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

Town House,
ABERDEEN 25 October 2022

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House** on **THURSDAY, 3 NOVEMBER 2022 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

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

VIKKI CUTHBERT
INTERIM CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

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

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

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

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 29 September 2022 - for approval (Pages 9 - 20)

COMMITTEE PLANNER

- 5.1. Committee Planner (Pages 21 - 24)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Detailed Planning Permission for the change of use from class 4 (business) to class 10 (non-residential institutions) - West Lodge, Greenwell Road Aberdeen (Pages 25 - 36)

Planning Reference – 220969

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.2. Detailed Planning Permission for the partial change of use of existing guest house to class 3 (food and drink) including erection of side extension and associated works - Granville, 58 Victoria Street, Dyce, Aberdeen (Pages 37 - 56)

Planning Reference – 220837

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

[Link.](#)

Planning Officer: Aoife Murphy

- 6.3. Detailed Planning Permission for the change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp - 14 Victoria Street, City Centre, Aberdeen (Pages 57 - 78)

Planning Reference – 220613

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

[Link.](#)

Planning Officer: Dineke Brasier

- 6.4. Detailed Planning Permission for the erection of garden room with wood burning stove flue to front - 328 Stoneywood Road Aberdeen (Pages 79 - 92)

Planning Reference – 220880

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

[Link.](#)

Planning Officer: Jemma Tasker

- 6.5. Detailed Planning Permission for the erection of 17no houses with associated landscaping, access and infrastructure - Area F3, Pinewood, Site Adjacent to Countesswells Road, Aberdeen (Pages 93 - 122)

Planning Reference – 211773

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

[Link.](#)

Planning Officer: Gavin Evans

- 6.6. Approval of matters specified in conditions: 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (Construction Environment Management Plan); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (Low/ Zero Carbon Technologies Statement); 13 (Watercourse) ,14 (Watercourse, SEPA); 15 (Green Measures); 16 (Bird Hazard Management Plan); 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 - Land South of North Deeside Road, Milltimber, Aberdeen, (Pages 123 - 170)

Planning Reference – 220865

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

[Link.](#)

Planning Officer: Gavin Clark

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1. Detailed Planning Permission for the resurfacing of external amenity area to form parking/turning area (retrospective) - Birchwood House Upper Flat, 1 South Avenue, Aberdeen, (Pages 171 - 192)

Planning Reference – 221070

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

[Link.](#)

Planning Officer: Jemma Tasker

OTHER REPORTS

- 8.1. Representation Procedure - COM/22/252 (Pages 193 - 204)

DATE OF NEXT MEETING

- 9.1. Thursday 1 December 2022 at 10am

EHRIAs related to reports on this agenda can be viewed [here](#)

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

Website Address: aberdeencity.gov.uk

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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 usually 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, 29 September 2022. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Henrickson, Convener; Councillor Bouse, Vice Convener; and Councillors Alphonse, Blake, Boulton, Clark (as substitute for Councillor Cormie), Cooke, Copland, Crockett, Houghton, MacKenzie, McRae and Thomson.

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

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 1 SEPTEMBER 2022

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

The Committee resolved:-

to approve the minute as a correct record, subject to the amendment to Councillor Bonsell's name, which had been stated as Councillor Boswell.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

54 CLAREMONT STREET ABERDEEN - 220640

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

that the application for detailed planning permission for the change of use from class 1 (retail) to class 11 (assembly and leisure) at 54 Claremont Street Aberdeen, be approved subject to the following conditions:-

Conditions

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- 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 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.

The Committee heard from Mr Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:--

to approve the application conditionally. Conditions amended to read:-

1. That the hours of operation for the Class 11 use, and any activities for the preparation, cleaning and clearing required for the Class 11 use activities 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 notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders, the premises hereby approved shall be not used for any purpose within Use Class 11 (Assembly and Leisure) comprising:
- (a) a cinema;
 - (b) a concert hall;
 - (c) a bingo hall or casino;
 - (d) a dance hall or discotheque; or
 - (e) a gymnasium,
- without the express grant of planning permission from the planning authority.

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Reason: To protect the amenity of the surrounding area.

3. 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 the interests of preventing malodour and ensuring the existing level of residential amenity afforded to the neighbouring properties is retained.

4. 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.

SITE OP51 OFF CORNYHAUGH ROAD, PERTERCULTER, ABERDEEN - 190314

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

that the application for planning permission in principle for a proposed residential development including mix of private, affordable and retirement housing consisting of approximately 44 homes with associated access roads and landscaping, at site OP51 off Cornyhaugh Road, Perterculter, Aberdeen, be approved subject to the following conditions and with a legal agreement:-

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;

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- 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,
- l) Details of waste/recycling storage and collection points, for residential properties, including swept-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.

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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 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.

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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

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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

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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

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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.

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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.

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

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally with a legal agreement.

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BANK COTTAGE, 6 SUNNYBANK ROAD ABERDEEN - 220896

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

that the application for detailed planning permission for the erection of a garden shed (retrospectively) at Bank Cottage, 6 Sunnybank Road Aberdeen, be refused for the following reasons:-

The proposal had 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 failed to relate to the original dwelling or surrounding area. It was 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 was 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 was considered that there were no material planning considerations of sufficient weight that would warrant approval of the application in this instance.

The Committee heard from Ms Jemma Tasker, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener, seconded by Councillor Crockett, moved:-

that the Committee refuse the application in line with the officer recommendation.

Councillor Boulton moved as an amendment, seconded by Councillor Alphonse:-

that the application be approved for the following reasons:-

Although the shed would occupy a prominent elevated position the amendments to the design by way of removal of part of the roof and the incorporation of additional landscaping by way of an additional condition were considered sufficient to adequately mitigate its visual impact. As such the proposal was considered compatible with the original dwelling and would not have an adverse effect on the

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character of the existing built environment. The proposal was therefore considered to be meet 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 20.

On a division, there voted:- for the motion (7) – the Convener, the Vice Convener and Councillors Blake, Copland, Crockett, Houghton and Thomson; for the amendment (6) – Councillors Alphonse, Boulton, Cooke, Clark, MacKenzie and McRae.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

- **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			03 November 2022						
4	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	On agenda	Alan Thomson	Strategic Place Planning	Place	5		
5	Pinewood F3 - 211773	To approve or refuse the application for the erection of 16no houses with associated landscaping, access and infrastructure	On agenda	Gavin Evans	Strategic Place Planning	Place	1		
6	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	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
7	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	D	Will now be December meeting due to time restraints.
8	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	D	Awaiting the submission of additional information by the applicant. Aiming for December
9	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	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
10	328 Stonewood Road - 220880	To approve or refuse the application for erection of garden room with wood burning stove flue to front	On agenda	Jemma Tasker	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									
11	58 Victoria Street - 220837	To approve or refuse the application for partial change of use of existing guest house to class 3 (food and drink) including erection of side extension and associated works	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
12	West Lodge, Greenwell Road - 220969	To approve or refuse the application for the change of use from class 4 (business) to class 10 (non-residential institutions)	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
13	Birchwood House Upper Flat, 1 South Avenue - 221070	To approve or refuse the application for the resurfacing of external amenity area to form parking/turning area (retrospective)	On agenda	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			01 December 2022						
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						

	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									
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	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		
34	395 King Street - 221148	To approve or refuse the application for installtion of EV charging points.		Robert Forbes	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	33 Holburn Street - 221030	To approve or refuse the application for change of use to from class 1 (shops) to class 3 (food and drink) with hot food take away (sui generis) including installation of vents and 3 wall mounted air conditioning units with associated works		Gavin Clark	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	Summerhill Church Stronsay Drive - 220990	To approve or refuse the application for redevelopment of church and manse site for residential development (14 dwellings)		Lucy Greene	Strategic Place Planning	Place	1		
39	64 Devonshire Road - 221130	To approve or refuse the application for installation of replacement front windows and formation of putting green and driveway to front (partially retrospective)		Jemma Tasker	Strategic Place Planning	Place	1		
40	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
41	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			



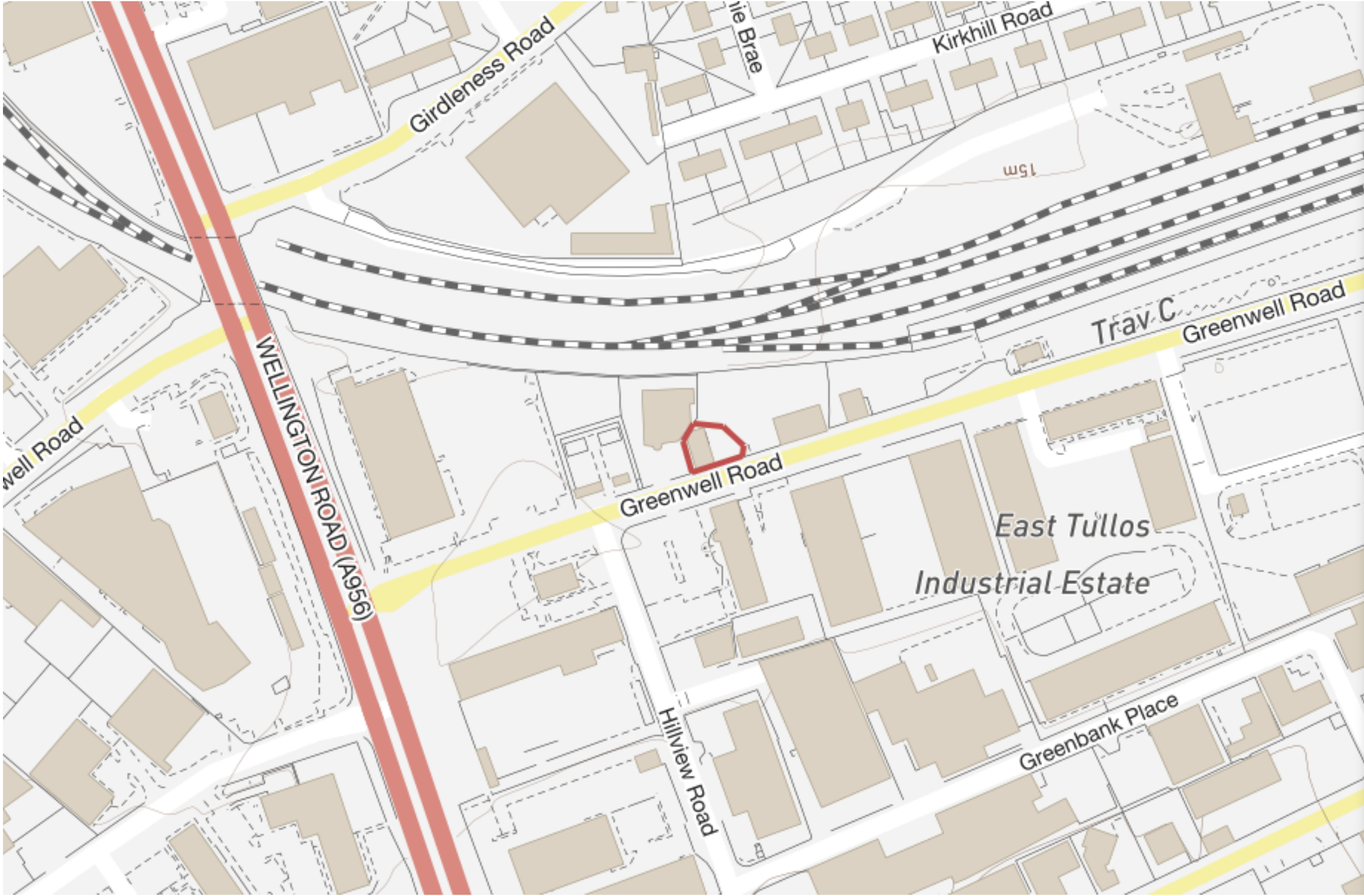
Planning Development Management Committee

Change of use from class 4 (business) to class 10 (non-residential institutions)

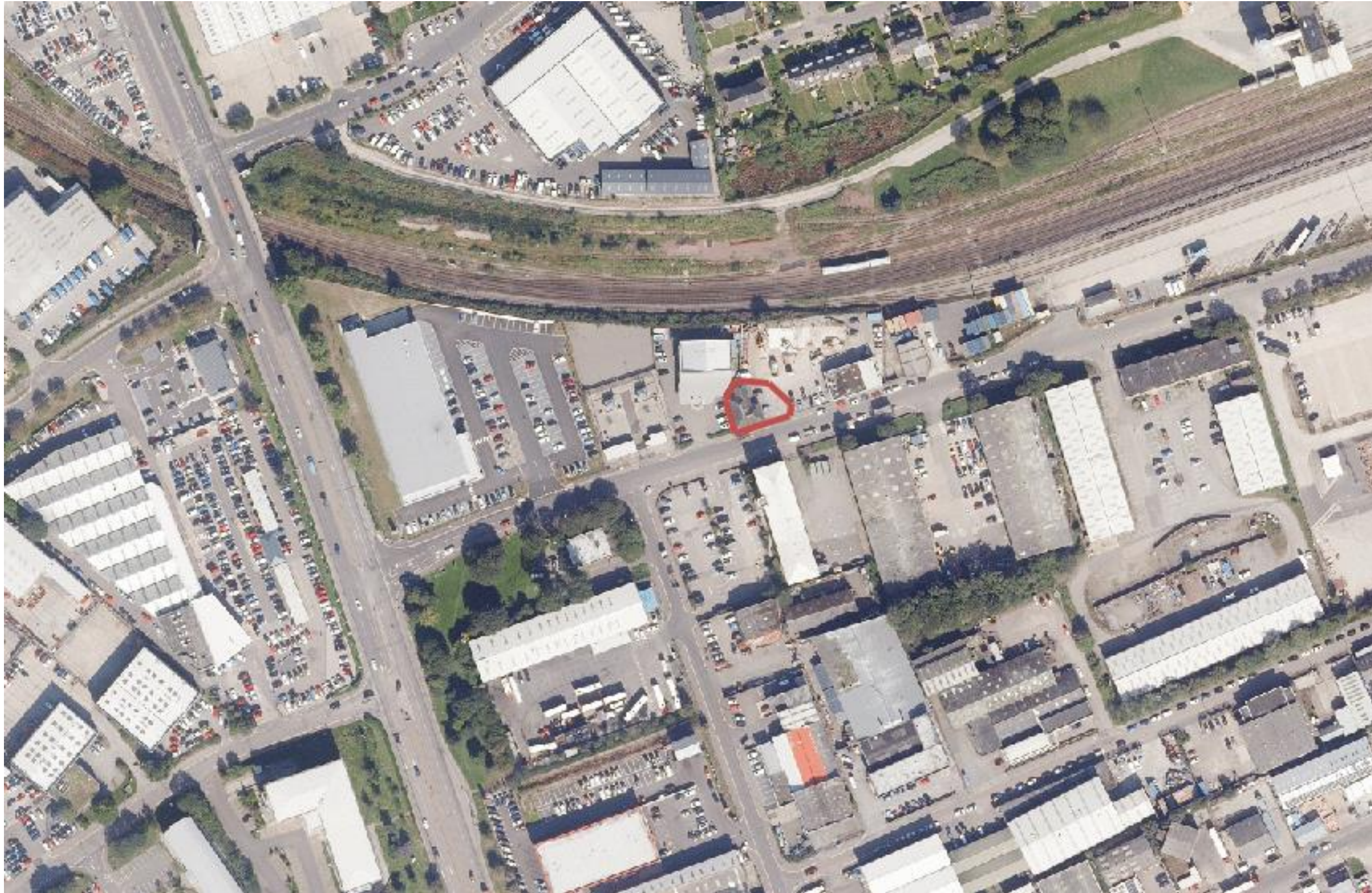
West Lodge, Greenwell Road, Aberdeen, AB12 3AX

220969/DPP

Location Plan

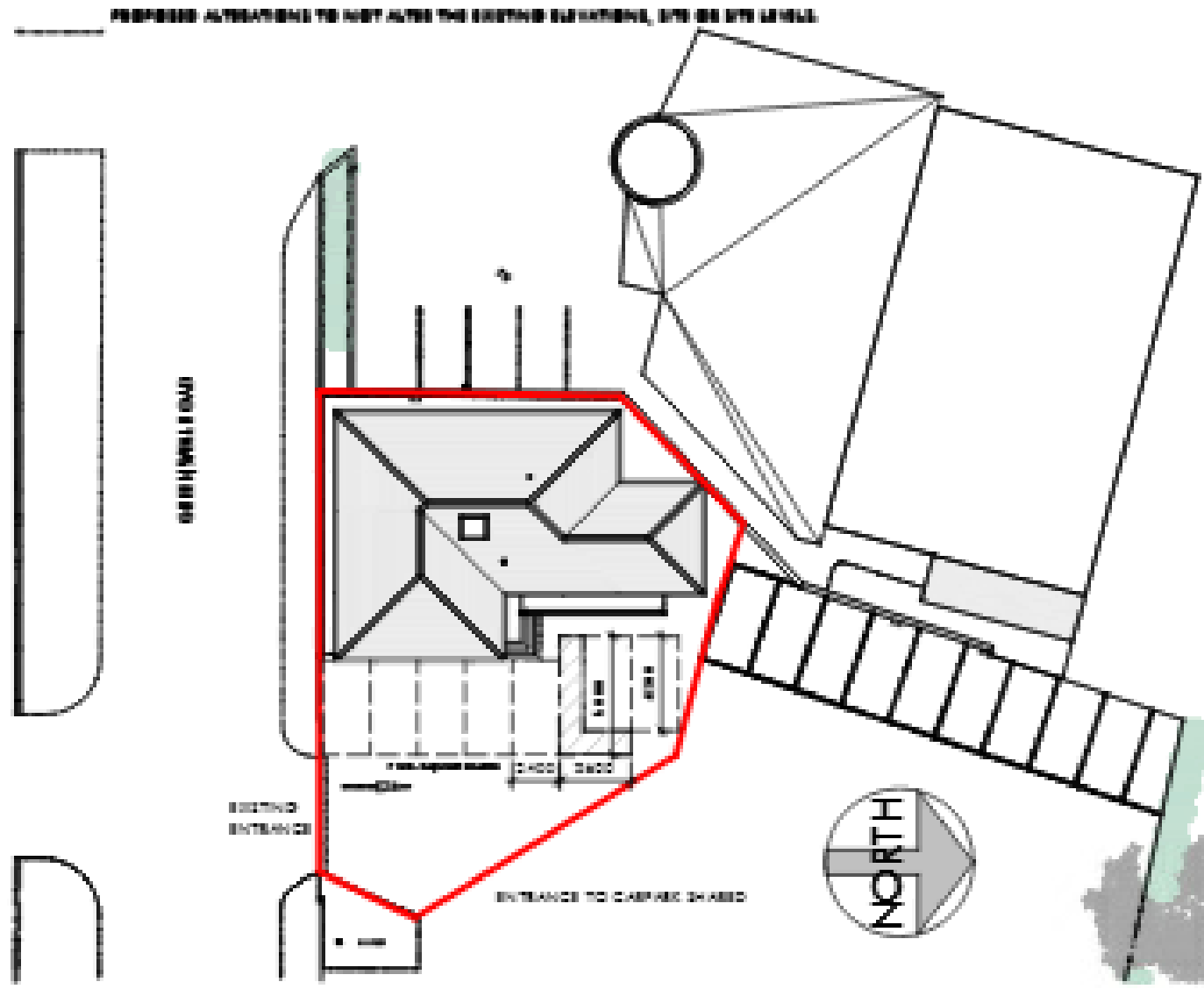


Site Overview



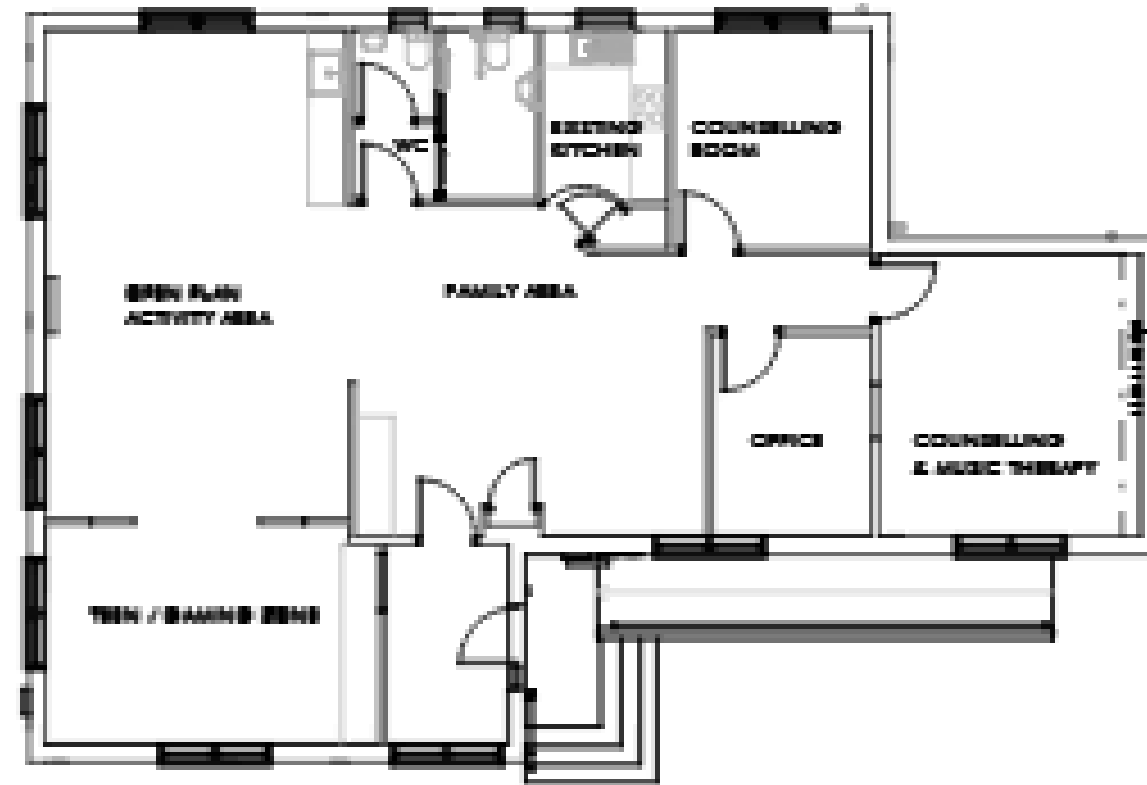
Site Plan and Floor Plan (Proposed)

1 : 100



PROPOSED / EXISTING SITE

1 : 250



GROUND - PROPOSED

1 : 100

Photo of Site (March 2022)





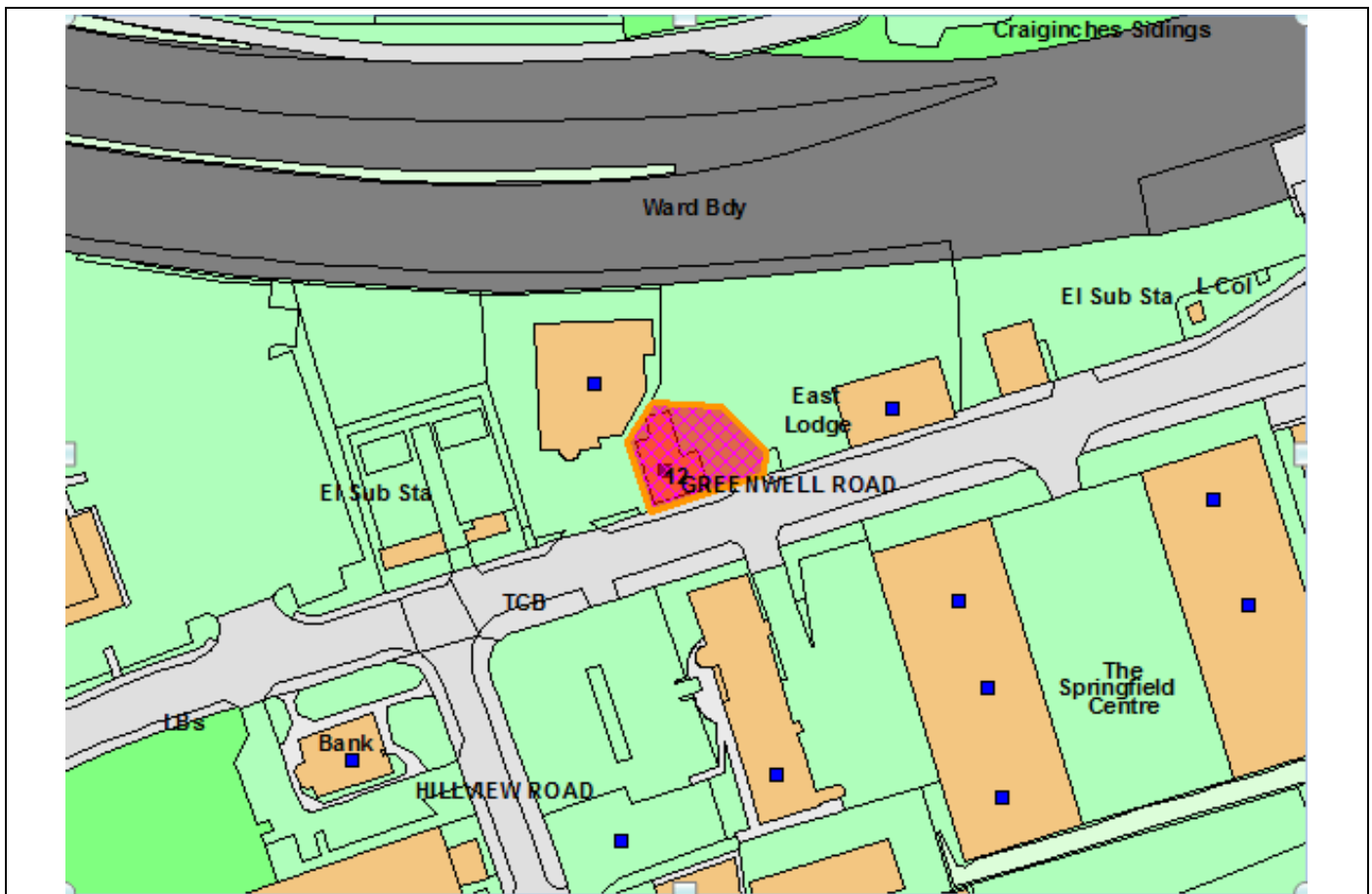


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3rd November 2022

Site Address:	West Lodge, Greenwell Road, Aberdeen, AB12 3AX
Application Description:	Change of use from class 4 (business) to class 10 (non-residential institutions)
Application Ref:	220969/DPP
Application Type	Detailed Planning Permission
Application Date:	10 August 2022
Applicant:	Team Jak
Ward:	Kincorth/Nigg/Cove
Community Council:	Torry
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application property is a single storey detached office building located on the northern side of Greenwell Road that is currently vacant. Parking facilities are located to the east and north of the building and access to the site is taken from the south directly off Greenwell Road. The surrounding area is mixed use, but predominantly business and industrial in nature and includes an auto spray business to the immediate east, the railway line to the north, and business and industrial units to the west and south. Other uses in the immediate surrounding area include a supermarket (Lidl) and a bank (currently vacant), located further west along Greenwell Road. The building was most recently used as offices for a children's adoption and foster care provider.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks a change of use of the premises from Class 4 (Business) to Class 10 (Non-residential institution) to create a day centre for children and young people with cancer, as well as their families. No external alterations to the building are proposed, although alterations to the car park are required for the provision of a disabled parking space.

Amendments

Revised plans were submitted to show disabled parking provision at the request of colleagues in Roads Development Management. A further Supporting Statement was also submitted.

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=RFZO58BZIFM00>

- Supporting Statement – September 2022

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is considered to be a Departure from the adopted Local Development Plan and has been advertised as such. Subsequently the proposal falls outwith the Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – no objection. Their response will be discussed in greater detail in the evaluation section of this report.

Torry Community Council – no response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant – B1: Business and Industrial Areas, T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel.

Supplementary Guidance (SG)

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –these matters have been subject to comment by the Reporter, and the relevance of these matters to the application under consideration.

The following policies are relevant – B1: Business and Industrial Land, T2: Sustainable Transport and T3: Parking.

EVALUATION

Principle of Development

The application site lies within an area designated in the Aberdeen Local Development Plan 2017 (ALDP) as Business and Industrial Land, where Policy B1 of the ALDP applies. This policy promotes the retention of business and industrial land identified in the ALDP for uses within Class 4 (Business), Class 5 (General Industrial) or Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes) (Scotland) Order and its safeguarding from other development types. It also advises that other uses which may be suited to a business and industrial location, such as car showrooms and bus depots will be considered on their own merits. Facilities that directly support businesses and industrial uses may be permitted where they enhance the attraction and

sustainability of the city's business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.

The proposed Class 10 use does not fall within Classes 4, 5 or 6 of the Use Class Order, nor is it considered that the proposed use is a type of use comparable to car show rooms or bus depots in terms of appropriateness for location in a predominantly business and industrial area. It is also unlikely that end users of the building would be drawn from those employed in the surrounding area to seek a supporting or complementary use. On the basis of the above, the proposal represents a departure from the Development Plan, specifically in terms of the Class 10 use not being in line with the relevant policy zoning, B1 (Business and Industrial Land).

It therefore needs to be considered as to whether there are any material planning considerations that would justify the granting of planning permission as a departure from the adopted Local Development Plan.

The applicant's Supporting Statement notes that the property has only been on the market for one month prior to the applicant making an enquiry, but that very few transactions had taken place in this area in the last three years, based on information received from local commercial property marketing agents. They have also noted the attractiveness of the location to the applicant, on the southern side of the city, in close proximity to one of the main arterial routes into the city.

The Supporting Statement also notes that the building is not typical of those found in the surrounding area, being in contrast to the much larger industrial and office buildings typically found. They also note the lack of economic demand for such office buildings in the current climate, evidenced by recent demolitions of a relatively new office premises on Craigshaw Road, 250m from the site. The Supporting Statement also provided various images of buildings in the surrounding area, noting that the application property is not typical of the area.

On the basis of the above information, whilst the property has not been marketed for a significant period of time, it is considered unlikely that given the relatively small building and constrained site that a new Class 4 end user would be found given the current economic climate and the current supply of larger and more desirable sites on business and industrial areas throughout the city. It is also highly unlikely that a Class 5 or 6 use could utilise the site given its character.

As a brownfield opportunity the site could in theory be developed for a new Class 4, 5 or 6 use in line with Policy B1. Such development would align with the Scottish Planning Policy for sustainable development, and the use of brownfield land. However, given the information submitted, and general view that there is already a significant supply of marketable and available land in the city at present. A site offering 435 sqm which is bound by a variety of uses including business and industrial, a supermarket and car show rooms is not considered to be desirable for business and industrial uses given larger, more flexible, sites can be found elsewhere.

It is not considered that the loss of this building from Class 4 use will detrimentally impact on the supply of B1 land across the City and does not therefore represent a significant conflict with, or departure from, Policy B1.

The applicants set out that the site and building is ideal for the intended use due to its accessible location off Wellington Road, covering potential users travelling between locations south of Aberdeen and ARI.

As a result of the above assessment, it is considered that there are sufficient material considerations that warrant a departure from the business and industrial zoning in this instance.

Transportation

Policy T2 advises that “*new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel*”. In addition, Policy T3 advises “*new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport*”.

The proposal has been assessed by colleagues in Roads Development Management, who note that the site is in an accessible location and an acceptable number of parking spaces would be provided within the site. They did request the provision of a disabled parking space and an amended plan was submitted to show this. A condition will be inserted on to the consent to ensure the development is implemented in accordance with this approved plan. Subject to this the proposal would comply with Policies T2 and T3 of the ALDP along with its associated SG: Transport and Accessibility.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and a departure from both Plans is considered to be acceptable for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed Class 10 use is considered to complement the existing range of uses found within the surrounding area. The likelihood of the site being re-used for mainstream business use or being viable for office development is limited, given the size, nature and location of the site and the healthy supply of more suitable office accommodation on the market. Whilst not directly for the needs of employees or occupants of the surrounding area, it is considered that the proposal would serve the surrounding and wider area through a use considered to be acceptable in this location. It is also acknowledged that the site will benefit from accessibility from one of the adjacent main thoroughfares into Aberdeen from the south. It is therefore considered that the proposed development is acceptable as a departure from Policy B1 (Business and Industrial Areas) of the Aberdeen Local Development Plan.

The proposal is considered to be acceptable from a transportation perspective and would comply with Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP along with its associated Supplementary Guidance: Transport and Accessibility.

For similar reasons the proposal would also comply with Policies T2: Sustainable Transport and T3: Parking of the Proposed Aberdeen Local Development Plan 2020 and is an acceptable departure from Policy B1: Business and Industrial Land that can be justified for the reasons as set out above.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses. Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

(02) CAR PARKING

That the use hereby approved shall not be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. 142 - 201 B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval. Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

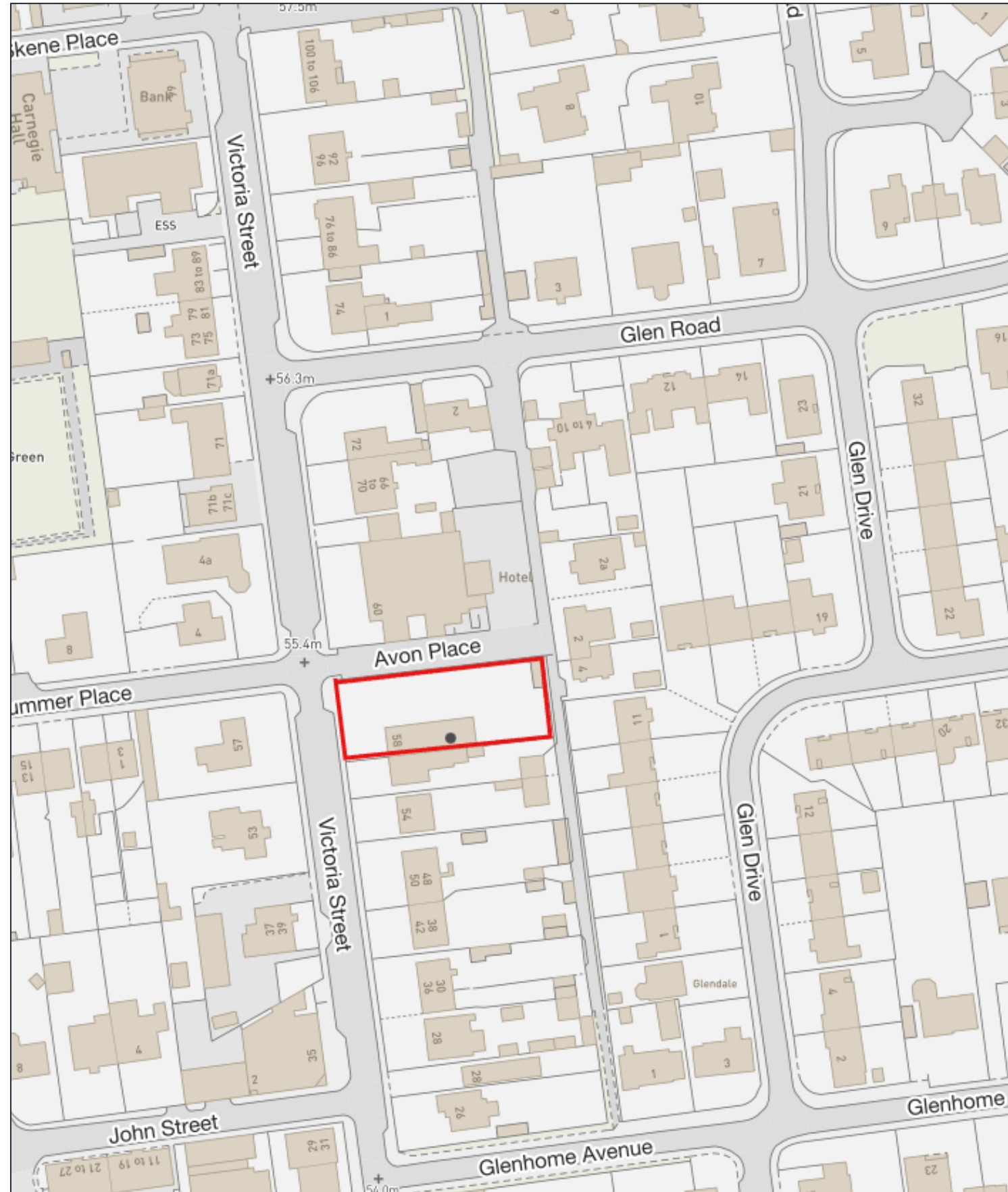
Planning Development Management Committee

Partial change of use of existing guest house to class 3 (food and drink)
including erection of side extension and associated works

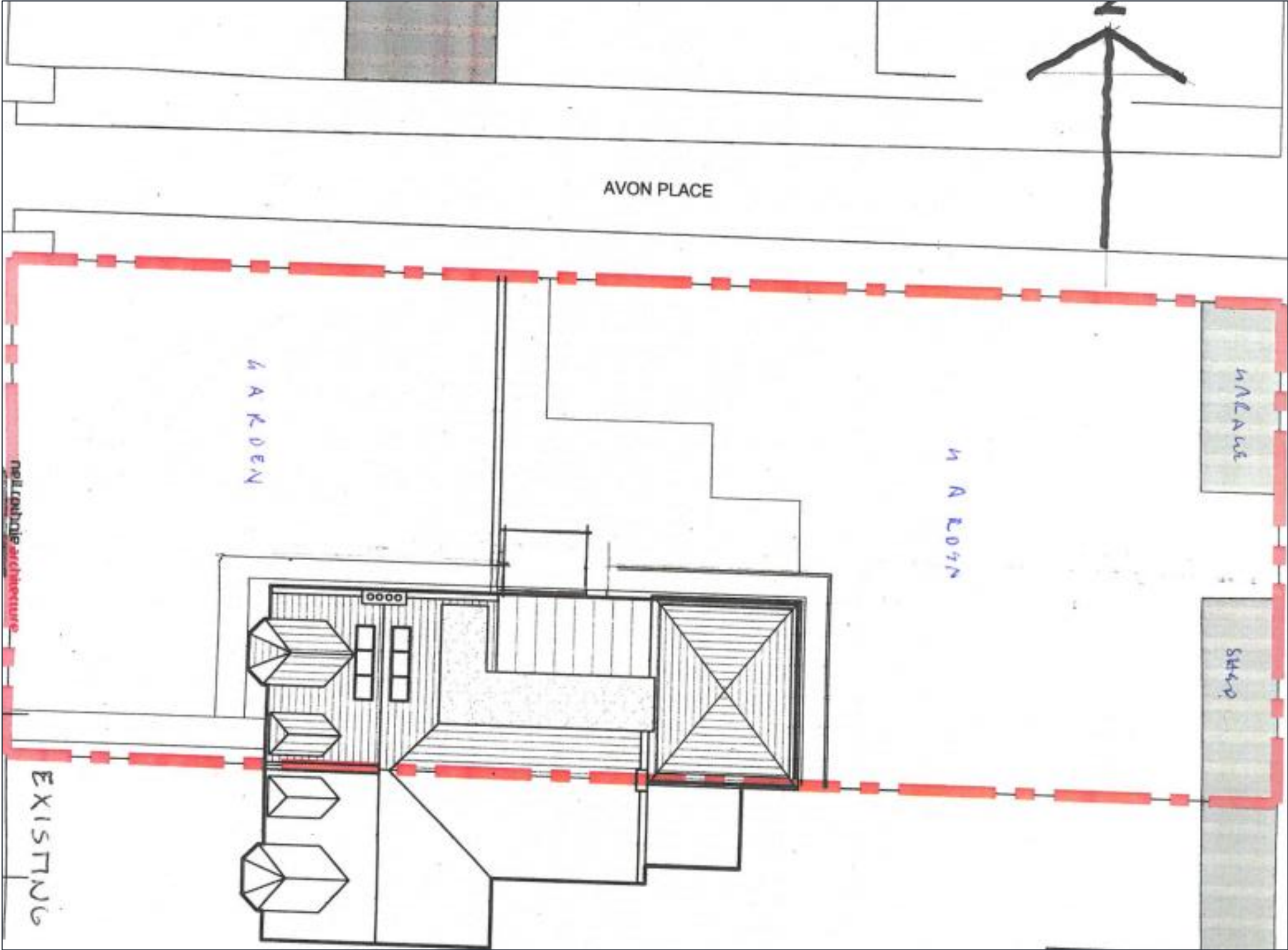
Granville, 58 Victoria Street, Dyce, Aberdeen, AB21 7EE

Detailed Planning Permission - 220837/DPP

Site Location (GIS)

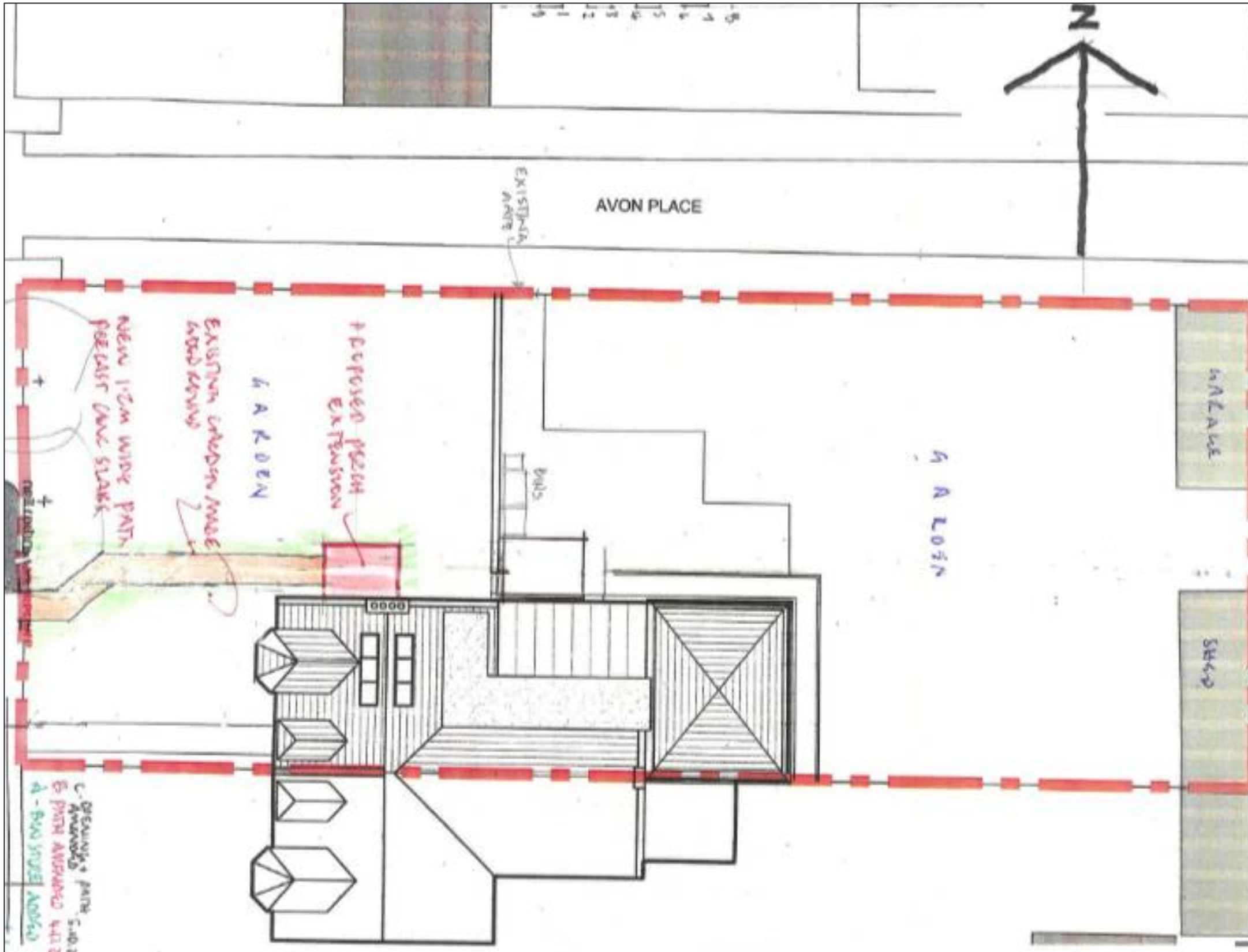


Existing Site Plan

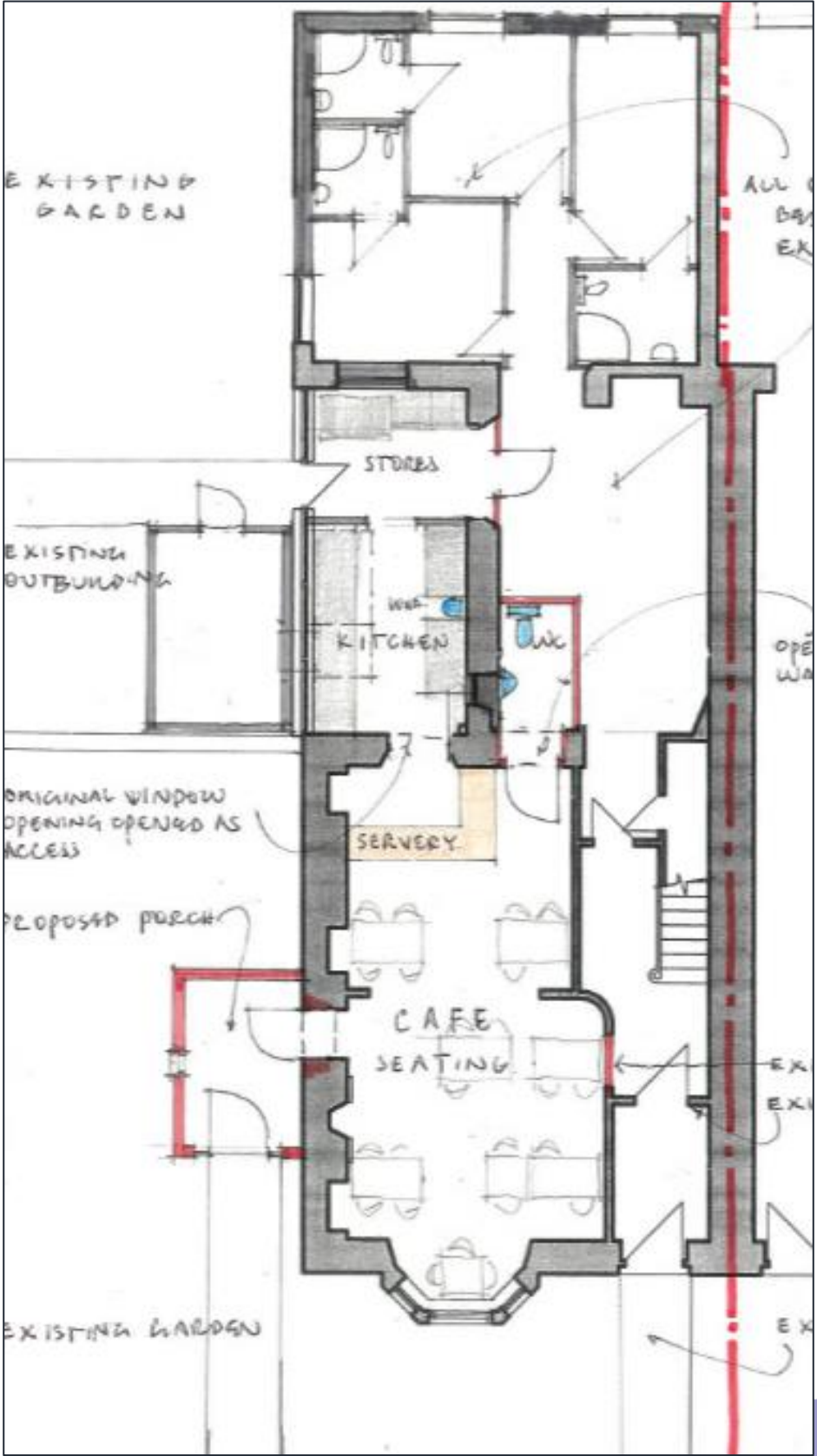
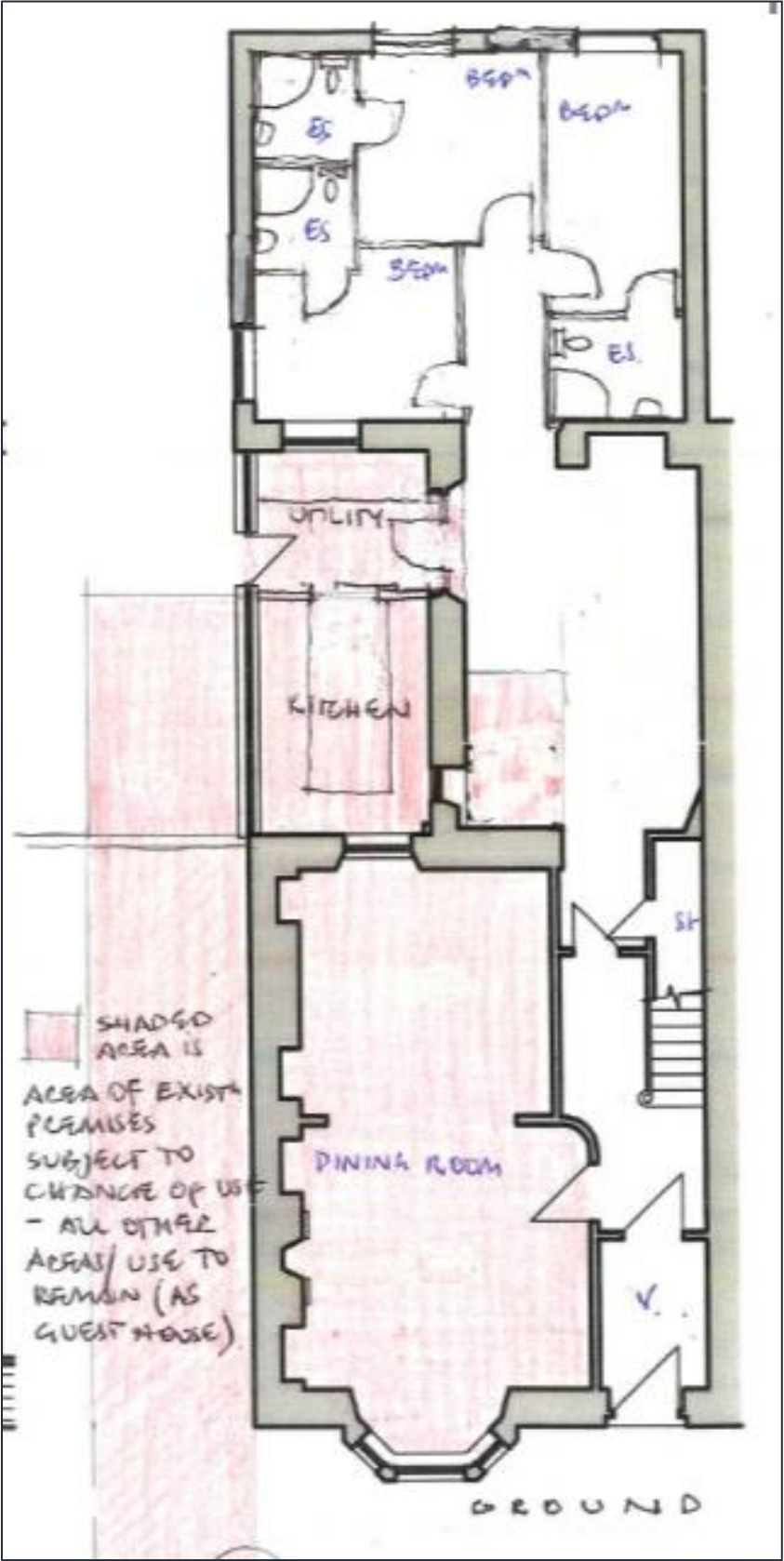


Taken from 210815/DPP

Proposed Site Plan



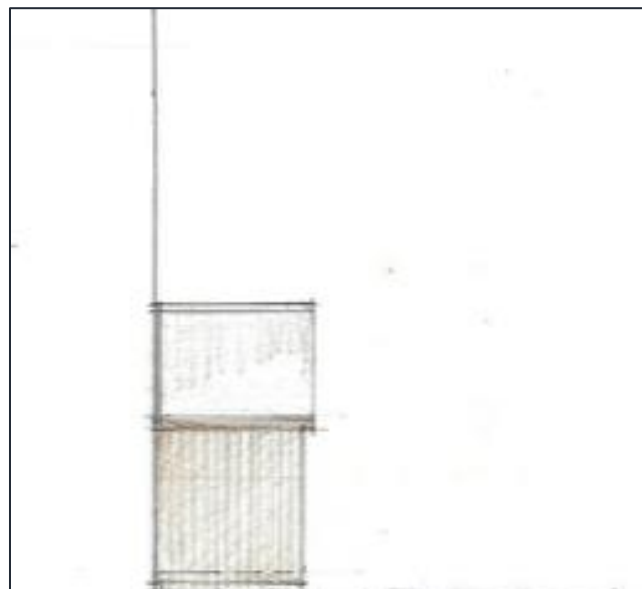
Existing and Proposed Floor Plans



Proposed Elevations



West Elevation



East Elevation

North Elevation



Site Visit Photos



Site Visit Photos



Site Visit Photos





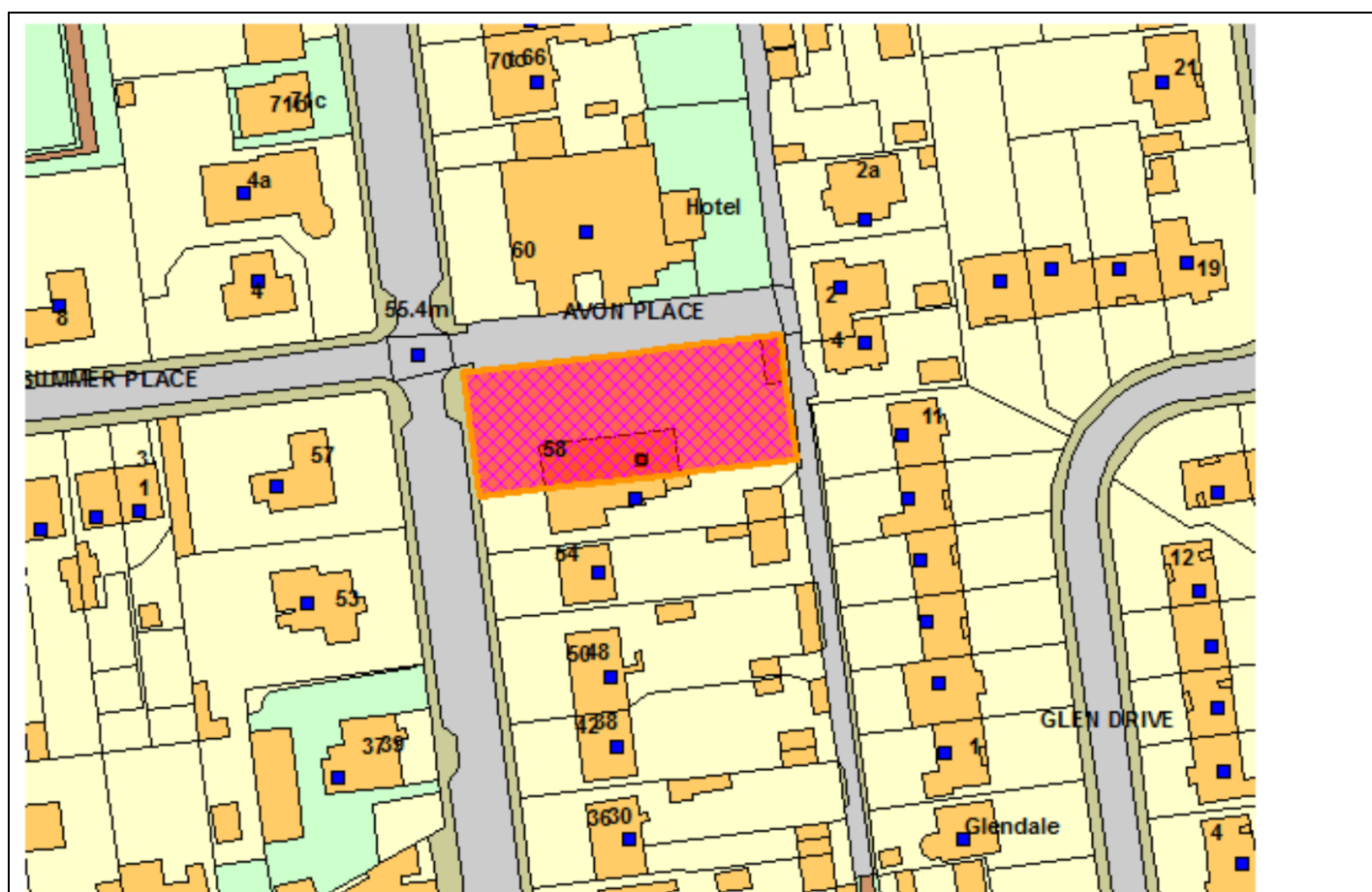


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	Granville, 58 Victoria Street, Dyce, Aberdeen, AB21 7EE
Application Description:	Partial change of use of existing guest house to class 3 (food and drink) including erection of side extension and associated works
Application Ref:	220837/DPP
Application Type	Detailed Planning Permission
Application Date:	30 June 2022
Applicant:	Mr Saad Salamat
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Aoife Murphy



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

The application site lies on the east side of Victoria Street, at its junction with Avon Place. This corner site comprises a substantially extended 1½ storey traditional semi-detached property which is currently used as a guest house (Class 7). The site is fully enclosed with a low granite wall and hedge along the front boundary and a 1.5m high granite wall along both the side (north/south) and rear (east) boundaries. Within the site, a 1.5m high granite wall extends from north to south, forming a division between the front and rear gardens. Vehicular access is provided via an existing entrance off Avon Place along the northern boundary. Two outbuildings can be found to the rear of the site.

Relevant Planning History

210815/DPP – Detailed Planning Permission for a partial change of use of the existing guest house to form Class 3 (food and drink) and installation of flue – Refused 5 November 2021.

210316/DPP – Detailed Planning Permission for a partial change of use of the existing guest house to form hot food takeaway (sui generis) including formation of entrance with ramp and steps – Withdrawn 17 May 2021.

110579 – Detailed Planning Permission alterations to form new window for the formation of 4 bedrooms and en-suite – Approved, 13 June 2011.

APPLICATION DESCRIPTION**Description of Proposal**

Permission is sought for a partial change of use from guest house to café (Class 3) which would consist of utilising the existing dining room to provide a seating area and servery. The existing utility will be converted into a storage area, while the kitchen would be retained and used to serve both the proposed café and the occupants of the remaining lettable rooms. The proposal would also utilise the existing flue on the north elevation. The proposal would also see the formation of an internal WC, but this does not fall part of the application.

In terms of access to the proposed café, this would be via a new extension and opening on the north elevation, which would see an entrance door looking west towards Victoria Street. The extension would have a pitched roof, would be finished in timber linings (stained) and a slate roof, measuring 3.2m by 2.3m with a height of 4.3m. This entrance would be separate to the existing entrance to the building which would be retained to provide access to the existing guest house only. In terms of pedestrian access off Victoria Street, it is now proposed to form a new access by removing a portion of the existing boundary hedge and low-lying wall, providing direct access to the proposed extension and Class 3 unit.

No other works are proposed to the existing elevations and as the works only involve part of the building, the remainder would be retained as a guest house falling within Class 7. In terms of opening hours, none have been noted within the Planning or Design Statements, however it has been agreed that the unit would cease operation at 7pm.

Amendments

The following amendments have been made to this proposal:

- It is no longer proposed to utilise an existing outbuilding, located on the north elevation, for a pizza oven and the further flue which would have extended from the roof of the existing

extension up the roof plane of the existing building has also been removed from the proposal. This was not at the request of the Planning Service.

- A new pedestrian access and path, at the request of the Planning Service, is now proposed to be formed off Victoria Street to the left-hand side of the existing access. The location of this has since been amended so the proposal removes part of the existing hedge and low-lying granite wall rather than the high-level granite.
- The closing hours have been revised at the request of the Planning Service so that the Class 3 unit would cease operation at 7pm rather than 11pm as noted in the supporting information.

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=REA69LBZHFW00>

- Design Statement
- Noise Impact Assessment
- Odour Impact Assessment
- Planning Statement
- Amended Noise Impact Assessment – amended to remove reference to the takeaway and pizza oven
- Amended Odour Impact Assessment – amended to remove reference to the takeaway and pizza oven
- Amended Planning Statement
- Amended Design Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there is an outstanding objection from the Dyce and Stoneywood Community Council, as such it falls outwith the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Environmental Health – having reviewed the Noise and Odour Impact Assessment's the Service advises that it has no objection to the development subject to conditions regarding mitigation and hours of operation and an advisory regarding an Odour Management Plan.

ACC - Roads Development Management Team – has advised that it has no objection to the proposal in terms of access, parking or accessibility.

ACC - Waste and Recycling – has no objection, but has provided general comments regarding commercial developments.

Aberdeen International Airport – has no objection subject to a condition relating to the submission and approval of a Bird Hazard Management Plan.

Dyce and Stoneywood Community Council – upon reviewing the revised proposal, the community council maintains its objection to the proposal due to tensions with Policy H1 - Residential Areas and Policy D1 - Quality Placemaking by Design.

REPRESENTATIONS

Three representations have been received all objecting to the proposal. The matters raised can be summarised as follows –

- Lack of compliance with Policy H1
- Lack of parking for customers and deliveries
- Road safety
- Take away use and impacts on traffic as a result
- Potential for the sale of alcohol
- Litter
- Noise due to increased foot and road traffic and late opening
- General noise disturbances from such a use
- Health concern

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

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

Aberdeen Local Development Plan 2017

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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following policies are relevant –

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy D5 - Our Granite Heritage

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Supplementary Guidance

Harmony of Uses

Transport and Accessibility

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant – Policy H1 - Residential Areas, Policy D1 - Quality Placemaking, Policy D7 - Our Granite Heritage and Policy T3 - Parking.

EVALUATION

Principle of Development

The site is located within the residential area of Dyce and as such requires to be assessed against Policy H1 - Residential Areas. This policy advises that 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.

While a class 3 use is proposed, the principles contained within the Harmony of Uses Supplementary Guidance are valid as it highlights the need to protect the living conditions of residents in close proximity to a development. This forms a major consideration in assessing this proposal, especially given that in general uses such as this can generate unacceptable levels of noise, vibration, odour, traffic disturbance and litter. Furthermore, noise and vibrations generated from cooking and essential extraction equipment, along with increased levels of customer movement, can cause disturbance to residents. Therefore, applications within close proximity to residential units need to be given careful consideration as they can result in significant adverse impacts on residential amenity. As such, the Planning Service must consider whether this location is the most appropriate for a development of this nature, taking into account the context of the surrounding area.

In the case of this existing context, the site lies adjacent to a Neighbourhood Centre to the west and a hotel to the north. However, the site is wholly contained within a residential area as designated by the Aberdeen Local Development Plan 2017, with several residential properties surrounding the site and building, including the adjoining property at 56 Victoria Street to the east. Additionally, and as noted above the building within the application site operates and would continue to partially operate as a guesthouse. While it is noted that a hotel is located to the north on the opposite side of Avon Place, these premises have been operating since the late 80's/early 90's and is a standalone property, as such it does not set a precedent for other similar developments in the area and this application must be considered on its own merit.

In terms of relevant planning history, the applicant has previously submitted a planning application for this property, planning reference 210815/DPP, in which detailed planning permission was sought for a partial change of use of the existing guest house to form a Class 3 (food and drink) unit. This application was refused by Aberdeen City Council following determination by Planning Development Management Committee in November 2021. It was decided at that time that the proposed Class 3 use *“would be unacceptability located within and not suited to an existing residential area whereby it would have an adverse impact on the general residential amenity of the area and specifically a significant adverse impact on the level of amenity currently enjoyed by the occupants of the adjacent property, namely 56 Victoria Street, due to the increased and significant level of activity and thus disturbance, arising from customers entering and leaving the premises, including during the evening and night time”*. What needs to be considered in respect to this

application is whether the changes to the proposal address the concerns previously outlined by the Planning Service.

Upon submission of the application, the supporting information highlighted a number of changes specific to this application and also makes comment in relation to the surrounding area. The changes are noted below.

1. An entrance to the proposed unit would be relocated to the north elevation and an extension added. The existing path would then provide access to the guest house only via the existing entrance and a further path would be added which would lead patrons to the new entrance.
2. The reference to a takeaway has been removed from the supporting information.
3. The pizza oven and flue have been removed from the application.

In reference to the surrounding area, the submitted planning statement makes reference to a previous approval, 181741/DPP, Café Twenty One located on Station Road adjacent the existing railway station. Given its surrounding context, which is not comparable to the current application site, the previous decision made by the Planning Service is not relevant to this proposal and does not set a precedent for the proposed change of use. Further claims are made that there are several other uses in the area, which are in close proximity to the application site. The Planning Service do not dispute that there are other uses in the area, but some of these premises are located within designated Neighbourhood Centre while other sites, like Café Twenty One, are not comparable to the current application site and therefore cannot be used as justification for this proposal.

In order to fully assess potential conflict with, or any nuisance to, the enjoyment of existing residential amenity, Environmental Health requested the submission of an Odour and Noise Impact Assessments. This information has now been considered and reviewed by Environmental Health, the Service has advised that it finds the reports acceptable and has no objection to the proposal subject to conditions relating to mitigation as outlined in the assessments and an advisory regarding an odour management plan.

However, despite these comments, as noted above and in respect of 210815/DPP, Aberdeen City Council had significant concerns regarding the potential impact a Class 3 unit could have on the general amenity of the surrounding area. While changes, outlined above, were made to this proposal, the Planning Service were still of the opinion that such a use would result in harm to the general amenity. This was due to the fact that while it is now proposed to add an additional entrance to the north elevation, which would be the sole entrance to the proposed Class 3 unit, access to the site would still be gained via the existing path and pedestrian access off Victoria Street, meaning that there would still be an intensification of the use of the path resulting in what the Planning Service consider to be a direct impact on the adjoining property at 56 Victoria Street. Additionally, the supporting assessments state that the property is likely to be operate until 11pm, meaning that there could be potential noise disturbance late into the night, which would impact on the general amenity of the area.

To seek to address these concerns the applicant submitted a revised proposal. The amendments include a new pedestrian access and path that is now proposed, which allows direct access to the unit from Victoria Street, meaning that patrons would not need to use the existing path that runs along the mutual boundary. Further to this, the closing hours have been revised following agreement with the applicant, which would see the unit ceasing operation at 7pm rather than 11pm as noted in the supporting information.

Having assessed these changes, the Planning Service can now concede that the initial concerns have been addressed. The new access removes concerns regarding the intensification of the existing path and therefore removes concerns regarding the potential adverse impact on the

neighbouring property at 56 Victoria Street. In respect of the hours of operation, specifically the closing hours, the revision proposed would see the unit close at 7pm rather than 11pm, which removes concerns regarding potential adverse harm and noise disturbance to the amenity of both the neighbouring property and the surrounding area into the evening/night. The change of closing hours means that the proposed Class 3 use is now more akin to a café rather than a restaurant.

With regards to the opening hours, no time has been suggested by the applicant, but the Planning Service are of the opinion that opening the unit at 8am Monday to Friday and 9am Saturday and Sunday, would not result in a detrimental impact on the general amenity of the surrounding area, given that the hours would be more akin with a café and would be more associated with “normal” working hours of the general public.

While a takeaway does not form part of this proposal and the supporting information has been amended to remove reference to a takeaway, Circular 1/1998 states “*Where take-away is a minor component of the business and will not affect environmental amenity it should be treated as de minimus, i.e. as not requiring planning consent*”. In light of this, if it was deemed to be a minor component of the overall use, that has no adverse impact on the environment in terms of noise, odour etc, the takeaway use would not require consent. As such, the revision to the closing hours, which would now see a 7pm closing time, removes concerns regarding the potential for takeaway use into the evening/night. While there may be some takeaway use associated with the proposed Class 3 unit, given that this would be during “normal” working hours, means that there is unlikely to be adverse impacts on the general amenity of the surrounding area, should such use take place.

For the avoidance of doubt, in terms of the hours of operation, a condition will be utilised to ensure that the above comments are adhered to.

In respect of vibration, this is not considered to be an issue with a proposal of this nature. In relation to litter, given that the use would be Class 3, this is not considered to be an issue.

Overall, the Planning Service are now satisfied with the proposal in terms of Policy H1, in that there would be no conflict with, or any nuisance to, the enjoyment of existing residential amenity, however, this is subject to a condition regarding opening hours as noted above.

External Alterations

Policy D1 - Quality Placemaking by Design requires all development to have high standards of design and have a strong and distinctive sense of place which is a result of context appraisal.

The proposal sees the addition of an extension on the north elevation to provide access to the proposed Class 3 unit. In terms of the built form, this is considered to be a relatively small-scale development, which does not appear to overwhelm or dominate either the west or north elevations of the original building. Additionally, while the extension would be more modern in its appearance, due to the choice of materials, it does provide a direct contrast to the existing granite building separating old from new. This considered to be a more appropriate option given the location of the development and one that does not impact on the visual amenity of the surrounding area.

In respect to the new pedestrian access from Victoria Road, as mentioned this is proposed to remove the potential intensification of the existing path. The location of this access has been amended slightly so that the existing high level granite wall can be retained and only part of a hedge and low-lying granite wall would be removed. The removal of this part of the hedge and wall would not result in any impact on the visual appearance of the surrounding area and would be directly tied to the entrance to the Class 3 unit. While the relocation of the access means that the path is slightly kinked, this does not result in any great impact overall.

As such, the proposal does not result in any impact with Policy D1 - Quality Placemaking by Design or Policy D5 - Our Granite Heritage.

Transport Impacts

In relation to transport impacts associated with this proposal, Roads Development Management have reviewed the proposal and notes that the applicant has indicated that the site has four existing car parking spaces. Upon review it is assumed that these spaces relate to parallel parking along the south side of Avon Place, a privately owned road and used for parking by the neighbouring premises including residential properties and the Dunavon hotel.

The associated provision of four spaces is marginally below the maximum parking requirement of six spaces outlined within the supplementary guidance for such a use and while such existing provision is also there to serve the guest house, it is noted that there is further on-street parking available within the lay-by along Victoria Street which would accommodate short term parking. It is also considered that such use would likely predominantly serve the local area, community and residents which lends itself to less reliant on private car travel to/from the proposed use. Therefore, the associated parking would be considered acceptable and allow for alternative travel to/from the proposed café.

In terms of sustainable travel, the site is served by direct access onto publicly adopted footpaths on Victoria Street which provides connectivity to the wider Dyce area. In terms of cycle access to the site this would be on-street until the connections with 'National Cycle Network – Route 1' along the old railway, referred to as Formartine and Buchan Way as well as this same route along Riverview Drive. This route provides connections directly into the City Centre and connections to other cycle infrastructure to other areas of the city. Furthermore, Victoria Street forms part of regular bus service routes in and out of the City, with bus stop provision within approximately 150m of the site. Additionally, Dyce is served by its own rail station with regular services in and out of the city and other areas surrounding Aberdeen, with the station located within 400m to the site.

It is noted that representations raise parking of both cars and delivery vehicles as a concern, however on-street parking is available on Victoria Street, where there are generally no parking restrictions. The potential issue with indiscriminate or illegal parking fall outwith the remit of the Planning system and is therefore not a material planning consideration.

Concerns regarding an increase of traffic, both vehicular and pedestrian as a result if this development have been raised, however, the development is adjacent a main road with sufficient footpaths, as such any increase in traffic and/or pedestrian movements should not impact the surrounding network and this is not a concern that was raised by the Council's Roads Development Management Team. Further concerns relating to road safety have also been raised, but again this is not a concern raised by the Roads Team.

In light of the positive response from Roads Development Management and despite concerns raised through representations, it is considered that the proposal complies with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

Community Council Comments

The Dyce and Stonewood Community Council has objected to this proposal due to tensions with Policy H1 - Residential Areas and Policy D1 - Quality Placemaking by Design. The proposal has been considered fully against the aforementioned policies and is considered to be acceptable for the reasons given above. The Community Council has noted that its preference would be that the existing front door is utilised, however as noted above, there was concerns that this would result in a direct impact on the amenity of the neighbouring property, which would not be considered appropriate.

Representations

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

- Lack of compliance with Policy H1 - *addressed above under “Principle of Development”.*
- Lack of parking for customers and deliveries - *addressed above under “Transport Impacts”.*
- Road safety - *addressed above under “Transport Impacts”.*
- Take away use and impacts on traffic as a result - *addressed above under “Principle of Development”.*
- Potential for the sale of alcohol - *not a material planning consideration.*
- Litter - *addressed above under “Principle of Development”.*
- Noise due to increased foot and road traffic and late opening - *addressed above under “Principle of Development”.*
- General noise disturbances from such a use - *addressed above under “Principle of Development”.*
- Health concern - *the Planning Service have taken into account the duties it has in relation to equalities in its assessment and determination of the proposal. While relevant to the consideration of this application in that the representation highlights concerns relating to sleep and anxiety issues that may be exacerbated by potential noise disturbances, it is considered that the changes made to this proposal, which see the hours of operation amended so that the unit closes earlier, results in a proposal that no longer raises such concerns with the Planning Service. Additionally, the relocation of the entrance and path away from the adjoining property means that there would be no intensification of the existing access and therefore a limited impact as a result of the development. As such, the Service is satisfied that the proposal meets the requirements of the relevant policies and is therefore acceptable.*

Equalities Impact Assessment

An impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal is considered acceptable when assessed against the relevant policies, in that there would be no adverse impact on or harm caused to the residential amenity of the surrounding area, due to suitable conditions that would ensure the implementation of noise and odour mitigation measures and the restriction of the hours of operation. Additionally, the proposed extension and new access do not result impact the visual appearance of the existing building or the surrounding area and there would be no noted impact on traffic or parking in the immediate area. As such, the proposal is considered compliant with Policy H1 - Residential Areas, Policy D1 - Quality Placemaking by Design, Policy D5 - Our Granite Heritage, Policy T2 - Managing the Transport Impact of Development, Policy T3 - Sustainable and Active Travel and Policy T5 - Noise of the Aberdeen Local Development Plan 2017, its associated Supplementary Guidance, Harmony of Uses and Transport and Accessibility and the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

CONDITIONS

1. DURATION OF CONSENT

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason: In accordance with section 58 (duration of planning permission) of the 1997 act.

2. HOURS OF OPERATION

The use hereby approved shall not operate outwith the hours of 08:00am and 07:00pm Monday to Friday; and 09:00am and 07:00pm Saturday and Sunday.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

3. NOISE

That the use hereby approved shall not be brought into use unless the noise mitigation measures set out in the approved Noise Impact Assessment (prepared by Couper Acoustics, Ref: 17720212313 – V3, dated July 2022) have been installed. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

4. ODOUR

That the use hereby approved shall not be brought into use unless the odour mitigation measures set out in the approved Odour Impact Assessment (prepared by Couper Acoustics, Ref: 1720212313 – V3, dated July 2022) have been installed. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

5. ACCESS

That the use hereby approved shall not be brought into use unless the existing internal doorway providing access to this unit from the guest house has been built up, as shown on drawing reference 3501 – 2/07 B, and the new pedestrian access along the western boundary and the associated path, as shown on drawings references 3501 – 2/02 Rev C and 3501 – 2/09 Rev C, have been formed and are fully operational. Once completed the works shall be retained in perpetuity.

For the avoidance of doubt the existing entrance to the guest house shall not be used for the purposes of accessing the Class 3 unit hereby approved.

Reason: In order to ensure the existing levels of amenity are not impacted upon.

ADVISORY NOTES FOR APPLICANT

Odour Management Plan

It is recommended that the operator to establish a written Odour Management Plan including cleaning and maintenance procedures for the plant corresponding with manufacturer's instructions and extent of use, to reduce risk of malodour and statutory nuisance going forward.

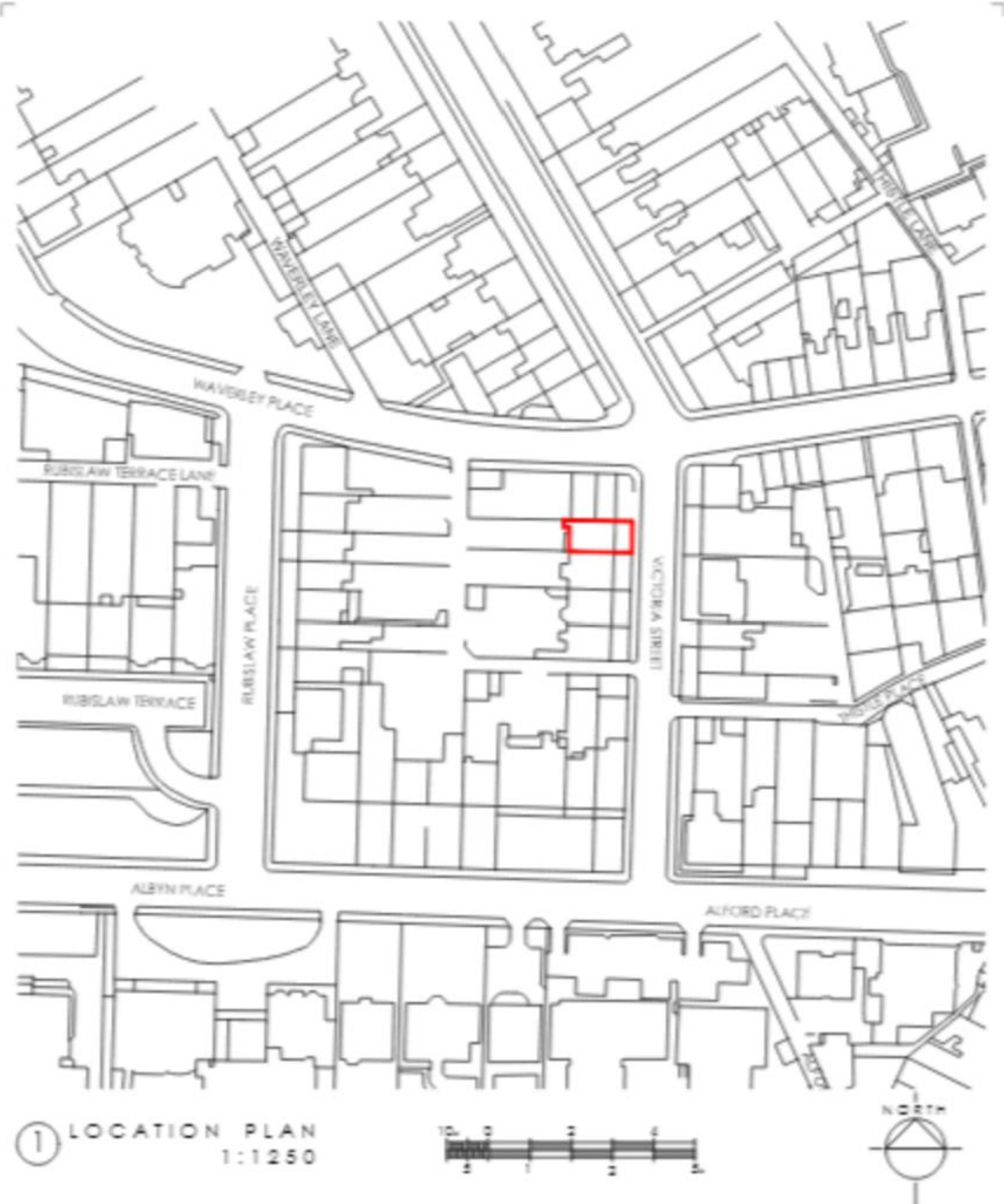
Planning Development Management Committee

Change of use from class 2 (occupational health clinic) to class 11 (children's role play café) including installation of access ramp)

14 Victoria Street, Aberdeen

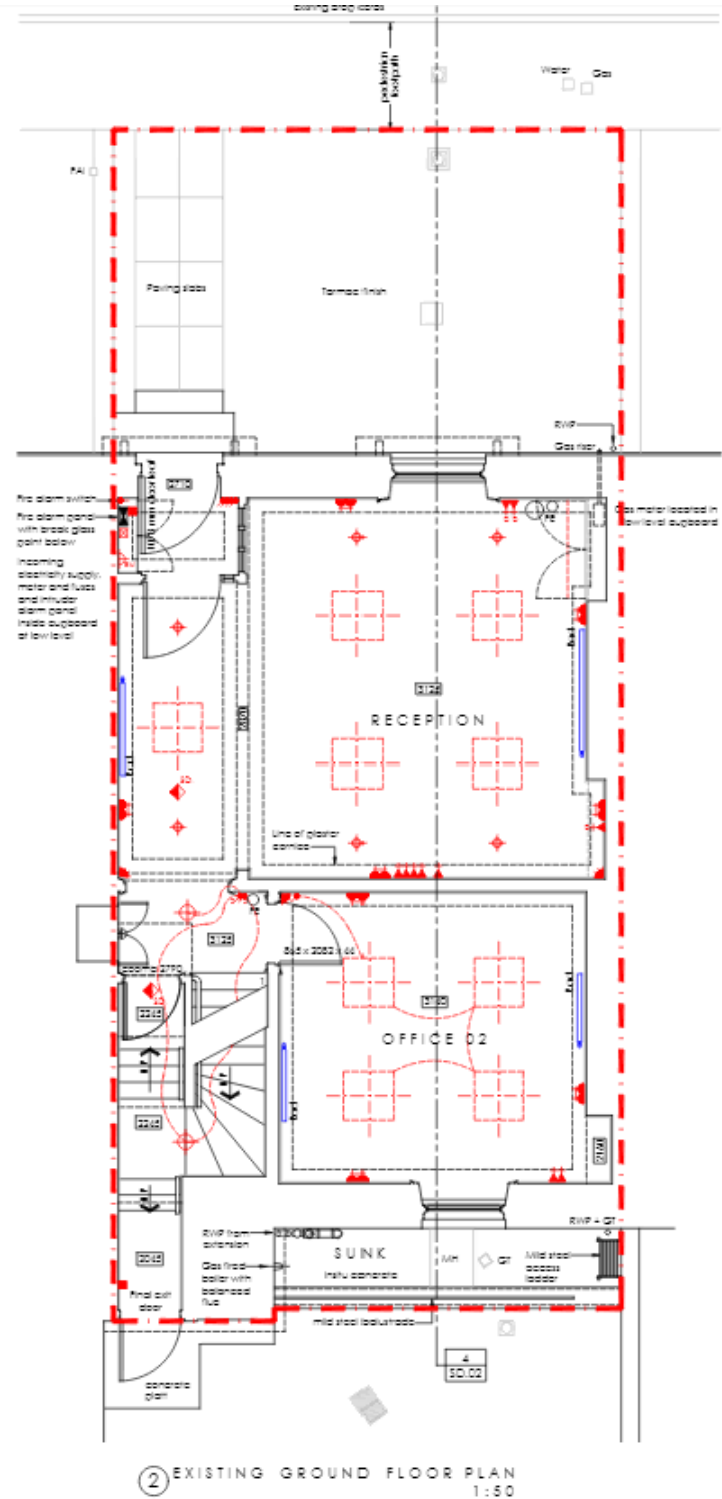
Detailed Planning Permission
220613/DPP

Location Plan

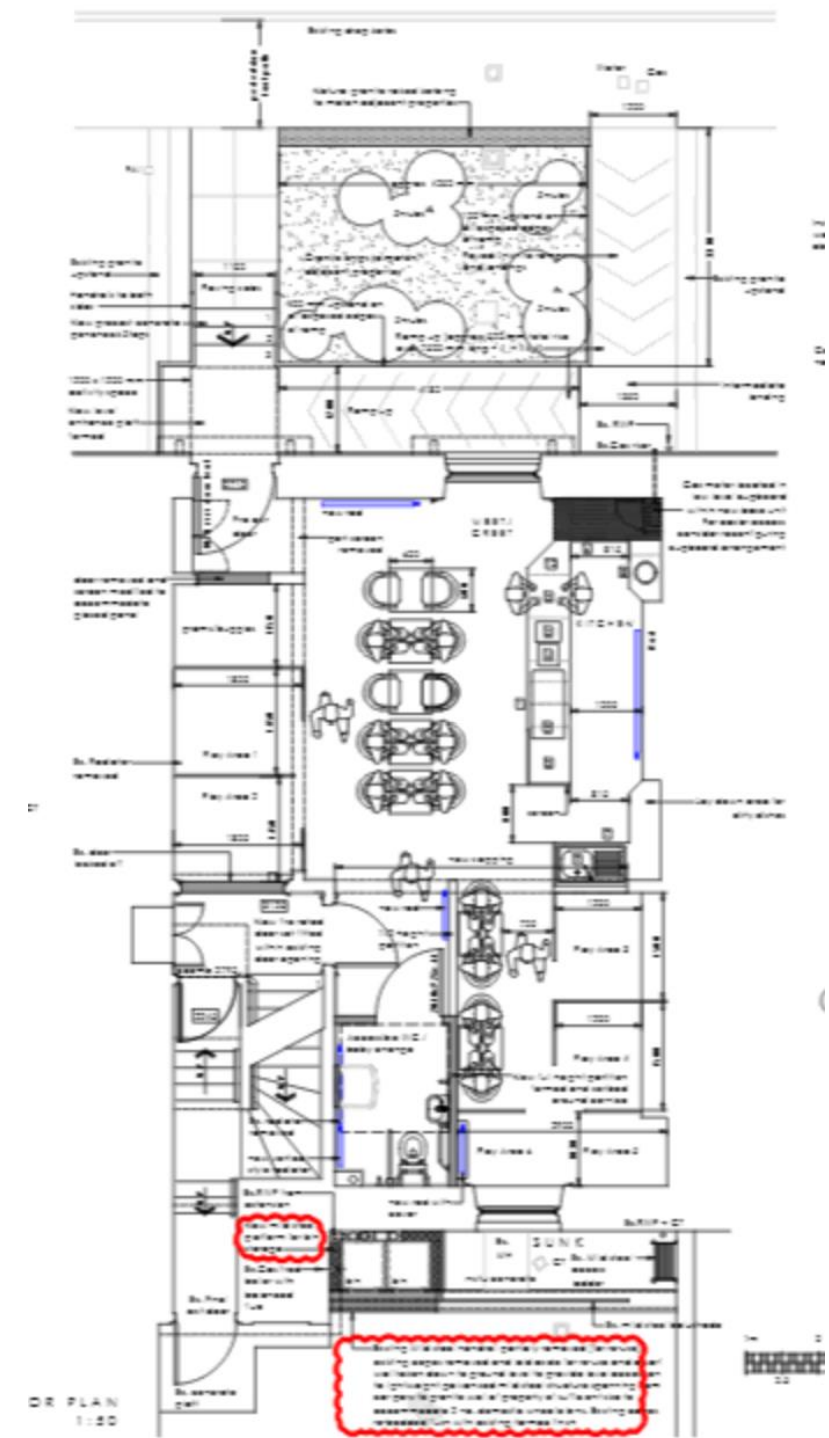


Site and Ground Floor plans

Existing

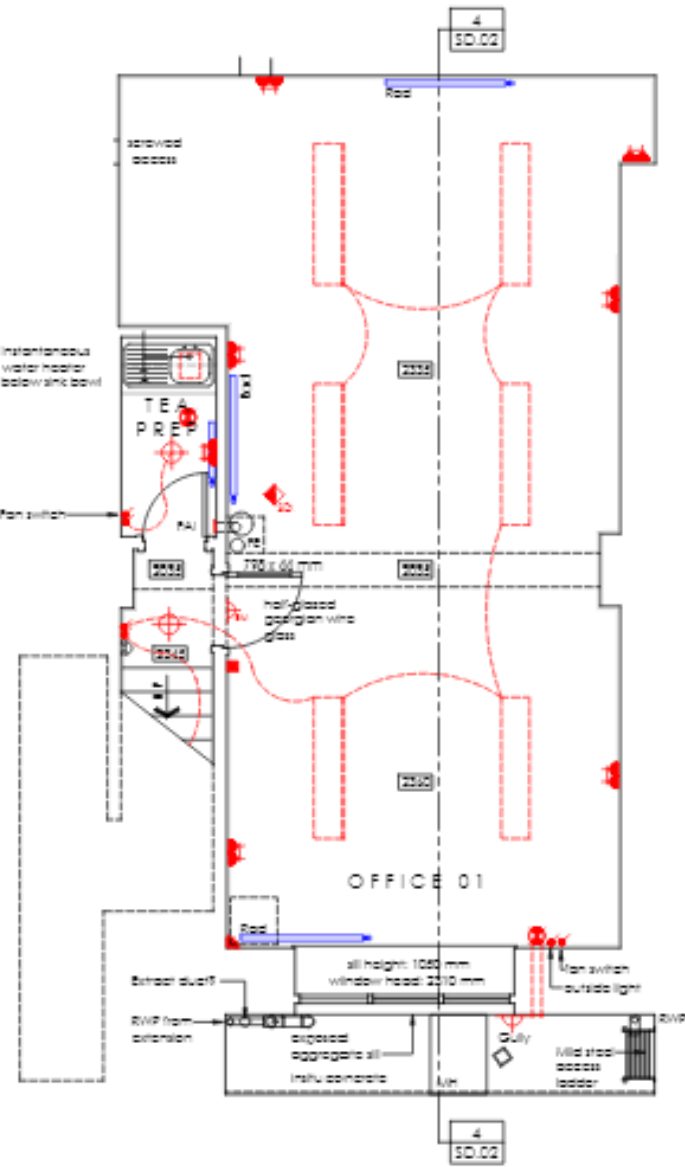


Proposed

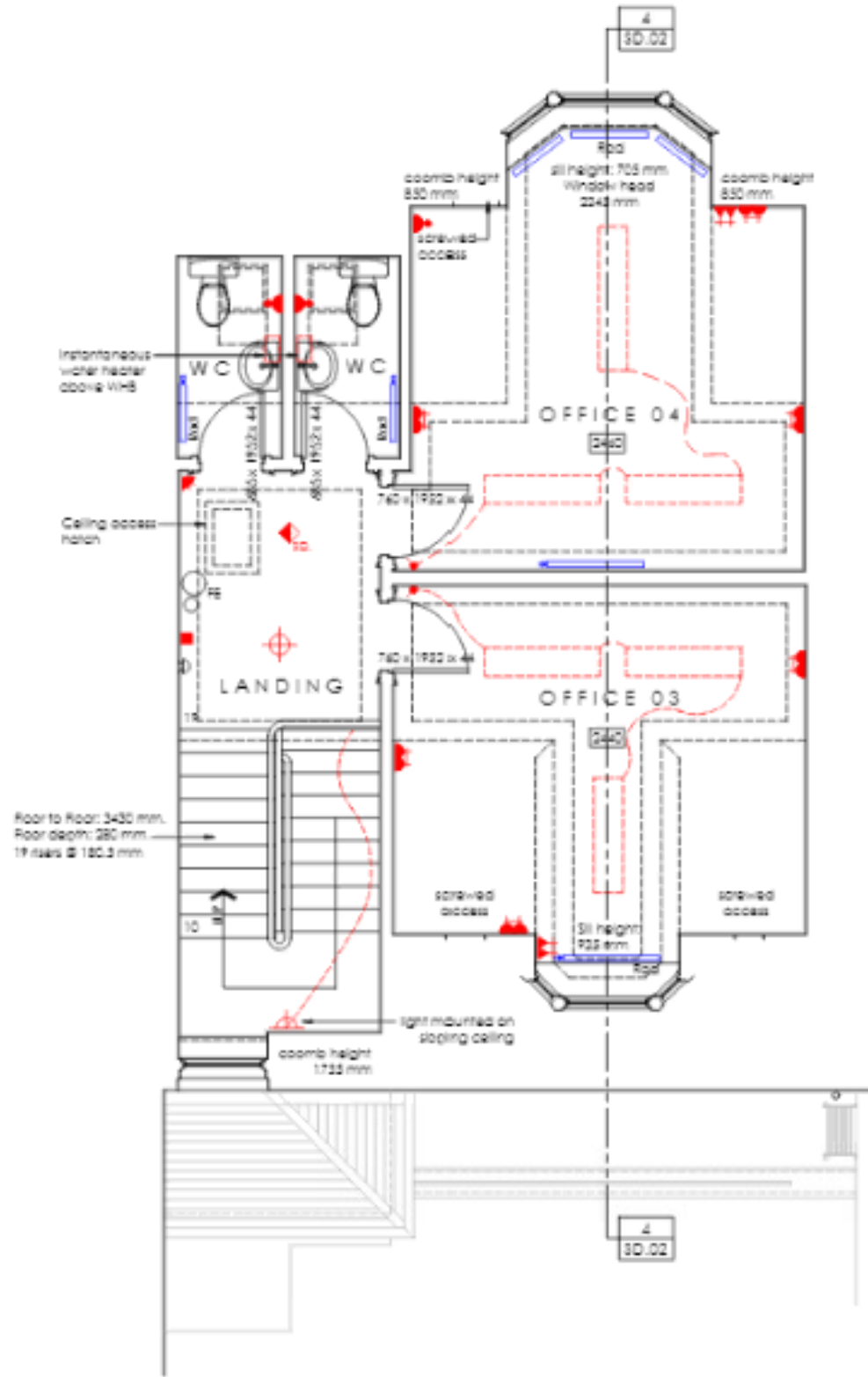


Basement and First Floor plans

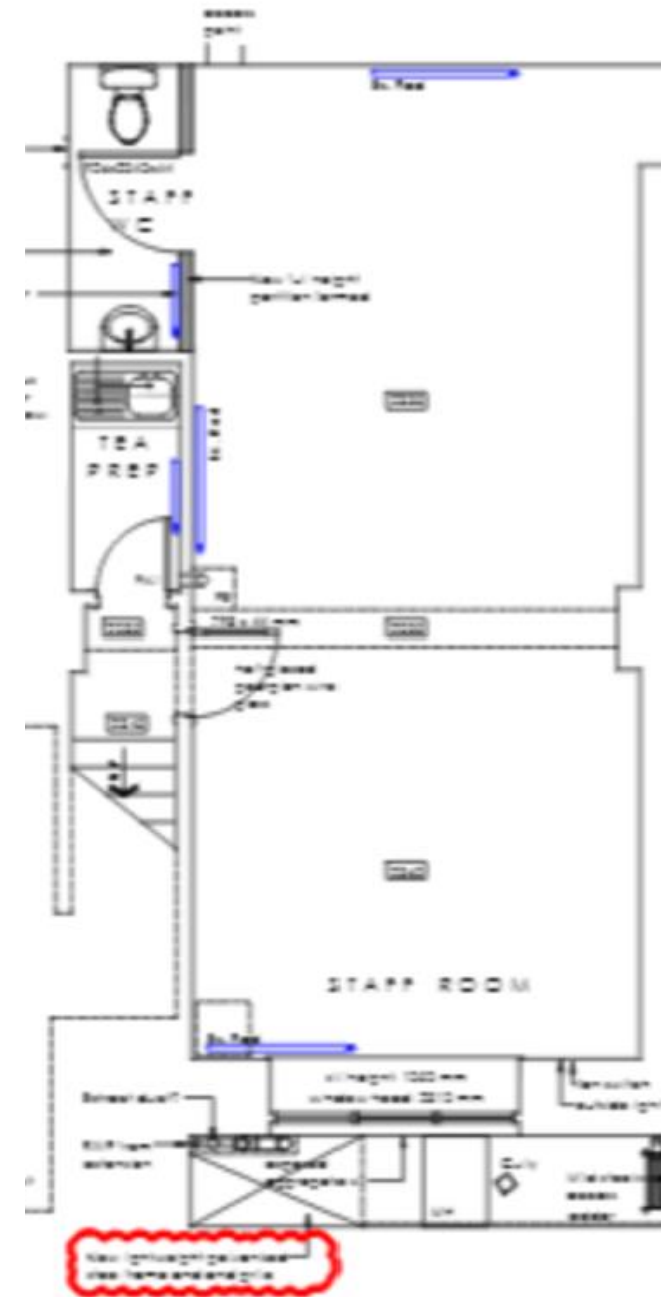
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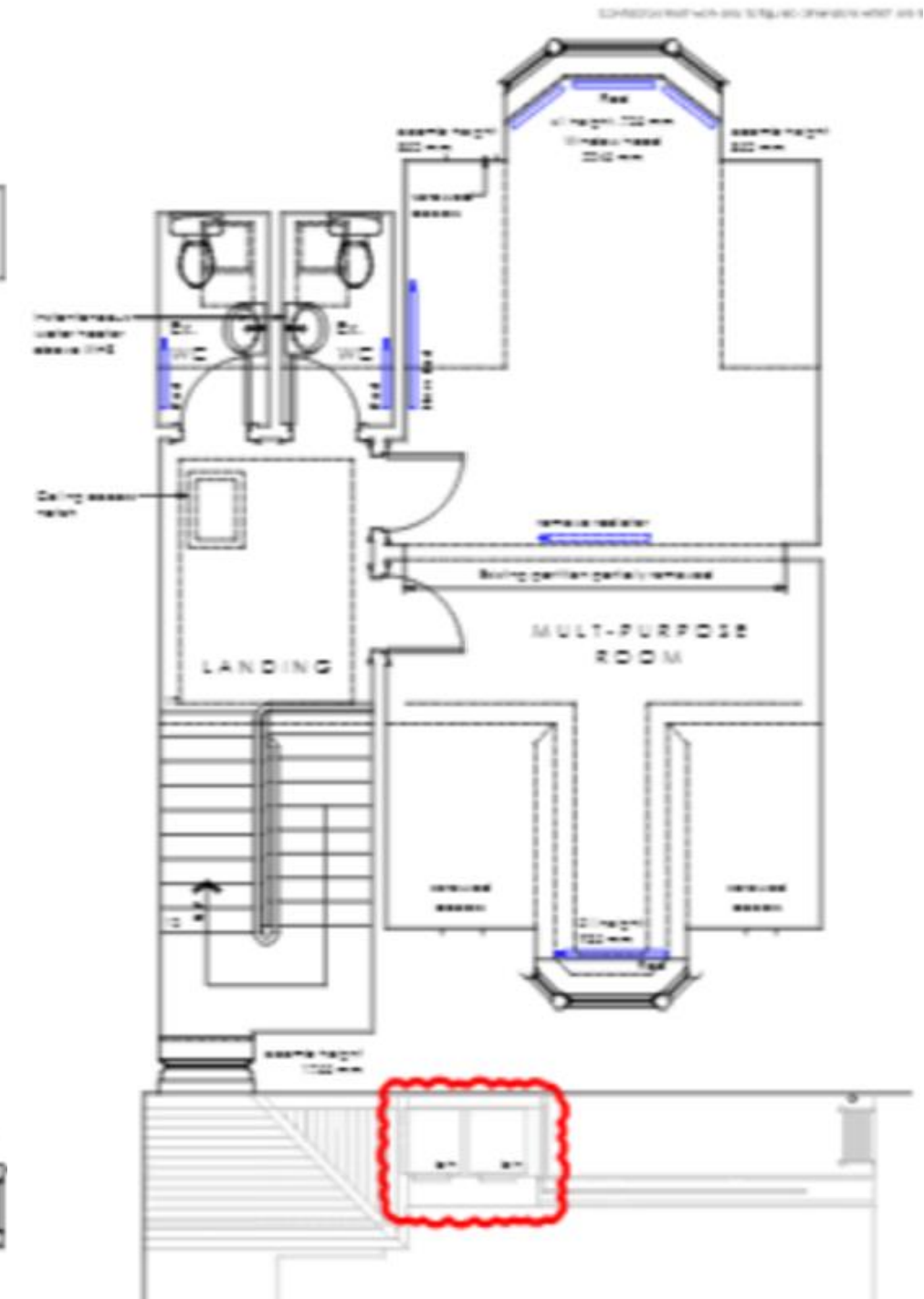
Existing basement plan



Existing first floor plan



Proposed basement plan

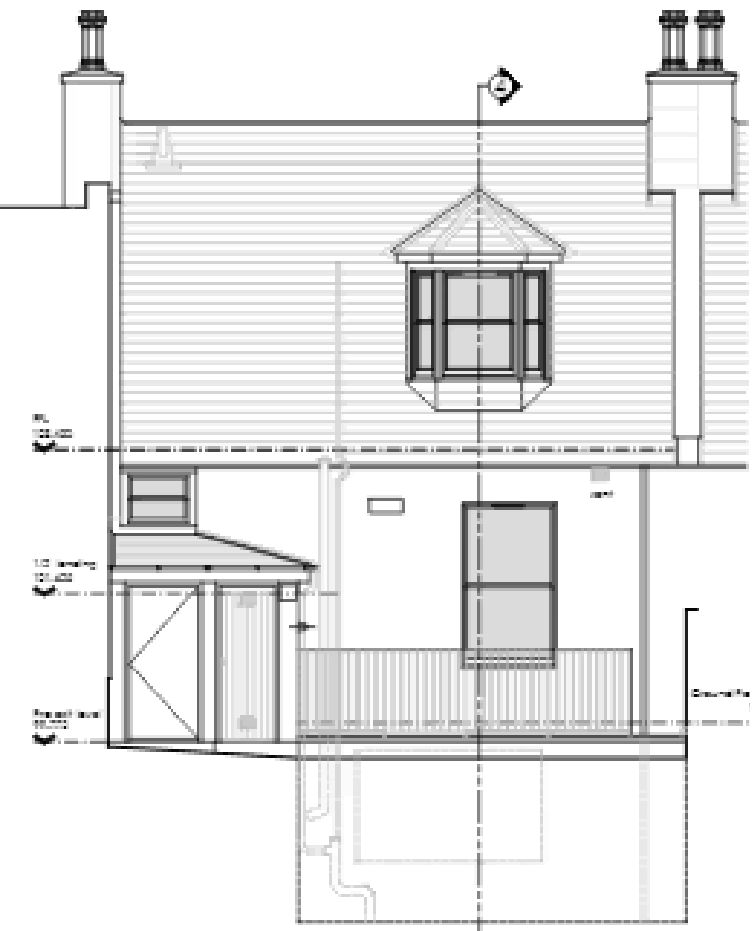


Proposed first floor plan

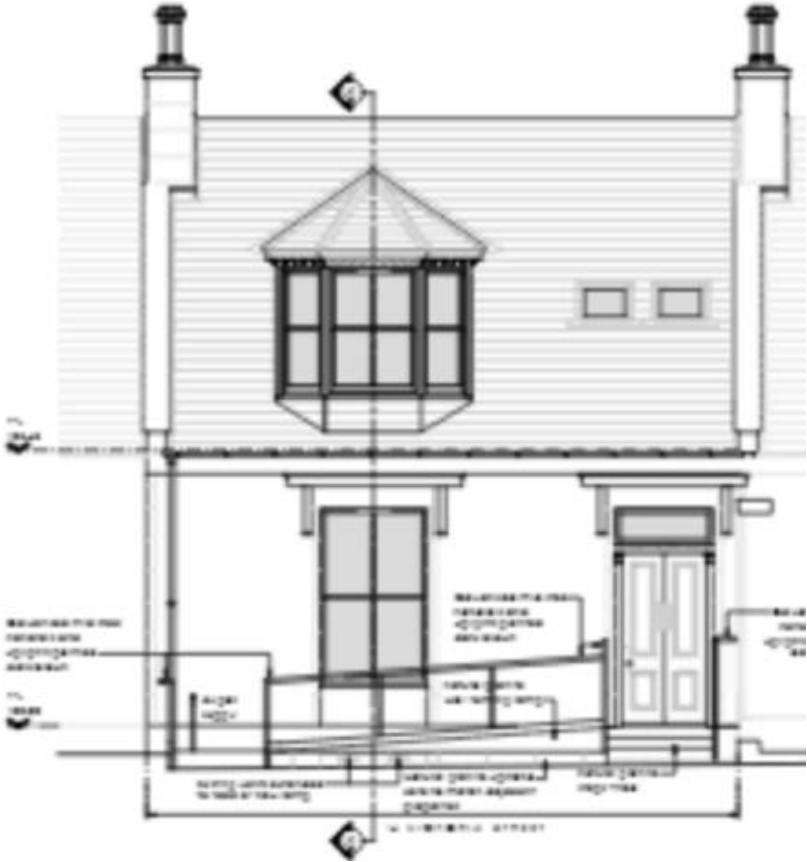
Existing and Proposed Elevations



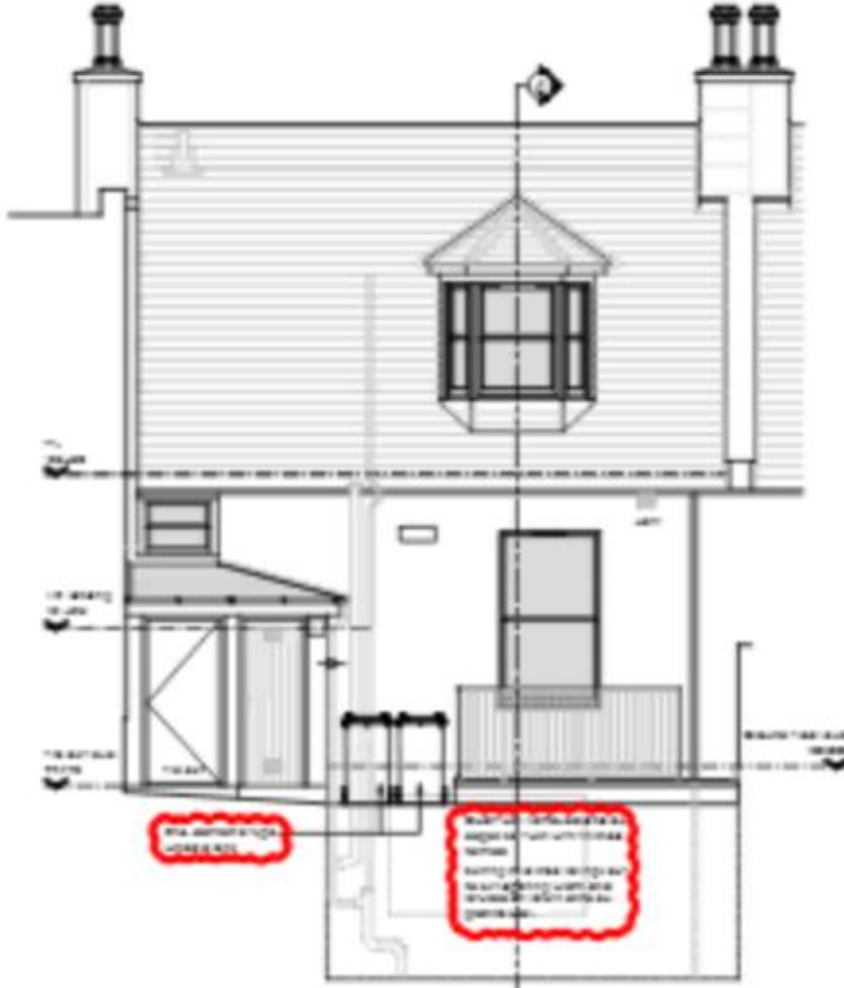
Existing front elevation



Existing rear elevation



Proposed front elevation



Proposed rear elevation

Site Photo



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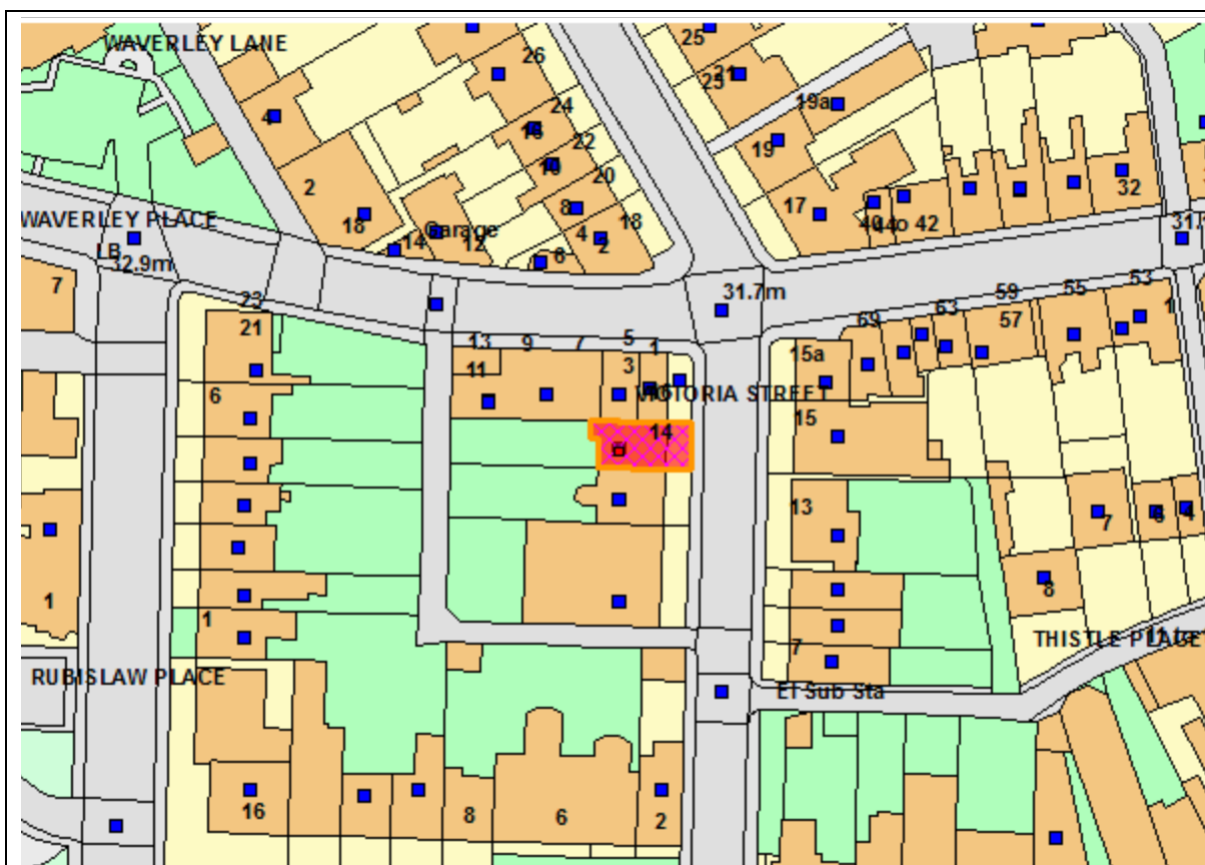


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	14 Victoria Street, City Centre, Aberdeen, AB10 1XB
Application Description:	Change of use from class 2 (occupational health clinic) to class 11 (children's role play cafe) including installation of access ramp
Application Ref:	220613/DPP
Application Type	Detailed Planning Permission
Application Date:	16 May 2022
Applicant:	Robert Whitelaw (Aberdeen) Ltd
Ward:	Mid Stocket/Rosemount
Community Council:	Queen's Cross and Harlaw
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a one and a half storey mid-terraced property with basement accommodation. The property is of a traditional design, constructed of granite with a slated roof and a single piended dormer to the front and rear. There is a driveway to the front with space for the parking of a single car. The car park to the rear is not within control of the applicant and falls outwith the application site. The premises are currently vacant but were most recently in use as an occupational health clinic.

The site is located within the Albyn Place/Rubislaw Conservation Area and is within the West End Office area. The surrounding area is characterised by buildings of a similar age and general design, some of which have been extended, containing a mix of uses, including residential, offices and healthcare facilities.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

A change of use is sought from class 2 (occupational health clinic) to class 11 (children's role play café) and the installation of a ramp leading up to the front door.

The proposed floorplans indicate that the front of the ground floor would be split into 6 different 'themed play areas' that would be equipped to facilitate a variety of role plays, such as a play kitchen, shop or a vets. These play areas would be supplemented by a small café in the centre of the ground floor with a kitchen and toilets. Each play area would comprise approximately 2.6m² floorspace. The first floor would be a larger multi-purpose room and would be used for parties to be booked in conjunction with the play areas. The basement would provide a storage area and staff room. The role play café would have an overall operating capacity of no more than 20 children (up to a maximum of 7 years old) at one time and children will need to be accompanied by an adult. Adults would use the central café area whilst children would use the adjacent play areas. The facility would operate three or four 90-minute sessions daily with a 30-minute turnaround time in-between sessions. Anticipated opening hours would be from 9.30-17.30.

The only external alteration to the building would be the construction of a ramp to the front. This ramp would run from the edge of the pavement of Victoria Street to a landing at the front of the building for a length of c.3.3m, would then turn a 90° corner and continue for a further length of c.4.2m to a landing at the front door. The ramp would be formed of natural paving slabs, and would have dark brown painted galvanised mild steel handrail and uprights. Soft landscaping would be introduced between the street and the front elevation of the building.

Amendments

In agreement with the applicant, the following amendments were made to the application:

Application description altered from Change of Use from Class 4 Office to Class 10 children's role play café) to Change of use from Class 2 (occupational health clinic) to Class 11 (children's role play cafe). This resulted in renotification of neighbours.

Introduction of additional landscaping to the front of the building;

Waste storage to rear.

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=RB YRHTBZFTF00>

- Noise Impact Assessment by SK/AD Acoustics, dated 21st September 2022;
- Parking Statement by THE, dated 20th July 2022; and
- Planning Statement by THE, dated 12th May 2022.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six timeous letters of objection have been received.

CONSULTATIONS

ACC - Environmental Health – No objections. The Noise Impact Assessment by SK/AD Acoustics associated with the proposed development has been reviewed and considered sufficient. In relation to noise, this Service accepts the report and the proposed development provided the critical noise mitigation measures achieving at least an equivalent effect of those measures detailed within Section 7 of the assessment area applied. These must include:

- A. The lath and plaster party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and 1 and 5 Waverley Place to the north should be removed entirely and replaced with self-standing timber stud construction, fully independent and free from any connections with granite as described in Table 12 (Noise source side); and
- B. The installation of the works should also adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

ACC - Roads Development Management Team – The site is located in the inner city boundary but Victoria Street is the boundary between the city centre/inner city zones. The site is located in controlled parking zone C. The site is well served in terms of direct access onto the existing adopted footpath network on Victoria Street, which provides connectivity to the wider area and city centre to the east and south of the site, which in turn provides connection to the nearest public transport services of which there is multiple, all located within c.200m of the site. The site is thus well served in terms of sustainable transport.

It is noted that the site has two existing parking spaces, which shall be removed as part of the proposal to provide an access ramp. The site will therefore have no directly associated parking provision. While the site is considered to be well served in terms of public transport and walking, given the proposed volumes within classes/sessions and to be accompanied by an adult as advised within the 'Planning Statement', it is considered unrealistic that all would travel by such methods and therefore shall incur associated parking demand. There is only a short section of existing on-street Pay & Display on Victoria Street and then further provision upon surrounding street. However, such provision is already extensively occupied and therefore the anticipated visitors to the proposed use would exacerbate the problem and would be unlikely to find available space to park which could lead to unsafe dropping off/picking up in the area. Additionally, with no associated parking area, this does not provide scope to provide suitable disabled/accessible parking provision which would also be sought for use of this nature.

Roads Development Management has reservations in regard to this proposal given no associated

parking provision as per the comments above.

ACC - Waste and Recycling – General comments in relation to waste collection associated to commercial premises

Queen's Cross and Harlaw Community Council – None received

REPRESENTATIONS

A total of seven timeous letters of objection have been received in relation to the application, with a further neutral letter raising serious concerns to the application. In addition, one of the original respondents raised additional comments following a second round of neighbour notifications due to a change in description. These letters raised the following matters:

1. Impact on residential amenity due to noise coming from children playing;
2. Impact of noise from children playing on existing tranquil ambience in neighbouring healthcare premises. This could result in distraction to consultants carrying out procedures and increase stress for clients;
3. Impact of noise on office environment;
4. Due to the proposed system of 90-minute play sessions, the proposed children's role play café would generate a constant parking requirement, generating more traffic, more often and over a longer period of time compared to its existing use as class 4 (offices). This will have an adverse impact on existing parking provision on Victoria Street, which is already very congested. No proposed cycle or car parking is proposed. The proposal could thus result in safety and traffic issues in an already busy part of the city;
5. Previous construction works by the applicant took place during unsociable hours;
6. Objection to the appearance of the access ramp to the front of the property. If it is essential that this is to the front, then some form of landscaping scheme should be included to allow the ramp to be less prominent;
7. Proposal for a change of use to use class 11 would open door for premises to be used for other uses falling within that use class in addition to a children's role play café.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

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

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- D1: Quality Placemaking by Design
- D4: Historic Environment
- B3: West End Office Area
- NC1: City Centre Development – Regional Centre
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- R6: Waste Management Requirements for New Development

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

- D1: Quality Placemaking
- D2: Amenity
- D6: Historic Environment
- VC1: Vibrant City
- VC6: West End Area
- T3: Parking
- T2: Sustainable Transport
- WB3: Noise

EVALUATION

Principle of Development

The site is located within the West End Office area. Policies NC1 (City Centre Development – Regional Centre) and B3 (West End Office Area) of the 2017 Aberdeen Local Development Plan apply. Policy NC1 sets out that development within the city centre must contribute towards the

delivery of the vision for the city centre as a major regional centre, and that it is the preferred location for retail, office, hotel, commercial leisure, community, cultural and other significant footfall generating development. Given that the proposal is for a role play café, as a commercial leisure use that would assist in attracting additional visitors to the area, it is considered that the proposal complies with the general intention of this policy.

Policy B3 (West End Office Area) sets out criteria in relation to either a change of use to or expansion of existing office buildings, or for a change of use to a residential development. This current proposal is for a change of use from an occupational health use (class 2) to a children's role play café (class 11) and thus would not fall within either category. As such, this policy does not apply to the current proposal.

Impact on Conservation Area

The site is located within the Albyn Place/Rubislaw Conservation Area. Policy D4 sets out that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy and SHEP (now Historic Environment Policy for Scotland - HEPS) and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plans. High quality design that respects the character, appearance and setting of the historic environment will be supported. Scottish Planning Policy sets out in paragraph 143 that proposals that do not harm the character or appearance of a conservation area should be treated as preserving its character or appearance. HEPS sets out in HEP3 that plans should be approached in a way that protects and promotes the historic environment, and that any detrimental impact on the historic environment should be minimised.

Proposed external alterations to the building consist of the construction of a ramp providing disabled access to the front entrance of the building. The ramp would run from the edge of the pavement along the southern site boundary for a length of c.3.3m before reaching a landing, would then make a 90° turn before running for a further length of c.4.2m along the front elevation to reach a further landing in front of the main entrance into the building. The ramp would have a dark brown painted mild steel handrails and uprights and would be constructed of paving. Amended drawings have included a landscaping scheme to the front of the building to soften the overall impact of this structure. This scheme would include the planting of shrubs to soften the overall impact of the ramp on the character and appearance of the wider conservation area. This proposed landscaping scheme would be considered to have a positive impact as this area is currently completely hard surfaced due to its previous use as parking spaces. Details of proposed landscaping and ramp materials can be secured through a suitably worded condition. Given its essential nature to provide disabled, level access to the building and the proposed landscaping plan the installation of the ramp is accepted and considered to have a neutral impact on the character and appearance of the conservation area in line with policy D4 and relevant parts of SPP and HEPS.

Impact on amenity

Several letters of objection raised concerns in relation to potential noise generation arising from the proposed use of the building as a role play café and the proposed number of customers in the building at any one time (up to 20 children and accompanying adults). Immediately neighbouring uses include a residential upper floor flat, a dental clinic and an eye care clinic. A Noise Impact Assessment was submitted by the applicant, which was assessed by the Environmental Health Service. This document sets out that there is the potential for some noise to transfer between the various properties. However, recommendations are included that would mitigate any noise transfer to be within acceptable levels. These recommendations, which include improvements to noise insulation of party walls, are accepted by Environmental Health. It is therefore considered that, subject to a suitably worded condition ensuring implementation of the proposed mitigation measures, the proposal would not result in an unacceptable level of noise pollution to neighbouring uses.

It is acknowledged that under the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) Class 11 (Assembly and Leisure) features a wide variety of uses, including the proposed role play café, but also cinemas, concert halls, bingo halls, casinos and nightclubs. It is considered that, in comparison to the use proposed, these additional uses could result in much greater noise disturbance in this relatively quiet part of the city. As such, a suitably worded condition restricting the use of the building to that currently proposed only is recommended to ensure that the additional impact on amenity of any alternative uses falling within the same use class are suitably assessed.

Access and Parking

The building currently has a driveway to the front which has sufficient space to park two cars. Following the proposed construction of the access ramp, these spaces will be removed due to insufficient depth of the remainder of the area to the front, and the remainder of the driveway proposed to be landscaped. The proposal will thus result in the loss of two parking spaces and no on-site spaces will be provided.

The site is located in a sustainable location on the edge of the city centre, and is easily accessible by walking and cycling. Various bus routes run in close proximity with the nearest stops on Rubislaw Place immediately to the west and Alford Place to the south serving multiple routes.

Sessions are intended to be 90 minutes, with a maximum number of 20 children accompanied by an adult, not necessarily on a one-to-one ratio. It is expected that there would be 3 to 4 sessions a day. Compared to the previous office use, it is expected that the proposed use would result in an increase in traffic movement and increased demand for parking in the immediate vicinity. Parking on Victoria Street is on-street pay and display, which is very well used. The nearest long-stay public car park is the multi-storey on Huntly Street, which is c.400m from the application site.

Comments from Roads Development Management set out that the proposal could result in unsafe dropping off/picking up in the area given the pressure on existing on-street parking spaces and the associated potential that no legal on-street parking spaces are available in this stretch of Victoria Street for visitors, which could result in indiscriminate parking. However, given the proposed use would include both parents and children staying at the premises for a considerable amount of time, it is considered likely that parents would find a suitable parking space first before leaving the car and walking to the premises. As such, given the longer duration of visits, it is likely that parents would be willing to walk a bit further and park in surrounding streets to ensure a safe parking space. It is acknowledged that no disabled parking would be provided on-site. However, various blue badge disabled parking spaces would be available within 400m of the premises.

A further consideration is that in policy T3 (Parking) of the 2020 Proposed Local Development Plan, the emphasis in relation to on-site parking shifts somewhat in that the principle of 'zero parking' shall be applied with respect to all new development in the city centre. Limited vehicle parking will only be permitted when demonstrated as necessary for the servicing/ operation of businesses and buildings, and for customer drop off/pick up arrangements. In this case, due to the small size of the business, no issues are expected in relation to servicing/deliveries to the premises. In addition, as set out above, due to the nature of the proposed business where children will need to be accompanied by an adult, it is considered that the number of drop off/ pick ups will be extremely limited to the extent that they are unlikely to have an impact on the existing parking situation on Victoria Street.

As such, due to the relatively small scale of the proposed development; the sustainable location of the building; the proximity to a range of public bus routes; the need for parents to accompany their children during visits – thus minimising drop offs and pick-ups; and the location of existing blue badge disabled parking spaces in relative close proximity to the building, it is considered that, despite the objection raised by Roads Development Management, the proposal would not result in

an unacceptable detrimental impact on parking in the surrounding area and would generally be in compliance with policies T2 (Managing the Transport Impact of Development) of the 2017 ALDP and T3 (Parking) of the 2020 PLDP.

Waste

Sufficient space for storage of waste bins is located to the rear of the building, with a storage area accessed through the rear door. Bins can be taken out to the lane to the rear, which can be serviced by refuse vehicles.

Matters Raised in Letters of Representation

Material matters in relation to noise generation; parking and access; and the impact of the proposed ramp on the character and appearance of the conservation area are assessed in the above evaluation. Similarly, as set out above, it is recommended that the use of the building would be limited to that proposed as part of the current application only to ensure the impact of any alternative uses falling within the same use class are suitably assessed.

Issues in relation to previous construction works taking place during unsociable hours are not a planning matter.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

Policy D2 (Amenity) is concerned in ensuring a good quality level of amenity is achieved for both existing future uses. As discussed above, and following evaluation of the Noise Impact Assessment, it is considered that this policy will be suitably met.

Policy T3 (Parking) further emphasises the potential for car-free development within the city centre. This is discussed in the evaluation above.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed children's role play café would provide an additional visitor attraction to the city centre. Subject to implementation of the recommendations as set out in the submitted Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) the proposal would not result in unacceptable noise pollution to neighbouring properties. Given the sustainable location of the premises; the proposed use and the relatively small scale of the business, the absence of parking is considered acceptable in this instance. Subject to a condition on the implementation of a landscaping scheme to the front of the building, the proposed ramp would not have a detrimental impact on the character and appearance of the Albyn Place/ Rubislaw Conservation Area.

The proposal is thus considered to be in compliance with policies D1 (Quality Placemaking by Design); D4 (Historic Environment); B3 (West End Office Area); NC1 (City Centre Development – Regional Centre); T2 (Managing the Transport Impact of Development); T3 (Sustainable and Active Travel); T5 (Noise); and R6 (Waste Management Requirements for New Development) of the 2017 Aberdeen Local Development Plan; policies D1 (Quality Placemaking); D2 (Amenity); D6 (Historic Environment); VC1 (Vibrant City); VC6 (West End Areas); T2 (Sustainable Transport); T3 (Parking); WB3 (Noise) and R5 (Waste Management Requirements for New Development) of the

2020 Proposed Local Development Plan and relevant sections of Scottish Planning Policy and Historic Environment Policy for Scotland.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) USE CLASS RESTRICTION

That notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the premises shall only be used for that applied for in this application as a children's role play café. For the avoidance of doubt, express grant of planning permission from the Planning Authority shall be required for any other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reason: To ensure that a good level of amenity can be maintained, and that any additional impacts arising from other uses falling within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) can be suitably assessed.

(03) NOISE MITIGATION MEASURES

That the use hereby approved is not implemented until the critical noise mitigation measures as set out in section 7 of the Noise Impact Assessment by SK/AD Acoustics (Report No: SKAD-22-03091) are applied. These must include:

1. The plaster with laths of party walls within the proposed development between adjoining properties number 12 Victoria Street to the south and numbers 1 and 5 Waverley Place to the north should be removed entirely and replaced with a self-standing timber stud construction, fully independent and free from any connections with granite as described in table 12 (noise source side); and
2. The installation of the works should adhere to the specific requirements detailed within sections 7.1.1.6 to 7.1.1.10 and appendix C.

Reason – In the interest of residential amenity and to minimise any potential noise pollution arising from the hereby approved use.

(04) LANDSCAPING SCHEME

That the use hereby approved is not implemented until a detailed landscaping scheme for the area to the front of the building has been submitted in writing and approved by the Planning Authority. This shall include the finishing materials of the ramp and planting details. The agreed landscaping scheme shall subsequently be implemented in the first growing season following the implementation of the use hereby approved.

Reason – In the interests of the visual amenity of the conservation area.

ADVISORY NOTES FOR APPLICANT

None

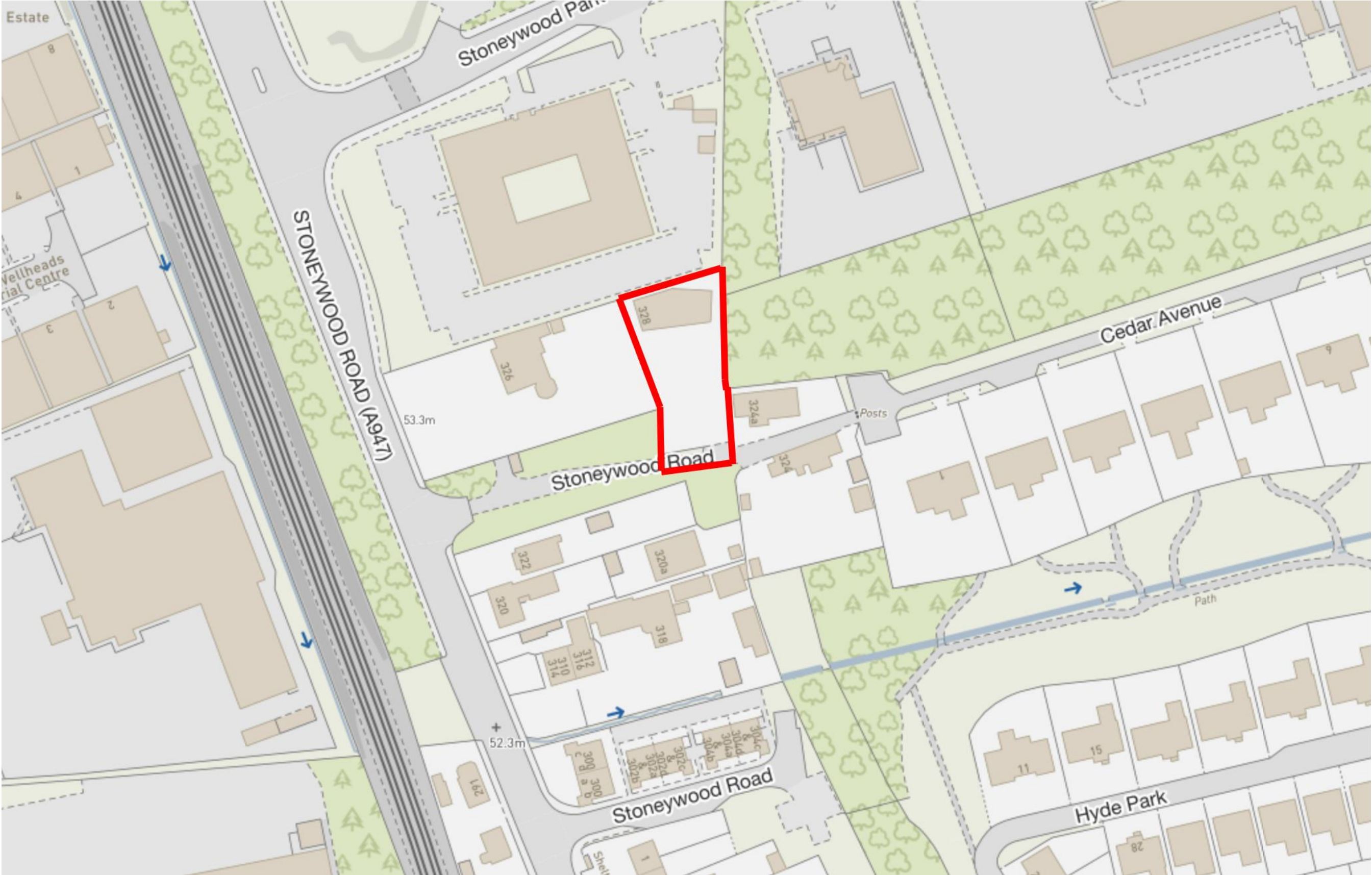
Planning Development Management Committee

**Erection of garden room with wood burning
stove flue to front**

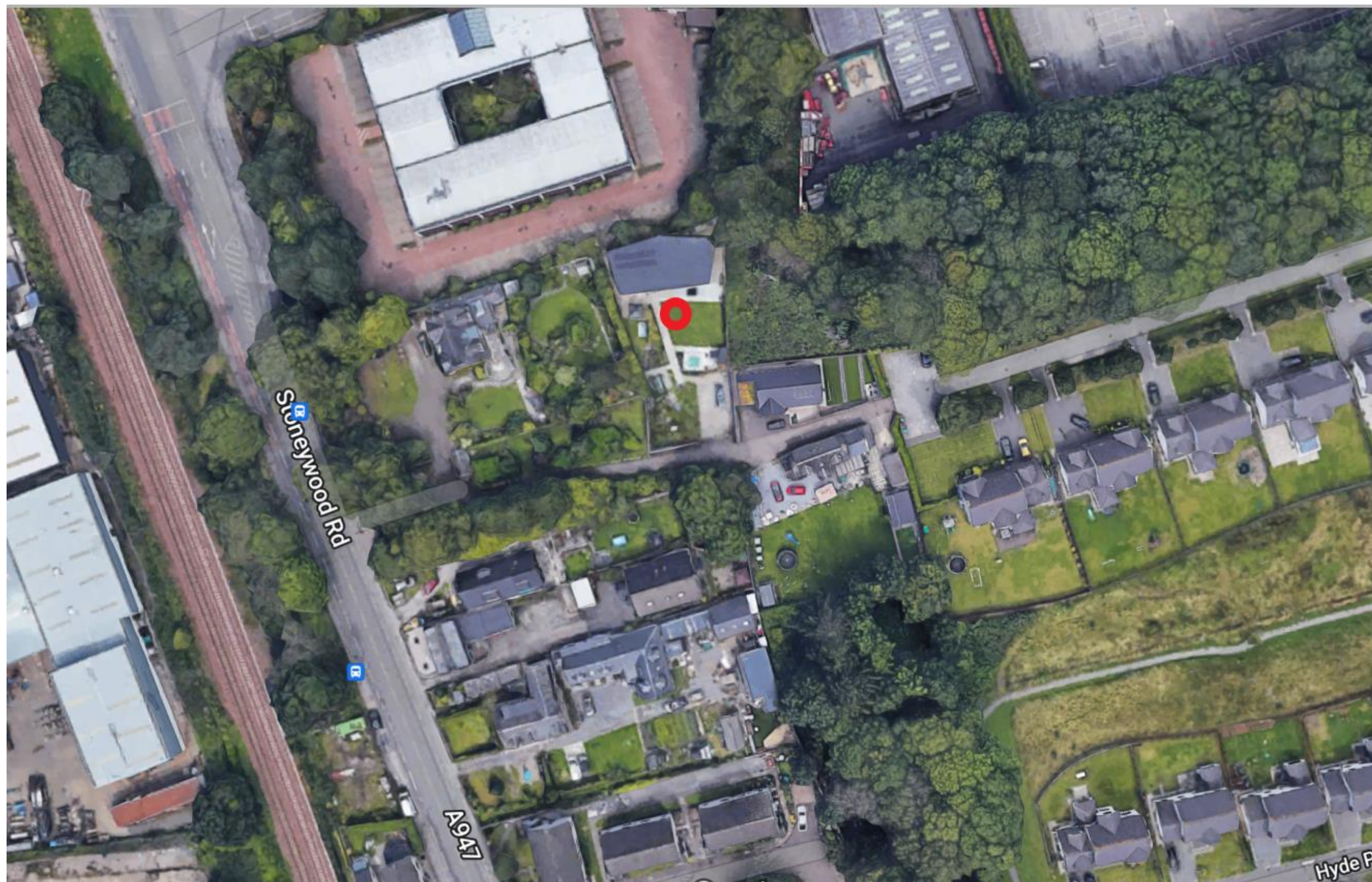
328 Stoneywood Road

Detailed Planning Permission
220880/DPP

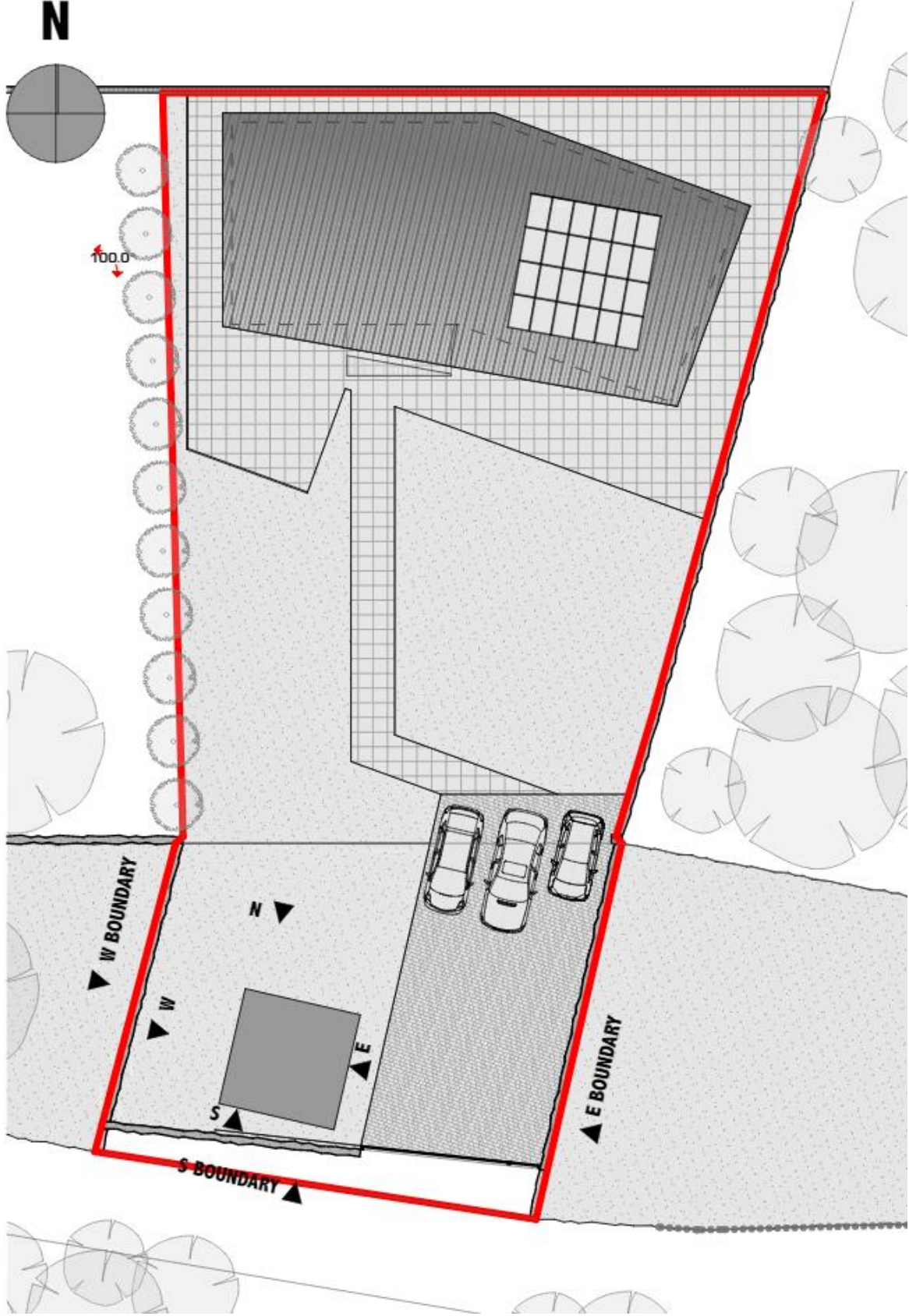
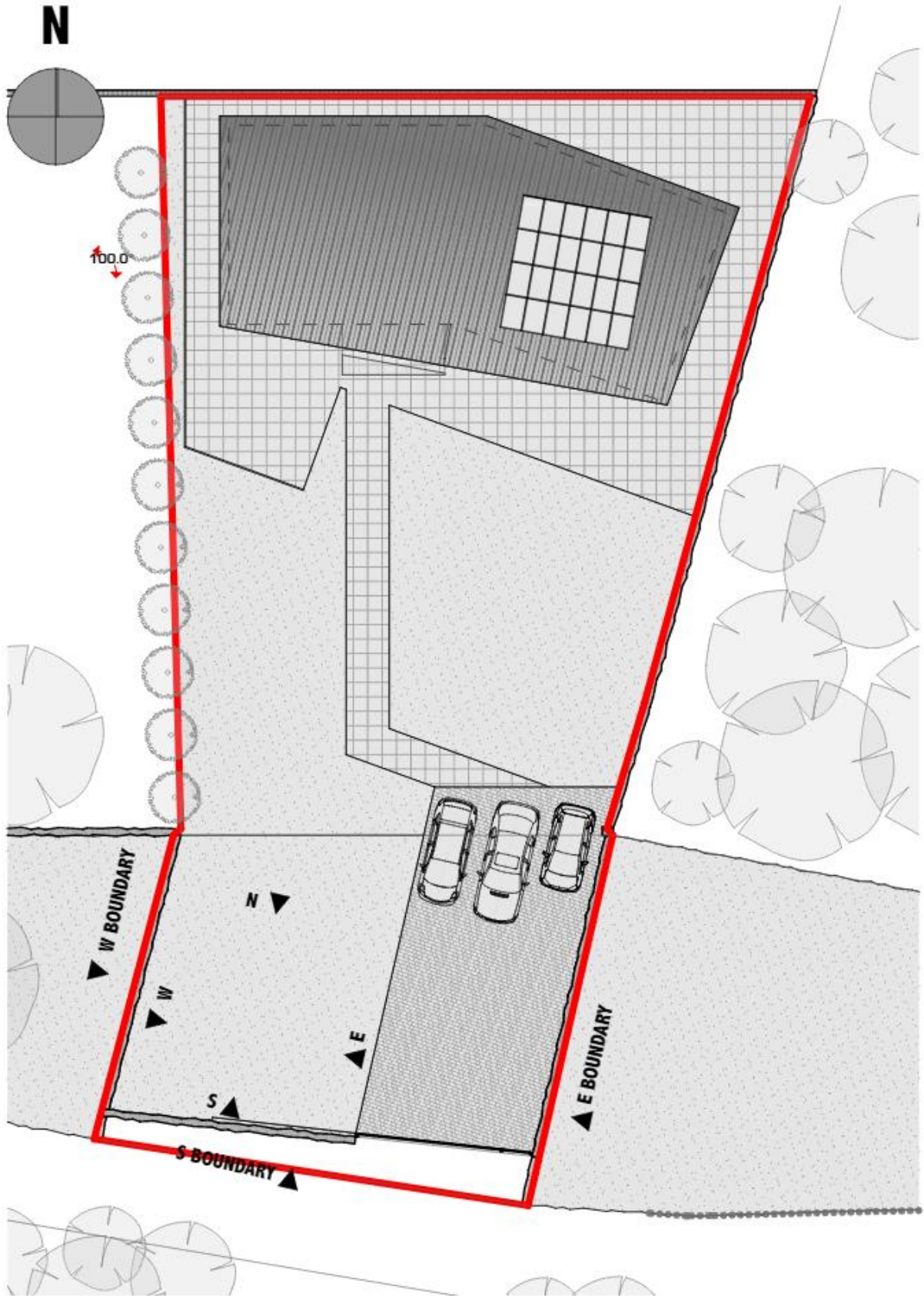
Location Plan



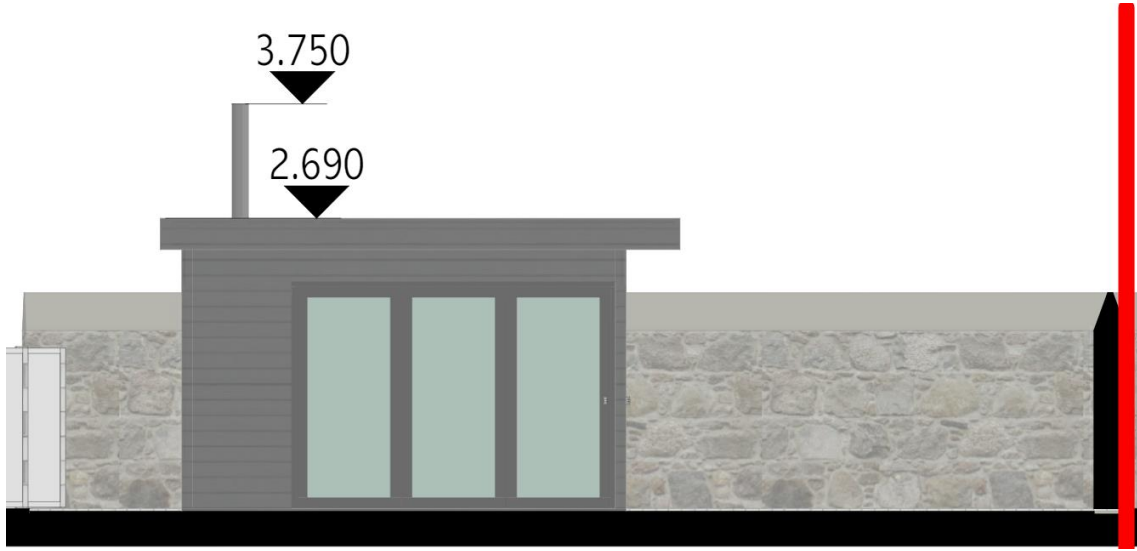
Aerial Photo



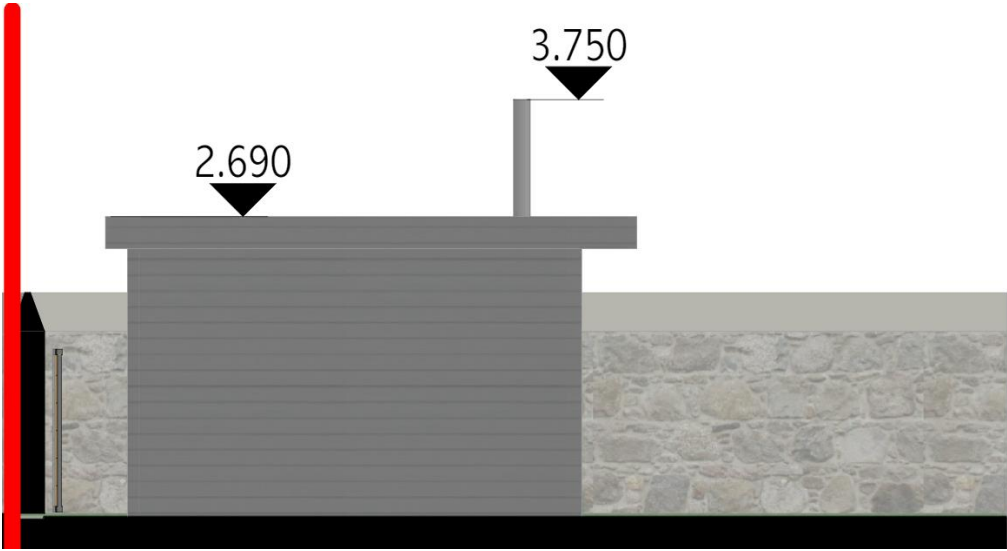
Existing & Proposed Site Plan



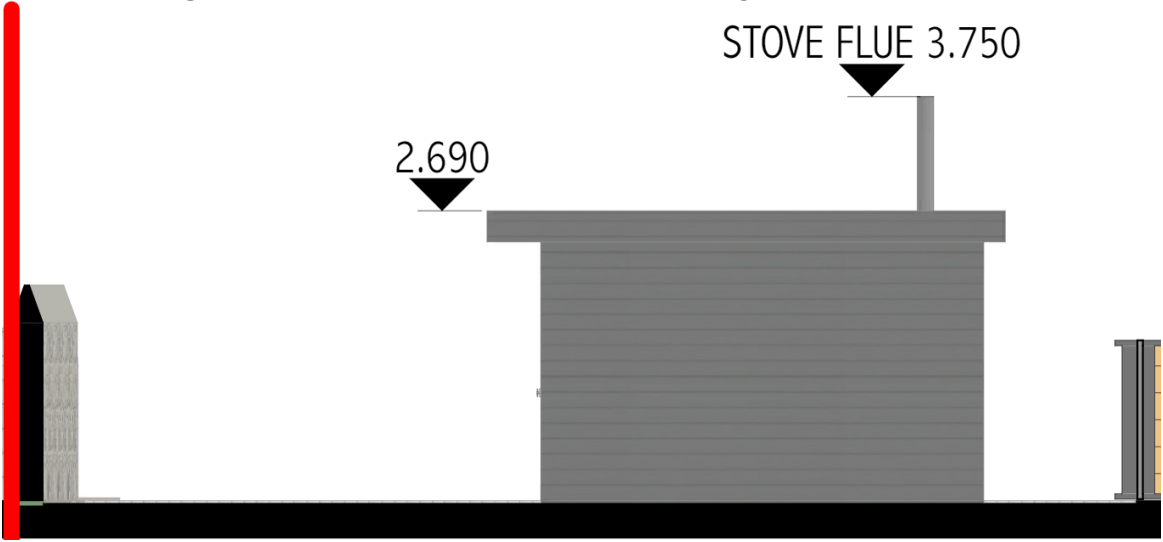
Proposed Elevations



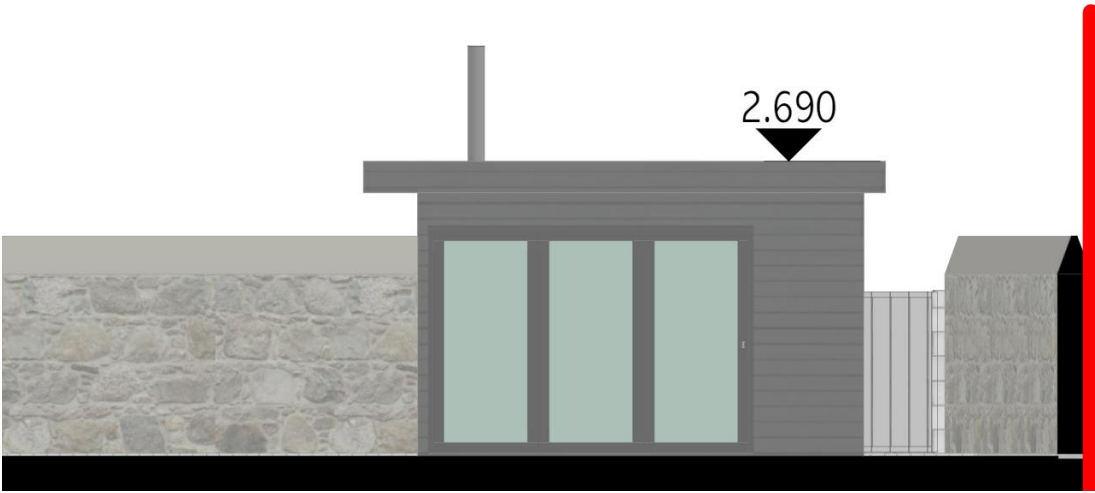
North Elevation



East Elevation



South Elevation



West Elevation

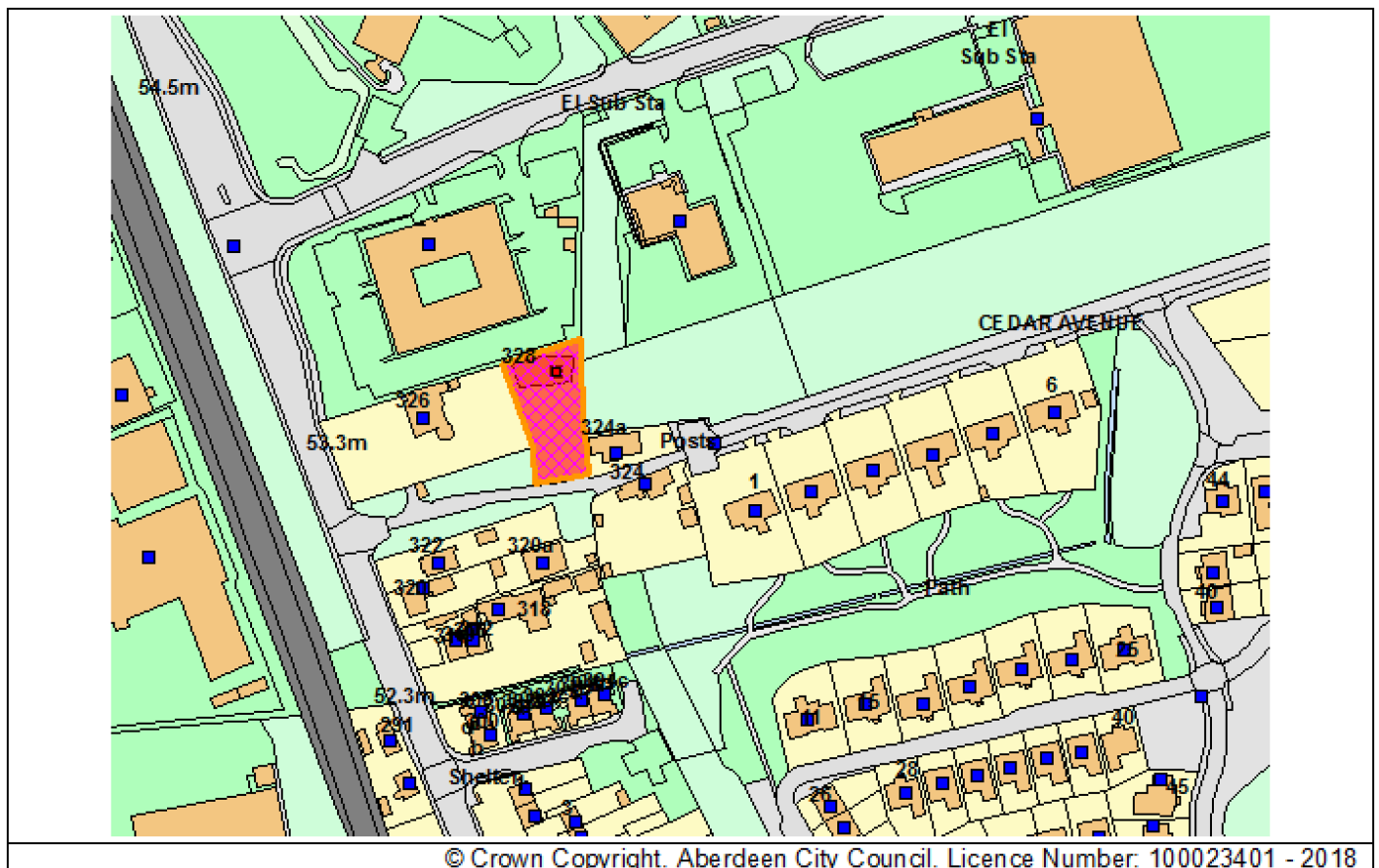
Site Photos



Site Photos



Site Address:	328 Stonewood Road, Aberdeen, AB21 9JX
Application Description:	Erection of garden room with wood burning stove flue to front
Application Ref:	220880/DPP
Application Type	Detailed Planning Permission
Application Date:	18 July 2022
Applicant:	Mr Iain Andrew
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stonewood
Case Officer:	Jemma Tasker



RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application site relates to a modern, detached dwellinghouse and its associated curtilage, accessed via a private road to the east of the main Stoneywood Road thoroughfare. The dwelling is the result of a curtilage split, sitting within the former rear garden of 326 Stoneywood Road. The dwelling sits at the very rear (north) of the site and has a south facing principal elevation looking over the garden ground. The site is enclosed on northern, eastern and southern boundaries by a 2m high wall, and on the western boundary by hedging. A 7.1m wide timber gate is located on the southern boundary, providing access to the dwelling. The surrounding area has a semi-woodland character, with detached houses of differing architectural styles present in the immediate surrounding area.

Relevant Planning History

Application Number	Proposal	Decision Date
160654	Change of use from road verge to private garden ground, erection of boundary wall and relocation of existing access gate	11.11.2016 Status: Approved Conditionally.
121746	New Build, 4 Bedroom 2 Storey Dwelling	02.05.2013 Status: Approved Conditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a garden room with a wood burning stove flue to the front (south) of the dwellinghouse.

The garden room would be located a minimum 0.9m from the southern boundary wall, located almost centrally on this boundary. It would measure 4.1m x 4.1m and would have a flat roof design at a height of 2.7m, incorporating a 1m high flue to serve a wood burning stove. The north and west elevations would be extensively glazed. Finishing materials would include horizontal larch cladding and aluclad bi-folding doors.

Amendments

The application has been amended since original submission at the request of the Planning Authority in that the garden room has been reduced in scale and an external terrace is no longer proposed.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=REWS57BZHRW00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection from Dyce and Stoneywood Community Council has been received.

CONSULTATIONS

ACC - Environmental Health – No objection.

Dyce and Stoneywood Community Council – Object to the application as the proposed garden room at the front of the property is not consistent with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) and the Householder Development Guide.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”.

The following policies are relevant –

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Supplementary Guidance

The Householder Development Guide (HDG)

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council’s settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy H1 – Residential Areas

EVALUATION

Principle of Development

The application site is located in a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; does not result in the loss of open space; and it complies with the associated Supplementary Guidance.

The proposal would be located with a residential curtilage and therefore, would not result in the loss of open space. The remaining issues are discussed in the evaluation below.

Scale and Design

To determine the effect the proposal will have on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy states that all development must ensure high standards of design and have a strong and distinctive sense of place, which is a result of: context appraisal, detailed planning, quality architecture, craftsmanship and materials. Additionally, the Supplementary Guidance expects ancillary structures, such as the one proposed, to be architecturally compatible in design and scale with the original building and its surrounding area; materials should be complementary to the original building; any development should not overwhelm or dominate the original form or appearance of the building; and no more than 50% of the garden should be covered.

The garden room is considered to accord with both the general principles and applicable criteria relating to outbuildings contained in the HDG for the following reasons: it would be of domestic proportions, subordinate in scale and secondary to the existing property by way of its size, scale and position relative to the existing building; with a footprint 16.8sqm the new garden room would be of acceptable domestic scale and would maintain the existing low built site coverage; and more than 50% of the garden ground would be retained.

In terms of design and location, the proposal would be appropriately sited and scaled so as not to mask or obscure the parent building. Although the HDG sets out that *'outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area'* it is recognised that the arrangement of the application property and its garden ground is unusual and different from most other residential properties. In this instance, all private, usable garden ground is located to the front of the property, with no rear garden ground available. Additionally, due to the character of the area, there is no apparent established building line. The garden room would be predominantly screened by the existing 2m high boundary wall, with only the very top of the garden room being visible. As a result, the garden room would not be particularly obvious or intrusive from a public viewpoint. Additionally, it is recognised the site is located off a private road, not forming part of the main Stoneywood Road streetscape. In light of the above, it is considered the garden room would have no significant adverse impact on the character or visual amenity of the area and therefore, on this basis, a departure from the criteria contained within the Householder Development Guide can be accepted.

Impact on Residential Amenity

No development should result in a situation where amenity is "borrowed" from an adjacent property, or there is an impingement of the amenity enjoyed by others. The garden room would be located sufficiently distant from neighbouring properties not to result in any adverse impact in terms of internal daylight receipt or overshadowing. Due to existing screening around the site, there would be no adverse impact on neighbouring privacy.

Additionally, it is not considered that the associated flue would have any significant adverse impact on the amenity of the surrounding area and Environmental Health has advised that it has no objection. The Service has recommended that an advisory be attached to any grant of permission regarding the operation of the stove.

Overall, current levels of residential amenity would be retained, in compliance with Policy H1 of the ALDP and the HDG.

Matters Raised by the Community Council

It is considered there is sufficient justification to accept the location of the garden room to the front of the property.

Proposed Aberdeen Local Development Plan 2020

The Report of Examination does not affect Policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

The garden room, in terms of its design, scale and materials, does not result in overdevelopment and has no impact on the original building. The proposal would have no significant adverse impact on the residential amenity of neighbouring properties in terms of overshadowing, or on daylight receipt and privacy. Although the proposal causes tension with the Householder Development Guide due to its positioning within the front curtilage, there would be no adverse impact on the character or visual amenity of the surrounding area as a result of this. The proposal therefore complies with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the current Aberdeen Local Development Plan 2017; generally with the associated Supplementary Guidance: 'The Householder Development Guide'; and Policies H1, D1 and D2 of the proposed Aberdeen Local Development Plan 2020. There are no material planning considerations that warrant refusal of planning permission in this instance.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3 year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

ADVISORY NOTES FOR APPLICANT

(01) FLUE OPERATION

Any stove appliance installed is to be operated in line with the manufactures operating, cleaning and maintenance instructions. Improper use, including use of inappropriate including damp fuel resulting in unreasonable smoke/fume emissions likely to impact on amenity of neighbours are to be prevented.

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Planning Development Management Committee

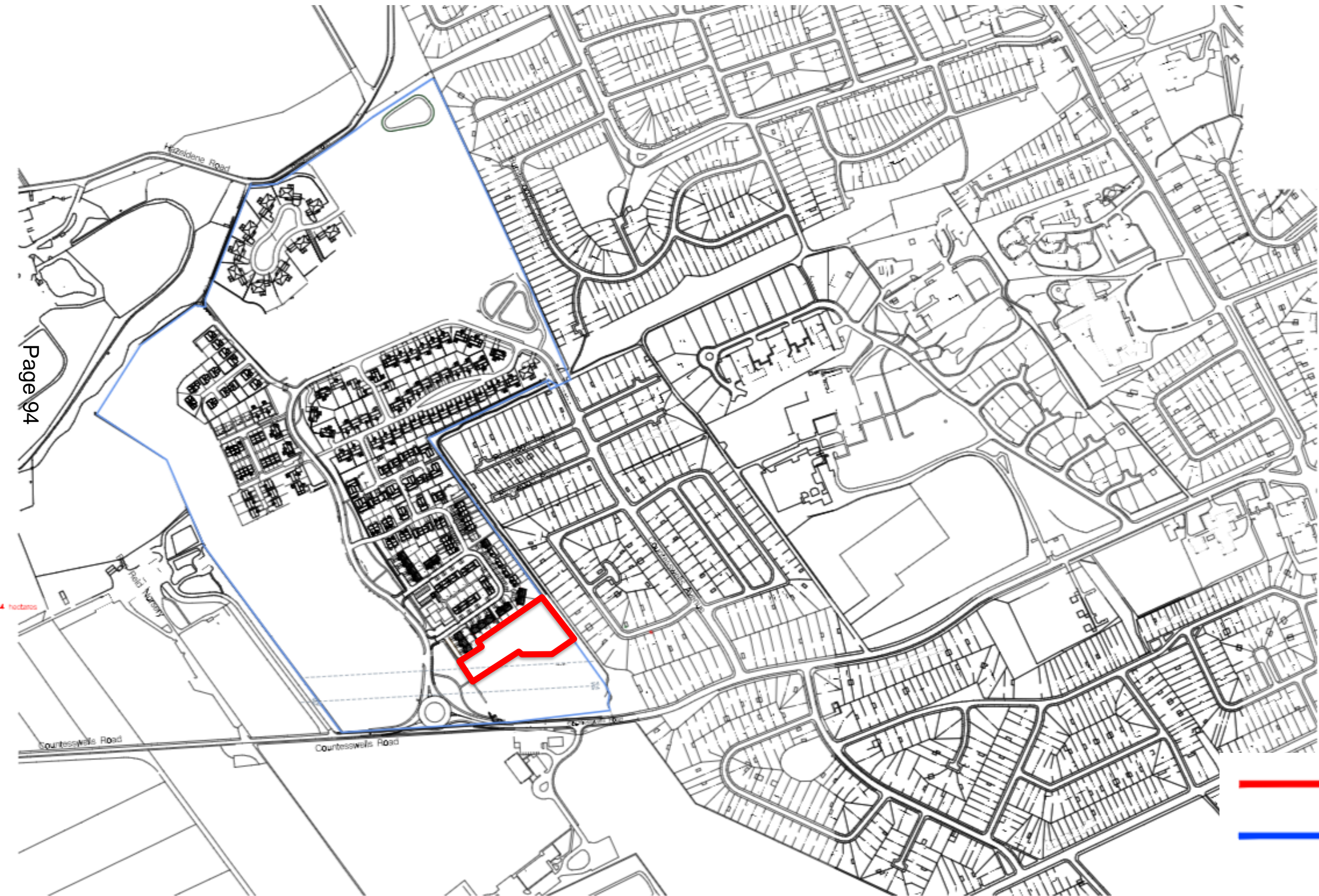
Erection of 17no houses with associated landscaping, access and infrastructure



Area F3, Pinewood

Site Adjacent To Countesswells Road

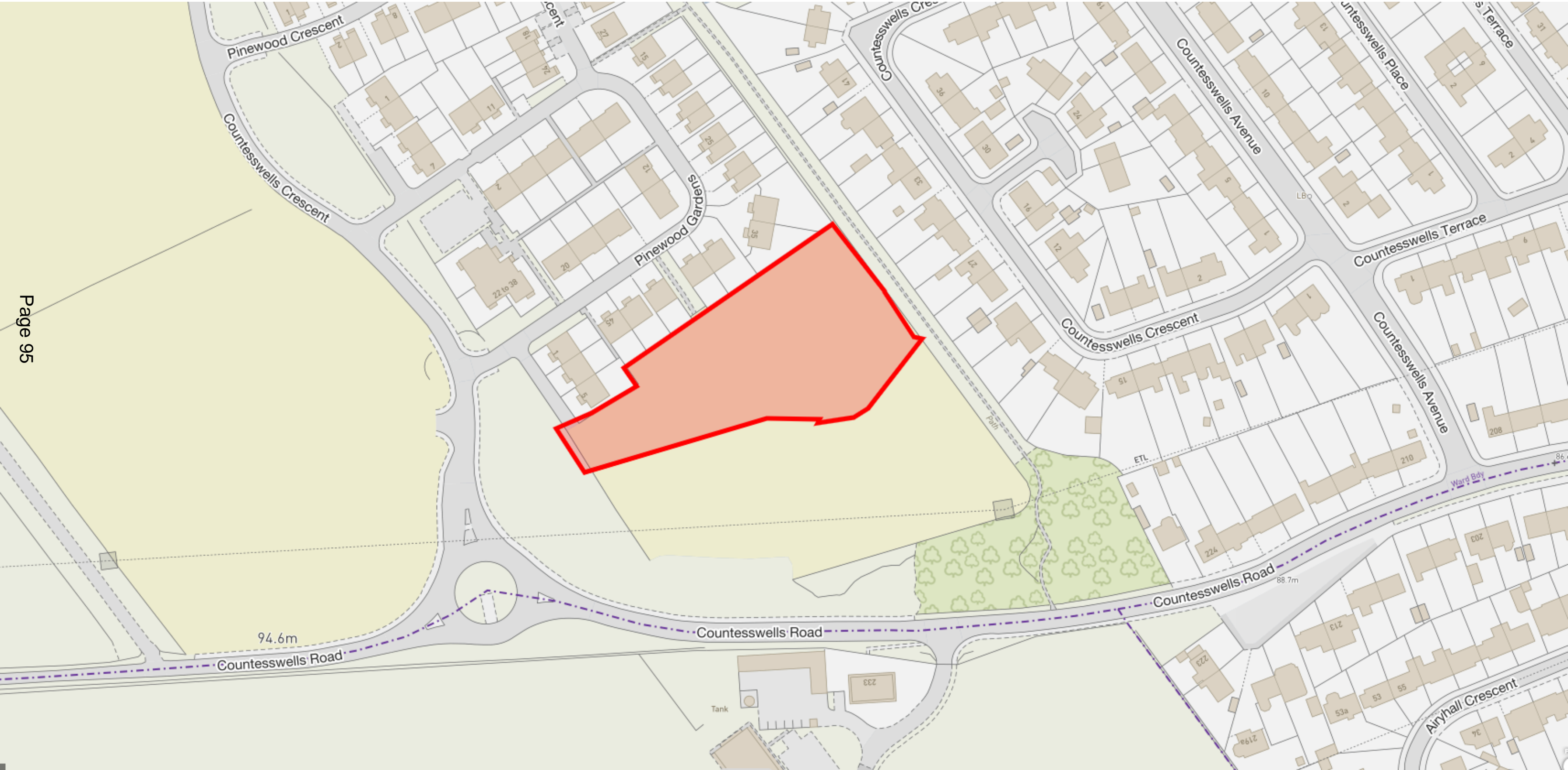
Detailed Planning Permission
211773/DPP

Location



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

Location - GIS



Aerial Photo

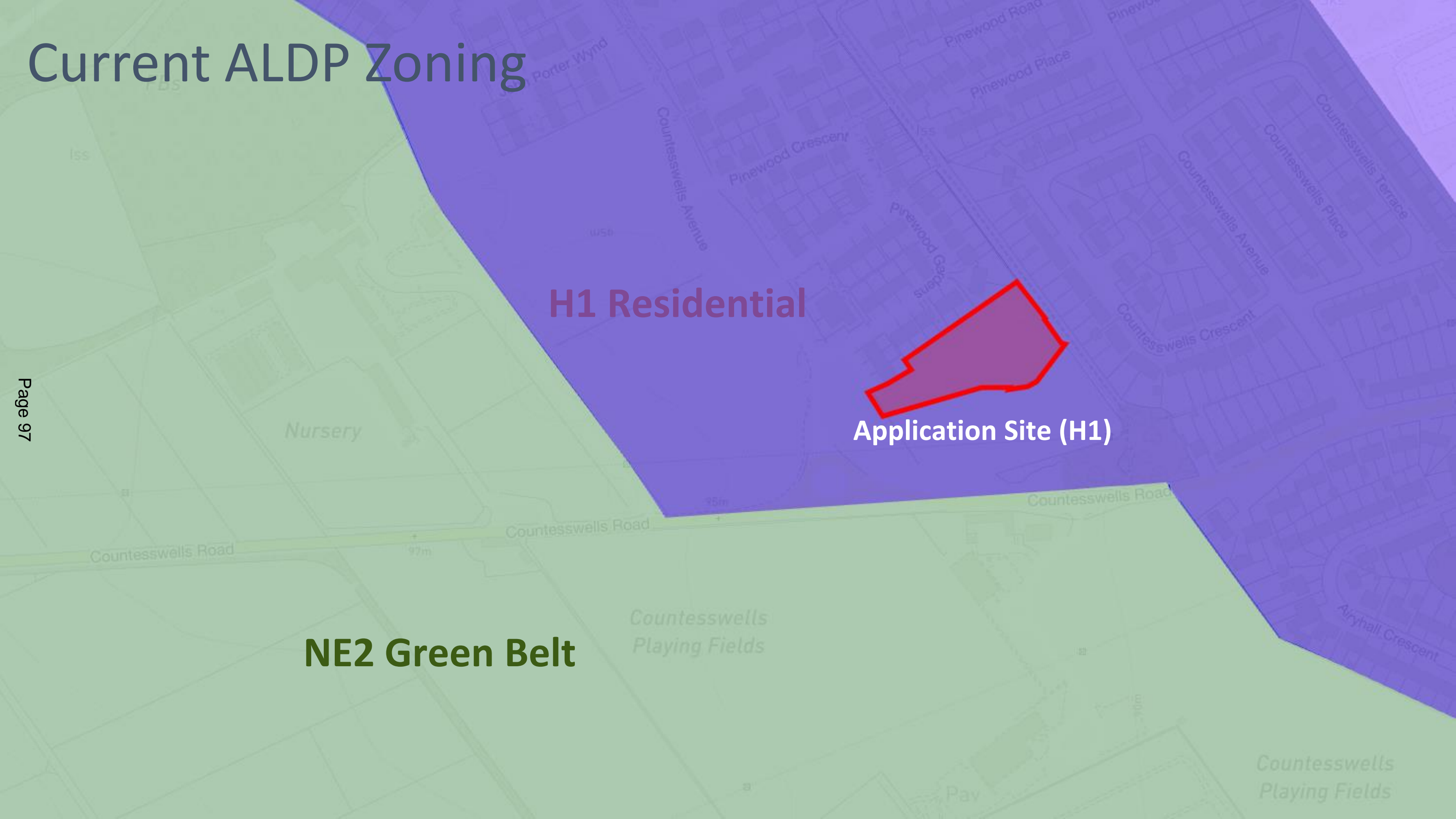


Current ALDP Zoning

H1 Residential

Application Site (H1)

NE2 Green Belt



Site Plan: Existing



Site Plan: Proposed



Notes
 This drawing and its copyright remain the property of T. Allec Services Ltd. It may not be copied, altered or used without their written permission.
 All dimensions must be checked on site. Any discrepancies should be notified to the architect. Only written dimensions shall be followed.
 This drawing MUST be read with other Architectural and Engineers drawings and the specifications.

- 1/1 no Maple
- 3/1 no Poplar
- 4/1 no Ash
- 2/1 no Ash
- 5/1 no Ash
- 2/1 no Ash with garage
- 1/1 no Dwelling

1	June 21	Turning Head widened
2	Feb 21	Final landscaping proposed
3	Dec 20	House type updated
Rev	Date	Description

Pinewood Hazeldene

Zone F3
 Site Plan as proposed

dandara
 10 Beech Manor
 Stonehouse
 Aberdeen
 AB21 9AZ

Scale	1:250@A0 1:500@A2
Date	May 20
Drawn	SC
Drawn by	F3_APL_100
Rev	K

Site Plan: Proposed



Street Elevations: A-A



Page 101

Continued



Street Elevations: B-B



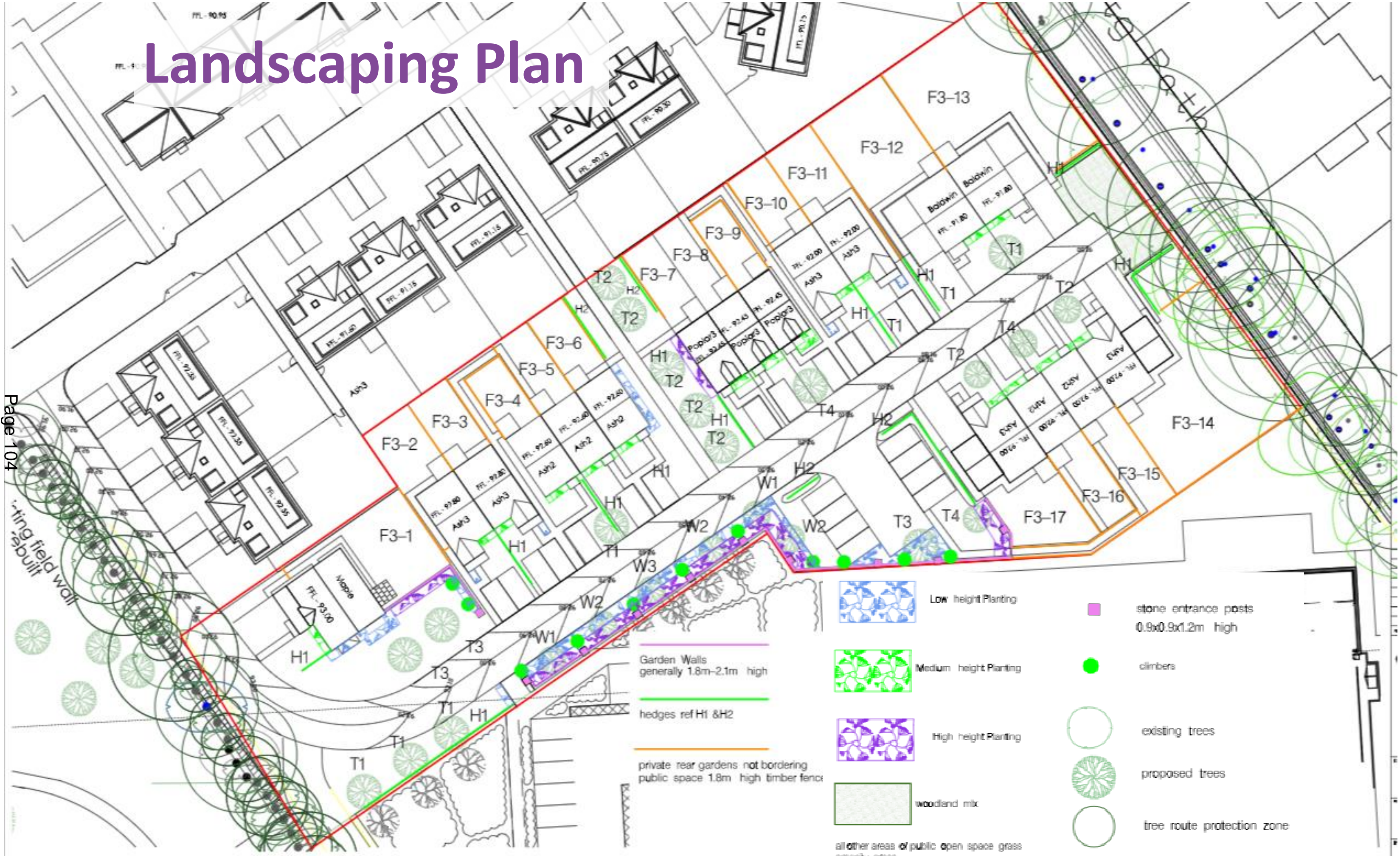
Page 102



Visualisation looking East



Landscaping Plan





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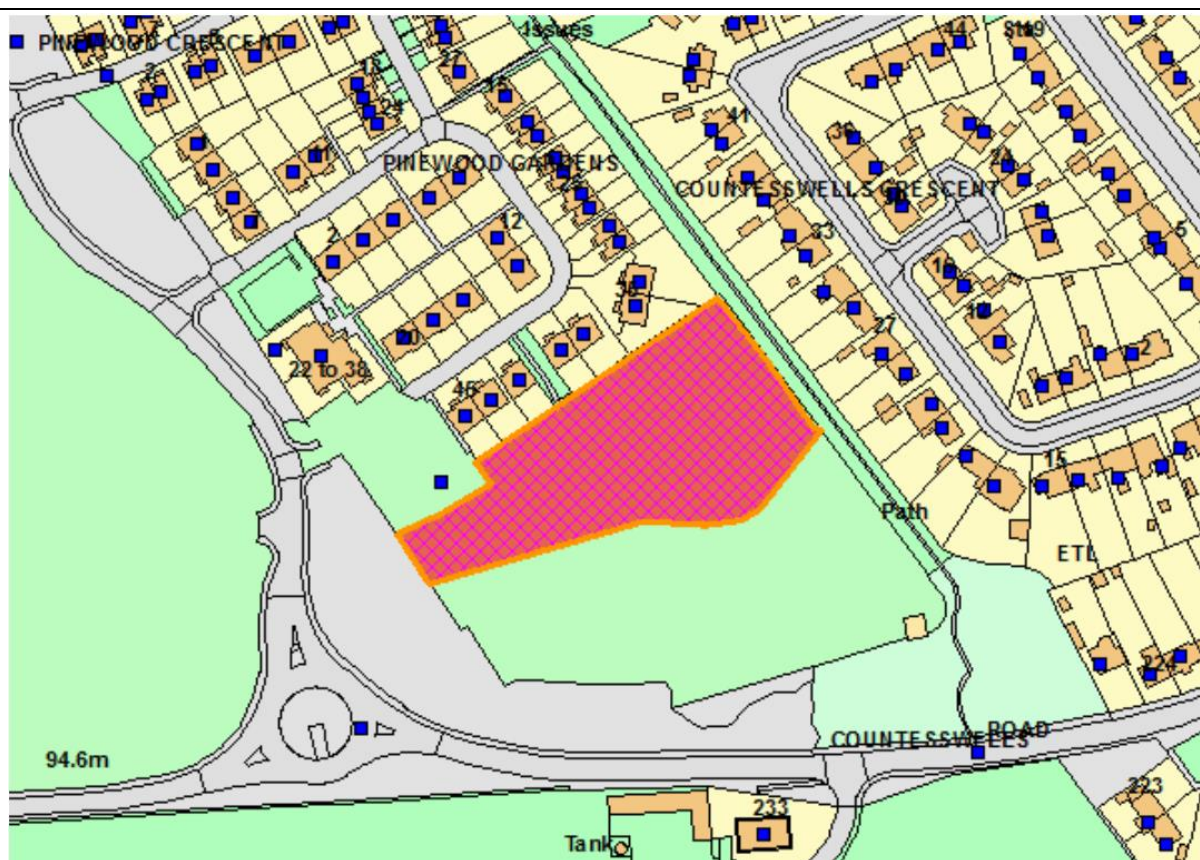


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	Area F3, Pinewood, Site Adjacent to Countesswells Road, Aberdeen
Application Description:	Erection of 17no houses with associated landscaping, access and infrastructure
Application Ref:	211773/DPP
Application Type	Detailed Planning Permission
Application Date:	16 December 2021
Applicant:	Dandara
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler And Seafield
Case Officer:	Gavin Evans



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RECOMMENDATION

Approve Conditionally & Legal Agreement

APPLICATION BACKGROUND

Site Description

The application site extends to 0.6ha and forms part of a wider residential development at Pinewood and Hazledene, two sites which lie between Countesswells Road to the south and Hazledene Road to the north. The current application site sits towards the south-eastern corner of the Pinewood site, the southernmost of the two, and is bounded by a recently constructed Aldi retail store immediately to the south and new houses on Pinewood Gardens to the north. To the east the site is bounded by a belt of existing trees and core path 65, beyond which lie older houses fronting Countesswells Crescent. To the west lie an area of landscaped open space and Countesswells Crescent, which serves as the central spine road running through Pinewood and Hazledene, connecting Countesswells Road with the older section of Countesswells Avenue, which previously ended in a bus terminus.

The adjoining Aldi retail site lies partially under high-voltage overhead power lines, which are of considerable height and are a strong feature in the local topography. The current application site is undeveloped, with the exception of preparatory earthworks and has in recent times been utilised as a construction compound associated with the ongoing residential development.

Relevant Planning History

Application Number	Proposal	Decision Date
A7/2178 (072132)	PPiP Pinewood (150 homes)	19.08.10
A8/0530 (080831)	PPiP Hazledene (200 homes)	19.08.10
120029	MSC for Hazledene	10.04.14
120371	Sales-related advertisements	21.05.12
120952	MSC for Pinewood	10.04.14
130820	MSC for Hazledene Zone H layout	17.12.13
130983	MSC for Hazledene – landscaping, open space, dry-stone walls	09.12.13
130994	MSC for Hazledene Zone A layout	17.12.13
131037	MSC for Hazledene (internal roads & traffic calming)	09.12.13
131044	MSC for Hazledene Zones B+C layout	18.12.13
170243/DPP	Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block (Zone F, Pinewood) Erection of 116 dwellings comprising of 2 apartment blocks, 35 houses and retirement apartment block (Zone F, Pinewood)	22.08.18
170525/DPP	Erection of care home and 4 dwellings	06.12.17

180224/PAN	Proposal of Application Notice	02.03.18
182053/DPP	Residential development comprising of 216 units (across zones A, B, C, D and E) with associated access, landscaping and infrastructure	28.08.19
200659/DPP	Erection of Class 1 (shops) retail unit with associated car parking, access, landscaping and associated works	8.12.20
201212/ADV	Signage/advertisements relating to 200659/DPP	16.11.20
200919/DPP	Erection of 4no. dwelling houses with associated landscaping (Zone A)	15.12.20
201593/DPP	Erection of 17 dwelling houses (change of house type at plots BC21-34, BC46-48 as previously approved under A8/0530)	26.1.22

APPLICATION DESCRIPTION

Description of Proposal

This application seeks detailed planning permission for the construction of 17no dwellinghouses in the south-eastern portion of the Pinewood site, directly to the north of the recently consented and constructed Aldi retail store and south of recent housing.

The proposal incorporates various house types, including 1no detached, 6no semi-detached and 10no terraced units within zone F of the wider Pinewood and Hazledene residential development, ranging from 2 to 4 bedrooms and two to three storeys. The proposal, in conjunction with the recent Aldi retail store, effectively replaces the retirement accommodation component (Block C) and a block of 9no mainstream flats (Block B) of an earlier planning consent for Zone F (ref 170243/DPP). All the house types proposed are already found elsewhere in the Pinewood/Hazledene development. These house types utilise the same consistent palette of materials, which includes an off-white render, composite cladding, timber porch posts and timber-effect garage doors, dark grey roof tiles and grey windows. Boundary treatments include masonry walls, beech hedging and 1.8m high timber fencing to private rear gardens.

A range of landscape planting, stone walls and boundary planting are also proposed, principally along the southern boundary.

Amendments

The internal road network has been amended to reduce the extent of reversing required for refuse vehicle access/egress and now incorporates a small parking court to better distribute car parking across the site. Three single storey houses in the southeast corner have been replaced with four terraced units. Two end terraced units have been brought forwards and the landscaped footpath link enhanced.

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=R461XABZIZL00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has attracted an objection from the local Craigiebuckler and Seafield Community Council, and therefore falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Notes that the site is accessible by walking and cycling, with existing bus facilities also nearby. The revised site layout includes a pedestrian link to the adjoining supermarket site. On-site car parking provision is satisfactory and the access to the site is also acceptable.

The internal road layout has been revised to reduce the distance refuse vehicles are required to reverse, and includes a turning head for this purpose. Some comments relating to the position of gullies within roads can be addressed through detailed consideration via the Roads Construction Consent (RCC) process. An access road serving an electricity sub-station has been amended per earlier RDM comments to improve visibility.

Given the small number of houses proposed as part of a much larger scheme, there would be no detrimental impact on the local road network.

All residents should be issued within a residential travel pack on first occupation.

An addendum to the site-wide Drainage Impact Assessment sets out the use of the existing SUDS pond, which is considered to be acceptable.

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. This represents a 'worst case scenario' in the event that these 17 units are delivered at a point after 350 units across the wider Pinewood/Hazledene development have been completed. Up until that 350 unit threshold is reached, earlier rates would continue to be applied, per existing legal agreements:

Transportation infrastructure

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

Core Paths

Nil.

Primary Education

A contribution of £7,905 is payable due to the proposed development taking the school over capacity based on current School Roll Forecasts. This is based on a rate for reconfiguration of existing school space.

Secondary Education

A contribution of £2,635 is payable due to the proposed development taking Hazlehead Academy over capacity based on current School Roll Forecasts. This is based on a rate for reconfiguration of existing school space.

Healthcare Facilities

Contribution of £16,582 required towards the new health centre at Countesswells 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 wider Pinewood and Hazledene development incorporates a range of open space areas in accordance with policy NE4 of the ALDP.

Community Facilities

Contribution of £29,622 is required towards Airyhall Community Centre, which has 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. It is recognised that an earlier Zone F consent involved delivery of 5no units off-site at Summerhill Road (now completed and occupied) and phased commuted payments. Whilst a small initial payment was made, a much larger second payment related to the over-55s retirement accommodation component was never triggered as this was not built. The current application for 17no units effectively replaces (along with the now built Aldi store) that retirement accommodation, so affordable housing requirements have been considered afresh. In this instance, the affordable housing requirement equates to 4.25 units. It is noted that a commuted sum was previously agreed for this part of Zone F, alongside off-site affordable housing which has been delivered separately, and it may therefore be appropriate to deliver the affordable housing requirement for these 17 units in a similar manner.

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

ACC - Waste and Recycling – Initial objection expressed regarding the road configuration and the facility for refuse vehicles to turn without excessive reversing has now been addressed through repositioning of a turning head to reduce the requirement for reversing.

ACC - Environmental Health – No objection. A Noise Impact Assessment was requested by the Environmental Health service and, following review of the submitted NIA, it was established that the Aldi store would have a low and acceptable impact on the proposed houses. Based on the modelling contained within the report, satisfactory noise levels would be achieved. Advice was also offered to the applicant in terms of hours of site/construction works.

Craigiebuckler And Seafield Community Council – Objects to the application, citing concerns about the lack of screening between the planned houses and the new Aldi store, the impact of store lighting and vehicle headlights shining into adjoining homes, and noise from traffic (including delivery vehicles) entering and exiting the store car park.

REPRESENTATIONS

1 representation has been received in relation to this application. This states objection to the proposal and raises the following points:

- Raises concerns about the ground to the rear of 35 Pinewood Gardens being waterlogged, indicating that there has been an ongoing issue with standing water and contending that the proposals should include provision for land drainage.

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 –

H1: Residential Areas

H3: Density

H4: Housing Mix

H5: Affordable Housing

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

R7: Low & Zero Carbon Build & Water Efficiency

I1: Infra Delivery & Planning Obligation

R6: Waste Management Requirements for New Developments

T3: Sustainable and Active Travel

T5: Noise

H5: Affordable Housing

NE5: Trees and Woodland
 NE6: Flooding, Drainage & Water Quality
 C11: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility
- Affordable Housing
- Flooding, Drainage and Water Quality
- Planning Obligations
- Resources for New Development

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies are relevant –

- H1 – Residential Areas
- H3 – Density
- H4 – Housing Mix and Need
- H5 – Affordable housing
- D1 – Quality Placemaking
- D2 – Amenity
- WB3 – Noise
- NE5 – Trees and Woodland
- R5 – Waste Management Requirements for New Development
- R6 – Low and Zero Carbon Buildings, and Water Efficiency
- I1 – Infrastructure Delivery and Planning Obligations
- T2 – Sustainable Transport
- T3 – Parking

Other Material Considerations

The earlier grants of planning permission across the Pinewood site, which have been partially implemented and therefore remain capable of implementation on these plots, represent a material consideration in the Planning Service's assessment of the current application.

EVALUATION

Principle of Development

The principle of residential development on the site has been established through its allocation for such development in the 2008 Local Plan, the subsequent 2012 Aberdeen Local Development Plan, and the associated grants of planning permission for development of both the Pinewood and Hazledene sites, detailed earlier in this report. In the current ALDP, the site lies within a residentially zoned area, where policy H1 applies. On this basis, it is considered that the principle of residential development is established, and the acceptability of this proposal lies in

consideration of its merits in terms of design, placemaking and other areas of detail. This is explored further below.

Residential Areas (policy H1)

Policy H1 sets out that in areas zoned as H1 on the ALDP proposals map, residential development will be acceptable provided it satisfies a series of criteria set out within policy H1. These are considered in turn below:

Does not constitute overdevelopment

Development of the wider Pinewood/Hazledene site, including consideration for appropriate density and relationship to context, has been established via the earlier grants of planning permission. This application seeks to reconfigure a portion of Zone F at the south-eastern corner of the Pinewood site to provide 17no detached homes in place of the 9no mainstream flats and 63no retirement flats that were previously consented under application 170243/DPP on a wider area incorporating the footprint of the new Aldi store. On that basis, the overall density of development within this area of the wider Pinewood/Hazledene site would reduce as a result of the proposed development and it can reasonably be concluded that the proposal does not represent the over-development of the site.

Does not have an unacceptable impact on the character and amenity of the surrounding area

Taking account of the reduction in units and reduction in the scale of buildings within this small part of the wider Pinewood site, with dwellings of no more than 2.5 storeys replacing flatted blocks of 3 and 4 storeys respectively, it is considered that the proposed development would not result in an unacceptable impact on the character or amenity of the surrounding area. Whilst the proposal initially included bungalows along the southern boundary with the Aldi store, it has since been revised in order to accommodate a more satisfactory road layout to facilitate refuse vehicle access, and this has substituted those bungalows for 2-storey dwellings. This is considered to be acceptable on the basis that there is no privacy or amenity issue arising from the change, with assessment of noise from the neighbouring Aldi store discussed elsewhere within this report.

Does not result in the loss of valuable and valued areas of open space

This proposal relates to a site identified for residential development and subject to live consents which indicate buildings in this location. No existing or planned public open space would be affected by the proposed reconfiguration.

Complies with Supplementary Guidance (SG)

The relevant supplementary guidance documents in this instance would be 'Transport and Accessibility' (in relation to appropriate parking provision and access) and 'Resources for New Development', which encompasses waste and recycling provision, incorporation of water saving technologies and measures to reduce carbon emissions through either energy-efficient construction or the use of low and zero carbon generating technologies (e.g. solar panels, heat pumps etc.). In this case, parking provision is now to be made through a combination of private driveways, garages and a small parking court, enclosed by landscaping to soften its appearance. The inclusion of this parking court allows for the parking to the front of properties on the northern side of the street to be broken up, with greater scope for landscaping and tree planting to reduce the visual impact of a continuous row of vehicles. On-site parking provision and road layout have been reviewed and accepted by ACC's Roads Development Management Team, including provision of satisfactory swept-path details for refuse vehicle access.

The submitted design statement advises that a 'fabric-first' approach of achieving maximum insulative values is to be adopted, however there is also scope for the inclusion of photovoltaic panels on roofs if required. Technical information to demonstrate accordance with ALDP policy R7 (Low and Zero Carbon Buildings and Energy Efficiency) has not been provided, however it is considered that this can be secured through use of an appropriately worded planning condition,

restricting first occupation unless details have been submitted, approved and implemented thereafter.

Design, Architecture and Placemaking

The proposals represent a redesign of this small part of the wider residential development at Pinewood and Hazledene, with a mix of detached, semi-detached and terraced units of no more than 2.5 storeys replacing a 4-storey retirement block and a 3-storey block of flats. As such, the scale and massing of the buildings is much reduced, and is a more consistent continuation of the residential streets to the north. The area of development is bounded to the east by mature trees which offer some visual separation from the more established neighbouring properties on Countesswells Crescent.

The majority of the house types proposed have already featured elsewhere throughout the consented and partially constructed and occupied development. In that regard, there is no fundamental shift in the overall design approach, and the approach to street design and materials palette remains consistent, utilising off-white render, composite cladding and grey roof slates alongside grey window frames, timber-effect garage doors and timber porch posts. These changes to building form and reduction in density are not significant, do not undermine the design approach established through the earlier permissions and effectively lessen the potential for visual impact or impact on residential amenity to neighbouring properties. Entrance to the site is well-defined, through the use of landscaped open space and use of garden walls with masonry pillars to add distinct character to this part of the wider development. Accessibility to and through the site is provided for, with a footpath from the north, bordered by soft landscaping, incorporated within the layout and offering convenient onward connection to the Aldi retail store to the south. At the eastern end of the street a connection would be made to the adjoining core path route.

Plots are of an appropriate size relative to house types, and consistent with the wider development, with minimum garden depths achieved. On this basis, it is considered that the proposal demonstrates due regard for its context, consistent with policy D1 (Quality Placemaking by Design) of the ALDP. Similarly, the overall density of the Pinewood/Hazledene development would be reduced, but with no overall adverse effect in terms of achieving an appropriate density, consistent with policy H3 (Density). The overall mix of house types delivered through the development as a whole remains satisfactory, incorporating both houses and flats of varying sizes. The proposal is therefore considered to accord with policy H4 (Housing Mix) of the ALDP.

Trees and Landscaping

A tree survey has been provided in support of the application, identifying dense belts of mature trees adjacent to the eastern and western boundaries of the site. A total of 45 trees were surveyed, with the eastern tree belt (lying outwith the application site) principally consisting of mature beech trees and the western tree belt including semi-mature Norway maple and sycamore. No trees are identified for removal to facilitate the proposed development. There is some minor incursion into root protection areas (RPAs) of two trees on the eastern belt, however as it affects less than 5% of the RPA this is not of significance and would not adversely affect the long-term health of these trees. The RPA of two existing trees would be encroached upon by road construction, which has potential to damage roots and is likely to affect their long-term health. Overall, the impact on existing trees is not excessive, and measures for the protection of trees during construction work have been identified, with tree protection barriers to be erected to prevent harm to trees during construction. There will be some requirement for scaffolds to be erected within tree protection areas, however the impact arising from this is considered to be minimal.

On balance, it is considered that a very small proportion of the trees in and around the site would be adversely affected by the proposed development, and the extent of that impact is limited to essential works required to facilitate access to the site. No direct tree removal is required, and impacts are considered to be avoided wherever possible.

The proposal involves new tree planting throughout, with 24 new specimens planted, including Rowan, Sorbus, Cherry and various fruit trees. Planting is concentrated on the entry to the site, the boundary with the adjoining Aldi site and the path connection to neighbouring residential streets, to the north. There are also several trees shown within front gardens, which will assist with softening the appearance of in-curtilage car parking. Hedging is also indicated at various points, including around the parking court and along boundaries and interfaces with the public path route. It is considered that the proposed planting schedule will assist in integrating the development with the surrounding landscape character in the longer-term and overall, the proposal is considered to satisfy the requirements of policy NE5 (Trees and Woodlands) of the ALDP by avoiding tree losses and minimising impact on root systems during construction.

Transport and Accessibility

The proposed development involves an alternative internal road layout compared to the previously consented scheme for Zone F, however this has been reviewed by RDM colleagues and found to be satisfactory. Details of vehicle swept paths have been provided and it is noted that detailed roads design will be further controlled via the Roads Construction Consent process. On that basis the proposed layout is considered to be acceptable, making appropriate provision for pedestrian through routes, car parking and refuse access/turning. As the proposals represent a reduction in total residential units from the previously consented scheme, which was itself assessed as being acceptable, it is considered that there would be no detrimental impact on the local road network. Sustainable travel options in the local area have been identified through the granting of earlier permissions and, consistent with earlier consents, a condition can be applied to ensure that all residents are issued with a Residential Travel pack to advise of sustainable travel choices on first occupation. It is noted that the public bus service now runs along Countesswells Avenue, through the development. It is considered that the proposal demonstrates its accordance with policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel).

Drainage and Flood Risk

The applicants have submitted an addendum to the earlier Drainage Statement covering development within Zone F. This report outlines a surface water drainage proposal for the wider Pinewood and Hazledene development, which involves two drainage networks collecting surface water run-off from the site and directing it towards two detention ponds, located northeast of Zone A and northeast of Zone H respectively. The proposal at Zone F3 would connect into the existing sewer network serving the existing housing to the north. All surface water sewers and the detention ponds described have been designed to have capacity to accommodate flows from the proposed development inclusive of Zone F3, consistent with the overarching SUDS principle of runoff from a site post-development being no greater than 'greenfield' flows present before development took place. This approach is consistent with earlier phases of the development, and ensures satisfactory drainage infrastructure is in place to support the development, consistent with ALDP policy NE6.

It is a stipulation of policy NE6 (Flooding, Drainage and Water Quality) that connection to the public sewer in sewered areas will be pre-requisite, so in order to ensure compliance with policy NE6 it is appropriate to use a planning condition to prohibit occupation of dwellings unless a connection has been made to the public sewer.

Potential Noise Impact

The presence of the Aldi retail store and its associated plant and delivery operations to the north and east of the unit represents a potential source of noise affecting residential amenity. A Noise Impact Assessment has been provided as part of the supporting documentation accompanying the application. This looks at these noise sources and their associated noise levels and concludes that the impact of the adjoining supermarket would be low and would not prevent a satisfactory residential environment being achieved, particularly in considering rear private garden areas of the

proposed plots in the south-east part of the application site. The submitted report has been reviewed by ACC's Environmental Health service, which accepts its conclusions and states no objection to the proposed development. Based on this assessment, officers are satisfied that the proposal will not be adversely affected as a result of existing noise sources, and the proposal is considered to accord with the provisions of policy T5 (Noise) of the ALDP.

Environmental Health colleagues have offered advice in relation to hours of construction in order to protect residential amenity. As statutory noise nuisance is covered by Environmental Health legislation, it would not be appropriate for the planning authority to apply a condition, however these recommendations can be added to any decision notice as an informative note for the applicant's attention.

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, highlighting that both off-site affordable housing provision and payment of a commuted sum of £17,325 have already been delivered and paid respectively in connection with an earlier planning permission at Pinewood Zone F which has only been partially implemented (ref. 170243/DPP). A further commuted sum payable in respect of the over-55s retirement accommodation portion of that Zone F consent was not triggered as that was not built and is effectively replaced by the combination of the recently authorised Aldi retail store and the 17no units that are the subject of this application. As a result, affordable housing requirements remain applicable and for a proposal of 17 units this equates to 4.25 affordable units at the contemporary 25% rate. Previous arrangements for off-site delivery of affordable housing in connection with the original 350 units approved at the PPP stage are noted, and it is accepted that these arrangements will remain in effect up to that 350-unit threshold. If that threshold has been reached at the point these 17 units are to be constructed, then the contemporary rates set out in the Developer Obligations assessment report will be applied.

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 at contemporary rates on the basis of 17 units. The detail of the relevant obligations is summarised in the 'Consultations' section of this report. Financial contributions are identified towards Primary and Secondary Education, Healthcare Facilities and Community Facilities. As noted in the Affordable Housing discussion above, it is recognised that there are existing agreements in place in connection with the 350 units originally approved at Pinewood and Hazledene. It is intended that the current application would be linked to the other legal agreements and associated obligations covering the wider site, and the developer obligations monies set out in the current assessment report would only be payable if these 17 units were built after that 350 unit threshold had been reached. This is consistent with the approach taken to other 'remix' applications within the Pinewood and Hazledene development and is considered to be fair and reasonable. 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.

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. Swept-path drawings have been provided as part of the application to demonstrate that the roads layout is navigable by large refuse vehicles and allows access, with the layout having been revised in order to reduce the extent of reversing manoeuvres. In this regard dwellings will present bins at

kerbside for collection, as required by the Council's Waste Strategy Team. Thus it is considered that the proposal complies with policy R6 of the ALDP, along with Part B of the associated 'Resources for New Developments' SG.

Carbon Emissions and Water Efficiency

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings are constructed to achieve specified reductions in carbon emissions through the use of low and zero carbon generating technologies. The associated Supplementary Guidance provides that compliance may also be achieved through efficiencies in the building fabric. The submitted Design and Access Statement indicates that the dwellings would be designed to achieve maximum insulative values in excess of current building standards and there is an 'allowance' for photovoltaic panels on the roofs of the dwellings. Further details will be required to evidence compliance with policy R7 and the associated 'Resources for New Development' Supplementary Guidance. Similarly, further details of the inclusion of water saving measures will also be required, and it is considered that this information can be secured through the use of planning conditions in order to comply with the requirements of the Development Plan.

Matters Raised in Representations

It is noted that the objection received cites concerns about site drainage to the rear of the respondent's property. This area has previously acted as a site compound for the storage of building materials. Its redevelopment, landscaping and connection to the wider surface water drainage network will ensure that the site is served by appropriate drainage infrastructure.

Matters Raised in Community Council Response

The relationship between the proposed residential development the adjoining Aldi supermarket is considered to be acceptable. Whilst the supermarket is a much larger building, each residential plot affords appropriate private garden area and there is no loss of amenity through overshadowing, loss of daylight or loss of privacy. New landscaping will assist with softening the southern boundary of the development and potential noise impacts have been discussed earlier within this report and found to be negligible. It is not considered that there is any adverse impact likely from vehicle headlights within the Aldi car park due to the siting of the store itself, the distance separating the car park from new homes and the walls, fences and landscaping present on the intervening ground.

Proposed Aberdeen Local Development Plan

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

Heads of Terms of any Legal Agreement

A legal agreement will be required in order to link this permission to pre-existing legal agreements for the wider development at Pinewood and Hazledene, secure the financial contributions identified by ACC's Developer Obligations Team and delivery of affordable housing, with contemporary rates (as outlined in the Developer Obligations Assessment Report) applicable if this permission is implemented after the completion of 350 units on the wider development. 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

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

RECOMMENDATION

Approve Conditionally & Legal Agreement

REASON FOR RECOMMENDATION

The principle of residential development on this site is well-established through its identification in earlier local development plans and subsequent granting of planning permission. These proposals involve a reduction in density and building height and massing, and therefore do not result in an intensification of any impacts when compared with the previously consented development. The proposed dwellings are consistent with the design and styling of consented and built parts of the wider residential development. Potential noise and arboricultural impacts have been assessed and found to present no obstacle to the provision of a satisfactory residential environment. Satisfactory foul and surface water drainage information has been provided. The proposed dwellings would be served by appropriate off-street car parking and matters relating to carbon reduction and water efficiency can be addressed by securing the submission of further details through the use of planning conditions. It is considered that the proposed development would accord with the relevant provisions of the Development Plan, including policies H1 (Residential Areas), H3 (Density), H4 (Housing Mix), H5 (Affordable Housing), D1 (Quality Placemaking by Design), T5 (Noise), NE5 (Trees and Woodlands) and NE6 (Flooding, Drainage and Water Quality), and no material considerations have been identified that would warrant determination otherwise.

CONDITIONS

1. Car Parking

That the dwellings hereby approved shall not be occupied unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. F3_APL_100 – Rev K of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval.

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

2. Connection to Public Sewer

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

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

3. Tree Protection

No development shall take place other than in accordance with the approved scheme of tree protection (Struan Dalgleish *'Tree Survey Report, Arboricultural Impact Assessment and Tree Protection Plan*, dated December 2021) or such other Tree Protection Plan as has been submitted to and approved by the planning authority prior to commencement of development.

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

4. Landscaping Works

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

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

5. Further Arboricultural Works

Any tree work not specified in the submitted Struan Dalgleish *'Tree Survey Report, Arboricultural Impact Assessment and Tree Protection Plan*, dated December 2021, which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied.

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

6. Boundary Enclosures

That no dwelling within the development hereby approved shall be occupied unless the boundary treatments shown on drawing F3_APL_30 – Rev D have been delivered in full accordance with that plan, or any such substitute as has been submitted to and approved in writing by the planning authority for that purpose.

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

7. Carbon Reduction and Water Efficiency

No dwelling hereby granted planning permission shall be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

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

8. Residential Travel Pack

That no residential unit within the development shall be occupied unless the approved Residential Travel Pack (or such other RTP as has been submitted to and approved in writing by the planning authority for this purpose) has been submitted to and approved in writing by the Planning Authority, and thereafter 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.

ADVISORY NOTES FOR APPLICANT

To protect the amenity of the occupants of existing nearby residential properties, it is recommended that any development works at the proposed development (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours

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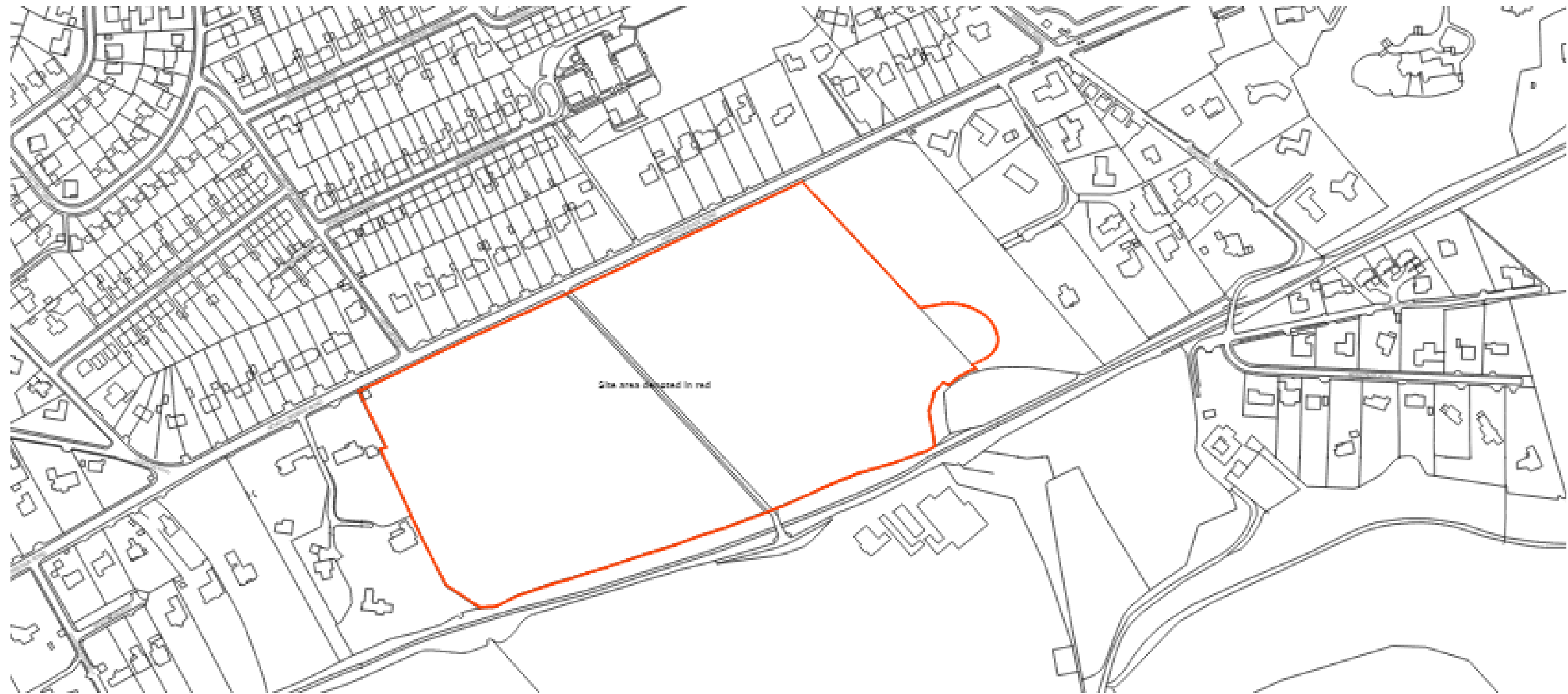
Planning Development Management Committee

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

Land South Of North Deeside Road, Milltimber (OP114 – Milltimber South).

220865/MSC

Location Plan



Site area proposed in red

Site Overview



Masterplan Layout



Planning Permission in Principle – Red Line Boundary



LDP Extract – Site Allocation



OP114	Milltimber South	11.5ha	Mixed Use	Opportunity for 60 houses and 1,225 square metres of ancillary retail/office space. Masterplan required.
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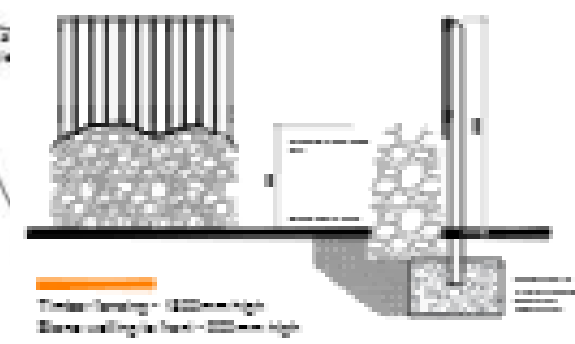
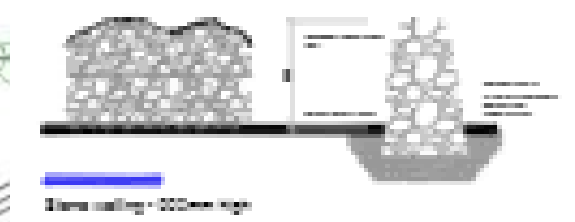
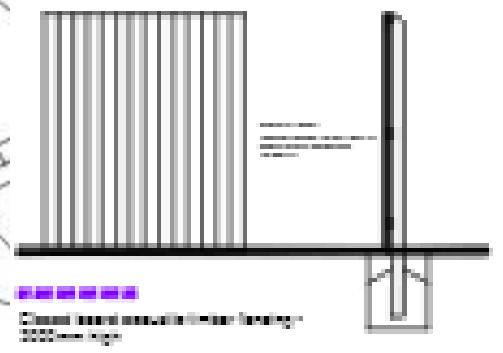
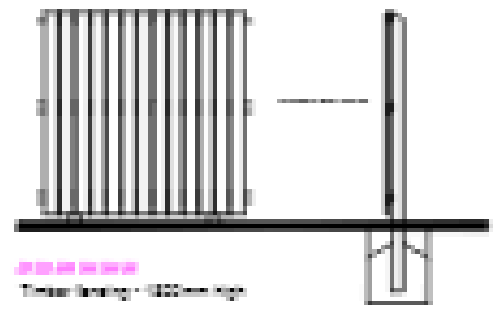
Site Plan (Proposed)



Landscaping Plans (Proposed)



Boundary Treatments (Proposed)



Building alignments to be retained.

Application Boundary

Note: In landscape architect's information for full details and specifications, see landscape plan.

Notes
Please note the following comments:

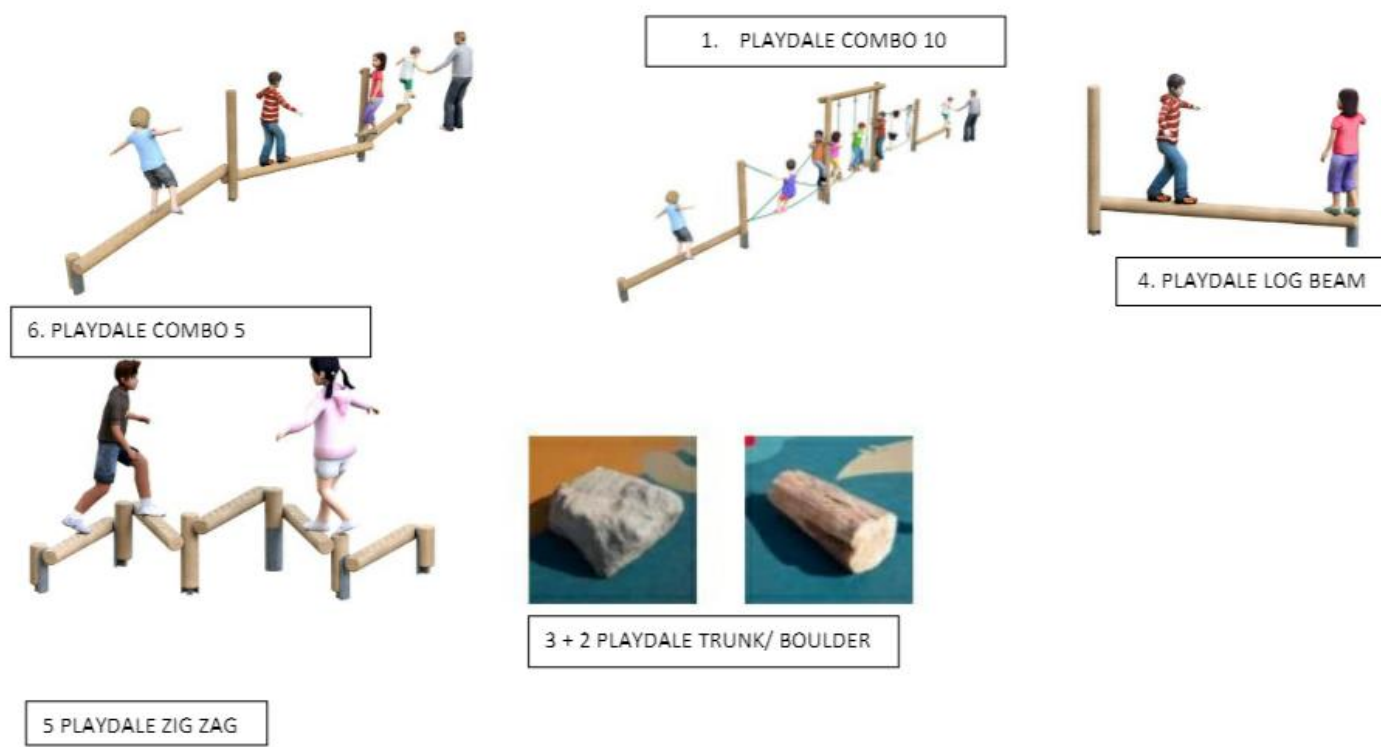
Drainage Layout Plan



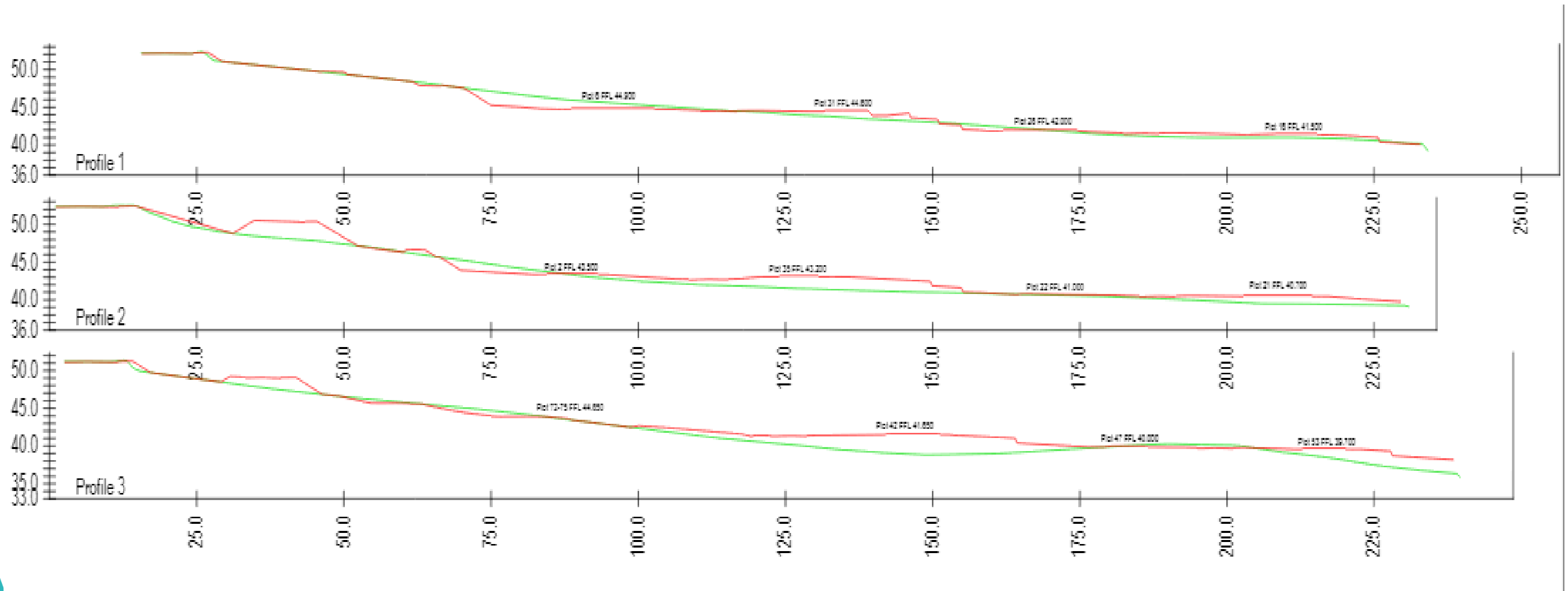
Roads Layout Plan



Play Equipment Details



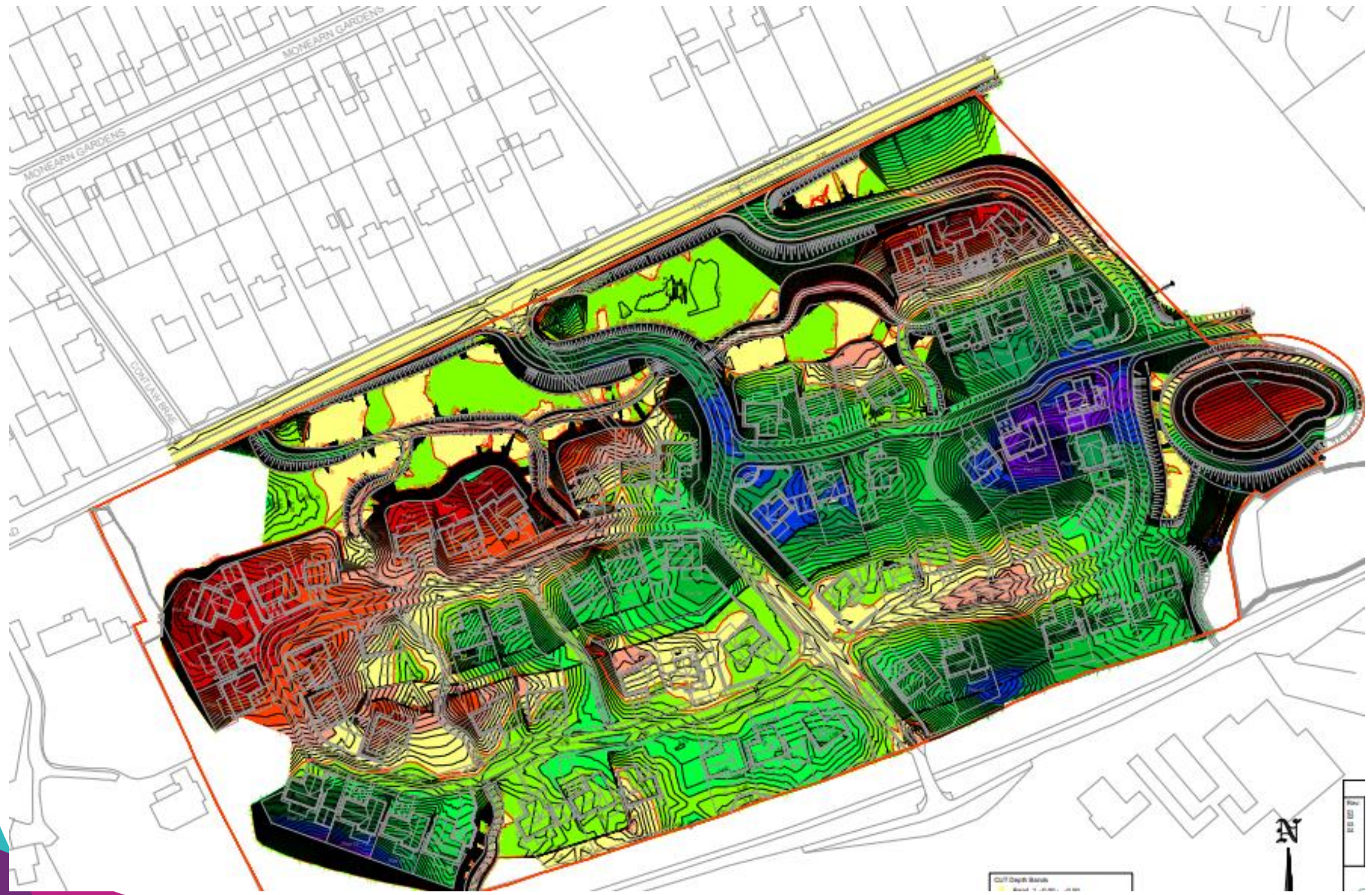
Site Cross-Sections



Site Cross-Section 2



Proposed cut/ fill areas



CUT Depth Bands	
Yellow	Band 1 -0.00 - -0.50
Orange	Band 2 -0.50 - -1.00
Red-Orange	Band 3 -1.00 - -1.50
Red	Band 4 -1.50 - -2.00
Dark Red	Band 5 -2.00 - -2.50
Green	Band 6 -2.50 - -3.00

FILL Depth Bands	
Light Green	Band 1 0.00 - 0.50
Green	Band 2 0.50 - 1.00
Dark Green	Band 3 1.00 - 1.50
Medium Green	Band 4 1.50 - 2.00
Dark Green	Band 5 2.00 - 2.50
Blue	Band 6 2.50 - 3.00
Purple	Band 7 3.00 - 3.50
Dark Purple	Band 8 3.50 - 4.00

CGI Elevations – Southern Boundary

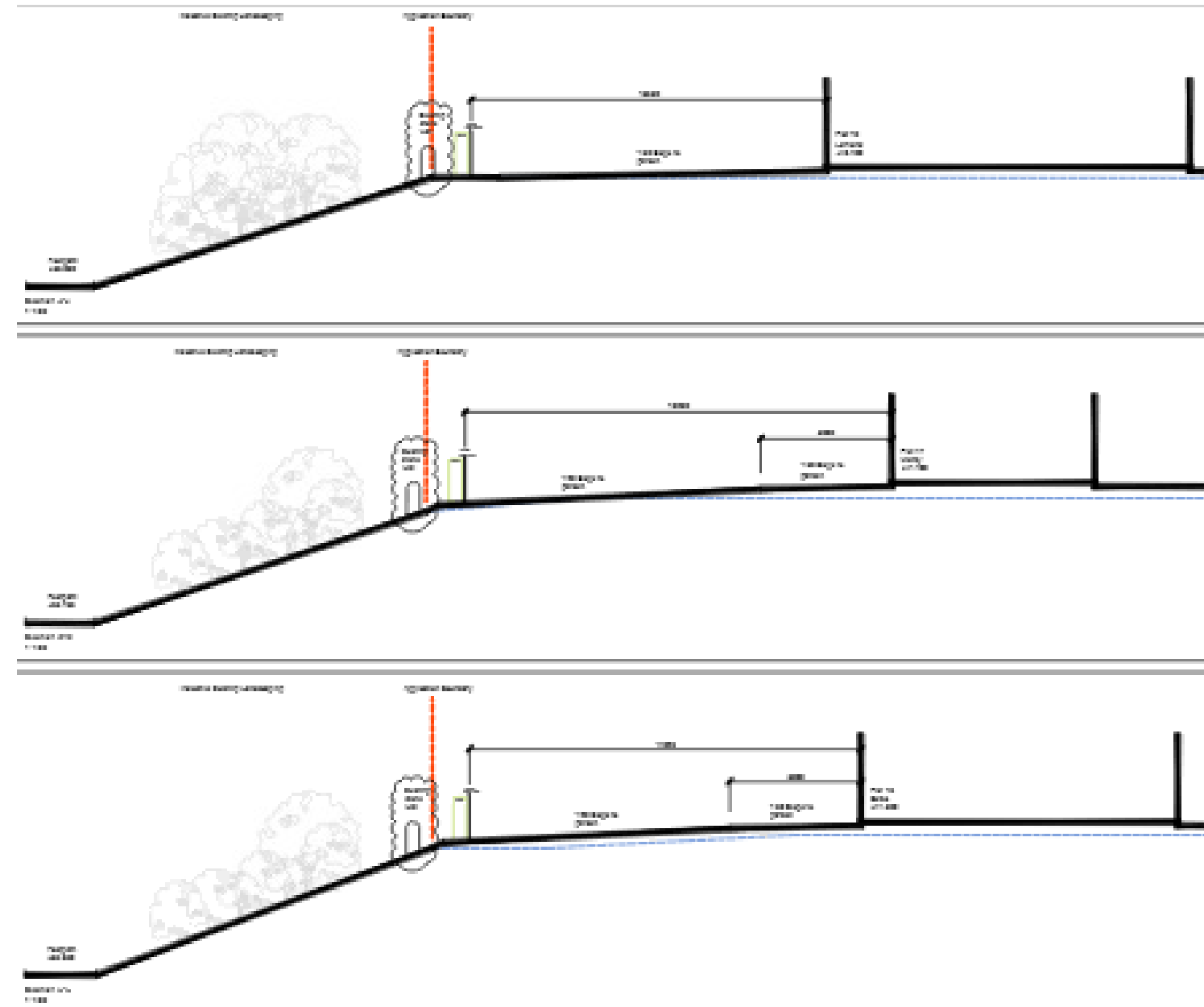


Part Section D-D - 1/200

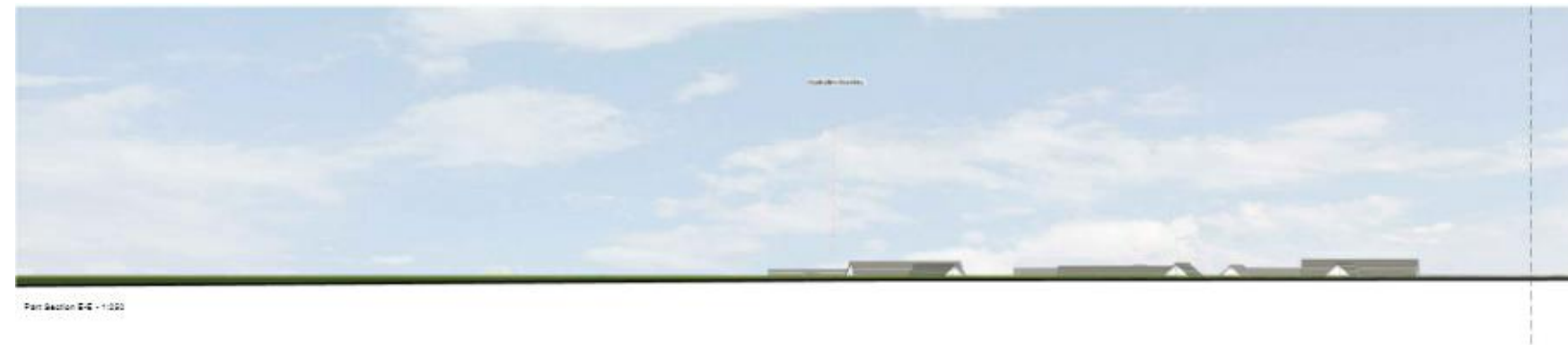


Part Section E-E - 1/200

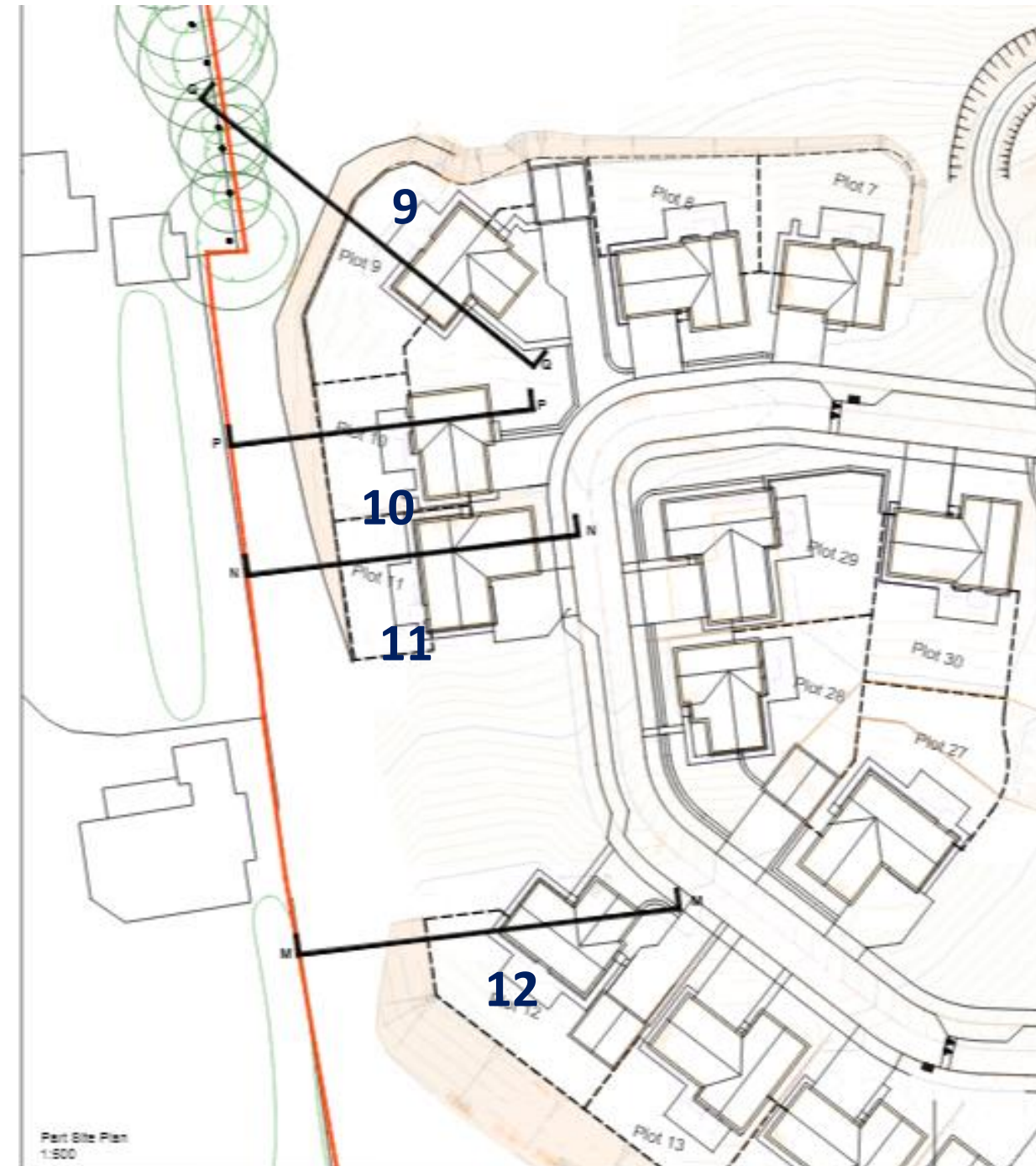
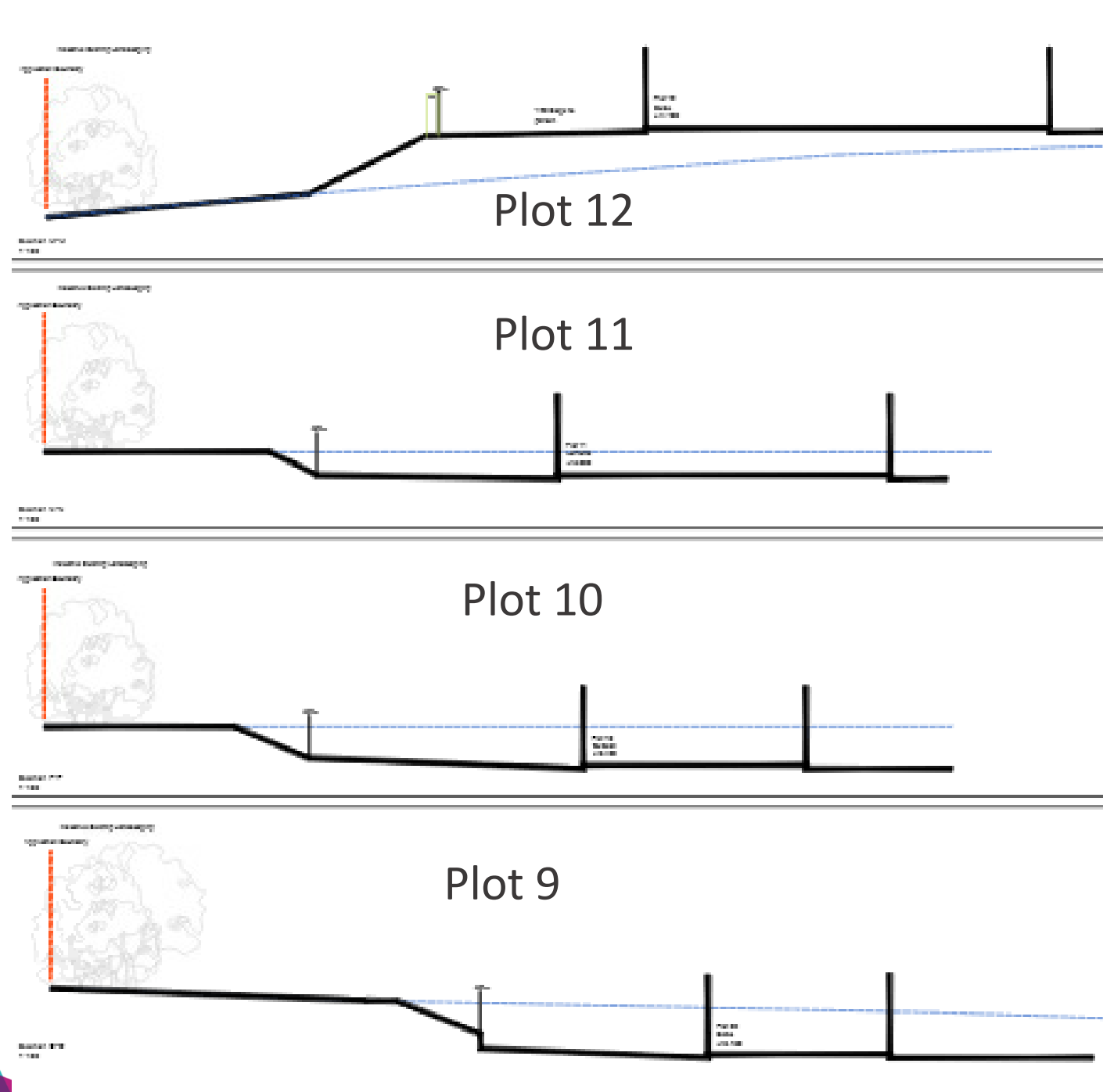
Typical Plot Sections – Southern Boundary



CGI – view South from North Deeside Road



Plot Cross-Sections – Western Boundary 1



Example House Types



Front Elevation
Scale 1-100



Side '1' Elevation
Scale 1-100



Rear Elevation
Scale 1-100



Side '2' Elevation
Scale 1-100



Front Elevation
Scale 1-100



Side '1' Elevation
Scale 1-100



Rear Elevation
Scale 1-100



Side '2' Elevation
Scale 1-100



Front Elevation
Scale 1-100



Side '1' Elevation
Scale 1-100



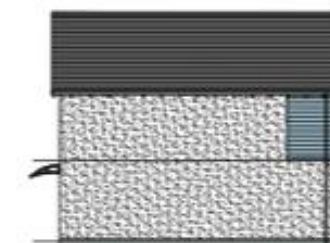
Rear Elevation
Scale 1-100



Side '2' Elevation
Scale 1-100



Front Elevation
Scale 1-100



Side '1' Elevation
Scale 1-100



Rear Elevation
Scale 1-100



Side '2' Elevation
Scale 1-100

Site Photos – Southern Boundary



Site Photos

North-West Boundary



Central – Within Site
Looking South-West



South Boundary –
Looking West



Site Photos

Southern Boundary – Looking NE



Southern Boundary – Looking E



Looking North





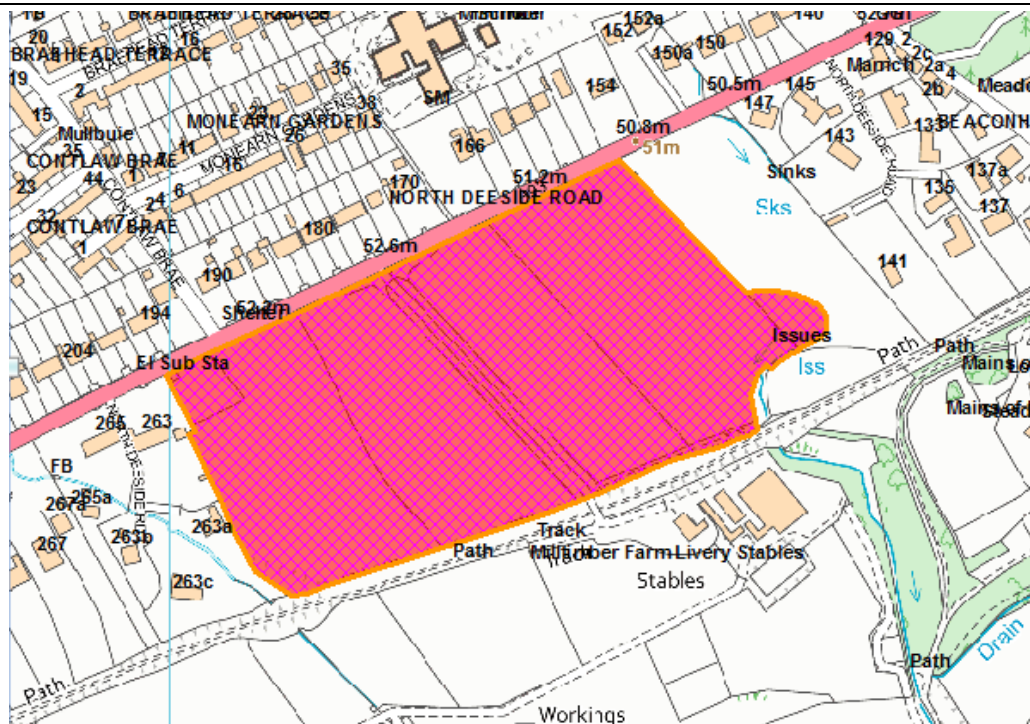


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3rd November 2022

Site Address:	Land South of North Deeside Road, Milltimber, Aberdeen, AB13 0HJ
Application Description:	Approval of matters specified in conditions: 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (Construction Environment Management Plan); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (Low/ Zero Carbon Technologies Statement); 13 (Watercourse) ,14 (Watercourse, SEPA); 15 (Green Measures); 16 (Bird Hazard Management Plan); 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
Application Ref:	220865/MSC
Application Type	Approval of Matters Specified in Conditions
Application Date:	7 July 2022
Applicant:	Bancon Homes
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site, which extends to approximately 9.1 hectares, is located on the southern side of North Deeside Road, on the southern edge of the settlement of Milltimber. The site is bound by North Deeside Road and residential properties to the north, the Deeside Way, a small former quarry, Milltimber Farm Livery Stables and open space to the south, and further residential properties set in generous plots further to the east and west. An access road leading to Milltimber Farm Livery Stables (located to the south of the Deeside Way) runs through the site.

The site itself is largely grassed pasture in equestrian use but includes some planting, particularly along the boundaries and central access road. The site slopes down from north to south towards the Dee Valley. There are several boundary treatments, including post-and-wire fencing and drystone dykes to the northern boundary.

The application site is allocated as 'OP114 Milltimber South' in the Aberdeen Local Development Plan 2017 as a 'Mixed-Use Opportunity for 60 houses and 1,225 square metres of ancillary office/retail space' with Planning Permission in Principle (PPiP) having been granted for a mixed-use development as described below.

Relevant Planning History

Planning permission in principle (Ref: 200535/PPP) for 'the construction of residential led mixed use development of up to 99 residential units and retail of up to 2,000 sqm, with associated infrastructure, access, landscaping, drainage, SUDS and open space' was refused by the Planning Development Management Committee in November 2020. This refusal was subsequently appealed to the Planning and Environmental Appeals Division of the Scottish Government, where the appeal was allowed, following the conclusion of a legal agreement in December 2021. The grant of PPP included various conditions which are the subject of the current approval of matters specified in condition application in respect of a proposed residential development of 75 houses on the majority of the OP114 site (9.1ha of 11ha of the PPiP site boundary). Conditions 3 and 4 on the PPP restrict the level of residential development to a maximum of 80 units and 1,225 sqm of retail space respectively within the overall development site.

A Proposal of Application Notice (Ref: 191605/PAN) was submitted on the 21st October 2019 for a 'major residential and retail development with associated infrastructure, access, landscaping, drainage, SUDS and open space.' This proposal was presented to the Council's Pre-Application Forum on the 5th December 2019.

A previous Proposal of Application Notice (Ref: 170620/PAN) was submitted in May 2017 for a proposed mix-use development (60 dwellings and 1,225 sqm of Class 1 (Shops) and Class 4 (Business) uses relating to the same site. This proposal was presented to the Pre-Application Forum on the 21st September 2017.

An EIA screening opinion for the above proposal (Ref: 171171/ESC) was submitted in September 2017; this concluded that an Environmental Impact Assessment was not required, as confirmed on the 18th October 2017.

APPLICATION DESCRIPTION

Description of Proposal

Approval is sought for details associated to conditions: 1 (Design); 2 (Access Junction); 5 (Landscaping); 6 (Trees); 8 (Construction Environmental Management Plan); 9 (Air Quality/Dust); 11 (Noise Impact Assessment); 12 (Low Zero Carbon Technology Statement); 13

(Watercourse), 14 (Watercourse, SEPA); 15 (Green Measures); 16 (Bird Hazard Management Plan); 17 (Archaeology); 18 (Badger Survey / Protection), 19 (Surface Water), 20 (Waste Water); 21 (Residential Travel Pack) of Planning Permission in Principle 200535/PPP.

The application proposes a total of 75 residential units on a site which extends to approximately 9.1 hectares. The layout would predominantly be made up of detached dwellings but would include some terraced and flatted properties in the north-east corner of the site. The proposals include the formation of two vehicular accesses on to North Deeside Road and a number of footpath connections throughout the site, extensive areas of landscaping, and a SUDS basin (in the south-east corner of the site). Two pedestrian / cycle connections to the Deeside Way, which lies adjacent to the southern application site boundary. Further footpath connections to North Deeside Road to the north are proposed. The housing will be set back from North Deeside Road with a landscaped area containing the access roads and footpath network covering a significant portion of the northern section of the site, ranging from 45-60m as you head west to east, although this lessens to 25m in the eastern most section of the site.

The general layout will be discussed in greater detail in the evaluation section of this report.

Amendments

The proposals have been amended since the original submission. This has included some amendment to the layout and design of a number of the dwellings (including the inclusion of additional renders), alterations to a number of the boundary treatments, the inclusion of additional landscaping, further clarification on the drainage and routes through the site and other minor alterations to the layout to address concerns raised by consultees. These will be discussed in greater detail in the evaluation section of this report.

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=RENAHZBZHMG00>

- Noise Impact Assessment
- Construction Environment Management Plan
- Bird Hazard Management Plan
- Badger Survey and Protection Plan
- Drainage Assessment
- Air Quality Assessment
- Written Scheme of Investigation (Archaeology)
- Tree Protection Plan
- Residential Travel Pack
- Low and Zero Carbon Technology and Water Statement
- Housing Mix Statement
- Transport Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has been subject to more than 6 timeous letters of objection (26 letters of objection in total), and an objection has also been received from Cults, Bielside and Milltimber Community Council. Subsequently, the scheme falls outwith the Council's adopted Scheme of Delegation.

CONSULTATIONS

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

ACC - Environmental Health – no objection to the proposed development following the submission of revised documents. Their response will be discussed in greater detail in the evaluation section of this report.

NatureScot (formerly Scottish Natural Heritage) – no comments.

Scottish Water – no objection to the development, providing general guidance on the proposed development. Their response will be discussed in greater detail in the evaluation section of this report.

Aberdeen International Airport – consider the findings of the Bird Hazard Management Plan to be acceptable and have no objection to the proposed development as a result. The proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. They therefore have no objection to this proposal.

Scottish Environment Protection Agency – have no objection to the proposals following the submission of further information in relation to the SUDS basin and the green/ blue infrastructure proposed within the development.

Dee District Salmon Fishery Board – have received the application and concluded that there would not appear to be any potential for a significant impact upon the River Dee SAC or watercourses which it made up, in relation to the proposed development. They have requested that the developer adheres to SEPA's pollution prevention guidelines should the application be successful and have confirmed that they have no further comment to make on the application at this time.

ACC - Structures, Flooding and Coastal Engineering – have no objection to the proposals following the submission of amended plans and additional information.

ACC - Housing – no objection.

ACC - Waste and Recycling – have no objection to the proposals following the submission of amended plans.

Archaeology Service (Aberdeenshire Council) – have confirmed that the document meets the initial requirements of the condition and as a result the works can proceed as proposed. They have requested a partial discharge of the condition to allow works to proceed in accordance with the WSI and that full discharge of the condition will come upon completion of the on-site mitigation and a Post-Excavation Research Design is agreed, should there be a requirement for one.

ACC - Schools Estates Team – have noted that there is no change to the application in respect of the number of housing units from the PPIP stage and as a result they have no objection to the application.

Cults, Bielside and Milltimber Community Council – object to the application. They have advised that their principal reason for objection is that they cannot fully evaluate the proposals until such a time as proposals is put forward for the whole site and that the Council should not

determine an application for this site until the Local Development Plan Report of Examination has been received and the ALDP 2022 has been adopted.

They have also made the following comments, which they would wish to be addressed:

1. Connections to the Deeside Way – concerns about these being open during development and would prefer it to be installed once adjacent dwellings are complete.
2. Concerns about the western connection to the DDA and whether this should be made DDA compliant.
3. No wildlife appraisal has been submitted for the application site, this should be submitted and reviewed.
4. Concerns about the impact of the development on 263a North Deeside Road, particularly in terms of overlooking.
5. Concerns about the creation of soil bunds and need to ensure that the Construction Environment Management Plan mitigates against this. Also require further clarification on vehicle movements on to North Deeside Road.
6. Requested further details on boundary treatments to north and southern boundaries, as well as clarification on how the play equipment adjacent to North Deeside Road would be utilised.

REPRESENTATIONS

A total of 26 objections were received in relation to this application. The issues raised are summarised as follows:

Principle of Development

1. The development site should be assessed as a whole and should be restricted to the levels of the allocation.
2. The proposal should ensure that there is no adverse impact on the character or amenity of the surrounding area.
3. The application should not be determined until the Report of Examination is received and the ALDP2022 is adopted.
4. There should be no development on site.
5. Concerns about development on the adjacent site to the east.
6. The loss of Green Belt.
7. The need for further housing in Milltimber.
8. The lack of amenities within the site and the surrounding area.

Layout, Siting and Design & Impact on Amenity

9. Layout, siting, and design of the development.
10. The location of the play equipment and lack of community facilities on site.
11. Screening along North Deeside Road should be appropriate for the area.
12. Impact on the character and amenity of the surrounding area.
13. The location of the affordable housing and the impact that this would have on the surrounding area.
14. Require further details on boundary treatments.
15. Western footpath connection to Deeside Way should be step free
16. Concerns about proposed gas – combi boilers.
17. Impact on neighbouring properties, in particular 263a North Deeside Road.
18. The levels difference to properties in the south-west corner of the site.

Transportation, Drainage and Flooding

19. Impact on road network and safety of users
20. Concerns for pedestrians, cyclists, and motor vehicles for existing residents of properties on the southern side of North Deeside Road.
21. Concerns regarding number of entrance points to North Deeside Road.
22. Impact of new junction on cyclists.
23. Concerns regarding content of residential travel pack.
24. Additional impact on the existing road network.
25. The proposal does not encourage the use of public transport.
26. Concerns regarding safe route to school.
27. Require further clarification on the drainage mitigation/ disturbance proposals.
28. Potential for flooding on the development site.
29. The watercourse in the south-west corner of the site has not been considered.
30. Water run-off from the west of the development is likely to flow into the waterway to the west

Noise, Air Quality and Construction

31. Health and safety during construction.
32. Concerns with the content of the Construction Environment Management Plan.
33. Vibration from construction and impact on neighbouring properties.
34. Impact from soil bunds on properties along North Deeside Road.
35. CEMP should specify control measures for construction vehicles entering and exiting the site.
36. Concerns regarding content of the NIA.
37. Impact of dust on existing streams.
38. Working hours.
39. Length of construction period.

Natural Environment

40. Tree Loss
41. Lack of ecological surveys
42. Request additional tree planting on boundaries of site.

Non-Material Considerations

43. Value of properties.
44. Loss of view.

The above points (43 and 44) are not material planning considerations and have therefore not been considered further in the assessment of this application.

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 –

- LR1: Land Release Policy
- OP114: Milltimber South
- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- I1: Infrastructure Delivery and Developer Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H2: Mixed Use Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodlands
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- B4: Aberdeen Airport
- R6: Waste Management Requirements for New Development
- R7: Low and Zero Carbon Buildings, and Water Efficiency
- CI1: Digital Infrastructure

Supplementary Guidance (SG)

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

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to comment by the Reporter, and the relevance of these matters to the application under consideration.

Regarding the current application, the site is allocated as OP114 (Milltimber South) in the adopted Aberdeen Local Development Plan 2017. At the Full Council meeting on 2nd March 2020, it was agreed to remove the site from the Proposed ALDP 2020 and re-designate the land as Green Belt and Green and Blue Infrastructure (currently known as Green Space Network). The Proposed LDP thereafter underwent a period of public consultation that ended on 31st August 2020. The DPEA Reporters considered the site, its allocation, proposed de-allocation and public comments through the Proposed LDP Examination process. Subsequent to this, the Reporters' Report of Examination, published in September 2022, includes the OP114 site as an allocation in the next ALDP 2022, anticipated to be adopted later this year. The site therefore remains allocated for a mixed-use development of an indicative allocation of 60 houses and 1,225 sqm of commercial use in the forthcoming ALDP 2022.

The following PALDP policies are of relevance to the determination of this application: OP114: Milltimber South, WB2: Air Quality, WB3: Noise, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodland, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, H3: Density, H4: Housing Mix and Need, H5: Affordable Housing, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure.

EVALUATION

Principle of Development

In the ALDP 2017, the application site forms part of the mixed-use allocation as OP114 Milltimber South, allowing 60 homes and up to 1,225 square metres of ancillary retail/office space. Following the appeal of an earlier refusal, Planning Permission in Principle (Ref: 200535/PPP) was granted by Scottish Ministers in December 2021 for residential and commercial development. This included conditions on the consent restricting the level of residential units to 80 and commercial floorspace to 1,225 sqm. A masterplan was also submitted and agreed for the site as part of the PPP. The current proposals relate to the first 75 residential units of both the LDP allocation (extant 2017 ALDP and forthcoming ALDP 2023) and Planning Permission in Principle 200535/PPP. It is

noted that the current MSC application relates to 9.1ha of the 11ha of OP114 and 200535/PPP, excluding the eastern part of the site. The principle of development can therefore be supported, subject to compliance with other policies of the ALDP.

The approved masterplan looked at various aspects including an analysis of the site, design principles, resources, and delivery. The general layout as submitted is considered to be consistent with the information contained within the masterplan and it is considered that the development generally complies with its aims and aspirations. This document included a development set back from North Deeside Road, with open views retained to the south, footpath connections through the site and onto the Deeside Way, two access points on to North Deeside Road and north-south green corridors running through the development site, all of which are proposed within the submitted plans.

The current application seeks the discharge of 16 suspensive conditions on PPP 200535 that would allow the development of 75 houses on the majority of the site; the details of which are discussed in greater detail in the below evaluation.

Condition 1 - Design

The first part of this condition required the submission of a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels of all buildings relative to existing ground levels and a fixed datum point.

In support of the proposals, the applicants have submitted various drawings and details. These have included cross-sections running through the site from north-to-south, along the western boundary as well as running along the northern edge of the site and along the southern boundary of the site to the Deeside Way.

A cut and fill plan has also been submitted, which shows that the majority of the developed area of the site would see a levels difference of less than 2m across the site, particularly though the central section. The majority of these would be less than 2m. The cut in the western boundary of the site would be approximately 2m. There would be more pronounced level changes in the eastern section of the site of between 2.5m and 3m and in the southern section of the site there would be a small element of fill of between 3.5m and 4m. Generally, the site would maintain its north – south fall but this would be levelled out to allow for development platforms. Some level adjustment and retention are proposed within private garden areas, but not to a great extent.

Various drawings have also been submitted to show the finished floor levels of the proposed dwellings through the application site. North Deeside Road sits at over 50m above ordnance datum (AOD). The levels within the site would range from approximately 45m AOD in the north west corner of the site to 43m AOD in the south-west corner of the site, 45.8m AOD on the western boundary (at Plot 11), 45m AOD within the affordable housing units in the north-eastern section of the site, 43m AOD in the central section of the site, 40.5m AOD in the along the southern boundary of the site and 39.25m AOD along the southern boundary of the site. The general layout, cut and fill and works involved given the layout of the existing site are considered to be acceptable in this instance and would give an appropriate layout of development.

Cross-sections have also been submitted in support of the application, which show the how the development would be visible from the Deeside Way to the south, sitting at a higher level than the footway along with a cross-section from North Deeside Road where the submitted cross-sections show the rooflines of the dwellinghouses sitting by and large below the level of North Deeside Road, which would retain the majority of views down to the Dee Valley. The dwellings would still be visible and more so until the landscaping matures within the application site boundary.

Sections have been provided through the dwellings to the southern boundary showing how these would be constructed, with stepped garden areas to take account of the gradient. A cross-section was also requested along the western boundary to the property at 263a North Deeside Road. It noted that Plots 9-11 would sit at a slightly lower level to the boundary (as shown on the submitted cross-section), whereas Plots 12-15 would sit at a higher level to the boundary. The plots would be approximately 14m from the rear from the boundary (in a north-easterly direction for Plot 11) and 17m in a south easterly direction from the site boundary with Plot 12). Plot 12 would also be approximately 17m from the south-western boundary of the site at its closest point. Whilst some of the plots in the south-west corner would sit at a higher level, the proposals would not have an unacceptable impact on the amenity afforded to these neighbouring properties. Further cross-sections have also been provided throughout the development site to show how the development would look in reality.

The information submitted is considered to be acceptable in relation to point (i) of Condition 1. The condition is therefore recommended to be discharged.

In relation to the second part of the condition, further information was required detailing the layout and finish of roads, visibility splays, footpaths, pedestrian connection across North Deeside Road, and cycle paths including the identification of safe routes to school from the development.

In relation to this, various details have been submitted in relation to the proposed roads. This includes the primary roads (and two accesses), which would be finished in an asphalt with black chippings. The other internal roadways would be finished in asphalt with red chippings. It is anticipated that both of these elements would be adopted. The footpaths through the site would be finished with a sub-base and sealed with a granite dust and other footpaths within the development would be finished in bitmac, with other areas of verging not adopted.

Swept path analysis has also been submitted in support of the application. This shows how refuse and other associated vehicles could access the site internally, how such vehicles would access the site from North Deeside Road and the associated movements of vehicles. This information has been reviewed by both colleagues in Roads Development Management and Waste Management, who have raised no observations to this element of the proposal, noting that vehicles would be able to access and manoeuvre through the site in a safe manner.

Various documents also show how the site would be accessed from North Deeside Road. This includes two vehicular accesses with associated footways and one further pedestrian access in the north-western section of the site, through the landscaped area. The proposal would also include two pedestrian / cycle accesses to the Deeside Way to the south. Cycle access would also be along the main accesses to the site.

The Safe Routes to School drawing also show how pedestrians would cross North Deeside Road. This would involve walking along the northern edge of the site, using existing and proposed pavements to the junction with Binghill Road where existing signalised pedestrian crossing points. Thereafter secondary school children would access buses to Cults Academy, whereas primary school children would continue along Binghill Road to the new primary school building.

The information submitted is considered to be acceptable in relation to point (ii) of Condition 1. The condition is therefore recommended to be discharged.

In relation to the third part of the condition, this required the submission of details of layout, design and external appearance of buildings and ancillary structures; vehicular and motorcycle parking; short and long term secure cycle parking; electrical vehicle charging facilities in accordance with the associated Supplementary Guidance; storage and collection arrangements for waste and

recyclables; boundary enclosures around individual homes and other premises; and details of play zones and play equipment to be provided.

In terms of the layout, the proposal is for the provision of 75 dwellinghouses, which would largely be made of larger detached properties in generously sized plots (55 units in total comprising 7 separate house styles), which is the predominant character found in the surrounding area. The proposal does include the provision of 20 affordable housing units in the north-eastern corner of the site. These would be made up of a mixture of 1 and 2 bed cottage flats (16 in total) and four 3-bed dwellings, which would be a mixture of social rented units and mid-market rent. It is proposed that these units would be operated by Spaces for People. The layout and type of these properties has been agreed with colleagues in the Housing Service and are also generally reflective of the design and layout of the site as shown in the agreed masterplan.

The proposed design of the dwellings has been altered since the original submission and generally includes 11 separate dwelling types of differing internal layout and external design. This includes three separate render types (pink chipped on a white backing, tudor chipped on a white backing and white essno chips on a white snowcrete backing), light blue cedar cladding, and white PVCu timbers and doors along with varying design differing design features. A number of the properties on their southern elevations also contain balconies. The design of the properties would introduce a differing and modern design to the traditional granite properties and later detached bungalows found in the surrounding area and would be more reflective of the design of nearby modern housing development found at nearby Oldfold. The properties would contrast to those that exist in the immediate vicinity but in a density and layout that is considered appropriate to the context, setting and masterplan principles and as a result it is considered they have been designed with due consideration for their context.

The majority of vehicular parking would be in-curtilage. For the affordable housing units, the proposal would include 17 parking spaces (including three disabled parking spaces) and two further visitor parking spaces. No cycle or motorcycle parking is proposed; it is noted that the wording of this condition requires this for the mixed-use element of the proposal. EV charging is discussed within the Design and Access Statement, which confirms that ducting would be provided to the house types with garages (which is all of the main-stream housing units) from the consumer unit to accommodate future installation of EV charging facilities, which would be in compliance with the associated Supplementary Guidance: Transport and Accessibility, which advises *“for residential developments, one charge point (passive provision) is the minimum required for each unit where spaces are private and off street”*. Colleagues in RDM are content with the above layout and provisions.

The waste arrangements for the flats and other properties have also been submitted and are considered to be acceptable. These elements have been reviewed by colleagues in Roads Development Management, who have raised no objection subject to a minor change to the road layout at Plot 9, which can be covered at Roads Construction Consent Stage, or Waste Management following clarification on the opening mechanisms of the waste facilities.

In terms of plot and boundary enclosures, these have been amended since the original submission. These include 2m high acoustic barrier fencing (as recommended in the Noise Impact Assessment) to the properties closest to North Deeside Road, 1.8m high timber fencing, stone walling, and part timber fence/ stone walling at various sections through the development site. The Planning Service raised initial concerns regarding visual impact of some elements, particularly along the southern, south-eastern and through the walking routes within the site. Further landscaping is now proposed to lessen the visual impact of standard timber fencing. The feature walling would generally be provided on the edges of roads and on the footpaths leading to the development to add interest and the stone walling along the southern edge of the boundary would be retained. It is also anticipated that the post-and-wire fencing along the northern edge of the site

would be removed once the development has been completed and a condition would be added requiring this to take place

The location of the play equipment has also been amended since the original submission. This was originally intended to be located along the northern boundary of North Deeside Road but has since been re-located to within the areas between Plots 27 & 30 and Plots 26 and 31 to make it more attractive to users. An informal area of open space would also be provided between Plots 52 and 53. The play equipment would be made of timber beams with logs and ropes to allow use by children of a variety of ages.

The information submitted is considered acceptable, in that the works have been designed with due consideration for their context and would have no adverse impact on the character or amenity of the surrounding area. All other technical matters have been resolved and the layout of the development generally follows that set out in the approved Masterplan. The associated condition is therefore recommended to be discharged.

Condition 2 – Access to North Deeside Road

The above condition required the submission of information in relation to the precise location, layout, design, and construction method of the proposed access junctions to North Deeside Road (A93), including layouts, capacity, distribution, operational flow and detailed cross-sections.

Various plans have been submitted in support of the application, which include two accesses from the site onto North Deeside Road. The western on these junctions would primarily serve the residential development, whereas the eastern-most junction would serve residential properties as well as any future development in the eastern section of the site. Detailed cross-sections have been submitted showing how the access roads would slope from North Deeside Road in an easterly direction into the application site.

Colleagues in RDM have reviewed the stacking lane capacity, distribution, and operational flow aspects of the proposal, which were submitted with the original Transport Assessment and have been resubmitted with the current proposals. They have accepted that the filter lane capacity and requirements are acceptable, and that the junction and associated works as proposed are appropriate from a Roads Development Management perspective. This would also all be finalised at Roads Construction Consent stage. The condition is therefore recommended to be discharged.

Condition 5 – Landscaping

The above condition required the submission of various details including schemes for the retention of existing landscaping, the location of new planting, species to be installed, details of hard-landscaping, existing trees and hedges and vegetation to be removed and a programme for the maintenance and protection of landscaping.

A detailed landscaping plan has been submitted in support of the proposals. Trees around the periphery of the site are to be retained. 28 trees are to be removed from the central section of the site, where they currently line the access road to the stables. The provision of various extra heavy standard, standard, multi stem and feathered trees is proposed throughout the application site. These would be spread across the development and would predominantly be located along the access roads and footpaths. Areas of native woodland planting, shrubs and hedges are also proposed throughout the development, including along the western and southern boundaries.

The proposals also include the provision of various areas of space throughout the development which would include a number of footpaths, and areas of open space which could be utilised by the general public as well as residents of the development.

It is also noted that any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. It is also anticipated that the landscaping within the site would be maintained by a factor.

The landscaping details have been reviewed by various consultees including Natural Environment Policy and Aberdeen Airport and no objections have been received to the details submitted. An appropriate level of landscaping has been proposed throughout the site and as a result it is considered that the terms of the above condition have been met.

Condition 6 – Trees

The above condition required the submission of a scheme/ details of trees to be removed and retained along with a scheme for the protection of trees during construction works. Replacement planting/ landscaping was discussed in the previous section and considered to be acceptable. It was also noted that the cut and fill original proposed to extend into the Root Protection Area of the trees in the north-eastern section of the site. The proposal has been amended to ensure that this would not be the case, with the layout of Plot 9 altered slightly. A Tree Protection Plan has also been submitted, which states that most of the development falls outwith the canopy spreads in the majority of cases and that such protection measures should be implemented prior to development commencing on site. The main area of tree protection fencing is at the northwest corner of the site. The information has been reviewed by colleagues in Natural Environment Policy and is considered to be acceptable. The associated condition is therefore recommended to be discharged.

Condition 8 – Construction Environment Management Plan

The above condition required the submission of a CEMP which looked at various aspects including surface water management and site waste management during the construction period. There was also a requirement to put in appropriate mitigation measures to ensure no run-off into any watercourses which run adjacent to and through the application site. The submitted document reviewed various aspects including pollution control, water run-off, traffic, noise and vibration.

In terms of water run-off, the works would include the installation of silt fencing at the site boundaries, French drains and filter trenches and regular checking of the water quality within the settlement basins.

In terms of traffic, earthworks removal would be undertaken in dry conditions and road brushes would be used to clean the roadways. Operation would be between the hours of 7am and 7pm Monday – Friday and 8am to 1pm on a Saturday, which is standard working hours for such development sites. Measures have also been put in place to reduce vibration, which would include a full photographic dilapidation survey prior to works being undertaken and works being carried out in accordance with best practice. Dust suppression would be utilised when cutting materials and water spray would be utilised during dry conditions to suppress traffic and wind bourn dust.

The CEMP has been reviewed by both colleagues in Environmental Health and Natural Environment Policy, who are content with the findings of the documents following the submission of a revised document. Subject to implementation of the measures highlighted in the document the information and mitigation measures are considered to be acceptable. The condition is therefore recommended to be discharged.

Condition 9 – Air Quality/ Dust

This condition required the submission of a Dust Risk Assessment and Management Plan. This document included the DRA, associated mitigation measures and consideration of the significance of any residual effects.

The above document has been reviewed by colleagues in Environmental Health, who accept its findings, provided full and effective application of the DMP takes place including the associated mitigation measures, monitoring and complaints measures are adhered to. The condition is therefore recommended to be discharged.

Condition 11 – Noise Impact Assessment

This condition required the submission of a NIA to assess the road traffic impact of noise from North Deeside Road, quarrying impacts to the south of the site and plant noise impacts for future plant associated with the development.

The NIA noted that 23 of the properties are expected to have noise levels during the day that exceed the external trigger noise levels and 16 during the evening. The report advises that this is considered acceptable from a major transportation road, and similar to those found in properties in the surrounding area and that any impact can be mitigated by using standard windows and trickle ventilation construction. External noise can be controlled within the habitable rooms of the development. In terms of quarrying operations to the south, it is noted that no current permit or planning permission exists, so these operations have not been considered in the NIA.

The NIA has been reviewed by colleagues in Environmental Health, who are content with the findings and are content that the aforementioned condition can be discharged provided the noise mitigation measures provided within the NIA are applied. The condition is therefore recommended to be discharged.

Condition 12 – LZCT Statement

The submitted Low and Zero Carbon Technology Statement discusses the building fabric and construction, which have been designed to minimise energy use and provide U-values above Building Regulations. The proposals would also include the installation of solar panels on southern elevations, the connection of all dwellings to the SuDS basin, discusses SAP calculations relative to the use of Low and Zero Carbon Generating Technologies and water saving technologies. The report concludes that the development would be compliant with Policy R7: Low and Zero Carbon Buildings, and Water Efficiency and its associated SG: Resources for New Development. The condition is therefore recommended to be discharged.

Condition 13 – Watercourse

The above condition required the submission of further information in relation to the existing water courses which run through the site and whether any of these require to be de-culverted.

In relation to this, information has been submitted which advises that the Binghill Burn runs as an open watercourse from a culvert below North Deeside Road in a south-easterly direction to approximately halfway down the field (in the eastern part of the PPP site, outwith the current MSC application boundary) where it enters a 200m diameter culvert which further crosses the current application site in a southerly direction into a further open watercourse. The culvert was surveyed and found to be in a good state of repair.

Colleagues in Flooding and SEPA were initially concerned with the re-routing of the culvert but did note that the discharge rates and location would be acceptable provided further information was submitted regarding the existence and route of the watercourse in the eastern section of the development allocation. The proposals have been amended to alter the line of the culvert to keep it outwith the SUDS basin and evidence was submitted to show the open watercourse from the 300mm culvert outfall to the 4ft x 5ft masonry culvert running below the Deeside Way, which thereafter leads to the River Dee, a further 350m away.

The revised information was considered to be acceptable to colleagues in Flooding. SEPA also raised no objection to the amended proposals in relation to their interests noting that the culverted

section of the burn is to be re-routed. Further statutory approvals may be required from SEPA, and the applicants will be required to contact them in this required. The condition is therefore recommended to be discharged.

Condition 14 – Watercourse – SEPA

The above condition required the submission of further information in relation to the realignment of any watercourses within the development site along with any other crossings which would be required within the development site. As per the above condition, these works relate to the re-routing of the Binghill Burn. SEPA have confirm that they have no objections to the works as proposed. The condition is therefore recommended to be discharged.

Condition 15 – Green Measures

The scheme of green measures relative to water infrastructure for the proposed development was provided in the same report. Very little has been included in support of this condition, but this does include the provision of the SuDS basin and associated surrounds, along with various areas of landscaping throughout the application site. SEPA are content with what has been proposed. The condition is therefore recommended to be discharged.

Condition 16 – Bird Hazard Management Plan

The submitted BHMP has been submitted and reviewed by Aberdeen International Airport Safeguarding. This document concluded that the development is likely to reduce the value of the site for feeding birds, and the design of the dwellings will not enable birds to nest, and the SuDS basin will avoid the creation of open water habitats. The development is therefore considered unlikely to elevate the risk of bird strike to passing aircraft. Management during construction, along with the proposed landscaping types will result in a very low risk in relation to bird strikes. AIA have reviewed this document and have raised no objection. Subsequently it is considered that the proposals would comply with B4: Aberdeen Airport of the ALDP. The condition is therefore recommended to be discharged.

Condition 17 – Archaeology

The submitted Written Scheme of Investigation has been reviewed by colleagues in Archaeology, who have confirmed that the document meets the initial requirements of the condition and as a result the works can proceed as proposed. They have requested a partial discharge of the condition to allow works to proceed in accordance with the WSI and that full discharge of the condition will come upon completion of the on-site mitigation and a Post-Excavation Research Design is agreed, should there be a requirement for one. Subsequently it is considered that the proposals would comply with D4: Historic Environment of the ALDP. The condition is therefore recommended to be discharged.

Condition 18 – Badger Survey

The above condition required the submission of an updated Badger Survey and Protection Plan, which has been reviewed by colleagues in Natural Environment Policy. This document included details of badger activity in the surrounding area, including within the development site and how the species would be protected during development. The report and mitigation/ protection measures (which include a 30m protection cone protected by associated fencing and consultation if any works are required within these areas) are considered to be acceptable and colleagues in NEP are content with the report's findings. The condition is therefore recommended to be discharged.

Condition 19 – Surface Water

The above condition required the submission of details of SUDS treatments for the development along with source controls and compliance with the SUDS manual. In response to this the applicants have submitted drawings showing the drainage arrangements for the site and overall drainage layouts for the development.

The drawings indicate the locations of the existing combined sewer, which generally runs along the northern and eastern sections of the site along with the location of the required Scottish Water wayleave. The surface water and foul water connections for the dwellinghouses would generally run through the new road network within the development site.

The Drainage Statement advises that greenfield run-off has been determined in line with required calculations and drainage calculations have considered future connections of the adjacent land to the east. Water quality has also been assessed in line with the Simple Line Approach with the mitigation indicates being in excess of the pollution indices. Surface and water foul networks have also been designed in accordance with Sewers for Scotland requirements. Simulations have also been run to assess the surface water network under 1 year, 30 year and 200-year storm events, which demonstrate that outfalls within the greenfield run-off rates. The report also indicates that the 200-year storm event does show flooding to the network, but that the overland flow results show that no houses would be at risk of inundation from overflow flood routes.

The above information has been reviewed by both colleagues in Flooding and Roads Development Management, who are content with the level of information submitted and have raised no objection to the application. Subsequently, the surface water information, as submitted, is considered to be acceptable. The condition is therefore recommended to be discharged.

Condition 20 – Scottish Water

The above condition required the submission of information regarding connection to the public wastewater system for foul drainage, including confirmation from Scottish Water that such connections can be made and that any necessary upgrades are made.

In their consultation response Scottish Water raised no objection to the proposals, but it is noted that this response was rather generic in nature. Within the applicant's submitted Drainage Statement there is further correspondence from Scottish Water which advises that there is currently sufficient capacity at both the Invercarnie Water Treatment Works and at the Nigg Waste Water Treatment Works to serve the development. The response also noted that there are no issues currently identified which would adversely affect the demands of the development. The above response was dated June 2022 and remains valid for 12 months. This confirmation, along with the details contained within the associated drawing (Overland Flow Route) are considered to be acceptable and show that the proposed development can be adequately connected to the public wastewater system. The condition is therefore recommended to be discharged.

Condition 21 – Residential Travel Pack

The submitted Residential Travel Pack has been reviewed by colleagues in Roads Development Management. The document provides guidance to prospective owners on walking, cycling, public transportation and car usage along with other general advice. The information is considered to be acceptable and RDM have are content that the condition can be discharged. The condition is therefore recommended to be discharged.

Matters Raised by the Community Council

Cults, Bieldside and Milltimber Community Council have advised that their principal reason for objection is that they cannot fully evaluate the proposals until such a time as proposals are put forward for the whole site and that the Council should not determine an application for this site until the Report of Examination has been received and the Proposed ALDP 2022 has been adopted. *Response: The Report of Examination has been issued and includes the site in the forthcoming ALDP 2023, notwithstanding, planning permission in principle has been granted for the site and the principle of residential development on site has previously been established, there is therefore no requirement to wait for the ALDP 2023 to be adopted. The Council also has a*

legislative duty to determine applications timeously. This is further expanded upon in Point 1 of the responses to objectors' comments below.

They have also made the following comments, which they would wish to be addressed:

1. Connections to the Deeside Way – concerns about these being open during development and would prefer it to be installed once adjacent dwellings are complete. *Response: The Planning Authority would expect this to be the case but cannot control the phasing of construction.*
2. Concerns about the western connection to the Deeside Way and whether this should be made DDA (Disability Discrimination Act) compliant. *Response: the original preference of the Planning Service was that this access would be step free. This would have however involved a ramp access that exceeded 100m in length and the ecological impact and visual impact that this would have had was not considered to result in an appropriate solution. A DDA compliant access to the Deeside Way is to be provided in the eastern section of the site and this solution is considered to be acceptable.*
3. No wildlife appraisal has been submitted for the application site, this should be submitted and reviewed. *Response: appropriate Ecological Surveys were submitted at the time of the PPiP application and considered acceptable. The development would be required to comply with the findings of this document. A Badger Survey has also been submitted in support of the current application. Due to the protected species involved this document has not been made public.*
4. Concerns about the impact of the development on 263a North Deeside Road, particularly in terms of overlooking. *Response: further supporting documents have been submitted including cross-sections, cut and fill details and details of any western boundary treatments. As a result, it is considered that the development, as proposed, would have no adverse impact on properties in the surrounding area.*
5. Concerns about the creation of soil bunds and need to ensure that the Construction Environment Management Plan mitigates against this. Also require further clarification on vehicle movements on to North Deeside Road. *Response: further supporting documents have been submitted including cross-sections, cut and fill details and details of any western boundary treatments. As a result, it is considered that the development, as proposed, would have no adverse impact on properties in the surrounding area.*
6. Requested further details on boundary treatments to north and southern boundaries, as well as clarification on how the play equipment adjacent to North Deeside Road would be utilised. *Response: the CEMP has been amended to take the above matters into consideration. It has been discussed elsewhere in the evaluation section of this report.*

Matters Raised in Representations

Principle of Development

1. The development site should be assessed as a whole and should be restricted to the levels of the allocation. *Response: there is no requirement for the development to be considered as a whole, and the landowners are entitled to submit separate applications for different areas of the site. It would not be possible to refuse an application for this reason. It is common practice to accept and consider multiple MSC applications for part of a PPP development site, for example to reflect the phasing of development. Planning Circular 3/2013: Development Management Procedures states that 'applications for approval of*

matters specified in conditions are not applications for planning permission... Also, there is no statutory limit on the number of such approvals which can be sought in any one application. This provides flexibility as to how an applicant may seek to discharge conditions on a PPP. In addition, the number of housing units is consistent with that set out in the extant Planning Permission in Principle. The Planning Authority are content that the proposal enables the future addition of the retail element (and up to 5 further houses) element of the proposal in accordance with the PPIP and Masterplan and how access is envisaged to be taken (i.e. from within the site and not a further access from North Deeside Road)

2. The proposal should ensure that there is no adverse impact on the character or amenity of the surrounding area. *Response: the proposal has been assessed and amendments/clarification sought to ensure that the proposals, as submitted, would have no adverse impact on the amenity of the surrounding area.*
3. The application should not be determined until the Report of Examination is received and the ALDP2022 is adopted. *Response: the LDP Report of Examination has been issued and the site is to be included in the forthcoming Aberdeen Local Development Plan 2022. Even if this has not been issued the Planning Authority would have had to determine the application in line with the extant Planning Permission in Principle, the adopted LDP and associated Supplementary Guidance.*
4. There should be no development on site. *The site is allocated for development in the adopted Aberdeen Local Development Plan and benefits from an extant Planning Permission in Principle.*
5. Concerns about development on the adjacent site to the east. *Response: this is not a material consideration to the determination of this application. Any future application on adjacent land will be assessed on its own merits.*
6. The loss of Green Belt. *Response: the principle of development has been established. The site is allocated for development in the adopted Aberdeen Local Development Plan and benefits from an extant Planning Permission in Principle.*
7. The need for further housing in Milltimber. *Response: the suitability of the site for development has been assessed as suitable for residential development within the Lower Deeside area through its allocation and PPP.*
8. The lack of amenities within the site and the surrounding area. *Response: the principle of development has been established. The site is allocated for development in the adopted Aberdeen Local Development Plan and benefits from an extant Planning Permission in Principle.*

Layout, Siting and Design & Impact on Amenity

9. Layout, siting, and design of the development. *Response: this matter is assessed in detail at Condition 1 of this evaluation above.*
10. The location of the play equipment and lack of community facilities on site. *Response: this matter was addressed in Condition 1 of this evaluation above and it is noted that the location of the play equipment has been moved away from North Deeside Road.*

11. Screening along North Deeside Road should be appropriate for the area. *Response: no details of the screening treatments during the construction phase have been provided and are typically not required for the assessment of a planning application.*
12. Impact on the character and amenity of the surrounding area. *Response: this matter has been assessed previously and it has been concluded that the proposals would have no adverse impact on the character or appearance of the surrounding area.*
13. The location of the affordable housing and the impact that this would have on the surrounding area. *Response: the location of the affordable housing is considered to be acceptable and complies with the locations as shown in the masterplan. The location of these units would have no adverse impact on the character or appearance of the surrounding area.*
14. Require further details on boundary treatments. *Response: the information regarding the boundary treatment has been assessed under Condition 1.*
15. Western footpath connection to Deeside Way should be step free. *Response: the preference of the Planning Service was that that this access would be step free. This would have involved a ramp access that exceeded 100m in length and the ecological impact and visual impact that this would have had was not considered to result in an appropriate solution. A DDA compliant access to the Deeside Way would be provided in the eastern section of the site and this solution is considered to be acceptable.*
16. Concerns about proposed gas – combi boilers. *Response: this is not a material planning consideration.*
17. Impact on neighbouring properties, in particular 263a North Deeside Road. *Response: it is noted that this property is the closest to the application site boundary. Further cross-sections and cut-and-fill details were provided in relation to this section of the site to ensure that the proposals would have no adverse impact. The impact of the development on this property is not considered to be to any extent that would warrant refusal of planning permission.*
18. The levels difference to properties in the south-west corner of the site. *Response: similar to point 17, further information was requested in relation to this aspect of the proposal and has been discussed elsewhere. The proposals are considered to be acceptable and would have no adverse impact on the character or amenity of the surrounding area.*

Transportation, Drainage and Flooding

19. Impact on road network and safety of users. *Response: A Transport Assessment has previously been submitted and assessed for the development at PPP stage. This matter has also been addressed in the above evaluation with the junctions proposed considered acceptable, with colleagues in Roads Development Management having no objection to the works as proposed from a road safety perspective.*
20. Concerns for pedestrians, cyclists, and motor vehicles for existing residents of properties on the southern side of North Deeside Road. *Response: similar to the above, the proposal has been assessed as acceptable from a road safety perspective.*
21. Concerns regarding number of entrance points to North Deeside Road. *Response: the masterplan has indicated that there would be two access onto North Deeside Road, this*

was assessed and accepted through the PPP application and the submitted drawings indicate two accesses, with the eastern one also serving the future phases of the development. If a third access was proposed this would be assessed on its own merits.

22. Impact of new junction on cyclists. *Response: it is not anticipated that the development would have any adverse impact on cyclists.*
23. Concerns regarding content of residential travel pack. *Response: the contents of the travel pack have been reviewed by colleagues in RDM and are considered to be acceptable. The content of the report is typical of those for residential developments throughout the city.*
24. Additional impact on the existing road network. *Response: the details of the new junction have been assessed by colleagues in Roads Development Management and considered to be acceptable.*
25. The proposal does not encourage the use of public transport. *Response: public transport modes are found on North Deeside Road to the immediate north, which would provide access to both the city centre and Royal Deeside. The development would also provide additional connections to the Deeside Way of the south and is considered acceptable from a sustainable/ public transport perspective.*
26. Concerns regarding safe route to school. *Response: the safe route to school is considered to be appropriate and no objection has been received from consultees. It is noted that the route would include walking along the northern boundary of the site to existing traffic lights and then access to Milltimber Primary School along Binghill Road. This is the route that numerous users on the southern side of North Deeside Road would take. It would be similar for secondary school users who would have to cross North Deeside Road to access bus connections to Cults Academy.*
27. Require further clarification on the drainage mitigation/ disturbance proposals. *Response: revised drainage information has been reviewed by colleagues in the flooding team, Roads Development Management and SEPA. The information submitted is considered to be appropriate and would not result in increased flooding/ water disturbance to neighbouring properties.*
28. Potential for flooding on the development site. *Response: similar to the above comment, the information submitted does not indicate that the property would have an adverse impact on properties in the surrounding area.*
29. The watercourse in the south-west corner of the site has not been considered. *Response: the watercourse to the west of the development has been reviewed and the CEMP has mitigation measures to ensure there would be no pollution to the watercourse, which leads to the River Dee SAC. Provided this is implemented in accordance with the approved details there should be no pollution of adjacent watercourses.*
30. Water run-off from the west of the development is likely to flow into the waterway to the west. *Response: consultees have raised no objection to this element of the proposal, and it is not anticipated that there would be any adverse impact on the surrounding area.*

Noise, Air Quality and Construction

31. Health and safety during construction. *Response: the CEMP was updated during the application process and colleagues in Environmental Health considered its content to be*

acceptable. Any complaints received during the construction phase would be addressed accordingly.

32. Concerns with the content of the Construction Environment Management Plan. *Response: the CEMP was revised, and its content considered to be acceptable in that provided works are carried out in accordance with the approved details there would be no adverse impact on neighbouring residents to an extent that would warrant refusal of planning permission.*
33. Vibration from construction and impact on neighbouring properties. *Response: this matter was raised in the CEMP and details revised accordingly. The matter has also been discussed elsewhere in this report.*
34. Impact from soil bunds on properties along North Deeside Road. *Response: the CEMP has been amended to make it more site specific and reviewed as acceptable by various colleagues.*
35. CEMP should specify control measures for construction vehicles entering and exiting the site. *Noting that the roads response is silent on the matter. Response: the CEMP has indicated that earthworks removal would be undertaken in dry conditions and road brushes would be used to clean the roadways. It would be expected that vehicles entered and exited the site in a safe manner.*
36. Concerns regarding content of the NIA. *Response: the NIA has been reviewed by colleagues in Environmental Health and its findings are considered to be acceptable.*
37. Impact of dust on existing streams. *Response: this issue was covered in the CEMP and mitigation measures are required to be put in place to ensure that no materials contaminate the streams, which lead into the River Dee SAC.*
38. Working hours. *Response: the generally accepted working arrangements for such developments are 7am and 7pm Monday – Friday and 8am to 1pm on a Saturday, which are as indicated in the CEMP. This would be acceptable to both the Planning Authority and Environmental Health.*
39. Length of construction period. *Response: once development commences on site the Planning Service would have no control over how long it would take to complete.*

Natural Environment

40. Tree Loss. *Response: tree loss within the site would be restricted to the central section. Replacement planting would be provided through the site, and it is not anticipated that the works would have an adverse impact on the character or amenity of the surrounding area.*
41. Lack of ecological surveys. *Response: various surveys were submitted at the time of the original PPIp application, and the development is required to comply with the contents of the agreed Ecological Survey. An additional Bat Survey was also submitted in support of the proposed development.*
42. Request additional tree planting on boundaries of site. *Response: the levels of tree planting and landscaping proposed by the applicants is considered to be acceptable in this instance.*

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposals are considered to be in accordance with both Plans for the reasons previously given.

Whilst the Proposed ALDP did not include the Milltimber South OP114 site as an allocation, the Report of Examination does, and this represents the most up to date LDP position that will be carried forward into the ALDP 2022.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The details provided through the submitted plans and other associated documentation are considered to be in compliance with 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) of Planning Permission in Principle ref. 200535/PPP in respect of the erection of 75 residential units and associated infrastructure and landscaping. .

The proposed development is considered to comply with Policies LR1: Land Release Policy, OP114: Milltimber South, D1: Quality Placemaking by Design, D2: Landscape, D4: Historic Environment, I1: Infrastructure Delivery and Developer Obligations, T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T4: Air Quality, T5: Noise, H2: Mixed Use Areas, H3: Density, H4: Housing Mix, H5: Affordable Housing, NE4: Open Space Provision in New Development, NE5: Trees and Woodlands, NE6: Flooding, Drainage and Water Quality, NE8: Natural Heritage, NE9: Access and Informal Recreation, B4: Aberdeen Airport, R6: Waste Management Requirements for New Development, R7: Low and Zero Carbon Buildings, and Water Efficiency and CI1: Digital Infrastructure of the Aberdeen Local Development Plan and its associated Supplementary Guidance relating to Landscape, Planning Obligations, Affordable Housing, Transport and Accessibility, Air Quality, Noise, Natural Heritage, Trees and Woodlands, Flooding, Drainage and Water Quality, Green Space Network and Open Space and Resources for New Development.

For similar reasons the proposal would also comply with Policies WB2: Air Quality, WB3: Noise, NE3: Our Natural Heritage, NE4: Our Water Environment, NE5: Trees and Woodland, D1: Quality Placemaking, D2: Amenity, D4: Landscape, D5: Landscape Design, R5: Waste Management Requirements for New Development, R6: Low and Zero Carbon Buildings, and Water Efficiency, H3: Density, H4: Housing Mix and Need, H5: Affordable Housing, I1: Infrastructure Delivery and Developer Obligations, T2: Sustainable Transport, T3: Parking and CI1: Digital Infrastructure of the Proposed Aberdeen Local Development Plan 2020.

A tension exists with the PLDP zoning of the site in the PLDP as Green Belt and Green and Blue Infrastructure, however this is superseded by the existence of Planning Permission in Principle 200535/PPP. The anticipated allocation of the site in the forthcoming ALDP 2022 is also a material consideration.

CONDITIONS

1. Prior to the occupation of the 38th dwellinghouse, both the eastern and western footpath connections to the Deeside Way, illustrated on drawing ref BH222-BHL-ZZ-ZZ-DR-A-P (00)003 P03 shall be completed and brought into use. Thereafter, the said connections shall

- be retained in perpetuity. Reason: in order to provide pedestrian access to the site from the Deeside Way.
2. That the use hereby approved shall not be brought into use unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Noise Impact Assessment Ref: 9208/PR/SL Rev D – dated 18th August 2022. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority. Reason: in the interests of amenity.
 3. Prior to the occupation of the 75th dwellinghouse, the existing post and wire fencing located along the northern boundary of the application site shall be removed in its entirety. Reason: in the interests of amenity and to open up the area of open space to the immediate south.

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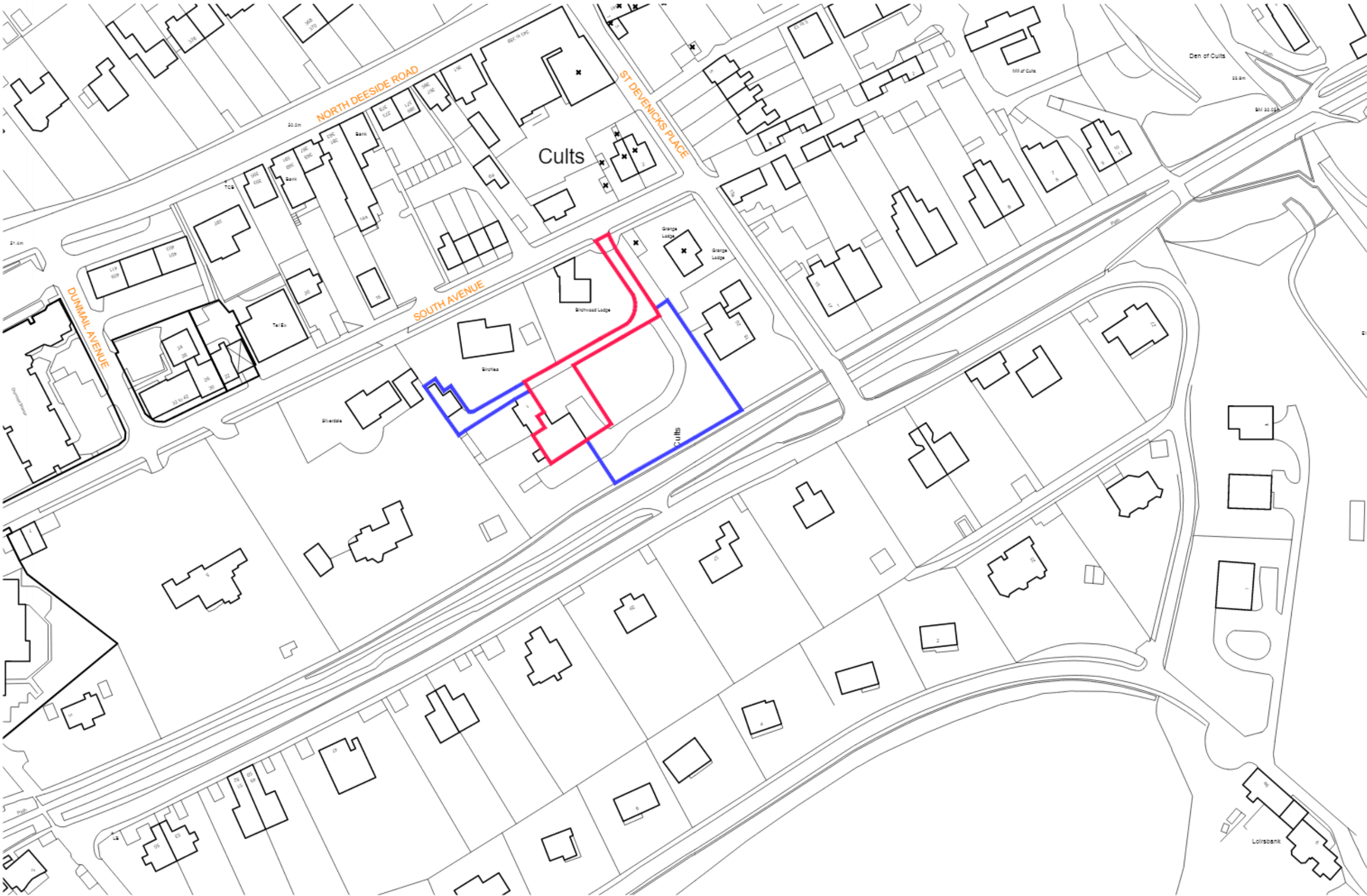
Planning Development Management Committee

**Resurfacing of external amenity area to form
parking/turning area (retrospective)**

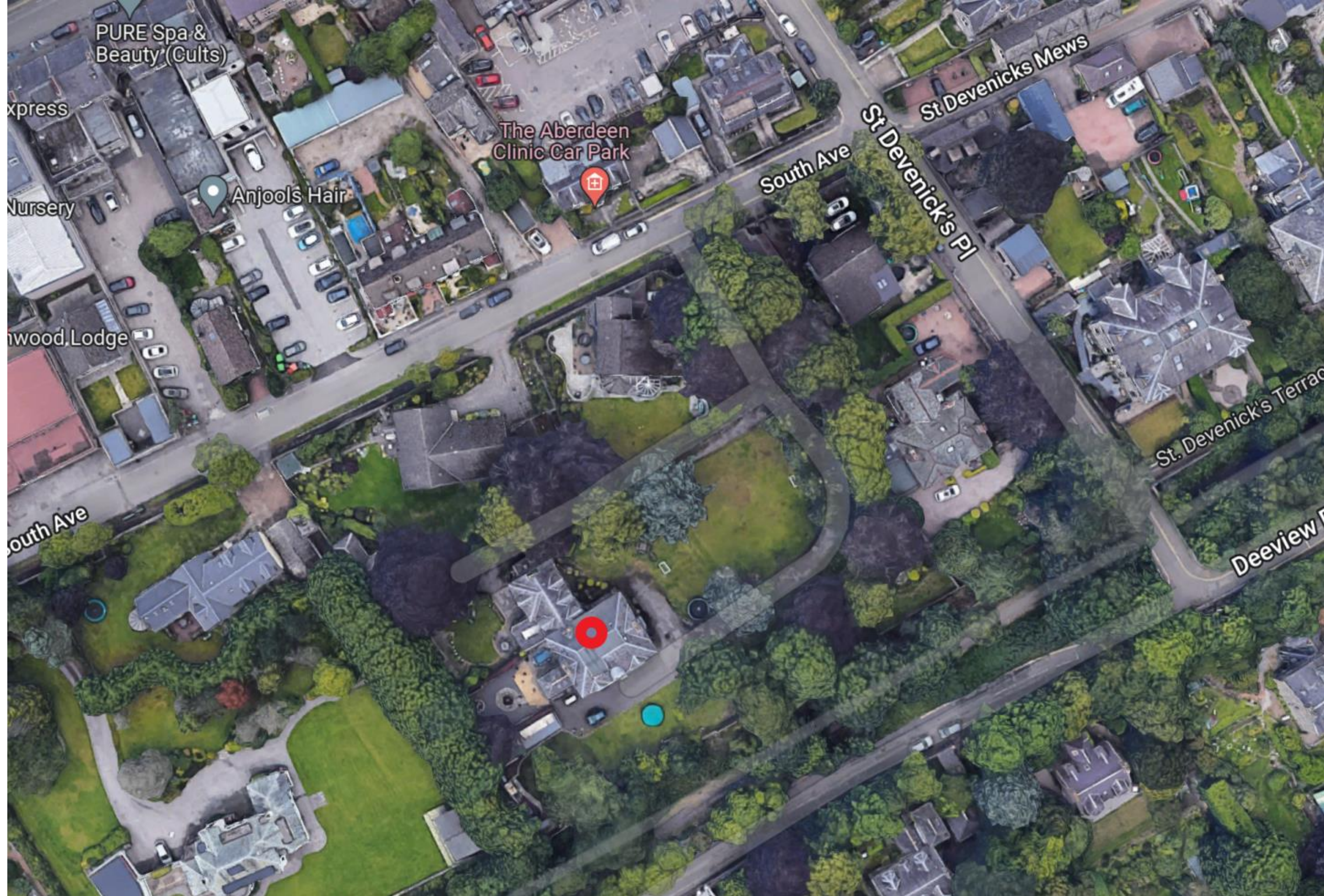
Birchwood House Upper Flat, 1 South Avenue

Detailed Planning Permission
221070/DPP

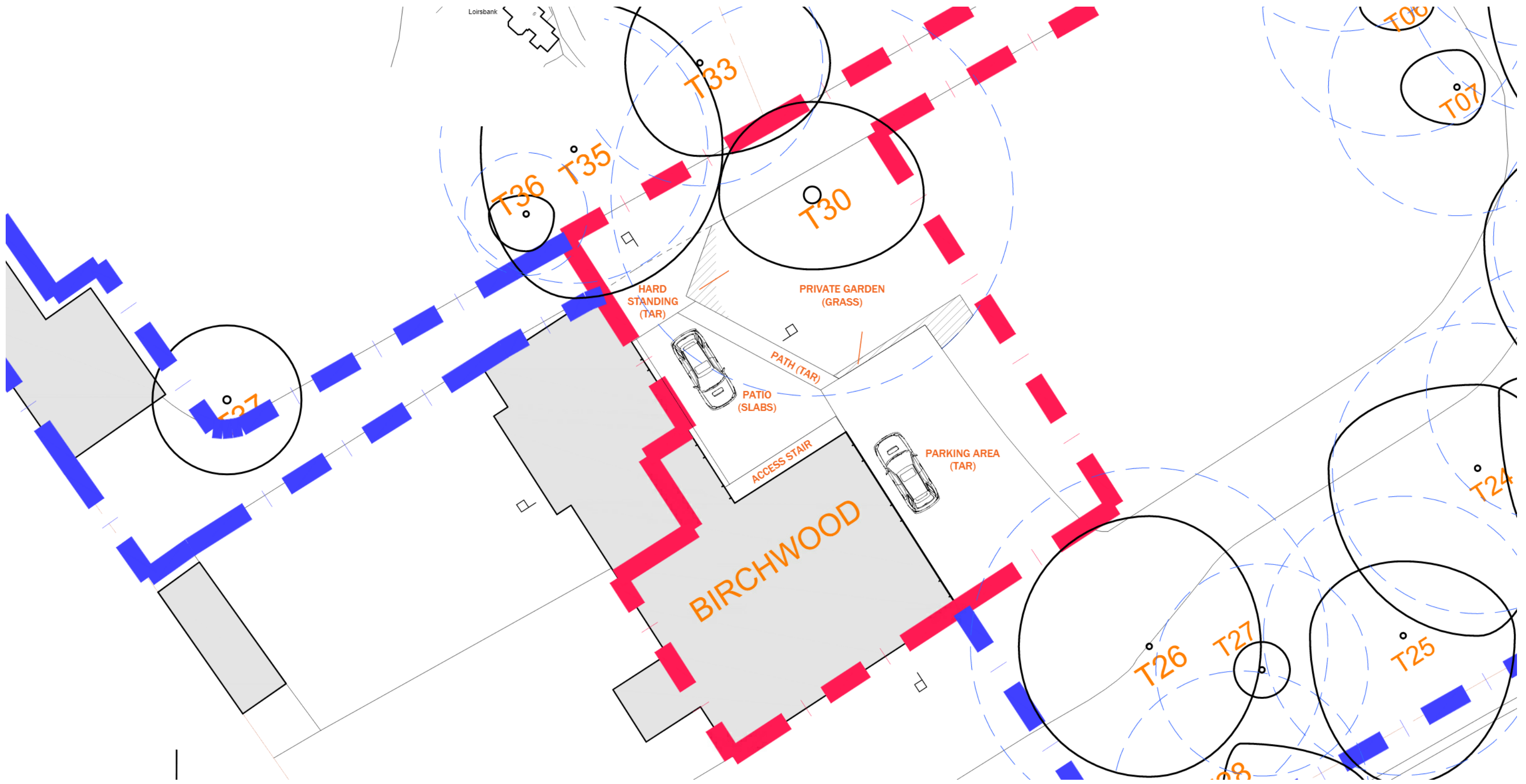
Location Plan



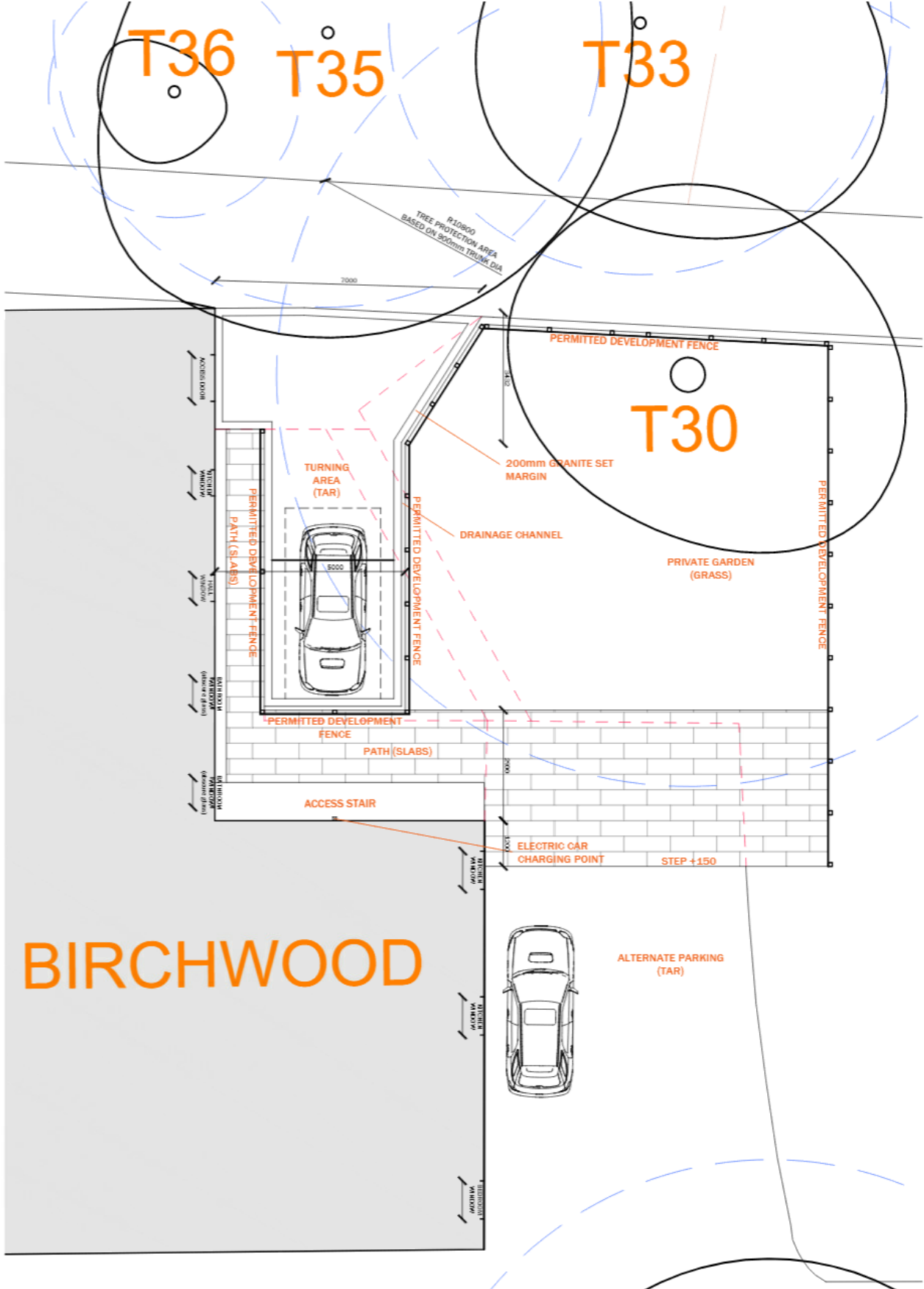
Aerial Photo



Previous Site Plan

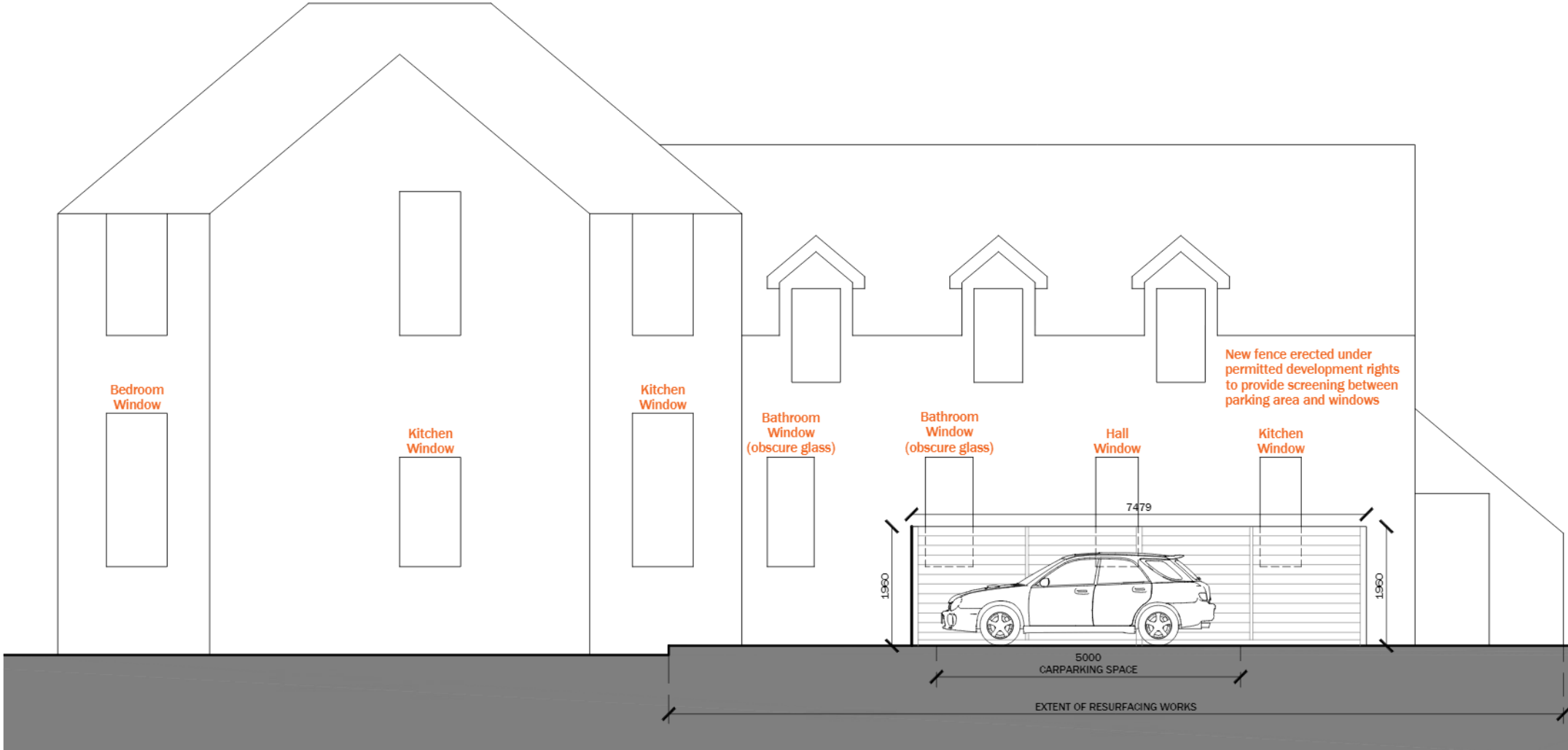
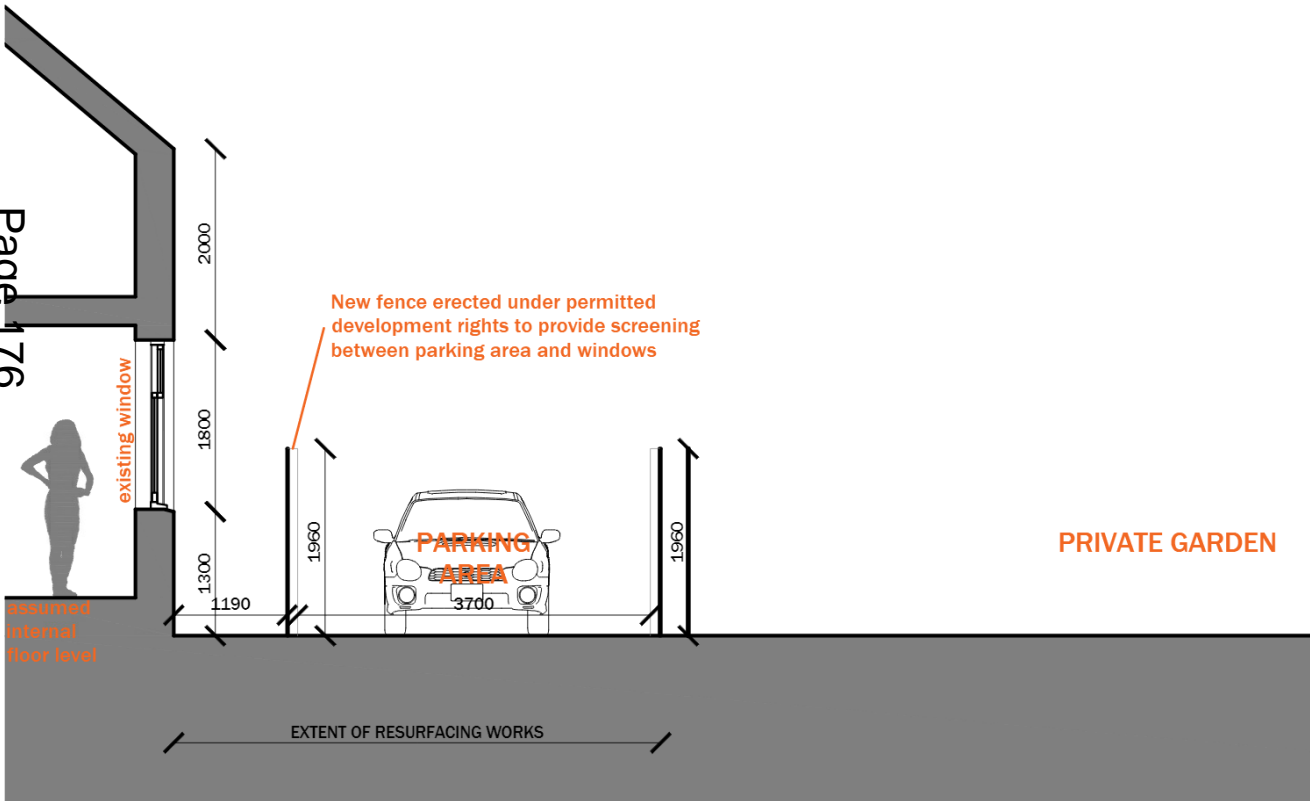


Proposed Site Plan



Proposed Sections

Page 176



Site Photos



Site Photos





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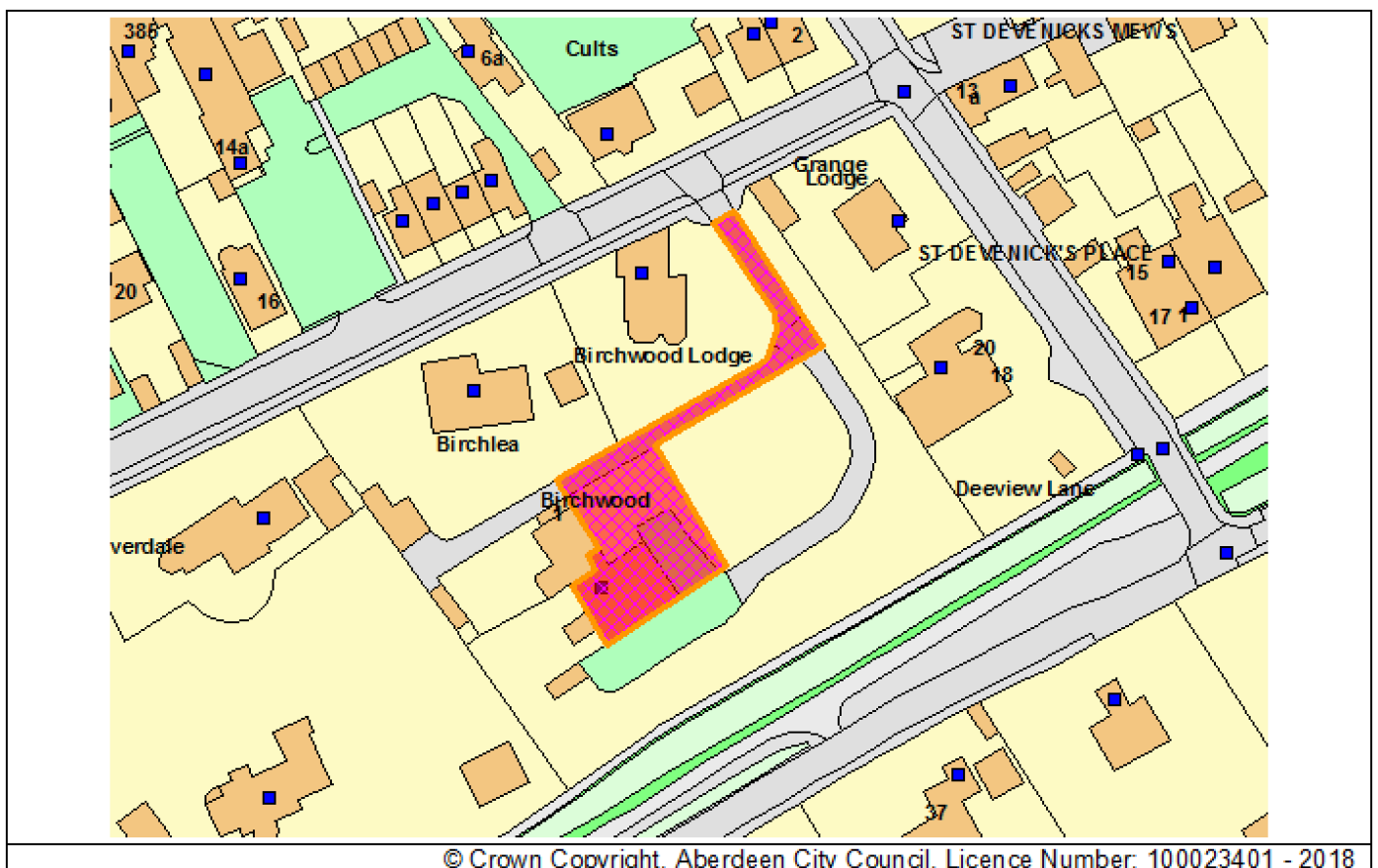


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 3 November 2022

Site Address:	Birchwood House Upper Flat, 1 South Avenue, Aberdeen, AB15 9LP
Application Description:	Resurfacing of external amenity area to form parking/turning area (retrospective)
Application Ref:	221070/DPP
Application Type	Detailed Planning Permission
Application Date:	29 August 2022
Applicant:	Mr Stuart Spearritt
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Jemma Tasker



RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The site is located on the south side of South Avenue. The application site itself extends approximately 805sqm and is accessed by a driveway to the north, which is shared with properties to the north. The site contains many mature trees of varying species which are covered by Tree Preservation Order 157 (South Avenue). The wider site is bound to the north, east and west by residential properties and to the south by a band of mature planting and the Deeside Way beyond. The immediate surrounding area, particularly along the south side of the street, is characterised by large, detached houses often of substantial size and frequently set within large, tree covered gardens.

The site is occupied by a large, traditional, detached dwellinghouse of granite construction, divided into three flats, with the applicant occupying the section referred to as 'Upper Birchwood' and two other properties occupying the ground floor. The section of the application site to which this application relates is an area of hardstanding to the east of the building, predominantly denoted on the existing site plan as 'patio (slabs)'. The building and gardens are not readily visible from a public viewpoint.

Relevant Planning History

Application Number	Proposal	Decision Date
211031/DPP	Erection of garden room/office, erection of pergola and formation of decking to rear	22.10.2021 Status: Withdrawn by Applicant.
220410/DPP	Resurfacing of external amenity area to form parking/turning area (retrospective)	15.08.2022 Status: Withdrawn by Applicant.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought retrospectively for the resurfacing of an external amenity area to form a parking/turning area. An area of tar, 3.7 metres in width and 7.5 metres long, plus 2.7 metres for the bellmouth, has been laid to the east of the building, which is bordered by a 200mm granite set margin. To the south-east and south-west of this area, slabs have been laid to form a pathway.

It is noted that an electric vehicle charging point has been installed on the north elevation of the building – to the south of the new tarred area – however, this is considered to constitute permitted development and thus, does not require planning permission. Additionally, a 1.96 metre high fence has been constructed around three sides of the parking space, at a distance of 1.2 metres from the windows of the ground floor flat to the west – which is in separate ownership – and along part of the lawn. Again, this is considered to constitute permitted development and thus, does not require planning permission.

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=RHDFS5BZJ6900>

Retrospective Arboricultural Impact Assessment Rev A by Urban-Arb Arboricultural Consultants (August 2022)

Supporting Statement by McWilliam Lippe Architects (August 2022)

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 6 timeous objections have been received and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

Cults, Bielside and Milltimber Community Council – No response received.

REPRESENTATIONS

A total of 24 representations were received, 11 in support and 13 objecting to the application. The matters raised can be summarised as follows:

Support

1. The land is fully owned by the applicant who does not need any permission to park their car there in the first place.
2. There is no shared amenity at Birchwood. Each property has its own land, which the neighbours have built garages, extensions, sheds and structures on, some without permission.
3. One car parking space would not worsen the previous situation where the area was used as a patio and loading area and for storing bins. This must be better than being parked next to the previously used parking space which was next to a bedroom window. You would expect this if you live in a flat.
4. This is a considerable waste of council resources and taxpayers' money.
5. The fence, as confirmed by ACC, is permitted development and not in question here.
6. Planning law does not entitle you to a view.

Objection

1. No requirement for additional parking. This causes an overprovision.
2. Paving materials are incompatible with the old granite house.
3. The car parking space reduces privacy, causes overshadowing, limits the outlook and creates additional noise to an unacceptable level.
4. The fence erected to mitigate amenity concerns further negatively impacts the amenity of ground floor properties.
5. There will be an unacceptable loss of a valuable area of open space garden from this application. It is an overdevelopment of this historic site.
6. The plans shown cannot be the full extent of the applicant's plans given the quantity of similar materials lying around the site.
7. The applicant claims the area was formerly a turning area and patio area. It has rarely, if ever, been used as such. It was previously covered with small trees, bushes and narrow tarmac path (35cm) between them.
8. The arboricultural assessment was subject to a key assumption that the development was a replacement of the existing hardstand parking area. There was no parking area at all, and there is no replacement as such. Therefore, the whole advice becomes void.

9. The applicant, postmen, delivery people and any visitors need to walk the length of the narrow corridor, passing very close to the ground floor windows, to access the stairway to the upper flat.
10. The development has negatively impacted the general view of the property from outside.
11. Believe that ACC planning department have the right to negate the permitted development rights regarding the fence and thus reject this application.

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 (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 five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

The following policies are relevant –
Policy D1 – Quality Placemaking by Design
Policy H1 – Residential Areas
Policy NE5 – Trees and Woodlands

Supplementary Guidance

The Householder Development Guide (HGD)
Trees and Woodland

Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The following policies are relevant –
Policy D1 – Quality Placemaking
Policy D2 – Amenity

Policy H1 – Residential Areas
Policy NE5 – Trees and Woodland

EVALUATION

Principle of Development

The application site is located in a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; does not result in the loss of open space; and it complies with the associated Supplementary Guidance.

The proposal would not result in the loss of any open space given that the proposal relates to development within the curtilage of the property. The remaining issues are discussed in the evaluation below.

Scale and Design

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Additionally, the Householder Development Guide requires such proposals to be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.

The area of hardstanding would not result in overdevelopment and is considered acceptable in terms of form and size in relation to the original building and the open curtilage that it sits within. All proposed finishing materials are compatible with the original building and the surrounding area and the use of granite setts to the surrounds of the hardstanding is welcomed. It is noted that the development is not visible from a public viewpoint and thus, there is no impact on the character and visual amenity of the wider surrounding area.

Road Considerations

Given the proposal creates a new car parking area, the Council's Roads Development Management Team were consulted on the application. They have no objection, as the proposal meets the minimum dimensions and would be accessed via an un-adopted access road.

Impact on Residential Amenity

No development should result in a situation where amenity is 'borrowed' from an adjacent property or there is an impingement on the amenity enjoyed by others. The parking/turning area, as existing, is not located outside the flat owned by the applicant – given the applicant occupies the upper floor of the building – but directly outside a flat belonging to a third party occupying the ground floor property. There are four windows belonging to this third party flat, on the east elevation of the building at ground floor level, adjacent to the development. It is understood these windows provide light to a kitchen, a hallway and a bathroom.

During consideration of the previously withdrawn planning application (ref. 220410/DPP) a concern regarding the adverse impact of the car parking space on neighbouring amenity was raised. It was considered that cars, vans and other vehicles that would utilise this space would result in light and noise disturbance for the neighbouring properties due to factors such as engine noise, headlights and car doors opening and closing. Additionally, different people who would use

the space would have direct views into the windows of the immediately adjoining ground floor property. Such concerns were highlighted throughout the committee report for 220410/DPP; however, as mentioned, that application was withdrawn and therefore not determined by Aberdeen City Council. In the intervening time from that application being withdrawn and this application being submitted, a timber fence measuring approximately 2m in height has been installed around three sides of the proposed car parking space which then continues to enclose part of the lawn. Within the Supporting Statement submitted as part of this application, an entire section has been dedicated to 'Mitigation of Amenity'. Here, it is stated that *'this fence has now been erected and provides a barrier which will improve privacy, reduce light pollution and reduce noise pollution'*.

The Planning Service accept that the erection of the fence in this location is permitted development and thus, does not require planning permission. Notwithstanding the undoubted impact the fence has on neighbouring daylight and outlook, the installation of the fence itself cannot be considered as part of this application. Nevertheless, the Planning Service acknowledge that the fence has been erected as a direct result of the car parking space being constructed, with the Supporting Statement clearly setting out that the fence was erected purely to alleviate concerns regarding the amenity impacts associated with the parking space. Although the Planning Service recognise that the fence may reduce light and noise pollution caused by a vehicle using this space, ultimately the fence could be removed by the applicant at any point. Because it constitutes permitted development, the Planning Service cannot legitimately impose a condition requiring the retention of the fence due to the adverse impact the fence has on neighbouring properties as noted above. Moreover, due to the implications of the fence for neighbouring properties, which is a direct consequence of the car parking space being constructed in that location, the Planning Service do not consider this to be an adequate 'mitigation' measure. However, due to the fence being permitted development, the Planning Service recognise that this impact on neighbouring amenity cannot carry any significant weight as a reason for refusing the application.

With the fence in place and the space now completely enclosed on three sides, in order for the applicant to access the stairs to the upper flat, they would have no choice but to walk along a 0.9m wide path running directly along the eastern edge of the building. As a result, people using the parking space would have clear views into the windows of the ground floor property, which is a wholly separate unit. Although it is recognised that someone could have stood and walked along the eastern edge of the building previously, they probably had little reason to, whereas now, people would be required to walk along this edge in order to gain access to the flat.

Within the Supporting Statement, under the heading 'Purpose of Development', it is stated that *'it introduces an electric charging point to the property which helps future proof the property'* and that *'the location of the new parking space allows this charger to be located under the existing access stair avoiding installation on more prominent elevations of the building'*. However, the high fence enclosing the parking space would make use of that charging point very difficult. It would appear that installing the fence as a means of 'mitigation' has made one of the main purposes of the development unworkable.

Overall, the development has resulted in a change to the level of amenity afforded to the ground floor neighbouring properties, to their detriment. Therefore, the proposal would have an adverse impact on the level of privacy currently afforded to the neighbouring property, rendering the proposal contrary to Policy H1 of the ALDP, the HDG and Policy D2 of the PALDP.

Impact on Trees

As set out above, all trees within the site are protected by a Tree Preservation Order. As the application is retrospective, during the installation of the hardstanding, a concern over the location of the development within the Root Protection Area (RPA) of an adjacent mature lime tree (T30)

was raised and subsequently an enforcement notice was served requiring all operations on the site to stop.

Now, the application is required to be assessed against Policy NE5 (Trees and Woodlands) which advises that there is a presumption against development that will result in the loss of or damage to trees. In light of this, the Planning Service requested the submission of a tree survey, arboricultural impact assessment and a tree protection plan.

Subsequently, the Planning Service has received a document by Urban-Arb Arboricultural Consultants. This document provides information including a description of the works which were undertaken, a description of the tree protection measures during construction and the likely harm that has been caused to the lime tree as a result of the development.

Section 5 of the document by Urban-Arb Consultants sets out that *'it is understood that prior to the construction there was an existing surfaced parking area next to the house which was in use by the owners. However, in order to carry out maintenance work to the drainage system, the parking area was partially excavated'*. It is understood that the area was never really used as a car parking space and although the area may have been able to theoretically accommodate the dimensions of a car, the Council's Tree Officer has advised that there was a patio and a path with a row of shrubs situated at the edge of the driveway and thus, the area could never have been practically utilised for car parking. This appears to be corroborated by photos contained within letters of representation submitted to the Planning Service and aerial photographs seen on Google Maps. Thus, the Planning Service is satisfied that the area that is now the parking space, was not previously used for parking.

At Section 7, it is noted that the applicant has advised that no ground compaction took place. In direct contradiction of this statement however, and within this same section, Urban-Arb Consultants have advised that the type of construction method utilised requires aggregate layers to be well compacted. Consequently, the report has taken the position that there was compaction of the aggregate base layer. Had this method of installation been identified in a report submitted with an application prior to the commencement of work, it would have been highlighted as contravening BS 5837: 2012 which clearly states that compaction should be avoided when installing new hard surfaces within the RPA. The compaction of the aggregate sub-base layer conflicts with Policy NE5 which states *'there is a presumption against all activities and development that will result in the loss of, or damage to trees'*.

Section 8 discusses tree protection measures during construction. It sets out that *'photographs at the time of the construction show that a low rope fence attached to bollards was used to cordon off the general area around the tree. However, the fenced off area does not encompass the entire RPA'*. In addition, at Section 9, it is stated that *'the tree protection fencing that was put in place during the construction works did not comply with either of the specification options shown in BS5837:2012 because it was not securely fixed to the ground and was not sufficiently robust'*.

Furthermore, Section 9 of the report states *'prior to the construction works there was existing hard surfacing in place and it is assumed that the ground beneath the hard surfacing would have been compacted to some degree. Although ground compaction often restricts root growth and spread, for the purposes of this assessment, it has been assumed that roots would have been present throughout the RPA and under the original parking area'*. Based on the incorrect information that there was an existing parking space in the same location as the newly constructed parking space, the writer of the report makes the logical assumption that the ground would have already been compacted. However, as this area was unlikely to have previously been used as a parking space, any compaction would have been limited to that caused by pedestrian use only.

The report concludes that *'although the new parking area and patio have encroached the RPA of T030 by 12.3% the majority of the works took place within an area where the rooting environment is not likely to have been optimal'*. The author of the report largely puts this conclusion down to the fact that there was an existing hard surface and already compacted ground. It is then stated that *'removal of the drive and patio would involve some quite invasive works and there would be a significant risk of damage to the tree'*. It is considered correct that damage to the tree and the roots could occur if the new parking space were to be removed; however, provided this is done with care and under strict supervision, it would be possible to undertake the works without inflicting any further damage to tree T30 and its roots. All works within the RPA associated with the removal of the new car park would have to comply with BS 5837: 2012.

On the balance of evidence, based on the information contained within the report by Urban-Arb Consultants and the events that Council Officers have witnessed, it has been concluded that the development that was carried out without planning permission has not made provision for the long-term preservation of trees and is not sited so as to minimise adverse impacts on existing tree stock. Therefore, the proposal is considered contrary to Policy NE5 (Trees and Woodlands) and the SG: 'Trees and Woodlands'.

Equality Considerations

Section 149 of the Equality Act 2010 requires the Planning Authority, in the exercise of its functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

In this instance, it has been brought to the attention of the Planning Service that the proposal could impact on persons with one of the protected characteristics, disability. Within the Supporting Statement submitted as part of the application it is stated that *'the development introduces parking directly adjacent to the access stair to the property adding convenience for an elderly and disabled relative of our client'*. Further information provided to the Planning Service has highlighted that a smooth surface for operating a wheelchair and walking aid devices, including a Zimmer, is required and was not possible on the previous tarred and uneven surface.

It is noted that while personal circumstances can be capable of being a material consideration, the onus is on the applicant to demonstrate the reasons why these are special and exceptional and thus should be taken into account. However, compliance with the Public Sector Equality Duty can involve Local Authorities treating some persons more favourably than others. It is not considered that this is significant enough to outweigh the Planning Authority's duty in the public interest which, in this case, is the protection of neighbouring amenity and the existing trees that are subject to a Tree Preservation Order. Nevertheless, given the design of the parking space and in particular the enclosing of it on three sides by a high fence, the most direct and convenient route to the stairs giving access to the upper flat (the applicant's property) is blocked, thus necessitating those using the parking space and accessing the flat, including the person identified as having a disability, having to travel round a narrow, enclosed pathway to reach the stairs once exiting the parked vehicle.

Therefore, on balance, the application is considered not to advance equality of opportunity for people with a protected characteristic sufficiently to outweigh the Planning Authority's duty in the public interest which, in this instance, is the protection of trees, and the privacy and amenity enjoyed by the occupants of the immediately adjoining flat.

Aberdeen Local Development Plan 2020

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is not acceptable in terms of both plans for the reasons previously given.

Matters Raised in Letters of Representation

Support

1. *The land is fully owned by the applicant who does not need any permission to park their car there in the first place.*

Permission is specifically required for the installation of the hardstanding, which in turn has formed a car parking area.

2. *There is no shared amenity at Birchwood. Each property has its own land, which the neighbours have built garages, extensions, sheds and structures on, some without permission.*

Existing development within the grounds of Birchwood House is acknowledged. Those that have been constructed without planning permission is a matter which is separate from this planning application.

3. *One car parking space would not worsen the previous situation where the area was used as a patio and loading area, and for storing bins. This must be better than being parked next to the previously used parking space which was next to a bedroom window. You would expect this if you live in a flat.*

The impact of the development on residential amenity is discussed in the foregoing evaluation: 'Impact on Residential Amenity'.

4. *This is a considerable waste of council resources and taxpayers' money.*

In accordance with Planning legislation, the car parking space requires planning permission and thus there is a need for a planning application to be submitted seeking permission. The applicant chose to carry out the works without first obtaining consent, thus directly resulting in the need for the Planning Service to serve an Enforcement Notice. Further, each person concerned is within their right to submit a planning application; submit representations; and appeal any decision should that be necessary.

5. *The fence, as confirmed by ACC, is permitted development and not in question here.*

The fence has been confirmed as permitted development as is highlighted above.

6. *Planning law does not entitle you to a view.*

This is correct; however, outlook is an amenity consideration and a material planning consideration.

Objection

1. *No requirement for additional parking. This causes an overprovision.*

Roads Development Management were consulted on the application, taking into consideration parking capacity and noted no concerns.

2. *Paving materials are incompatible with the old granite house.*

The design of the development – including the materials used – has been discussed in the foregoing evaluation: ‘Scale and Design’.

3. *The car parking space reduces privacy, causes overshadowing, limits the outlook and creates additional noise to an unacceptable level.*
Impact on residential amenity is discussed in the foregoing evaluation: ‘Impact on Residential Amenity’.
4. *The fence erected to mitigate amenity concerns further negatively impact’s the amenity of ground floor properties.*
The fence is discussed in the foregoing evaluation: ‘Impact on Residential Amenity’.
5. *There will be an unacceptable loss of a valuable area of open space garden from this application. It is an overdevelopment of this historic site.*
The development does not result in the loss of valued open space given it is located within a residential curtilage, nor does it result in overdevelopment given its scale in comparison to remaining garden ground.
6. *The plans shown cannot be the full extent of the applicant’s plans given the quantity of similar materials lying around the site.*
The Planning Service cannot speculate on any future development and are required to assess the development which forms part of the current planning application.
7. *The applicant claims the area was formerly a turning area and patio area. It has rarely, if ever, been used as such. It was previously covered with small trees, bushes and narrow tarmac path (35cm) between them.*
The previous use of the area is acknowledged and discussed in the foregoing evaluation: ‘Impact on Trees’.
8. *The arboricultural assessment was subject to a key assumption that the development was a replacement of the existing hard stand parking area. There was no parking area at all, and there is no replacement as such. Therefore, the whole advice becomes void.*
The previous use of the area is acknowledged and discussed in the foregoing evaluation: ‘Impact on Trees’.
9. *The applicant, postmen, delivery people and any visitors need to walk the length of the narrow corridor, passing very close to the ground floor windows, to access the stairway to the upper flat.*
This impact is discussed in the foregoing evaluation: ‘Impact on Residential Amenity’.
10. *The development has negatively impacted the general view of the property from outside.*
The design impact of the development is discussed in the foregoing evaluation: ‘Scale and Design’.
11. *Believed that ACC planning department have the right to negate the permitted development rights regarding the fence and thus reject this application.*
The Planning Authority have confirmed that the fence constitutes permitted development and thus, does not require planning permission in line with the provisions of the Town and Country Planning (General Permitted development) (Scotland) Order 1992, as amended.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The development fails to adequately retain the level of amenity previously afforded to ground floor neighbouring property due to the siting of the development directly adjacent their ground floor windows, having a notable detrimental impact on their privacy. Furthermore, the development fails to minimise the adverse impact caused to adjacent protected trees, namely Lime Tree T30, through the inappropriate siting of the developing, the construction methods utilised and the inadequate protection of the tree while this work was being carried out. Therefore, the proposal fails to accord with the fundamental aims of Policies H1 (Residential Areas) and NE5 (Trees and Woodlands) of the current Aberdeen Local Development Plan 2017; its associated Supplementary Guidance: 'The Householder Development Guide' and 'Trees and Woodlands'; and Policies H1, D2 and NE5 of the Proposed Aberdeen Local Development Plan 2020.

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07 ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	3 November 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Representation Procedure
REPORT NUMBER	COM/22/252
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Alan Thomson
TERMS OF REFERENCE	1.5

1. PURPOSE OF REPORT

- 1.1 To seek approval from the Committee for the procedure to allow interested parties to make representations on planning applications at Planning Development Management Committee.

2. RECOMMENDATION(S)

That the Committee: -

- 2.1 Approve the Procedure and Guidance notes at Appendix 1;
- 2.2 Note that the Procedure will take effect from 4 November 2022 and will apply to future Planning Development Management Committee meetings thereafter;
- 2.3 Delegate to the Chief Officer – Strategic Place Planning, following consultation with the Convenor and Vice-Convenor, to amend the Procedure; and
- 2.4 Instruct the Chief Officer – Strategic Place Planning to report back to the Committee on the effectiveness of the Procedure by December 2023.

3. CURRENT SITUATION

- 3.1 Prior to 2019, there was an informal process where Elected Members could make representations at the Planning Development Management Committee after declaring an interest. There was no formal procedure in place for interested parties who wished to make a representation.
- 3.2 In 2019, during the Scheme of Governance Review, it was identified that this practice was not compliant with the Councillors Code of Conduct (the Code) which required that there be an agreed procedure in place that afforded equal

opportunity to any party that wished to make a representation. As only elected members could make representations, the process was not fair in terms of an individual's right to a fair hearing. Council agreed, through the Scheme of Governance, that elected members no longer make representations at PDMC as there was no procedure in place to allow equal opportunity. The only circumstance during the consideration of a planning application that elected members could make verbal representations is when a Hearing is to be held and they have made a written representation during the public planning process. They then are invited to speak to their representation along with members of the public both supporters, objectors, and the applicant.

- 3.3 As with the previous version of the Code, Section 7 of the 2021 Code requires that members *“follow procedures agreed by [the] council which afford equal opportunity to any parties wishing to make representations to do so”*.
- 3.4 At the adjourned meeting of Council on 25th August 2022, the Chief Officer – Strategic Place Planning was instructed 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.
- 3.5 The proposed Procedure is attached as Appendix 1. Guidance notes for people seeking to make a representation are also included at Appendix 1.
- 3.6 For the purposes of the procedure, an Interested Party is the applicant or their agent, someone who has submitted a written representation through the planning process, or a ward member. A representation can be in support or objecting to the application.
- 3.7 In line with this proposed procedure, Elected Members who wish to make a representation at PDMC do not need to have submitted a written representation through the planning process. If a committee member wishes to make a representation on behalf of individuals or groups who are seeking to make representations for or against an application at PDMC, the Code at 7.11 requires them to (a) follow the Councils procedure, (b) declare an interest in the matter and (c) only remain in the meeting, while that item is being discussed, for the purposes of acting as the representative of the individual or group throughout the duration of their participation. Non-committee members may also make representations on behalf of individuals or groups, however, as per 7.12 of the Code they must (a) follow the procedure and (b) also only remain in the meeting, while that item is being discussed, for the purposes of acting as the representative of the individual or group throughout the duration of their participation. It is suggested that the right of a member to make a representation at PDMC should only apply to ward members for the application site.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications of adopting the Procedure, however, it should be noted that if the representation procedure results in PDMC meetings becoming longer than they currently are, there will be an impact on resources.

5. LEGAL IMPLICATIONS

5.1 The Procedure is required by the Councillors Code of Conduct if Elected Members wish to make representations at PDMC on behalf of their constituents. It is important that all Interested Parties are given the same opportunity to make verbal representations to the Committee.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications of adopting this Procedure.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified.			N/A
Compliance	Procedure is required to comply with requirements of Code of Conduct	Procedure and guidance notes drafted to comply with requirements of the Code of Conduct.	L	Yes
Operational	Impact on the efficient running of PDMC if there is a lot of interested parties wanting to speak at PDMC.	Procedure has been drafted to minimise the impact on the efficient running of PDMC. Interested parties have limited time to make their representations, and are restricted to groups rather than individual speakers.	L	Yes

Financial	No significant risks identified.			N/A
Reputational	No significant risks identified.			N/A
Environment / Climate	No significant risks identified.			N/A

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2022-2023</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals in this report have no impact on the Council Delivery

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required
Other	None

10. Appendices

Appendix 1 – Procedure for making representations at PDMC and associated guidance notes.

11. REPORT AUTHOR CONTACT DETAILS

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APPENDIX 1

Procedure Note on representations at Planning Development Management Committee

This note accompanies the report recommending the introduction of a procedure for representations to be made at the Planning Development Management Committee in respect of planning applications by Elected Members, applicants and their agents, objectors/other interested parties who have submitted a representation during the application process.

To comply with the requirements of the Councillors' Code of Conduct all interested parties must have equal opportunity to make a representation.

Any party who wishes to make a representation at Planning Development Management Committee in respect of a planning application will require to submit a request to Committee Services (email to lymcbain@aberdeencity.gov.uk) no later than the Monday before the day of the Committee meeting. Planning Development Management Committee meetings are held at the Town House, Aberdeen and are also live streamed. Those who are eligible to make a representation and have registered with Committee Services in time will be allowed to either appear in person at the Town House or virtually via MS Teams. Parties should make clear in their request to Committee Services whether they intend to appear personally or virtually.

Each party will be allowed a maximum of 3 minutes to address the Committee.

A Guidance Note providing further information on this procedure is available. Parties should not seek to repeat their written statements submitted as part of the planning process and should focus on the main points of their submission or representation. The applicant or their agent should summarise their application during their representation. No new information can be introduced at this stage. Parties can read from a prepared statement and are advised to check how long it takes to read to ensure that their representation is no longer than 3 minutes.

The Convenor will ask the Planning Officer to give their presentation on the application and the Committee may then ask questions of the Planning Officer. Any parties wishing to make a representation will thereafter be asked to present their representation to the Committee in the following order:

- Community Council
- External Consultees
- Objectors
- Supporters
- Elected Members of Aberdeen City Council for the associated Ward where the application is, who are not members of the Planning Development Management Committee (such Elected Members should withdraw from the meeting after making their presentation)
- Applicant/Agent

The Committee will be able to ask questions of the spokesperson for each group on conclusion of each respective representation, however no cross-examination between parties will be allowed. The Committee will also be able to ask questions of the Planning Officer on conclusion of each respective representation if necessary to address any queries arising as a result of matters raised in the representations. No questions may be asked of Committee Members or Council Officers by eligible parties. Members of PDMC will then debate the application before making a decision.

Guidance on making representations at Planning Development Management Committee

Introduction

This Guidance Note tells you how the Council will deal with representations at the Planning Development Management Committee (PDMC).

Who Can Attend and Speak at Committee?

Applicants/their agents and/or objectors/other interested parties who have submitted a representation during the application process will be eligible to speak at PDMC provided they have registered their intent to do so in line with this guidance note.

PDMC will be conducted as a hybrid meeting. The meeting will take place in the Council Chamber, Town House, Aberdeen. The meeting will also be live streamed. Those wishing to make representations at PDMC and who are eligible to speak and have registered their intent to do so in line with this guidance note are welcome to either attend at the Town House to do so or to appear virtually via MS Teams.

Whilst there is no obligation to speak if you do not wish to, any eligible party wishing to make verbal representations to PDMC, **must confirm their intention to do so by sending an email to the following address lymcbain@aberdeencity.gov.uk no later than the Monday prior to the date of the Committee meeting; parties who do not do so will not be permitted to speak.** Agents or proxies may read prepared statements on behalf of people eligible to speak who are unable to attend the meeting – the normal time limits (below) will apply. However, people who are unable to attend in person cannot transfer the time which they would have been allotted to other parties for their own use.

E-mails to the Council requesting the opportunity to speak should clearly specify:-

- (i) the planning application reference number;
- (ii) the proposed development and its location;
- (iii) name and address of the person making the request to address the Committee and on whose behalf;
- (iv) a daytime contact telephone number and reserve number if possible;
- (v) the date; &
- (vi) whether the person who will speak at the Committee will appear personally at the Town House or via MS Teams.

No cross-examination between parties will be allowed but any speaker must be prepared to answer any relevant questions from Committee Members.

No materials (e.g. letters, documents, photos, etc) may be circulated by prospective speakers either at the Committee meeting or in advance of it as they cannot be legally taken into account by the Committee in reaching a decision.

No new matters shall be raised through addressing Committee, points should be limited to matters already raised in formal representations or the application submission.

Instructions or requests from the Convenor of the Committee must be adhered to by all eligible parties; failure to do so may result in the opportunity for public speaking being withdrawn for that item. All speakers should be respectful and polite and the Convenor can exercise discretion in this regard in terms of whether to allow speakers to continue.

The right to speak applies only in relation to statutory applications (eg planning permission, listed building consent, conservation area consent etc) and there is no opportunity for public speaking for reports on other matters eg. masterplans, planning briefs, planning guidance or policy etc or where the Council is not the decision-making authority (e.g. responses to consultation documents).

Please note that meetings will be publicly live streamed as well as recorded and made available online. Accordingly, by indicating you wish to speak at the meeting, please be aware that you are also agreeing to your representation being streamed, recorded and made available online.

What Will Happen at the Meeting?

At the beginning of the meeting, the Committee Officer will outline the procedures to be followed. The Committee will consider each application in turn. The case officer or appointed officer will make a presentation addressing the determining issues accompanied by PowerPoint slides. Any late information, amendments or corrections will be reported at this time. Committee Members may ask questions of officers following the presentation.

Following the officer's presentation the order of registered eligible parties being heard will be as follows:-

- The Community Council for the relevant application;
- External Consultees;
- Third parties objecting to an application;
- Third parties supporting an application;
- Elected Members of Aberdeen City Council for the associated Ward where the application is, who are not members of the PDMC (such Elected Members should withdraw from the meeting after making their presentation); &
- Applicants or their agents.

The Convenor will individually invite those who have confirmed in advance that they wish to speak in respect of the application to make their presentation, after which they may be questioned by Committee Members (no questions may be asked of Committee Members or Council Officers by eligible parties). The Committee will also be able to ask questions of the Planning Officer and any other relevant officers on conclusion of each respective representation if necessary to address any queries arising as a result of matters raised in the representations.

After all the representations have been heard, the members of the Committee will then proceed to consider and determine the application and no further representation may be made by members of the public to the Committee.

What Can I Say and How Long Can I Speak?

Representations on planning applications must be made on the basis of valid planning matters only. Certain matters are **not** normally material planning considerations and will not be taken into account by the Council when deciding on a planning application. These include:-

- Devaluation of property;
- Loss of view;
- Hours of construction;
- Commercial / Business competition;

- Moral and religious issues;
- Matters which relate to other regulatory regimes;
- Matters which relate to safety or disruption during construction;
- Civil matters such as a right of access;
- Perceived Health and Safety risks.

It is not possible to list all the matters with which planning is legitimately concerned. The following are the kind of matters the Committee can take into account before it makes a decision:-

- Council's development plan and guidance;
- Scottish Government policy and advice;
- Views of statutory and other consultees;
- Planning site history;
- Impact on residential amenity (loss of natural light, loss of privacy, overdevelopment, etc.);
- Quality of the design;
- Impact on the built and natural environment;
- Accessibility, parking and road safety issues;
- Sustainable drainage, flood impact and contaminated land issues;
- Compatibility with other land uses in the area;
- Operational characteristics of the proposals (noise, hours of operation, odour, etc.);
- Loss of trees and landscaping issues; and
- Degree to which an unacceptable proposal can be made acceptable by imposing conditions.

If you speak, you are encouraged to use the time allotted to clarify any points you consider material and address the determining issues. You should not raise any new matters. **Please do not repeat what is in the report. Committee Members should have read it beforehand.**

Presentations will be strictly limited to **3 minutes each for local applications² or other non-planning applications (eg listed building consents) and 5 minutes each for major applications²**. This should allow sufficient time for interested parties to make relevant points. Where an applicant is employing an agent but also wishes to speak themselves, that is acceptable but only 1 time slot is allocated (i.e. 3 or 5 minutes in total). Where there are multiple supporters / objectors to an application, in order to prevent unnecessary repetition, parties should consider grouping together and use a spokesperson to make a collective presentation.

Footnotes

1. Only representation submitted before the expiry of the formal specified neighbour notification period or the advertisement period (if applicable) – whichever is the later - will be counted as timeous representations
2. Local and Major applications are defined in the Hierarchy of Development [Regulations](#) as explained in the relevant [Circular](#)

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