few trees within the central, flat section of the site, with the vast majority of trees located outwith the current site boundary, within the more sensitive riverside habitat which is reflected in the boundary of the Culter Burn Local Nature Conservation Site (LNCS). It is considered that the indicative proposals give comfort that the vast majority of existing trees would be unaffected by the proposed new development, however, it will be necessary to properly consider the relationship between existing trees and the final designed layout, to ensure that impacts are minimised and that retained trees have sufficient space to grow and thrive. On that basis, it will be necessary to secure further detailed submissions, including an Arboricultural Impact Assessment and Tree Protection Plan via the application of relevant planning conditions, with those submissions formally assessed via the AMSC application process. Subject to that further assessment, it is considered that the proposal demonstrates due regard for the retention of existing trees and for new tree planting, consistent with policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

Landscape

This application concerns a prominent site on the edge of high ground, in a landscape which is sensitive to development. The wider OP51 site also includes an important green space network corridor. Following discussion with the applicants, the indicative layout and Masterplan document now reflect a lower density along the prominent southern edge of the development site, with detached units set in generous plots and not exceeding 1.5 storey in height in order to reduce visual impact, particularly when viewed from the west. It is also recognised that the current proposals for 44 units represent a significant reduction from earlier proposals for up to 112 units, later reduced to 99 units prior to withdrawal of application 180262/PPP. This reduced and reconfigured indicative layout better reflects the site's location on the edge of an existing settlement, where urban and natural landscapes meet. A detailed Landscape and Visual Impact Assessment (LVIA), based on any final designed layout, can be secured by condition. Such assessments must be carried out by qualified Landscape Architects in accordance with Guidelines for Landscape and Visual Impact Assessment Edition 3 (GLVIA3). It is recommended that the scope of any such assessment is agreed with the Council prior to commencement of the LVIA, and that it should include assessing impacts on the Dee Valley Special Landscape Area (SLA) in Aberdeenshire. Subject to final assessment and appropriate mitigations within the finalised design and landscaping of the site, the Planning Service is content that this approach can ensure compliance with policy D2 (Landscape) of the ALDP.

Transport and Accessibility

Vehicular Site Access

The principal access to the site would be via the extension of Cornyhaugh Road, which would require to be upgraded to include a footway, along with traffic calming measures and crossing points as required. This main vehicular access route would comprise a 5.5m wide road with a 2m wide footway on its southern side, with the road upgraded to an adoptable standard. The existing footway on Cornyhaugh Road is on the northern side, so a dropped kerb crossing would be required. A secondary emergency access route would be formed along 'The Shoddy', which is a roughly surfaced road running northwards from the north-eastern corner of the site, before heading east and joining Malcolm Road. This presently gives access to Culter Youth FC and two residential properties, along with the MMC Motors vehicle garage. This route would require to be resurfaced and fitted with demountable bollards at its development site end in order to maintain access for existing premises whilst preventing a through-route for development traffic. This allows for the route to remain accessible to pedestrians and cyclists, but ensures that in the event that Cornyhaugh Road is inaccessible, the bollards can be removed to facilitate emergency vehicle access. Final details of the site accesses will be provided at the MSC stage, and shall include full details of road geometry and accompanying swept-path plans to demonstrate accessibility for refuse vehicles and other larger vehicles.

Local Road Network

A Transport Statement (TS) has been provided in support of the application. In terms of establishing the feasibility of development at this scale, the TS includes a traffic impact assessment (based on the earlier 49-unit proposal), which shows that the development would be expected to generate around 32 two-way vehicle trips in the AM peak (i.e. the combination of trips both to and from the site during that peak window) and 24 in the PM peak. The TS notes that this is equivalent to approximately 1 vehicle every 2 to 3 minutes. ACC's RDM Team concludes that this level of additional vehicle trips would have a negligible effect on the surrounding road network.

Public Transport services

The closest existing bus stops are on Malcolm Road, where there are stops present on both sides of the road, served by the FirstBus number 19 service, which runs through the City Centre and allows for onward connection to many other routes. The existing bus stop includes a bus shelter and raised kerbing to facilitate step-free access, so does not require any upgrading. The 19 service operates every 15 minutes on weekdays, with two services per hour available on weekends. The indicative layout provided in support of this application demonstrates that all homes would be either within the recommended 400m distance of bus stops or only a short distance over (circa 25m). It is also noted that the indicative location of all flatted and affordable housing units would be within 400m. Further afield, the Stagecoach number 201 service (Aberdeen Bus Station to Braemar via Banchory, Aboyne and Ballater) runs along the A93/North Deeside Road and can be accessed from North Deeside Road, where existing stops also include shelters and raised kerbing. This has been accepted by RDM colleagues and it is considered that the proposed development would be suitably accessible via public transport services and reduce dependence on travel by car, consistent with the aims of ALDP policy T3 (Sustainable and Active Travel).

Pedestrian & Cycle Infrastructure

The site is currently accessible for pedestrians via various links, including an existing unadopted road, known as The Shoddy, which connects the north-eastern corner of the site to the B979/Malcolm Road.

Safe Routes to School

The application site is zoned to Culter Primary School and Cults Academy. Culter Primary is located approximately 1.3km east of the application site and the TS identifies a suitable walking route via Johnston Gardens North, Dalmaik Terrace and School Road. This route makes use of

existing dropped kerb crossing points, but would require the formation of a new dropped kerb crossing across Malcolm Road, just south of its junction with Cornyhaugh Road, which has been proposed by the applicants as part of this application. RDM colleagues have expressed no concern about this route, but recommend that a suitable condition be applied to any PPP consent to secure full details via the AMSC process.

Cults Academy is located approximately 4.2 miles away. As this distance exceeds 3 miles, secondary school pupils would qualify for subsidised bus travel via ACC, which would ensure a safe and sustainable means of travel.

Subject to implementation of an additional dropped kerb crossing point on Malcolm Road, it is considered that safe access to the zoned schools can be delivered. Further details can be obtained, based on the finalised design and layout, via the consideration of applications for the approval of matters specified in conditions and it is recommended that a specific condition be applied to any permission in relation to safe routes to school.

Internal roads layout

Roads colleagues have not undertaken a detailed assessment of the internal roads layout, on the basis that this application seeks Planning Permission in Principle and therefore it will be for subsequent applications relating to the approval of matters specified in conditions to demonstrate a satisfactory detailed design, should PPI be granted. Such applications would be required to include a greater level of detail in relation to road dimensions, gradients, materials etc., as well as swept-path diagrams for different types of vehicle and visibility splays for junctions. Traffic calming measures will be required for any longer sections of straight road, exceeding 60m in length – this is likely to be necessary on the upgraded and extended Cornyhaugh Road. General discussions around the indicative layout have taken place, with internal road junctions demonstrating acceptable visibility splays. The indicative layout includes a combination of road with footway and some shared surfaces in lower traffic areas.

Car Parking

The site lies within the 'outer city' parking zone, where parking standards are higher to reflect the suburban location, and there is not presently any controlled parking zone (CPZ) in operation. A detailed assessment of car parking provision has not been undertaken at this stage, as the layout shown is merely indicative of how development might be accommodated on the site. Subsequent AMSC applications would be required to demonstrate that development is accompanied by appropriate on-site parking, with regard for the parking standards set out in the Council's 'Transport and Accessibility' Supplementary Guidance. Nevertheless, an initial RDM review of the indicative layout against the standards set out in the relevant SG indicates that full provision can be accommodated. Parking provision will be assessed further via requisite MSC application, at which point compliance with ACC standards, including requirements for accessible spaces and EV charging spaces can be ensured.

Residential Travel Pack

Section 6 of the submitted Transport Statement sets out a Travel Plan Framework, setting out broad principles for the production of a Residential Travel Pack to promote awareness of the sustainable travel options available in the local area. Roads colleagues have accepted the framework put forward and will provide further comment on submission of a detailed Residential Travel Pack as part of a later application for the approval of matters specified in conditions. On that basis, a condition will be required to secure such submissions (including information on the identified safe route to Culter Primary School) for approval and subsequent issue to residents prior to first occupation, and ensure compliance with policy T2 and the associated 'Transport and Accessibility' SG.

Replacement Sports Pitch

The OP51 opportunity site designation includes reference to a football pitch alongside other components of the allocation. Scottish Planning Policy (at para.226) sets out a requirement for Local Development Plans to safeguard existing outdoor sports facilities from development other than in specified circumstances. These include where any outdoor sports facility affected would *'be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area'*. That national policy requirement is reflected in policy NE3 (Urban Green Space) of the ALDP, which requires an equivalent and equally convenient and accessible area to be laid out and made available in the locality.

Whilst the OP51 text envisaged delivery of a new sports pitch on-site, the submitted Masterplan document sets out that the existing sports pitch is no longer suited to Culter Youth Football Club's (CYFC) needs, with a desire to upgrade it to an all-weather artificial surface. Initial investigations have established that extensive piling (at 300mm centres) would be required to form such a surface, with prohibitive construction costs. CYFC are now seeking an alternative location for a replacement pitch in the local area. Consultation with SportScotland and discussions with the planning service have established that the delivery of a replacement pitch can be secured through the use of a 'Grampian' condition, which restricts either development or occupation until the replacement pitch has been delivered in accordance with the terms of any condition. This approach ensures that the requirements of SPP and ALDP policy NE3 (Urban Green Space) can be satisfied. It is noted that the practical difficulties in delivering a new pitch on-site means that a greater area of the site is available for the construction of new homes. This is discussed further in the density section of this report.

Design, Layout and Density

As this application seeks Planning Permission in Principle, the layout that is before the planning service is indicative and is intended to demonstrate how residential led development at this scale might be accommodated within the site, rather than representing a finalised proposal. If PPI is granted, it will be for subsequent AMSC applications to set out the finer details of the proposal and establish a finalised design, at which point there will be a further opportunity for representation and participation in the planning process.

The ALDP, through policies D1 (Quality Placemaking by Design) and H4 (Housing Mix) and the associated Aberdeen Masterplanning Process TAN, requires that larger developments of more than 50 units be subject to a masterplan, setting out key design principles for that development. In this case, the OP51 Opportunity Site identified in the ALDP specifies the requirement for a masterplan to be prepared. The submitted Masterplan has been subject to various revisions and is now considered to include the necessary content on design principles, landscape strategy, density, open space, etc. In the event that PPI is granted, this document would be a significant material consideration in the planning authority's determination of subsequent AMSC applications, acting as a point of reference for detailed assessment based on the design principles it establishes.

The submitted Masterplan document provides an analysis of the local context, sets out the proposal's relationship with the existing landscape, environmental designations and the various component parts of the OP51 allocation and establishes design principles in terms of layout, open space, boundary treatments, building types/heights and materials. This indicates road access taken via Cornyhaugh Road and then a layout formed around a central loop, with homes facing onto a landscaped central open space incorporating children's play equipment and an area for community food growing. Unit types include detached, semi-detached and terraced units, as well as two flatted blocks in the north-eastern corner of the site. The more prominent southern edge is defined by lower-density, detached units of no more than 1.5 storeys, so as to reduce the visual impact of the development when viewed from the south and west. Two-storey semi-detached and

2.5-storey terraced townhouses are arranged along the northern boundary, with an outlook across the central parkland area. The three-storey flatted blocks (containing a total of 12no units) also look onto this open space, with opportunity identified for balconies to take advantage of the southerly aspect. In order to reduce the visual impact of car parking, the indicative site layout features a mix of driveways. Garages and parking courts, the latter of which allow for multiple spaces to be contained off-street to the rear of properties in the north-eastern and south-eastern corners of the site. This also allows for additional open space to be provided at the arrival into the site, contributing positively to the sense of place. The secondary/emergency access along the resurfaced shoddy is located at the north-eastern corner of the site, allowing for some separation between new development and existing homes, whilst also increasing the distance between an existing noise source (vehicle garage/MOT test station) and new flats. The proposed layout allows for the developed footprint to avoid encroachment onto the more sensitive parts of the wider OP51 site and safeguard the associated landscape and TPO designations, as well as retaining an attractive landscaped setting for the new development, including a central 'village green' type open space which can act as an attractive focal point for the development.

The open space provision within the site is good, with an accessible play area included at the heart of the development, an opportunity for community growing, secondary open space located at the point of arrival to the site and path connections to the network of recreational routes within the wider OP51 site and the surrounding area. This overarching open space strategy is embedded within the Masterplan document, ensuring its inclusion in any finalised design and layout. The proposal is therefore considered to satisfy the requirements of policy NE4 (Open Space Provision in New Development).

The Masterplan document sets out some basic principles for the built form, with orientation of units focused on their relationships with the central landscaped open space and the more natural landscape to the south and west. Variation in rooflines and gable orientation will assist in bringing variety to the streetscape and breaking up massing. Elements such as facing gables could be picked out in brick, stone or coloured cladding to offer further visual interest. Boundary treatments would include fencing, with hedging used to soften the streetscape and drystone walling used selectively to add character. The indicative layout demonstrates variation in street surfacing materials, with references made to 'Designing Streets' compatible shared surfaces and localised road narrowing where appropriate to slow vehicle speeds and promote pedestrian priority spaces.

The proposal does not yet contain sufficient detail to allow for detailed assessment of development density, however consideration of future applications for the approval of matters specified in conditions will allow for further scrutiny against policy H3 (Density), which presently requires developments to achieve a net density of 30 dwellings/hectare, but to balance this alongside ensuring that development is appropriate to its context. In this instance, the nearest residential areas of Peterculter are generally relatively suburban and low-density in character, with the Masterplan document identifying densities of 15-16 units per hectare locally. The indicative site layout, based on 44 units across a 1.9ha site, equates to 23 units per hectare. Whilst this does not reach the minimum density sought by policy H3, it is considered appropriate in this context, where surrounding residential streets are at a lower density and in light of the site's location at the edge of the settlement, where a lower-density pattern of development is generally to be found. The indicative layout provided offers comfort that the requirements of policy H3 (Density) can be achieved in the final layout, with a development which successfully balances efficient use of the land with ensuring an appropriate density for the local context.

Residential Amenity and Noise

Whilst recognising that the present zoning of this site envisages residential development, it is nevertheless necessary to consider the standard of amenity that would be afforded to prospective residents, as well as the relationship with existing residential and commercial uses on neighbouring land. This portion of the OP51 site extends to approximately 1.9ha and falls from

north to south, however there are no significant topographical constraints, with limited requirement for bulk earthworks. The steepest portions of the OP51 site lie outside the current application site and would be unaffected by development. There are existing noise sources nearby at the MMC Motors vehicle garage, to the east, and the Culter Youth FC premises, to the north.

A Noise Impact Assessment has been submitted in support of the application and has been vetted by ACC's Environmental Health (EH) service. EH colleagues accept the findings of that report at this PPP stage, but note that further assessment will be required based on the finalised layout, with mitigation measures incorporated as necessary to ensure appropriate standards of amenity for residents. The Environmental Health service has specifically requested that any further noise assessment demonstrates consideration for all practical mitigation measures, including reconfiguration of internal layouts. To that end, it is appropriate to attach conditions to any approval requiring such further assessment, details of any required mitigation and implementation of mitigation measures thereafter. The Planning Service is satisfied that the submitted noise assessment gives comfort regarding the anticipated noise levels within the development and the feasibility of mitigation where required within the new development.

It should be noted that there will be further consideration of likely noise impacts based on the final layout via the approval of matters specified in conditions process, which offers a further opportunity for public comment and review by ACC's Environmental Health Service. Subject to that further assessment and appropriate controls, it is considered that adverse noise impact can be avoided, and the final detailed proposal can demonstrate due regard for the provisions of policy T5 (Noise) and the associated Supplementary Guidance.

Flooding and Drainage

Policy NE6 (Flooding, Drainage and Water Quality) sets out policy requirements on flood risk and drainage. This states that development will not be permitted if it would be at risk of flooding or if it would increase the risk of flooding elsewhere. The OP51 allocation identifies a requirement for a Flood Risk Assessment (FRA). The submitted FRA provides an update to an earlier 2010 study in order to account for the latest FEH13 rainfall model. This updated modelling indicates a drop in peak flows and flood levels along the whole length of the modelled watercourse, when compared with the 2010 modelling study. Adjacent to the development site itself, flood level estimates have dropped between 0.74m and 0.83m. On that basis, the report concludes that development at the level indicated (47.05 mAD) would not be at risk of fluvial flooding from a 1 in 200 year flood event, including uplift for climate change.

SEPA has stated no objection on flood risk grounds, noting that the entire application site lies outwith the area which the FRA identifies as the functional flood plain, but recommends that ACC's own Flooding Team is consulted in relation to the potential for surface water flooding.

ACC's Structures, Flooding and Coastal Engineering Team also states no objection to the proposal, having reviewed the updated FRA provided in response to their initial response. On this basis, the Planning Service is satisfied that there is no obstacle to granting Planning Permission in Principle, and that detailed assessment of flood risk based on a fully designed scheme can be undertaken via consideration of further applications, provided appropriate conditions are applied at this stage.

ACC's Roads Development Management (RDM) Team has reviewed the submitted Drainage Impact Assessment (DIA), which indicates that a single level of SUDS treatment (permeable paving) is being considered, although swales may also be utilised for collection/conveyance of surface water. RDM accept the use of a single level of SUDS treatment in principle, as the development is for less than 50 houses. There is no indication of what the applicants would propose for adoption, however it is highlighted that surface water should not be permitted to flow onto adopted areas. Permeable paving is typically poor at preventing this, so channel

drains/swales may be required in conjunction with that paving. It is noted that this can be assessed further at the detailed design stage, on consideration of related MSC applications, to ensure that any drainage strategy will appropriately treat and slow the discharge of surface water flows.

SEPA's consultation response notes that proposals involve foul drainage connection to the public sewer and as such have no objection to this aspect of the proposals.

A detailed drainage scheme based on the final site layout can be secured using suitable planning condition(s), allowing for further review to ensure compliance with the requirements of the development plan. On that basis, it is considered that the proposal adequately addresses matters of flood risk and site drainage at this PPIp stage, consistent with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

Affordable Housing and Developer Obligations

Policy H5 (Affordable Housing) of the ALDP requires that housing developments of five or more units contribute no less than 25% of the total number of units as affordable housing. A Developer Obligations assessment has been undertaken on the basis of that 25% requirement, which for a proposal of 44 units would equate to 11 affordable units. The Council's relevant 'Affordable Housing' Supplementary Guidance sets out that there are a number of ways in which this can be delivered but states an expectation that the affordable component arising from developments of 20 or more units will be delivered on-site. A section 75 planning obligation is the usual means of securing affordable housing obligations, and this can be framed in such a way that the obligations reflect any change to the ultimate number of units consented via the AMSC process and delivered on site. ACC Housing Strategy colleagues have indicated that they would welcome the inclusion of bungalows in the development and reiterate that the affordable units should be reflective of the development as a whole, with a preference for social rented housing. This is consistent with ACC's Affordable Housing SG and can be the subject of further consideration and consultation with Housing colleagues on submission of MSC application(s) for the finalised layout.

Policy I1 (Infrastructure Delivery and Planning Obligations) of the ALDP sets out that development must be accompanied by the necessary infrastructure, services and facilities required to support expanded communities. ACC's 'Planning Obligations' SG sets out the methodology for calculating developer contributions and the mechanism by which they will be secured. The Council's Developer Obligations team has assessed this proposal on the basis of 44 standard 3-bedroom units, but it is recognised that the final mix of unit types and sizes has yet to be determined so any legal agreement securing developer obligations requires to account for changes to the development's composition. The detail of the relevant obligations is summarised in the 'consultations' section of this report. Financial contributions are identified towards increasing capacity at Peterculter Medical Practice (or other such facility serving the development); enhancement of nearby Core Path routes; provision of additional capacity at Culter Library and Central Library; and a contribution towards increasing capacity at Peterculter Medical practice. As the primary and secondary schools to which the development is zoned have capacity to accommodate additional pupils, based on the most up-to-date School Roll Forecasts, no contributions are payable towards increasing school capacities. By utilising a planning obligation to secure these contributions, compliance with policy I1 of the ALDP and its associated 'Planning Obligations' SG can be ensured, and the impacts of the development can be offset.

Contaminated Land

ALDP policy R2 (Degraded and Contaminated Land) requires that all contaminated land is either restored, reclaimed or remediated to a level suitable for its proposed use. The policy recognises that the benefits of remediating contaminated sites and the viability of funding any remediation will be taken into account when considering proposals for redevelopment or alternative uses. In this

instance the former use of the site for landfill purposes has been recognised and a ground investigation report provided in support of the application. Having reviewed this, ACC's Environmental Health Service (contaminated land team) has expressed its satisfaction that the historic landfill use has not resulted in significant contamination, and that any issues can be addressed through submission and agreement of a scheme of remedial works, including details of any necessary long-term monitoring and reporting. Thereafter, occupation of buildings will be prohibited until a further report verifying completion of necessary works has been submitted and agreed, in consultation with ACC's Environmental Health service. Provision of the necessary information can be secured through conditions applied to any grant of Planning Permission in Principle, which will also ensure compliance with policy R2 (Degraded and Contaminated Land) of the ALDP.

Refuse/Recycling

Policy R6 (Waste Management Requirements for New Development) of the ALDP sets out that all new development should have sufficient space for the storage of general waste, recyclable materials and compostable wastes, including provision for bins to be presented on collection days. In this regard, the detailed layout, its adequacy for refuse vehicle access and bin collection, and the inclusion of necessary bin stores for flatted blocks and commercial uses will be established by consideration of further applications for the approval of matters specified in conditions, however it is noted that the indicative layout has raised no fundamental roads concerns and offers comfort that a satisfactory design solution is achievable, showing appropriate access/egress and turning points. Conditions attached to any Planning Permission in Principle must secure the necessary information on any finalised layout. Subject to appropriate conditions, compliance with policy R6 of the ALDP, along with Part B of the associated 'Resources for New Developments' SG, can be ensured.

Low and Zero Carbon Buildings, and Water Efficiency

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings be constructed to achieve specified reductions in carbon emissions through the use of low and zero carbon generating technologies. The associated Supplementary Guidance provides that compliance may also be achieved through efficiencies in the building fabric. At this Permission in Principle stage, the detailed design specification of buildings is not yet known, however planning conditions can secure the submission of appropriate submissions to demonstrate the measures to be taken to ensure compliance with the requirements of policy R7 and its associated Supplementary Guidance. Similarly, a statement setting out water-saving measures to reduce pressure for abstraction from the River Dee, which is designated as a Special Area of Conservation, can be required. Such measures may include rainwater harvesting, low-flow and/or dual flush toilets, etc. Further technical submissions will be required to establish the exact nature of the measures employed to demonstrate compliance with policy R7 and the associated SG – this can be achieved through use of a planning condition.

Digital Infrastructure

Policy C11 - 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 it is appropriate for a condition to be attached to any permission, requiring details to demonstrate the delivery of highspeed broadband for all homes, prior to occupation, in order to meet the requirements of Policy C11.

Matters Raised in Representations

Some respondents have described the application site as green belt land. To clarify, this site is not within the designated green belt, and has been specifically identified for residential development through successive iterations of the Local Development Plan since 2012. On that basis, the principle of residential development has been established through that process already, and it is for this application to establish the principle of development at a given scale and demonstrate how

that might be accommodated within the site. Whilst a replacement sports pitch forms part of the opportunity site text, a satisfactory justification has been set out for a new pitch being located off-site, but in a location convenient for users, with its delivery to be secured by condition. It is recognised that the proposed development exceeds the number of units specified in the OP51 designation, but also that it represents a significant reduction from the 120 units proposed through an earlier application.

Issues relating to the accessibility, impact on the local road network, road safety and car parking have been considered through the preparation of a Transport Statement and consultation with the Council's RDM Team, which is discussed in greater detail within the 'Transport and Accessibility' section of this report. Matters pertaining to open space provision, landscape and impact on various environmental and ecological designations such as Green Space Network, River Dee SAC, Culter Burn LNCS, TPOs and existing trees are also addressed within the body of the report. The impacts of the development on schools, healthcare facilities and community facilities are discussed in the Developer Obligations section of the report.

Historic site contamination has been the subject of investigation and is discussed elsewhere within this report. The basis for the applicants' statements about an ageing population and a need for bungalows is not clear, however ALDP policy supports the delivery of a range of types and sizes of accommodation to meet varying needs. Comments that development on this site is a fundraising activity to support Council employees' pensions are unfounded, with the site having been identified in successive iterations of the Local Development Plan, which takes its requirement for new housing numbers from the Strategic Development Plan that is informed by population projections and other empirical data, with both plans subject to scrutiny by the Scottish Government prior to coming into effect. Access and transportation arrangements are discussed in the 'Transport and Accessibility' section of the report. Any decision taken to purchase property based on there being no further properties built off Cornyhaugh Road is not material to this determination, as Local Development Plans allocate land every 5 years, with Green Belt boundaries reviewed as part of that process. Means of access during the construction phase will be set out within a Construction Environmental Management Plan (CEMP), to be agreed via the MSC process. Noise and amenity issues are discussed within the report, and it is noted that a further NIA will be required based on the final designed layout, with mitigation measures specified as part of that process. The current NIA is necessary merely to establish the potential to accommodate this number of units on the site adequately.

Matters Raised by Community Council

It is noted that Culter Community Council has expressed its support for the proposal, which it states will contribute towards the delivery of family housing in the local community. The Community Council response highlights that this application envisaged a much-reduced scale of development in comparison to earlier proposals, for as many as 120 homes, and that matters including contamination, protection of the natural environment, traffic calming and landscaping can be addressed through the use of planning conditions. It is, however, contended that parking provision for the new football pitch would be inadequate. As set out in the submitted Masterplan document and accompanying indicative layout plan, the site itself is not considered to be suitable for the formation of a new football pitch due to ground conditions, the need for significant piling and the associated prohibitive construction cost. As a result, the proposals do not involve delivery of a new pitch within the development site, as discussed elsewhere within this report. The Community Council response suggests that development should not commence unless a fully surfaced access road has first been formed. Construction access arrangements will be established through the submission and assessment of a Construction Environmental Management Plan, with scope for further consultee and public comment via the requisite MSC application(s).

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, particularly with regards to the identification of this site as an opportunity site for residential development, and the proposal is acceptable in terms of both Plans for the reasons previously given.

Heads of Terms of any Legal Agreement

A legal agreement will be required in order to secure the financial contributions identified by ACC's Developer Obligations Team and delivery of affordable housing. A minimum of 25% of the total number of units are required to be delivered as affordable housing and retained as such thereafter. Should members be minded to approve this application, the conclusion of an appropriate legal agreement would be delegated to officers, working in conjunction with colleagues from ACC Legal Services.

Time Limit Direction

n/a.

RECOMMENDATION

Willingness to approve subject to conditions and subject to conclusion of a legal agreement securing payment of developer obligations and provision of affordable housing.

REASON FOR RECOMMENDATION

The proposed residential development is consistent with the allocation of the OP51 opportunity site in the 2017 Aberdeen Local Development Plan (ALDP) and its H1 (Residential) zoning. The site is appropriately accessible and can be connected to the surrounding road network without adverse impact on existing junctions. Proposed access arrangements are considered to accord with the provisions of policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel). Path connections to the surrounding green space and the enhancement of local Core Path routes via the payment of developer obligations is consistent with the aims of NE9 (Access and Informal Recreation). It has been demonstrated that the development can be accommodated without being itself at risk of flooding or increasing flood risk elsewhere, as required by Flooding, Drainage and Water Quality.

Whilst it is recognised that the number of units proposed exceeds that specified in the OP51 allocation, it has been demonstrated that development at the scale proposed can be satisfactorily accommodated within the application site in a manner which reflects the surrounding site context and better reflects ALDP policy H3 (Density) in terms of making efficient use of land resource, without adverse impact on the character or amenity of the surrounding area, whilst also providing an appropriate standard of amenity for new residents. The vision for the site, as expressed by the submitted Masterplan document, is considered to satisfy the requirements of policies D1 (Quality Placemaking by Design), D2 (Landscape) and H4 (Housing Mix). Affordable housing and developer obligations can be secured by an appropriate legal agreement, ensuring compliance with policies I1 (Infrastructure Delivery and Planning Obligations) and H5 (Affordable Housing).

The submitted Masterplan document demonstrates that the proposals would be accommodated within the OP51 site without adverse impact on natural heritage designations, subject to appropriate measures being implemented during the construction phase, and further consideration against the detailed layout can be undertaken at the Matters Specified in Conditions phase. The proposal is considered to demonstrate compliance in principle with policies NE1 (Green Space Network), NE3 (Urban Green Space), NE4 (Open Space Provision in New Development) and NE5 (Trees and Woodlands) and NE8 (Natural Heritage).

Technical requirements relating to waste and recycling, carbon reduction and water efficiency and digital infrastructure can be secured through the application of conditions and further assessment via the MSC process.

The emerging policy context provided by the Proposed Local Development Plan (PLDP), supports residential development in this location, with the PLDP retaining the current allocation for residential-led development. The PLDP, having been approved by Aberdeen City Council, now represents the settled view of the Council and has significant weight as a material consideration in favour of the proposed development.

CONDITIONS

1. Detailed design

No development in connection with the planning permission hereby approved shall take place unless the following details have been submitted to the Planning Authority and agreed in writing by way of a formal application for the approval of matters specified in conditions. Thereafter, development shall be implemented in full accordance with the approved details.

Unless otherwise agreed in writing with the planning authority, MSC applications shall include:

- a) siting, design and external appearance of the built development;
- b) a detailed landscape plan and strategy;
- c) details of the means of access, including junction design and trigger points for delivery;
- d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- e) A detailed Drainage Plan, including details of the proposed means of disposal of surface water, including how surface water run-off shall be addressed during construction, incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- f) Details of the connection to the existing Scottish Water foul water drainage network;
- g) Details of all cut and fill operations;
- h) The details of all roads, footpaths, cycleways and car parking provision;
- i) Details of any screen walls/fencing/boundary enclosures;
- j) Details of all landscaping, planting and screening;
- k) Details of the layout, siting, design, materials and finishes of all residential and non-residential buildings; and,
- m) Details of waste/recycling storage and collection points, for residential properties, including sweep-path analysis of refuse collection vehicles.

Reason: In order to secure the requisite information for assessment of detailed proposals and ensure compliance with the relevant policies of the Aberdeen Local Development Plan.

2. Landscaping information

No development pursuant to this grant of planning permission shall be undertaken unless full details of hard and soft landscaping for the site have first been submitted to and approved by the planning authority by way of a formal application for the approval of matters specified in conditions. For the avoidance of doubt, the required scheme shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;
- b) Existing landscape features and vegetation to be retained.
- c) Tree survey, Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) (undertaken to BS5837:2012);
- d) Existing and proposed services including cables, pipelines and substations;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;

- f) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the completion and subsequent maintenance of the proposed landscaping;
- j) A statement setting out how the proposed landscaping measures have demonstrated regard for the findings of the Landscape and Visual Impact Assessment (LVIA) required by condition 15 of this consent, including any recommendations made therein for landscape planting to mitigate identified impacts.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following completion of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: in the interests of protecting trees and ensuring a satisfactory quality of environment.

3. Street Design, Car Parking etc.

No development pursuant to this grant of planning permission shall be undertaken unless details of the proposed street design, which shall contain but not be limited to:

- a) a parking strategy (including provision for accessible spaces, motorcycle and bicycle spaces and Electric Vehicle charging points and infrastructure);
- b) road geometry, dimensions and swept-path analysis;
- c) site access junctions (including secondary/emergency access and installation of demountable bollards or similar) and visibility splays;
- d) traffic calming measures;
- e) footway and cycleway provision;
- f) gradient;
- g) level details;
- h) finishing/surfacing materials; and
- i) crossing points;

have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, by way of a formal application for the approval of matters specified in conditions.

No building shall not be occupied unless the access junctions, streets and parking areas serving the respective block are complete and available for use (with works completed to an adoptable standard where applicable).

Reason: in the interests of road safety and to ensure compliance with policies T2 and T3 of the Aberdeen Local Development Plan.

4. Safe Routes to School

That no development shall be undertaken unless details of safe routes to school have been submitted to and agreed in writing by the planning authority by way of a formal application for the approval of matters specified in conditions. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school.

Thereafter, no units shall be occupied unless the approved routes are laid out and available for use.

Reason: In order to provide safe routes for travelling to local schools by sustainable means.

5. Residential Travel Pack

That no residential unit within the development shall be occupied unless a Residential Travel Pack, expanding on the principles set out in the agreed Travel Plan Framework and containing proposals for reducing dependency on the private car and details of the identified safe route(s) to Culter Primary School, has been submitted to and approved in writing by the Planning Authority, by way of a formal application for the approval of matters specified in conditions, and thereafter any approved travel pack has been provided to residents on first occupation.

Reason: to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport – in the interests of reducing travel by private car.

6. Noise Assessment and Mitigation Measures

No development pursuant to this grant of planning permission shall be undertaken unless a further Noise Impact Assessment, based on the final design and layout approved via condition 1 (Detailed Design) and including details of any necessary noise mitigation measures, has first been submitted to and agreed in writing by the planning authority by way of a formal application for the approval of matters specified in conditions.

For the avoidance of doubt, this assessment shall include consideration for noise emanating from the nearby commercial garage and from Culter YFC (e.g. crowd noise, ball strikes).

Thereafter, no residential unit within the development shall be occupied unless the approved mitigation measures for that unit have been implemented in full.

Reason: To ensure that a suitable residential environment is provided, and that potential noise impact is mitigated as necessary.

7. Contaminated Land (A)

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority by way of a formal application for the approval of matters specified in conditions.

The scheme shall follow the procedures outlined in “Planning Advice Note 33 Development of Contaminated Land” and shall be conducted by a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

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

8. Contaminated Land (B)

No building(s) on the development site shall be occupied unless:

1. any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority (by way of a formal application for the approval of matters specified in conditions) that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority (by way of a formal application for the approval of matters specified in conditions) that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

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

9. CEMP

No development shall be carried out within any individual phase of the development hereby approved unless a site-specific Construction Environmental Method Plan (CEMP) for that phase of works has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA, by way of a formal application for the approval of matters specified in conditions. Thereafter, all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

For the avoidance of doubt, this CEMP shall also include the following measures identified in the submitted Phase 1 Habitat Survey:

- a. Provision of silt fencing or a similar barrier, placed between any exposed ground and soil heaps present on the site and the Culter Burn, unnamed ditch and swamp habitats, to avoid sediment washing downstream to the River Dee SAC in heavy rainfall;
- b. Appointment of an Ecological Clerk of Works to oversee ground clearance work and move any protected species found to a safe area of the site – due to confirmed presence of common lizard and potential presence of adder, slow worm and hedgehog;
- c. During construction, any excavations such as trial pits or trenches created should not be left open for mammals such as otter or badger to fall into. Appropriate covers should be fitted at the end of each working day. If it is not possible to cover excavations, some form of ramp should be placed to allow animals to climb out. All exposed pipe systems should be capped;
- d. Employment of screen fencing or planting between the development site and water courses to reduce noise and visual disturbance to otter;
- e. Temporary lights used during construction should be fitted with shades to prevent light spilling outside of the working area. Temporary lights should not illuminate tree lines or the Culter Burn as lighting can affect foraging and commuting of mammals such as bats, otter and badger.
- f. No trees or scrub shall be removed during summer months (April-Oct) unless a pre-works check for nesting birds has been made by a suitably qualified ecologist (within 24 hours of any planned removal of trees or scrub).

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

10. Blue-Green Infrastructure

No development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing the inclusion of blue-green infrastructure within the development (including timetable for completion of works) has first been submitted to and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions.

Thereafter, any measures for the provision of blue green infrastructure shall be implemented in full accordance with the approved scheme of works and its accompanying timetable.

Reason: To ensure that the site incorporates natural and semi-natural areas and contributes to the biodiversity value of the Culter Burn Local Nature Conservation Site and associated habitats.

11. Replacement Football Pitch

That no development pursuant to this grant of planning permission shall be undertaken unless planning permission has first been obtained for a replacement football pitch of comparable or greater benefit for sport in a location that is convenient for its users – for the avoidance of doubt, the required replacement pitch shall be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s) and details of contractor(s) and pitch specification (dimensions and construction) shall be submitted to the planning authority for its consideration as part of any application for planning permission.

Thereafter, no flat or dwellinghouse within the development hereby approved shall be occupied unless the replacement football pitch has been provided and made available for use in full accordance with the planning permission so obtained and to the specification approved.

*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)

Reason: To ensure compliance with Aberdeen Local Development Plan (policy NE3) and Scottish Planning Policy as regards the safeguarding of outdoor sports facilities.

12. Retained Sports Pitches – Safeguarding Scheme

That no development pursuant to this grant of planning permission shall be undertaken unless a safeguarding scheme which protects the existing pitches area to the north of the application site during the construction period has first been submitted to and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions. The approved scheme shall thereafter be implemented for the duration of the construction period.

Reason: To ensure compliance with Aberdeen Local Development Plan (policy NE3) and Scottish Planning Policy as regards the safeguarding of outdoor sports facilities.

13. Surface Water Drainage

No development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority (via a formal application for the approval of matters specified in conditions), in consultation with SEPA. Thereafter all works shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water run-off and to ensure compliance with policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

14. Lighting Impact Assessment

No development pursuant to this grant of planning permission shall be undertaken unless a Lighting Impact Assessment, carried out by a suitably qualified consultant and considering the potential for impact on dwellings from artificial light sources at Culter YFC, has first been submitted to and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions.

Thereafter, any mitigation measures shall be implemented in full accordance with the approved assessment prior to first occupation.

Reason: To ensure that the site incorporates natural and semi-natural areas and contributes to the biodiversity value of the Culter Burn Local Nature Conservation Site and associated habitats.

15. Landscape and Visual Impact Assessment (LVIA)

No development pursuant to this grant of planning permission shall be undertaken unless a detailed Landscape and Visual Impact Assessment (LVIA), based on any final designed layout, has been submitted and approved in writing by the planning authority, by way of a formal application for the approval of matters specified in conditions. The requisite assessment should be carried out by qualified Landscape Architect in accordance with *Guidelines for Landscape and Visual Impact Assessment Edition 3 (GLVIA3)* and it should include assessing impacts on the Dee Valley Special Landscape Area (SLA) in Aberdeenshire.

Reason: To ensure that the visual impacts of the proposal are fully understood and, where possible, mitigated.

16. Carbon Reduction and Water Efficiency

No units within the development shall be occupied unless a scheme detailing measures to ensure compliance with the Council's 'Resources for New Development' Supplementary Guidance (including water efficiency measures) has first been submitted to and agreed in writing by the planning authority (by way of a formal application for the approval of matters specified in conditions), and any recommended measures specified within that scheme for the reduction of carbon emissions and reduction in water use have been implemented in full.

Reason: To ensure that this development complies with the requirements for carbon emission reductions and water saving measures set out in the Council's 'Resources for New Development' Supplementary Guidance.

17. Digital Infrastructure

No unit shall be occupied unless all units have first been provided with a full fibre broadband connection, in accordance with a scheme which has been submitted to and approved in writing by the planning authority via a formal application for the approval of matters specified in conditions.

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

Planning Development Management Committee

Erection of garden shed (retrospective)

Bank Cottage, 6 Sunnybank Road

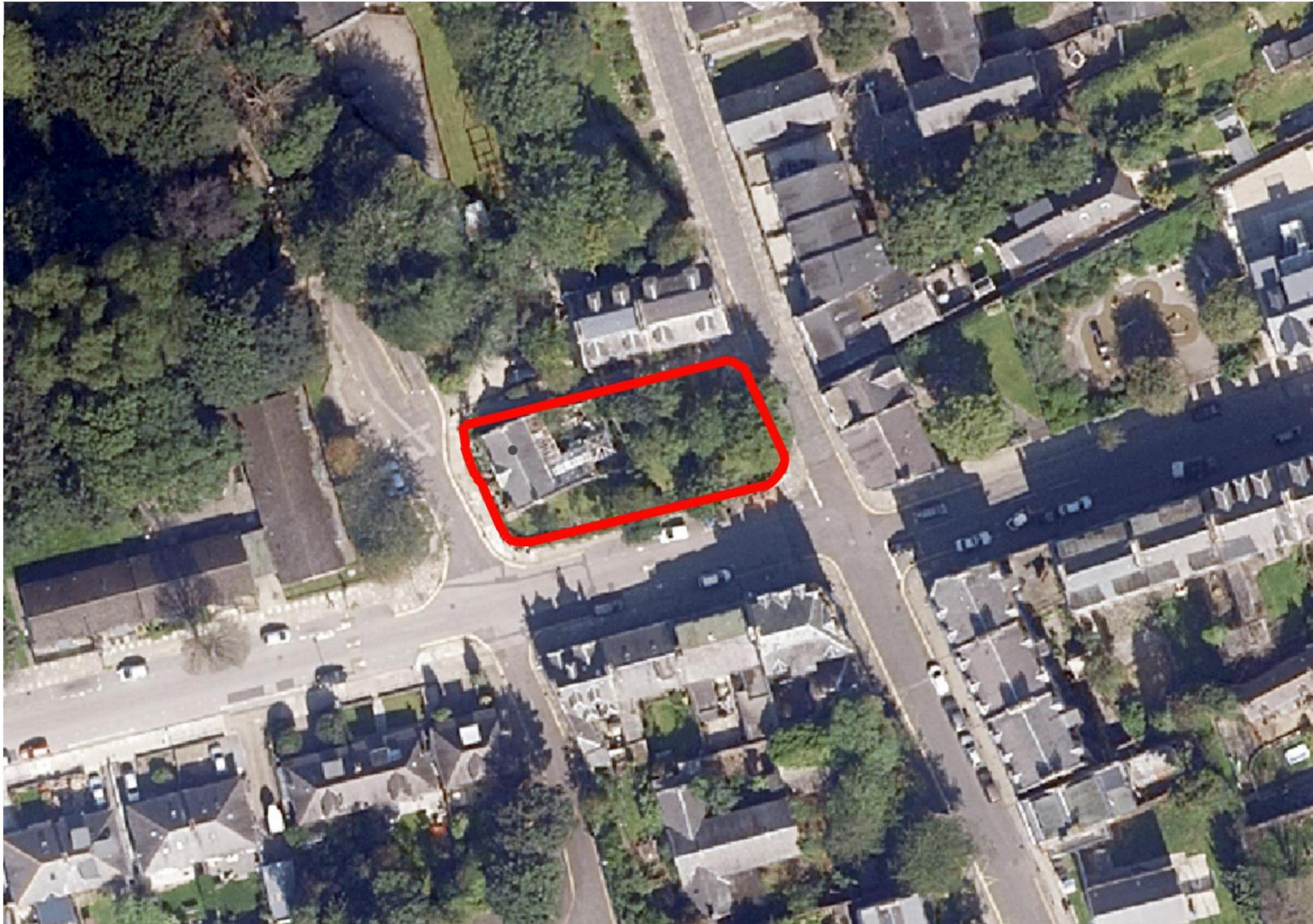
Detailed Planning Permission

(220896/DPP)

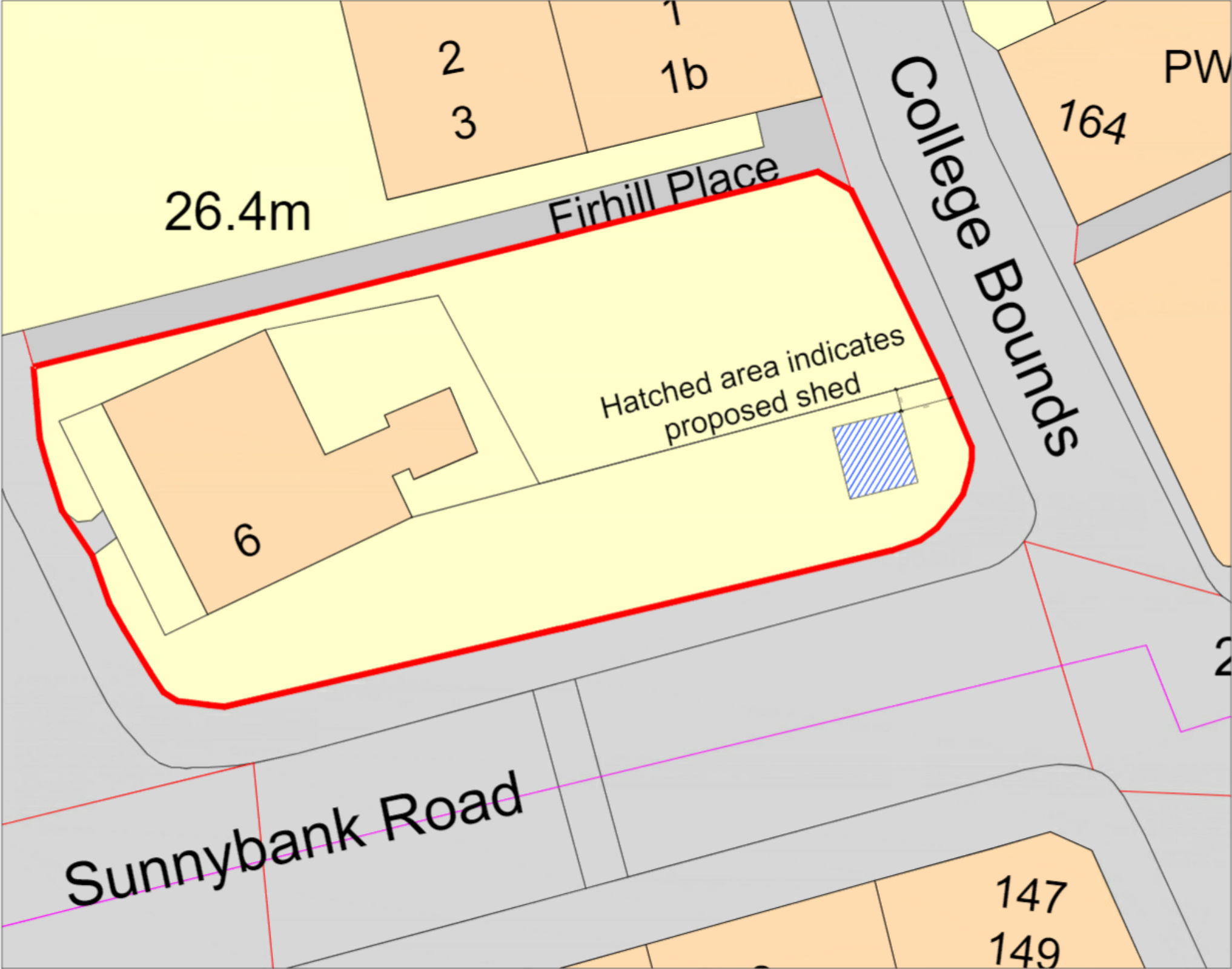
Location Plan



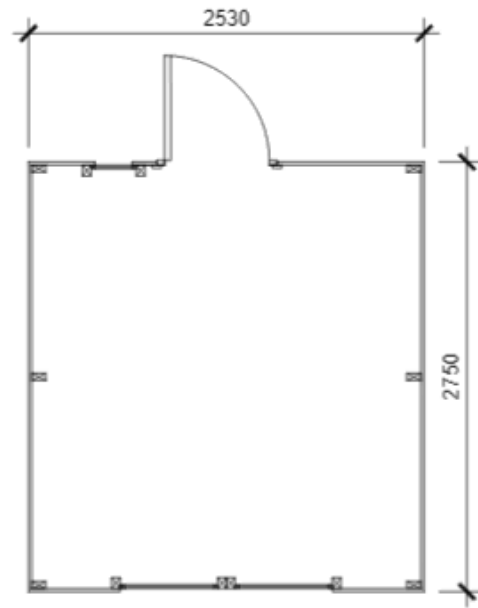
Aerial Photo



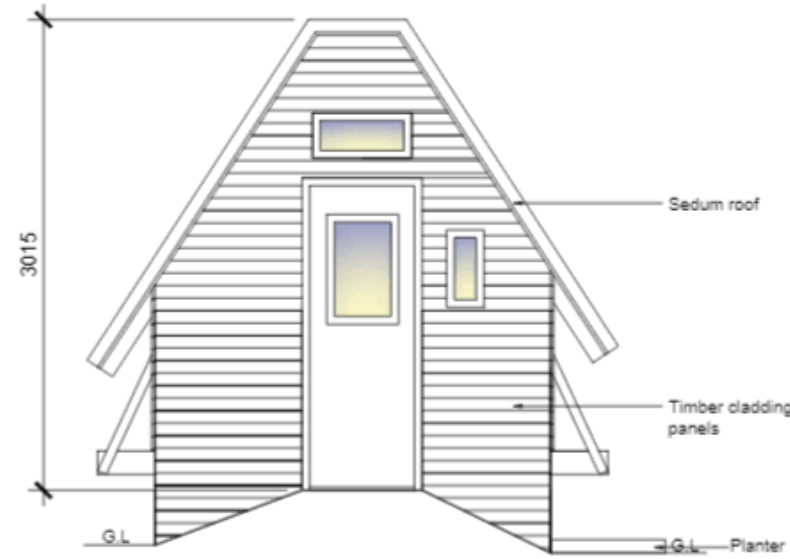
Proposed Site Plan



Proposed Plans & Elevations



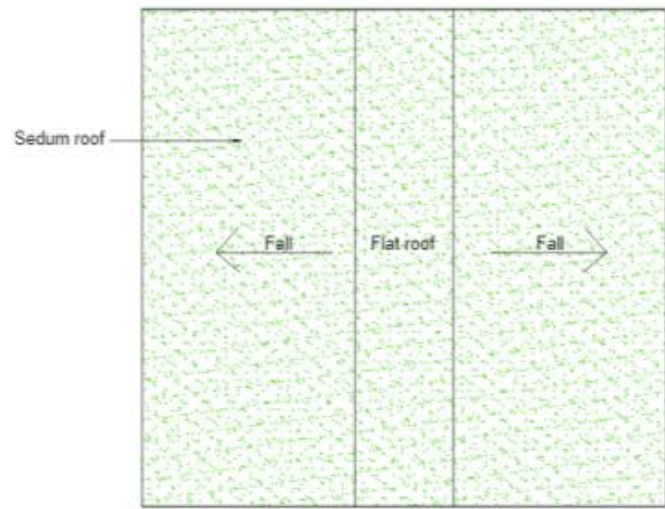
Proposed Floor Plan



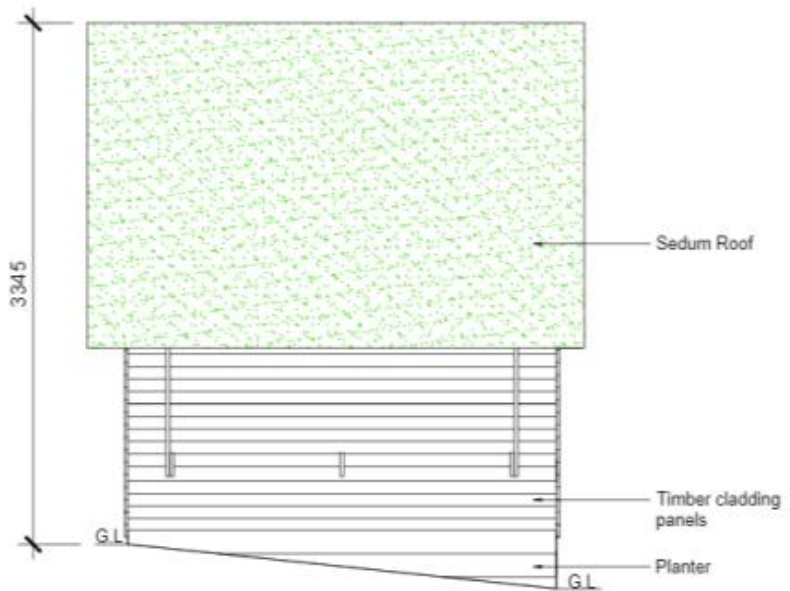
Proposed Front Elevation (West)



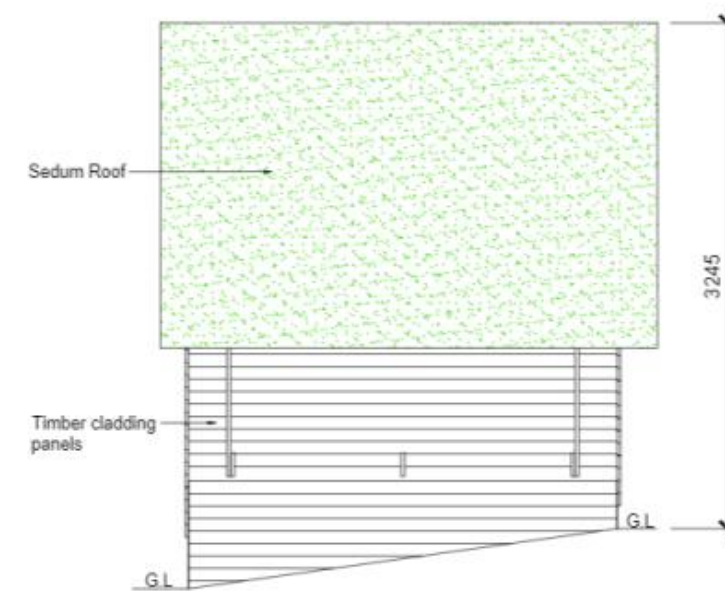
Proposed Rear Elevation (East)



Proposed Roof Plan

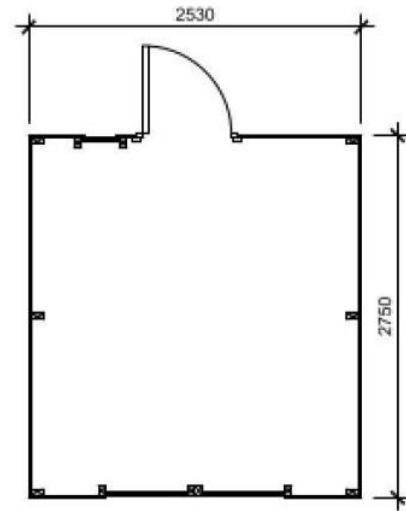


Proposed Side Elevation (South)

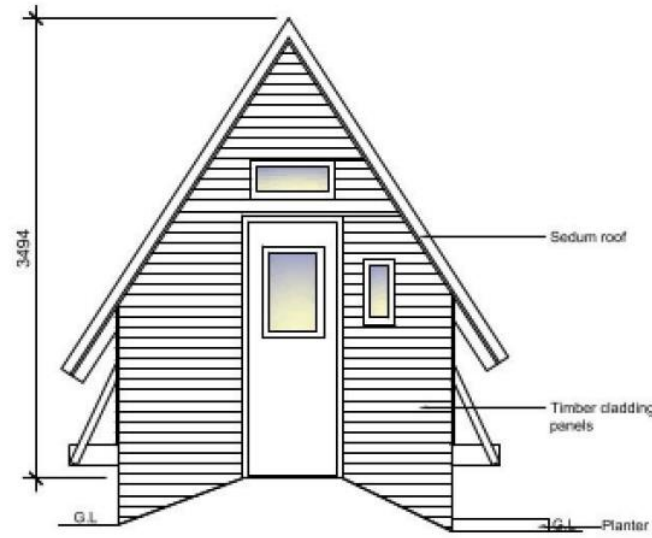


Proposed Side Elevation (North)

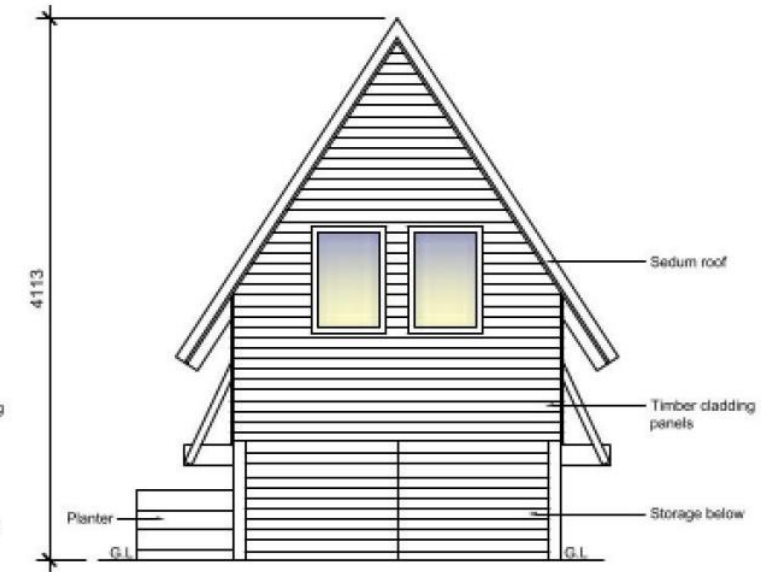
Proposed Plans & Elevations from Application Ref. 211702/DPP



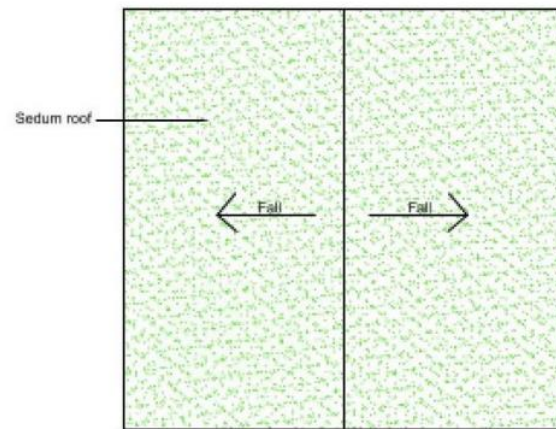
Proposed Floor Plan



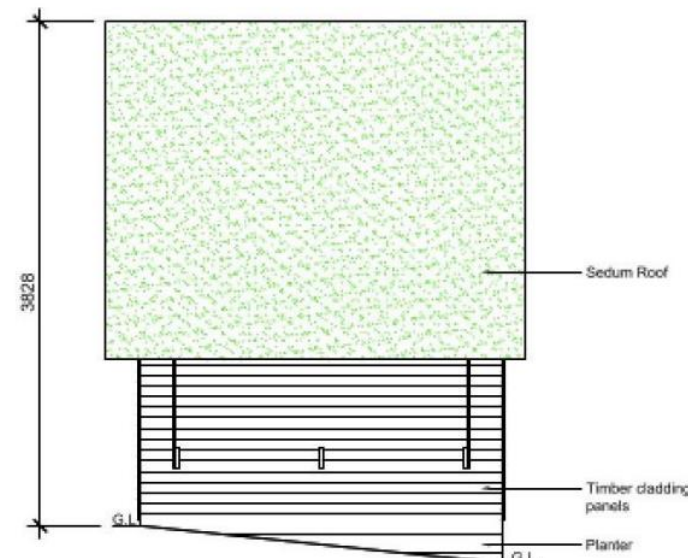
Proposed Front Elevation (West)



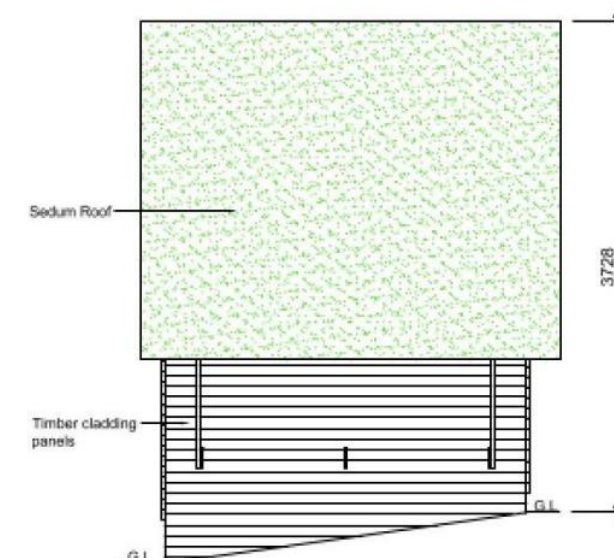
Proposed Rear Elevation (East)



Proposed Roof Plan



Proposed Side Elevation (South)



Proposed Side Elevation (North)

Site Photo (11th August 2022)





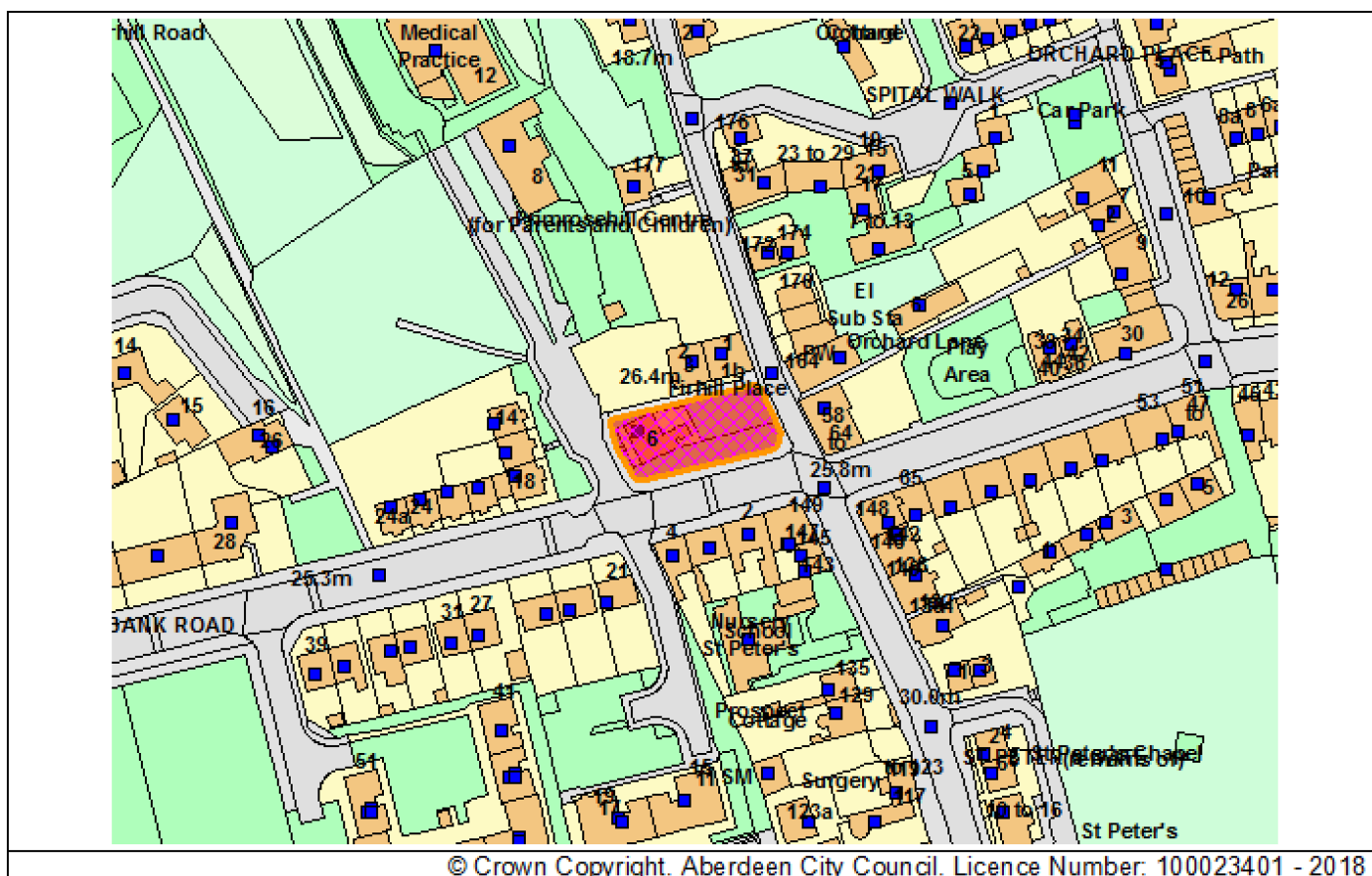


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 29 September 2022

Site Address:	Bank Cottage, 6 Sunnybank Road, Aberdeen, AB24 3NG
Application Description:	Erection of garden shed (retrospective)
Application Ref:	220896/DPP
Application Type	Detailed Planning Permission
Application Date:	15 July 2022
Applicant:	Dr Anna Helene Katrin Rieman
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Jemma Tasker



RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to a historic, detached, single storey dwellinghouse and its associated front and rear curtilage, located on the corner of Sunnybank Road and Spital, Old Aberdeen. The dwelling is accessed via an access road to the north of the main Sunnybank Road thoroughfare, which serves a small number of dwellings and the Old Aberdeen Medical Practice. The dwelling has a west facing principal elevation fronting this road; Sunnybank Road bounds the site to the south; Spital bounds the site to the east; and to the north lies Firnhill Place. The rear curtilage, to which this application relates, spans an area of approximately 505sqm and slopes down from the rear elevation of the property towards both Spital and Sunnybank Road. The curtilage is bound by a low-rise boundary wall and shrubs along the southern boundary and due to level changes, this wall rises along the eastern boundary of the site to approximately 1.8m in height. The site is located within the Old Aberdeen Conservation Area.

Relevant Planning History

Planning permission (ref. 211702/DPP) was refused by the Planning Development Management Committee on 17th February 2022. This application was largely the same as the current application; however, the shed had a maximum ridge height of 4.1m and no landscaping scheme was proposed at the time.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought part retrospectively for the erection of a shed to the rear (east) of the dwellinghouse.

The outbuilding is located in the south-east corner of the site, approximately 2.5m and 2.3m from the eastern and southern boundaries, respectively. It measures approximately 2.5m x 2.8m and has a pitched roof – which features a flat roof at the top – with an eaves height of c.1.6m and a maximum ridge height of 3.6m. A single entrance door with windows above and to the side are located on the west elevation and two 0.6m wide windows are located on the east elevation. Finishing materials include timber cladding and a sedum roof.

As this application is partially retrospective – although it is noted that works are substantially completed – some parts of the proposal have not yet been carried out, including the reduction in the height of the shed, the installation of the sedum roof and further landscaping elements.

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=RF0958BZHWC00>

Design Statement by All Design (Scotland Limited) (July, 2022) – provides details of the existing dwelling, the site and the proposed structure and planting.

Supporting Statement by Aurora Planning (July, 2022) – assess the application against policy and guidance, details how the application has been amended to resolve concerns of the previous planning application and suggests that a planning condition regarding the retention of the planting is a valid condition to impose.

Supporting Statement by Miss Anna H K Riemen (September, 2022) – address concerns raised by objectors.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee as more than 5 timeous objections from the public and an objection from the Old Aberdeen Community Council have been received and thus, the application falls out with the Council's Scheme of Delegation.

CONSULTATIONS

Old Aberdeen Community Council – Object to the application for the following reasons:

1. The only material change evident to the current application is that the peak of the shed is proposed to be flattened, with the overall height of the shed reduced by c.50cm. The current application has increase attention to both existing and new planting, which is not considered a material change.
2. The proposed flattening-off of the top of the shed has not in itself addressed or improved on the previously established design deficiencies of the shed.
3. The current application hinges predominantly on the use of soft landscaping to mitigate what has already been built and refused permission – rather than achieving design which is appropriate to the site and its context.
4. When the foliage drops in the autumn such screening is substantially reduced (the hedges appear to be mostly hawthorn which is deciduous).
5. The shed is in a highly visible location and out-of-keeping with its immediate vicinity.
6. The development does not achieve an appropriate standard of design for the location.
7. Development in this location may be both detrimental to the character of this area and disruptive to key views in the larger conservation area.
8. Concerns regarding the sustainability of the sedum on a steep roof. Technical details of this should be clearly presented.

REPRESENTATIONS

24 representations have been received, 11 in support and 13 objecting to the development. The matters raised can be summarised as follows:

Support

1. The shed is appropriate for the location and materials used are environmentally in keeping and will fade to blend with its surroundings.
2. There is a mixture of architecture in the surrounding area.
3. We should be encouraging wildlife in the city.

Objection

1. Although a small section of the apex of the roof would be removed, the proposed building still reads as an Alpine chalet in visual terms. The design is not in keeping with the granite buildings and cobbled streets of the Old Aberdeen area.
2. The structure is unacceptable in the prominent position it has been constructed on and is found to be very dominant.
3. The existing hawthorn hedge would be leafless in late Autumn, Winter and early Spring, and so would not serve to hide the shed.
4. A planning condition requiring the planting to be retained in perpetuity would be very difficult to enforce.
5. Concerns regarding the setting of a precedent.

6. Concerns regarding the sedum roof – the shed’s ability to take the weight of this and its growth given it will likely be shaded due to proposed screening.
7. Privacy concerns as the large windows look directly into the windows of neighbouring properties.
8. Concerns regarding the fact that is going to be used for the nesting of birds and roosting of bats.

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 (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 –

Policy CF1 – Existing Community Sites and Facilities

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

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

Other Material Considerations

Old Aberdeen Conservation Area Character Appraisal and Management Plan (December, 2015)

Managing Change in the Historic Environment: Setting

EVALUATION

Principle of Development

The application site lies within an area on the ALDP Proposals Map covered by Policy CF1 (Existing Community Sites and Facilities), by virtue of its proximity to the University of Aberdeen campus which lies to the north. Policy CF1 is more specifically applicable to existing community sites or facilities such as those used for healthcare, education or other community uses, and it is not particularly relevant to residential properties, such as the application site. Nevertheless, the policy does note that:

'Where a CF1 area contains uses other than that for which the area has been designated and these uses make a positive contribution to the character and community identity of the area, any proposals for development or changes of use, whether or not for the community use recognised in the designation, will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community.'

The proposed development relates to the curtilage of a residential property, situated within the historic setting of the Old Aberdeen Conservation Area. As such, in order to ensure compliance with Policy CF1, it is necessary to assess the impact of the proposed works on the character of the area and specifically the Householder Development Guide (HDG).

Scale and Design

The Design Statement submitted with the application states the proposed shed has been designed to provide an inside working area, specifically for holding garden utensils and occasionally carrying out potting. Within the Design Statement, it is also stated that it has been designed to provide shelter for local wildlife and to accommodate climbing plants.

In terms of the HDG, it is considered that the scale of the proposed shed, when viewed in isolation, would be appropriate in terms of the existing dwellinghouse and plot size and would not result in overdevelopment, given that the shed would occupy a footprint of some 7sqm within the curtilage, which extends to an area of some 505sqm, and would therefore remain within the 50% of development allowed in terms of the HDG.

However, under Policy CF1 (Existing Community Sites and Facilities), there is a fundamental requirement that development should not adversely affect the character of an area and in terms of the basic principles of the HDG, due consideration is required to be given to the scale, context and siting of development. In the context of this application site, which lies within the Old Aberdeen Conservation Area, such consideration is clearly of particular relevance.

The HDG sets out general principles which apply to all householder development, one of which states 'proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area'. It further outlines specific criteria to be addressed when considering outbuildings, which would include this type of development and in this respect there is further emphasis that such development should not have a negative impact on the character of the surrounding area. The HDG states that 'where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area'. Although the HDG refers to detached garages here, it is nevertheless pertinent to all outbuildings and thus, this application.

In assessing the proposal against Policy D1 (Quality Placemaking by Design) of the ALDP, while this policy recognises that not all development will be of a scale that makes a significant placemaking impact, it recognises that good design and detail adds to the attractiveness of the built environment. Furthermore, under Policy D1, the design of the proposed development is considered within the context of the site and surrounding area, with factors such as siting, scale, massing, materials, design detail, proportions and the established pattern of development all deemed to be relevant in assessing its contribution and impact.

Taking all of the above into account it is considered that the proposal has failed to address the context of the site and its surrounding area. The shed would occupy a prominent location within this residential curtilage. Although considerable attention has been paid to both existing and proposed screening including both deciduous and evergreen trees and shrubs, which – particularly in the summer months – screens a considerable proportion of the shed, it is recognised that this will unlikely be as effective in the winter months, as many trees will be left bare from Autumn through to early spring.

Notwithstanding the level of screening provided, there is a fundamental requirement for good design and detail regardless of whether the development can be seen from a public viewpoint. Thus, in terms of design, the proposal is deemed inappropriate. Within the previous application, the shed was described as having an 'Alpine chalet' inspiration. Although this description has been omitted from the current application, it is noted that the design of the shed has not largely changed and thus, still represents a large, wooden structure with a steep roof, which has not taken any cue from the original architectural design of the existing dwellinghouse or those in the surrounding area. Although a reduction of c.0.5m in the overall height of the shed is noted, with a maximum height of 3.6m on the east elevation, fronting Spital, the shed would still be significant in terms of height, which is further exacerbated due to level changes between the application site and street level, heightening the shed's visibility within the streetscene, particularly in the winter months. Although timber is generally considered an acceptable building material for outbuildings such as this, it is due to the overall design and location of the development that it is not deemed appropriate.

Section 3.10 of the Planning Statement refers to a recently approved planning application at 177 Spital (ref. 211273/DPP) for the erection of a timber fence to a raised front garden area, arguing that the Council has previously approved the use of timber in prominent locations elsewhere in the Conservation Area. However, it should be noted that the Report of Handling for that application states 'as such, in order for the front garden area to be used by residents of the building, a fall barrier is required in order to meet building regulations. Given there is no other garden area available to residents within the curtilage of the building, it is considered appropriate to allow the installation of a fall barrier behind the wall'. Thus, it is apparent there was an overriding justification for the fence due to safety regulations.

Overall, notwithstanding the changes noted between the previous planning application and the current, the siting, form, height and overall quality of the shed fails to take account of its location, which would still be apparent within the streetscape in the winter months, thereby having a negative impact on the character of the area and adversely affecting the built environment.

As such, the proposal would fail to address the expectations of the Supplementary Guidance: 'The Householder Development Guide' and would be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the ALDP.

Impact on the Historic Environment

The application site lies within the Old Aberdeen Conservation Area. Scottish Planning Policy (SPP) states that 'proposals for development within conservation areas and proposals outwith 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) meanwhile outlines the importance of fully understanding the impact of decisions, with full consideration given to the level of impact of proposals on the historic environment, with negative impact avoided where possible. Policy D4 (Historic Environment) of the ALDP states that 'high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported'. Lastly, HES's 'Managing Change in the Historic Environment: Setting' document sets out that 'setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context' and that 'finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets'.

The shed is sited in a highly prominent location, and as discussed above, will still be visible from within the Conservation Area, especially in the winter months. The immediate surrounding area is characterised by traditional properties and previously, this corner of the site was undeveloped and unoffensive. However, as mentioned above, due to the siting of the shed in the south-eastern corner of the site, in spite of the proposed screening, the proposal results in an obtrusive structure in a visible location. The structure is of an incompatible design – by virtue of its roof pitch, materials and overall quality – which is not reflective of the original dwellinghouse or the surrounding area. Thus, despite the changes made between the previous and current application, the structure has little regard for its setting and is completely at odds with the prevailing character of the surrounding area. It would erode the character of the conservation area by introducing a visually disruptive feature to the streetscape, at odds with the character and appearance of the surrounding area and altering the existing balance and character of this part of the Conservation Area, to its detriment.

For the reasons stated above, it is considered that the proposed development would have an adverse impact on the character and appearance of the Old Aberdeen Conservation Area, and as such the proposal would be contrary to Policy D4 (Historic Environment) of the ALDP, and would fail to address the aims of SPP, HEPS and Managing Change in the Historic Environment: Setting.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from a neighbouring property or there is an impingement on the amenity enjoyed by others. Due to the location of the shed in relation to neighbouring properties, it is considered the proposal would not result in any adverse impact on neighbouring properties in terms of daylight receipt or overshadowing. In terms of privacy, the shed would contain glazing on both the east and west elevations. It is considered the glazing on the west elevation, facing the dwelling, is minimal and causes limited privacy concerns. In terms of the glazing on the east elevation, this would be located some 11m from the properties opposite (58-64 Orchard Street). Although it is recognised that the non-habitable nature of a garden shed would ordinarily provide limited privacy concerns, given the structure sits in an elevated position, the glazing would likely provide opportunities to directly overlook the aforementioned neighbouring properties at first floor level. While the Planning Statement submitted as part of this application suggests that overlooking could already occur from the rear curtilage, it is recognised that the shed introduces a different form of overlooking, with the shed being much more intrusive. Therefore, it is considered there would be an infringement on the privacy currently afforded to these properties.

In terms of the claim that the structure would encourage wildlife and biodiversity, specifically the encouragement of birds and bats, due to the relatively small, domestic scale of the structure, it is not considered that this would cause any undue harm to the amenity of neighbouring properties.

Overall, due to privacy concerns, the proposal would be contrary to the guidance contained within the HDG.

Environmental Considerations

As noted above, the applicant claims the structure would encourage wildlife. The potential environmental benefits within this proposal are noted and are generally welcomed. However, policy currently focuses on existing heritage assets and their protection and enhancement and does not currently require individual development to provide environmental or biodiversity benefits. Thus, only limited weight can be attributed to this issue. This consideration does not outweigh the statutory duty on the Planning Authority to preserve and enhance the character and appearance of the conservation area.

Matters Raised by the Community Council

1. *The only material change evident to the current application is that the peak of the shed is proposed to be flattened, with the overall height of the shed reduced by c.50cm. The current application has increase attention to both existing and new planting, which is not considered a material change.*
The changes between the two applications are noted and have been considered above.
2. *The proposed flattening-off of the top of the shed has not in itself addressed or improved on the previously established design deficiencies of the shed.*
The design of the shed has been discussed in the foregoing evaluation: ‘Scale and Design’.
3. *The current application hinges predominantly on the use of soft landscaping to mitigate what has already been built and refused permission – rather than achieving design which is appropriate to the site and its context.*
Irrespective of the level of screening proposed, the design of the shed has still been discussed in the foregoing evaluation: ‘Scale and Design’.
4. *When the foliage drops in the autumn such screening is substantially reduced (the hedges appear to be mostly hawthorn which is deciduous).*

It is noted that evergreen and deciduous trees and shrubs are proposed. The seasonal effects of this are noted.

5. *The shed is in a highly visible location and out-of-keeping with its immediate vicinity.*
The shed's location has been discussed in the foregoing evaluation: 'Scale and Design'.
6. *The development does not achieve an appropriate standard of design for the location.*
The design of the shed has been discussed in the foregoing evaluation: 'Scale and Design'.
7. *Development in this location may be both detrimental to the character of this area and disruptive to key views in the larger Conservation Area.*
The impact on the Old Aberdeen Conservation Area has been discussed in the foregoing evaluation: 'Impact on the Historic Environment'.
8. *Concerns regarding the sustainability of the sedum on a steep roof. Technical details of this should be clearly presented.*
Although it is noted that a brochure of the sedum roof has been submitted, it is noted that this does not mention its suitability to a steep roof. Therefore, should members be minded to approve the application, it is recommended that a condition is attached regarding the provision of technical details of how it would be installed.

Matters Raised in Representations

1. *Although a small section of the apex of the roof would be removed, the proposed building still reads as an Alpine chalet in visual terms. The design is not in keeping with the granite buildings and cobbled streets of the Old Aberdeen area.*
The design of the shed and its compatibility with the surrounding area have been discussed in the foregoing evaluation: 'Scale and Design'.
2. *The structure is unacceptable in the prominent position it has been constructed on and is found to be very dominant.*
The shed's location has been discussed in the foregoing evaluation: 'Scale and Design'.
3. *The existing hawthorn hedge would be leafless in late Autumn, Winter and early Spring, and so would not serve to hide the shed.*
It is noted that evergreen and deciduous trees and shrubs are proposed. The seasonal effects of this are noted.
4. *A planning condition requiring the planting to be retained in perpetuity would be very difficult to enforce.*
It is noted that conditions regarding landscaping schemes are legitimate; however, requiring the retention of this for the lifespan of the shed may be more difficult.
5. *Concerns regarding the setting of a precedent.*
Every application is assessed on its own merits. Nevertheless, it is acknowledged that approval of this application might make it difficult to resist similar development in prominent locations.
6. *Concerns regarding the sedum roof – the shed's ability to take the weight of this and its growth given it will likely be shaded due to proposed screening.*
Although it is noted that a brochure of the sedum roof has been submitted, it is noted that this does not mention its suitability to a steep roof. Therefore, should Members be minded to approve the application, it is recommended that a condition is attached regarding the provision of technical details of how it would be installed.

7. *Privacy concerns as the large windows look directly into the windows of neighbouring properties.*

Impact on neighbouring privacy has been addressed in the foregoing evaluation: 'Impact on Residential Amenity'.

8. *Concerns regarding the fact that is going to be used for the nesting of birds and roosting of bats.*

Within the Design Statement submitted as part of this application, it is stated that the structure is for holding garden utensils and carrying out potting, as well as providing opportunities for birds and bats. Given the domestic scale of the structure, there are limited concerns regarding the impact this would have on the amenity of neighbouring properties.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies CF1, D1, D2 and D6 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Summary

To conclude, although the changes between the previous planning application and current planning application are noted, these amendments are not sufficient to address the previous concerns of the Planning Authority. The shed would result in an intrusive, dominant feature within this prominent location, regardless of proposed screening, by virtue of its poor design, form and siting, to the detriment of the surrounding area.

For the reasons set out in the evaluation above, the proposal fails to preserve the character and appearance of the Old Aberdeen Conservation Area and is contrary to SPP; HEPS; Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the ALDP; and the associated Supplementary Guidance: 'The Householder Development Guide'.

The Planning Authority have concerns regarding the feasibility of installing a sedum roof on such a steep roofslope and no technical details have been provided regarding this. Therefore, should the Committee be minded to approve the application, it is recommended a condition is attached to the grant of consent requiring technical details of the roof to be submitted to the Planning Authority. Thereafter, the roof should be installed as per the agreed details, unless otherwise agreed in writing.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the shed would occupy a prominent location within the rear curtilage which – despite existing and proposed screening – would still be visible, particularly in the winter months. Additionally, from a design perspective, the proposal fails to relate to the original dwelling or surrounding area. It is considered that such development would be incompatible with the original dwelling, and have an adverse effect on the character of the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies CF1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.

The proposal would fail to preserve the character and appearance of the Old Aberdeen Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the adopted Aberdeen Local Development Plan 2017 and Policy D6 of the Proposed Aberdeen Local Development Plan 2020.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application in this instance.

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